

Your Ref:
Our Ref:

30 May 2025

Stakeholder Engagement team
ERA Planning and Environment

By email: newyifacility@decyp.tas.gov.au

Dear Stakeholder Engagement Team,

New Tasmanian Youth Justice Facility Masterplan

Thank you for the opportunity to provide comment on the Masterplan (plan) for a new Tasmanian youth justice facility. I was grateful also to receive a briefing at the time of the release of the plan.

The building of a new Tasmanian youth justice facility is a large-scale and urgently needed reform for Tasmania. However, consistent with the Tasmanian Government's Youth Justice Blueprint, it is important to remember that a therapeutic approach to youth justice must also include appropriate community-based alternatives so that detention, however therapeutic, is truly a measure of last resort.

These alternatives continue to be urgently required in advance of the government's timeframes for construction of the new facility and closure of Ashley Youth Detention Centre. I note the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings findings that systemic harm and abuse has occurred at Ashley, it is not fit for purpose, and its closure should be progressed as a matter of urgency. I echo that call.

About the Commissioner for Children and Young People:

The functions of the Commissioner are set out in the *Commissioner for Children and Young People Act 2016* and include responsibilities to:

- advocate for all Tasmanian children and young people
- act as an advocate for young people detained under the *Youth Justice Act 1997*
- research, investigate and influence policy development in areas relating to children and young people



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- promote, monitor, and review the wellbeing of children and young people
- promote and empower children and young people to participate in the making of decisions, and to express opinions about matters, that affect their lives
- help ensure Tasmania meets its national and international obligations in respect of children and young people
- encourage organisations to establish child friendly mechanisms to assist children and young people to participate in matters that affect them.

In performing these functions, I am obliged to do so according to the principle that the wellbeing and best interests of children and young people are paramount; and observe any relevant provisions of the *UN Convention on the Rights of the Child*.

A 2017 joint statement of the Australian Children's Commissioners and Guardians explains that children and young people in youth justice detention enjoy all the same rights as other children and young people. It goes on to explain:

They also have specific rights that must be respected while they are in detention, including rights to:

- *have their views sought and taken into account and to participate in decisions that affect them*
- *be treated equally and without discrimination, regardless of their gender, sexual identity, race, ethnicity, religion, disability or other status*
- *access a lawyer and speak to them privately*
- *have contact with family and friends*
- *be informed, in a way they understand, about the rules of the youth justice centre*
- *be disciplined fairly and only in accordance with the rules of the youth detention centre and the law*
- *complain about their treatment to an independent person and with the support of an advocate if they want one*
- *be treated with respect and dignity by staff*
- *be kept safe*
- *not be subject to cruel, inhuman or degrading treatment or torture*
- *access healthcare, including mental healthcare*
- *receive an education*
- *participate in activities to support their rehabilitation*
- *good food, clean clothes and...exercise, in open air whenever weather permits.*

Aboriginal and Torres Strait Islander children and young people in youth justice detention have the right to connection with their culture and to participate in cultural activities, with other Aboriginal and Torres Strait Islander people.¹

¹ [ACCG_YouthJusticePositionStatement_24Nov2017.pdf](#)



Comment:

My comments, which are not intended to be exhaustive, are offered in the knowledge that there is ongoing consultation underway to inform the finalisation of the operational model of care for the new facility. I note also that efforts are being undertaken to consult with children and young people in the design and operating model.

While acknowledging the model of care is still in development, I welcome the underpinning operating philosophy principles noted in the plan which include being child-centred and rights-based. These principles are fundamentally important to guiding the design and build of the new facility as well as clearly articulating what care within the facility should look and feel like for the young people who are detained there.

In a 2019 report on best practice youth justice facilities prepared by Dr Sanne Oostermeijer and Matthew Dwyer for the Victorian Government they state, “the physical environment of a facility greatly impacts the procedures within a youth justice environment, the relationships between staff and young people, and ultimately a young person’s prospects of rehabilitation and community safety”². It is undeniable that the physical design of detention facilities directly impacts the function and therefore the lived experiences of children and young people held there.

Whilst an undeniable improvement on the current Ashley Youth Detention Centre, there is more to be done to ensure the plan sets the bold tone of a new way forward for Tasmania when it comes to promoting the rights and responding to the needs of children and young people in our youth justice system.

Oostermeijer and Dwyer’s report highlights key best practice design elements for youth detention facilities reflected in the evidence. These include being small scale and local, with differential security and therapeutic elements. I have linked my comments below to these elements.

