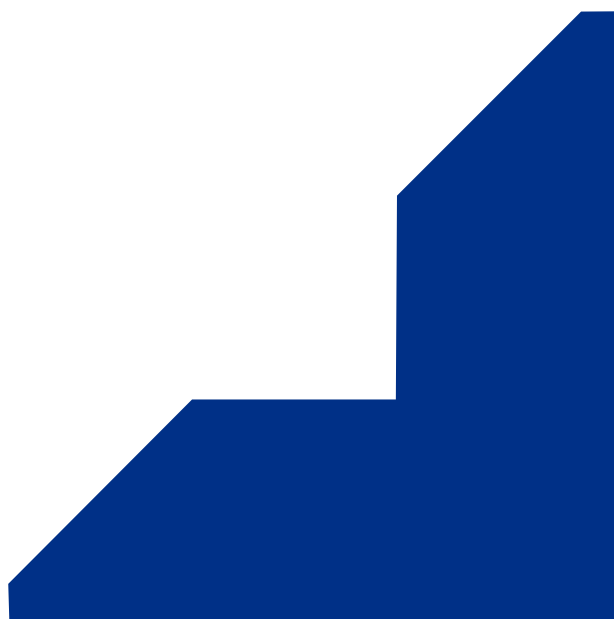




ACT National Preventive Mechanism

Post Visit Summary

Bimberi Youth Justice Centre



August 2025



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Summary

This report presents the findings of a semi-announced ACT National Preventive Mechanism (NPM) visit to Bimberi Youth Justice Centre on 7 May 2025, conducted to examine the impact of a significant sustained increase in the number of young people detained at Bimberi in 2025. Bimberi is physically capable of accommodating 40 young people but is staffed to support 21. In April and May 2025, the average daily number of young people was 27 and 25 respectively, and the number reached 30 on 2 days in April. This is a significant increase given that on an average day for 2023–24, there were 13 young people.

Based on the visit, the NPM found that the higher numbers of young people is leading to staffing pressure, which combined with the centre's operational focus on physical and procedural security and low risk appetite, is reducing young people's access to education, health and other essential services. Young people are spending too long in their unit with little to do, which is not good for their mental health and can heighten tension in the centre. Unfortunately, despite previous recommendations from oversight bodies, Bimberi does not keep records on time out of cells or time out of unit.¹

The 2024 Healthy Centre Review (HCR) by the Inspector of Custodial Services found that the Bimberi operating environment emphasised physical and procedural security over dynamic security and therapeutic and rehabilitative approaches. With increased numbers of young people compared to a year ago, this NPM visit indicated further drift toward a containment-focused approach. Many issues identified in the HCR remained evident and recommendations from that review (tabled over six months ago), and those recently made by ACT Legislative Assembly Committees have not been implemented by Government.

The NPM identified and reviewed CCTV of three incidents, each of which raised concerns – two about excessive use of force, and the other about lack of trauma

¹ See e.g., Inspector of Custodial Services (2024) Healthy Centre Review of Bimberi, Recommendation 5 – to implement the recommendation from previous reviews as a priority including Recommendation 13 of the ACT OICS 2023 Thematic Review of Isolation 'that the ACT Government publicly report on time out of cells as a service delivery output as an indicator of governments' objective of providing a safe, secure and humane youth detention environment'. See also ACT Human Rights Commission, Commission Initiated Review of Allegations Regarding Bimberi Youth Justice Centre (Report, 2019) Recommendation 5 'That Bimberi Management review record keeping arrangements to ensure that a clear and accurate record is kept of the total amount of time each day that a young person has access to exercise and to open air while in segregation. These records should be made available to oversight agencies on request'.



informed approaches. However, the footage and related records did not provide adequate coverage. The level of incident reporting and reflective practice is unacceptable. The NPM calls for further transparency measures through the introduction of body worn cameras for staff, better record keeping and reflective practice, and ensuring independent statutory oversight entities have full access at all reasonable times. When numbers of young people are higher, independent oversight is just as important as always and should not be reduced for operational reasons.

This review makes 6 recommendations.



Introduction

This report presents the findings of a semi-announced ACT NPM visit to Bimberi Youth Justice Centre on 7 May 2025, in accordance with the *Monitoring Places of Detention (OPCAT) Act 2024* (MPD Act). It was the first time the ACT NPM had conducted a joint visit with all three NPM entities (ACT Ombudsman, ACT Custodial Inspector, ACT Human Rights Commission), following recent amendments to the MPD Act to establish the NPM in legislation.

Background to Bimberi

Bimberi Youth Justice Centre (named after the highest mountain in the ACT, Bimberi Peak) was established in 2008 to replace the Quamby Youth Detention Centre and is the ACT's only youth detention centre (although children and young people can be temporarily detained in other places such as the Watch House or court cells). At the time of the visit, Bimberi accommodated children and young people from 12 to 21 years who have been refused bail or sentenced to a period of detention.²

The Youth Justice and Adolescent Services (YJAS) branch of Children, Youth and Families in the Health and Community Services Directorate (HCSD) has administrative responsibility for Bimberi. Primary health services and forensic mental health services are provided by Mental Health Justice Health and Alcohol and Drug Services within Canberra Health Services (CHS). The Education Directorate is responsible for delivering education to detained young people through Murrumbidgee School, which is onsite and part of the Directorate's Flexible Education unit.

The centre's physical infrastructure can accommodate up to 40 detained young people in four separate accommodation units. The centre is funded for sufficient staff to support 21 young people. Young people are detained in single cells, each with bathroom facilities. Each unit contains communal spaces, laundry, common area and courtyard. One wing of one unit (Bendora) has basic kitchen facilities. The remaining units and wings have only a sink and taps in an alcove.

² From 1 July 2025, the minimum age of criminal responsibility in the ACT was raised to 14 years. However, children aged 12 and 13 years who commit certain serious and intentionally violent offences may still be charged. Further, children and young people 10 years and over can be charged with Commonwealth offences, as under Commonwealth law the minimum age of criminal responsibility is 10.



Purpose and Scope of the Visit

The visit was prompted by a sustained increase in the number of young people detained in Bimberi in 2025. This increase in numbers of young people was cited by Bimberi as a reason to limit access of certain oversight bodies to the centre at certain times of the day. The visit therefore sought to enhance transparency of detention at a time of increased numbers of young people and ensure NPM functions could be adequately exercised.

The purpose of the visit was to assess the treatment and care of young people and conditions of detention, with a particular focus on:

- young people's access to education, health, programs and recreation
- staffing capacity, workload, and wellbeing.

