

Form 59
Rule 29.02(1)

Affidavit

No. VID 595 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

Julian Knight
Applicant

G4S Custodial Services Pty Ltd
1st Respondent

Corrections Victoria
2nd Respondent

Affidavit of: Mr Julian Knight
Address: Port Phillip Prison
451 Doherty's Road
Truganina Vic 3029
Occupation: Prisoner
Date: 24 January 2022

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Introduction

1. I am the Applicant. I have previously signed and filed an incomplete affidavit in this matter on 26 August 2021, and signed and filed a further affidavit on 4 November 2021. This affidavit constitutes the completed version of the original affidavit in this matter. I intend this affidavit to replace the incomplete one I signed on 26 August 2021.
2. I am a 53-year-old prisoner serving a life sentence at Port Phillip Prison (“PPP”) at Truganina, on the western outskirts of Melbourne in the State of Victoria.
3. I have been in lawful custody since 9 August 1987.
4. On 10 November 1988, I was sentenced in the Supreme Court of Victoria to life imprisonment with a minimum non-parole term of 27 years (see *R v Knight* [1989] VR 705; VicRp 62 at www.austlii.edu.au/au/cases/vic/VicRp/1989/62.html). Due to the reduction of my sentence by way of Emergency Management Days (“EMD”) for good behaviour and meritorious conduct, my Earliest Eligibility Date (“EED”) for release on parole was 8 May 2014.
5. On 2 April 2014, the Victorian Parliament introduced *ad hominem* legislation (the *Corrections Amendment (Parole) Act 2014* (Vic)) that removed my entitlement to parole.
6. On 17 August 2017, the High Court of Australia upheld the constitutional validity of the *Corrections Amendment (Parole) Act 2014* (Vic) (see *Knight v Victoria* [2017] HCA 29; (2017) 261 CLR 306; 91 ALJR 824).
7. The instant proceeding concerns the use of the funds raised from the imposition of a “tobacco levy” on all cigarettes and tobacco sold to prisoners at PPP during the period 2004-2015, the increase in the price of almost all goods sold to prisoners through the PPP canteen since 1997, and the cost of telephone calls made by prisoners at PPP and at other prisons in Victoria.

8. Due to the operation of the Australian Consumer Law, the current claim is limited to transactions entered into since 1 January 2011.

Legislation (Commonwealth)

9. The instant proceeding is based in the Australian Consumer Law (“ACL”).
10. The full text of the ACL is set out in Schedule 2 of the *Competition and Consumer Act 2018* (Cth).
11. The ACL applies to all consumer transactions for goods and services entered into after 1 January 2011.
12. Section 3 of the ACL relevantly provides that:

3 Meaning of consumer

Acquiring goods as a consumer

- (1) A person is taken to have acquired particular goods as a *consumer* if, and only if:
 - (a) the amount paid or payable for the goods, as worked out under subsections (4) to (9), did not exceed:
 - (i) \$40,000; or
 - (ii) ...
 - (b) the goods were of a kind ordinarily acquired for personal, domestic or household use or consumption;
13. Section 18 of the ACL provides that:

Chapter 2 General protections

Part 2 1 Misleading or deceptive conduct

18 Misleading or deceptive conduct

- (1) A person must not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.
- (2) Nothing in Part 3-1 (which is about unfair practices) limits by implication subsection (1).

14. Sections 20 and 21 of the ACL provide that:

Part 2 2 Unconscionable conduct

20 Unconscionable conduct within the meaning of the unwritten law

- (1) A person must not, in trade or commerce, engage in conduct that is unconscionable, within the meaning of the unwritten law from time to time.

Note: A pecuniary penalty may be imposed for a contravention of this subsection.

- (2) This section does not apply to conduct that is prohibited by section 21.

21 Unconscionable conduct in connection with goods or services

- (1) A person must not, in trade or commerce, in connection with:

- (a) the supply or possible supply of goods or services to a person; or
- (b) the acquisition or possible acquisition of goods or services from a person;

engage in conduct that is, in all the circumstances, unconscionable.

- (2) This section does not apply to conduct that is engaged in only because the person engaging in the conduct:

- (a) institutes legal proceedings in relation to the supply or possible supply, in relation to the acquisition or possible acquisition; or
- (b) refers to arbitration a dispute or claim in relation to the supply or possible supply, or in relation to the acquisition or possible acquisition.

- (3) For the purpose of determining whether a person has contravened subsection (1):

- (a) the court must not have regard to any circumstances that were not reasonably foreseeable at the time of the alleged contravention; and
- (b) the court may have regard to conduct engaged in, or circumstances existing, before the commencement of this section.

- (4) It is the intention of the Parliament that:

- (a) this section is not limited by the unwritten law relating to unconscionable conduct; and
- (b) this section is capable of applying to a system of conduct or pattern of behaviour, whether or not a particular individual is identified as having been disadvantaged by the conduct or behaviour; and
- (c) in considering whether conduct to which a contract relates is unconscionable, a court's consideration of the contract may include consideration of:
 - (i) the terms of the contract; and
 - (ii) the manner in which and the extent to which the contract is carried out;

and is not limited to consideration of the circumstances relating to formation of the contract.

15. Section 22 of the ACL provides that:

22 Matters the court may have regard to for the purposes of section 21

- (1) Without limiting the matters to which the court may have regard for the purpose of determining whether a person (the supplier) has contravened section 21 in connection with the supply or possible supply of goods or services to a person (the customer), the court may have regard to:
- (a) the relative strengths of the bargaining positions of the supplier and the customer; and
 - (b) whether, as a result of conduct engaged in by the supplier, the customer was required to comply with conditions that were not reasonably necessary for the protection of the legitimate interests of the supplier; and
 - (c) whether the customer was able to understand any documents relating to the supply or possible supply of the goods or services; and
 - (d) whether any undue influence or pressure was exerted on, or any unfair tactics were used against, the customer or a person acting on behalf of the customer by the supplier or a person acting on behalf of the supplier in relation to the supply or possible supply of the goods or services; and
 - (e) the amount for which, and the circumstances under which, the customer could have acquired identical or equivalent goods or services from a person other than the supplier; and
 - (f) the extent to which the supplier's conduct towards the customer was consistent with the supplier's conduct in similar transactions between the supplier and other like customers; and
 - (g) the requirements of any applicable industry code; and
 - (h) the requirements of any other industry code, if the customer acted on the reasonable belief that the supplier would comply with that code; and
 - (i) the extent to which the supplier unreasonably failed to disclose to the customer:
 - (i) any intended conduct of the supplier that might affect the interests of the customer; and
 - (ii) any risks to the customer arising from the supplier's intended conduct (being risks that the supplier should have foreseen would not be apparent to the customer); and
 - (j) if there is a contract between the supplier and the customer for the supply of the goods or services:
 - (i) the extent to which the supplier was willing to negotiate the terms and conditions of the contract with the customer; and
 - (ii) the terms and conditions of the contract; and
 - (iii) the conduct of the supplier and the customer in complying with the terms and conditions of the contract; and

- (iv) any conduct that the supplier or the customer engaged in, in connection with their commercial relationship, after they entered into the contract; and
- (k) without limiting paragraph (j), whether the acquirer has a contractual right to vary unilaterally a term or condition of a contract between the acquirer and the supplier for the acquisition of the goods or services; and
- (l) the extent to which the acquirer and the supplier acted in good faith.

16. Section 21 of the *Federal Court of Australia Act 1976* (Cth) provides that:

21 Declarations of right

- (1) The Court may, in civil proceedings in relation to a matter in which it has original jurisdiction, make binding declarations of right, whether or not any consequential relief is or could be claimed.
- (2) A suit is not open to objection on the ground that a declaratory order only is sought.

The “Unwritten Law”

17. The doctrine of unconscionable dealing has been interpreted in case law as occurring when;

- a. one party to the transaction is under a “special disability”; and
- b. the other party takes unfair advantage of that disability, either with knowledge of that disability or where they have “closed their eyes” to the disability.

18. In *Bromley v Ryan* [1956] HCA 81; (1956) 99 CLR 362, the Federal Court held (at [9] per Fullagar J) that “special disability” can exist in a variety of circumstances, including:

... poverty of need of any kind, sickness, age, sex, infirmity of body or mind, drunkenness, illiteracy or lack of education, lack of assistance or explanation where assistance or explanation is necessary.

19. The prisoners in PPP are said to be under a “special disability” because:
- a. The very fact of being imprisoned in a Maximum Security prison without access to alternative suppliers or traders or to the Internet.
 - b. A much greater percentage of those who, prior to imprisonment, existed on Centrelink benefits or who were otherwise living below the poverty line compared with the percentage of such persons in the broader community.
 - c. A much greater percentage of those who suffer from a drug addiction compared with such persons in the broader community.
 - d. A much greater percentage of those who suffer from an intellectual disability (particularly those in PPP’s Marlborough Unit) or a psychiatric disability (particularly those in PPP’s St Paul’s Unit) compared with such persons in the broader community.
 - e. A much higher level of illiteracy compared with the rate of illiteracy in the broader community.
 - f. A much lower level of education compared with the standard of education of adults in the broader community.
 - g. A high percentage of prisoners who are Aboriginal or Torres Strait Islander (“ATSI”).
 - h. A high percentage of prisoners from a non-English speaking background (“NESB”).
 - i. A number of prisoners who are aged 75+.

