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Attention: New Youth Justice Facility Project Team
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Dear Deputy Secretary,

Tasmanian Youth Justice Facility Model of Care – Consultation Draft

Thank you for the opportunity to provide comment on the Consultation Draft of the *Tasmanian Youth Justice Facility Model of Care* (the Model of Care). This submission is not intended to be exhaustive and should be read in conjunction with other relevant work and advice of this Office.¹

At the outset, it is critical to emphasise that Australia's obligations under the *United Nations Convention on the Rights of the Child* (UNCRC)² require that the detention of children and young people be used only as a measure of last resort and for the shortest appropriate time.³ Current Tasmanian law reflects this obligation with the *Youth Justice Act 1997* providing that detention must only be imposed as a measure of last resort and for the least time necessary, reinforcing that any Model of Care must be firmly grounded in these principles. The Model of Care must therefore be designed not only to be child-centred, rights-based and therapeutic at the operational level, but also to actively minimise detention for children and young people. Feedback provided in this submission is subject to this foundational principle.

I also acknowledge the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (Commission of Inquiry), which found that many children in institutional and custodial settings in Tasmania have not been safe and that systemic failures have resulted in significant harm to children. The Model of Care must embed robust rights-based safeguards, accountability mechanisms and participatory practices designed to prevent harm and uphold the safety, dignity and wellbeing of all children and young people in detention.

¹ See, for example: Commissioner for Children and Young People Tasmania, 'New Tasmanian Youth Justice Facility Masterplan', <<https://childcomm.tas.gov.au/uploads/2025/06/2025-05-30-CCYP-Feedback-on-Youth-Justice-Facility-Masterplan.pdf>>; Commissioner for Children and Young People Tasmania, 'Reforming Tasmania's Youth Justice System Discussion Paper' <<https://childcomm.tas.gov.au/uploads/2022/07/2022-03-21-FINAL-Reforming-Youth-Justice-submission.pdf>>; Commissioner for Children and Young People Tasmania, 'The Voices Project', <<https://childcomm.tas.gov.au/everyone/major-programs/youth-justice/the-voices-project/>>; Commissioner for Children and Young People Tasmania, 'Memorandum of Advice: The age of criminal responsibility in Tasmania', <<https://childcomm.tas.gov.au/wp-content/uploads/2023/07/2023-07-14-FINAL-for-public-release-CCYP-Memorandum-of-Advice-re-Age-of-Criminal-Responsibility-.pdf>>.

² *United Nations Convention on the Rights of the Child*, opened for signature 20 November 1989, (entered into force 2 September 1990).

³ *United Nations Convention on the Rights of the Child*, art 37(b).



Currently, children as young as 10 can experience detention in various types of custodial facilities. In Tasmania, children and young people are routinely detained in adult custodial environments following arrest, including in police and prison watch-houses and court cells.⁴ Detention in such varied settings exposes children and young people to a heightened risk of rights breaches and harm, which is fundamentally inconsistent with their developmental needs and other legal protections.⁵ While children and young people should not be detained in adult custodial facilities at all, elements of the Model of Care should apply to all custodial facilities where children and young people may be detained until this practice is brought to an end. Acknowledging and applying a child-centred, rights-based and therapeutic approach for children in these facilities will support continuity of care and assist to progressively realise children's rights regardless of the custodial facility in which they may be detained. The Model of Care should articulate clear standards, safeguards and accountability mechanisms governing the care and treatment of children and young people in those environments.

Noting that the New Facility is not planned to be operational until 2028 at the earliest, the Model of Care requires a clear and deliberate pathway for implementation. In the absence of a transition roadmap, there is a real and ongoing risk that children and young people in detention will continue to experience conditions that fall far short of the standards and safeguards set out in the Model of Care. Embedding a purposeful and phased approach to implementing the Model of Care will help to ensure that children's rights, dignity and wellbeing are realised in practice sooner, not deferred until new infrastructure is built. With this in mind, this submission includes a focus on elements of the Model of Care that can and should be implemented in advance of the New Facility becoming operational, including young people's involvement in care planning; improved workforce stability and capability; maintaining relationships and access to services; and strengthened monitoring, reporting, and evaluation.

