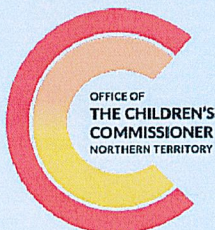




Inquiry into the Planning and Implementation of the Alice Springs Youth Detention Centre Reduced Capacity Operational Plan

Part two - Implementation



Protecting the best interests of Territory children

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Executive Summary

This report represents Part Two of the Inquiry into the reduced capacity plan for the Alice Springs Youth Detention Centre (ASYDC) and the transfer of young people to Darwin. While the Inquiry was initially focused on a temporary transition, its relevance has shifted significantly due to the changing political landscape and the decision to centralise youth detention in Darwin as *business as usual*.

Following the change of Government in 2024, any young people from Central Australia ordered to be detained or remanded in custody are routinely transferred to a facility over 1500kms away in Darwin, resulting in their disconnection from family, community and culture.

The purpose-built ASYDC facility has been reduced to a single block for short term and transitional detention of children, while the majority of the site and infrastructure is being adapted to an adult facility. Concerningly it is used to house male and female young people together and for short periods of up to 72 hours only. This measure is in place until a remand facility in Alice Springs is finalised, however the projected dates for completion this new infrastructure continue to push out.

Owen Springs School has ceased operations at ASYDC, and there are no longer health or clinical staff on site in the Alice Springs facility.

Families of young people detained are not being consulted and in some cases not contacted prior to their transfers to Darwin and additional departmental supports for family access, disability needs, and local program delivery have ceased, leaving the site unserved and more disadvantaged than what was the subject of this inquiry.

Numbers at the Holtze Youth Detention Centre (HYDC) continue to rise sharply, driven by recent changes to bail laws and related policies.

Whilst Territory Families, Housing and Communities (TFHC) made concerted efforts to keep young people connected to family, services and programs during the transfer period, as committed to in their plan, such efforts were hampered by ongoing project delays and timeframe uncertainty.

The inquiry highlights that current operations, policies, and practices do not align with international or national standards, nor with the NT's own Youth Detention Model of Care.

Serious deficiencies in through-care were identified, reflecting systemic weaknesses across the NT youth justice system and disproportionately affecting Central Australian youth.

The concentration of youth detention in the one facility in Darwin undermines rehabilitation, family, community and cultural connection, and reintegration outcomes for Central Australian young people.

Without urgent reform, the NT risks entrenching a system that is punitive, contra to best practice, and inconsistent with the rights of children under both domestic and international law.

This inquiry underscores that while some improvements were made since Part One, the overall trajectory of youth detention in the NT — particularly for Central Australian young people — has worsened. The recommendations call for immediate action to restore family connection, cultural safety, disability support, and through-care, and to realign youth justice

operations with the standards set by the Royal Commission, the UN Convention on the Rights of the Child, and the NT's own Model of Care.

Noting the current climate and operational environment, the recommendations made are considered reasonable and achievable. It is with disappointment however to note that the Department wholly rejected every recommendation made from this Inquiry, including recommendation 5 which simply requested the Department commit to following their own policies in respect to through-care, seemingly conceding to do so is too difficult.

Unfortunately, this results in the status quo being maintained and will only compound the disadvantage faced by young people from Central Australia which in turn increases the likelihood of reoffending and consequently community safety.

Purpose

This report is the second part of an Inquiry in relation to the development of the Alice Springs Youth Detention Centre (ASYDC) reduced capacity plan (the Plan) and the resultant transfer of young people from ASYDC to Don Dale Youth Detention Centre (DDYDC) during the refurbishment of ASYDC from July 2023 to May 2024.

The inquiry was initiated by the then Acting Children's Commissioner, Nicole Hucks on 11 July 2023 to examine the level of planning and preparations undertaken by Territory Families, Housing and Communities (TFHC) for the transition period, and the implementation of the plan at an operational level, including the adequacy of service delivery to young people during the transition period.

Part One of the inquiry, related to planning and preparation for the transfer was provided to the Minister in accordance with section 33(1) of the *Children's Commissioner Act 2013* (the Act) and tabled in Parliament on 28 November 2024.

The findings of Part One revealed significant shortcomings in the approach taken by the former Territory Families Housing and Communities (TFHC) in the planning and preparations for transfers and in decision-making processes. The key findings identified:

- Governance and planning documents provided were primarily draft documents, incomplete, not approved or endorsed or contained insufficient detail to assess their adequacy.
- An operational plan, risk register and communication strategy were not finalised or endorsed by the time the transfers commenced.
- Consultation and information provision to stakeholders was inadequate.
- Decision-making was not documented.

This report reflects Part Two of the Commissioner's findings relating to implementation of the plan, adequacy of service delivery throughout the relevant period and young people's experiences whilst detained at DDYDC in Darwin.

In August 2024, rapid changes occurred in Youth Justice following the NT election and change of Government. Youth Justice was transferred to the newly formed Department of Corrections (DoC) and soon after it was announced that the recently refurbished ASYDC facility would be repurposed into a women's prison, with all young people to be detained in Darwin moving forward. This is discussed further below in Changing Political Landscape.

Therefore, in an effort to maintain pertinence and provide useful insights, this report sought to highlight areas for potential action or improvement by DoC in relation to the ongoing transfers and management of young people in a single youth detention centre moving forward.

Jurisdiction

The Acting Children's Commissioner, initiated this Inquiry in accordance with section 30, Part 6 of the Act being satisfied that the Inquiry related to the care and protection of children in the Territory and was consistent with the objects of the Act to ensure the safety and wellbeing of vulnerable children and to promote continuous improvement and innovation in policies, practise and services relating to the safety and wellbeing of vulnerable children.

On 11 July 2023, the Acting Children's Commissioner, notified relevant Ministers and CEOs of the Inquiry pursuant to section 31 of the Act and provided procedures for the Inquiry pursuant to section 32 of the Act.

Child Rights and International Law Context

Children or young people in detention should be held in a safe and supportive environment and have access to programs, services and activities that will enhance their wellbeing and encourage their social development and improvements in their physical, cultural, social and emotional health and wellbeing. In addition, for those who have been sentenced, efforts should be directed to assisting the young person to understand the impact of their offending and to access therapeutic interventions and supports to promote their rehabilitation and reintegration back into the community.

Any place of detention should be a positive, therapeutic environment. It should promote and protect children and young people's health, wellbeing and human dignity, and support their rehabilitation. It should provide all the child's or young person's basic needs, including fresh air, natural light, privacy, unrestricted access to toilets and water, a comfortable place to sleep and moderation from extreme temperature conditions. There should be suitable spaces and facilities for children and young people to exercise and do activities, and participate in programs, recreation, training and education. There should be spaces and facilities for staff and professionals to provide the case management, health, legal and other services that children and young people need. The environment should also be culturally appropriate. The environment should not be harsh or punitive. It should not inflict additional punishment on a child or young person whose punishment is the deprivation of liberty.¹

Under the Convention on the Rights of the Child (UNCRC), Australian governments, including the Northern Territory are required to take special measures to protect the rights of children, including those in contact with, the youth justice system.² In 54 articles the UNCRC sets out the full range of human rights that are necessary for the healthy development, wellbeing and security of all children and young people. These include basic rights to care and protection, to be safe, to have access to education and healthcare, and to be listened to and heard on matters that affect them. Specifically, article 40 provides that a child accused or guilty of

¹ *Royal Commission into the Protection & Detention of Children in the Northern Territory* ([Final Report](#), 2017) vol 2A, 78.

² *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

breaking the law must be treated with dignity and respect and be assisted to reintegrate back into society.

In addition to specific rights set out in the UN Convention, Australian governments, including the Northern Territory is required under international law to comply with a number of key child rights principles, standards and rules, including:

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), also called the 'Havana Rules', of which Australia is a signatory. The Rules are intended to establish minimum standards for the protection of young people deprived of their liberty, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of detention and to fostering re-integration in society.

Relevantly, article 30 recommends:

Detention facilities for juveniles should be decentralised and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

In addition, there is an emphasis on reintegration into society:

8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.

80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

In addition, the Australasian Juvenile Justice Administrators developed National Standards for Youth Justice in Australia³ which set out broad standards in various domains, consistent with the Havana Rules. The Northern Territory are a signatory to these standards.

Domains relevant to this inquiry are:

Domain 1: Cultural Responsiveness and Safety Purpose – To drive and strengthen resilience, self determination, identity and connection to culture for children and young people.

Domain 3: Family and Community Purpose – To reduce offending by working with families and/or support networks of children and young people who are involved in the youth justice system

Domain 4: Partnerships Purpose – To work in partnership with community and government organisations to improve and/or build integrated services.

Domain 5: Health and Wellbeing Purpose – To provide services that optimises health and wellbeing.