Legislation (Victorian)

20. Section 6A of the *Corrections Act 1986* (Vic) provides that prisoners in Victoria are deemed to be in the legal custody of the Secretary of the Department of Justice and Community Safety.
21. Section 9 of the *Corrections Act 1986* (Vic) provides that the Secretary may enter into an agreement for the provision of correctional services. The State of Victoria (through the Department of Justice and Community Safety) entered into a Prison Services Agreement (“PSA”) with Australian Correctional Facilities Pty Ltd (“ACF”) for the provision of correctional services at PPP. ACF subcontracted the operation and management of PPP to Group 4 Correction Services Pty Ltd, now known as G4S Custodial Services Pty Ltd (“G4S”).

G4S

22. G4S is a British multinational security services public limited company registered in London, England (G4S PLC, 5th Floor, Southside, 105 Victoria Street, London SW1E 6QT, United Kingdom – Tel: +44 (0) 208 770 7000 – website www.g4s.com).
23. G4S is the world’s largest private security company with operations in more than 90 countries, and over 570,000 employees. In 2019 it had revenue of £7,758 million.
24. G4S Custodial Services Pty Ltd is a wholly owned subsidiary of G4S plc headquartered in Melbourne (Level 4, 616 St Kilda Road, East Melbourne Vic 3004 – Tel: (03) 9864 4044 – website: www.au.g4s.com).
25. G4S in Australia operates the Mount Gambier prison in South Australia, and PPP and prisoner transport in Victoria.

26. On 20 August 2018, G4S's contract to run HM Birmingham Prison in Birmingham, England, was revoked by the UK Government. The decision to revoke the contract followed a riot by 600 prisoners at the prison on 16 December 2016, and a report by the UK Chief Inspector of Prisons that the prison was the worst he had ever visited (see Wikipedia entry on G4S).
27. On 8 December 2020, G4S was taken over by US private security firm Allied Universal Security Services (website: www.). The combined companies have more than 750,000 employees and share revenues of more than \$US18 billion.

Port Phillip Prison

28. Group 4 (as G4S was then known) was awarded the contract to run PPP by the Victorian Government, through ACF, in 1996.
29. G4S manages and operates PPP in accordance with its contractual requirements, and the *Corrections Act 1986* (Vic), the *Corrections Regulations 2019* (Vic), policy guidelines in the form of *Commissioner's Requirements* issued by the Commissioner of Corrections Victoria, and the prison's own *Operational Instructions*. The *Operational Instructions* formalize the day-to-day operations at PPP and these are endorsed by the Department of Justice and Community Safety.
30. PPP received its first prisoners on 10 September 1997. I was the first prisoner to arrive at the prison on 11 September 1997. I remained at PPP until 28 September 1998. I have since been at the prison during 8-11 October 2001, 16-21 October 2001, 9-21 May 2003, 4-5 December 2003, from 19 June 2007 to 16 July 2015, and since 12 April 2016.

31. PPP is a Maximum Security men's prison. When the prison opened it had a capacity of 500 prisoners in 13 accommodation units. The prison currently has a capacity of 1,107 prisoners in 20 accommodation units. The prison's 20 accommodation units include protection and mainstream units, a youth (18-25) unit, a psychiatric unit, and a unit for intellectually disabled prisoners listed with Intellectual Disability Services ("IDS"). The prison also contains the Victorian prison system's only prison hospital, which provides both in-patient (St John's) and out-patient (St Thomas's) services.
32. According to annual statistics collated by the Victorian Department of Justice and Community Safety ("DJCS"), 60.3% of male prisoners were unemployed on reception into the prison system (Office of the Correctional Services Commissioner, *Statistical Profile of the Victorian Prison System 1995/1996 to 2000/2001* ("Statistical Profile"), State Government of Victoria, Melbourne, 2003, Table 33: Employment Status on Reception at 30 June 2001, page 42).
33. Of the 1,100 prisoners currently in PPP, around 250 are on the Opioid Substitution Therapy Program ("OSTP") as a result of drug addiction. The OSTP involves daily doses of Methadone or Buprenorphine.
34. There are currently around 30 intellectually disabled prisoners in PPP's Marlborough Unit, plus 55 other IDS prisoners in other accommodation units in PPP.
35. There are currently 35 psychiatric prisoners in PPP's St Paul's Unit.
36. According to DJCS statistics, a high percentage of male prisoners are illiterate.
37. According to DJCS statistics, 90.3% of male prisoners have not completed secondary education (*Statistical Profile*, Table 32: Highest Level of Education on Reception at 30 June 2001 (Males), page 41).

38. According to DJCS statistics, 7.6% of male prisoners are ATSI (Department of Justice and Regulation, *Key Statistics on the Victorian Prison System 2009-10 to 2013-14* (“*Key Statistics*”), State Government of Victoria, Melbourne, 2015, Table 4: Aboriginal and Torres Strait Islander male prisoners (% of all male prisoners) 2014, page 10).
39. Of the 1,100 prisoners currently in PPP, I was told on 23 April 2021 by PPP’s Aboriginal Liaison Officer, Mr Derek Kickett, that around 100 are listed as ATSI.
40. According to DJCS statistics, 19.4% of male prisoners are from a NESB (*Key Statistics*, Table 12: First Language of Country of Birth – Males - Not English 2014, page 18).
41. According to DJCS statistics, 14.6% of male prisoners are aged 50+ and 5.4% are aged 60+ (*Key Statistics*, Table 7: Age – Males – 30 June 2014, page 13).

Prisoner Employment & Wages

42. Sentenced prisoners are directed to work pursuant to s.84H of the *Corrections Act 1986* (Vic). Section 84H provides that:

84H Secretary may direct prisoners and offenders to work

- (1) The Secretary may direct any prisoner or offender other than—
 - (a) a prisoner on remand; or
 - (b) a prisoner who is a person in respect of whom an emergency detention order, a detention order or an interim detention order within the meaning of the Serious Offenders Act 2018 has been made—to work in any prison industry or work program approved by the Secretary.
- (2) A prisoner or offender must comply with a direction of the Secretary under this section.

43. Despite s.84H of the *Corrections Act 1986*, prisoners are not considered to be “employees” by G4S and Corrections Victoria, do not pay income tax, are not permitted to unionize, and not covered by WorkSafe as employees.
44. Numerous prisoners at PPP (and at the other prisons in Victoria) are employed in prison industries that manufacture goods or provide services to outside private companies. For instance, PPP has a contract with Ramset to have prisoners pack nuts, bolts and screws in packages for retail sale.
45. Section 112(1)(h) of the *Corrections Act 1986* provides that:

112 Regulations

- (1) The Governor in Council may, subject to disallowance by Parliament, make regulations for or with respect to any of the following matters—
 - (h) the work to be done by, or made available for prisoners and offenders, the remuneration (if any) for that work, the issue possession and use of tools and equipment by prisoners and offenders, and the payment of gratuities to prisoners or offenders where no work is available;
46. Part 4 (regulations 42-55) of the *Corrections Regulations 2019* (Vic) govern prisoner monies.
47. Regulation 43 provides that:

43 Remuneration

- (1) A prisoner must be paid remuneration for up to 30 hours per week for—
 - (a) work done by the prisoner in a prison industry; and
 - (b) attendance at an educational, treatment or rehabilitation programme.
- (2) Despite subregulation (1), a prisoner may be paid remuneration for more than 30 hours per week for work done by the prisoner in an essential work programme.
- (3) A prisoner must be paid remuneration at a minimum rate if the prisoner is—
 - (a) on remand; or
 - (b) in police custody; or
 - (c) unable to work due to illness, disability or age.

- (4) If a prisoner refuses to work in a prison industry or is dismissed from work in a prison industry, the prisoner—
- (a) is not entitled to be paid remuneration under this regulation; and
 - (b) must be supplied with essential toiletries by the prison.

Note

Essential toiletries include soap, toothpaste and, for women, sanitary products.

- (5) The Secretary must determine the rates of remuneration to be paid to prisoners under subregulations (1), (2) and (3) having regard to—
- (a) the cost of personal items referred to in regulation 48(1)(a); and
 - (b) the cost of making telephone calls; and
 - (c) the rates of remuneration paid to prisoners in another jurisdiction in Australia.
- (6) The Secretary must annually review the rates of remuneration determined under subregulation (5).

48. Regulation 44 provides that:

44 Dismissal from work in a prison industry

A Governor may dismiss a prisoner from work in a prison industry if—

- (a) the prisoner's performance at work is unsatisfactory; or
- (b) the prisoner is charged with a prison offence that prevents or impacts on the prisoner participating in work.

49. Regulation 48(1) provides that:

48 Expenditure of prisoner's money

- (1) A prisoner may spend money held in the prisoner's prisoner trust account to—
- (a) buy personal items including toiletries, food, confectionery and stationery; and
 - (b) make telephone calls; and
 - (c) make payments to a family member of the prisoner or a government agency; and
 - (d) buy or pay for other items approved by the Governor.

50. Regulation 49(1) provides that:

49 Prisoner savings

- (1) A Governor must retain the following amounts in a prisoner's prisoner trust account until the prisoner is released from prison—
- (a) 20% of the remuneration paid to the prisoner for work done by the prisoner in a prison industry;
 - (b) 20% of remuneration paid to the prisoner for attendance at an educational, treatment or rehabilitation programme;
 - (c) an amount determined by the Secretary under regulation 50(2).

51. Prisoner wages are paid according to the Scale of Prisoner Earnings (effective from 28 April 2015) attached to *Commissioner's Requirement 4.1.1: Prisoner Monies*. This Scale allows for three daily rates of pay: Level 1 (\$8.95), Level 2 (\$7.75), and Level 3 (\$6.50). Wages are paid on a 7-day (all week) or 5-day (weekday) basis. Other rates of pay are set down for those prisoners undertaking education or programs. Unemployed prisoners are paid \$3.30 per weekday. All prisoner income is subject to a compulsory 20% savings scheme pursuant to regulation 49(1).