Further, effective implementation depends on transformative change to the broader youth justice system in which youth detention operates. Consistent with the Tasmanian Government's *Youth Justice Blueprint 2024-2034*,⁶ a therapeutic custodial environment cannot operate effectively in isolation. It must be supported by accessible, adequately resourced and developmentally appropriate supports and services in the community, both to reduce reliance on detention, and to support children and young people to safely return to, and remain with, their families and communities. Without appropriate alternatives to detention and in-reach and outreach services, even the most well-designed facility risks entrenching ongoing contact with the justice system, rather than promoting long-term safety, wellbeing, and positive life outcomes for children and young people and improved community safety.⁷

Alongside the provision of appropriate community-based supports and services, it is critical that reforms to the minimum age of criminal responsibility and minimum age of detention are implemented in advance of the New Facility becoming operational. The review of the *Youth Justice Act 1997* provides the primary mechanism for embedding these vital reforms in law, noting the Government's very welcome commitment to introduce amending legislation in 2027, and for the new minimum age of detention to take effect from 2029. On this basis, the New Facility should be designed and operationalised on the clear premise that it will only ever detain people aged 16 years

⁴ Commissioner for Children and Young People, *Lonely and Scary and traumatising: Young people's experiences in adult custodial facilities* (Report, March 2026); Office of the Custodial Inspector Tasmania, *Children in Tasmania's prisons* (Review Report, June 2025).

⁵ for Children and Young People, *Lonely and Scary and traumatising: Young people's experiences in adult custodial facilities* (Report, March 2026); Office of the Custodial Inspector Tasmania, *Children in Tasmania's prisons* (Review Report, June 2025).

⁶ Department of Education, Children and Young People, *Youth Justice Blueprint 2024-2034* ([Youth Justice Blueprint 2022-2032](#)).

⁷ The *Keeping Children Safe Quarterly Report – 1 August to 31 October 2025* acknowledges that developing tailored community-based support services for children under the age of 14 exhibiting anti-social behaviour requires prioritisation to ensure the success of the New Facility and the closure of Ashley.



and over. This shift fundamentally changes the composition of the young people in custody, along with their developmental and therapeutic needs, requiring the Model of Care to be specifically designed for an older adolescent population and fully aligned with the future statutory framework.

My feedback in this submission has been informed by what I have heard from children and young people through my individual advocacy role for young people in detention, by the experience and insights of this Office's individual advocacy role for children and young people in youth detention, and through the *Voices of Young People in the Youth Justice System Project* (Voices Project), as well as contemporary research and insights from experts and practitioners with extensive experience in youth justice.

Role of the Commissioner for Children and Young People

This submission is made in accordance with my functions under Tasmania's *Commissioner for Children and Young People Act 2016*. This current Act will be repealed on proclamation of relevant provisions of the *Commission for Children and Young People Act 2025*.

Upon commencement of the new Act, the Commission will hold strengthened systemic oversight responsibilities, including enhanced powers to monitor and conduct investigations and inquiries into the systems and services relating to youth justice, and the safety and wellbeing of children and young people within this system;⁸ to make recommendations aimed at improving all services provided for, or in respect of, children and young people in detention;⁹ and to ensure that Tasmania satisfies its international obligations relating to children and young people.¹⁰

Of particular relevance to the New Facility, the new Act introduces explicit child-centred monitoring functions in relation to detention facilities. These include powers to conduct inspections of detention facilities;¹¹ to monitor and review the safety, wellbeing, care and treatment of children and young people in the youth justice system;¹² to monitor and review the use of electronic surveillance and the operation of detention facilities;¹³ and to monitor and review data and information in relation to the use of isolation, force, restraints and searches of children or young people and serious incidents in detention.¹⁴ These functions reflect the importance of preventive, independent, and rights-based oversight in environments where children are especially vulnerable to harm.

The Rights of Children and Young People in Detention

The work of the Office of the Commissioner for Children and Young People is fundamentally grounded in children's human rights, taking into account the rights of children under the *United Nations Convention on the Rights of the Child* (UNCRC) and protections under other binding human rights instruments, including the *Optional Protocol to the Convention against Torture* (OPCAT).

Children and young people in detention are entitled to the same rights as their peers in the community.¹⁵ However, their deprivation of liberty creates a heightened moral and indeed legal obligation to invest additional attention and resources in fully realising all protection, provision and

⁸ *Commission for Children and Young People Act 2025*, s 9(2)(c).

