



Prisons, climate and a just transition

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Jesuit
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Building a Just Society

***Jesuit Social Services** is a social change organisation. We work with the most disadvantaged members of the community, providing services and advocacy in the areas of justice and crime prevention; mental health and well-being; settlement and community building; education, training and employment; gender and ecological justice.*

Prisons, climate and a just transition

Introduction

Increasingly, we are awakening to the reality of our changing climate and the urgent need to take meaningful action. As recent summers of catastrophic bushfires and floods have underlined, climate change is happening now, and its consequences are profound. The most recent report by the Intergovernmental Panel on Climate Change (IPCC) confirmed the threat to all of humanity, as climate impacts accelerate.¹ The impact of climate change-fuelled crises at home and abroad should prompt us to reflect on the systems and practices that continue to drive environmental and social harm, including our criminal justice systems. Our reliance on imprisonment as a response to crime is harmful, ineffective, costly and discriminatory. It is also increasingly untenable in a world of worsening climate change.

In this context, issues including extreme temperatures in prisons, the location, size, security rating and infrastructure of prisons, emergency management procedures, inspections and oversight all demand renewed scrutiny. But more fundamentally, a shift away from incarceration, which disproportionately impacts already marginalised communities (who are also most at risk of climate change impacts), is the only effective and humane response.

Climate change necessitates a *just transition*² from current untenable economic and social systems toward a more inclusive, equitable and sustainable society. A just transition will ensure that those most impacted by climate change, particularly marginalised communities, are supported to successfully adapt and to thrive, and that a healthy relationship between human communities and ecosystems is re-established.

A just transition to a zero-greenhouse gas emissions future will be multidimensional and complex, and almost all facets of our communities, infrastructure and institutions will require transformation³. In Australia, transition planning is already underway in various capacities across states and territories. But the need to rethink our justice systems as part of the process of a just transition is seldom part of the conversation.

¹ IPCC (2021) *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J. B. R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)). Cambridge University Press. In Press. <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>.

² Jesuit Social Services (Sept 2019) *Just Transitions – Expanding the conversation: ecological justice series*, <https://jss.org.au/wp-content/uploads/2019/09/PAP-20190912-Just-Transitions-FINAL.pdf>.

³ Recognising the serious and imminent risk posed by climate change to the planet and people requires that federal, state and territory governments should act swiftly to reduce emissions by 75% below 2005 levels by 2030 and reach net zero emissions by 2035, setting a clear path for a just transition to a low-carbon future. This goal reflects the evidence presented in the 2021 IPCC report that global average temperature rise will exceed 1.5°C during the 2030s. Reflecting the latest science, the Climate Council recommends that net-zero by 2050 is not an acceptable commitment for Australia carrying "a strong risk of irreversible global climate disruption at levels inconsistent with maintaining well-functioning human societies". Climate Council (April 2021) *Aim High, Go Fast: Why Emissions Need to Plummet This Decade*, <https://www.climatecouncil.org.au/resources/net-zero-emissions-plummet-decade/>.

This paper seeks to spark that conversation – to draw attention to the overlapping social and ecological harms of the prison system, and to make the case for why a just transition must include a focus on decarceration⁴.

The concept of *ecological justice* is a useful lens to view the interlinking harms of the prison system on people, communities and the environment. Ecological justice is a holistic paradigm inclusive of (but not limited to) both environmental and social justice, resting on the principle that everything is interrelated. It is also a call to action.

Through this framework, we see that equitable ecological adaptation is intertwined with efforts to build healthy, safe and sustainable communities where imprisonment is truly a last resort. This entails addressing the root drivers of marginalisation and inequality, and empowering communities – not investing in punitive systems. In an era of accelerated climate risks, the case for decarceration is an urgent one.

Prisons & rising climate risks

Australia, like many other countries, is seeing the damaging impact of climate change on communities and ecosystems. The increased frequency and intensity of extreme weather events such as cyclones, storms, droughts, floods and fires threaten lives, homes, infrastructure and livelihoods, put immense pressure on our emergency services, and impact energy and food security. Rising sea levels are imperilling coastal communities, biodiversity and whole ways of life,⁵ and warming oceans are impacting the marine environment – underlined by the mass coral bleaching on the Great Barrier Reef. Heatwaves alone kill more people in Australia than all other extreme events combined, and are projected to increase.⁶ Other climate change impacts are more insidious, but carry significant consequences. Bushfires, for example, may cause not only direct loss of life, but also long-term psychosocial impacts or chronic health conditions due to smoke inhalation.⁷

Experts are predicting that the number and extent of extreme heat days in Australia in future may render parts of the country unliveable.⁸ Australia is 1.4 degrees hotter than it was a century ago,⁹

⁴ This paper is contributing to emerging but increasingly urgent discussions in Australia at the intersection of climate change and the criminal justice system. We would like to thank Stella Maynard for her contributions in the early stages of the development of this paper and acknowledge the importance of her thesis at the University of Sydney on Carceral Climates in Australian Prisons. University of Sydney, Sydney Environment Institute (2021), *Carceral Climates in Australian Prisons*, <https://sei.sydney.edu.au/research/environmental-humanities/carceral-climates/>

⁵ The Guardian (Jan 2020) *'It's our right to be here': the Torres Strait Islanders fighting to save their homes from a rising sea*, <https://www.theguardian.com/australia-news/2020/mar/01/its-our-right-to-be-here-the-torres-strait-islanders-fighting-to-save-their-homes-from-a-rising-sea>.

⁶ Climate Council (Jan 2021) *The Deadly Costs of Climate Inaction*, <https://www.climatecouncil.org.au/deadly-costs-climate-inaction/>.

⁷ Australian Academy of Science (2021), *The risks to Australia of a 3°C warmer world*, <https://www.science.org.au/files/userfiles/support/reports-and-plans/2021/risks-australia-three-deg-warmer-world-report.pdf>.

⁸ ABC (Jan 2021) *Heatwaves may mean Sydney is too hot for people to live in 'within decades'*, <https://www.abc.net.au/news/science/2021-01-24/heatwaves-sydney-uninhabitable-climate-change-urban-planning/12993580>.

