



Government of South Australia  
Training Centre Visitor

Report on  
Pilot Visiting Program and Review of Records  
for the Adelaide Youth Training Centre 2018

Training Centre Visitor

February 2019

## Training Centre Visitor

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# 1. INTRODUCTION

## 1.1 Purpose

The *Pilot Visiting Program and Review of Records* (the pilot) commenced in July 2018. The visiting program ran for ten weeks from 23 July to 28 September and an associated Review of Records was conducted at the Adelaide Youth Training Centre (AYTC) on 17 October and for a period immediately afterwards.

This report will -

1. describe and review the activities undertaken during the pilot
2. inform the design of TCV Program visiting, inspecting, advocacy and other policies and practices to promote the best interests of AYTC residents, and
3. provide a basis for discussing outcomes of the pilot with residents, the Minister for Human Services, the AYTC, the Department for Human Services (DHS) and other appropriate stakeholders.

The report discusses matters raised by residents or others or observed by visiting Training Centre Visitor Unit (TCVU) staff through the course of the pilot.

Pilot activities were undertaken variously by TCVU staff - Belinda Lorek (Principal Training Centre Advocate), Travis Thomas (Advocate) and Alan Fairley (Principal Policy Officer and Principal Training Centre Advocate) as well as Penny Wright (TCV).

The TCVU acknowledges the support of residents, staff and AYTC management through this process. The pilot demanded something from all parties that support was critical to its success.

A draft copy of this report was provided to the AYTC for feedback.

## 1.2 The Training Centre Visitor's statutory responsibilities

Section 14 of *the Youth Justice Administration Act 2016* (the Act) established the Training Centre Visitor position to undertake several oversight functions -

- 14 (1) The functions of the Training Centre Visitor include the following:
- (a) to conduct visits to training centres as required or authorised under this Part;
  - (b) to conduct inspections of training centres as required or authorised under this Part;
  - (c) to promote the best interests of the residents of a training centre;
  - (d) to act as an advocate for the residents of a training centre to promote the proper resolution of issues relating to the care, treatment or control of the residents;
  - (e) to inquire into, and provide advice to, the Minister in relation to any systemic reform necessary to improve—
    - (i) the quality of care, treatment or control of residents of a training centre; or
    - (ii) the management of a training centre;
  - (f) to inquire into and investigate any matter referred to the Visitor by the Minister;
  - (g) any other functions assigned to the Visitor by this or any other Act.

The pilot visiting program primarily addressed the visiting function mandated by s.14(1)(a) and how it could best combine with associated functions. It also responded to directions in s.16 of the Act, including that –

- 16 (1) On a visit to a training centre under this Part, the Training Centre Visitor may—
- (a) so far as practicable, inspect all parts of the centre used for or relevant to the custody of youths; and
  - (b) so far as practicable, make any necessary inquiries about the care, treatment and control of each resident of the centre; and
  - (c) take any other action required to exercise the Visitor's functions.

The pilot was implemented in accordance with the Act's requirement that the TCV "must act independently, impartially and in the public interest" (s.12(1)) and when addressing her functions, she must –

- pay particular attention to the needs and circumstances of residents who are under guardianship, or are Aboriginal or Torres Strait Islander young people, and

those who have a physical, psychological or intellectual disability (section 14(2)(b))

- must encourage residents to express their own views and must give proper weight to those views (section 14(2)(a)), and
- have regard to the *Charter of Rights for Youths Detained in Training Centres* and try to implement its terms “to the fullest extent possible” (section 22 and provided in Full as *Attachment 1* below).

