



Jen Butler MP  
Chair  
Public Works Committee  
By Email: [publicworks@parliament.tas.gov.au](mailto:publicworks@parliament.tas.gov.au)

Dear Ms Butler

### **Submission: Inquiry into the New Tasmanian Youth Justice Facility**

I am Tasmania's Child Safety Reform Implementation Monitor ('Monitor'). This role was established pursuant to the *Child Safety Reform Implementation Monitor Act 2024 (Tas)* ('the Act').

I make this submission in terms of that role and in relation to the proposed Tasmanian Youth Justice Facility at Pontville. I understand there are no particular Terms of Reference other than under the *Public Works Committee Act 1914* and consequential questions, namely:

- Does the proposed works meet an identified need or needs, or solve a recognised problem?
- Are the proposed works the best solution to meet identified needs or solve a recognised problem within the allocated budget?
- Are the proposed works fit for purpose?
- Do the proposed works provide value for money?
- Are the proposed works a good use of public funds?

My role as Implementation Monitor includes effective and independent monitoring of the 191 recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the COI), which was established in March 2021. The COI's August 2023 report was tabled in a joint sitting of the Tasmanian Parliament on 26 September 2023. At that sitting the Government, the Opposition, the Greens and many independent members of Parliament committed to implementing all 191 recommendations of the COI.

As the Implementation Monitor, I am obliged to hold Government to account in implementing over 360 recommendations including those made by the COI and other inquiries.

### **Does the proposed works meet an identified need or needs, or solve a recognised problem?**

In September 2021, the then-Premier, the Hon Peter Gutwein, announced that the Ashley Youth Detention Centre (AYDC) would be closed in three years, viz September 2024. This announcement was followed by weeks of harrowing public evidence before the COI, concerning the treatment of vulnerable young people at AYDC. The COI subsequently recommended in August 2023 that AYDC be closed as soon as possible.

The COI clearly relied on the original announcement, as did the Parliament on 26 September 2023. The COI also made the following relevant COI recommendations:

- Recommendation 12.16: Ensure the proposed new detention facility (and any future detention facilities) are small and homelike and incorporate design features that reflect international best practice for youth detention facilities (as outlined).
- Recommendation 12.17: Implement reforms to enhance the safety of children and young people in Ashley Youth Detention Centre and any new detention facility (as outlined).
- Recommendation 12.28: Ensure any new facilities intended to replace Ashley Youth Detention Centre are co-designed with Aboriginal communities and promote connection to family, community and country.
- Recommendation 12.29: The Tasmanian Government should take steps (as outlined) to ensure Ashley Youth Detention Centre and any replacement facilities are culturally safe for Aboriginal children and young people.

The proposed new youth justice facility work underlines the need for a new therapeutic, child-focused detention centre. The reason for this centre must be considered in light of the COI report 'Volume 5: Children in Detention, Books 1, 2 and 3. These contain over 1,000 pages and are important reading. See < [Volume 5](#)>.

The Government and the Parliament on 26 September 2023 expressed determination to close AYDC and to replace it with a new, trauma-informed youth justice facility at Pontville. This year will be the fifth anniversary of former Premier Gutwein's announcement and determination.

This issue continues to play out in the headlines and the [United Nations Human Rights Council](#) has again recently highlighted AYDC as a site of particular concern.

Events have conspired to inhibit and prevent that necessary closure of AYDC and to better provide for this troubled cohort of young people. These barriers included the need to find a suitable site. I was told that over 100 sites were considered during this process and eventually Pontville was determined to be the preferred site.

Sensibly, and in keeping with the COI recommendations, an expert panel was set up in June/July 2024 to move the project forward. Since its work was completed, the project has been delayed and I note the rejection by the Legislative Council to expedite the approval of the new youth justice facility at Pontville, followed by the unexpected 2025 State election.

I know the State servants driving this project to be skilled and determined, and in recent months they successfully secured planning approval from the Southern Midlands Council. Construction, presumably, could have commenced by now, and alongside the considerable work required to staff the centre and the model of care. Those plans are now stalled as planning appeals have been lodged with TASCAT. I envisage this will take months, or longer, to resolve. I am very concerned that if the objections then go to the Supreme Court, the delay could be measured in years, further placing at risk children and young people at AYDC, evidenced through regular reporting by the Ombudsman, the Custodial Inspector and Interim Children's Commissioner.

I submit that it is well past time that both the Government and Parliament need to cut the gordian knot and use their respective powers to bring these delays to an end, to enable the youth justice facility proposed for Pontville to go ahead unimpeded.

I deeply worry about the young people at AYDC and the complexity of the issues, which are contained in the COI Report. These include harrowing case studies and evidence of systemic failure to address youth in detention issues for decades. This left children and young people exposed to numerous forms of abuse, including sexual abuse. I commend the COI report. I also worry about the staff who are trying to manage a difficult transition in an ever-expanding timeframe.

From my deep experience I can assure you that the proposed youth justice facility and model of care are the best solution to meet the identified needs of these children and young people, a recognised harmful and pressing problem that needs to be addressed.

With regard to value for money, at present the vast majority of these children and young people end up in Risdon Prison, with deep trauma and sad lives. Their trauma will affect their families and the broader community. We can and must do better for these children and young people. The facility has been designed to be very much fit for purpose, and therefore a necessary and essential use of public funds.

I am, of course, happy to meet should you wish to discuss this matter further.

Kind Regards



Robert Benjamin AM KC  
Implementation Monitor

20 March 2026