The visit was conducted in line with relevant human rights standards, including the *ACT OICS Standards for Youth Detention Places*, and the *Human Rights Act 2004*.

Access and Ability to Fulfil NPM Mandate

The NPM was pleased to be able to fully exercise its mandate. In particular, the visiting team were able to access all parts of the centre they wished to; view requested documents and records; and speak to young people in private and to relevant staff. The visiting team had their own keys and were able to move around the centre unescorted.

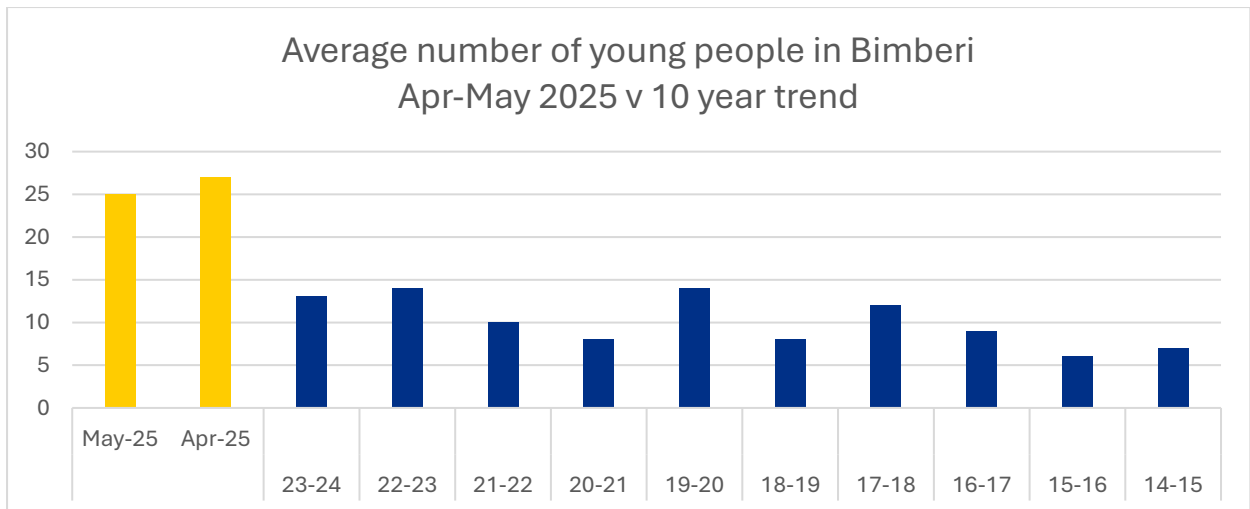
The ACT Custodial Inspector conducted an NPM pilot review in 2023 that included awareness raising about OPCAT and the role and functions of the NPM. However, this was the first joint visit with the three NPM entities. The visiting team were grateful for the assistance of centre staff. The NPM recognises and commends staff and management compliance with OPCAT and MPD Act requirements.

Further details on the ACT NPM mandate and modalities of the visit are contained in **Annexure A**.

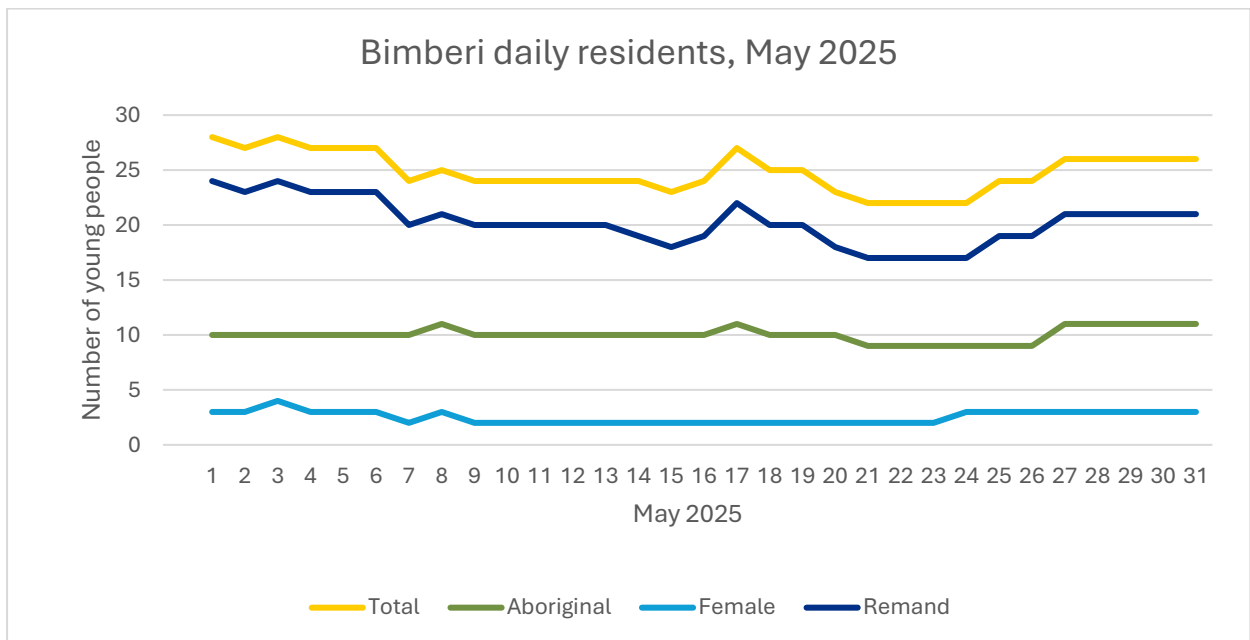
High Population

On the day of the onsite visit (7 May 2025), there were 24 young people. In April and May 2025, the average daily number of young people was 27 and 25 respectively, with multiple days with 30 young people in April.





Source: Report on Government Services (2025) Table 17A.3 & Bimberi daily residents list Apr-May 2025.



Source: HCSD – Bimberi Daily Residents List May 2025

Through May, most of the young people were on remand, just under 1/3 were Aboriginal or Torres Strait Islander and females made up a very small proportion. This is broadly consistent with general demographic profile of Bimberi in recent years.

Recommendations



Recommendation 1

That the ACT Government respond as soon as possible to:

- 1.1 The 15 recommendations of the 2024 Healthy Centre Review of Bimberi by the Inspector of Custodial Services.
- 1.2 Relevant recommendations made by the ACT Legislative Assembly Legal Affairs and Social Policy Committees' Inquiries into Annual and Financial Reports 2023-24.

Recommendation 2

That Bimberi and Murrumbidgee School keeps records of the attendance of young people at programs and education.