### 1.3 Overview of Findings

Learning gained from the pilot has influenced TCV Program planning, especially with respect to the design and implementation of the TCV’s Visiting and Inspection functions. In particular-

- fortnightly visits by two TCVU staff are necessary for both the Jonal and Goldsborough sites (as requested by residents, and in order to be workable from the AYTC’s perspective)
- although it is relatively resource intensive, *all* residents should have the opportunity to speak directly with TCVU staff during a visit (i.e. it is a core TCVU task to ensure that this is the case)
- residents in some groups require specific and potentially intensive attention (notably Aboriginal residents, members of other culturally and linguistically diverse communities, girls and young women, residents with disabilities and/or neurodevelopmental needs, and the very young). Lack of access to programs (e.g. cultural programs for Aboriginal residents at Jonal Drive) is a specific concern
- the visiting program needs to be flexible from time to time to respond appropriately to resident needs and AYTC circumstances
- the pilot review of records provided valuable insight into the AYTC’s current data capabilities and clarified some ongoing data needs of the TCV Program.

## 2. PILOT PROGRAM ACTIVITIES

### 2.1 The development of the TCV Program

Work to establish the TCV Program began in November 2017 with the appointment of two staff to job-sharing one position (1FTE). A third staff member commenced in February 2018. At the time of the pilot the following positions were in place: 1 FTE Principal Training Centre Advocate (PTCA), 0.4 FTE Principal Policy Officer (PPO) and 1 FTE Advocate.

The pilot built on and complemented other activities already undertaken by the TCV program including -

- development of initial program objectives and a work plan
- relationship and awareness building about the Program with residents (with formal consultation in May 2018 an essential pre-pilot activity)
- liaison with the Directorate of Youth Justice, the management and staff of the AYTC, and professional and community stakeholders
- creation of interim protocols and procedures for managing work within the existing administrative structure of the Office of the Guardian for Children and Young People (noting that about a quarter of all residents also are under guardianship orders)
- review of oversight models in other, similar jurisdictions
- analysis of the 2018 Productivity Commission *Report on Government Services* and other sources in relation to the situation of Aboriginal and Torres Strait Islander Young People in care and/or detention
- engagement with preparatory processes for the implementation of the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT), and not least,
- immediate provision of a direct advocacy service for AYTC residents.

## 2.2 The ten week visiting pilot

### 2.2.1 Overview

Visiting occurred from 23 July to 28 September 2018, focusing on five visits each to the Jonal Drive and Goldsborough Road campuses of the AYTC.

During these ten visits –

- 157 individual contacts were made with 73 residents (20 at Jonal Drive and 53 at Goldsborough Road)
- TCV staff spent 55 hours on site
- There were 19 referrals for individual advocacy, 9 of which were referred to the GCYP advocacy team for assessment as they related to children and young people under guardianship orders.

Of the residents who engaged with the TCVU during these visits -

- 2 were ten years of age,
- the majority were aged between sixteen and seventeen years, and 1 was aged over eighteen
- 47 identified as Aboriginal or Torres Strait Islander
- 7 were female and 66 were male
- the majority were reported to be on Phase One, followed closely by Phase Two (of the AYTC Behaviour Support Framework)
- 24 were under Guardianship orders.

### 2.2.2 Reviewing the ten visits - what was achieved?

The visiting pilot had nine objectives.

**Objective 1** - provide the opportunity for residents to be heard and raise concerns, specifically in relation to their “care, treatment and control” (this is the scope for advocacy set out in the Act) and work with them to identify how best to address and/or advocate on their behalf about these matters.

This objective was achieved. Visiting Advocates engaged routinely with residents during all visits. We will explore how best to engage more effectively with younger male and female residents.



The pilot provided an intensive opportunity to build greater understanding among residents about the TCV's oversight function and the sort of issues they can raise with us. An Advocate also attended the AYTC Youth Advisory Committee (YAC) to consider how the TCV Program should relate to that process.

**Objective 2** - inspect all parts of the AYTC to assess the suitability and quality of the environment and facilities.

This objective was largely achieved. We inspected most areas of the facility that are accessible to residents and identified some issues for further exploration including bedroom furniture, damage to some rooms and opportunities to improve spaces. Our capacity to undertake this broader oversight task is secondary to our core need to engage with residents. Like other tasks identified through the pilot, future work in this area will depend on TCVU staffing resources.

