

Michael Pettersson MLA

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

Minister for Skills, Training and Industrial Relations

Member for Yerrabi

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 5****Friday, 11 April 2025****Question No. 317****MS BARRY:** To ask the Minister for Children, Youth and Families —

1. How many Intensive Therapy Orders (ITO) have been issued by ACT Courts.
2. How are intensive correction orders managed when a young person is subject to detention by police at Bimberi.
3. How are the provisions of s 589(2)(a) of the *Children and Young People Act 2008* complied with when an ITO has been issued.
4. Noting the concerns raised by the Therapeutic Support Panel report for 2024 in relation to the detention of children and the current lack of an appropriate Therapeutic Protection Place, how will the requirements of s 589(2)(a) be complied with until an appropriate Therapeutic Protection Place is established.
5. Is it anticipated that the Therapeutic Support Panel will seek ITOs as part of its management of children and young people.

Michael Pettersson MLA - The answer to the Member's question is as follows:

1. Fewer than 5 Intensive Therapy Orders (ITO) have been issued by the ACT Children's Court under the *Children and Young People Act 2008* (CYP Act). Due to privacy concerns and the risk of identifying individuals, no further details can be provided.
2. In the ACT, intensive correction orders are court-issued community-based orders for adult offenders under the *Crimes (Sentencing) Act 2005*. Young people over the age of 18 cannot serve a community-based sentence in either the Bimberi Youth Justice Centre or the Alexander Maconochie Centre (AMC).



Adult sentencing options, including an intensive correction order, may be considered by the courts for persons who are 18 at the time of sentencing.

3. Section 589(2) of the CYP Act outlines the criteria that must be met to the satisfaction of the Community Services Directorate (CSD) Director-General when assessing the suitability of a dwelling to be declared an intensive therapy place.

The purpose of an intensive therapy place is to provide a safe environment for delivering therapeutic assessments and treatments to stabilise the harmful behaviours of a child or young person subject to an ITO, or interim ITO, with or without confinement directions, in alignment with their therapy plan. Part of this assessment includes determining compliance with section 589(2)(a), which requires the proposed intensive therapy place is not a detention place, former detention place or any part of a place that accommodates young detainees. In this determination, only services that are a registered Child and Protection Organisation (CAPO) under the CYP Act may be considered. Through the CAPO registration process, CSD can determine whether dwellings or places are, or have previously been, a detention place, a former detention place or have any parts that accommodate young detainees.

4. When enacted in November 2023, the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023* removed references and provisions related to Therapeutic Protection Places and introduced new legislative provisions to establish and guide the operations of intensive therapy places.

When an interim ITO or ITO is issued, it may include directions for a child or young person to attend an intensive therapy place for assessment and/or treatment according to their therapy plan; however, this does not necessarily require the establishment of an intensive therapy place or the use of confinement directions.

Following the amendments to the CYP Act, intensive therapy places may be established if they are deemed suitable and appropriate for the individual child or young person's therapeutic needs. These places aim to provide a safe and supportive environment to stabilise harmful behaviours by addressing therapeutic needs, thereby preventing exposure to unsafe situations. It is important to use these facilities sparingly, as removing children and young people from their home, family, kin, and social connections may be detrimental and not result in change to the harmful behaviours of the child or young person.

As evidence is gathered and research is conducted to ensure best practices, temporary therapeutic, safe, and stable environments may be established as needed.

5. Under section 539 of the CYP Act, only the CSD Director-General can apply for an ITO to the Children's Court. The Therapeutic Support Panel can recommend to the Director-General that an ITO be sought.

Approved for circulation to the Member and incorporation into Hansard.



Michael Pettersson MLA
Minister for Children, Youth and Families

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