³ National Standards for Youth Justice in Australia: [National Standards for Youth Justice in Australia](#)

Domain 6: Informed Advice Purpose – To provide professional, timely, evidence informed advice to courts, statutory authorities, communities, and other stakeholders.

Domain 11: Safety and Security Purpose – To lawfully detain children and young people in a safe and secure environment that is developmentally appropriate and provides for community safety.

Domain 12: Infrastructure Purpose – To provide facilities and other resources required to deliver effective youth justice services.

Legislative Context

The *Youth Justice Act 2005* (YJ Act) provides a comprehensive framework for the administration and operation of the youth justice system in the Northern Territory, reflecting the specific rights and special needs of children arising from international law and national standards. The YJ Act recognises that children and young people are different from adults and must be treated differently.⁴

The YJ Act sets out guiding principles that must be taken into account when dealing with young people in the youth justice system.⁵

Principles relevant to this inquiry focusing on the treatment and management of children and young people in detention include:

- (b) the youth should be dealt with in a way that acknowledges his or her needs and will provide him or her with the opportunity to develop in socially responsible ways;
- (d) a youth must be dealt with in a manner consistent with his or her age and maturity and have the same rights and protection before the law as would an adult in similar circumstances;
- (e) a youth should be made aware of his or her obligations under the law and of the consequences of contravening the law;
- (f) a youth who commits an offence should be dealt with in a way that allows him or her to be re-integrated into the community;
- (h) family relationships between a youth and members of his or her family should, where appropriate, be preserved and strengthened;
- (i) a youth should not be withdrawn unnecessarily from his or her family environment and there should be no unnecessary interruption of a youth's education or employment;
- (j) a youth's sense of racial, ethnic or cultural identity should be acknowledged and he or she should have the opportunity to maintain it;
- (n) punishment of a youth must be designed to give him or her an opportunity to

⁴ Royal Commission into the Protection and Detention of Children in the Northern Territory, (Final Report 2017) vol 2A, p42.

⁵ [YOUTH JUSTICE BILL \(NO. 2\) 2005 Second Reading Speech](#); Section 4 of the *Youth Justice Act 2005*. The YJA has since been amended, however the principles relied upon for this inquiry remain in the amended Act.

develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways;

- (o) if practicable, an Aboriginal youth should be dealt with in a way that involves the youth's community;
- (p) programs and services established under this Act for youth should:
 - (i) be culturally appropriate; and
 - (ii) promote their health and self-respect; and
 - (iii) foster their sense of responsibility; and
 - (iv) encourage attitudes and the development of skills that will help them to develop their potential as members of society.⁶

The YJ Act further provides for the administration and management of detention centres, including the functions, powers and responsibilities of the superintendent, procedures concerning detainees and other matters. The superintendent of a youth detention centre has overarching responsibilities for the centre and in relation to children and young people held therein.

Section 151 of the YJ Act outlines the superintendent's general responsibilities and obligations. For example, the superintendent is responsible, as far as practicable, for the physical, psychological and emotional welfare of detainees.⁷ In addition the superintendent is required to promote programs to enhance detainee wellbeing and encourage the development and improvement of the welfare of detainees, and has a duty to 'maintain order and ensure the safe custody and protection of all persons who are within the precincts' and to 'supervise the health of detainees.'⁸

Background

The Northern Territory covers nearly one sixth of the Australian landmass. It is home to about 1% of the Australian population. 1 in 6 Territorians speak an Aboriginal language at home and 1 in 3 speak a language other than English at home (including Aboriginal languages). 27% of Territorians living in very remote areas are Aboriginal.⁹

The majority of young people detained in the Territory are Aboriginal and as such, many young people detained have family, kinship and cultural connections to remote areas with varying levels of access to main centres given socio-economic barriers; including lack of transport, financial means and caring responsibilities amongst others. These barriers are further compounded by challenges with access to adequate technology (phone and internet service) in addition to language and communication difficulties.

⁶ Section 4 of the *Youth Justice Act 2005*.

⁷ Section 151(2) of the *Youth Justice Act 2005*.

⁸ Section 151(3) of the *Youth Justice Act 2005*.

⁹ Office of the Children's Commissioner Northern Territory, [Our most vulnerable children bearing the consequences of a failed system: A thematic analysis of the needs of children aged 10 to 13 in Northern Territory youth detention 2022/23](#), (2024).

The Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission) handed down its findings in 2017, recommending that young people be detained in a facility closest to their place of usual residence and that consultation should be undertaken prior to transfer of any young people further from their home community, with the primary factor being the wellbeing and interests of the young person.¹⁰

This recommendation is in keeping with the international and national standards outlined above, together with the YJ Act and the Youth Detention Model of Care for the NT. Access to localised support services, community, family, local housing and employment opportunities can significantly improve reintegration outcomes and reduce recidivism.¹¹

Prior to the initiation of this inquiry, the OCC received many complaints from young people and their representatives in relation to transfers from ASYDC to DDYDC generally, specifically relating to the level and adequacy of consultation with young people and their families prior to transfer and the suitability of being detained so far from family. In addition, complaints have been received by the OCC relating to the continuity of services and individualised supports, including NDIS supports as a result of transfers away from localised providers.

The NT Youth Detention Model of Care, which was drafted in May 2022, although yet to be fully implemented, identified that improvements in throughcare within NT youth detention are needed. One of the six foundational principles of the model is that youth detention centres will be throughcare focussed, meaning planning for release will commence as soon as a young person enters youth detention and that young people will be connected to disability and other supports and continue to receive those supports after they leave.¹²

Complicating this principle, is the fact that the vast majority of young people detained in the Northern Territory are on remand, awaiting trial or resolution of their charges, making coordinated planning difficult for those with uncertain (and often short) detention periods.

In addition, the Model of Care sets out that a holistic approach should be taken to support young people in detention, which should be achieved through individualised care and ensuring connection to culture, family, community, opportunity and support.

A strong connection to family is seen as a cornerstone for a youth's successful navigation of the justice system, their personal growth, and their long-term reintegration into society. In keeping with international law, minimum standards for youth justice and NT legislation, it is acknowledged in the Model of Care that a strong sense of cultural identity and connection with culture is fundamental to the well-being of Aboriginal people and has been shown to reduce stress, improve resilience, and act as a protective factor against reoffending. Moreover, there is over 50 years of empirical research that supports the benefits of family

¹⁰ Commonwealth, Royal Commission into the Protection and Detention of Children in the Northern Territory, (Final Report, 2017), Vol 2 p129, [rec11.12](#).

¹¹ Hall & Chong 'A Prison's Social Climate, and Its Impact on Reintegration and Recidivism' (2019), James Cook University Law Review; Van Ginneken & Palmen 'Is There a Relationship Between Prison Conditions and Recidivism?' (2022) 40(1), *Justice Quarterly*, 106–128.

¹² [Northern Territory Youth Detention Model of Care](#), p10.

contact while incarcerated on both those detained and their families. Benefits include improved health outcomes, reduced re-offending rates and improvements in school.¹³

A related benefit of decentralised places of detention is that access to local services to aid reintegration is enhanced.

Timeline

Transfers commenced in early July 2023, before the finalisation of the plan. Young people held in ASYDC were slowly transferred to DDYDC. What was initially planned to be a 13 week reduced capacity period ultimately lasted for approximately 10 months. Transfers back to ASYDC commenced in late May 2024 with most Central Australian young people returned by 19 June 2024.

Many delays arose as a result of multiple factors including availability of qualified contractors along with supply and material availability. The OCC observed significant frustrations from youth justice staff in relation to the Department of Infrastructure, Planning and Logistics (DIPL) management of the project, however this aspect was not investigated further by the OCC given legislative¹⁴ and resource limitations.

In August 2024, the change of Government saw the transition of Youth Justice from the former Territory Families Housing and Communities to the newly formed Department of Corrections.

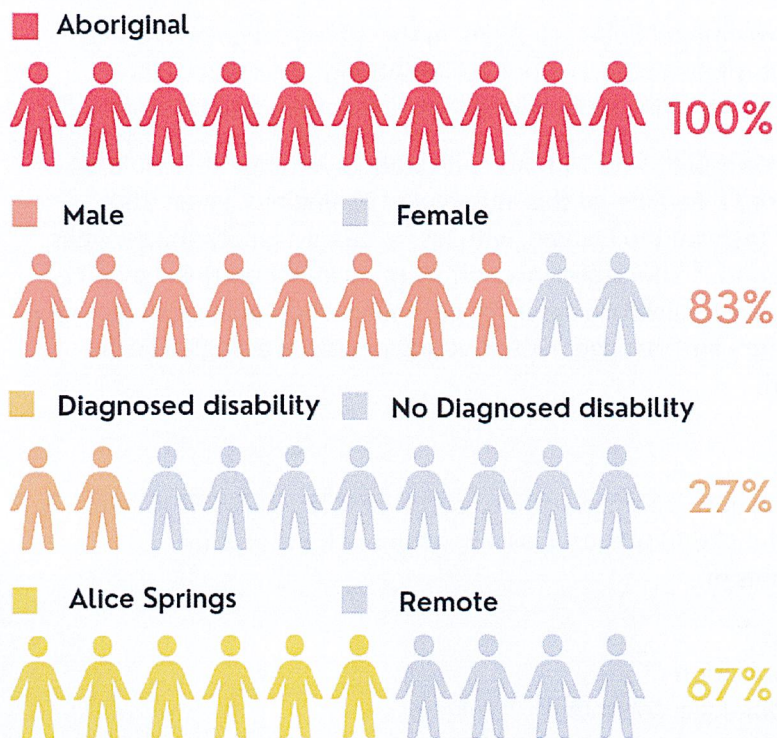
Demographics

60 individual young people were transferred from ASYDC to DDYDC throughout the reduced capacity period, all young people were Aboriginal, and the majority were on remand, rather than sentenced. 10 identified as female and the remaining as male. 20 were from remote regions of Central Australia, with the remaining from Alice Springs and outer suburbs.