⁹ *Commission for Children and Young People Act 2025*, s 8(a)(i).

¹⁰ *Commission for Children and Young People Act 2025*, s 8(a)(ii).

¹¹ *Commission for Children and Young People Act 2025*, s 9(2)(d).

¹² *Commission for Children and Young People Act 2025*, s 8(i).

¹³ *Commission for Children and Young People Act 2025*, s 8.

¹⁴ *Commission for Children and Young People Act 2025*, s 8(j).

¹⁵ Australian and New Zealand Children's Commissioners and Guardians, *Statement on Conditions and Treatment in Youth Justice Detention* (Statement, November 2017).



participatory rights set out in the UNCRC.¹⁶ This obligation recognises the increased risks inherent in custodial environments and is essential to safeguarding the health, dignity and wellbeing of children and young people in detention.¹⁷ A contemporary rights-based model of care must also extend strengthened participatory rights to young people deprived of their liberty. Their voices, experiences and preferences must meaningfully inform decisions, daily practices, and systemic reforms that affect them, recognising participation as a core protective factor and a fundamental human right.

Specific relevant rights are referred to throughout the submission.

Strengths of the Model of Care

The Model of Care demonstrates several notable strengths that align with contemporary youth justice principles, national standards, and recommendations arising from recent inquiries¹⁸. These elements form a solid foundation for a rights-based, therapeutic and developmentally appropriate youth justice system, and represent positive progress toward creating a safer and more supportive custodial environment that upholds children's rights, promotes their wellbeing, and better meets their developmental needs.

I strongly endorse the therapeutic and trauma-informed orientation embedded throughout the Model of Care. The recognition that many young people in the youth justice system have experienced significant trauma, instability and disconnection is both accurate and necessary. Importantly, the Model of Care acknowledges that children and young people are often victims first, reflecting well-established evidence about the pathways into contact with the justice system. It is also essential to recognise that detention is inherently traumatic for children and young people and that any custodial environment must actively work to reduce, not compound, this harm. The focus on creating a culturally safe, therapeutic environment, supported by multidisciplinary services and guided by Practice Standard 5 (therapeutic and trauma-transformative practice), aligns with evidence about what supports rehabilitation, wellbeing and positive behavioural change¹⁹. This approach is central to achieving positive outcomes for children and young people in detention.

I also welcome the clear emphasis on prevention, diversion and the use of detention only as a last resort, consistent with the *Youth Justice Act 1997*, the *Youth Justice Blueprint 2024-2034* and the UNCRC. The commitment to prioritising least-restrictive responses, together with the explicit rejection of aversive or harmful restrictive practices, represents an important safeguard for children and young people and reflects a public-health approach to youth justice that focuses on early support, targeted intervention and developmentally appropriate responses.

Consistent with the *National Standards for Youth Justice in Australia 2023*,²⁰ the Model of Care reinforces that the wellbeing, dignity and needs of children and young people must be the paramount consideration in all aspects of custodial care. I am particularly encouraged by Practice Standard 1, which explicitly rejects defining a child or young person by their offending behaviour. This represents

¹⁶ United Nations General Assembly, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez*, para 17. For more information on the 3 Ps, refer to Commissioner for Children and Young People Tasmania, *Making Rights Real* (Conceptual Plan, 2025) Appendix B.

¹⁷ Havannah rules, section D

¹⁸ Including recommendations from Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2023 and the Office of the Custodial Inspector Tasmania Expectations on the Treatment of Children and Young People Deprived of their Liberty, 2024

¹⁹ Malvaso, C.G., Day, A. & Boyd, C.M. The Outcomes of Trauma-Informed Practice in Youth Justice: An Umbrella Review. *Journ Child Adol Trauma* 17, 939–955 (2024). <https://doi.org/10.1007/s40653-024-00634-5>

²⁰ <https://www.ayja.org.au/wp-content/uploads/2023/10/AYJA-National-Standards-for-Youth-Justice-in-Australia-FINAL-for-Launch-16-October-2023-October-2023.pdf>



a critical shift in language, culture and expectation, and aligns with best practice understandings of adolescent development, trauma and accountability.