Recommendation 3

That the ACT Government ensure all statutory oversight bodies can freely access Bimberi in accordance with their mandates to ensure this vulnerable cohort of children and young people are treated humanely and their rights respected at all times, regardless of the number of young people detained.

Recommendation 4

That the Health and Community Services Directorate revise the Bimberi Business Continuity Plan to emphasise managing operations in ways that maintain access by young people to education, health, visits, external programs, escorts and oversight entities. Restricting these things should only be a last resort and not simply when numbers are higher than those covered by the funding envelope.

Recommendation 5

That the ACT Government prioritise measures to divert young people from Bimberi including Sunday bail court, and bail support programs.



Recommendation 6

That Bimberi introduce body worn cameras for youth detention officers to improve transparency, record keeping and accountability with footage retained for an appropriate period in case an investigation is required. Bimberi work with the NPM and other stakeholders in developing robust policies, procedures and staff training to ensure use appropriately considers human rights.



Findings

Finding 1: Low risk appetite is driving centre operations

The visit team observed an extremely quiet centre during the day of the visit, with young people restricted to their accommodation units, with only some in education classrooms. Occasionally, single or small groups of young people were escorted with multiple staff to another building for various reasons (e.g. health appointments, visits, haircuts). The outdoor 'town square' in the middle of the centre, and the nearby cafeteria were largely vacant throughout the day. While young people were not locked in their individual cells, the centre was operating with many young people having extremely limited interactions with other young people.³

The review team's overall impression was that the centre was operating all activities on a reduced basis as a way to manage risk. The phrase 'slowing the centre down' was used by a senior operational manager to describe the approach to dealing with high numbers of young people and limited available staffing. This approach accords with the activation of the Business Continuity Plan,⁴ which provides for amongst other things, cancelling 'non-essential' activities (but does not specify what essential and non-essential activities are).

Staff noted the complex needs of some of individuals in the current group of young people. The NPM was told by staff that grievances or 'gang' affiliations from the community permeated Bimberi, and the complex and changing dynamic between young people in the centre was described as requiring constant risk assessment to mitigate against assaults. The term 'gang' appears to be used by certain staff loosely rather than to describe a rigid or formal affiliation system.

The 2024 HCR by the Inspector of Custodial Services found that the Bimberi operating environment emphasised physical and procedural security over dynamic security and therapeutic and rehabilitative approaches. With increased numbers of young people compared to a year ago, this NPM visit indicated further

³ [Isolation of children and young people at Bimberi Youth Justice Centre](#) (Inspector of Correctional Services, November 2023) discusses the impact of isolation, segregation and separation on detained children and young people.

⁴ The Business Continuity Plan provides guidance on strategies to continue to deliver services in the event of a disruption or emergency situation. This includes situations where numbers of young people in Bimberi exceed 21 and staffing is limited due to unplanned leave.

drift toward a containment-focused approach. The NPM spoke to young people in their units, and noted a restless atmosphere, with some young people expressing frustration, angst, tension or downbeat sentiments. Some young people appeared to have energy to burn.

The HCR review was tabled in December 2024 and, as of July 2025 (over seven months later), the Government has not responded. The NPM as a collective is deeply disappointed in this delay particularly as the NPM observed the same issues raised by that review continuing; in particular management's focus on physical security and containment, over dynamic security and therapeutic approaches.

The NPM calls on the Government to respond to the HCR, and notes particularly Recommendations 1, 2 and 9:

Recommendation 1 of the 2024 Healthy Centre Review	The ACT Government articulate a strategic purpose for Bimberi, and a corresponding model of care. This should be publicly available and developed through a comprehensive, transparent and inclusive consultation process.
Recommendation 2 of the 2024 Healthy Centre Review	Bimberi develop risk assessment tools informed by its model of care, and emphasise that safety, rehabilitation, therapeutic interventions and dynamic security complement and reinforce each other.
Recommendation 9 of the 2024 Healthy Centre Review	Bimberi introduce a formal use of force review committee to review every use of force, which includes written terms of reference that focuses on reflective practice about whether the use of force complied with policy and procedures and opportunities for any other improvements. The Committee should include senior management and operational staff, as well as the Principal Practitioner and Training Manager. This Committee should seek views of detained young people involved in the use of force, with appropriate support from external agencies.

Accepting and implementing these recommendations would benefit staff and young people, by providing a clear vision and mission for Bimberi and limit the

impact of fluctuating numbers on access to services and supports for young people.

The NPM also notes recent recommendations by the ACT Legislative Assembly Standing Committees on Legal Affairs and on Social Policy in their Inquiries into Annual and Financial Reports 2023–24 (tabled April 2025) (**Annexure B**). These also highlight the need for a therapeutic focus.



Recommendation 1: That the ACT Government provide a response as soon as possible to:

- 1.1 The 15 recommendations of the 2024 Healthy Centre Review of Bimberi by the Inspector of Custodial Services.
- 1.2 Relevant recommendations made by the ACT Legislative Assembly Legal Affairs and Social Policy Committees' Inquiries into Annual and Financial Reports 2023–24.

Finding 2: Young people missing full access to education and health

Access to Education

Relevant standards require that 'all detained children and young people are engaged fully in a programme of education, learning and skill development to meet their individual needs'⁵. The *ACT Human Rights Act 2004* provides that every child has the right to access free school education that is appropriate to their individual needs, and everyone has the right to access further education, vocational training, and continuing education without discrimination. Vocational education and training is also highly important for the future wellbeing and successful re-integration into the community of young people after release from detention.

Based on discussions and a review of the education schedule it was apparent that during the week of the visit, young people had limited access to face-to-face education in the classroom setting. The Review Team heard it was not unusual for young people to only access one face-to-face session in the education classrooms each day. On the day of the visit, one unit was not scheduled to

⁵ ACT Office of the Inspector of Custodial Services (2024), ACT Standards for Youth Detention Places, standard 108.



access education at all and were only scheduled to have one hour out of their unit to access the gym with Bimberi staff.

The NPM is concerned this reduced access to classroom lessons is due to an unwillingness by Bimberi operational management to permit young people to mix with young people from across the centre in the education building. Young people expressed frustration about this, as they stated they enjoyed attending education face-to-face, getting out of their units and not just being restricted to mixing with the 2 or 3 young people in the one accommodation unit for the majority of their time. Recently, education classes have also been cancelled by whole of centre operational lock-ins due to short staffing (to enable staff to take lunch breaks). In April, there were 7 such whole of centre lock-ins, usually from 1-3pm, which causes cancellation of afternoon education classes. The number of young people in the centre on these days varied between 26 (with 11 operational staff on that day) and 30 (with 15 and 16 operational staff respectively on those days). On one day there were 28 young people, resulting in a one-hour whole centre lock in for staff lunch. The NPM does not seek to minimise the importance of staff having a lunch break – but stresses the Government must provide these staff breaks without young people missing key aspects of their core day.

