

# QUESTION WITHOUT NOTICE

## Question No. of 2023 Legislative Council

ASKED BY: Hon Meg Webb MLC

ANSWERED BY: Hon Leonie Hiscutt MLC, Leader of the  
Government in the Legislative Council

### QUESTION:

1. Detainees held at the Ashley Youth Detention Centre since 1 July 2023 inclusive, please provide the following details:
  - a) Total number of detainees
  - b) How many detainees held have been tried via a court hearing, and how many detainees have been held who have not been tried;
  - c) How long have each of those detainees yet to be tried been held in detention;
  - d) How many detainees identify as indigenous and Torres Strait Islander;
  - e) What is the gender breakdown of detainees, as indicated by their gender-identification
2. How many lockdowns have occurred of 22 hours or over since 1 July 2023 inclusive?
3. How many lockdowns have occurred of 20 hours, or over up to 22 hours since 1 July 2023 inclusive?

4. What procedures are there for oversight and safeguards of regulations of number of, and length of, lockdowns?;
5. Do the regulations and policies governing operations of the Ashley Youth Detention Centre formally incorporate and reflect the Nelson Mandela Rules, as adopted by the United Nations General Assembly on 17 December 2015 and which inform assessments made under OPCAT? and
  - a. If so, detail how the Nelson Mandela Rules are applied and monitored?

ANSWERS:

### **Question 1**

- a) The total number of detainees held from 1 July 2023 to 3 September 2023 is 26.
- b) Of these 26 detainees, 7 young people have been sentenced through a court hearing, 19 young people are unsentenced.
- c) The unsentenced detainees have been held for durations ranging from 2 days to 205 days.
- d) Nine detainees identify as Indigenous or Torres Strait Islander.
- e) Based on self-identification, the gender distribution among the detainees is as follows:
  - 20 Male
  - 5 Female
  - 1 Other

**Question 2**

During the period from 1 July 2023 to 3 September 2023, there was one day where residents were in restrictive practices for more than 22 hours.

**Question 3**

Between 1 July 2023 and 3 September 2023, there were fourteen days where young people were in restrictive practices for more than 20 hours.

**Question 4**

Restrictive Practice is only implemented at Ashley Youth Detention Centre (AYDC) when staffing numbers are at a critical shortage and when assessed against the current risk profile of the young people within the centre.

Restrictive Practice is utilised for the shortest amount of time possible and as a last resort, when all other options to increase staffing numbers have been exhausted.

Generally, Restrictive Practice will operate on a rotational basis, allowing limited numbers of young people out of their rooms for equal amounts of time within numbers that staff can safely manage.

This approach addresses the welfare and safety of the young people in custody and workers' health and safety.

In the event of unsafe staffing levels, all attempts are made to secure additional staff to enable the resumption of normal operations as soon as possible.

The Custodial Inspectorate, Commissioner for Children and Young People (CCYP) and her Advocate provide oversight of AYDC.

Procedures are in place to ensure that young people are observed during Restrictive Practice.

Further recruitment is underway to meet the operational requirements of the AYDC and to reduce the incidence of Restrictive Practice.

### **Question 5**

Following Australia's ratification of the Optional Protocol to the Convention Against Torture and Cruel and Degrading Treatment (OPCAT), each State was required to nominate a body or bodies to fulfil the role of a National Preventative Mechanism (NPM).

The NPM functions to conduct inspections and oversight of all places where humans are deprived of liberty, including children and young people at AYDC.

Mr. Richard Connock was appointed to the Tasmanian NPM in February 2022 by the Governor of Tasmania, alongside his other roles, including Custodial Inspector.

The Office of the Tasmanian NPM is currently in the implementation phase of its development and DECYP has been working with the NPM to fulfill its oversight role. This has included so far support to conduct a site visit at AYDC in May 2023 and to provide it with policies and procedures that pertain to "governing the treatment of children and young people deprived of their liberty".

We are also implementing the Keeping Kids Safe – A plan for Ashley Youth Detention Centre until its intended closure – which aims to:

1. Increase safety and security for children and young people
2. Maintaining an appropriate level of staff with the right experience and competencies
3. Delivering a therapeutic service model
4. Implementing practice improvements

APPROVED/NOT APPROVED

Hon Roger Jaensch MP  
Minister for Education, Children and Youth

Date: