

ESTIMATES COMMITTEE

Question Taken on Notice

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From: Mr Chansey Paech

To: Hon Marie-Clare Boothby

Portfolio: Attorney-General

Agency: Attorney-General's Department

Subject: Children's Commissioner own initiated inquiries

QUESTION:

Could you provide a list of own-initiative inquiries for the reporting period and if they were published or not and the reasons behind why they may not have been published?

ANSWER:

There were three own initiative preliminary inquiries initiated during the reporting period. All three related to conditions in youth detention.

Of the three initiative preliminary inquiries, two remain open. Due to those inquiries remaining open and the confidential nature of matters considered by the Children's Commissioner (the Commissioner), further detail cannot be provided to protect the integrity of this process.

The third inquiry initiated was closed prior to a decision to investigate due to capacity issues within the Office of the Children's Commissioner (OCC). This matter related to the requirement for children to 'double bunk' in Holtze Youth Detention Centre due to rising numbers of detainees and the adequacy of risk assessment and risk mitigation strategies, particularly as it relates to the National Principles for Child Safe Organisations. As a full investigation could not be progressed, the OCC wrote a substantive letter to Department of Corrections highlighting the concerns and advice on how to improve practice, including incorporation of the standards.

The Commissioner also has powers to examine systemic issues affecting vulnerable children under Part 6 of the *Children's Commissioner Act 2013* (the Act) by way of Inquiry. No Inquiries were initiated under Part 6 of the Act during the reporting period due to capacity issues.

There are a range of factors that require consideration when publishing a report following an investigation or own initiative inquiry. The Commissioner's priority is the safety, wellbeing and privacy of a vulnerable child. The Northern Territory is a small jurisdiction which makes the likelihood of identification of children much higher than other bigger jurisdictions.

The Commissioner must also consider the child or young person's wishes, and those of adults acting on their behalf. The privacy and potential identification of children whom Own Investigation Initiative matters relate is vital. Publishing a report, even heavily redacted, that is identifiable may compromise their safety and wellbeing in statutory systems that they may still be involved in.

All published reports are available on the OCC's website – <https://occ.nt.gov.au/>.

In the reporting period the OCC published the Inquiry into the Planning and Implementation of ASYDC Reduced Capacity Operational Plan- Part 2 report.