**Objective 3** - educate residents about their rights, entitlements and responsibilities while in detention.

This objective was largely achieved. Residents wanted to know about their rights. This confirmed the need for proper consultation with residents about how to implement the statutory *Charter of Rights for Youths Detained in Detention Centres* (attached) and the need to develop associated 'products'. This task should be undertaken as soon as possible.

**Objective 4** – through discussion and observation, provide insight into the quality of care provided to residents.

This objective was achieved. Our on-site observation and discussion with residents (and staff) gave us information about how we can monitor and assess the quality of care for residents as part of an ongoing visiting program. The trial process allowed residents to raise concerns and seek advocacy support and also identified some process/operational issues for discussion with AYTC management.

**Objective 5** - build relationships with residents and AYTC staff.

This objective was largely achieved. We are pleased to report on largely positive interactions with residents, and unit and centre staff during the pilot visiting program. Both staff and residents were welcoming and willing to discuss achievements and challenges in the AYTC.

**Objective 6** - generate referrals for individual advocacy.

This objective was achieved. We assessed nineteen approaches as suitable for individual advocacy during the pilot visiting period. Some additional matters were

able to be resolved during a visit or shortly afterwards and were not opened as formal individual advocacy matters. Some were referred to an alternative complaints process. We were able to have constructive dialogue with residents about what advocacy is and how it can work best for them.

**Objective 7** - identify good practice and approaches.

This objective was partly achieved. We commenced this complex but important task during the pilot. Residents and staff were frank about practices and challenges in a custodial environment. We will give further thought to how best to integrate this objective within the ongoing visiting and review of records program. Importantly, we did see supportive and good practice work with residents.

**Objective 8** - identify systemic issues that require reform at a local level and potentially also the wider youth justice sector.

This objective was partly achieved. As with the preceding objective, the pilot was an opportunity to explore how to integrate visiting with the Promotion of residents' 'best interests', Inspection and Inquiry functions in order to identify systemic youth justice issues.

The visits reinforced the need to address the issues affecting 'dual-involved' children and young people (ie those who are in detention but also are or have been within the child protection system, especially residential care).

The experience also contributed to the development of a current TCV/GCYP project looking at children's dual-involvement in both systems, in South Australia.

**Objective 9** - identify necessary data and information to support the visiting and related functions.

This objective was partly achieved. The pilot Review of Records (which is described separately in this report) was informed by the on-site visiting. Our experience confirmed that a single, integrated process of data analysis and information review should be developed to serve both visiting and inspection functions (It will be designed to sit within an annual four phase program as described in part 2.2.6 below).

### 2.2.3 Design considerations for an ongoing Visiting Program

The nine objectives for the *visiting program* piloted in 2018 provide a coherent framework for the ongoing TCV visiting program.

Other factors that we noted during the pilot have also influenced our planning for the 2019 and ongoing visiting program. Residents provided broad guidance about visiting practices (for example, that fortnightly visiting is 'about right' and we should not attend less often; that most residents found the visits helpful; and that they feel comfortable raising issues with us). We need to ensure that all residents (especially new residents) develop an understanding of how the TCV Program can support them while they are detained at the AYTC.

The nature, depth and sustainability of the visiting program will depend on organisational capacity which established through existing and prospective resources. So far, the TCV Program has operated with an 'establishment' budget and it is not clear whether the additional resources needed for a ***base operational model*** will be made available. If not, the TCV's capacity to meet statutory requirements and the Minister's ability to satisfy the requirements of s.13 of the *Youth Justice Administration Act 2016* will be jeopardised.

The pilot has allowed us to identify some consequences if the ***base operational model*** is not funded. Among other things, this model allows for the employment of an Aboriginal Advocate, dedicated funding for the currently unfunded Inspection process and access to essential operational costs that are not otherwise covered.

- Although residents prefer fortnightly visits to each campus, this frequency (and/or amount of time spent on site and on follow up activities) will necessarily be reduced. The risk/impact is that some residents may not be seen/approached at all or there will not be sufficiently frequent contact to develop the relationships required for residents to trust an Advocate.
- There will be insufficient capacity to respond properly to the specific issues and circumstances faced by members of some groups, including –
  - Aboriginal residents
  - members of other culturally and linguistically diverse communities
  - girls and young women
  - residents with disabilities and/or neurodevelopmental needs
  - the very young, and
  - residents held on remand.