52. Despite the provisions of regulation 43(5) and (6), prisoner pay rates have only been increased four times since 1987: in 1998, 2000, 2005 and 2014 (see table below).

PAY LEVEL	22-4-1992		1993	1-4-1998	1-8-2000	2-3-2005	1-1-2014
	<i>Services</i>	<i>Industry</i>					
Level 1	6.00	6.50	20% WITHHELD SAVINGS INTRODUCED	7.50	8.25	8.50	8.95
Level 2	5.00	5.50		6.50	7.15	7.40	7.75
Level 3	4.00	4.50		5.50	6.05	6.25	6.50
Programs/F-T Education				6.00	6.15	6.80	7.15
Aged 65+				4.50	5.50	5.70	6.00
Long-term illness				4.50	5.50	5.70	5.70
Short-term illness				2.75	3.05	3.15	3.30
Remand				2.75	3.05	3.15	3.30
Unemployed				2.75	3.05	3.15	3.30
Police Custody				2.50	2.75	3.15	3.30
Dismissed/Refuse/LOPs	-	-		-	-	-	-
Basic Industry Wage		22.50		27.50	30.25	31.25	32.50
- Canteen Spend		22.50		22.00	24.20	25.00	26.00

53. The pay rates established eight years ago on 1 January 2014, are the current prisoner pay rates.
54. Section 112(1)(i) of the *Corrections Act 1986* provides that:

112 Regulations

- (1) The Governor in Council may, subject to disallowance by Parliament, make regulations for or with respect to any of the following matters—
- (i) the moneys which may be paid to or received by prisoners or held for prisoners by officers at a prison, the extent to which and the purposes for which prisoners may spend or use moneys earned or received by them or held for them and the extent to which moneys held for a prisoner must be retained until the release of the prisoner from custody and the procedures for investment of those retained moneys and providing that prisoners are not entitled to any interest or other proceeds from the investment of those retained moneys and providing that the Secretary may approve the expenditure of that interest or other proceeds from the investment of those retained moneys or from earnings retained under an agreement with the Secretary for purposes related to assisting victims (within the meaning of paragraph (a), (b) or (c) of the definition of victim in section 30A(1)) or their family members (as defined in section 30A(1));
55. Prisoners employed at PPP in service industries (i.e. as unit serving or cleaning billets) were previously able to obtain wage rises after they completed various TAFE courses at the prison's education centre (OHS, food handling, industrial cleaning). A prisoner was, therefore, able to progress from \$6.50 per day, to \$7.75 and then \$8.95.
56. On 22 January 2021, PPP implemented a new employment and pay policy. The new policy set prisoner wages and abolished the previous system of wage rises tied to relevant TAFE qualifications. The new policy instituted a system where pay rises were tied to a prisoner's industry vetting score (which determines where a prisoner can work in the prison) and his contract level (PPP is the only prison in Victoria with a system of contract levels). These changes resulted in a general lowering of individual wages, and an overall lowering of the total weekly prisoner wages amount.

57. The new criteria for pay rises at PPP are not stipulated in the *Corrections Act 1986*, the *Corrections Regulations 2019*, or *Commissioner's Requirement 4.1.1: Prisoner Monies* (December 2018) (i.e. the criteria that prisoners must have a vetting score of L2 or L1 *and* also have a Standard or Enhanced contract level). These criteria have no relation to training or responsibility, and are not criteria imposed at any other prison.
58. On 15 May 2008, I was employed at PPP as a unit cleaner (referred to as a "billet" in the Victorian prison system) cleaning hard floors on a weekly wage of \$59.50 (Pay Level 1 - \$8.50 x 7 days).
59. On 25 October 2021 - 13½ years later – I was employed doing the same cleaning job but on a weekly wage that had been reduced under PPP's new employment and wages policy to \$45.50 (Pay Level 3 - \$6.50 x 7 days), a reduction of \$14 per week.
60. PPP has reduced its prisoner wages bill by employing prisoners to undertake employment tasks that are normally undertaken by outside professionals at other prisons (e.g. the clean-up of blood spills or other bodily fluids). These prisoners are often unqualified to undertake the tasks given to them (e.g. untrained prisoners being made to clean up blood spills).
61. Since 7 May 2008, I have cleaned up 131 separate "blood spills" at PPP. Although referred to as "blood spills" at the prison, these have been various bodily fluids (i.e. blood, vomit, excrement, urine). At Government-run prisons this task is only undertaken by professional cleaning contractors. Despite being qualified to do this task, I have only received remuneration of \$5 per spill.
62. On 9 November 2021, I also volunteered for and was given additional daily COVID-19 cleaning duties in my accommodation unit. The prisoner employed to do these duties was discharged on 3 November 2021 and was not replaced. I receive no extra pay for completing these duties.

63. PPP has also reduced its prisoner wages bill by employing individual prisoners to undertake two or more jobs at once whilst only paying them for one (prisoners are not paid more than one wage regardless of employment undertaken).
64. Prisoners who are dismissed from work receive no payment at all for two weeks pursuant to regulation 43(4) (see *Commissioner's Requirement 4.1.1 Scale of Prisoner Earnings*).

Tobacco Levy

65. Prior to 1 July 2015, prisoners in Victoria were permitted to smoke cigarettes and tobacco.
66. Each prison originally purchased cigarettes and tobacco from wholesale suppliers at wholesale prices (i.e. 80% of Recommended Retail Price ("RRP")) and on-sold them to prisoners without any mark-up in the price.
67. In 1993, Corrections Victoria introduced a 10% levy on the sale of all cigarettes and tobacco to prisoners. This "Tobacco Levy" was imposed in all Government prisons. The funds raised from the levy were paid into a dedicated Corrections Victoria Tobacco Levy account and were used predominantly to purchase Nicotine Replacement Therapy ("NRT") patches for prisoners.
68. In 2004, Corrections Victoria decided to increase the Tobacco Levy to 20% (i.e. the entire 20% margin between the wholesale price and the RRP – the retailer's margin). At this time, PPP decided to introduce its own tobacco levy at the same rate as the Corrections Victoria Tobacco Levy (i.e. 20% of RRP). Unlike the Corrections Victoria Tobacco Levy, the funds raised by PPP's tobacco levy went into G4S's consolidated revenue. Very few funds, if any, were used to purchase NRT patches. NRT patches were only issued to prisoners undergoing quit smoking programs. Only around 10 prisoners underwent each program, and only around 2-4 programs were run at PPP each year.

69. The funds raised by PPP pursuant to its tobacco levy were never subject to audit. The PPP tobacco levy operated from 2004 until the banning of smoking in Victorian prisons in 2015.
70. I was a full-time smoker from around the age of 13 until smoking was banned in Victorian prisons in 2015 when I was 47-years-old. I was a pack-a-day smoker during the operation of the PPP tobacco levy and I purchased cigarettes and tobacco on a weekly basis.
71. I believe all profits generated by the PPP tobacco levy were sent offshore to G4S's parent company in the UK.
72. On 14 December 2012, in a proceeding brought by me, the Supreme Court of Victoria declared that the decision to impose the Corrections Victoria Tobacco Levy between 1993 and 2004 was ultra vires (see *Knight v Secretary to the Department of Justice* [2012] VSC 613).
73. In response to the decision of the Supreme Court of Victoria in *Knight v Secretary to the Department of Justice*, the Victorian Government introduced the *Corrections Further Amendment Act 2013* (Vic). This Act introduced s.112C into the *Corrections Act 1986*. This retrospective legislation removes prisoners' entitlement to reimbursement for money paid into the Corrections Victoria Tobacco Levy. Section 112C(2) provided:

112C Validation of actions and decisions

- (2) A charge or additional charge imposed or purporting to be imposed by or on behalf of the Director-General or the Secretary to the Department of Justice or a Governor on or after 24 March 1993 and before 8 April 2004 for the purchase, in a prison, of tobacco products was, and is taken always to have been, validly imposed.
74. A challenge by me to the validity of s.112C(2) in the Federal Court of Australia was dismissed on 11 April 2014 (see *Knight v Victoria* [2014] FCA 369).

75. An application by me for leave to commence a proceeding against G4S in relation to the validity of the PPP tobacco levy was dismissed by the Supreme Court of Victoria on 3 July 2015 (see *Knigh t v Thomas* [2015] VSC 283).
76. An application by me to have the Auditor-General of Victoria audit the tobacco levy accounts of PPP was dismissed by the Supreme Court of Victoria on 22 September 2017 (see *Knigh t v The Auditor-General for the State of Victoria* [2017] VSC 567).
77. Smoking in Victorian prisons was banned on 1 July 2015. The last purchase of cigarettes and tobacco in Victorian prisons were made two weeks prior to that date.
78. No audit was ever done of the funds raised by the tobacco levy at PPP during 2004-2015.

Prison Canteens

79. Each of Victoria's 14 men's and 2 women's prisons provide a canteen service whereby prisoners can purchase various personal, domestic and household items (mainly food, confectionery, stationery and toiletries). PPP is one of three private prisons (the two other private prisons are Fulham Correctional Centre and Ravenhall Correctional Centre run by The GEO Group Australia Pty Ltd). The remaining 13 prisons are run by the Victorian Government through Corrections Victoria, a business unit of the Department of Justice and Community Safety. Each prison's canteen is limited to around 250 items.
80. All prisons, except PPP, has an on-site canteen which prisoners can attend in person. PPP has an off-site canteen store located outside the front of the prison. Prisoners do not, and cannot, attend this store. Prisoners make a weekly canteen order via Unilink electronic information kiosks located in each accommodation unit (Unilink is owned by G4S – website: www.unilink.com.au). Canteen orders, once made, cannot be cancelled. Canteen prices are listed next to each item.