Roadmap to Transition to the New Model of Care

I welcome the apparent strengths of the Model of Care, and its recognition of the need for transformative change in our approach to the detention of children in this state. However, the absence of a clear, staged and realistic transition roadmap from current practice to a child rights upholding, culturally safe, and child-centred future model is a significant gap requiring immediate attention.

Although the *Keeping Kids Safe in Detention Action Plan 2024-2026*²¹ was designed to provide an initial transition pathway, implementation has been partial and difficult to track, with limited transparency about what has been delivered and what remains outstanding. At the same time, a wide range of work is occurring across this system – including a time limited stabilisation taskforce, projects to progress the Commission of Inquiry recommendations and ongoing reviews and updates of policies and procedures. While these efforts are important, they appear to be occurring in a disparate and largely unco-ordinated way. Together, these factors highlight the need for a planned, transparent, and actively managed transition to ensure that all activity is aligned, sequenced and contributes meaningfully to the implementation of the Model of Care.

Incorporating a clear and staged roadmap for implementation into the Model of Care would support the progressive fulfilment of children's rights before the Model of Care is fully implemented at the New Facility. Many of the core components of the Model of Care are not contingent on new infrastructure and all efforts should be made to embed them in current practice for children without delay.²² Implementing these elements now would demonstrate a genuine commitment to harm reduction, accountability and cultural change, while laying the workforce and systemic foundations necessary for operationalisation of the New Facility.

A clear, timebound transition plan is necessary to:

- ensure continuity of care and safety for children and young people currently in custody, who deserve, and who are entitled, to experience the rights, dignity and therapeutic support outlined in the Model of Care now,
- ensure Aboriginal children and young people are supported to realise their right to a culturally safe environment and connection to community, culture and identity, including through positive recognition of the collective right to self-determination,
- support workforce readiness, capability development, recruitment and cultural change, recognising that both existing and newly recruited staff will require sustained training, coaching and strong, visible and accessible leadership to shift to a child-centred, trauma-informed model,
- provide clarity for partner agencies and community providers, including education, health, therapeutic services, cultural organisations and community-based programs, who require time to align their programs, referral pathways and practice expectations with the Model of Care, and
- avoid a “cliff-edge” transition in which the New Facility opens with a completely different Model of Care in contrast to the immediately prior state. Noting that current context is far from the

²¹ <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Keeping-Children-Safe-In-Detention-Action-Plan-2024-26.pdf>

²² including rights-based decision-making, meaningful participation, predictable routines, trauma-informed relational practice and access to advocacy and supports



intended future state, incremental preparation, including foundational shifts in practice, policy, systems and infrastructure, should commence now.

A comprehensive transition plan should clearly set out immediate actions, the lead-up to the new facility, and expectations during the first years of operation. Waiting child-centred, rights-based and therapeutic for or until the new centre opens poses a very real risk of embedding old practices into new spaces, repeating well documented harms and failing to deliver on the core principles the Model of Care is built upon.

Areas for consideration in a Roadmap to Transition

Children's participation in care planning

Young people with lived experience of the youth justice system have told this Office that to feel safe (Article 19)²³, they need adults to truly listen to them, to understand how they are feeling, and to respect and value them and their rights.²⁴ This directly engages Article 12, which affirms the right of all children to express their views freely in all matters affecting them and to have those views taken seriously and given due weight in decision making. Research evidence aligns with young people's accounts, demonstrating that participation and being heard are foundational to children's safety.²⁵ As one participant in the Voices Project explained:

There needs to be more people listening like you [the Advocate for Young People in Detention] Not a lot of people sit down and listen like you. They just sit there and oh yeah, right, this and that and this, you know? They don't listen²⁶.

Young people have also said that they feel safest when they know what to expect from their environment.²⁷ To achieve this, children and young people need clear, accessible information about their rights (Article 13 Right to Information, Article 42 – Making Rights known) and responsibilities, to be involved in decisions affecting their care, and to be provided with sufficient information to make informed choices. This approach reinforces Article 12 and recognises that participation is most effective when children are equipped, supported and respected.

The Model of Care sets clear, strong expectations for young people's involvement in care planning, an area where immediate implementation is both possible and necessary. The Model of Care states that *"the child or young person and their family help make the care plan, and a team of specialists may be involved to check things like mental health, education, speech and language, trauma and cultural needs."* It also commits that every young person will have a *positive behaviour support plan* and a comprehensive intake assessment to identify their needs from the outset.