⁹ Australian Government, Bureau of Meteorology, *State of the Climate 2020*, <http://www.bom.gov.au/state-of-the-climate/australias-changing-climate.shtml>.

with our seven hottest days on record all occurring in December 2019.¹⁰ Warming is occurring across Australia, and throughout the year.¹¹ On 4 January 2020, Penrith reached a high of 48.9°C, the hottest place on Earth that day.¹² In the year to July 2019, Alice Springs experienced 129 days over 35°C and 55 days over 40°C – already outstripping the CSIRO-predicted rise in extreme heat days for the region.^{13,14,15}

In cities, where the 'urban heat island' effect can add several degrees to temperatures, heatwaves hit harder in many disadvantaged suburbs, where there are often lower levels of protective vegetation cover.¹⁶ Many remote communities face their own challenges in coping with extreme temperatures, including rising food insecurity and scarce or inadequate drinking water.¹⁷ Increasingly hot summers have impacted services such as life-saving kidney dialysis centres in remote areas, which have struggled to access the large amounts of cool water needed for dialysis machines.¹⁸ Without action, the prospect of climate change forcing the displacement of whole communities is a real one.¹⁹

In the face of these worsening climate change impacts, marginalised people and communities are most at risk, including people in prison. In December 2019, when bushfires burned close to Lithgow Correctional Centre in New South Wales, people detained – around a quarter of whom were Aboriginal and Torres Strait Islander – were kept locked inside as nearby areas were

¹⁰ The Guardian (Feb 2020) *Inside Australia's climate emergency: the killer heat*, <https://www.theguardian.com/environment/ng-interactive/2020/feb/27/killer-heat-how-a-warming-land-is-changing-australia-forever>.

¹¹ Australian Government, Bureau of Meteorology, *State of the Climate 2020*, <http://www.bom.gov.au/state-of-the-climate/australias-changing-climate.shtml>.

¹² Climate Council (Jan 2021) *The Deadly Costs of Climate Inaction*, <https://www.climatecouncil.org.au/deadly-costs-climate-inaction/>.

¹³ The Guardian (April 2021) *Too hot for humans? First Nations people fear becoming Australia's first climate refugees*, <https://www.theguardian.com/australia-news/2019/dec/18/too-hot-for-humans-first-nations-people-fear-becoming-australias-first-climate-refugees>.

¹⁴ Hennessy, K. et al. (2004) *Climate Change in the Northern Territory*, Consultancy report for the Northern Territory Department of Infrastructure, Planning and Environment, https://www.cmar.csiro.au/e-print/open/hennessy_2004a.pdf

¹⁵ See also The Conversation (April 2021) *Too hot, heading south: how climate change may drive one-third of doctors out of the NT*, <https://theconversation.com/too-hot-heading-south-how-climate-change-may-drive-one-third-of-doctors-out-of-the-nt-156959>; The Guardian (Feb 2020) *Inside Australia's climate emergency: the killer heat*, <https://www.theguardian.com/environment/ng-interactive/2020/feb/27/killer-heat-how-a-warming-land-is-changing-australia-forever>; Hanna, E. and Ogge, M. (2018) *Cooked with Gas: Extreme heat in Darwin*, The Australia Institute, <https://australiainstitute.org.au/wp-content/uploads/2020/12/P510-Cooked-with-gas-Darwin-days-over-35C-FINAL.pdf>

¹⁶ Australian Conservation Foundation & Monash Climate Change Communication Research Hub (March 2021) *Temperature check: Greening Australia's warming cities*, <https://apo.org.au/sites/default/files/resource-files/2021-03/apo-nid311336.pdf>.

¹⁷ The Guardian (April 2021) *Too hot for humans? First Nations people fear becoming Australia's first climate refugees*, <https://www.theguardian.com/australia-news/2019/dec/18/too-hot-for-humans-first-nations-people-fear-becoming-australias-first-climate-refugees>.

¹⁸ The Guardian (Dec 2019) *Heatwave and drought a dangerous mix for dialysis patients in remote communities*, <https://www.theguardian.com/australia-news/2019/dec/18/heatwave-and-drought-a-dangerous-mix-for-dialysis-patients-in-remote-communities>.

¹⁹ The Guardian (April 2021) *Too hot for humans? First Nations people fear becoming Australia's first climate refugees*, <https://www.theguardian.com/australia-news/2019/dec/18/too-hot-for-humans-first-nations-people-fear-becoming-australias-first-climate-refugees>.

evacuated.²⁰ Images posted to social media showed the fires raging in the near distance, rightly prompting consternation online.²¹ As Angela Williams, an academic with lived experience of the justice system, put it: "Do people in prison matter less in an emergency than those who are free?"²²

This highlights the need for all prisons to have effective emergency response policies and procedures ensuring the health and safety of those in detention. This would include evacuation plans should dangerous levels of heat be experienced without the capacity to effectively cool prison cells and following fire-evacuation orders issued to the surrounding areas. Prison staff must also provide clear communication to those in detention regarding emergency response procedures to minimise the anxiety and psychological trauma triggered through periods of heightened vulnerability.

The COVID-19 pandemic has further reinforced that people deprived of their liberty are especially vulnerable in times of crisis. In the United States, as of March 2021, one in every three people in prison had tested positive to coronavirus, and at least 2,700 people with the virus had died in custody.²³ Prison facilities are not built to respond to challenges such as COVID-19 and, in Australia, the use of lockdowns and isolation as a way of managing risks was a troubling feature of authorities' initial response to the pandemic in 2020.²⁴ The physical and mental health of people in prison, who disproportionately come from marginalised and disadvantaged backgrounds, is also well below the general population. People in prison experience higher rates of mental ill-health, chronic physical health conditions such as asthma or arthritis, acquired brain injury, and high-risk drug and alcohol use.²⁵ The prevalence of such underlying conditions amplify the health risks during emergencies such as pandemics or bushfire.

Aboriginal and Torres Strait Islander people continue to be vastly overrepresented in Australian prisons, accounting for 29 per cent of people incarcerated nationwide as at 30 June 2020.²⁶ In the Northern Territory, Aboriginal people make up a shameful 84 per cent of the adult prisoner population.²⁷ In Western Australia, the figure is 40 per cent.²⁸ The harms of the prison system

²⁰ <https://www.sbs.com.au/nitv/article/2019/12/23/government-defends-decision-keep-lithgow-prisoners-inside-fire-rages1>

²¹ Ibid.