While Bimberi's operational emphasis on not mixing certain young people appears to be significantly impacting Murrumbidgee School's ability to deliver education, the NPM also notes that Murrumbidgee staffing levels are another factor that has also impacted delivery of education (discussed further below). When young people cannot mix in the education building, education staff may have to deliver education sessions in the accommodation units – which teachers and young people alike described as a much less effective teaching environment. It also stretches education staffing capacity as staff need to visit different accommodation areas, rather than have students come to the education block, contributing to missed education opportunities for young people. Furthermore, requirements around non-mixing are dynamic with a risk assessment made each morning by a senior Bimberi operations staff member. Murrumbidgee staff will generally not know until the morning briefing at 8:30am which young people will be allowed to mix in class. On the day of the NPM visit, Murrumbidgee was not able to carry out the day's planned lessons due to non-mixing requirements, and had to rearrange lessons for the day. This significantly reduced the length of the first lesson resulting in frustration for staff and young people.



Prior to detention in Bimberi, many young people will not have been attending school regularly in the community. Accessing school in Bimberi to the fullest extent possible is a significant opportunity to build young people's skills and capacity while contributing to their personal development. For those sentenced, it contributes to rehabilitation. For all young people it is an opportunity to explore interests and pro-social connections to enhance their prospects of successful re-integration into the community and reduces the risk of returning to Bimberi after release. Education is both a fundamental, empowerment right and it contributes to greater community cohesion and safety. Young people only get a primary and secondary education once and so optimising their attendance is not optional – there is a positive duty to not discriminate in accessing education. Young people in Bimberi deserve the same opportunity as young people in the community.

Prior to the visit, the NPM requested attendance records for programs, education and health activities. The HCSD advised records are not kept by Bimberi or Murrumbidgee school. Justice Health Services (JHS) advised that they do not keep an official attendance record of the health education sessions provided, due to the variability of when these sessions may be held. When a health session is held, JHS staff document a young person's attendance in their Digital Health Record.



Recommendation 2: That Bimberi and Murrumbidgee School keeps records of the attendance of young people at programs and education.

Access to health

Young people may attend appointments onsite at the health centre, or be escorted by Bimberi staff to appointments in the community. The NPM observed that the high number of young people is impacting young people's access to health services.

During April 2025, there were 211 nursing appointments cancelled for various reasons with only 2 listed as due to Bimberi operations. CHS advised the NPM that none of the 7 medical officer appointments in April were cancelled due to operational reasons. In response to a subsequent NPM information request about an incident (see below), CHS noted that primary health and mental health were unable to see the young person in question on two dates in early May due to Bimberi 'operational requirements'. Further, the psychiatrist (who runs a face-to-face clinic fortnightly) noted that, on occasions, appointments after lunch are



cancelled because Bimberi is unable to bring young people to the Bimberi health centre. The psychiatrist noted that at a recent clinic they were only able to see 4 of the 6 young people. It is unacceptable that young people are missing out on crucial medical appointments, particularly those taking place in a health centre onsite at Bimberi.

There were 7 requests from CHS to Bimberi for external medical escorts in April 2025. Four (3 dentist appointments and 1 hand therapy appointment) were cancelled by Bimberi due to operational requirements– the explanations including unscheduled staff absences and the management of competing operational requirements within the Centre, or due to an active emergency code. It may be that they are rescheduled but this does not negate the point that access to health should be timely – particularly for services with wait times, or where a young person's condition may deteriorate. Furthermore, as most young people are on remand they may be released on bail without notice so may no longer be present in the centre to access the health appointment later nor seek out that care once released.

Health appointments are essential for young people and should not be cancelled on operational grounds unless it is an absolute last resort.

Access to programs and recreation

The visiting team observed young people in their accommodation units with very little to do beyond playing cards, colouring in or (for some) table tennis.

Review of the programs timetable for April reveals that the range of programs available outside of education varies, however, most in-unit programs are passive in nature and include, for example, cards and board games, table tennis, movies and using a gaming console (PS4/PS5). During the visit, a number of young people commented on the inability to access the games console during school hours, even at times when they are not actually being provided with access to education either at the school or in their units.

Over the April school holidays, young people were generally able to participate in programs of a varied nature and spent at least three hours outside of their units. Unfortunately, due to management's concerns about young people mixing, many of these programs had to be delivered twice so that two groups could attend and even then, it is understood some young people missed out due to not being able to mix with either of the two groups.



Finding 3: Pressure on staffing – risks of burnout and turnover

Staffing

Bimberi senior management described staffing levels as being fairly reasonable to meet the demands of higher numbers of detained young people, noting they utilise overtime and casual staff for additional shifts. The *Bimberi Business Continuity Plan – Operational Capacity* (BCP-OC) was described by a senior manager as an adequate mechanism at present to address staffing demands. Staff welcomed that a cohort of 7 new recruits was about to commence to increase staffing capacity.

Staff also noted that higher numbers of young people placed more demands on staff in day-to-day operations. One senior manager noted a heightened potential for staff fatigue and burnout. The NPM note that many staff demonstrated commitment to working with young people and resilience, including in light of additional work demands.

Daily ‘unplanned absences’ (e.g. due to sick leave) impacted staff when they were asked to do overtime. Management advised that the casual pool was heavily relied on to fill shifts. At times, senior managers were called into work shifts ‘on the floor’, meaning they were working as youth detention officers not managers. Extended lunch lock-ins had occurred to cover staffing lunch breaks.

Staff reported a growing reticence to make more permissive decisions around mixing young people due to prolonged higher numbers of young people without sufficient staff numbers.

Two key therapeutically focused roles (Principal Practitioner and Family Engagement Officer – Aboriginal and Torres Strait Islander identified position) were vacant at the time of the visit,⁶ with recruitment underway. These are crucial positions that bring a therapeutic and culturally responsive lens to all the work of the centre. The importance of these positions was noted in the 2024 HCR.

The NPM noted that Murrumbidgee School had also experienced staff turnover and absences, and this had impacted on its capacity. The NPM understands that Murrumbidgee School has recently received funding to hire additional permanent

⁶ The Principal Practitioner role was filled on an ‘acting’ basis at the time of the visit.

staff and is considering a recruitment and retention strategy to maximise staffing levels. This is an important way forward, but opportunities for young people to access education will only be maximised if as many young people as possible are able to mix in classes and attend class through a full school day at the education building. This requires an operational environment that promotes pro-social engagement and prioritise mixing to the extent possible.