These are important and promising commitments. However, they stand in stark contrast to current practice at Ashley Youth Detention Centre (Ashley).

²³ As noted in the CCYP submission on the facility masterplan, children and young people need access to privacy and freedom to feel safe and reduce stress and trauma. This requires custodial environments that are intentionally designed as small, home-like environments, with attention to sensory factors such as noise, light, odour and materials, rather than impersonal institutional settings.

²⁴ Commissioner for Children and Young People, *The Age of Criminal Responsibility in Tasmania* (Memorandum of Advice, July 2023).

²⁵ Tim Moore and Morag McArthur, *Take notice, believe us and act! Exploring the safety of children and young people in government run organisations* (Report, 2022).

²⁶ *"Listen this is my voice": Young people's experiences of the youth justice system*, pg. 1

²⁷ Commissioner for Children and Young People, *The Age of Criminal Responsibility in Tasmania* (Memorandum of Advice, July 2023).



At present, and despite strong efforts by many staff working within the constraints of the current context, care planning does not consistently reflect best practice principles of participation. Young people tell me that they are often not included in the development of their own plans, unless they explicitly raise concerns about being excluded. When they are included, they are sometimes expected to engage in meetings with adults they have not previously met, with whom they have no or limited relationship, or established trust.

In addition, Ashley continues to face shortages in case management staff, which limits the ability to undertake meaningful and relational casework. As a result, care planning is fragmented, delayed, or overly administrative. Young people are often left without a clear understanding of their care planning goals, the supports available to them, or the progress being made towards achieving their goals. These experiences can undermine young people's right to participate in decisions affecting their lives and diminish their sense of agency and safety.

The Model of Care rightly offers a different vision: one where care planning is holistic, relational, and shaped by the young person's voice. Importantly, the Model of Care does not require a new facility to deliver this. What it does require is time, skilled and available staff, and intentional practice. The foundational elements (listening to young people, ensuring they are assisted to be appropriately prepared for meetings, involving their families or trusted adults in their planning, and developing plans that draw on specialist assessments) can all begin now.

There are concrete and achievable steps that can be taken now to strengthen the progressive realisation of children's rights in detention. The development and implementation of a rights-based Charter²⁸ would provide an immediate mechanism to enhance both protection and participation, ensuring children are clearly informed of their rights, responsibilities and avenues for raising concerns or having a say²⁹. Equally important is ensuring that children and young people are supported to participate meaningfully in case management and care-planning processes³⁰, consistent with Article 12. This includes ensuring their preferences, goals and needs are clearly documented, communicated to all staff working with them, and embedded in day-to-day practice. To give practical effect to this, staff must be equipped and supported, through training, supervision and organisational systems, to deliver care that reflects each child's individual circumstances, views and best interests.

Implementing this component immediately would deliver tangible benefits including:

- providing structured, ongoing opportunities for young people to engage with staff in a therapeutic, relational way,
- improving safety and stability by ensuring young people understand what is happening, feel heard, and experience greater predictability,
- restoring agency and dignity by involving young people as partners in planning and countering the powerlessness many currently experience in detention, and
- preparing everyone working within this system to embed child-led care planning now and building workforce capability and confidence required for full implementation of the new model of care.

²⁸ MOC page 86

²⁹ See for example, 'A model charter of rights for children and young people detained in youth justice facilities', *Australian Children's Commissioners and Guardians*, <https://www.childcomm.tas.gov.au/wp-content/uploads/2015/06/ACCG-Model-Charter-of-Rights-for-Children-in-Youth-Justice-Facilities.pdf>

³⁰ MOC, page 79



Workforce Stability and Capability

Unfortunately, the day-to-day practices, culture and experiences of children and young people at Ashley are markedly different from the rights-based, therapeutic, trauma-informed and relational approach described in the Model of Care.