11 entered detention with an identified disability and an additional 5 were being assessed at the time of transfer and later diagnosed whilst in detention.

¹³ Mowen, Stansfield, Boman. Family Matters: 'Moving Beyond "If" Family Support Matters to "Why" Family Support Matters during Reentry from Prison' (2019) 56(4) J Res Crime Delinq. doi:[10.1177/0022427818820902](https://doi.org/10.1177/0022427818820902).

¹⁴ Section 10 of the Children's Commissioner Act 2013 articulates the core functions of the Children's Commissioner; relevant to this inquiry, section 10(d) states that the Commissioner may undertake inquiries related to the care and protection of vulnerable children. Services provided by DIPL to DoC are not assessed as a service provided to vulnerable children in this context.



Changing political landscape:

In August 2024, the CLP Government was elected in the Northern Territory on a platform of 'tough on crime' and brought in rapid changes to the operation of youth justice and adult correctional services.

Firstly, responsibility for youth justice was moved from the former TFHC to the newly established Department of Corrections (DoC).

On 21 October 2024 the DoC Infrastructure Master Plan was provided to the OCC, with a focus on increasing capacity of correctional facilities to alleviate pressure from rising prisoner numbers in adult facilities.

The key points relevant to this inquiry from the master plan were:

1. The opening of the Holtze Youth Detention Centre (HYDC) in Darwin and the subsequent re-purposing of DDYDC at Berrimah as an adult facility. All young people were moved from DDYDC to HYDC on 4 November 2024, despite the infrastructure works not being complete and the centre not being fully operational;¹⁵
2. The planned re-purposing of the newly renovated ASYDC to an adult facility and subsequent transfer of Central Australian Young People to HYDC;
3. The plan to refurbish the Paperbark Alcohol and Other Drug facility in Alice Springs as a remand centre, with a capacity of 12. The timeline for completion of this is unclear,

¹⁵ The Holtze Youth Detention Centre did not become fully operational until 26 May 2025, 7 months after DDYDC was decommissioned as a youth detention facility and young people were moved to Holtze. This meant young people were confined to their accommodation blocks for this period (OCC informal monitoring reference number M20252025/00007).

but recent estimates approximated February 2026. In the interim, the ASYDC was renamed the Alice Springs Intake and Transfer Facility (ASITF) and reduced its operational ability to one block while renovations took and continue to take place.¹⁶

These significant changes occurred rapidly and with no consultation with key stakeholders and severely impact the anticipated relevance of this inquiry and its findings, given that young people will routinely be transferred to Darwin, with less access to family and services than during the initial transfer period.¹⁷ Therefore, in an effort to maintain pertinence and provide useful insights, this report is focused on areas for potential action or improvement by DoC in relation to ongoing transfers and management of young people in a single youth detention centre moving forward.

Methodology

As in Part One, the 'plan' outlining how transfers were to occur, developed by TFHC and provided to stakeholders on 12 July 2023 was used as a benchmark for assessing implementation across the domains of:

- Individual decision making
- Consultation and communication
- Connection to country, language, community, family
- Disability supports
- Programs
- Education
- Medical; and
- Social and Emotional Wellbeing

To this end, information, documents and other evidence was sought from TFHC, and other relevant stakeholders through formal information requests pursuant to section 35 of the *Children's Commissioner Act 2013*. This evidence was produced in the format of written statements, interviews, documents and data. Young people were also consulted both formally and informally throughout the period, with the OCC attending DDYDC fortnightly for the purposes of informal monitoring.

For the case study reviews of eight young people with diagnosed disability, health information was sourced from NDIA, along with their respective disability support service providers. TFHC file information was also reviewed, such as throughcare plans, case notes and care team meeting minutes.

Limitations with the TFHC data management system, CARE and deficiencies in reporting meant that certain data could not be provided, for example the OCC could not undertake a comparison between the number of incidents and at-risk episodes throughout the period compared to the 12 months prior. Additionally, some documentation requested pursuant to a formal notice were provided in a summarised format by TFHC/DoC, meaning the analysis, interpretation and assessment of the actual evidence was not undertaken by the OCC. Given the rapidly changing environment and diminishing relevance of this inquiry as time progresses, the OCC decided to accept these assessments provided by the Agencies in good

¹⁶ Legal Services Detention Operations meeting, 2 January 2025.

¹⁷ Legal Services Detention Operations meeting, 2 January 2025. It was advised that family visits would not be facilitated during court appearances and families would not be supported to fly to Darwin to visit. Video link and phone would be the primary contact source.

faith. The OCC acknowledges the significant work undertaken by TFHC/DoC staff to review and collate this information for the purpose of this inquiry.

The OCC further acknowledges the various stakeholders and service providers who have provided assistance and gave their time to produce documents, attend interviews and prepare written statements.

Finally, the OCC acknowledges the young people consulted for this report and their willingness to share their experiences and insights with staff.

The Plan

The plan itself evolved throughout the course of the transfers, with several versions being distributed to stakeholders throughout the period. Updates to the plan included further procedural information on how to support young people with NDIS plans and inclusion of relevant contact details for facilitating various requests.

Improvements on Part One findings

As stated above, Part One of this inquiry found:

- Governance and planning documents provided were primarily draft documents, incomplete, not approved or endorsed or contained insufficient detail to assess their adequacy.
- An operational plan, risk register and communication strategy were not finalised or endorsed by the time the transfers commenced.
- Consultation and information provision to stakeholders was inadequate.
- Decision-making was not documented.

The OCC observed several improvements on these findings over time as the transfers progressed as outlined below.

Individual Decision making

The plan stated:

Prior to transfer, TFHC considers the individual needs and circumstances of a young person and makes a decision based on the health, wellbeing, safety or secure custody requirements that maintains the dignity and respect of the young person. A priority is made to retain young people at ASYDC who are accessing NDIS supports or require clinical assessments to be completed with Congress, however this is dependent on the young person's period of remand/sentence and cohort within the Centre.

Part One of the inquiry found that individual decision making was not undertaken; or if it was, was not documented in the early stages of the transfers.

Evidence provided to the OCC indicates that as time progressed this improved with examples provided to the OCC of documented decision making and consultations with young people by the SATS team, email discussions relating to young people's needs along with operational requirements.

Evidence produced indicates that in a small number of instances, consideration was made for certain young people to remain in ASYDC due to family matters and access to health and disability services. Whilst there were occasions this could be supported, there were also

many occasions in which it could not, due to operational pressures including limited accommodation availability.

Consultation and communication

Similarly, communication with key stakeholders improved significantly throughout the transfer process, as opposed to the lead up, in which Part One found was lacking.

Whilst not initially, soon thereafter regular forums were set up by TFHC to provide fortnightly updates on the transfers and allow opportunities for legal representatives and other stakeholders to raise and address individual issues as they arose. Consistently stakeholders told the OCC they felt they were generally given inadequate notice in relation to client transfers. It is noted that the plan had stipulated that objections to transfers would not be considered in the usual manner as outlined in the policy at the time, TFHC had made clear that given the operational requirements, notification would be made however true consultation would not be achievable.

Had these forums been established earlier, before the commencement of the transfers, many of the issues identified in Part One in relation to consultation could have been avoided.

Positive practice

Staffing

As committed to in the plan, Youth Justice Officers, SATS and education staff from ASYDC were flown by the agencies (TFHC then DoC) to Darwin to assist operations in DDYDC between July 2023 and December 2023. This meant that often full staffing was achieved which subsequently resulted in limited or no lockdowns for staff shortages or staff breaks. We heard from young people who had been transferred, that they really appreciated having staff from ASYDC in Darwin, who knew them and assisted in their transition to the new centre.

“made us feel like back at home, the teachers know us so they were good to us, not like Darwin ones.”