- Considerable evidence demonstrates that disadvantages faced by minorities within custodial populations are exacerbated by inadequate specialised attention. The TCVU's capacity to establish rapport and trust with some of the most vulnerable children and young people is a necessary part of responding to these systemic issues. It is important that there is a time and capacity to build relationships slowly.
- The capacity to undertake important oversight tasks such as reviewing facilities and programs will be reduced in order to prioritise engagement with residents. There also will be less time available to interact with AYTC staff and program providers and develop a better understanding and integration of their perspectives and aims.
- Service quality will be affected by the current staff having less time and expertise to plan, conduct, document, report on and follow up matters identified during visits.
- It is likely that some matters will escalate due to a reduced capacity to intervene early and resolve them quickly, when required and appropriate.
- An associated impact is that the TCV Program will focus on risk and areas of deficit rather than paying more structured attention to good practices or new initiatives.

#### ***2.2.4 Learning from the pilot visits***

We scheduled pilot visits at differing times and days of the week so that we could engage with residents at various stages of their daily routines and observe the practices of different staff teams and functions. We made some observations, that have influenced subsequent planning, including the following—

- older residents were more relaxed and likely to engage after school hours
- lunch time was also a productive time to connect
- visiting the school allowed the young people to showcase their achievements (an opportunity they welcomed)
- taking the time to develop rapport and an environment of trust is the basis for the preferred relationship model (creating a capacity to then introduce specific consultation/activity processes from time to time)

- conducting visits in an informal, unhurried manner helped establish and maintain a relaxed environment for both residents and operational staff
- 'facility' visits/observations need a time allocation separate from the period spent with residents and should be done at least once each visiting cycle
- the nature and depth of post-visit reports are contingent on available TCVU staff time, and
- the capacity to respond to, and try to resolve, pressing issues as they arise is an essential part of the visiting program.

The value of two TCV staff visiting together for each visit was affirmed as an important characteristic of an adequate visiting model, noting that –

- residents should have access to a female and male visitor, at least one of whom identifies as Aboriginal
- if there are two visitors, residents who are in their rooms (possibly involuntarily) for time-out or due to routines can still speak with a visitor, or at least be presented with that opportunity, while the other visitor can engage with young people in the common area
- having two visitors present helps ensure that the views of all residents can be sought; this allows for more flexibility so that separate discussions can occur, should that be desired or necessary, particularly in the larger units (noting that some residents may not want to bring attention to the fact that they are having a personal conversation with a visitor). This also means that there is a better opportunity to engage with young people who have communication challenges
- having two visitors, with two sets of eyes, enables more critical scrutiny of surroundings and interactions, and allows for more than one viewpoint on what are often heightened and complex social environments.

### ***2.2.5 Issues identified in individual post-visit reports***

The TCVU prepared summary reports after each of the ten pilot visits, which identified issues raised by residents or observed by TCVU staff, and made a total of thirty-eight immediate recommendations to AYTC management (nineteen for each of the Goldsborough and Jonal sites). While AYTC management did not respond to recommendations in individual reports at the time they were issued, all recommendations were responded to eventually and constructively.

Residents raised a diverse range of concerns during the visits, including -

- how the AYTC *Behaviour Support Framework* is being applied
- the state of bedrooms following searches by some staff
- the required use of a flexible (infant) toothbrush
- unit rules
- unclothed searches
- camera angles and associated privacy
- access to pre-vocational courses across both campuses
- access to cultural programs, particularly at Jonal Drive
- the quality, features and presentation of bedrooms
- providing a more welcoming visiting space for family and friends.

The TCV Unit took up some of these as formal individual advocacy matters pursuant to s.14(1)(d) of the Act.