²² Angela Williams, *The Guardian* (Feb 2020) 'Do people in prison matter less in an emergency than those who are free?' <https://www.theguardian.com/books/2020/feb/17/do-people-in-prison-matter-less-in-an-emergency-than-those-who-are-free>.

²³ New York Times. (April 2021) *Incarcerated and Infected: How the Virus Tore Through the U.S. Prison System*, <https://www.nytimes.com/interactive/2021/04/10/us/covid-prison-outbreak.html>.

²⁴ Jesuit Social Services (July 2020) *COVID-19 prison risk requires immediate action by Victorian Government*, <https://jss.org.au/covid-19-prison-risk-requires-immediate-action-by-victorian-government/>.

²⁵ Australian Institute of Health and Welfare 2019, *The health of Australia's prisoners 2018*, <https://www.aihw.gov.au/getmedia/2e92f007-453d-48a1-9c6b-4c9531cf0371/aihw-phe-246.pdf.aspx?inline=true>.

²⁶ As at 20 June 2020. See, Australian Bureau of Statistics (3 Dec 2020) *Prisoners in Australia*, <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#:~:text=The%20Aboriginal%20and%20Torres%20Strait,up%2029%25%20of%20all%20prisoners>.

²⁷ Ibid.

²⁸ Government of Western Australia, Department of Justice, Corrective Services *Quarterly Statistics - Custodial (Adult Prisoner) 2020 - Quarter 3* (July-Sept 2020), <https://www.wa.gov.au/sites/default/files/2021-01/2020-quarter3-adult-custodial.pdf>.

clearly disproportionately impact First Nations people, whose over-incarceration flows from a history of colonisation and dispossession, systemic racism, intergenerational trauma, and discriminatory laws and practices. This is starkly illustrated by the estimated 474 deaths in custody over the past 30 years since the findings of the Royal Commission into Aboriginal Deaths in Custody were handed down,²⁹ including five reported in March 2021 alone.³⁰

The impacts of climate change on people in prison, such as extreme temperatures and increasingly severe and frequent disasters, may be exacerbated in Australia by rising prison populations, prison size and location, overcrowding, punitive practices such as solitary confinement, ageing or otherwise unsuitable infrastructure, and ineffective standards, monitoring and accountability mechanisms. These and other conditions point to a prison system that is a source of harm, with people leaving worse off than before they entered – or dying in custody. High recidivism rates further underline the systemic failing of our prisons: in 2019-20, 54.9 per cent of people released from prison returned to corrective services (either prison or community corrections) within two years.³¹ Despite this, imprisonment rates nationwide have continued to climb, with 208 people per 100,000 of the adult population imprisoned as of December 2020,³² up from 167 people per 100,000 in 2010-11.³³

The impact of climate risks on people detained

The Lithgow case is just one of many that brings into focus the growing impact of climate risks on people in prison. Inspection bodies have documented complaints from staff and prisoners about “unbearable heat” in Roebourne Prison, Western Australia;³⁴ poor insulation and inadequate heating and cooling systems across minimum security prisons in New South Wales;³⁵ prisons in Tasmania that failed to meet basic standards of climate control, ventilation and natural light;³⁶ and youth detention centres in the Northern Territory that exposed young people to oppressive heat

²⁹ The Guardian (April 2021) *The 474 deaths inside: tragic toll of Indigenous deaths in custody revealed*, <https://www.theguardian.com/australia-news/2021/apr/09/the-474-deaths-inside-rising-number-of-indigenous-deaths-in-custody-revealed>.

³⁰ ABC (April 2021) *Decades on from royal commission into deaths in custody, Indigenous community still waits for change*, <https://www.abc.net.au/news/2021-04-11/royal-commission-into-aboriginal-deaths-in-custody-30-years-on/100057896>.

³¹ By contrast, for people sentenced to a community corrections order, the corresponding rate of return to corrective services was 25.7 per cent. See, Productivity Commission, *Report on Government Services 2021*, <https://www.pc.gov.au/research/ongoing/report-on-government-services>.

³² ABS (March 2021) *Corrective Services, Australia, December Quarter 2020*, <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>.

³³ Australian Institute of Health and Welfare (Sept 2019) *Australia's welfare 2019*, 'adult prisoners', <https://www.aihw.gov.au/reports/australias-welfare/adult-prisoners>.

³⁴ Office of the Inspector of Custodial Services (March 2020) *Inspection of Roebourne Regional Prison 2019*, <https://www.oics.wa.gov.au/wp-content/uploads/2020/04/Roebourne-Report-128.pdf>.

³⁵ Inspector of Custodial Services (2020) *Inspection of Five Minimum Security Correctional Centres in Non-Metropolitan NSW*, <http://www.custodialinspector.justice.nsw.gov.au/Documents/minimum-security.pdf>.

³⁶ Office of the Custodial Inspector Tasmania (August 2019) *Custody Inspection Report: Inspection of Adult Custodial Services in Tasmania, 2018*, https://www.custodialinspector.tas.gov.au/_data/assets/pdf_file/0008/547199/Inspection-of-Adult-Custodial-Services-in-Tasmania,-2018-Custody-Inspection-Report.pdf.

without air conditioning.³⁷ Climate change threatens to perpetuate and intensify these practices and conditions.

“Temperature control in the female area at [Launceston Reception Prison] was raised as an issue and the inspection team was advised that female prisoners were seen coming out of cells gasping for air and dehydrated in summer. The female cells back onto a solid brick wall, which is a heat conductor, and there is no air ventilation. Concerned correctional staff recorded temperatures of 37 to 40 degrees over two nights in summer 2016-17 with a thermometer provided by [a] nurse.”

- Tasmanian Custodial Inspector (2018)³⁸

Excessive, prolonged heat takes its toll in a variety of direct and indirect ways – disrupting sleep, causing health problems, and creating conflict.³⁹ In December 2018, a riot at Alice Springs Correctional Centre was linked to a heat wave, exacerbated by overcrowding and a lack of air conditioning in cells.⁴⁰ The Royal Commission into the Protection & Detention of Children in the Northern Territory heard from numerous young people who described oppressive conditions, with heat that “caused them to become ‘irritable’ and ‘get into trouble’ and disturbed their sleep,” and difficulties obtaining drinking water.⁴¹

“During this time in isolation, we were always hungry and thirsty. We did not have access to water in our cells and a couple of times the guards told us that we weren’t allowed to have water. When we were given water, we had to ask every time and they would usually take their time in getting the water for us.”