Business Continuity Plan

The BCP-OC Level A ('low risk to life and/or property') strategy appeared to be in force, triggered due to an 'increased number of young people in detention'⁷ resulting in insufficient operational staff to manage safety and security risk'. The potential strategies to manage the risk in BCP-OC Level A are outlined in

Annexure C.

Some strategies in the BCP-OC focus on augmenting staff availability through increasing recruitment, cancelling non-essential training and using overtime. However, the NPM is concerned that several strategies outlined in the BCP-OC are not young-person (therapeutically) focused, and may produce poor outcomes for young people or others, or may be inconsistent with legislation, particularly if pursued over a longer period. Ongoing restriction as follows warrant further examination:

- Utilise 1-2 hr lockdowns to facilitate staff lunch breaks and continue to safely manage the site. Consider the need for rolling lockdowns
- Assess daily capacity and cancel non-essential visits and external programs
- Assess capacity to facilitate any non-essential escorts
- Assess capacity to facilitate centre walkarounds by oversights and visitors. Change times to less busy periods
- Decrease in BAU [business as usual] activities (examples include Incident Report Sign offs, monthly Managers Reports, non-essential meetings etc).

In relation to oversight access, HCSD has sought to restrict oversight entities including the Public Advocate, Official Visitors and the Aboriginal and Torres Strait Islander Children and Young People Commissioner by directing these entities only attend during certain times on certain days.

⁷ Over 21 young people in detention.

HCSD advised the NPM that Bimberi continues to provide access to oversights with the advice that visits outside school hours within business hours are preferred to balance the needs of the young people in the centre and staff availability. The Public Advocate's office attends on Friday mornings and the Office for Aboriginal and Torres Strait Islander Children and Young People attended 4 centre walk arounds and 2 visits in April and 4 centre walk arounds in May 2025.

The NPM considers this access to be inadequate. These independent oversight entities cannot fulfil their statutory functions without appropriate access to Bimberi including at reasonable times to meet with young people.



Recommendation 3: That the Government ensure all statutory oversight bodies can freely access Bimberi in accordance with their mandates to ensure this vulnerable cohort of children and young people are treated humanely and their rights respected at all times, regardless of the number of young people detained.

The NPM observed essential services to young people (health appointments, access to face-to-face education) are reduced under the BCP-OC. This is not appropriate or acceptable. Strategies must be considered by management to facilitate access to these essential services to enable young people to attend health appointments, even when there are more than 21 young people detained at the centre.

Cancelling 'non-essential' visits and external programs reduces young people's contact with the outside world. These connections are protective factors and provide purposeful activity. Cancelling them leads to young people spending more time restricted in their accommodation units, which fosters boredom, may contribute to anxiety or stress, and leads to a generally more tense environment. Young people need to have maximum access to education, programs, visits and recreation consistent with their rights and wellbeing needs while in Bimberi, as well as to help them to prepare for release. A busy centre with meaningful activities helps create a calmer atmosphere in the centre. Cancelling activities may be an immediate short-term option but if it continues, it heightens safety and security risks.





Recommendation 4: That the Health and Community Services Directorate revise the Bimberi Business Continuity Plan to emphasise managing operations in ways that maintains access by young people to education, health, visits, external programs, escorts and oversight entities. Restricting these things should only be a last resort and not simply when numbers are higher than those covered by the funding envelope.

The NPM recognises that Bimberi has no control over the number of young people detained in the centre. Nonetheless, the Centre should prioritise what can be done while young people are in Bimberi to reduce their chances of returning. It is positive to note one of the strategies in the BCP-OP of increasing Youth Justice Adolescence Services attendance onsite and focus on exit planning strategies. This approach is young-person focused and may contribute to helping young people stay out of Bimberi.

The HCR of Bimberi in 2024 found that more investment in the broader youth criminal legal system is needed to reduce the numbers of young people on remand. Again, during this visit, the NPM observed high numbers of young people on remand, often spending prolonged periods in the centre. The Government should consider all aspects of the current youth justice system to reduce the numbers of young people on remand including bail law, bail conditions, early intervention and family supports. It is likely more bail support programs for young people and the permanent introduction of Sunday bail court would assist (HCR Finding 38).



Recommendation 5: That the ACT Government prioritise measures to divert young people from Bimberi including Sunday bail court, and bail support programs.

Finding 4: Three incidents reviewed raise significant concerns

During the onsite visit, the visiting team were made aware of two incidents that warranted further follow up. Members of the NPM viewed CCTV footage of these two incidents and a further incident, relevant incident reports, and information from CHS. The incidents are included in more detail at **Annexure D** (redacted for the public report to protect the identities of those involved).



Incident 1

Four young people were in the resource room after school hours (in program time) and appear to be playing computer games on a large screen together. One young person engages with another young person on a bean bag – which results in the two wrestling for a very brief time. The interaction appears largely playful. The young person appears to have been given a direction that they did not follow, and a youth detention officer uses his radio to call other youth detention officers in. After pacing around the room, the young person pulls a cord off from near a door, kicks the door and continues pacing. An incident report states he ‘threatened to charge at the Resource room door’. There was no use of handheld camera so there was no audio of the incident for the NPM to be able to confirm.

Additional youth detention officers attended and while the young person is kicking a wall, take him to the ground. There is a protracted struggle lasting approximately 13 minutes during which time mostly 7 and at one point 8 youth detention officers (most of significant stature) are holding him down including lying across his legs. The young person is resisting and is visibly distressed. One youth detention officer is patting the young person's forehead in what appears to be an attempt to comfort him, while other officers continue to hold him down. Incident reports indicate the youth detention officers applied mechanical restraints (cuffs) to him. He is eventually escorted back to his cell and secured.

The incident report reads as an innocuous incident: ‘Staff have secured YP with bear hug techniques, guiding him to the floor due to YP [name] resisting and trying to break out of staff hold’. The Incident Debrief incorrectly stated only 4 staff applied force instead of 8.

The Incident Debrief report has blank fields for ‘strengths’ ‘weaknesses’ and ‘corrective actions’. If there was any reflective practice about this incident, it was not documented.

Incident 2

Incident 2 occurred after a young person had been playing table tennis with other young people and a youth detention officer in the unit after evening meal. The young person was assisting in packing up for evening lock in when they appeared to become heightened, breaking the table and brandishing a table tennis bat and large fragment of the table, and acting in an agitated manner.