### ***2.2.6 Future visiting model***

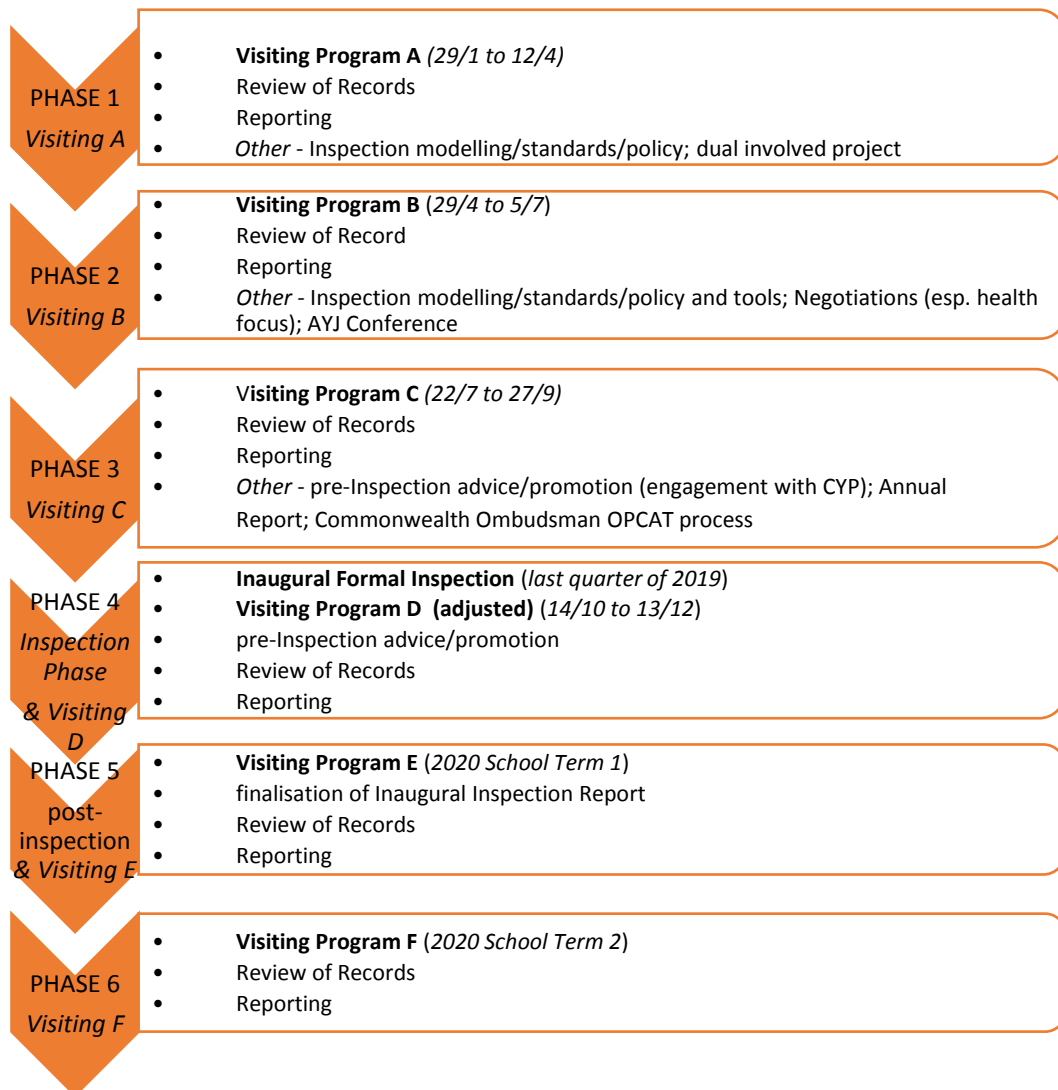
From 2019 onwards, an annual Visiting Program will be implemented based on four visiting rounds of ten weeks each, linked to school terms. There will be five visits to each of Jonal and Goldsborough sites, each round. We will carry out less intensive and less formal visiting in the periods between these four rounds to maintain relationships and support residents.

