

Australian Capital Territory

Children and Young People (Rights for Young People in Bimberi Youth Justice Centre) Charter 2024

Notifiable instrument NI2024–407

made under the

Children and Young People Act 2008, section 24A (Director-general charters)

1 Name of instrument

This instrument is the *Children and Young People (Rights for Young People in Bimberi Youth Justice Centre) Charter 2024*.

2 Commencement

This instrument commences on the day after it is notified.

3 Rights for Young People in Bimberi Youth Justice Centre Charter

I make the attached Charter of Rights for Young People in Bimberi Youth Justice Centre.

Catherine Rule
Director-General
Community Services Directorate
15 July 2024

CHARTER OF RIGHTS FOR YOUNG PEOPLE IN BIMBERI YOUTH JUSTICE CENTRE

WHAT IS THE CHARTER OF RIGHTS?

This Charter is a guide to your rights and responsibilities while in detention.

It will help you understand how you can expect to be treated and how you should treat others while at the Bimberi Youth Justice Centre (Bimberi).

The Charter requires Bimberi staff, police and other workers, including health and education staff, to act in line with these rights and to consider human rights when developing policies, delivering services and making decisions.

Twelve rights are protected in the Charter, including the right to be treated equally, to be safe from violence and abuse, and to have your privacy respected.

In certain circumstances, some rights may be limited or restricted. This will only occur if it is necessary and reasonable. You will be given clear reasons if your rights are limited.

HOW DOES IT WORK?

The Charter sets out your rights while in detention. Rights are about how people treat you.

All people — regardless of age, race, culture, sex, sexuality, religion, disability, gender presentation or other status — have the same basic needs to live a happy and healthy life. These needs include rights to food, shelter, education, healthcare and freedom from persecution and discrimination. Children and young people in detention also have special rights to protection and to rehabilitation and support.

Staff at Bimberi are responsible for ensuring that your rights are protected and that you are treated with dignity and respect while you are in detention.

The Charter also sets out *your responsibilities* while in detention. Responsibilities are about how you treat other people.

Since the rights in this Charter are for all young people at Bimberi, this means that everyone has a responsibility to respect and uphold the rights of other people at Bimberi.

A responsibility is something that affects your life and other people's lives. Some actions are not acceptable because they affect the rights of others — things like telling lies, bullying, being violent towards others, damaging others' belongings and stealing.

YOU HAVE THE RIGHT TO...

1 Be treated equally with respect and dignity by staff. This means:

- being accepted for who you are — regardless of your age, race, culture, sex, sexuality, religion, disability, gender presentation or other status
- being treated in a way that ensures you are equal with others (unless there is a risk of harm to you or others), which may mean getting special help for a disability or other need
- being treated in a way that is appropriate for your age and ability
- being treated as an individual with your own circumstances and needs
- being listened to and taken seriously when you ask for help or want to make a complaint.

2 Be kept safe while you are at Bimberi. This means:

- you can expect to feel safe and well cared for by staff
- you have access to individual care and protection if you are vulnerable or have particular needs
- you can ask to speak to someone you trust if you are unhappy, worried or feeling unsafe
- you will not be disciplined unfairly, and you will only be disciplined if you break the rules at Bimberi or the law
- visits from family members will not be used as rewards or punishment
- you will not have force used against you or restraints used on you, unless absolutely necessary and never as punishment
- you will not be kept away from other young people, unless absolutely necessary to keep you or others safe and never as punishment.

3 Be given a copy of Bimberi rules and information about your rights and responsibilities when you arrive, in a way you can understand. This means:

- you will be helped to understand the rules, your rights and responsibilities
- you will know what you can and cannot do
- you will know what is expected of you
- you will know how to make a complaint if you think you are being treated unfairly.

4 Have a say about things that affect you, including decisions about your rehabilitation. This means:

- you will be told about what is happening to you and why, in a way you understand
- you will have a say about who else knows about you and what is happening to you
- you will work out what is best for you with help from staff
- you can get help to see your file and ask for any information in it to be changed if it is wrong
- your right to privacy will not be limited without reason, or in a way that is not legal
- you can attend activities and programs that may help you.