- AG, a young Aboriginal woman, in evidence to the Royal Commission⁴²

³⁷ Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory (November 2017) Volume 2A, <https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-royal-commission-nt-final-report-volume-2a.pdf>.

³⁸ Office of the Custodial Inspector Tasmania (October 2018) *Custodial Inspector Inspection of Adult Custodial Services in Tasmania, 2017 Care and Wellbeing Inspection Report*, https://www.custodialinspector.tas.gov.au/_data/assets/pdf_file/0020/451613/FINAL-TPS-Care-and-Wellbeing-Inspection-Report-Appendices-30-October-2018-PDF.PDF.

³⁹ The Guardian (Feb 2020) *Inside Australia’s climate emergency: the killer heat*, <https://www.theguardian.com/environment/ng-interactive/2020/feb/27/killer-heat-how-a-warming-land-is-changing-australia-forever>; and Stevens, H. R., Beggs, P. J., Graham, P. L., & Hsing-Chung, C. (2019) Hot and bothered? associations between temperature and crime in australia. *International Journal of Biometeorology*, 63(6), 747-762, <http://dx.doi.org.virtual.anu.edu.au/10.1007/s00484-019-01689-y>.

⁴⁰ ABC (Dec 2018) *Call for air-conditioners in ‘inhumane’ cells after outback heatwave triggers prison riot*, <https://www.abc.net.au/news/2018-12-31/union-calls-for-alice-springs-prison-air-conditioning-after-riot/10675502>; Stella Maynard, The Saturday Paper (Dec 2019) *Detainees denied cold water, cooling before NT prison riot*, <https://www.thesaturdaypaper.com.au/news/law-crime/2019/12/14/exclusive-detainees-denied-cold-water-cooling-before-nt-prison-riot>.

⁴¹ Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory (November 2017) Volume 2A, <https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-royal-commission-nt-final-report-volume-2a.pdf>.

⁴² Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory (November 2017) Volume 2A, <https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-royal-commission-nt-final-report-volume-2a.pdf>.

In the most serious cases, heat-related stresses – combined with wilful neglect – have led to deaths. In 2008, 46-year-old Aboriginal elder Mr Ward died in custody of heatstroke after being transported 360 km from Laverton to Kalgoorlie in Western Australia in the back of a vehicle, exposed to conditions of “grossly excessive heat.”⁴³ The WA coroner found that Mr Ward “suffered a terrible death while in custody which was wholly unnecessary and avoidable”.⁴⁴ Exposure to excessive heat in custody and inadequate temperature control methods have also caused deaths overseas.⁴⁵

Some inspection bodies have noted a failure on the part of relevant authorities to take effective action in prisons, including on temperature control settings and bedding appropriate to the climate.⁴⁶ The Office of the Inspector of Custodial Services in Western Australia has expressed concerns over many years about Roebourne Regional Prison, a facility it describes as posing “a significant threat to prisoner health” due to extreme temperatures.⁴⁷ In 2019, Roebourne recorded its hottest day in March on record, at 48.1°. The inspector’s latest report found people were still at risk from heat and that authorities had failed to install air-conditioning in prisoner cells, as recommended.

“While we inspected Roebourne Prison in the cooler month of May, the memory of the hottest months was still keen in the minds of prisoners we spoke to, and we received many complaints from staff and prisoners about the unbearable heat... During this inspection prisoners told us of having to endure prickly heat rash for months over summer.”

- Office of the Inspector of Custodial Services in Western Australia (2020)⁴⁸

The location of detention sites is important in considering intersecting notions of punishment, climate and place. In the Australian immigration context, the use of detention centers in isolated locations prone to extreme weather – such as on Manus Island, Nauru and Christmas Island – are prominent examples where the site of detention itself appears to be employed as punitive. These facilities are also located at a significant distance from other services, such as health or legal support, and difficult or impossible for the public to access, including family members.

Nauru is at the forefront of climate impacts, with increasingly common drought, depleting fish stocks, coastal erosion and excessive heat.⁴⁹ Refugees and people seeking asylum in detention, including children, commonly cited the extreme weather as compounding their distress, while

⁴³ Hope A.N., Record of an Investigation into Death, Ref 9/09, Inquest into the death of Mr Ward, Coroner’s Court of Western Australia (12 June 2009), https://www.safecom.org.au/pdfs/ward-inquest2009-alastair_hope-findings.pdf

⁴⁴ Ibid.

⁴⁵ BBC (July 2019) *Rafal Sochacki death: Excessive cell heat caused heart stress*, <https://www.bbc.com/news/uk-england-london-48841636>.

⁴⁶ Inspector of Custodial Services NSW (2017) *Prison Greens: The clothing and bedding of inmates in NSW*, <http://www.custodialinspector.justice.nsw.gov.au/Documents/Prison%20Greens%20The%20clothing%20and%20bedding%20of%20inmates%20in%20NSW.pdf>.

⁴⁷ Office of the Inspector of Custodial Services (March 2020) *Inspection of Roebourne Regional Prison 2019*, <https://www.oics.wa.gov.au/wp-content/uploads/2020/04/Roebourne-Report-128.pdf>.

⁴⁸ Office of the Inspector of Custodial Services (March 2020) *Inspection of Roebourne Regional Prison 2019*, <https://www.oics.wa.gov.au/wp-content/uploads/2020/04/Roebourne-Report-128.pdf>.

⁴⁹ Anja Kanngieser (Oct 2018) *Climate change: Nauru’s life on the frontlines*, The Conversation, <https://theconversation.com/climate-change-naurus-life-on-the-frontlines-105219>

living in tents prone to mould, flooding and heat.⁵⁰ The total number of people held on Nauru peaked at more than 1,200 in August 2014.⁵¹ The UN Special Rapporteur on the human rights of migrants stated that Australia's confinement of refugees constituted cruel, inhuman and degrading treatment or punishment under international law, citing the "geographical and psychological isolation of Nauru" and the "equatorial heat bearing on often still un-air-conditioned tent dwellings," among other factors.⁵² As at 31 March 2021, there were more than 100 refugees and people seeking asylum still held on Nauru.⁵³

"It's very hard to have kids in Nauru – the heat, toilet facilities, the tent. Sometimes it's hard to find water. The food is not good. Sometimes we have to walk in heavy rain for food and toilets. Very humid. There are rocks on the ground – it's very hard to walk."