The aim is that every resident will have the opportunity for face to face contact with visiting TCVU staff members each visit. A specific visit or round of visits may focus on a specific issue or concern or seek to better understand or observe certain practices or programs.

The approach will seek to link the TCV's Visiting and Inspection programs. For example, the quarterly review of records processes, while part of that visiting phase, will also be part of a rolling review of records process leading up to the inspection function under s.14(1)(b) of the Act.

These factors, among others, influenced the development of the 2019 TCV visiting and inspection program illustrated below.

### *Training Centre Visitor Visiting and Inspection Program 2019/2020*



## 2.3 The Pilot Review of Records

### 2.3.1 Introduction

The pilot Review of Records (the review) was conducted as a full day session at the AYTC on 17 October 2018 with some less sensitive documents then examined over the following days. The TCV initially gave four weeks' notice of the review and the date was subsequently extended at the AYTC's request, to give them more time to collate the required data and to work around pre-existing commitments of TCVU staff.

The nominated review period was 23 July to 28 September 2018 with the pilot review seeking to examine –

- issues or concerns relating to the care, treatment and control of AYTC residents
- processes and practices that may impact negatively or less than optimally on resident rights, care or treatment
- whether and how practices meet the rights and ensure resident protections in the *Youth Justice Administration Act (2016)* and *The Charter of Rights for Children and Young People Detained in Youth Justice Facilities*, and
- good practices that could be acknowledged and promoted.

Examined Material included: log books, resident feedback forms, incident reports, leave granted for absence from the AYTC, staff training, and details of programs offered to residents.

### 2.3.2 Issues identified during the Review

The Review focused on five main issues: personal and unclothed searches; use of isolation; incidents; resident feedback and complaints; and use of safe rooms. Several matters required further attention.

#### *Personal and unclothed searches*

The AYTC conducts unclothed, ion scanner and pat-down searches of residents. All logs recording unclothed or personal searches at Jonal Drive and Goldsborough Road were requested for review.

The TCVU found that these logs demonstrated that the requirements for unclothed searches, mandated by Section 30 (3) of the *Youth Justice Administration Act (2016)*, were



not always met with respect to factors such as recording the *age* of the resident and the *time of* and *reason* for an unclothed search. These are statutory requirements, as is recording the name of the employees who conducted a search.

*Outcome:* The Centre has changed the log process to reflect the legislated requirements following the TCV's recommendation to this effect.

Residents may go off-site for various reasons such as hospital or court attendance, participation in training, or attendance at significant cultural, family or community events. At Goldsborough Road, sixty five per cent of searches occurred following personal visits to residents by family and others and thirty five per cent were associated with admissions and/or returns to the AYTC following off-site attendances. The specific reasons for searches were not recorded consistently across the 71 search entries reviewed for Jonal Drive.

*Outcome:* The AYTC has advised that this has been rectified (ie the specific reasons for unclothed searches are now being consistently accurately recorded) following the TCV's recommendation that this should be done.

It should be noted that routine unclothed searches have been replaced in some comparable jurisdictions by less confrontative or intrusive measures. This approach will be explored further by the TCV Program.

### ***Use of isolation***

Unit log books were requested for review, with only one being examined closely due to time constraints. The main objective in this pilot review process was to assess how periods of isolation were being accounted for and recorded. The AYTC also provided additional documentation relating to the recording of periods of isolation. In the future, further discussion will occur with AYTC management about necessary practices under *the Youth Justice Administration Regulations (2016)* and their application to circumstances within the Centre.

### ***Incidents***

All incident reports made during the reporting period were requested. Aggregate data provided by Strategy, Policy and Reporting (Youth Justice Directorate) indicated that forty-four incidents occurred, with forty-one provided by the AYTC for review.

The TCVU focused on incidents involving -

- use of mechanical restraint
- use of physical restraint
- the experience and 'voice' of the young person involved
- the nature/cause of incidents
- the internal AYTC review process
- the safety, rights and wellbeing of children and young people.