Force was used to take the young person to the ground and remove the table fragment and table tennis bat from the young person, take them to their cell, and handcuff them. The use of force was prolonged (lasting more than 20 minutes)



including a period where up to 10 youth detention officers were in the young person's cell. There was no CCTV coverage of the cell, and no use of the handheld camera. There was therefore no audio of the incident.

The NPM understands that the young person was injured in the use of force. Ten days later members of the NPM observed visible marks on the young person's neck, which the young person suggested was due to the use of force. Bimberi records indicate that youth workers invited the young person to receive medical attention after the use of force but the young person declined.

The NPM echoes concerns raised in the HCR that it is inappropriate for youth detention officers who may have just used force on a young person to be the ones to offer the young person access to medical treatment.

Finding 19 of the HCR noted that Bimberi policy does not provide adequate opportunity for a young person involved in a use of force, including as a witness, to access medical assistance and mental health directly. The procedure would be improved if all young people were taken to the nurse after a use of force, so that a health practitioner can assess all young people for injuries. A Youth Detention Officer not directly involved in the use of force should accompany the young person to the nurse.

HCSD advised that the incident occurred when there were no medical staff onsite, but agrees that as good practice the doctor should have been notified following this incident.

The NPM understands that there are no records of medical treatment being given for any injuries sustained in the use of force on the day or any subsequent days. CHS advised that on two particular days post incident, health services could not see the young person due to Bimberi operational requirements.

This was a significant use of force with protracted struggle, and it is concerning that there appears to have been no documented reflective practice by Bimberi operational staff regarding proportionality of the use of force, whether there were opportunities for de-escalation, or the appropriateness of techniques employed, including having 10 youth detention officers in the confined space of the young person's cell (with no CCTV camera coverage).

The NPM notes Recommendation 9 from the HCR (adopted via Recommendation 1 of this review):

Bimberi introduce a formal use of force review committee to review every use of force, which includes written terms of reference that focuses on



reflective practice about whether the use of force complied with policy and procedures and opportunities for any other improvements. The Committee should include senior management and operational staff, as well as the Principal Practitioner and Training Manager. This Committee should seek views of detained young people involved in the use of force, with appropriate support from external agencies.

The NPM believes this incident highlights the importance of youth detention officers wearing body worn cameras. Body worn cameras are currently used or being trialled in youth detention centres in other jurisdictions including New South Wales, Western Australia, Queensland and Tasmania. Body worn camera footage provides a visual and audio record of what occurred, which can benefit both young people and youth detention officers. Recordings can provide impartial evidence which can assist in a variety of administrative, legal, disciplinary or complaint resolution processes. They may also assist in de-escalating situations (but should not be seen as a replacement for existing / other de-escalation practices).

Incident 3

Incident 3 occurred when a young person refused to follow directions to return to their cell to be secured for evening lock in. Review of CCTV showed the young person standing in a corner of an alcove in the unit's communal area with their back to the wall. The young person was not being physically aggressive, but despite staff attempting to persuade them otherwise, refused to return to their cell.

After more than two hours negotiating with the young person for them to return to their cell, a decision was taken by Bimberi operational management to prepare for a planned use of force to physically relocate the young person to their cell. Three staff donned full tactical PPE (helmets, pads, one shield for the group), and stood directly in front of the young person. The NPM notes this would have been likely to be confronting to any young person but in particular this young person had known vulnerabilities that heightened the risk that staff in tactical PPE could have a traumatic impact. At that point, the young person elected to return to their cell, and ultimately, there was no use of force.

From the CCTV footage, the ongoing engagement of youth detention officers with the young person over the two-hour period appeared to be positive. At times, the young person seemed to be engaged and conversing with the youth detention



officers. More than one officer tried to engage with the young person to persuade them to return to their cell. One staff member's incident report notes they offered the young person a hand ball to have in their cell to make them feel comfortable and to keep busy and asked if they wanted to listen to music.

However, the NPM is concerned about the decision to conduct a planned use of force on this young person with significant known vulnerabilities. One of the incident reports notes the young person disclosing previous self-harm attempts and threatening self-harm if secured in the cell. Given the young person did not appear to be threatening any individuals at the time the team with tactical PPE was deployed, and the young person was threatening self-harm if removed to their cell, the approach does not appear to be the least restrictive option available in the circumstances.⁸ It is not clear if other options such as one staff member staying with the young person in the communal area as long as required, or whether the opportunity for the young person to talk to a trusted person from outside the centre (e.g. family member or support person) on the phone was considered. While the young person voluntarily returned to their cell after seeing the team in tactical PPE, if they had not, the incident would almost certainly have escalated to a use of force. The NPM questions whether this approach for the purpose of compliance was reasonable, necessary or proportionate.

No written incident report was completed by the manager who decided it was appropriate to plan a use of force, and so the NPM is not aware of alternatives considered by the decision maker. Not all staff present completed incident reports, and there was no documented reflective practice (e.g. a hot debrief or formal debrief).

The HCR noted that many important decisions made by Bimberi staff did not include a documented proper consideration of human rights, as required by the Human Rights Act.

⁸ See Recommendation 3 of ACT Human Rights Commission, Commission Initiated Review of Allegations Regarding Bimberi Youth Justice Centre (Report, 2019) "That the ACT Government introduce an amendment to the CYP Act to ensure consistency with the Use of Force Policy and Procedures by removing the grounds of authorisation for the use of force to achieve compliance with a reasonable direction or to stop a behaviour breach. The Act should be amended to specify that force may only be used where necessary to prevent an imminent risk of a detainee inflicting self-harm, harming another person or seriously damaging property." This was 'Agreed in Principle' with the Government noting that the [then] "existing policy does not provide authorisation for the use of force to achieve compliance with a reasonable direction or to stop a behaviour breach". The CYP Act has not been updated in this regard, the policy has and still does not provide authorisation for the use of force to achieve compliance with a reasonable direction or to stop a behaviour breach.

The NPM also notes that even though the incident went for more than two hours, and the use of PPE was planned, there was no use of Bimberi's handheld 'go-pro' camera. There was therefore no audio, which would have further assisted review of this matter. Presently, Bimberi staff have no access to body worn cameras.



Recommendation 6: That Bimberi introduce body worn cameras for youth detention officers to improve transparency, record keeping and accountability with footage retained for an appropriate period in case an investigation is required. Bimberi work with the NPM and other stakeholders in developing robust policies, procedures and staff training to ensure use appropriately considers human rights.