- A refugee who had been detained on Nauru, interviewed by researchers in 2015⁵⁴

Prisons as sites of ecological harm

Prisons are expensive – in 2019-20, Australia spent \$5.2 billion on prisons (including operating expenditure and capital costs).⁵⁵ But the environmental toll of building or expanding prisons, often justified on the grounds of job creation or community safety, is less discussed. Due to their size, continuous operation and prevailing focus on managing risk and security, prisons are hugely resource-intensive.⁵⁶ Prison sites invariably use large tracts of land, often cleared of vegetation,

⁵⁰ Hannah Ryan (Dec 2020) 'Are they just gonna dump us here?': refugees given a number for a name on Nauru', The Guardian, <https://www.theguardian.com/australia-news/2020/dec/10/are-they-just-gonna-dump-us-here-refugees-given-a-number-for-a-name-on-nauru> ; Human Rights Watch (2 Aug 2016) *Australia: Appalling Abuse, Neglect of Refugees on Nauru*, <https://www.hrw.org/news/2016/08/02/australia-appalling-abuse-neglect-refugees-nauru>; Elliott, Elizabeth & Gunasekera, Hasantha (2015) 'The health and well-being of children in immigration detention: Report to the Australian Human Rights Commission Monitoring Visit to Wickham Point Detention Centre, Darwin, NT', <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/health-and-well-being-children-immigration>.

⁵¹ Parliament of Australia, Parliamentary Library (Dec 2016) *Australia's offshore processing of asylum seekers in Nauru and PNG: a quick guide to statistics and resources*, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/Offshore.

⁵² UN Human Rights, Office of the High Commissioner, *End mission Statement by the UN Special Rapporteur on the human rights of migrants on his official visit to Australia (1-18 November 2016)*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20885&LangID=E>.

⁵³ Refugee Council of Australia, Offshore processing statistics, <https://www.refugeecouncil.org.au/operation-sovereign-borders-offshore-detention-statistics/2/>.

⁵⁴ Elliott, Elizabeth & Gunasekera, Hasantha (2015) 'The health and well-being of children in immigration detention: Report to the Australian Human Rights Commission Monitoring Visit to Wickham Point Detention Centre, Darwin, NT', <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/health-and-well-being-children-immigration>.

⁵⁵ Productivity Commission, *Report on Government Services 2021*, <https://www.pc.gov.au/research/ongoing/report-on-government-services/2021/justice/corrective-services>.

⁵⁶ Christoforidis, G. C., Papagiannis, G. K., Brain, M., & Puksec, T. (2014) 'Establishing an assessment framework for energy sustainability in prisons: The E-SEAP project' *14th International Conference on Environment and Electrical Engineering*, 187-192, <https://doi.org/10.1109/EEEIC.2014.6835861>.

and create significant waste. A more than \$700 million prison complex recently opened near Grafton in New South Wales, for example, is situated on approximately 195 hectares of land.⁵⁷

Existing contamination at certain prison sites, which may be consciously situated on less desirable land, is also a concern for the health of people detained, prison staff and local communities. Research in the United States has documented the significant number of prisons located on or near sites of contamination, and the accompanying detrimental health impacts for people detained.⁵⁸ In Australia, the Silverwater Metropolitan Remand & Reception Centre in NSW, which is currently being upgraded, was previously used as a landfill and "a number of contaminants" are present in the soil.⁵⁹ The NSW Government has also reportedly earmarked the western Sydney suburb of Camellia – a former industrial area with heavily contaminated land – for a new approximately 1,000 bed prison.⁶⁰

In the face of environmental degradation and climate risks, initiatives that reduce the ecological impact of prisons can be positive. However, we must be mindful of the trap of 'greenwashing' whereby practices such as sustainable design and construction, which purportedly aim to reduce environmental impact, can ultimately serve to justify the construction of more prisons, lead to more incarceration, and perpetuate a cycle of ecological injustice.⁶¹ For example, in response to overcrowding, prisons in Australia and New Zealand have at stages used repurposed shipping containers to house people, a practice that may be portrayed as low-cost and low-energy, but is deeply problematic in terms of the health and well-being of people detained.⁶²

⁵⁷ BBC Consulting Planners (June 2017) *Environmental impact statement: New Grafton correctional centre*, prepared for Infrastructure NSW, <https://majorprojects.accelo.com/public/4126a85d36db3eafea94bf7db7ecbfd5/2017-06-12%20NGCC%20Stage%202%20DA%20Environmental%20Impact%20Statement%20.pdf>; The Guardian (July 2019) *Australia's biggest and most expensive jail sparks concerns in Grafton*, <https://www.theguardian.com/australia-news/2019/jul/01/australias-biggest-and-most-expensive-jail-sparks-concerns-in-grafton>

⁵⁸ Equal Justice Initiative (June 2017) *Investigation Reveals Environmental Dangers in America's Toxic Prisons*, <https://ej.org/news/investigation-reveals-environmental-dangers-in-toxic-prisons/>.

⁵⁹ Corrective Services NSW, 'Silverwater Correctional Complex upgrade – managing contamination', <https://correctiveservices.dcj.nsw.gov.au/csnsw-home/correctional-centres/new-prisons/silverwater-correctional-complex-upgrade/silverwater-correctional-complex-upgrade---managing-contaminatio.html>

⁶⁰ SMH (Dec 2020) *Revealed: Sydney suburb that's the preferred site for major new prison*, <https://www.smh.com.au/national/nsw/revealed-sydney-suburb-that-s-the-preferred-site-for-major-new-prison-20201227-p56qa2.html?fbclid=IwARoznbgj4DMRwYzA7vAOsEDXlcwsJz79tLziiQxb1zmA07fpt9PJA56-jKA> and, SMH (Dec 2020) *Prison plans 'risk thwarting push for urban renewal' of Sydney suburb*, <https://www.smh.com.au/national/nsw/prison-plans-risk-thwarting-push-for-urban-renewal-of-sydney-suburb-20201228-p56qez.html>.