5 Remain connected to the outside world. This means:

- you can have regular contact with your family or guardians and approved friends, through visits and phone calls
- you can have free and confidential contact with the Human Rights Commission
- you can get information and news about what is happening in the world through newspapers, radio or television
- you can access a library
- you can receive letters from approved people
- you will be told if there is a serious illness or death of a family member and may be given an opportunity to visit them or attend a funeral, if it is safe to do so.

6 Receive proper healthcare. This means:

- you will have a health assessment within 24 hours of arrival
- you have the right to see a doctor or nurse when you need to
- you can receive help for your health needs, including mental health and dental health if you need it
- you have the right to be taken to a hospital or mental health facility for treatment if your condition requires this
- you have the right to get help for problems with drugs or alcohol if you need it
- you will have access to an interpreter for medical appointments if you need one
- you have the right to consent to medical treatment.

7 Access education and programs. This means:

- you will be given opportunities to attend education programs and activities that are appropriate for your age and needs
- you will be given help to work out which education programs best suit your needs
- you can do training and education programs that will help you to get a job.

8 Get help to see a lawyer and to talk to them privately. This means:

- you can ask for help to speak to legal aid or your own lawyer, or to get consular support if you need it
- anything you discuss with your lawyer is private and confidential
- you can decide where your legal records are kept and who sees them
- you can have visits or phone calls from Official Visitors, the Human Rights Commissioner and the Public Advocate
- you will have access to an interpreter for these meetings if you need one.

9 Have good living conditions. This means:

- you have enough good food (including food that is appropriate to your culture or religion, or dietary requirements)
- you have drinking water available whenever you need it
- you have clean clothes and shoes provided by Bimberi and you can wear your own clothes if you go out of the centre
- you can exercise every day and go outside every day except in bad weather
- you can participate in fun activities.

10 Practise your religion and /or express your culture. This means:

- if you identify as an Aboriginal or Torres Strait Islander person, you can practise your culture and, whenever possible, can participate in cultural activities and celebrations with other Aboriginal and Torres Strait Islander people
- if you are from a different cultural or religious background, you can practise your culture or religion and, whenever possible, can see suitable religious or spiritual advisors if you wish
- you have the right to not participate in religious services and to say no to religious education
- your religious and cultural beliefs and practices will be respected.

11 Make a complaint. This means:

- if you have a problem with the way you are being treated, you can ask to speak to a person you trust to make a complaint. You have the right to ask for help to make a complaint from:
 - Senior Manager of Bimberi, or their authorised representative (a worker)
 - Official Visitor
 - Public Advocate and Children and Young People Commissioner
 - Discrimination, Health Services, Disability and Community Services Commissioner
 - Human Rights Commissioner
 - Victims of Crime Commissioner
- you have the right to privacy and confidentiality when making a complaint
- you will be told what is happening with your complaint.

12 Get help to successfully return to the community. This means:

- you will receive ongoing support to manage your life, continue your education and /or get a job, and this support will start before you leave Bimberi
- you will have all your belongings returned when you leave
- you will be given information you need
- you will get help to find somewhere safe to live and to support yourself.

YOU HAVE THE RESPONSIBILITY TO...

1 Treat others equally with respect and dignity. This means:

- you will respect others for who they are — regardless of their race, culture, sex, sexuality, religion, disability, gender presentation or other status
- you will take responsibility for your own actions and recognise that they affect other people as well as yourself.

2 Follow the rules. This means:

- you will follow the rules and unit routines of Bimberi
- you will not enter a prohibited area without approval
- you will not have prohibited items at Bimberi because it is an offence and you may be charged by the police if you do.

3 Respond to requests from staff. This means:

- you will follow reasonable directions from staff when you are given them or as soon as is practical
- if you think a staff member's direction is unreasonable, you will talk about this in a respectful way.

4 Be respectful of others and their property. This means:

- you will treat others with respect
- if you have a disagreement with another young person, you will talk about this in a respectful way
- you will not be verbally or physically abusive or harass other people
- you will not touch other people's property without their permission
- you will look after the Bimberi environment, including your own room.

5 Go to school and/or participate in programs. This means:

- you will participate in decisions about your education and rehabilitation and other issues that affect you
- you will participate in activities and programs that can help you achieve your goals
- if you don't think an activity or program helps your rehabilitation, you will talk about this in a respectful way.