81. The PPP canteen is governed by PPP *Operational Instruction No 87: Prisoner Shopping*. This *Operational Instruction* outlines the responsibilities of the prison's Business Manager (currently Mr Matthew Thomson) thus:

87.4 BUSINESS MANAGER

The Business Manager is responsible for this process, he will:

- Provide managerial oversight and is responsible for the shop accounts and pricing;
- Produce quarterly shop accounts and an annual account at the end of each financial year which will show the amount of overall net profit generated by the shop. This profit will then be put into a prisoner's amenity fund in the general ledger to be spent on the authority of the General Manager for facilities for prisoners generally not available from other sources; and
- Publish in advance to staff and prisoners when shopping arrangements are amended. (eg. Christmas, public holiday etc.)

82. Each prison also offers a "Special Spend" service (known as "Special Buy" at PPP) that sells or purchases additional personal, domestic and household goods (mainly bedding, clothing, sporting and electrical goods) to prisoners. Prisoners at PPP make Special Buy orders on a monthly basis through the Unilink electronic information kiosks.

83. PPP's Special Buy service is governed by PPP *Operational Instruction No 88: Prisoner Special Buys*. This *Operational Instruction* outlines the responsibilities of the prison's Business Manager thus:

88.2 APPROVED SPECIAL BUYS LIST

A list of items that may be purchased by prisoners is available from the Approved Special Buys List.

The Business Manager will be responsible for the Special Buys process and:

- Ensure that the Special Buys List is published and available to Unit Officers and prisoners; and
- Produce quarterly and annual special buy reports that will show the amount of surplus generated by prisoner Special Buys purchases.

The surplus will be retained in the Prisoner Amenity Fund (along with surplus monies from prisoner Canteen Spends) to be used for prisoner purchases not available from other sources at the authorisation from the General Manager.

84. The PPP Prisoner Amenity Fund is not subject to financial reporting and has never been subjected to an audit.
85. Printed receipts are provided with each canteen order. These receipts state the price charged by the prison for each item ordered and indicates whether the item includes GST. No receipts are given for Special Buy purchases.
86. G4S purchases goods to on-sell to prisoners from a local wholesale supplier, Campbell's Cash and Carry (75-79 Fitzgerald Road, Laverton North Vic 3026). G4S makes these purchases with public funds provided by the Victorian Government as part of the contract fee. Government-run prisons similarly purchase canteen goods from wholesale suppliers. I believe that PPP is under a contractual obligation not to sell canteen goods to prisoners at a profit. Government-run prisons do not sell canteen items at a profit. According to Corrections Victoria spokeswoman Kathryn Duffy in 2011, "All canteen items are at wholesale prices because the department is not permitted to profit from any shop sales" (see "Crims bleed Victoria dry", by Peter Rolfe, State politics reporter, *Sunday Herald Sun*, 24 April 2011, page 27).
87. Prisoners make canteen and Special Buy purchases with their weekly prison wages. These wages are paid with public funds provided to G4S by the Victorian Government as part of the contract fee. According to PPP *Operational Instruction No 84: Prisoners' Employment & Pay*:

84.1 INTRODUCTION

Prisoners will be provided with the opportunity to participate in regular work and approved programs whilst at Port Phillip Prison. This will provide them with an income with which they will be able to purchase approved goods, toiletries, and food items and also provide some savings when released from prison.

88. Prisoners also make canteen and Special Buy purchases with private money sent to them by family or friends. Prisoners in Victoria may receive up to \$140 per calendar month from any of the 10 people listed on their approved visitors list, or from a bank or trust account in their name. Money can only be sent to prisoners at PPP in the form of a bank cheque or electronically via Unilink's Secure Payment Service's website (www.securepaymentservices.com).

Canteen Prices

89. In addition to two meals per day (lunch & dinner), prisoners at PPP are issued with 6x slices of bread (white, brown or multigrain), 1x piece of fruit (red or green apple, or pear), and 500mL of milk per day. Margarine and jam are issued in plastic tubs to each accommodation unit. On a weekly basis, prisoners are issued 200g of white sugar and 200g of generic wheeties-type breakfast cereal. Prisoners are expected to purchase all other foodstuffs, including condiments and tea and coffee, through the prison canteen. Prisoners are not permitted to have food sent into them.
90. PPP does not issue soap or any toiletries. Prisoners must purchase their own soap and toiletries through the prison canteen. Prisoners are not permitted to have soap or toiletries sent into them.
91. Each cell at PPP is equipped with a prison-issue TV. A few cells are equipped with a prison-issue fan and/or electric kettle, but prisoners are generally expected to buy their own through the prison's Special Buy system. The prison currently sells small electric fans for \$35, and 1.4L electric kettles for \$29.50.
92. PPP does not issue radios. Prisoners at PPP are also expected to buy their own pocket radio, clock/radio or portable stereo. The prison currently sells pocket radios for \$100, clock/radios for \$29.95, and portable SONY stereos for \$145.
93. Prisoners cannot have electrical goods sent in to them.
94. Prisoners at PPP are also expected to buy their own sunglasses and hats through the prison canteen. The prison currently sells sunglasses for \$5 and \$42, and bush hats for \$8.
95. Prisoners at PPP are issued basic runners, socks and underwear, and prison "greens" (2x tracksuit pants, shorts, 2x tee-shirts, 2x tracksuit tops). Prisoners wishing to purchase additional clothing (runners, socks, underwear, thermal underwear, tee-shirts, singlets, jacket, pyjamas) must do so through the prison canteen.

96. Prisoners cannot have clothes (apart from court clothes) sent into the prison.
97. Prisoners at PPP are issued with a towel and bedding consisting of a pillow, pillow case, bed sheet, bed cover and 2x blankets. Prisoners wishing to obtain an additional towel, pillow, linen or a doona must purchase them through the prison's Special Buy system. The prison currently sells bath towels for \$9.95, doonas for \$49, doona covers for \$22.50, single bed sheets for \$35, and pillows for \$18. Prisoners cannot have towels or bedding sent into them.
98. Prisoners at PPP are not issued stationery. Prisoners wishing to write letters must purchase stationery items (pens, pencils, paper, envelopes, domestic and Air Mail stamps) through the prison canteen. Prisoners cannot have stationery items sent into them.
99. Prisoners at PPP who order music CDs through the prison's Special Buy system are charged a \$2 'shipping' fee per CD by the prison. PPP purchases music CDs at retail prices from JB Hi-Fi (Shop Mm04, Werribee Plaza, corner of Derrimut and Heaths Roads, Hopper's Crossing Vic 3028). I have purchased 30 music CDs at PPP since 17 July 2009.
100. Prisoners at PPP who order books through the prison's Special Buy system are charged a \$2 'shipping' fee per book by the prison. PPP purchases books at retail prices from Booktopia. I have purchased 23 books at PPP since 25 January 2019.
101. Canteen prices in Victoria's 13 Government-run prisons are the same, regardless of the location of the prison (i.e. metropolitan or regional or remote). **Now produced and shown to me and marked "Exhibit JK-1" are the canteen prices lists for various Government prisons.**
102. Canteen prices at PPP for the same items as sold in Government-run prisons are 9-140% higher. The average price difference is 33%. **Now produced and shown to me and marked "Exhibit JK-2" is the canteen price list for PPP.**

103. The following is a select list of canteen items available in Government-run prisons and at PPP, with the corresponding monetary and percentage price differences:

<u>Canteen Item</u>	<u>\$Gov</u>	<u>\$PPP</u>	<u>\$Diff.</u>	<u>%Diff.</u>
<u>Toiletries</u>				
Gillette Mach 3 Razor	6.03	14.50	8.47	140
<u>Stationery</u>				
Bic Pen (Black)	0.45	0.60	0.15	33
<u>Beveridges</u>				
Lipton Green Tea 50s	3.89	4.25	0.36	9
Cottee's Cordial Fruit Cup 1L	3.87	4.50	0.63	16
<u>Breakfast Cereal</u>				
Kelloggs Nutri-Grain 290g	3.84	5.10	1.26	33
<u>Confectionery</u>				
Cadbury Old Gold Chocolate 180g	3.09	4.30	1.21	39
Mars Bar 53g	0.98	1.35	0.37	33
Chips 45g	0.99	1.40	0.41	41
Arnott's Shapes BBQ 175g	2.63	3.00	0.37	14
Arnott's Tim Tams 200g	2.66	3.55	0.89	33
Arnott's Assorted Cream Biscuits 500g	4.76	5.20	0.44	9

<u>Canteen Item</u>	<u>\$Gov</u>	<u>\$PPP</u>	<u>\$Diff.</u>	<u>%Diff.</u>
<u>Food</u>				
Safcol Tuna 100g	1.50	2.00	0.50	33
Eggs (Dozen)	2.54	3.15	0.61	24
Mi Goreng Noodles	0.55	0.70	0.15	27
<u>Condiments & Spreads</u>				
Master Foods Sweet Chilli Sauce 500mL	2.50	2.95	0.45	18
Capilano Pure Honey 375g	4.31	6.10	1.79	42
Nutella 225g	2.49	3.00	0.51	20
Bega Peanut Butter 375g	3.77	4.50	0.73	19
<u>Miscellaneous</u>				
Batteries AA	0.66	0.70	0.04	6
Batteries AAA	0.42	0.70	0.28	67

104. PPP used to hold monthly Prisoners' Representative Council ("PRC") meetings. These meetings were attended by prisoner representatives from all accommodation units, except the prison's four management units, and by key prison personnel (e.g. the Deputy General Manager, Stores Manager, Business Manager). I attended these meetings from 2008 until 2018. During the period 2008-2013, I also took the minutes of these meetings. From around 2015, the minutes of the PRC meetings were taken by a member of staff. Since 2008, complaints about canteen prices and the price of Special Buy items have been raised a number of times by prisoner representatives. **Now produced and shown to me and marked "Exhibit JK-3" are the minutes of the PPP PRC meetings held on 3 September 2012 and 7 January 2013.**

105. The response from prison management (i.e. Stores Manager and Business Manager) to complaints from myself and other prisoners about the price of canteen and Special Buy items has rested on three statements:

- (i) “Only a couple of cents have been added ...”
- (ii) “... to a few items ...”
- (iii) “... in order to pay for prisoner amenities.”