⁶¹ Jewkes, Y., & Moran, D (2015) 'The paradox of the 'green' prison: Sustaining the environment or sustaining the penal complex?' *Theoretical Criminology*, 19(4) pp. 451-469. <https://doi.org/10.1177/1362480615576270>

⁶² Jane Lee (6 Jan 2014) Prisoners moved into shipping containers, *The Age*, <https://www.theage.com.au/national/victoria/prisoners-moved-into-shipping-containers-20140106-30d23.html>; Grant, E. M (2013) 'Pack 'em, rack 'em and stack 'em': The appropriateness of the use and reuse of shipping containers for prison accommodation. *The Australasian Journal of Construction Economics and Building*, 13(2), pp. 35-44. <https://doi.org/10.5130/ajceb.v13i2.3269>; White, R., & Graham, H (2015) 'Greening justice: Examining the interfaces of criminal, social and ecological justice', *British Journal of Criminology*, 55(5), pp. 845-865. <https://doi.org/10.1093/bjc/azu117>; Jewkes, Y., & Moran, D (2015) 'The paradox of the 'green' prison: Sustaining the environment or sustaining the penal complex?' *Theoretical Criminology*, 19(4) pp. 451-469. <https://doi.org/10.1177/1362480615576270>.

The most decisive action we can take to make our criminal justice system fairer, cheaper and more effective, as well as more ecologically just, is to stop building new prisons, reduce prison numbers and invest in keeping people out of prison in the first place. To borrow a phrase from White and Graham (2015), the most sustainable prison is the one that is never built.⁶³

Standards and monitoring in a climate crisis

Internationally, the *UN Standard Minimum Rules for the Treatment of Prisoners*, also known as the Nelson Mandela Rules, cover a range of matters pertinent to ensuring safe and healthy living conditions for people in prison, including in regard to temperature, lighting and ventilation. Importantly, the rules make clear that incarceration alone is the person's punishment, and not the circumstances of their confinement.⁶⁴ Updated by agreement of the UN General Assembly in 2015, these foundational standards have been drawn on as an assessment standard by monitoring bodies around the world, including in Australia.

"All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation."

- Nelson Mandela Rules (Rule 13)⁶⁵

However, as the findings of numerous inspection reports such as those cited above demonstrate, Australian prisons are often falling short of these international benchmarks. When prison numbers increase, double-bunking becomes the norm in cells that were designed for a single person.⁶⁶ Alongside overcrowding, lockdowns, isolation, cases of mistreatment, and unsafe or unsanitary conditions are an all-too-common feature. There are no national temperature standards for prisons in Australia and most State and Territories appear to lack concrete guidance on acceptable temperatures within prisons. The NSW Inspector of Custodial Services noted, for example, in 2017 that the state's corrective services "does not routinely measure cell temperatures and therefore there is no formal indication of the severity of the climatic conditions at different centres."⁶⁷

Of existing standards pertaining to the treatment of people detained, there are some general references to temperature and related conditions. While all jurisdictions are signed on to the *Guiding Principles for Corrections in Australia (2018)*, which "represent a national intent around...

⁶³ White, R., & Graham, H (2015) 'Greening justice: Examining the interfaces of criminal, social and ecological justice', *British Journal of Criminology*, 55(5), pp. 845-865, <https://doi.org/10.1093/bjc/azu117>

⁶⁴ United Nations Office for Project Services (UNOPS) (2016) *Technical Guidance for Prison Planning*, https://content.unops.org/publications/Technical-guidance-Prison-Planning-2016_EN.pdf?mtime=20171215190045.

⁶⁵ United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955, <https://www.refworld.org/docid/3ae6b36e8.html>.

⁶⁶ The Age (July 2019) 'Stack and rack': Victoria's newest prison already full and set to expand again, <https://www.theage.com.au/national/victoria/stack-and-rack-victoria-s-newest-prison-already-full-and-set-to-expand-again-20190706-p524qr.html>.

⁶⁷ Inspector of Custodial Services NSW (2017) *Prison Greens: The clothing and bedding of inmates in NSW*, <http://www.custodialinspector.justice.nsw.gov.au/Documents/Prison%20Greens%20The%20clothing%20and%20bedding%20of%20inmates%20in%20NSW.pdf>.

practices, policies, and performance standards,"⁶⁸ no substantive reference to temperature, natural light, ventilation, or climate control are cited in this document. There is also no consistent and independent means of assessment in relation to compliance with these standards, which are not legally binding.

Strong mechanisms of oversight, adherence to our international human rights obligations and meaningful government accountability would help protect the safety and dignity of people in prison. There is widespread recognition that effective implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in Australia can help prevent mistreatment in detention, improve oversight and accountability, and enable better detention practices. Ratified by the Australian Government in December 2017, implementation of OPCAT requires the Commonwealth and each state and territory government to designate and establish National Preventative Mechanisms (NPM) to undertake monitoring and allowing for inspections by a UN committee. To date, Australia's progress on implementing OPCAT has been slow, with Western Australia the only state or territory to formally nominate its inspection body; the Western Australia Ombudsman (for mental health and other secure facilities) and the Office of the Inspector of Custodial Services (WA) (for justice-related facilities including police lock ups).^{69 70}

As Lachsz and Hurley (2021) have recently noted, full implementation of OPCAT alone cannot address the failures of our criminal justice system, "characterised by prisons which are overcrowded, unhygienic, have substandard health care and [are] subjecting people to restrictive and harmful practices, like solitary confinement."⁷¹ As noted throughout this paper, more transformative change is needed that keeps people out of prison and removes the imperative for new or expanded prisons.

Decarceration & a just transition

A *just transition* can be understood, in its broader sense, as the process by which we move from increasingly damaging economic and social systems, industries and institutions to an ecologically sustainable, zero greenhouse gas emissions world in a way that ensures those least able to cope with now unavoidable changes are supported to adapt. This will entail transformative change in production and consumption, in how we relate to the environment and each other, in supporting new sustainable industries, redressing ecological harms, and combatting inequality.⁷²

⁶⁸ Government of Australia through the Corrective Services Administrators' Council, 2018, *Guiding Principles for Corrections in Australia*, https://www.corrections.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/04/7f/88fc42ada/guiding_principles_correctionsaustrevised2018.pdf.