For example, children have been experiencing systemic isolation practices, ostensibly arising from ongoing staffing shortages and/or an apparent lack of confidence and experience across the staffing complement.³¹ In my view, this practice is entirely inconsistent with the Department's obligation to fulfil the *protection* rights under the UNCRC, including Article 37(a) (protection from cruel, inhuman or degrading treatment or punishment), Article 19 (protection from all forms of physical or mental violence) and Article 3 (best interests should be the primary consideration). Experience of isolation increases the likelihood of young people developing psychological distress, exacerbates trauma, and can have lasting impacts on children's brain development, mental health and sense of safety.³²

In addition, frequent use of isolation denies children and young people's *provision* rights, which are essential to preserving their dignity and wellbeing. These include Article 28 (access to education), Article 24 (enjoyment of the highest attainable standard of health), and Article 37(c) (contact with family and friends). By disrupting children and young people's access to predictable routines, relationships and therapeutic programs, systemic isolation undermines Tasmania's ability to provide supports required under the UNCRC, especially when liberty is deprived.

The development of the new Model of Care must ensure, in the short-term, that daily structured routines are restored and that routine use of isolation is brought to an end. In saying this, I note the stated aims of Tasmania's *Youth Justice Blueprint 2024-2034* are to prevent offending, promote behaviour change, foster prosocial development, and safeguard both young people and the community.³³

The Model of Care Practice Standard 6 recognises that an appropriately skilled and supported³⁴ workforce is essential to creating and maintaining centre safety and ensuring consistent access to education, programs, and therapeutic engagement. The Model of Care outlines a trauma-informed, relational, and rights-based approach to practice. Many of its key elements including building staff capability, establishing clear routines, strengthening supervision, improving communication with young people, and delivering structured therapeutic programs are not dependent on the new facility. Rather, they rely on a workforce that is adequately resourced, supported, trained and retained.

The Model of Care provides limited detail on how a stable, skilled and sustainable workforce will be achieved. The transition plan should therefore set out or be supported by a comprehensive workforce strategy. This should address attraction and retention, minimum safe staffing profiles, relief capacity, supervision and wellbeing supports, and targeted development in trauma-informed practice, disability inclusion and cultural safety. This work must begin now and be carried through to the new facility.

³¹ This impacts upon every aspect of their care, including interrupted education, unpredictable routines, limited access to programs, legal practitioners and other professional services, reduced family visits, and adverse experiences that do not reflect a functional or coherent model of care. These are daily experiences that the Model of Care is expressly designed to address.

³² Juan E Méndez, *Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN GAOR, 66th sess, Agenda Item 69(b), UN Doc A/66/268 (5 August 2011).

³³ *Youth Justice Blueprint 2024-2034*, p.4

³⁴ I note that the Committee on the Rights of the Child has called on all states to train all appropriate personnel regarding their obligations under articles 37, 39 and 40, including personnel in juvenile justice. See General Comment no.5 (2003) para 53.



It is also vital that the Model of Care and transition planning explicitly recognise that workforce stability is not only an operational requirement, but central to upholding the rights and wellbeing of children and young people. Workforce strengthening must give equal attention to mitigating the impact of operational pressures on young people's rights.

This requires embedding clear mechanisms for bi-directional communication, ensuring predictable daily routines, and ensuring the voices of young people are systematically sought and considered in decision-making. It also requires continuing to bolster and sustain therapeutic supports, including onsite psychological and allied health coverage. In addition, existing unit-led engagement strategies developed by committed youth workers, despite current structural limitations, should be recognised, supported and scaled.

I emphasise the critical importance of a structured, predictable daily routine. Young people consistently tell this Office that they feel safest when they know what to expect from their environment, and a clear structure is essential to reducing anxiety, supporting emotional regulation, and enabling meaningful engagement in therapeutic and educational programs. The Model of Care's success is contingent on these routines being reliably implemented.

Maintaining relationships and access to services

A strong and consistent message I hear from young people with experience of the youth justice system is the importance of maintaining connection to the people who matter to them.

Well, you've got family and you've got friends and you're with them every day and you just miss them.... It's just hard, you know? (Alex, Participant in the Voices of Young People in the Youth Justice System Project, age 17)

I've started to miss my family. I went through a bit of a depression stage where I was missing my family so much, I was missing my partner and missing my family and that...When I get real depressed, I get real moody...because I don't sleep...then I end up like snapping real easy. So that causes me to bring my own behaviour down as well as like everyone else's. (Ned, Participant in the Voices of Young People in the Youth Justice System Project, age 17)

These experiences reinforce what the evidence already tells us: that strong, positive and enduring relationships are a key protective factor for young people in detention, and that maintaining these relationships is critical for wellbeing, stability and rehabilitation.