All three statements are false.

106. In relation to statement (i), it is apparent from a comparison of PPP’s canteen price list with the canteen price lists of Government-run prisons, that more than “a couple of cents” has been added to PPP’s canteen items.

107. In relation to statement (ii), it is also apparent from a comparison of PPP’s canteen price list with the canteen price lists of Government-run prisons, that a profit margin has been added to the price of essentially all of PPP’s canteen items (the only exceptions being those items with a fixed price, e.g. Australia Post \$1.10 postage stamps, or a minimal price, e.g. 1¢ envelopes).

108. In relation to statement (iii), none of the profits generated by canteen sales at PPP have been, or are, used to fund prisoner amenities. All prisoner amenities at PPP are already fully funded with public funds provided to G4S by the Victorian Government. Prisoner amenities have, in fact, decreased since the prison opened in 1997. Prior to 2015, for instance, each accommodation unit had two weekly sporting competitions. Prizes of \$13, \$9 and \$6 were paid for the first three place getters in each competition. These competitions were stopped without explanation in 2015. The prison also used to run regular sporting competitions with prizes of canteen or sporting goods. These, too, were stopped without explanation.

109. Prisoners are able to raise issues of concern with Independent Prison Visitors (“IPV”). IPVs are appointed by the Minister for Corrections pursuant to s.35 of the *Corrections Act 1986*. IPVs raise complaints they receive from prisoners or staff with the management of the prison they are appointed to, and they report to the Minister after their visit to the prison.
110. On 8 January 2021, I raised the issue of PPP’s canteen prices with IPV Stephen Peterson. I heard no more about my complaint.
111. On 17 January 2021, I wrote to the General Manager of PPP, Mrs Trish Sellman, about the PPP canteen prices. In a letter to me dated 29 January 2021, the Acting Deputy General Manager of PPP, Mr Andrew Pike, advised me that the difference in suppliers explained ‘the differences in the cost of some canteen items.’ **Now produced and shown to me and marked “Exhibit JK-4” is Mr Pike’s letter to me dated 29 January 2021.**
112. On 19 January 2021, I wrote to the Victorian Ombudsman about the PPP canteen prices. In a letter to me dated 23 February 2021, Investigation Officer Matthew Fantastic advised me to raise my complaint (File No C/21/1688) with the prison. **Now produced and shown to me and marked “Exhibit JK-5” is Mr Fantastic’s letter to me dated 23 February 2021.**
113. On 11 June 2021, I raised the issues of PPP’s canteen prices and the prison’s new employment and wages system with IPV Graham Sewell. I have heard no more about my complaints.
114. On 28 January 2021, I wrote to the Consumer Action Law Centre (“CALC”) about PPP’s canteen prices. In a letter to me dated 11 February 2021, Ms Philippa Heir, advised me that the CALC was unable to assist me (CALC Ref: 506902).

115. On 25 February 2021, I wrote back to the CALC seeking further advice. In a letter to me dated 23 March 2021, the CALC Director of Legal Practice advised me that the CALC was unable to assist with my enquiry. **Now produced and shown to me and marked "Exhibit JK-6" is the CALC letter to me dated 23 March 2021.**
116. On 14 March 2021, I wrote to the Australian Competition and Consumer Commission ("ACCC") about PPP's canteen prices. In a letter to me dated 9 April 2021, Senior Public Information Officer "Cameron" of the ACCC's Infocentre, advised me to complain to Consumer Affairs Victoria.
117. On 25 June 2021, I raised the issues of PPP's canteen prices, the cost of telephone calls, and the prison's new employment and wages system with IPV Jill Elridge. I have heard no more about my complaints.

Drink Vending Machines

118. All units at PPP, except Charlotte Unit and Sirius East Unit, contain drink vending machines. These vending machines are owned by Coca Cola Amatil Vending and dispense 600mL plastic bottles of Coca Cola, Sprite Lemonade and Fanta. The LED screens on these machines advertise the price of these bottles as being \$2.40. The machines, however, only accept metal drink tokens and these tokens are sold to prisoners at PPP for \$2.60. I regularly buy drink tokens from the prison canteen.

Newspapers

119. Prisoners who wish to purchase their own newspaper must do so through the prison's canteen. Newspapers are not permitted to be sent in. Newspapers are purchased by the prison on the prisoner's behalf at a local newsagent (Laverton Newsagency, 12 Aviation Road, Laverton Vic 3028). Prisoners are not permitted to take out newspaper subscriptions. I routinely purchase the Thursday edition of *The Age* through the prison.

Phone Money & Free Postage

120. During the full or partial lockdown of Victorian prisons due to the COVID-19 pandemic between March 2020 and February 2021, prisoners in all prisons except PPP were given \$10 worth of phone credits and free postage on a weekly basis. Prisoners at PPP received only a single issue of \$10 worth of phone credits, on 20 March 2020, and no free postage.
121. On 4 December 2020, I complained to IPV Graham Sewell about the prisoners at PPP not receiving the free phone money or free postage that prisoners were receiving at other prisons. I have heard no more about my complaint.
122. On 13 December 2020, I wrote to the Commissioner of Corrections Victoria, Dr Emma Cassar, about the prisoners at PPP not receiving the free phone money or free postage that prisoners were receiving at other prisons. I did not receive a response to that letter.
123. On 8 January 2021, I complained to IPV Stephen Peterson about the prisoners at PPP not receiving the free phone money or free postage that prisoners were receiving at other prisons. I have heard no more about my complaint.
124. On 17 January 2021, I wrote to the Victorian Ombudsman about the prisoners at PPP not receiving the free phone money or free postage that prisoners were receiving at other prisons. In a letter to me dated 23 February 2021, Investigation Officer Matthew Fantastic advised me to raise my complaint (File No C/21/1690) with the prison. Mr Fantastic's letter is attached to this affidavit as Exhibit JK-5.

Telephone Calls

125. Prisoners in Victorian prisons are permitted to make telephone calls on a daily basis to a maximum of 10 pre-approved legal or personal numbers. These calls are for 12-minutes duration.

126. Prisoner telephones in Victoria (and elsewhere in Australia) are Arunta Controlled Telephone System (“ACTS”) telephones that were developed by Telecom Australia in the early 1990s specifically for use in prisons. These telephones now belong to the Telstra Corporation (“Telstra”).
127. The use of telephones by prisoners in Victoria is governed by *Commissioner’s Requirement 4.2.1: Prisoner Telephone System* (September 2015). Part 2 of *Commissioner’s Requirement 4.2.1* provides the following:

2 REQUIREMENT

Prisons must ensure that access to telephones is available for prisoners to maintain communication links with

- family;
- friends;
- other persons;
- community agencies;
- legal representatives; and
- other exempted persons.

2.1 Staff will ensure that prison security is not compromised when allowing prisoners to communicate with family and friends. Staff will collect, maintain, use and disclose information in strict compliance with information privacy and security legislation and policy.

2.2 Prisoners’ human rights are limited only to the extent that is it reasonably and demonstrably justifiable. All staff must act compatibly with human rights and consider human rights when making decisions.

128. Part 4.16.1 of *Commissioner’s Requirement 4.2.1* provides the following:

4.16 Telephone Costs

4.16.1 The prisoner is responsible for meeting their own call costs, unless exempted by the General Manager on welfare or legal grounds or in other exceptional circumstances.

129. Prisoners at PPP are currently charged 30¢ for a local call to a landline, \$2.40 for a STD or ISD call to a landline, and \$7.20 for a call to a mobile telephone. This price structure has been in force since around 2015.
130. On 3 June 2019, Telstra set 50¢ per 10 minutes as a flat rate for calls to all Australian mobile numbers.
131. On 2 August 2021, Telstra made all local and STD calls made from public payphones free of charge.
132. I currently have 6 personal telephone numbers and 4 legal telephone numbers on my list of 10 approved telephone numbers. All of these numbers are landline or Voice Over the Internet Protocol (“VOIP”) telephone numbers. One of my personal numbers is an STD number (Queensland) and one is an ISD number (Canada).
133. I have previously had mobile telephone numbers listed on my approved telephone list. I do not, if possible, add mobile telephone numbers to my approved telephone list because I cannot afford the \$7.20 charge for each call. I am currently employed as a unit cleaning billet. I was previously employed as a unit laundry billet at a rate of \$6.50 x 5 days. Given prison wages are subject to a 20% compulsory savings scheme, my disposable income at that time was only \$26 per week (\$32.50 - \$6.50), the average weekly prison wage. This would have allowed me to make only 3 complete 12-minute calls to a mobile telephone each week (3 x \$7.20 = \$21.60).
134. At various times during my incarceration I have been unemployed and receiving only \$12.50 per week (enough to make only one telephone call to a mobile phone). My longest period of unemployment was 9 months during 2015-2016.
135. At other times during my incarceration I have been employed at the basic wage rate of \$6.50 x 5 days.