“good when case manager (SATS) comes from Alice Springs”

“It was good when the YJO’s and workers were here from Alice Springs”

Family contact

The plan committed to supporting young people and families to have in person contact, through utilisation of commercial and charter flights. TFHC provided evidence of this occurring throughout the reduced capacity period and we heard positive reports from Central Australian young people about this too.

'Been able to see my family every two weeks. Long visit, sit with my family for a long time. Same day trip. Go down on the plane.

"I been back once since coming here, when I got back family came to see me. Even my baby brother who is 10(yo)"

Regular family barbeques were held at ASYDC throughout the refurbishment period (July 2023 – May 2024), where young people assisted in cooking meals on site and family could attend to share a meal in an informal setting. NAAJA Throughcare assisted with transport for families to attend and the events were heralded a great success by the agency, families, young people and stakeholders. The informal format meant that the events were more welcoming and accessible for families than the usual process of pre-booking a visit. The provision of transport also enhanced engagement and improved relationships between operational detention centre staff and NAAJA Throughcare.

The OCC has been advised that family visits are still arranged when young people fly back to Alice Springs for court matters. Given the limitations on space and infrastructure at the current facility however, this is no longer achievable in its former format. The Department of Corrections should consider how to continue and potentially expand opportunities for in person family contacts and events at the Paperbark facility when it is completed.

Where in-person contact was not facilitated, some videolink opportunities were provided. There were a number of young people who did not receive in person or video contact with family. Evidence regarding the reasons for this were mixed, with TFHC reporting this was due to short remand periods and young people refusing the offer, while at least one young person told the OCC he wanted to make a videocall to his mother but this wasn't facilitated by TFHC.

The plan stated:

A VLU at ASYDC, DDYDC and the Alice Springs YORET Office will be booked every Wednesday from 2 pm for young people and families to have contact. Where a young person is from Barkly Region, contact will be made with the YOREOs to arrange the same. The Alice Springs YOREO

already provide support to young people's families to access VLU at their office on Railway Terrace and this will continue to operate as normal, but with a confirmed day of each week

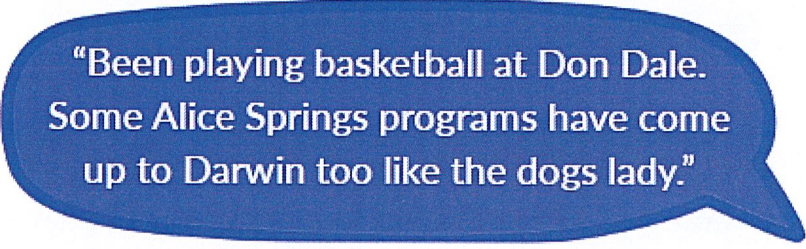
The OCC requested evidence of these bookings being made and facilitated however was not provided any evidence of this occurring. We heard from legal providers that these appointments were not readily utilised and that use of VLU is inappropriate in circumstances where a high number of young people suffer from hearing loss and/or cognitive disability.

Some young people were permitted to attend family funerals and TFHC facilitated the transport for this to occur.

All young people the OCC spoke with confirmed they were able to maintain family contact at least by phone, and where they had difficulty SATS assisted.

Programs

TFHC stated that program providers from Alice Springs would be flown to Darwin throughout the period and provided evidence that this did occur. Young people also confirmed this:



“Been playing basketball at Don Dale. Some Alice Springs programs have come up to Darwin too like the dogs lady.”

Young people also told us positive things about the running club that was set up at DDYDC. Young people would participate in early morning runs within the centre perimeters. Indigenous Marathon Foundation were engaged to provide training, mentoring and support and several young people were granted leave of absences to engage in local running clubs and half marathons.

Application for NDIS within custody

As mentioned above, 5 young people were identified for assessment and post diagnosis, secured an NDIS agreement, through the work of the SATS team whilst in detention. Whilst this is positive, it is concerning that young people with significant long-standing disability are not being appropriately assessed and to have their disability needs identified, this is not a failing by TFHC/DoC but indicative of a broader issue in preventing criminalisation and justice engagement through appropriate supports and health services by agencies such as Department of Health, Department of Education and Department of Children and Families. By the time a young person reaches youth detention the missed opportunities to intervene and provide support earlier negatively impact on their overall health, wellbeing and futures.

The OCC analysed the stories of 8 young people with diagnosed disability within the transfer cohort; the themes of this analysis are discussed further below.

Discretion at airport

The plan stated a combination of commercial and charter flights would transfer young people to Darwin; however, evidence establishes commercial flights were the only method utilised.

Many young people reported being fearful of flying to Darwin and for a lot of them, it was the first time they have flown on an aeroplane. Restraints were often used (handcuffs and waist belts). Discretion during boarding and disembarkation was higher at Alice Springs Airport, where an agreement had been reached to allow young people to wait for their flight in an area not used by the public. In Darwin, no such space was available, meaning young people were on display to the public while restrained. In both airports, the young people were permitted to board the flight first and then had their handcuffs either removed or covered to maintain dignity and privacy. They also departed the plane last.

“There is a special way for us going on the plane”

“Go down on the plane. It’s scary going on the plane. They put handcuffs and belt on me at the airport but I’m not shame”

Despite the advice received from DoC and young people’s accounts above, recently, the OCC has observed young people being escorted publicly in restraints through both the Darwin and Alice Springs Airports.

Discretion measures and arrangements should be negotiated with both Airports and formalised into policy or procedures to uphold the dignity and privacy of young people being transferred.

What were the challenges?

Project timeframes

Ongoing delays and uncertainties around the project completion led to frustration and apprehension for staff and young people.

“They kept saying one more month, one more month, but I don’t believe it anymore”

As a result, planning for Youth Justice staffing arrangements were hindered resulting in the cessation of Alice Springs staff being transferred to Darwin from December 2023 onwards. This meant that young people from Alice Springs received education on their blocks solely from Tivendale school staff for approximately three months; severely limiting their time out or off the accommodation blocks.

“Better in Alice Springs because here can’t leave the block and go outside”. It’s boring on the block all day and sometimes when education on the block we don’t leave for days, no fresh air”

“Better there [Alice Springs], more open spaces, here you stuck all day on the block”

“Just have to stay on the block every day. Except sometimes allowed on the oval but not every day”

Operational pressures at DDYDC

As a result of the transfers from ASYDC, from July 2023 DDYDC saw rising numbers, which caused operational pressures on the centre in terms of accommodation and staffing issues (particularly when Alice Springs staff ceased attending post December 2023). With rising numbers and uncertainties around the project timeline, the OCC observed frustrations for young people who advised this contributed to a number of conflicts between young people from Central Australia and young people from the Top End. These conflicts were confirmed during interviews with young people and within incident reports provided as part of the evidentiary material.

It is understood this led to young people from Central Australia being relocated to their own specific block (Golf), to minimise conflicts. Whilst this aided in the reduction of incidents, it meant that time off blocks for those young people and opportunities to engage with others within the centre was significantly diminished.

An additional complicating factor was the major disturbance at DDYDC in April 2024 (of which most central Australian young people were not involved in) but resulted in significant damage to the centre, meaning young people were confined to their accommodation blocks for even lengthier periods.

Young people interviewed from Central Australia post this incident were vocal in their frustrations with this.

"Alice Springs is better, more open space, more areas to hang around, can watch a movie in the rec room"

"Here the block is no good, can only stay on the block or education, no open spaces and too much time to think and worry".

'after the riot, we was stressing out, locked down all day, no food, we was so starving. Pressing the intercom button but there was no staff. They just took off cos they was scared. We got KFC. The big boss brought it down for us. But before that we was so starving. All our property got burnt, they gonna give me a voucher when I get out for new shoes'

'lockdown after lockdown after lockdown. Especially after the riot'

Consultation with young people and families

Noting the previous TFHC transfer policy to adequately consult with family and legal representatives, TFHC were clear from the outset of the transfer period that families would not necessarily be consulted given the operational requirements for most children to travel. There was a commitment however to notifying families as soon as possible about the transfers. It is noted that the updated transfer policy does not contain any direction in relation to consultation or even notifying families or legal providers of a transfer.

International law, the National Standards for Youth Justice in Australia, and the Model of Care for youth detention places significant emphasis on connection to family for young people in detention, recognizing its crucial role in their wellbeing, rehabilitation, and

successful reintegration into the community. Specifically, families are considered primary partners in crucial stages of a child's detention including assessment and planning and be meaningfully involved in planning and decision-making for their time in detention and their return to the community.

On 21 January 2025, the DoC Transfers Policy was amended and includes no guidance or direction on contacting families prior to, or even after a transfer. The OCC has received recent complaints from families of detained young people regarding the failure of the DoC to contact or notify them of their whereabouts.

NAAJA provided a submission as part of this inquiry which reflected frustrations by families, who felt they were simply told of the transfers during the reduced capacity period, with no option to provide input or object. We also heard that on occasion inappropriate family members were contacted, rather than primary caregivers.