The Model of Care Practice Standard 2: *Enduring Connections* appropriately highlights the importance of face-to-face contact and maintaining strong ties with family, community and culture. However, establishing the facility in a relatively isolated southern location raises questions about how these principles will be upheld in practice. In my earlier submission on the New Tasmanian Youth Justice Facility Masterplan³⁵, I raised questions about the government's decision to have a single site southern-based model and how this would affect enduring connections for young people from the North and North-West. Those concerns remain. The Model of Care does not sufficiently explain how the system will support connections for young people with their family and community across long distances, nor how it will mitigate the emotional and cultural consequences of remoteness.

³⁵ <https://childcomm.tas.gov.au/resource/comment-on-tasmanian-youth-justice-facility-masterplan/>



The Model of Care states that “*parents, family and carers will be resourced to visit for overnight stays close to the facility*”³⁶, but it does not explain how families will travel to the site, particularly those without access to private vehicles, or where suitable overnight accommodation near the Pontville site will be located. As it stands, these commitments are not sufficiently detailed to provide confidence that face-to-face connection will be achievable for all families, especially those facing financial hardship, managing caring responsibilities or living with limited mobility. I look forward to seeing operational detail on how face-to-face contact with family will be achieved equitably, and how cultural connections will be achieved for young people from the North and North-West.

In addition, young people have the right to timely legal assistance, confidential communication and appropriate health care, which require built-in safeguards in daily operations and in the physical environment. The Model of Care should explicitly include the following safeguards:

- private, sound-attenuated rooms available on demand for legal and advocacy consultations,
- after-hours access for urgent legal advice and health needs,
- readily available interpreters, disability supports and culturally safe services (including Aboriginal legal and health services), and
- telehealth and secure video-link to supplement in-person contact, with clear consent and privacy protocols.

It is also important to recognise that young people today are digital natives, and meaningful connection includes safe and developmentally appropriate access to the digital world. This Office has received several enquiries regarding digital access for children and young people in detention, reflecting community expectations and young people's need to remain engaged with online learning, communication tools and cultural or recreational platforms. In a future state, and with appropriate safeguards, access to digital devices and controlled connectivity can support education, maintain relationships, build digital literacy and reduce the sense of disconnection that young people in detention frequently describe. The Model of Care should therefore explicitly acknowledge digital access as a core component of maintaining connection, preparing young people for reintegration, and upholding their rights to education, participation and information.

Strengthening Monitoring, Reporting and Evaluation

The Model of Care emphasises oversight, accountability and continuous improvement, including the development of recording and reporting tools. These commitments are essential and should not wait for the new facility. Many of the monitoring, reporting and data practices described in the Model of Care can, and should, be implemented now.

At present, this Office receives monthly data on isolation, adverse or serious incidents, use of force, and searches in Ashley.³⁷ Preliminary analyses of data relating to isolation, as an example, suggest that, while improved from previous reporting processes generally, there remain several issues with the accuracy and completeness of these monthly reports. Reliable and assured data capture is fundamental to a successful Model of Care. Dependable data is not simply a governance requirement; it is a child rights safeguard³⁸.

International oversight frameworks such as the Optional Protocol to the Convention against Torture (OPCAT) emphasise that preventing ill-treatment requires systems capable of identifying risks early and supporting robust, independent monitoring of all places where young people are deprived of

³⁶ MoC, p. 44

³⁷ These reports are now generated through YJPLUS which commenced operation in September 2025.

³⁸ <https://www.unicef.org/innocenti/reports/case-better-governance-childrens-data-manifesto>



their liberty³⁹. None of this is possible without accurate, timely and transparent data. The UN Committee on the Rights of the Child, in its General Comment No. 2⁴⁰ on the role of independent national human rights institutions, similarly stresses that effective monitoring of children's rights depends on the regular collection of reliable, disaggregated information to assess whether children's rights are being upheld in practice. The Committee makes clear that States must ensure independent bodies have the data they need to "monitor, promote and protect" children's rights, including in places of detention, and to identify systemic risks or breaches at an early stage.