Fines

136. Pursuant to s.53(4)(b) of the *Corrections Act 1986*, prisoners can be fined up to 1 Penalty Unit (\$181.74 as at 1 July 2021) for each guilty finding at a Governor's hearing (also referred to as a General Manager's Disciplinary Hearing – "GMDH").
137. Prisoners are not permitted to pay fines or make restitution for damaged prison property from their Withheld compulsory savings (see Part 8.2 of *Commissioner's Requirement 4.1.1*, but see also regulation 49(4) of the *Corrections Regulations 2019*). Prisoners who are paying restitution are placed on a "restricted spend". Part 8.1.2 of *Commissioner's Requirement 4.1.1* states that:
- The maximum total amount available to a prisoner whose expenditure is restricted is set at \$12.60 per week. This amount is inclusive of money available for telephone calls.
138. In relation to the payment of fines, these must be paid from a prisoner's weekly Earnings. Given the basic weekly prison wage of \$26, a fine of 1 Penalty Unit amounts to 7 weeks wages (Given the median weekly wage of a full-time worker in Australia is currently \$1,463.00 per week, an equivalent fine in the community would be \$10,241).
139. Unlike Penalty Units, prisoner wages are not indexed annually. Even though Part 5.4 of *Commissioner's Requirement 4.1.1* provides that, 'The prisoner pay scale will be reviewed annually by the Secretary, Department of Justice & Regulation', the last prisoner pay rise was on 1 January 2014. When this pay rise was instituted 1 Penalty Unit was \$151.67 (as at 1 July 2015).
140. Multiple fines exceeding 1 Penalty Unit in total are regularly imposed on prisoners at PPP. For instance, on 8 September 2020, I was fined a total of \$430 after being found guilty of committing five prison offences at a GMDH. I was unemployed at the time. My weekly canteen spend was \$13.20 (\$16.50 – 20%)

141. I sought leave to challenge the legality of imposing multiple fines at a GMDH at the Werribee Magistrates Court (Case No L12490361). My application was based on a statutory interpretation of s.53(4) of the *Corrections Act 1986*. My application for leave was dismissed, without a hearing, as being ‘frivolous’ by Magistrate R. Pithouse on 26 October 2020.
142. Apart from weekly prison wages, the only other option a prisoner has to pay off prison fines is to rely on the \$140 private money he can ask relatives or friends to send him each calendar month.

Reports

143. In 2017, the Independent Broad-Based Anti-Corruption Commission (“IBAC”) of Victoria released its report *Corruption risks associated with the corrections sector* (available at www.ibac.vic.gov.au).
144. In 2018, the Victorian Auditor-General’s Office (“VAGO”) released its report *Safety and cost effectiveness of private prisons* (available at www.vago.vic.gov.au).
145. In 2019, Monash University released its report *Victoria’s prison system: rising costs and population, little accountability* (available at www.lens.monash.edu/@politics-society/2019/06/28/1375605/victorias-prison-system-rising-costs-and-population-little-accountability).
146. In 2021, IBAC released its *Special report on corrections* (available at www.ibac.vic.gov.au). This report noted (at footnote 41) that, ‘Approximately 40 per cent of Victoria’s prisoners are in privately managed facilities and Victoria has the largest proportion of privately managed prisoners in Australia.’

147. The 2021 IBAC Special report also stated (at page 22) that:

... The performance of private prisons is measured on a monthly basis and performance-related payments are calculated each quarter. The contractual agreements with the state's private prisons give the Victorian Government the right to access the prisons to review, inspect, test and monitor services, and to examine and audit their accounts and records.

148. I believe the 'accounts and records' relating to G4S's tobacco levy, canteen and Special Buy funds have never been subject to examination and auditing by the Victorian Government.

149. The 2021 IBAC Special report also reported (at page 35) that Corrections Victoria fined G4S \$200,000 for serious professional misconduct, which is a breach of contractual requirements.' This fine was imposed in response to staff assaults on prisoners, including a prisoner with an intellectual disability.

150. The 2021 IBAC Special report also noted (at page 84) that:

In March 2018, VAGO tabled an audit on the safety and cost effectiveness of Victoria's privately managed prisons, following an audit of Port Phillip Prison and Fulham Correctional Centre. VAGO noted that while Corrections Victoria collects a considerable amount of information about the performance of the state's private prisons, very little of this information is publicly available, which affects transparency of the state's corrections system as a whole.

151. The 2021 IBAC Special report also noted (at page 92) that 'risks associated with insufficient public scrutiny of corrections settings can be heightened in privately managed prisons.'

Interlocutory Orders

152. The management of prisons is a State and Territory responsibility. The Federal Court of Australia does not have a supervisory role with respect to prisoners. The exceptions are those prisoners seeking to rely on Commonwealth legislation (e.g. the *Human Rights and Equal Opportunity Commission Act 1986* (Cth) or the *Racial Discrimination Act 1975* (Cth)), those prisoners subject to deportation, and those Commonwealth prisoners seeking to appeal parole or control order decisions. The instant proceeding does not concern the management of prisons but concerns consumer transactions for the provision of goods and services.

153. Prisoners subject to deportation who are transferred to immigration detention can rely on s.256 of the *Migration Act 1958* (Cth). Section 256 relevantly provides that:

256. Person in immigration detention may have access to certain advice, facilities etc.)

Where a person is in immigration detention under this Act, the person responsible for his ... detention shall, at the request of the [detainee] ... *afford to him ... all reasonable facilities ... for obtaining legal advice or taking legal proceedings in relation to his ... detention.* [Emphasis added]

154. On 27 May 2010, I wrote to the Department of Immigration and Citizenship (“DIAC”) in relation to what computer facilities are provided to immigration detainees. In a letter to me dated 23 July 2010, the DIAC’s National Communications Branch informed me that detainees had access to DIAC supplied and personal computers, and to the Internet on the DIAC supplied computers. **Now produced and shown to me and marked “Exhibit JK-7” is the DIAC letter to me dated 23 July 2010.**

155. The provisions of s.256 of the *Migration Act 1958* (Cth) are a reflection of the common law. In *NAFC v Minister for Immigration & Multicultural & Indigenous Affairs* (2002) 126 FCR 99, the applicant contended on the legal questions involved that (at 102 [12]):

There is a statutory "right" or "entitlement" under s 256 of the [Migration] Act to be given "reasonable facilities" for obtaining legal advice or for taking legal proceedings. That s 256 provides a "right" or "entitlement" was accepted by the respondent before this Court in *Human Rights and Equal Opportunity Commission v Secretary, Department of Immigration and Multicultural Affairs* (1996) 67 FCR 83 at 95 and by this Court in the same decision at 97, and before the Full Bench in *Wu v Minister for Immigration and Ethnic Affairs* (1996) 64 FCR 245 at 263-263 and 268-269; 135 ALR 583 at 601-602 and 606-607 per Carr J. Such a right may be characterised as a "private" right accruing to a person such as the applicant, who satisfies the precondition of having requested access to such facilities. This gives standing to the applicant to seek injunctive relief and mandamus.

156. The Federal Court has the inherent power to regulate its own proceedings.
157. The common law right of unimpeded access to the court was examined by the Federal Court in *Wu v Minister for Immigration and Ethnic Affairs* (1996) 64 FCR 245, *In Marriage of Bennett* (2001) 167 FLR 137, and in *W231/01A v Minister for Immigration & Multicultural Affairs* [2002] FCA 80.
158. *In Marriage of Bennett* (2001) 167 FLR 137, the Full Court of the Federal Court examined two important principles, namely, (1) if a fundamental common law right or privilege is to be modified by statute, then the statute should make that intention unambiguously clear; and (2) that the right of a citizen to unimpeded access to the courts is such a fundamental common law right (at 144-147 [32]-[44]), and concluded (at 147 [44]) that:

[44] Thus we are able to conclude that unimpeded access to the courts is a fundamental right, which can only be abrogated or curtailed by a statutory provision, the intent of which is, in the language of the High Court judgments in *Coco*, "unambiguously clear".

159. The common law right of unimpeded access to the court was examined in *W231/01A v Minister for Immigration & Multicultural Affairs* [2002] FCA 80. Nicholson J held (at [21]-[23]) that:

21. Reliance is then placed in the plaintiff's submissions on the principle that the common law recognises a citizen's right to unimpeded access to the courts: *Raymond v Honey* [1982] 1 All ER 756 at 762; *Chester v Bateson* [1920] 1 QB 829; *R & W Paul Ltd v Wheat Commission* [1936] 2 All ER 1243, [1937] AC 139 and in *Re Boaler* [1915] 1 KB 21 at 36.

22. However, it is accepted on behalf of the applicant that that common law right may be taken away by express enactment. In *Re Boaler* (supra) it was said "but the language of any such statute should be jealously watched by the Courts, and should not be extended beyond its least onerous meaning unless clear words are used to justify such extension."

23. Next, the submissions for the applicant contend that it has been recognised that the common law right of access include a prisoner inmate's right of access to a solicitor for the purposes of obtaining advice and assistance with a view to instituting proceedings: *Reg v Secretary of State for the Home Department, ex parte Anderson* [1984] QB 778 at 794. This right of private communication was recognised in *Leech v Secretary of State for Scotland* [1991] SLT 910. In *Reg v Secretary of State for the Home Department, ex parte Leech* [1994] QB 198 at 216 it was accepted that it was part of the ratio decidendi of *Anderson's case* that unimpeded access to a solicitor for the purpose of receiving advice and assistance in connection with the possible institution of *civil proceedings* in the courts, forms an inseparable part of the prisoners right of access the courts themselves. [Emphasis added]

160. It is for the Court, not the prison authorities, to determine what constitutes a fair hearing, adequate time, reasonable facilities, and unimpeded access to the Court.

