

Terms of Reference

Review of use of confinement orders in youth justice centres

In 2025, the Inspector of Custodial Services conducted a series of unannounced inspections of the following youth justice centres:

- Acmena Youth Justice Centre
- Cobham Youth Justice Centre
- Frank Baxter Youth Justice Centre
- Orana Youth Justice Centre
- Reiby Youth Justice Centre
- Riverina Youth Justice Centre

The Inspector found that the most common punishment for misbehaviour for young people in custody of Youth Justice NSW across the financial years 2021–22 to 2024–25 was confinement to room. The highest number of confinements were 3,696 in 2023–24 and a similar number (3,591) were ordered in 2024–25. For 2025–26, the number may have increased to over 4,000.

Punishments for misbehaviour in youth justice centres are prescribed by section 21 of the *Children (Detention Centres) Act 1987*. These include the imposition of a caution, restriction from participating in sport or leisure, additional duties, or exclusion from or confinement to a place not exceeding 12 hours or when the young person is over 16 years old, not exceeding 24 hours.

When confinement is imposed, the young person must be provided with some means of usefully occupying themselves in an environment that is no less favourable than the physical environment of other places occupied by young people (usually the young person's room), and the young person must be visible to and able to communicate with a youth justice officer.

Section 6(1)(c) of the *Inspector of Custodial Services Act 2012* authorises the Inspector to examine and review any custodial service at any time. A custodial service is defined to include the 'security, management, control, safety, care or welfare ... of persons in custody, detained or residing at a custodial centre'. Pursuant to these provisions, the Inspector will undertake a desktop review of the use of confinement orders in youth justice centres from 2022-23.

The review will:

- Examine the frequency of use of confinements as punishment for misbehaviour.
- Examine a sample of cases of confinement as a punishment in the past financial year to:
 1. Understand the context in which they occurred.
 2. Review the processes around the determination of misbehaviour, including whether the young person pled guilty or not.
 3. Identify the demographic characteristics of young people receiving confinement orders (age group, Aboriginal Status, and gender).