



9 December 2025

Senate Legal and Constitutional Affairs References Committee

By email: [LACommitteeJCS@parliament.act.gov.au](mailto:LACommitteeJCS@parliament.act.gov.au)

Dear Chair

### **Inquiry into Australia's youth justice and incarceration system**

The ACT National Preventive Mechanism (NPM) welcomes the opportunity to make a submission to the above inquiry.

The ACT NPM comprises the ACT Human Rights Commission, the ACT Custodial Inspector and the ACT Ombudsman and is responsible for undertaking regular preventive visits to places of detention within the ACT under the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The ACT NPM has not yet been resourced to undertake these functions.

Australia ratified the OPCAT in December 2017 and agreed to the establishment of a multi-body NPM across states and territories to support Australia's obligations to implement the international treaty. Consistent with this, the ACT NPM forms part of the broader Australian National Preventive Mechanism.

We note that members of the ACT and Australian NPM previously made submissions to the committee's Inquiry into Australia's youth justice and incarceration system in the 47th Parliament, which will be considered by the Committee for this new inquiry:

- [ACT Custodial Inspector](#)
- [ACT Public Advocate and Children and Young People Commissioner](#)
- [Australian NPM](#)

The purpose of this brief supplementary submission is to bring to the Committee's attention several matters which have arisen since those submissions were made:

- The ACT NPM visited Bimberi youth detention centre in May 2025, and published a [post-visit summary](#). The NPM visiting team, which consisted of the ACT Custodial Inspector, the ACT Ombudsman, the ACT Human Rights Commissioner, and ACT

Public Advocate and Children and Young People Commissioner, made 6 recommendations to increase transparency and ensure the rights and wellbeing of young people are upheld. The report criticised the practice of separating and containing young people to manage risks, given the increasing numbers of young people in the centre. The ACT NPM found that without active, busy days, young people do not have enough outlets to let off steam and tensions are likely to fester, heightening safety and security risks.

- Nine months after it was tabled, the ACT Government [published its response to the ACT Custodial Inspector's 2024 Healthy Centre Review](#) of the Bimberi Youth Detention Centre. We note, given the terms of reference of the Committee's inquiry, that the Inspector's team for that review included a person with lived experience of youth detention in the ACT, which provided invaluable insights for the review. The Government agreed or noted all but one of the review's 15 recommendations.
- In June 2025, the Commonwealth and ACT Ombudsman published the [Use of force by ACT Policing: more to do to lessen harm June 2025 An investigation into ACT Policing's use of force 2019-2024](#) report. The report discusses young people's experiences of uses of force, particularly during arrest.
- In September 2025, the Jumbunna Institute at the University of Technology Sydney completed its final report on the [over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system](#), including the experiences of children and young people in the ACT's youth justice system.
- The ACT NPM or its constituent members made several submissions to other inquiries that may be of interest to the Committee
  - An ACT NPM [submission](#) to the ACT Government in response to the [Review of decision-making criteria in the Bail Act 1992 Discussion Paper](#). The ACT Bail Act has several presumptions against bail, including for for young people, which the submission notes are contrary to human rights standards and the National Agreement on Closing the Gap. The ACT Human Rights Commission made an additional and [supplementary submission](#).
  - An ACT NPM [submission](#) to the ACT Government on its plans to consider testing the use of Electronic Monitoring (EM) to ensure justice system readiness before larger scale implementation. The ACT Human Rights Commission again made an additional and [supplementary submission](#).

Please contact ACT NPM Coordinator, Steven Caruana on [REDACTED] or  
[actnpm@ombudsman.gov.au](mailto:actnpm@ombudsman.gov.au) to discuss this submission further.

Yours sincerely



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President and Human  
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