161. In the analogous context of immigration detention and access to “reasonable facilities” within the meaning of s.256 of the *Migration Act 1958* (Cth), – itself a reflection of the common law – Beaumont J held (at [1] & [47]-[48]) that:

[1] This matter raises for consideration some important questions about the meaning and operation of s 256 of the *Migration Act 1958* (Cth) (the Act), relevantly as follows:

"Where a person is in immigration detention under this Act, the person responsible for his ... detention shall, at the request of the [detainee] ... *afford to him ... all reasonable facilities ... for obtaining legal advice or taking legal proceedings in relation to his ... detention.*" (Emphasis added)

[47] The key element in the provisions of s 256, in my opinion, is the concept of "reasonable facilities". It appears that these words were intended to have their ordinary meaning. The primary dictionary definition of "*facility*" is "*something that makes possible the easier performance of any action*". (Emphasis added)

[48] The appropriate dictionary definition of "reasonable" appears to be "not excessive", as in "reasonable terms" (*Macquarie Dictionary*); or "within the limits of reason; not greatly more or less than might be thought likely or appropriate" (*The New Shorter Oxford English Dictionary*). As Gaudron J observed in an analogous context (*Slivak v Lurgi (Australia) Pty Ltd* (2001) 205 CLR 304 at 322 [53]; 177 ALR 585 at 599 [53]) these are ordinary words bearing their ordinary meaning, and the question "requires no more than a making of a value judgment in the light of all the facts".

162. As to what constitutes “reasonable facilities”, the Court held that it was a question of fact (at 110 [49]):

[49] Thus, so far as concerns the application of s 256 here, the real question, as the Minister has submitted is essentially one of fact, an issue to be resolved primarily upon the evidence adduced for the Minister from Ms [Christine Ruth] McPaul [Acting Assistant Secretary, Unauthorised Arrivals and Detention Services], as to the facilities proposed to be made available, ...

163. The Court also held (at 111-112 [53]-[56]) that;

[53] ... s 256 is a free-standing guarantee, which must be given its own effect, wherever the detainee is held.

[54] In the result, whilst I am of the view that the challenge to the proposed transfer to Woomera cannot be maintained, the operation of s 256 must be allowed its own free-standing operation at Woomera. This can be appropriately achieved by the Minister giving a suitable undertaking, or, *if necessary, by a declaratory order*. [Emphasis added]

[55] Given this outcome, there should be no order for costs.

[56] Accordingly, I make the following orders:

1. Unless within seven days the Minister files and serves an undertaking to the Court that reasonable facilities within the meaning of s 256 of the Act will be provided for the applicant at Woomera —
Declare that the Minister is bound to provide such facilities.
2. Application otherwise dismissed.
3. Make no order as to costs.

164. In a custodial setting “reasonable facilities” have been held to include the following:

(a) Adequate law library:

see *Bounds v Smith* (1977) 430 US 817 (see also *Commissioner’s Requirement: Prison Administration - Prisoner Access to Legal Resources* (1 August 2008));

(b) Access to a solicitor:

see *R v Secretary of State for Home Department; Ex parte Leech (No 2)* [1994] QB 198, at 210 (referred to in *NAFC* at 103 [12]) & *Rich v Groningen & Others* (1997) 95 A Crim R 272;

(c) Legal visit facilities:

see *R v Secretary of State for Home Department; Ex parte McAvoy* [1984] 1 WLR 1408 (referred to in *NAFC* at [36] 108);

(d) Uncensored correspondence with a solicitor:

see *R v Secretary of State for the Home Department, Ex parte Anderson* [1984] QB 778, at 794 (referred to in *W321/01A* at 22);

- (e) Physical appearance in court:

see *Le v Minister for Immigration & Ethnic Affairs* (1994) 53 FCR 27 (referred to in *NAFC* at [25]-[29] 106-107) (see also regulations 21 & 22);

- (f) Access to case documents:

see *Rich v Groningen & Others* (1997) 95 A Crim R 272; &

- (g) Access to a personal “in cell” computer:

see *Rich v Magistrates Court of Victoria* [2007] VSC 65, *R v Rich (Ruling No 2)* [2008] VSC 141, *R v Rich (Ruling No 3)* [2008] VSC 219R, *R v Rich (Ruling No 20)* [2009] VSC 24R, *R v Rich (Ruling No 22)* [2009] VSC 39R, *Dhanota v The Secretary of State for the Home Department* [2003] EWHC 18 Admin, & *Ponting v Governor of HMP Whitemoor* [2002] EWCA Civ 224.

Computer Access

165. Prisoners in Victoria who are enrolled in education courses have access to the Prisoner Education, Training and Employment System (“PETES”) computer system operated by Corrections Victoria. Prisoners are not permitted to store personal or legal documents on this system.
166. Prisoners in Victoria are able to purchase 120MB Corrections Victoria USBs. The maximum number of Corrections Victoria USBs a prisoner can purchase is two. These purchases must be pre-approved by Corrections Victoria.
167. Prisoners who have an educational, legal or personal (exceptional circumstances) need for a personal “in-cell” computer can apply to Corrections Victoria to purchase one. Applications are subject to strict criteria laid down in *Commissioner’s Requirement 2.1.2: Prisoner Computers*. I have made over 30 such applications since August 2006. All of these applications have been denied. Of the 1,100 prisoners currently in PPP, only 5 have been given permission to own a personal “in-cell” computer.

168. Despite being denied permission to purchase a personal “in-cell” computer, I was given access to a PPP supplied laptop computer on an “in-cell” basis for 5 weeks during December 2017 and January 2018.
169. On the 9 July 2021, I was placed into a management unit at PPP. At the same time my PETES computer account was temporarily suspended by Corrections Victoria. I do not have my own computer and I do not have access to any other computer account. The week after this suspension my two Corrections Victoria 120MB USB storage devices were placed in my property at the prison store with the instruction to store staff that they not be re-issued to me.
170. On 27 July 2021, I received an unsigned letter dated 26/07/2021 from the Education, Training and Employment Branch (“ETE Branch”), Offender Services and Reintegration, Corrections Victoria. **Now produced and shown to me and marked “Exhibit JK-8” is the letter from Corrections Victoria’s ETE Branch to me dated 26/07/2021.** This letter informed me that my PETES computer account had been temporarily suspended ‘whilst [my] misuse of PETES is investigated.’ The letter did not state what the misuse was alleged to be. The letter did, however, advise me that I could have ‘appropriate material’ on my account ‘copied onto a prison approved USB or CD-ROM and provided to prisoner property.’
171. On 28 July 2021, I wrote to the General Manager of the ETE Branch and asked what the misuse was alleged to be. I also requested that all of my files on the account be copied onto a USB or DVD.
172. On 11 August 2021, I was returned to my normal prison accommodation unit, Gorgan Unit.

173. On 12 August 2021, I attended the prison library for my unit's then allotted weekly Thursday afternoon 1½ hour library session. It is possible to create documents on the computers in the library but not to save them. Only legal documents can be printed during this weekly session and all printing is done by the prison's Education Coordinator.
174. I attended the library again on 19 and 26 August, 2, 9, 17, 23 and 30 September, 28 October, 4, 11, 15, 22 and 29 November, and 6, 13 and 20 December 2021.
175. On 18 August 2021, I submitted a *Prisoner Request Form* in which I requested the reactivation of my PETES computer account and the reissue of my USBs. I have not received a response to that request.
176. On 19 August 2021, I asked the prison's Education Coordinator, Ms Angela Chikora, to reactivate my PETES computer account. Ms Chikora told me that I would have to ask Corrections Victoria to do this.
177. On 20 August 2021, I submitted a *Prisoner Request Form* in which I requested greater library access (i.e. an additional library session) and/or access to a prison computer. I did not receive a response to that request.
178. On 20 August 2021, I attended the Government Functions building at the prison in order to use one of the two laptop computers set aside for prisoner use. Although there are two laptop computers, only one is available for use at any one time. It is possible to view files on these laptops but not to store them. It is also not possible to have any printing done at this location.
179. I attended the Government Functions building to use one of the legal computers again on 10 and 24 September, and 1, 25 and 29 October, 5, 10, 17, 24 and 26 November, and 3, 8, 10, 14,15, 21 and 24 December 2021.

180. On 20 August 2021, I also spoke to an officer from PPP's Prison Intelligence Unit ("PIU"), Mr Cameron Anker, about the reactivation of my PETES computer account and the reissue of my USBs. No action was taken in response to these verbal requests.
181. On 22 August 2021, I submitted a *Prisoner Request Form* in which I requested that my files on my PETES computer account be copied onto a USB or DVD in order for me to complete my final submissions in support of my application to the National Redress Scheme (for institutionalized child sexual abuse). I did not receive a response to that request.
182. On 7 September 2021, I submitted a *Prisoner Request Form* in which I requested that the requests I had submitted on 18, 20 and 22 August 2021 be responded to. I did not receive a response to that request.
183. On 8 September 2021, I submitted a freedom of information ("FOI") request in relation to documents concerning the suspension of my PETES computer account and the seizure of my two USB storage devices. That request has not been finalized.
184. On 14 September 2021, I spoke to prison Supervisor Ange Tsangas about the reactivation of my PETES computer account and the reissue of my USBs. No action was taken in response to these verbal requests.
185. On 17 September 2021, I spoke to prison Supervisor Kym Glasscock about the reactivation of my PETES computer account and the reissue of my USBs. No action was taken in response to these verbal requests.
186. On 20 September 2021, I submitted a *Prisoner Request Form* in which I requested the loan of a prison laptop computer during COVID-19 lockdowns of the prison or on weekends. I did not receive a response to that request.
187. On 28 September 2021, I submitted a *Prisoner Request Form* in which I requested greater library access. I did not receive a response to that request.

