

STATEMENT

For more information contact:

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

1 AUGUST 2025

In the interest of transparency and accountability, the Office of the Children's Commissioner (OCC) is releasing this statement to correct information put on record in Parliamentary sittings between 29-31 July 2025 and published in draft Hansard transcripts.

On 31 July 2025, Minister Maley stated that the Children's Commissioner's role is to investigate child abuse.¹ Police and the Department of Children and Families have the responsibility, to receive and respond to notifications and to investigate allegations of suspected child abuse.

Minister Maley indicated that the Commissioner was consulted on the re-write of the *Youth Justice Act 2005 (NT)* in meetings with Department of Corrections. This is factually inaccurate.

Statutory functions and remit of the Children's Commissioner

The Children's Commissioner is an independent statutory officer appointed in accordance with the *Children's Commissioner Act 2013 (NT)*. Section 10 of the Act articulates the Commissioner's functions and responsibilities, which includes among others:

- to receive and investigate complaints about services provided to vulnerable children; and may undertake own initiative investigations
- to undertake inquiries related to the care and protection of vulnerable children
- to promote an understanding of and informed public discussion about the rights, interests and wellbeing of vulnerable children
- to promote and advocate for the rights, interests and wellbeing of vulnerable children
- to consult with, advise and make recommendations to Ministers and others on the rights, interests and wellbeing of vulnerable children
- to undertake or commission research in relation to issues relevant to the rights, interest and wellbeing of vulnerable children.

In performance of the function under s.10(1)(j) to consult with, advise and make recommendations to Ministers and others, on multiple occasions the Children's Commissioner has written to key decision makers including the Attorney-General, Minister for Corrections, Commissioner for Corrections and the Chief Minister seeking to be involved and to offer her expertise and assistance in the proposed rewrite of the *Youth Justice Act 2005 (NT)*.

On 4 June 2025, Minister Maley provided a written response to the Commissioner advising that the Department of Corrections would provide a briefing on the proposed amendments. This was not an invitation to be involved in the development of the re-write but rather be updated on the work after it had concluded.

¹ Legislative Assembly of the Northern Territory, Draft Daily Hansard Wednesday 30 July 2025, pg 35.



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

The Commissioner has met briefly with Minister Maley on one occasion and separately the Attorney-General on two occasions, to talk through recent issues and to offer assistance on planned legislative and/or policy youth justice reforms. Despite this, she has not been engaged by either Minister to provide advice or expertise.

The Commissioner and senior OCC staff meet monthly with executives of the Department of Corrections. On multiple occasions in the lead up to and during these meetings the Commissioner enquired on whether she would receive information and be able to contribute advice and/or a submission. On each occasion the Commissioner was informed that she would not be consulted on the re-write of the *Youth Justice Act 2005 (NT)*. This was confirmed in person by the Commissioner for Corrections.

The OCC again reiterate the Children's Commissioner has not been consulted on any aspect of the re-write or provided opportunity to inform the development of the *Youth Justice Legislation Amendment Bill 2005 (NT)*. The Commissioner did not receive a copy of the draft Bill in the lead up to Parliamentary sittings.

Independent oversight of restraint use

Following amendments passed yesterday, the OCC holds serious ongoing concerns for the safety, health and wellbeing of vulnerable children in detention, particularly given the reintroduction of restraints like spit hoods.

The OCC observes comments made by Minister Maley yesterday regarding oversight and reporting to the Children's Commissioner on the use of restraints including how many times a person was restrained and what the restraint was.² As a result of recent inquiries, the OCC is aware the Department do not currently keep a standalone restraint register despite requirements in s.158A of the *Youth Justice Act 2005 (NT)*. It is essential that transparent records are captured within a standalone register so the use of restraints on children can be subject to effective independent oversight and monitoring.

Youth Justice Advisory Committee (YJAC) and the Register of Appropriate Support Persons (RASP)

The Children's Commissioner does not receive any information about let alone a copy of the Register of Appropriate Support Persons (RASP), nor does the Commissioner have oversight of this program.

The Children's Commissioner is concerned about the dissolution of YJAC noting one of the reasons given was that the OCC monitors the youth justice system. Given the Government have not been consulting with the Children's Commissioner on any recent youth justice reforms or willing to accept her advice, the OCC is concerned the removal of YJAC weakens independent oversight of the youth justice system. There have not been any conversations with the OCC regarding additional resourcing to fulfil or operationalise YJAC functions.

² Legislative Assembly of the Northern Territory, Draft Daily Hansard, Thursday 31 July 2025, pg 74.

The Commissioner will continue to offer her support and expertise to the Department of Corrections and Government on all matters related to the safety and wellbeing of vulnerable children in the Northern Territory.

The OCC holds ongoing concerns regarding misinformation provided to the public about the role of the Children's Commissioner, including in parliamentary discussion or debate. It is essential for transparency, accountability and good governance that the remit and statutory functions of the Commissioner are reflected accurately in all public discussions.

The Commissioner will not be making further comment on these matters at this time.

ENDS

