

MEDIA RELEASE – FOR IMMEDIATE RELEASE

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‘Unreasonable and unjust’ and ‘contrary to law’ – use of spit hoods within Adelaide Youth Training Centre criticised by Ombudsman

The application of ‘spit hoods’ to children and young people accommodated in South Australia’s youth detention centre is contrary to the Charter of Rights for youth detainees and contrary to law, South Australian Ombudsman Wayne Lines has determined.

Mr Lines investigated the use of spit hoods within the Adelaide Youth Training Centre following calls from civil society in the wake of the Royal Commission into the Northern Territory’s youth detention system.

Tabling his investigation report in South Australian Parliament today, Mr Lines called on the South Australian government to ban the use of spit hoods within the Adelaide Youth Training Centre within 12 months.

In his investigation report, Mr Lines observed:

“South Australia has the dubious honour of being the only jurisdiction in Australia that authorises the use of spit hoods in its youth detention centres. All other states and territories have banned the use of spit hoods or otherwise have never made use of the implements.”

Mr Lines observed that the application of spit hoods to children and young people was ‘not consistent with the objects and guiding principles of the youth justice system’ and appeared contrary to South Australia’s Charter of Rights for Youths Detained in Training Centres.

Mr Lines observed that use of the implements also risked contravening several accepted international human rights standards, including the prohibition against the use of instruments of restraint and force on children in circumstances causing humiliation or degradation.

The report noted that staff within the Adelaide Youth Training Centre appeared to be making encouraging progress in reducing the use of spit hoods in the facility.

Mr Lines recommended that the South Australian government investigate whether ‘additional protective equipment, training and other measures consistent with trauma-informed practice’ could be made available to staff working in the Adelaide Youth Training Centre.

In his report, Mr Lines also criticised the provision in South Australia’s *Youth Justice Administration Act 2016* authorising the use of force for the purposes of ‘maintain[ing] order’ in a youth training centre. Mr Lines said:

“[This] appears to be out of step with most other Australian jurisdictions and inconsistent with international best practice, which generally prohibits the use of force against children and young people unless necessary to prevent a risk of injury or serious property damage.”

Mr Lines recommended that the South Australian government review that provision and consider whether it should be repealed.

South Australia's Department for Human Services, which administers the Adelaide Youth Training Centre, has indicated that it accepts the Ombudsman's recommendation to phase out the use of spit hoods 'in principle'.

The Ombudsman's final report is available on the [Ombudsman SA website](#).

Key facts and figures:

- the Ombudsman's investigation reviewed 12 incidents and analysed use of force data for the period between October 2016 and June 2019
- the AYTC is South Australia's only youth detention centre and generally accommodates children of both sexes between the ages of 10 and 17 years
- there were 608 admissions to the AYTC during the 2018-19 period; during this period, the facility accommodated an average of 42 children and young people per day
- more than 60 per cent of children and young people admitted to the AYTC are of Aboriginal or Torres Strait Islander background
- spit hoods were first made available to staff in the AYTC in 2014
- during the reporting period, twelve per cent of incidents involving the use of force at the AYTC involved the use of a spit hood; one-third of all spit hood incidents involved the same young person
- use of spit hoods in the AYTC has fallen considerably since the final quarter of 2017
- the Northern Territory Royal Commission recommended on 17 November 2017 that the use of spit hoods be prohibited in that jurisdiction's youth detention system.