Strengthening these systems now is fundamental to bringing the Model of Care's principles to life, support independent oversight, and ensure that young people's experiences can be accurately understood and their rights and interests effectively advocated for. Additionally, improved, accurate and reliable systemic data would help ensure the new facility is built on a foundation of reliable and transparent information. In the absence of sound baseline data, it will not be fully possible to understand whether the Model of Care is being implemented as intended, whether young people's rights are being upheld, and whether the new model is achieving its intended outcomes.

In addition, the Model of Care appropriately recognises that the Commissioner for Children and Young People has a role in providing external oversight of youth detention.⁴¹ Further clarity will be important regarding how the expanded oversight functions under the new *Commission for Children and Young People Act 2025* – including its strengthened powers to monitor the wellbeing, care and treatment of children in youth detention, collect and review data of serious incidents such as isolation, and deliver an independent visitor scheme – will be implemented in practice, and how these functions will operate alongside, and interact with, other monitoring and inspection mechanisms to ensure robust, child-centred accountability.

Conclusion

I support the aspirations set out in the Model of Care, including child-first, rights-based, therapeutic practice, enduring connections, prevention and least-restrictive responses, and continuous improvement. However, as a strategic document, its value will depend on the practical detail that follows – how the Model of Care is operationalised, the resources allocated to it, the support provided to staff and the mechanisms in place to monitor its delivery.⁴² The success of the Model of Care ultimately depends on the strength of the systems, processes, safeguards and people that will support it.

I welcome the commitment in the Model of Care to ensure "*systems and processes, both internal and external, will be valued as opportunities to learn, grow and develop*" (p. 118). This mindset, one that recognises evaluation, reflection and continuous improvement as essential elements of practice, will be critical as the youth justice system transitions to a new model of care. This Office looks forward to contributing to this learning environment as the work progresses.

Looking ahead, the development of the additional foundational elements flagged in the draft - the Theory of Change and the Outcomes Framework – will be key to strengthening the Model of Care. These tools will be essential in clarifying how the Model of Care is intended to operate in practice, the assumptions that underpin it, and the indicators by which progress will be measured. Their development will provide an important opportunity to ensure the model remains grounded in evidence, aligned with Tasmania's youth justice reform commitments, and responsive to the voices and rights of children and young people.

³⁹ <https://humanrights.gov.au/resource-hub/by-resource-type/publications/asylum-seekers-and-refugees-resources/guides/opcat-optional-protocol-convention-against-torture>

⁴⁰ <https://digitallibrary.un.org/record/490983>

⁴¹ Refer to page 118 of the Model of Care.

⁴² <https://nit.com.au/04-03-2026/22975/locking-up-children-is-not-the-answer-aboriginal-legal-service-opposes-tasmanian-governments-youth-justice-approach>



In addition, the upcoming review of the *Youth Justice Act 1997* presents an important opportunity to embed key features of the Model of Care in legislation. This would strengthen their durability and ensure that rights based, therapeutic and developmentally appropriate practice is reflected not only in policy but in law. This legislative alignment will be critical to supporting consistent implementation and safeguarding the wellbeing of children and young people across the entire youth justice system.

As the Department continues drafting this important plan, ongoing engagement with this Office – including opportunities to review and provide feedback on supporting materials - is strongly encouraged. This includes the future policies, procedures, operational guidelines, and practice tools that will translate the Model of Care into day-to-day experiences of children and young people. These documents will be pivotal in determining whether the Model's principles are consistently implemented, whether staff are equipped to deliver them, and whether young people's rights are upheld in practice, not just in policy.

This Office looks forward to continuing to work collaboratively with the Department and sector partners to ensure that the final Model of Care, and the systems that support it, deliver the safe, therapeutic and rights-based youth justice environment that Tasmania's children and young people deserve.

Yours sincerely,

Isabelle Crompton

Interim Commissioner for Children and Young People

cc: The Hon Guy Barnett, Attorney-General of Tasmania and Minister for Justice, Corrections and Rehabilitation
The Hon Jo Palmer MLC, Minister for Children and Youth
Mr Robert Benjamin AM KC, Integrity Monitor
Ms Louise Coe, Independent Monitor
Dr Grant Davies, Ombudsman, National Preventative Mechanism and Custodial Inspector