NAAJA submitted that consultations with young people were culturally unsafe, noting that interpreters were not often utilised. This claim is supported by data from the Aboriginal Interpreter Services, who provided the OCC with data on AIS bookings made for ASYDC throughout the period. Over the 10-month period, in which 60 individual young people were transferred, an interpreter was used on just two occasions. Four requests in total were made, with two of those being fulfilled. Noting that more than 30% of the young people transferred were recorded as residing in a remote area, it is a reasonable assumption that the majority of those young people did not fluently speak English and were Aboriginal first language speakers.

Evidence was provided that SATS undertook discussions with young people utilising picture books. The young people we spoke with as part of this inquiry all articulated a general understanding of the requirement to transfer due to the refurbishment of the ASYDC.

Disconnection from family, country and culture

A strong connection to family is seen as a cornerstone for a youth's successful navigation of the justice system, their personal growth, and their long-term reintegration into society. In keeping with international law, minimum standards for youth justice and NT legislation, it is acknowledged in the Model of Care that a strong sense of cultural identity and connection with culture is fundamental to the well-being of Aboriginal people and has been shown to reduce stress, improve resilience, and act as a protective factor against reoffending. Moreover, services aimed at reducing reoffending are most effective when delivered within the context of family, carers, and support networks. Family support is critical for successful reintegration into the community. Behavioural change is less likely to be sustained post-detention if broader contextual challenges, including peer, family, financial, lifestyle, and cultural influences, are not addressed.

Despite some efforts (as outlined above in relation to certain individuals attending funerals or remaining in ASYDC due to family / cultural commitments) by TFHC to keep young people connected to family, country and culture, we heard many worries from young people about this:

"Hard to think about family here, makes you worry in your (head)"

"I can't get back for sorry business, and I am worried about my family coming for me, like payback"

"Sorry business for my grandfather sister, last one died. She cared for me and I am worried if I don't go"

"There is a lot of worry here, we not on country and we miss that, it's different here and I worry a lot for my family and being far away"

"The longer away from country, the more I worry"

"really hard being away from home... missing family... stressing out about that"

"Sometimes someone might get a bad phone call and be stressed out and smash the phone. The staff don't know how to help them so they just get upset and smash the phone. Then no one can use the phone to contact family for two weeks"

It remains a serious and ongoing concern that Central Australian young people who are detained will no longer be accommodated near their families or communities but transferred to Darwin moving forward in direct contradiction of recommendations made by the Royal Commission, the Model of Care and established best practice. Acknowledging this reality, it is essential that the Department explore ways to meaningfully engage families and keep young people connected to their family, culture and community while detained in Darwin.

'Make me stress out, us boys gotta go home. Too hot here. I like cold'

'its hot here, the weather is different and we're not used to it'

Access to justice

Access to justice, particularly in the context of young people, encompasses the fundamental principles, systems and safeguards that ensure young people have knowledge of and can understand, exercise, and enforce their legal rights and receive fair and appropriate treatment. It is a cornerstone for upholding human dignity and promoting positive societal outcomes.

In keeping with international law, child rights and minimum standards for youth justice, the YJ Act sets out young people's fundamental right to legal counsel, advice and representation at all stages of proceedings. The Model of Care similarly states that Youth Justice centres must facilitate legal professionals' access to the centres to enable them to obtain instructions from and provide advice to their clients; with the goal of resolving charges expeditiously.

Young people were routinely flown back to Alice Springs for court matters throughout the period. Certain court appearances also occurred by Audio-Visual Link (AVL).

We heard from young people's legal representatives that the transfers made their communications with their clients more difficult which disrupted the young persons' understanding of proceedings and access to consistent legal representation and advice. Criminal lawyers reported finding it difficult to communicate with their clients to receive instructions and give advice, in person, prior to a court appearance. We also heard that AVL facilities were often non-functional or not visually or audibly clear, resulting in young people not being able to hear or comprehend their court matters. This is particularly concerning for young people with hearing loss or disabilities and further impacts on meaningful participation in the justice system.

Access to Health

Danila Dilba Health Services (DDHS) were the primary health provider at DDYDC throughout the period, DDHS were operating with their usual 2 registered nurses and one General Practitioner throughout the period. DDHS representatives were interviewed to ascertain what if any impacts the planning and implementation of Alice Springs transfers affected DDHS's ability to provide adequate services to young people who were accommodated within DDYDC during the approximate 10 month transfer period.

There was no evidence to support the claims in the plan that medical services would be expanded to deal with the higher numbers of young people in DDYDC. There were no additional resources provided by TFHC/DoC to DDHS, despite multiple requests by DDHS to meet escalating need.

The impacts of this were that medical staff felt they could not provide an adequate service during the relevant period, having to spend less time engaging with young people on medication rounds to ensure all young people could be seen within allocated times to minimise disruptions to education and programs.

DDHS reported significant increases in their staff workloads and provided the OCC with data comparison for 6 months prior, and 6 months following the beginning of the Alice Springs transfers.

Type of Contact	6 months prior to transfers	6 months following transfers
New reception/admission checks	147	294
Post incident reviews	34	68
Administration of medication	2,582	3,704
Health checks (admissions over 12 months)	74	94

Furthermore, DDHS reported that a large portion of new admissions were being transported from ASYDC to DDYDC on a weekend, creating significant difficulty for DDHS given they were only contracted to deliver health services for 3 hours on weekends. Since the reduced capacity of ASYDC, DDHS staff were consistently working overtime (approximately 5 – 7 hours) on weekends in order to maintain their medical obligations to children in DDYDC.

DDHS reported significant communication difficulties with TFHC in most areas of the transfers, in particular frustrations with the lack of information or notification of when a young person was being transferred back to Alice Springs. In addition to hindering any ability to undertake a fit to fly check which meant some young people returning to Alice Springs to be released into their community, were not provided with the recommended 2 weeks supply of medications for serious medical conditions.

DDHS reported that incidents of placement ‘at-risk’¹⁸ did not significantly increase throughout the period. DDHS clinical observations of the Central Australian young people was that their presentation for mental health concerns was often different to the Top End cohort, with young people tending to withdraw and not engage as opposed to making outward statements in relation to self-harm. These clinical observations reflect that despite no clear increase in at-risk placement, young people were still showing signs of psychological distress within detention and ‘at-risk’ data, had it have been available, is not an accurate measure of levels of distress among young people.

We heard from young people that at times they did not feel heard or understood by staff, particularly post December 2023 when Alice Springs staff were no longer being supported to work at DDYDC.

¹⁸ Placement at-risk refers to the isolation of a young person in their cell due to the risk of self-harm in accordance with Division 3 of the *Youth Justice Regulations 2006*.

'kids have been harming themselves...
worried for the other boys... worried
something bad might happen like in WA'

'been stressing out in here. Staff don't listen.
Tell them to get something and they just
close their head, don't listen or forget. They
got no time. They're treating us like shit, talk
to us like shit, say something to them and
they just ignore you, close their head. Lock
us down for long time'

Disability support

It is well established that young people with cognitive disability are disproportionately represented in the youth justice system, reflecting the intersecting disadvantage experienced by people with a disability such as poverty, family violence, substance abuse and housing issues.¹⁹ The Royal Commission into Violence, Abuse, Neglect and Exploitation of People Living with a Disability (the Disability Royal Commission) commented that the number of young people in youth detention with a cognitive disability exposes a largely hidden national crisis.²⁰ As stated earlier in this report 27% of young people subject to the transfers were diagnosed with a disability either prior to or during their detention period. Whether this is an accurate reflection of the true number of young people detained with disability remains to be seen, given the limitations in access to appropriate multi-disciplinary assessments for young people, particularly in regional and remote areas.

The *National Disability Insurance Scheme (Supports for Participants) Rules 2013 (NDIS Rules)* set out the following in relation to NDIS provision for young people in the justice system:

- **person in custody** – whether on remand or sentenced and in adult prison or youth detention, or in a secure mental health facility. The NDIS will be responsible for reasonable and necessary supports other than day-to-day care and support needs of a person in custody, including supervision, personal care and general supports, to the 'extent appropriate in the circumstances of the person's custody'

¹⁹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People Living with a Disability ([Final Report](#), 2023) vol 8 p10.

²⁰ Royal Commission into Violence, Abuse, Neglect and Exploitation of People Living with a Disability, ([Final Report](#), 2023) vol 8 p11.

- **transition supports** – which are supports to facilitate the person's transition from the custodial setting to the community that are reasonable and necessary and 'are required specifically as a result of the person's functional impairment'.

The *NDIS Rules* state the NDIS is not responsible for a number of supports, including:²¹

- 'the day-to-day care and support needs of a person in custody, including supervision, personal care and general supports'
- 'ensuring that criminal justice system services are accessible for people with disability including appropriate communication and engagement mechanisms, adjustments to the physical environment, accessible legal assistance services and appropriate fee waivers'
- 'general programs for the wider population, including programs to prevent offending and minimise risks of offending and re-offending and the diversion of young people and adults from the criminal justice system'.