188. During 1-25 October 2021, I had no access to computers due to extended COVID-19 lockdowns of the prison.
189. On 15 October 2021, my originating application and incomplete affidavit in this matter was filed by the Victorian Registry.
190. On 16 October 2021, sealed copies of my court documents were delivered to me via the prison's internal mail.
191. On 17 October 2021, I submitted a *Prisoner Request Form* in which I requested greater computer access for the purposes of prosecuting this matter and other legal proceedings. I requested: (1) the reactivation of my PETES computer account; (2) the re-issue of my two USBs; and (3) permission to attend the prison library on Fridays. I did not receive a response to this request.
192. On 18 October 2021, I served the respondents with sealed copies of the documents in this matter by way of email at the prison's Government Functions building (this was done by prison staff).
193. On 19 October 2021, the article titled 'Hoddle Street mass murderer sues prison over price gouging on phones' by Liam Mendes appeared in *The Australian* newspaper.
194. On 23 October 2021, my *Prisoner Request Form* submitted on 17 October 2021, referred to in paragraph 191 above, was returned to me. It advised me to write to Corrections Victoria about my PETES computer account, to request the reissue of my USBs from the prison's Security and Intelligence Manager, and to request permission to attend a Friday library session from the prison's Industry Manager.
195. On 24 October 2021, I submitted a *Prisoner Request Form* in which I requested the reissue of my USBs. I have not received a response to that request.

196. On 24 October 2021, I also submitted a *Prisoner Request Form* in which I requested permission to attend the library on Friday afternoons. I have not received a response to that request.
197. On 24 October 2021, I wrote the Commissioner of Corrections Victoria, Dr Emma Cassar, in relation to the reactivation of my PETES computer account. I have not received a response to that letter.
198. On 28 October 2021, I received a letter dated 25.10.2021 from the General Manager of the ETE Branch, Kieran McCann. Mr McCann stated in this letter that my PETES computer account was suspended due to it being used to store 'non-education related material/documents' (including my court documents in this matter) and 'pornographic images.' He did not detail what material/documents and images he was referring to.
199. On 28 October 2021, I wrote back to Mr McCann in relation to the reactivation of my PETES computer account and the copying of all the files on my account (attached). I have not received a response to that letter.
200. On 1 November 2021, I received a letter dated 25 October 2021 from Investigation Officer Kaami Shah at the office of the Victorian Ombudsman, in which he advised me that his office had closed the file in relation to my complaint about the suspension of my PETES computer account.
201. On 21 December 2021, I was issued with a legal USB that I had received from the Fitzroy Legal Service, for use on one of the legal computers at PPP's Government Functions building. I was required to return this USB to my property after this session. I have since been permitted to access this USB for use at the Government Functions building on 24 December 2021, and on 14, 17, 19 and 21 January 2022.

202. From 28 December 2021 to 17 January 2022, I had no access to computers due to an extended COVID-19 lockdown of the prison. On 5 January 2022, I submitted a *Prisoner Request Form* to the General Manager requesting the loan of a prison legal computer on an “in-cell” basis for the duration of the lockdown. I did not receive a response to that request.

Access to Legal Resources & Computer Facilities

203. When PPP opened in 1997 the prison library was equipped with desktop computers and a printer for prisoner use. Prisoners were permitted to use these facilities to create and print personal and legal documents.

204. In 2002, LexisNexis Butterworths *Unreported Judgments* Disks 1-4 were copied onto the prison library computers. These disks were purchased pursuant to a perpetual licence agreement not on a time-limited subscription basis. **Now produced and shown to me and marked “Exhibit JK-9” is a screenshot of the LexisNexis Butterworths *Unreported Judgments* disks copied onto the PPP prison library computers.**

205. In 2006, various Thomson Lawbook Co legal databases were added to the prison library computers. These disks were purchased pursuant to a perpetual licence agreement not on a time-limited subscription basis. One of these databases was *Federal Cases*, which contains a number of law reports series. **Now produced and shown to me and marked “Exhibit JK-10” is a screenshot of the Thomson Lawbook Co *Federal Cases* and *Criminal Law Library* disks copied onto the PPP prison library computers.**

206. On 29 November 2017, a major fire in the prison’s Control Room disabled all of the prison’s electrical systems, including the prison library computer server. The disabling of the prison’s electrical systems caused a lockdown of the prison that lasted until 2 January 2018.

207. On 8 December 2017, I was provided with the loan of a prison laptop computer on an “in-cell” basis. I was provided with access to this computer in order for me to prepare for ongoing legal proceedings. The loan of this computer was authorized by the current General Manager of PPP, Mrs Trish Sellman.
208. On 15 January 2018, the prison’s library computer server was restored. The prison did not, however, restore the links to the LexisNexis Butterworths or Thomson Lawbook Co legal databases. This was a conscious decision made by PPP management. No reason was given for this decision.
209. When the prison’s library computer server was restored on 15 January 2018, I lost access to the prison laptop computer on an “in-cell” basis. From 15 January 2018 until 21 November 2019, I was permitted access to the computer only in the prison library on Tuesday and Thursday afternoons from 1300hrs to 1545hrs. On the 21 November 2019, it was decided by PPP management that I should no longer have access to a prison-issue laptop computer. That particular computer was not re-issued to anyone else and has not been used since I last used it on 21 November 2019.
210. All requests by me and other prisoners to have the links to the legal databases restored to the prison library computers have been ignored by PPP management.
211. When the library’s computer server was restored on the 15 January 2018 the library printer did not work. In September 2018 the printer was removed from the library and not replaced. PPP is the only prison in Victoria not to have a prison library printer for prisoner use. Prisoners who are permitted to purchase their own computer are also permitted to purchase a printer.

212. Prisoners at PPP may only have legal documents (i.e. letters to lawyers seeking legal advice, court documents, etc) printed. Prisoners wishing to have legal documents printed must draft them onto one of the library computers during their assigned weekly 1½ hour library session. The prison's Education Coordinator, Ms Angela Chikora, then copies the document onto a USB after the prisoner has left the library, examines the document on her computer in her office out of sight of the prisoner, and then prints the document in the next 1-4 days. She retains an electronic copy of each document for the prison's reference but does not provide an electronic copy to the prisoner. Prisoners are charged 10¢ per page printed. Prisoners are not able to save any documents on the library computers as they are programmed to erase all saved documents automatically at 1600hrs each day.
213. This system does not operate in any other prison in Victoria. By way of comparison, at HM Prison Barwon at Lara – also a Maximum Security men's prison – the prison library and each of the prison's protection and management units are equipped with computers and printers for prisoner use.
214. Prisoners pursuing full-time education or preparing for legal proceedings were previously granted permission to attend the prison library during times other than their assigned weekly library session. On 15 November 2021, a new library timetable was introduced that allocated one 1½-hour library session to each unit. Prisoners must now request a week in advance to attend the library, and are only permitted to attend the library during their unit's assigned library time. My unit (Gorgan Unit) has been assigned 0830-1015hrs on Monday mornings.
215. I have typed this affidavit during my weekly library session and during my access to one of the legal computers at PPP's Government Functions building.
216. In addition to this proceeding I have an extant application to the National redress Scheme, a pending complaint to the Defence Force Ombudsman about historical abuse I suffered at the Royal Military College, and a pending appeal against a decision of the Administrative Appeals Tribunal in an FOI matter.

Signed by the deponent)
at Port Phillip Prison)
in Victoria)
on 24 January 2022) _____

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-1”

Canteen prices lists for the following Victorian Government-run prisons:

- HM Prison Barwon
- Beechworth Correctional Centre
- Dame Phyllis Frost Centre
- Hopkins Correctional Centre
- Kareenga Correctional Centre
- HM Prison Loddon
- Marngoneet Correctional Centre
- Metropolitan Remand Centre
- Middleton Correctional Centre

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-2”

Canteen price list of Port Phillip Prison.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-3”

Minutes of the PPP PRC meetings held on 3 September 2012 and 7 January 2013.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-4”

Letter from the Acting Deputy General Manager of PPP, Mr Andrew Pike, to Prisoner Julian Knight dated 29 January 2021.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-5”

Letter from Victorian Ombudsman Investigation Officer Matthew Fantastic to Prisoner Julian Knight dated 23 February 2021.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-6”

Letter from the Consumer Action Law Centre to Mr Julian Knight dated 23 March 2021.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-7”

Letter from the Department of Immigration and Citizenship to Mr Julian Knight dated 23 July 2010.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-8”

Letter from Corrections Victoria ETE Branch to Mr Julian Knight dated 26/07/2021.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-9”

A screenshot of the LexisNexis Butterworths *Unreported Judgments* disks copied onto the PPP prison library computers.

Rule 29.02(8)

Certificate of Annexure/Exhibit

No. VID 595 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

Julian Knight

Applicant

G4S Custodial Services Pty Ltd

1st Respondent

Corrections Victoria

2nd Respondent

Exhibit “JK-10”

A screenshot of the Thomson Lawbook Co *Federal Cases* and *Criminal Law Library* disks copied onto the PPP prison library computers.