

Reforming Youth Justice in Tasmania

Right now, around 11 children are detained at the Ashley Youth Detention Centre.

I spoke with one of them this week, as I often do in my role as advocate.

He told me that yet again he would be locked in his room for much of the day, isolated from his peers, services, and legal representation.

Children detained at Ashley have been locked down, for varying lengths of time each day, since June 20 this year.

We are told “restrictive practices” are needed to ensure the safety and security of the centre because there are not enough staff available on the roster.

That may be the case, however the Tasmanian Government knew this situation was coming – it had been on the horizon for months.

Put simply, not enough effort was made to prevent this situation from happening. Locking children down is seen as a reasonable solution in detention.

But it would not be seen as reasonable in a school, foster home, hospital, or disability service.

What is also true is the lockdowns constitute a breach of our obligations to uphold the rights of children under the UN Convention on the Rights of the Child.

And I am far from convinced that these restrictive practices comply with our own youth justice legislation, especially the rules around isolation.

What is plainly obvious is - from the perspective of a child at Ashley - being locked in their room for much of the day is torturous.

I note and encourage recent efforts to improve the situation:

- New management is now in place, along with new child centred therapeutic specialist advice.
- New staff are being imported from interstate and recruited locally.

These efforts are welcome. However, they have not yet resulted in children returning to a normal routine.

The lockdowns join the litany of evidence, including the harrowing stories bravely shared by victim-survivors during hearings of Tasmania’s Commission of Inquiry, demonstrating our model of youth detention is not therapeutic, and is not safe for children.



The fact is our entire youth justice model - which permits children as young as 10 being arrested and taken into custody; children regularly being denied bail and sent to a punitive detention model because they have no home or safe place to stay; and little investment in prevention initiatives and alternatives to detention – is not fit for purpose and does not make our community safer. It also ignores the rights of Aboriginal children to remain in community and connected to culture.

Internationally, holistic, therapeutic, culturally appropriate and community-based approaches have been proven to change the life trajectory for children and their families.

The Tasmanian Government has committed to reform, including closing Ashley, and transitioning to a new model of youth justice including therapeutic detention as a last resort for children aged 14 and above.

These welcome announcements now require the urgent additional focus of our leaders and decision makers to ensure the depth of policy work, change management, consultation and investment that is required to ensure real change occurs. Our aim needs to be supporting children to thrive and preventing their interaction with the youth justice system in the first place. Detention must only ever be an absolute last resort.

While I agree that Ashley must close as soon as possible, its immediate closure with no thought as to where children currently detained by court order should go, is not a rights-based solution.

I am advised that immediate closure would currently result in children being detained at Risdon Prison – resulting in a further breach of their human rights.

Real and lasting change that upholds the rights of children in detention requires the following:

- Immediately bolster current efforts on the ground at Ashley, with an immediate commitment to “over staffing” so there are always more staff than are strictly required available to work. All efforts to instigate a therapeutic approach should continue at Ashley until a new detention model is agreed.
- Rethink detention, including exploring alternatives like small, home-like facilities heavy on therapeutic intervention and integrated child and family supports with varying levels of security in response to the individual needs of children.

My full submission to Government on reforming the youth justice system is on my website: <https://www.childcomm.tas.gov.au/>

A system that prioritises the needs of children, to help them grow, learn and thrive and have a great life will have lasting benefits for children and will ultimately make our communities safer.

Leanne McLean, Commissioner for Children and Young People