However the Disability Royal Commission heard that these rules are ambiguous and often intersect.²²

The Disability Royal Commission highlighted the lack of clear delineation of responsibility between NDIS and state and territory governments to provide disability funding for young people in youth detention and as a result recommended that state governments should develop guidelines for determining which supports should be funded by NDIS or the state/territory and include clarification on the distinction between criminogenic-related supports and disability related supports.²³

The OCC sought medical and NDIS records for eight young people with diagnosed disability and accompanying NDIS plans who were subject to transfers throughout the relevant period. The OCC also spoke with disability service providers and coordinators of support to understand the challenges and opportunities for service deliver during the transfer period.

As highlighted by the Disability Royal Commission above, the OCC heard from disability support providers that clear delineation between disability and criminogenic services was an issue, which resulted in blurred lines between disability services and justice supports. It is well established that many of the hallmarks of cognitive disability contribute towards offending behaviour and the Disability Royal Commission heard this also.²⁴

The most obvious issue for those engaged in NDIS services was their access to services, together with the relocation to an area where those services would not continue post release. An example being, where support workers intending to build relationships with

²¹ *National Disability Insurance Scheme (Supports for Participants) Rules 2013* (Cth) sch 1, cl 7.25.

²² *Ibid* p 235-236.

²³ *Ibid* p233.

²⁴ Royal Commission into Violence, Abuse, Neglect and Exploitation of People Living with a Disability, ([Final Report](#), 2023), p245.

young people prior to release, but were unable to effectively do so due to young people being located over 1400 km away from the service provider.

The OCC received evidence that TFHC / DoC did fund some service providers to travel to Darwin to work in person with young people in DDYDC. Some services were also delivered via AVL throughout the period.

8 young people with diagnosed disability and associated NDIS package were examined further for this inquiry. NDIS records were requested, and providers were interviewed, together with various records from TFHC / DoC as to engagement with NDIS while detained.

All 8 young people had some form of cognitive disability, ranging from mild to severe with deficits in daily functioning including FASD. All had trauma backgrounds which compounded these vulnerabilities further and many had comorbid mental health diagnoses.

The main difficulties faced by all were deficits in language and speech and learning, emotional regulation and social interaction, all of which have a direct link with offending behaviours.

All were subject to remand periods of varying lengths (between 2 and 14 months) with most having multiple admissions.

7 of the 8 remain in custody as at the date of this report (both in youth detention and adult custody).

All received varying levels of access to NDIS supports in some form within detention, both in Darwin and ASYDC.

TFHC did fulfil what they said they would, in terms of facilitating access to NDIS services and should be commended for this. It would obviously have come at great cost to the Department and the OCC understands that as all young people will be now housed in Darwin, there is no appetite for DoC to replicate this model moving forward.

The evidence reviewed illuminates the ongoing issues with provision of appropriate disability services in detention, the clear intersections between disability needs and criminogenic needs, the difficulty in delivering therapeutic services in a non-therapeutic environment and the ongoing planning and coordination issues for release, not least of which relates to drawn out court proceedings and resultant uncertain detention periods.

CASE STUDY

Charlie is a young person who was exposed to significant trauma as a child including neglect, domestic violence and alcohol abuse. They had some periods in care of the CEO. They were diagnosed with an intellectual disability in year three by a school psychologist and was transferred to a special needs school with a vast improvement in attendance. Unfortunately, they returned to mainstream school after six months and their attendance and engagement rapidly declined.

In 2021, following a request from the court, Charlie underwent a multi-disciplinary assessment and was diagnosed with a moderate intellectual disorder and severe language disorder. Charlie presents with severe impairments in the following domains:

- Communication and language (both in English and first language)
- Memory
- Executive functioning
- Attention

- Cognition

It was noted that many of the impairments were actually more consistent with severe intellectual disability. It was recommended they undergo further testing and brain imaging however it is not clear if this has eventuated.

Charlie has a substantial NDIS package to provide intensive assistance with supported independent living, one on one support at all times to navigate social situations and avoid unsafe situations. Their ability to learn and retain information is severely compromised and they should not be expected to learn an age-appropriate amount of information.

Outside of detention, Charlie receives intensive support in this respect. Charlie has a placement in supported accommodation, with one-on-one support provided 24 hours a day and often leaves this accommodation to spend time with family.

The services Charlie receives within detention are inadequate and inappropriate to his severe levels of need, given the limitations of NDIS service delivery in detention as discussed above. Discussions with their support coordinator and disability service provider indicate the focus for Charlie in detention was the transition of behaviour support to the provider in preparation for Charlie's release (rather than actual behaviour support, as this falls within the TFHC responsibility while in detention). This meant the focus during periods of detention was on relationship building with disability support staff in preparation for release to community.

When Charlie was transferred to Darwin, TFHC paid for their support workers to travel to Darwin (meaning this did not come out of their NDIS funding package). This was beneficial for Charlie however noted it would have been costly and meant that service providers could not provide services to their additional localised clients whilst in Darwin. Additionally, Charlie's service provider commented that while there were some limited relational benefits in the work with Charlie from this support, it was very difficult to build a depth of relationship that would be beneficial for transition and felt this significantly impacted on their ability to remain engaged in their supported living environment on release. It is noted that DoC will not fund Alice Springs based NDIS providers to attend Holtze YDC in future, and Charlie remained in youth detention in Darwin until July 2025.

The documents developed and produced by his service provider in relation to transition services included extensive, individualised and appropriate release plans, with concrete dates, details and actions, along with key people. It incorporated images and photos and very simple language. This was in stark contrast to the through-care plan developed by TFHC as discussed further below.

Charlie's time in DDYDC was difficult, they were involved in multiple incidents with staff and other young people. When engaged with by the OCC (in the capacity they could) Charlie continually indicated their frustrations with being in Darwin, their uncertainty about when they could return to ASYDC and their willingness to return to ASYDC and receive their usual supports.

Charlie's support coordinator commented the biggest issue in her view was the lack of planning for release, noting that Charlie was often released without a clear plan and returned to detention very quickly afterward, which is supported by the evidence obtained.

Through-care

Through-care is a strategy that provides intensive, case managed support to individuals before, during and after release from detention, aiming to help their reintegration into the community and reduce offending. It is not solely focused on the release, but how to manage, support and assist to address risk and need in custody. Effective through-care is critical for all people exiting custody, particularly young people, who face challenges such as unstable accommodation, unemployment, and social stigma, which can lead to relapse and re-offending. Effective throughcare can mitigate these risks, promote re-integration and prevent recidivism.

International requirements emphasise the importance of transition planning including early release, and special courses to assist young people in returning to society, family life, education, or employment after release.²⁵

In keeping with international requirements, the Model of Care requires comprehensive through-care planning for all young people entering the justice system (regardless of legal status or remand length). The planning should be holistic, include meaningful engagement with family and support services.

The TFHC policy at the time of the transfer period (since adopted by DoC) in relation to through-care sets out the following:

Throughcare planning is a coordinated and integrated approach to reducing offending behaviours for those who come into contact with the youth justice system. A young person's throughcare journey is an approach focused on rehabilitation and extends from the first contact with Youth Justice through to transitioning back into the community.

Practice guidance further states:

Planning for the young person's discharge from a [youth detention centre] commences at admission. A coordinated and proactive effort involving the young person, their family, natural network, community and other agencies and organisations is required to progress throughcare planning for the young person's release.

Initial throughcare planning for a young person should be recorded ... This ensures that if a young person is only in a [youth detention centre] for a short period, e.g. 24-48 hours, and a detailed Through CARE Plan has not yet been developed, that the details of the initial throughcare planning have been recorded.

Additionally, the Youth Justice Policy Determination 4.1: Case Management, Assessment and Throughcare Services, sets out the Principles of the Risk, Need, Responsivity model which is used to inform case planning for all young people in detention. Relevantly, it mandates the use of the Youth Level of Service- Case Management Inventory for all detained young people. The YLS/CMI is an evidence based, validated risk assessment tool, used to inform case management for young people involved in the justice system. The policy states the following:

All young people are to receive an assessment by their Case Manager within the first two weeks of admission. The purpose and process of the assessment must be explained to the young person. At a minimum the young person should understand that a reduction in their

²⁵ Havana Rules; Mandela Rules.

risk of reoffending is the key purpose of the assessment and the goals of their subsequent care plan. To inform case planning the assessment must include:

- an individual, evidence-based profile of the criminogenic needs impacting on the young person's risk of re-offending;
- a matched level of intervention indicated by their offending needs;
- an overview of protective factors, at the individual, family and community levels;
- particular responsiveness for special needs, and health and developmental needs;
- a current offence analysis, and details of attitudes and skills; and
- a written assessment summary.