⁶⁹ See <https://www.ombudsman.gov.au/what-we-do/monitoring-places-of-detention-opcat>.

⁷⁰ At the time of writing, the Northern Territory has nominated the Office of the Ombudsman NT as an interim coordinating NPM. Tasmania is proposing amendments to the Custodial Inspector Act 2016 that will nominate the Custodial Inspector to fulfil the role of the NPM. South Australia is intending to introduce the OPCAT Implementation Bill 2021 that will nominate three NPMs for training centres, mental health facilities and custodial police stations.

⁷¹ Lachsz, Andreea & Hurley, Monique (2021) 'Why practices that could be torture or cruel, inhuman and degrading treatment should never have formed part of the public health response to the COVID-19 pandemic in prisons,' *Current Issues in Criminal Justice*, <https://www.tandfonline.com/doi/full/10.1080/10345329.2020.1863310>.

⁷² Climate Justice Alliance, *Just Transition: A framework for change*, <https://climatejusticealliance.org/just-transition/>.

This vision speaks to the radical potential of a just transition. It also conveys the importance of ensuring that, in the course of such necessary and far-reaching change, no one is left behind. But even further, in our view, a just transition calls on us to actively support opportunities for marginalised people and communities, who are typically excluded from decision-making, to identify and lead solutions to the challenges they face.

Decarceration as integral to a just transition

Across Australia, much of our infrastructure is under-prepared for climate change, and the scope of climate risks is not fully understood. In Victoria, according to the state's infrastructure advisory body, "no current and comprehensive assessment catalogues climate risks for Victoria's infrastructure".⁷³ As the body notes, our infrastructure should be "designed, operated and maintained in ways that reduce the vulnerability to adverse impacts, build economic and social resilience, and reduce emissions."⁷⁴ Currently, many prisons in Australia are old and overburdened, vulnerable to weather impacts, and punitive in design. In its wide-ranging 2019 audit report, national advisory body Infrastructure Australia found that the country's justice infrastructure assets were not fit-for-purpose.⁷⁵

In the immediate-term, to address the serious challenges to people's safety, dignity and human rights posed by a changing climate in correctional contexts, governments across Australia must plan and adapt to make the criminal justice system safer for all people – for those detained, staff and local communities. This includes more coherent guidelines about the treatment of people in prison in relation to extreme temperatures; comprehensive assessments and, where necessary, renewal of emergency management procedures; better access to support services; and more robust, regular and transparent inspections and oversight.

However, in the case of the criminal justice system, we need to go beyond adaptation and reject any prevailing mindset of bigger, better, greener prisons. Our focus and resources should centre on investment in communities addressing the underlying causes of offending – driving down the need for prisons in the first place.

Progressive reforms will ultimately be ineffective without a genuine reckoning with our overreliance on incarceration, which impacts not only individuals imprisoned but also their families, friends and, ultimately, the broader community. Worsening inequality, the social exclusion of minority communities and overlapping indicators of disadvantage⁷⁶ are all issues that require urgent policy attention, as well as the deep and complex impacts of colonisation, systemic racism and intergenerational trauma that underlines the disproportionate imprisonment of Aboriginal and Torres Strait Islander people.

⁷³ Infrastructure Victoria (Dec 2020) *Victoria's Draft 30-Year Infrastructure Strategy*, <https://www.infrastructurevictoria.com.au/wp-content/uploads/2020/12/Victorias-Draft-30-Year-Infrastructure-Strategy-Volume-1-1.pdf>.

⁷⁴ Ibid.

⁷⁵ Infrastructure Australia (Aug 2019) *Australian Infrastructure Audit 2019*, <https://www.infrastructureaustralia.gov.au/publications/australian-infrastructure-audit-2019>.

⁷⁶ See Jesuit Social Services' *Dropping Off the Edge* reports, available here: <https://dote.org.au/>.

Instead of investing in prisons and designing harsher and more inflexible sentences, we need to resource prevention, therapeutic and restorative programs, and implement community-led alternatives to imprisonment that hold people accountable for their actions in a meaningful way, while being given the support they need to turn their lives around, thereby reducing the rate of reoffending and enhancing community safety. To do so would be to break the cycle of ecological injustice, where people in prison bear the brunt of climate risks; reduce the environmental, social and economic cost of prisons; and free up resources for more sustainable community-led solutions that support people on the margins. This reorientation – from prisons and punishment toward care and communities – should be seen as an integral part of a just transition to a sustainable future.

Advancing decarceration and alternatives to prison

Jesuit Social Services' commitment to ecological justice recognises that it those on the margins who suffer most from the consequences of the ecological crisis and the prevailing exploitative nature of our economic systems. This emphasis is also consistent with our understanding of justice as relational and restorative, and that building a just society, where incarceration is genuinely a last resort, requires the repairing of the complex web of relationships between people, place and planet that sustain us all.

Decarceration demands significant changes in legislation and policy, as well as mindset. Legislative reforms would include repealing regressive measures that see too many people denied bail, sentenced or imprisoned for minor offences, and precluded from community sentencing options; an end to mandatory sentencing; the prohibition of harmful measures such as solitary confinement; and raising the age of criminal responsibility to at least 14 years old. Policy changes to address disadvantage and inequality are also crucial, such as a fairer social safety net for people in need; investment in safe, secure and affordable housing; employment services that genuinely support people; and more equitable access to appropriate services for mental health care, family violence and substance misuse.

We need to rethink our current punitive systems and responses, and commit to alternative ways of responding to harm that do not perpetuate disadvantage and exclusion. Importantly, this must include listening to the voices of people impacted by the justice system, and resourcing community-led, place-based initiatives that address identified local needs. Aboriginal and Torres Strait Islander communities have been advocating for systemic changes to keep people out of prison for many years. In April 2021, a group of families of Aboriginal people who have died in custody put forward a range of recommendations, calling on governments to “listen to us and work with us to action our demands; so that no other family has to experience the injustice of living without their loved ones.”⁷⁷ The families called on all governments to reallocate “public funding away from violent, punitive policies [and] the expansion of prisons,” and toward strengthening communities and Aboriginal-led, grassroots solutions.⁷⁸ Governments should heed their calls.