Conclusion

At the time of the NPM visit and report drafting, Bimberi was experiencing a significant and sustained increase in the number of young people in detention, creating operational pressure that is impacting its ability to uphold the rights and wellbeing of young people in its care.

Higher numbers of young people have created what appears to be a stronger approach of separating and containing young people to manage risk. 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 risk.

The NPM acknowledge that many individual staff demonstrate commitment and resilience, including in light of additional work demands. However, systemic responses are urgently needed to prevent further deterioration of conditions for young people.

This NPM visit demonstrates an urgent need for the Government to respond to issues raised in the 2024 HCR. In particular, Bimberi needs an approach that prioritises therapeutic and rehabilitative approaches and moves away from a risk averse mentality whereby physical and procedural security govern the running of the centre.

The NPM has significant concerns about two use of force incidents viewed on CCTV, and the lack of trauma informed approaches in relation to the third incident. The record keeping, inaccuracy in the written reports and lack of reflective practice in respect of all three incidents is, in the NPM's view, completely unacceptable. The NPM believes that body worn cameras are a necessary accountability measure in Bimberi.

The NPM notes that the ACT Government is yet to respond to the 15 recommendations contained in the 2024 HCR by the Inspector of Custodial Services. The lack of a timely response does not serve the young people in Bimberi and the ACT Community well. Further recommendations have subsequently been made by the ACT Legislative Assembly and the NPM calls on the Government to respond to all outstanding recommendations.



Annexure A

The ACT National Preventive Mechanism Mandate

The OPCAT is an international human rights treaty designed to strengthen the protections for people deprived of their liberty and potentially vulnerable to mistreatment and abuse.

OPCAT does not create new rights for people who are detained, rather it seeks to reduce the likelihood of mistreatment. OPCAT combines monitoring at an international level (by the Subcommittee for the Prevention of Torture) with that of NPMs at a domestic level.

NPMs are independent visiting bodies, established in accordance with OPCAT, to examine the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman, or degrading treatment or punishment.

An NPM is not an investigative body. The mandate of an NPM working against torture is preventive: it seeks to pro-actively identify patterns and detect systemic risks of torture and related ill-treatment, rather than reacting to complaints.

The ACT Custodial Inspector, ACT Human Rights Commission and ACT Ombudsman were nominated to jointly perform the function of ACT NPM by virtue of a ministerial statement dated 20 January 2022; and later established through the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Regulation 2024, effective 18 September 2024.

Modalities of the Visit to Bimberi

Visiting Team

The visiting team consisted of:

- Rebecca Minty, Custodial Inspector, ACT Office of the Inspector of Custodial Services (team lead)
- Iain Anderson, ACT Ombudsman
- Pene Mathew, ACT Human Rights Commissioner, ACT Human Rights Commission
- Jodie Griffiths-Cook, ACT Public Advocate and Children and Young People Commissioner, ACT Human Rights Commission





Before the visit

Ahead of the visit, Bimberi was notified that a visit may occur across a two-month period but was not advised of the specific date. Bimberi was advised that the focus of the visit would be on:

- current staffing capacity
- young people's time out of cells and units
- young people's access to health, education programs, case workers and family visits
- incidents, including (but not necessarily limited to) use of force, separation, segregation, and critical incidents (and thresholds for reporting)
- young people's access to complaints and other oversight mechanisms.

Bimberi was given information about what to expect during the visit. They were also asked to provide information to the NPM to assist with the visit preparation. This information requested included:

- statistics on the number of young people, lock and unlock records, number of complaints, and use of force separation, segregation and critical incidents.
- a variety of policies, procedures and directives
- programs, education and health schedules
- meal plans
- individual schedules for appointments with health professionals, legal representatives and case workers.

During the visit

When the visit team attended on site, they were able to enter the centre promptly and conduct an entry meeting with Bimberi management, which included the Acting Centre Manager and the Acting Executive Branch Manager, Youth Justice who was on site that day.

After the entry meeting, the team split into two with one part conducting discussions with relevant staff, reviewing select areas such as the master control room and certain registers, and the other attending units to talk with young people. The visit team had an internal debrief in the afternoon before concluding with an exit meeting with the Executive Branch Manager as the centre manager was no longer on site.

After the visit

During the onsite visit, the visiting team were made aware of two incidents that warranted further follow up and in the process of doing that viewed CCTV footage of a third incident. The Team Lead and a representative from the ACT Ombudsman's office viewed CCTV footage, relevant incident reports, and information from Mental Health Justice Health and Alcohol and Drug Services within CHS.



Annexure B

Legislative Assembly Committee Recommendations

ACT Legislative Assembly Standing Committee on Social Policy – Inquiry into Annual and Financial Reports 2023–24, 11th Assembly, April 2025

[Report-1-SP-Inquiry-into-Annual-and-Financial-Reports-2023-24.pdf](#)

Recommendation 36: The Committee recommends that the ACT Government review the priorities and culture in place at Bimberi Youth Justice Centre, to ensure a more appropriate balance to place the needs of the individual as a primary consideration, within the context of a secure environment, and to ensure better connections and information flows between groups involved in the management of the Centre.

Recommendation 37: The Committee recommends that the ACT Government procure and implement body scanner technology at Bimberi Youth Justice Centre, the ACT Watch House and ACT court cells as soon as practicable to eliminate the cause for strip searches to be conducted on children and young people.

Recommendation 38: The Committee recommends that any unqualified and inexperienced person employed at Bimberi Youth Justice Centre as a Youth Worker must be supervised at all times, and be enrolled in an appropriate training program to attain a qualification.

ACT Legislative Assembly Standing Committee on Legal Affairs – Inquiry into Annual and Financial Reports 2023–24, 11th Assembly, April 2025

[Report-Inquiry-into-Annual-and-Financial-Reports-2023-24.pdf](#)

Recommendation 27: The Committee recommends that the ACT Government empower a culture that maximises the opportunity for young people in detention to participate in options for day release and opportunities to participate in programs in the community or a service or community event.

Recommendation 28: The Committee recommends that the ACT Government expand opportunities to ensure that young people can maintain their connection to their education provider while they are in Bimberi.



Annexure C

Extract from Bimberi Youth Justice Centre – Business Continuity Plan – Operational Capacity – Incident – Low risk to life and/or property (Level A)

Strategies / Measures to maintain business continuity

Utilise 1-2hr lockdowns to facilitate staff lunch breaks and continue to safely manage the site. Consider the need for rolling lockdowns.

Use of over-time

Assess workforce training opportunities. Cancel non-essential training, as required.

Assess daily capacity and cancel non-essential visits and external programs.