Assessment information is profiled in the Youth Level of Service-Case Management Inventory 2.0 (YLS/CMI) and written in the case plan.

Despite the policies, and the significant vulnerabilities of the identified young people, only 4 of the 8 young people analysed above had a through-care plan developed throughout their detention. None of them had a YLS/CMI completed, so it was unclear how their risks and needs were identified and incorporated into their plans. Across all young people transferred throughout the period, 65% had a through-care plan or through-care mapping meetings completed. Of the through-care plans that were reviewed (as part of the 8 young people with diagnosed disability) many were lacking any clear or concrete actions as it related to post release planning, with vague statements about needing to develop plans without any sufficient detail. Some plans were incomplete or incorrect (referencing conflicting information, incorrect diagnosis etc). It was also not clear how criminogenic risk and need was established, in the absence of a YLS CMI.

Youth Justice Through CARE Plan - Meeting Minutes

Plan Details							
Meeting date	04-Jun-2024			Plan review date	02-Sep-2024		
Young Person's Details							
Name		Date of Birth		Age		Gender	Male
Legal Guardian		Language		Interpreter Required	No	Indigenous Status	Aboriginal

^This plan was developed two months post release, however legal guardian and language were left blank, and despite the recommendations in his multi-disciplinary report that all communication occur with an interpreter present, interpreter required is marked as 'no' in the throughcare plan.

Safe and Secure	
What's working well?	What are we worried about?
<p>█████ is settling in and adapting well to detention despite being diagnosed with Multi D. He does not have any recorded incidents, which is a great achievement. █████ appears to be more settled and excited to be back in █████ making it easier for his support practitioners to reach out to him and work closely with him.</p>	<p>We are concerned that █████ may not stay in the same place once he is released from detention. Additionally, if █████ resides on █████ it poses a potential risk for him. █████ could struggle in an unstructured environment and is likely to re-offend if the proper NDIS and Through Care plan is not in place.</p>

What Needs to Happen?						
Need	Goal	Next Steps	Who will do it?	When	Has this been completed?	Outline how it has been completed or the reason for not yet completing?
Accommodation	Finding a safe residence for █████ upon his release from detention is crucial. It's imperative to ensure that █████ not only lives in a secure environment but also to implement measures that reduce the risk of him reoffending.	Engage █████ in a conversation about his preferences regarding his living arrangements upon release from detention. Inquire about where he would like to reside and with whom, ensuring his input is considered in the decision-making process.	█████	12-Jun-2024	In Progress	In progress

^The plan identified safe and secure accommodation as a need, however next steps were recorded as speaking to the young person about where he wanted to live on release. It would be pertinent to have such conversations prior to the development of the plan, so that the identified goal could be more specific and tangible. This young person had been in detention for four months prior to the development of this plan; therefore it is difficult to comprehend how his case manager had not had a conversation with him in that time about his post release accommodation preferences.

How the Plan was Developed			
Participant	Date	Type of Contact	Key Views
How did the young person participate in the development of this plan?	29-Nov-2023	Other Face to Face	TF speak to █████ family regularly
How did the parents participate in the development of this plan?	29-Nov-2023	Other Face to Face	TF speak to █████ family regularly
How did the family participate in the development of this plan?	29-Nov-2023	Other Face to Face	TF speak to █████ family regularly

^This plan related to Charlie, referenced above. The information is generic and non-informative. It does not specify how Charlie or their family were involved in the development of the plan, and uses the same phrase for each category, indicating that either Charlie and their family were not involved, or if they were, not in a meaningful way.

Safe and Secure	
What's working well?	What are we worried about?
<ul style="list-style-type: none"> - ██████ is currently at Champion Status at the Don Dale Youth Detention Centre ██████ - ██████ Diabetes is no longer due to the foods and exercise he has been consuming and conducting - ██████ is engaging in all programs offered - ██████ is conducting hygiene, exercising and eating well 	<ul style="list-style-type: none"> - We are worried that ██████ is asking to return to ██████ although that is where he was when he was offended - Due to grief and sadness, the care team is unsure if Family accommodation is appropriate for ██████ during this time

What Needs to Happen?						
Need	Goal	Next Steps	Who will do it?	When	Has this been completed?	Outline how it has been completed or the reason for not yet completing?
Positive Relationships	To ensure that ██████ is continuing in speaking to his care team and family.	ensure to encourage and remind him	██████	17-Jan-2024	In Progress	Ongoing
Safety Planning	To ensure the family is seeking support to ensure his home is safe for him to return to once released	██████ keeping contact with the family	██████	17-Jan-2024	In Progress	Ongoing
Physical Security (Youth Detention only)	To ensure that ██████ remains with youths from country and ensure his sense of safety whilst in detention	Advise operations	██████	17-Jan-2024	Completed	Ops has been advised
Accommodation	To ensure that ██████ is safe before ██████ returns home	Ensure that family is engaging in support	██████	17-Jan-2024	In Progress	Ongoing

^ this through-care plan discusses concerns around the young person potentially residing with family upon release, however, does not propose any tangible alternative options with vague goals and actions centring around family ensuring his needs were met. The plan highlights concern for grief however nothing to address those concerns, other than not residing with family. The justification for this assessment is also unclear.

Safe and Secure	
What's working well? <ul style="list-style-type: none"> - [redacted] is working hard to move up through the centre cycle to be on 'Champion' - [redacted] is trying hard to demonstrate safe behaviours to ensure his own safety, and safety of others in the detention centre - [redacted] wants to stay out of trouble, and is showing capacity to think reflectively about his behaviour [redacted] - [redacted] displays good help seeking behaviour, with YJOs and Case Coordination staff - [redacted] is displaying maturity in his capacity to form a trusting connection to his case worker [redacted] - [redacted] is having regular contact with his uncles, particularly his Uncle [redacted] and [redacted] 	What are we worried about? <ul style="list-style-type: none"> - [redacted] has a diagnosis of latent tuberculosis that will require a treatment plan of 3-9 months, this treatment will require that he abstains from alcohol - [redacted] mother lives without secure accommodation and this makes it challenging for her to provide accommodation for [redacted] - [redacted] father is incarcerated in [redacted], and according to [redacted] (mum) won't be released for another two years - [redacted] will require a safe space to stay on his release, the care team is having difficulty forming a strong plan for [redacted] due to inconsistencies in his care and tendency to move between three states [redacted] - [redacted] is at high risk of homelessness following his release - Outstanding warrant in [redacted] must be aware of this if he returns to community that he may be arrested

What Needs to Happen?						
Need	Goal	Next Steps	Who will do it?	When	Has this been completed?	Outline how it has been completed or the reason for not yet completing?
Responsible adults	For a support person from NDIS to pick [redacted] up from the airport on his release; release is on a Sunday	[redacted] to contact [redacted] to ensure there is someone available to pick [redacted] up from the airport on Sunday 12th November 2023.	[redacted]	31-Oct-2023	In Progress	[redacted] to send [redacted] an email to seek confirmation on who will be collecting [redacted] on 12/11 (his release)
Accommodation	Determine if there is funding for ILO with NDIS	[redacted] to contact [redacted] to determine funding for [redacted] if there is an ILO funding option for [redacted]	[redacted]	31-Oct-2023	Completed	[redacted] emailed [redacted] on 31/10/23.
Accommodation	[redacted] to accept	[redacted] to contact [redacted]	[redacted]	31-Oct-	In Progress	[redacted] to email [redacted] once

What Needs to Happen?						
	referral for [redacted]	[redacted] and request priority request.		2023		referral has been sent by [redacted]

^ This young person's Through-care planning minutes indicated he was 12 days away from release, yet there was still no person nominated to collect him from the detention centre, despite being subject to an NDIS plan with extensive support services involved. He had been in detention for four months at the time of the development of the plan.

The OCC has serious concerns that these issues with through-care planning and implementation, though while likely compounded by the transfers, is not an issue that arises because of the transfers. The OCC has observed through-care and post release planning to be inadequate and continues to collect evidence of this to inform future pieces of work in this respect.

It is essential that young people are properly supported to re-enter society positively to enable them to remain out of the justice system. The continued transfer of young people to Darwin from Central Australia will present significant barriers to effective through-care through the coordination of local services, together with meaningful engagement with families in planning for release.

Conclusion

In conclusion, the inquiry into the transfer of young people from Alice Springs Youth Detention Centre (ASYDC) to Don Dale Youth Detention Centre (DDYDC) revealed significant challenges and shortcomings that have profound implications for the rehabilitation and successful reintegration of young people, which is known to directly impact reoffending.

Whilst TFHC generally endeavoured to meet the requirements as set out in the plan, the ongoing delays with the infrastructure project compounded the issues and resulted in poorer outcomes for young people. Many young people and their advocates expressed their worries during this period.