⁷⁷ National Aboriginal and Torres Strait Islander Legal Services (NATSILS) (April 2021) *MEDIA RELEASE: 30 years and over 474 Black deaths - Join us on a National Day of Action on Saturday 10 April as we demand urgent action from Government to stop our people dying in custody*, <https://www.natsils.org.au/wp-content/uploads/2021/04/Media-Release-Families-National-Day-of-Action.docx.pdf>.

⁷⁸ Ibid.

Restorative justice is a key example of a different way of doing justice that shifts power back to communities, holds people to account in meaningful ways, and supports people to address their behaviour. Restorative approaches such as Group Conferencing seek to respond to harm with healing, with benefits for victims, offenders and the wider community. Facilitated by a specially trained convenor, Group Conferencing is a process that safely engages affected parties in a process of truth-telling and problem-solving, to hear what happened and how people have been affected, and then identify ways to repair the harm and make a plan to improve things for the future. Restorative responses such as these help to decentre retribution and imprisonment as the default response to harm. Instead, the priority is working *with* people, restoring relations, and helping families and communities rebuild and heal.

The unwinding of our current punitive approaches will be a multifaceted undertaking, requiring clear national leadership and a clean break from the hollow tough-on-crime rhetoric and policies of the past. Other jurisdictions have shown what is possible. In the United States, the number of young people in detention has dropped by more than half over the past two decades, with a growing push to close youth prisons and reallocate funding for community-based programs to support young people.⁷⁹ Jesuit Social Services has also witnessed more restorative, therapeutic, relationship-based, and prevention-focused approaches to youth justice in New Zealand and Norway, with positive benefits.⁸⁰ Much of the evidence of what works, and what doesn't, in better responding to harm is increasingly clear. Much like other aspects of a just transition, what's required is the courage of governments to commit to action.

...

With COVID-19 posing a considerable health risk to people in detention, 2020 saw a decline in the rate and number of people imprisoned in Australia for the first time in a decade. From June 2019 to June 2020, the number of people in prison decreased by five per cent.⁸¹ While this drop was partial and, perhaps, short-lived, it demonstrated that ever-rising prison numbers in Australia are not inevitable. In fact, far from it. The use of imprisonment is a policy choice⁸² – one that is unsupported by evidence as to effectiveness and necessity. It needs to change.

As momentum builds behind a just transition in Australia, decarceration should be viewed as an integral component. At its heart, this means resourcing communities, not investing in prisons.

⁷⁹ Vincent Schiraldi, Justice Lab, Columbia University (June 2020) *Can We Eliminate the Youth Prison? (And What Should We Replace It With?)*, <https://squareonejustice.org/wp-content/uploads/2020/06/CJLJ8234-Square-One-Youth-Prisons-Paper-200616-WEB.pdf>.

⁸⁰ See, Jesuit Social Services (Aug 2017) *#JusticeSolutions Tour Expanding the conversation*, <http://jss.org.au/wp-content/uploads/2017/08/SUB-170623-Solutions-Tour-Long-Report-v.15.pdf>; Jesuit Social Services (Sept 2019) *#JusticeSolutions New Zealand Tour*, <https://jss.org.au/wp-content/uploads/2019/09/JusticeSolutions-New-Zealand-Tour.pdf>.

⁸¹ ABS (Dec 2020) *Prisoners in Australia*, <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>.

⁸² Bronwyn Naylor, *The Conversation* (Apr 2015) *The evidence is in: you can't link imprisonment to crime rates*, <https://theconversation.com/the-evidence-is-in-you-cant-link-imprisonment-to-crime-rates-40074>.

Recommendations

Recommendation 1: Swift action on climate change

Federal, state and territory governments must recognise the serious and imminent risk posed by climate change and act swiftly to reduce emissions by 75% below 2005 levels by 2030 and reach net zero emissions by 2035, setting a clear path for a just transition to a low-carbon future.

Recommendation 2: Significantly improved standards and oversight of prison conditions

- a) As a matter of urgency, all state and territory governments must nominate and adequately resource inspection bodies as the National Preventative Mechanism (NPM) to enable the effective implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in Australia.
- b) The NPMs developed under Australia's OPCAT obligations must have consideration for the local environmental context and harmful climate impacts in preventing the mistreatment of detainees, standardise emergency preparedness obligations and periodically review relevant policies and procedures during routine inspections.

Recommendation 3: Mandela Rules

Incarceration is a person's punishment, not the circumstances or conditions of their confinement. Australian governments must provide transparency as to how the justice system is meeting its obligations under the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) – rules that cover a range of matters pertinent to ensuring safe and healthy living conditions for people in prison, including in relation to temperature, lighting and ventilation.

Recommendation 4: National Guidelines

Australian state and territory governments must work together to revise the Guiding Principles for Corrections in Australia (2018) to include national temperature standards for prisons and requirements for monitoring temperature and climate conditions. While the standards "represent a national intent around... practices, policies, and performance standards," currently there is no substantive reference to temperature, natural light, ventilation, or climate control cited in this document.

Recommendation 5: Enhanced emergency response planning

Acknowledging that people in prisons and detention centre populations are especially vulnerable in times of extreme hazards, that emergency services and agencies responsible for the operation of these facilities ensure that they are prepared and have capacity to enact safe and pre-emptive contingency plans for various climate impacts such as natural hazards and emergencies. This requires reconciliation of policy and procedure response capacity between emergency services and correction bodies with an emphasis on prioritising the duty of care obligations to the wellbeing, safety and life of detainees, as well as transparent decision-making.

Recommendation 6: Moving away from prisons in a climate-changed world

- a) That decarceration be a central goal of Australian justice systems and that government commitments to decarceration explicitly focuses on reducing the overrepresentation of Aboriginal and Torres Strait Islander people at all points of the justice system.

b) That the goal of decarceration is enabled by policy and investment by all governments that:

- commits to principles of restorative justice
- addresses structural inequalities that are root drivers of crime
- responds to the therapeutic needs of individuals in contact with the justice system
- invests over the long-term in place-based, community-led solutions.

The move towards decarceration recognises that prisons are neither effective nor humane responses to crime, and our prison system disproportionately harms already marginalised communities. Recognising the exacerbating effects of climate change on existing social inequalities, we must be doing all that we can to create systems of justice that heal rather than harm our communities.