Small Scale:

Evidence cited in the above report states that youth justice detention facilities should house approximately 8 young people, and no more than 20. The current plan sits at the highest end of this scale.

Building a smaller-scale facility and strengthening investment in appropriate community-based alternatives to detention would be in keeping with other government commitments including raising the minimum age of criminal responsibility and minimum age of detention by 2029. I note the Youth Justice Blueprint speaks to the intention to fund and create alternatives to detention for children and young people below these raised ages and to reducing rates of unsentenced detention.

Smaller facilities allow for greater individualised responses to the needs of young people, which in turn create more opportunities for positive relationships between the young people and facility staff. This enhances relational security which in turn assists in the management and de-escalation of incidents that may occur at the centre (see also section below).

² [Design guide for small-scale local facilities : Design guidelines for evidence-based, best-practice youth justice facilities in Victoria](#)



Smaller scale design also takes into account that whilst there may be opportunities for therapeutic programs or recreational activities, young people in youth justice detention are still primarily detained within a closed institution. To minimise trauma and maximise the effectiveness of programs, it is essential that the facility supports individual, flexible and dynamic responses.

Local:

I hear consistently from young people about the importance of maintaining connection to the people who matter to them when in detention. For example:

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, 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, 17)

Positive relationships and connections to community represent a key protective factor for young people in detention. Noting the government's decision to build one facility in the South, it will be important to maximise opportunities for young people from the North and North-West to remain connected with their families and communities (e.g. bus/transport facilities, flexible indoor and outdoor spaces - including play spaces for young people's siblings or children, telecommunication facilities, and so on).

I look forward to further details on how this will be achieved.

Differential and Relational Security:

For a truly individualised response, the methods used to maintain security need to be able to be differentiated. Under the plan, it is unclear how differential security will be facilitated. This issue is brought further to the fore when considering pre-release planning and step-down or transitional housing.

Relevant to preparing for transition to community, one young person with experience of detention identified:

When you leave detention it's - everything doesn't feel real. You've got to get used to the real world again because when you're in detention you forget about everything on the outside. (Stevie, Participant in the Voices of Young People in the Youth Justice System Project, 15)

While I acknowledge some of these issues will be addressed through the model of care and staff ratios, the operationalisation of differential security will be informed (and may indeed be limited) by the physical build.



Additionally, the layout of the facility will impact relationships and interactions between staff and young people, as well as the extent of the flexibility available to staff when managing the space, which in turn impacts realistic safety and de-escalation measures.

In reviewing the provided drawings, some additional issues stand out to me:

- The drawings for the accommodation courtyards suggest that these are adjacent to each other. It is unclear how acoustic and visual privacy will be achieved through this design (while ensuring young people are not inappropriately isolated from peers). These considerations are especially relevant where there may be interpersonal conflict between young people or there are particular vulnerabilities arising, for example, for young females, young people with disability, or young people from the LGBTIQ+ community.
- The netting over the accommodation courtyards gives a cage-like impression. I understand that there are examples from other jurisdictions where netting has been utilised. I am interested to understand more about how this would be used and what the experience of the young people in these “netted” spaces would be.
- The critical importance of ensuring confidential contact with family, therapeutic and other services including lawyers, oversight bodies, etc.

Therapeutic:

I note that the model of care adopts the principle of being trauma transformative. It is important to take into account a young person’s experience of trauma broadly, whilst also accepting that the experience of detention can, in and of itself, be harmful.³ I welcome the continual efforts taken to consider how these potential harms may be mitigated and encourage further discussion regarding this.

In light of the Tasmanian Government’s commitments to raise the minimum age of criminal responsibility and the minimum age of detention by 2029, I am somewhat perplexed that the plan does not appear to take this into account. The plan should reflect and be laying the groundwork for the government’s commitment to move away from carceral responses to younger children.

Thank you again for the opportunity to comment. I am significantly encouraged by elements of the plan that look to maximise the rights, safety and needs of children and young people. However other parts of the plan will require strengthening to better align with this vision. I will be interested to see how the ongoing development of the model of care informs the proposed new facility build. I look forward to engaging in further discussions as this work continues.

Yours sincerely

Isabelle Crompton

Interim Commissioner for Children and Young People

cc: The Hon Roger Jaensch MP, Minister for Children and Youth

³ [Children’s Experiences of Police Custody and the Implications for Trauma-Informed Policing - Nina Vaswani, Kristina Moodie, Donna McEwan, 2025](#)