The rapid changes to the youth justice landscape following the change of government, and decision to repurpose the recently renovated youth facility in Alice Springs to an adult facility has meant transfers are now routine with even less access to family, culture and support services than the original transfer period. The continued transfers also come at a great financial and social cost.

Young people presenting with significant vulnerabilities, such as homelessness, disability and mental health concerns cannot be expected to change their behaviours without robust and appropriate wrap around support pre and post release.

Indeed, the Department's own Model of Care for youth detention is in direct contrast to the current operating environment as it relates to connection to family, culture and through-care focus.

Despite some positive efforts by TFHC to facilitate family contact, the ongoing transfers to Darwin, particularly for young people from remote regions, created a significant sense of distress, disconnection from family, country, and culture. Such disconnection is a serious concern and directly contradicts evidence-based best practice for reducing reoffending, as a strong connection to family and cultural identity is a protective factor and fundamental to well-being, rehabilitation prospects and successful reintegration. The lack of appropriate consultation with families and culturally unsafe practices, including the infrequent use of interpreters, exacerbated these issues.

Delays in the ASYDC refurbishment led to prolonged stays in DDYDC and increased operational pressures, resulting in confinement, reduced time out of accommodation blocks, and conflicts among young people. These conditions are detrimental to a therapeutic environment and young people's well-being, impeding their ability to engage in rehabilitative activities and increasing stress.

The transfers made it difficult for legal representatives to communicate effectively with clients, impacting their right to communicate effectively with legal counsel and receive timely advice. Health services faced increased workloads and inadequate resources, with significant communication difficulties impacting the continuity of care, including the provision of critical medications upon release. These deficiencies undermine fair treatment and access to essential services that support stability and reduce recidivism post-release.

A high proportion of transferred young people (27%) during the transfer period had diagnosed disabilities. The lack of clear delineation between NDIS and state/territory responsibilities for funding, coupled with relocation away from established service providers, presented significant barriers to continuity of care and the building of crucial transitional relationships. The inability to provide continuous, localised disability support severely

compromises the ability to address criminogenic behaviours linked to cognitive disability, thus increasing the likelihood of reoffending.

Effective through-care is critical to addressing causal factors linked to offending behaviour, reducing the likelihood of re-offending and supporting a young people's transition back into the community. However, only 65% of young people had a through-care plan, and many plans were lacked clear actions, or were incomplete, or incorrect. This systemic failing, compounded by the uncertainties of transfers and uncertain detention periods, creates significant barriers to successful re-entry into society, directly increasing the risk of further offending and highlighting a critical area for improvement.

To effectively reduce offending behaviour amongst children held in detention, it is essential that the Department of Corrections work with families and community to maintain and strengthen pro-social connections including through family, community and culture and address factors linked to offending behaviours response to their individual risks and needs. This requires the implementation of robust, individualised through-care planning that aligns with international conventions and national standards, especially given the ongoing and future transfers.

Recommendations

DoC formalise a protocol with both Darwin and Alice Springs airports that outline discretion measures and arrangements to uphold the dignity and privacy of young people being transferred (consistent with youth justice policy, legislation and principles around privacy and non-identification of youth justice involved children and young people).

1. DoC reinstate the requirement to notify immediate family / next of kin of transfers of young people from Alice Springs to Darwin, to ensure family are meaningfully engaged and able to inform decision making as set out in the Model of Care.
2. DoC commit to utilising interpreters, including making reasonable attempts to do so, where a young person in custody is an Aboriginal language speaker for matters of significance, including but not limited to key decisions relating to transfers between facilities. This should be articulated by senior management in internal policy, guidance and training. For example, in determining whether to engage an interpreter, staff should refer to the AIS 'When to use an Aboriginal interpreter'
<https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service/when-to-use-an-aboriginal-interpreter>.
3. DoC commit to facilitating family visits at all youth justice facilities including Paperbark remand facility for young people returning to Alice Springs for court, to enable and support connection to family, culture and community in line with the Model of Care.
4. DoC commit to rigorous adherence to their through-care policies and procedures, including the appropriate administration of risk assessments to inform planning and quality improvement in through-care planning practices. DoC to provide evidence of this within 6 months of this report

Service Provider Response

A copy of this report was provided to the Department of Corrections on 12 November 2025 for consideration, comment and response to the recommendations. The details of the young people referenced in the case study and throughcare plans was included to allow the Department the ability to provide any additional context or information specifically in relation to them.

A response was received by the Department on 2 December 2025, rejecting every recommendation put forward. No case specific commentary was provided in relation to the through-care plans or case study child.

A copy of the Department's response is provided at attachment A. The Commissioner considered the response in finalising this report and has made no changes to the recommendations as a result.

ATTACHMENT A

Dear Commissioner

RE: OCC INQUIRY – ALICE SPRINGS TRANSFERS – DEPARTMENT OF CORRECTIONS RESPONSE

I write to you in response to the Final investigation Report (Final Report) Part 2 issued by the your Office into transfers of detainees from the former Alice Springs Youth Detention Centre (ASYDC) to Darwin.

The Department of Corrections (the Department) provides the following responses to the recommendations tabled in the report:

1. DoC formalise a protocol with both Darwin and Alice Springs Airports that outline discretion measures and arrangements to uphold the dignity and privacy of young people being transferred:

Not accepted: The Department maintains a good working relationship with the Darwin and Alice Springs airports. Given that airports operate under Federal jurisdiction, along with the rules put in place by the carriers themselves, there is little scope for the Department to negotiate detainee transfers through airports. The Department works to maintain the dignity and privacy of detainees through airport facilities, however our staff must abide by the direction of airport staff. The Department will always ensure that we abide by the rules of travel and ensure that detainees are secured in an appropriate manner during escort proceedings.
2. DoC reinstate the requirement to notify immediate family/next of kin of transfers of young people from Alice Springs to Darwin, to ensure family are meaningfully engaged and able to inform decision making as set out in the Model of Care:

Not accepted: There is no legislative requirement for the Department to engage with families when deciding to, or to actually transfer detainees between youth detention centres. There is an extensive review currently underway into the Model of Care, with the service standards of the Model being scrutinised to ensure that the Department can deliver a safe and functional custodial service to the community. We endeavour, to the extent possible, to ensure that young people remain in contact with family, without compromising our staff or centres' safety and operational functions.
3. Doc commit to utilising interpreters, including making reasonable attempts to do so, where a young person in custody is an Aboriginal language speaker for matters of

significance, including but not limited to key decisions relating to transfers between facilities.

Not accepted: With the transformation of Alice Springs Youth Detention Centre from a detention centre to an Intake and Transfer Facility, the centre is required to work expeditiously to transfer detainees from Alice Springs to Darwin. Detainees may go through the charging and court processes without the assistance of an interpreter and still enter into the youth detention system with an idea of why they are detained. The vast majority of detainees entering the system understand English, with only a small cohort that would be deemed to require additional assistance. All transfers are explained in the simplest manner possible, which includes the use of aids such as picture books. The transfer process can be unduly delayed if there are excessive requirements placed on staff, which are not legislated or accord with the policy stance adopted by this Department. As most transfers are conducted through commercial air travel, our Department works to ensure that we can meet the requirements of the air carrier to achieve the transfer of the detainees in a timely manner.

4. DoC commit to facilitating family visits at all youth justice facilities including Paperbark remand facility for young people returning to Alice Springs for court, to enable and support connection to family, culture and community in line with the Model of Care:

Not accepted: The Department has always been willing to facilitate family visits where possible. Where young people are returned to Alice Springs for court proceedings, and if there is an opportunity for family to visit detainees, the centres will facilitate those meetings. Whilst infrastructure is limited, we strive to have detainees meet with their families if they are available and willing to attend the centre. We have allowed detainees to sit with their family members for extended periods and not secured the detainee back in their cells until there was an essential requirement to do so. The situation with the Paperbark facility will have to be assessed once it is operational. The priority of our centres is to ensure the good order and security of them, which may impact the visits that detainees are able to have.

5. DoC commit to rigorous adherence to their through-care policies and procedures, including the appropriate administration of risk assessments to inform planning and quality improvement in through-care planning practices. DoC to provide evidence of this within 6 months of this report:

Not accepted: With the influx of detainees into the youth detention system, accordingly resources have been stretched. The Department is dealing with a large cohort of young people, who enter and exit the youth justice system frequently, but are not in a stable position for long enough to allow thorough planning and preparations to occur. A lot of detainees have insufficient supports outside of a detention setting, despite the Departments best planning and intentions. Most detainees spend the majority of their time in detention on remand, which provides further difficulties in planning a detainees next step, as it is difficult to know if a detainee will be released on bail, sentenced or be released on some other order.

With the review of Model of Care underway, there will be further guidance provided by the Department to your Office in relation to the outcome and implementation of the updated Service Model. We intend to maintain the operating philosophy and organisational framework components, with the review focussed on how to best service the needs of detainees and how the Department can use resources efficiently in implementing better outcomes for detainees.