

# STATEMENT

## For more information contact:

p.08) 8999 6076 | e.occ@nt.gov.au

## Investigation into the treatment of a child in youth detention

An investigation report completed by the Office of the Children's Commissioner (OCC) was tabled in Parliament on 4 September 2025. A redacted version of the report is available to read in full on the OCC website.

### Investigation relating to vulnerable child one (VC1)

On 25 September 2024 the Children's Commissioner commenced an investigation in accordance with part 5 of the *Children's Commissioner Act 2013*. The investigation examined the services provided to a child held in youth detention under the care of the former Department of Territory Families, Housing and Communities.

The investigation examined the conditions and treatment of VC1 during April 2024. The report made 10 findings and 5 recommendations pertaining to the relevant service provider. The investigation examined the use of prolonged separation practices, concerns regarding conditions, safeguards and minimum entitlements afforded to VC1 and reporting requirements for separation and the subsequent treatment of VC1.

### Issues of concern

The investigation found that despite provisions of the *Youth Justice Act 2005* (YJA) strictly limiting the circumstances for justifiable separation of children and requiring staff adhere to minimum entitlements and safeguards to prevent prolonged isolation of children, separations were occurring in a range of situations and conditions that were not in accordance with legislation at the time.



**Protecting the best interests of Territory children**

📞 08 8999 6076 📧 Level 4, NT House, 22 Mitchell Street, Darwin NT  
✉ @occ@nt.gov.au 🌐 occ.nt.gov.au

It acknowledged that youth detention staff were operating under challenging conditions, working out of modified office spaces and dealing with unplanned absences during the period in question. Notwithstanding the challenges faced, the investigation found youth detention staff operated in a way that was harmful to the child and did not comply with legislative and policy requirements and important safeguards.

The investigation relating to VC1 found that:

- Youth justice staff failed to comply with legislative and policy requirements when they separated VC1 in their cell for 84 hours continuously.
- Youth justice staff failed to adhere to legislation, conditions, entitlements and safeguards regarding the treatment of the child and reporting requirements.
- Actions by youth justice staff amounted to prohibited actions under section 153 of the YJA, namely withholding food and refusal to provide medication as a strategy in order to make the child comply with a directive.

Concerns about the behaviour of youth justice staff and the conditions and treatment of children in youth detention, especially with regards to their understanding and compliance with legislative requirements for separation practices, is ongoing.

Children detained in the Northern Territory are among the most vulnerable in our community. The majority present with high rates of childhood trauma, disability, mental illness and disadvantage. Detention should not be a place where that trauma and disadvantage is compounded.

**Quotes attributable to the Children's Commissioner, Shahleena Musk:**

*"The community expects that children in detention will be treated with respect and dignity and in a manner that fosters their rehabilitation. For the child subject to this investigation, that was not the case."*

*"Staff safety and detainee safety should not be viewed as in conflict with each other, they are mutually achievable. It is imperative that staff are supported to understand the legislative*

*requirements that exist, the importance behind these and what they need to do to meet their duty of care requirements to children. It is equally important that they have adequate resources and support to do so.”*

**Media enquiries: [occ@nt.gov.au](mailto:occ@nt.gov.au)**