### ***Feedback forms and Complaints***

Twenty-three feedback forms that had been lodged by fourteen individual residents were reviewed for the pilot period; eighteen from Goldsborough Road and five from Jonal Drive. Three gave 'positive' feedback about food and staff and most were complaints. Themes noted for the complaints related to interactions with and treatment by other residents, interactions with AYTC staff, requests to move units, food and toiletries.

Examining lodged feedback forms was judged to be an inadequate basis for monitoring this feedback/complaints process and did not indicate whether a resident was satisfied with the outcome of their complaint. While some responses indicated that individual follow up has occurred, the process could not be assessed properly as the available documents do not include this information.

The TCVU is not convinced that a single feedback and complaints process is the best model for managing grievances for this complex client group and will pursue this matter further with the Department.

### ***Use of Safe Rooms***

Logs that recorded periods in which a resident was placed in a safe room (or any other room used as a safe room) were requested for review. It became apparent that the usage of safe rooms is potentially recorded in three separate places with the result that the records provided were incomplete and not suitable for purpose.

This was discussed with AYTC management who agree that this is a critical practice and undertook to provide more suitable records for the next review of records (December 2018).

***Other issues***

Other matters were identified for further action following the review of records, both in relation to the nature of material that would be requested for future reviews or in other ways, including -

- availability of health care services (including locum visits and use of off-site medical services)
- access to programs, particularly cultural programs (both Aboriginal and for residents from other cultural and linguistic backgrounds) that focus on residents aged fourteen years and under as well as young women
- centre lockdowns
- restricted and structured routines
- staff training
- applications for leave to attend funerals or cultural events
- education/training options and courses
- 'good news' stories.

Future staffing will determine the degree to which this follow up work can be carried out.

## Attachment

### Charter of Rights for Youths Detained in Training Centres<sup>1</sup>

You have the right:

- To be treated equally, and not treated unfairly because of your sex, sexuality, race, religion, disability or other status.
- To be treated with respect and dignity by staff and to be kept safe while you are in the youth justice centre.
- To be given a copy of and have explained to you the rules of the centre, and rights and responsibilities, in a language that you can understand.
- To see a doctor or nurse whenever you need to, have your health assessed soon after you arrive, and to receive proper healthcare.
- To receive help for your mental health if you need it, and to be transferred to a mental health facility for treatment if required.
- To get help if you have problems with drugs or alcohol.
- To have special care and protection if you are vulnerable or have special needs.
- To have regular contact with your family and friends through visits and phone calls.
- To get help to see a lawyer, and to talk to them privately.
- To have an interpreter for formal meetings or medical examinations if you are not fluent in English.
- To get information and news about what is happening in the world.
- To have a say in decisions about your rehabilitation and other issues that affect you.
- To participate in activities and programs that help your rehabilitation.
- To continue your education, or to do training to learn useful skills for work.
- To get exercise every day, and to go outside every day except in bad weather.
- To have enough good food (including food that is suitable for your culture or religion, or dietary requirements), and to have drinking water available whenever you need it.
- To have clean clothes, and to wear your own clothes if you go out of the centre.

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<sup>1</sup> Office of the Guardian, *Charter of Rights for Youths Detained in Training Centres*, February 2019  
<<http://www.gcyp.sa.gov.au/wp-content/uploads/2018/11/Charter-of-Rights-for-Youths-Detained-in-Detention-Centres-TCV.pdf>>.

- Not to be punished unfairly, and only in accordance with the rules of the centre or the law.
- Not to have force used against you, or restraints used on you, unless absolutely necessary, and never as a punishment.
- Not to be isolated from other young people unless necessary to keep you or others safe, and never as a punishment.
- To practice your religion or express your culture and, whenever possible, to participate in cultural celebrations and see religious or spiritual advisors.
- If you are Aboriginal or Torres Strait Islander, whenever possible, to participate in cultural activities and celebrations with other Aboriginal or Torres Strait Islander people.
- To make a complaint about your treatment to an independent person (like an official visitor) and to be told what happens with your complaint.
- Before you leave the centre, to get help with somewhere safe to live and ongoing support.