Assess capacity to facilitate any non-essential escorts.

Assess capacity to facilitate centre walkarounds by oversights and visitors. Change times to less busy periods.

Increase YJAS attendance onsite and focus on exit planning strategies for young people in Bimberi

Increase yearly recruitment rounds above the 2 standard rounds each year (long-term strategy)

Increase night shift staffing to 7 staff

Management respond in supporting functions and roles (Chief Warden, Control Operator 2, Sierra duties)

Train YJAS non-operational staff in operational duties

Decrease in BAU activities (examples include Incident Report Sign offs, monthly Managers Reports, non-essential meetings etc).



Annexure D – Redacted

This annexure is redacted under Division 1A.5 of the *Monitoring Places of Detention (Optional Protocol to the Convention Against Torture)* Act 2024

Incident 1: Code Black – use of force

Details: [REDACTED]

Material considered by NPM: ‘Incident Report’ form ([REDACTED]); ‘Incident Debrief’ form; CYPs ACTIA Report Incident Related Form, CCTV footage ([REDACTED]), ‘Management Report ([REDACTED])’.

[illegible]

Matters arising:

De-escalation is not apparent from CCTV footage

[illegible]

[Redacted]

[Redacted]

Duration of the incident

[Redacted]

[Redacted]

Access to medical care

[Redacted]

[Redacted]

No apparent reflective practice

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Incident 2: Code Black – use of force

Details:

Material considered by NPM: 'Incident Report' form ([REDACTED]); 'Incident Debrief' form; 'Record of Uses of Force' form; CCTV footage

Description of incident:

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Matters arising:

Lack of documentation, record keeping

[REDACTED]

Access to medical care

[REDACTED]

[Redacted text block]

No apparent reflective practice

[Redacted text block]

[Redacted text block]

Incident 3: Code Grey (Assistance Required) [REDACTED]

[REDACTED]

Incident details: [REDACTED]

Material considered by NPM: 'Incident Report' form ([REDACTED])

'Incident Debrief' form, CCTV footage

Description of incident:

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Matters arising:

Service	Percentage
I have used a service	95%
I have used a service	92%
I have used a service	88%
I have used a service	45%

Poor documentation/record keeping

Age Group	Gender	Percentage Vaccinated
65 and older	Male	95%
65 and older	Female	90%
45-64	Male	85%
45-64	Female	80%
25-44	Male	85%
25-44	Female	80%
18-24	Male	85%
18-24	Female	80%

Decision to kit up in tactical PPE was not trauma-informed

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ACT Inspector of Custodial Services,
Ms Rebecca Minty

Dear Ms Minty,

Initial Response to ACT National Preventive Mechanism Post Visit Summary

Thank you for providing the Health and Community Services Directorate (HCSD) with the opportunity to provide a response to the ACT National Preventative Mechanism Post Visit Summary.

HCSD acknowledges the important role of the National Preventative Mechanism in promoting transparency, accountability, and continuous improvement at Bimberi. We value the collaborative relationship with the NPM and remain committed to ensuring they have access to Bimberi to fulfil their mandate.

HCSD also wants to acknowledge the findings of the visit including:

- the risk appetite of the centre's operations,
- young people's access to education and health programs, and
- the pressures on staff to meet operational demands while maintaining a safe, engaging and therapeutic environment.

HCSD has undertaken an initial review of the six recommendations outlined in the NPM Summary. The responses below were developed in consultation with:

- Justice and Community Safety Directorate,
- Education Directorate, and
- Canberra Health Services.

Please see HCSD's response to each recommendation below.

No.	Recommendation	HCSD Response
1	That the ACT Government respond as soon as possible to: • The 15 recommendations of the 2024 Healthy Centre Review of Bimberi by the Inspector of Custodial Services. • Relevant recommendations made by the ACT Legislative Assembly Legal Affairs and Social Policy	Agreed. The Government response to the Healthy Centre Review into Bimberi Youth Justice Centre 2024 is currently in the process of being considered by Government and it is anticipated that a formal response to be tabled in the Legislative Assembly later this year.

	Committees' Inquiries into Annual and Financial Reports 2023-24.	
2	That Bimberi and Murrumbidgee School keeps records of the attendance of young people at programs and education.	Agreed.
3	That the ACT Government ensure all statutory oversight bodies can freely access Bimberi in accordance with their mandates to ensure this vulnerable cohort of children and young people are treated humanely and their rights respected at all times, regardless of the number of young people detained.	Agreed. Statutory oversight bodies currently have access to Bimberi in accordance with their mandates. Oversight bodies are able to schedule appointments to visit the centre at any time. As noted in the summary report, the NPM was able to fully exercise its mandate, access all parts of the centre, view requested documents and records, speak to young people in private and speak to relevant staff. The visiting team had their own keys and were able to move around the centre unescorted. HCSD will continue to work with oversight bodies to ensure access in a way that balances oversight responsibilities and operational needs.
4	That the Health and Community Services Directorate revise the Bimberi Business Continuity Plan to emphasise managing operations in ways that maintains access by young people to education, health, visits, external programs, escorts and oversight entities. Restricting these things should only be a last resort and not simply when numbers are higher than those covered by the funding envelope.	Agreed. HCSD will review the current BCP to ensure the plan continues to uphold an appropriate balance of risk management access to programs. These services are sometimes restricted not as a matter of policy preference, but as a necessary response to ensure safety and manage risk during periods of operational strain.
5	That the ACT Government prioritise measures to divert young people from Bimberi including Sunday bail court, and bail support programs.	Noted. This recommendation will need to be considered by Government as there are

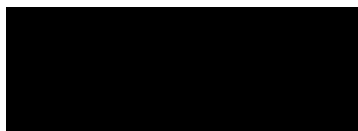
		potential financial implications.
6	That Bimberi introduce body worn cameras for youth detention officers to improve transparency, record keeping and accountability with footage retained for an appropriate period in case an investigation is required. Bimberi work with the NPM and other stakeholders in developing robust policies, procedures and staff training to ensure use appropriately considers human rights.	Noted. This recommendation will need to be considered by Government as there are potential financial implications.

In parallel, HCSD is developing a Strategic Plan for Youth Justice to strengthen the policy framework guiding ongoing reform and practice improvements across the ACT Youth Justice system.

The Deputy Director General, HCSD and the Executive Group Manager, Children, Youth and Families would like to offer the opportunity speak through work underway in more detail, once the Healthy Centre Review package has been considered by Government.

Thank you again for your continued work.

Yours sincerely,



Catherine Rule
Director-General
Health and Community Services Directorate

13 August 2025

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