

## **STRENGTHENING COMMUNITY SAFETY BILL 2023**

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**Submission from the Australian Workers' Union of  
Employees, Queensland to the Economics and  
Governance Committee of the 57<sup>th</sup> Queensland  
Parliament regarding the Strengthening Community  
Safety Bill 2023**



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## **Our Coverage:**

The Australian Workers' Union of Employees, Queensland (AWUEQ) have coverage of Detention Youth Workers who work in Queensland's three major youth detention centres.

The majority of Detention Youth Workers in Queensland are active members of the AWUEQ.

## **Introduction:**

AWUEQ members in youth detention are subject to extreme workplace violence.

In 2022, there were 262 reports of assaults on staff in Queensland's youth detention centres - an average of over five (5) assaults on workers by youth offenders every single week.

Preserving the health and safety of our members, no matter where they work, is the paramount priority of our union.

The proposed changes that will be given effect by the *Strengthening Community Safety Bill 2023* ("the Bill") hold the potential to affect the health and safety of AWUEQ members in youth detention.

In regard to this Bill, there are two key areas of concern for the AWUEQ and our members:

1. The mechanics of the provision that enables the transfer of persons who have turned 18 years old while on remand or serving a sentence from youth detention centres to adult correctional centres.
2. The broader workplace health and safety implications that an influx of detainees will have on the already-struggling youth detention system.

This submission will focus on these two areas.

### **1. Enabling the transfer of 18-year-old detainees to adult corrections:**

The AWUEQ broadly supports the intention of the Bill to move adult detainees out of youth detention and into the adult correctional system.

The AWUEQ believes that it is in keeping with community expectations that adult offenders belong in adult correctional centres and youth offenders belong in youth detention centres.

It is the experience of our members that adult offenders tend to be physically larger and stronger than younger detainees, meaning that the effect of their violence towards others within youth detention centres tends to be more severe.

The proposed changes have the potential to deliver better health and safety outcomes for our members, however, the AWUEQ holds concerns about Bill as currently drafted in as it relates to the issue of detainee violence.

**1. (a) No positive obligation on the chief executive to have regard to the safety or wellbeing of centre staff when considering when to transfer a detainee to adult corrections**

The AWUEQ notes that the proposed subsection 276DA(4)(c) in clause 33 of the Bill will mean that the chief executive must be satisfied that the following condition is met before they grant an application for a delay of transfer:

*(c) would not prejudice the safety or wellbeing of any other detainee at the detention centre at which the detainee is, or is to be, detained.*

The AWUEQ also notes that the proposed subsection 276I(2)(e) in clause 36 of the Bill places a positive obligation on the chief executive to have regard for the following when considering when to transfer a detainee to adult detention:

*(e) whether a decision to not transfer the person would prejudice the safety or wellbeing of any detainee at the detention centre at which the person is, or is to be, remanded.*

It is unclear why when it comes to both transfer delay decisions and transfer decisions, there should be a positive obligation to consider the potential for detainee-on-detainee violence when no such test exists for the consideration of potential detainee-on-centre worker violence.

Individual Detention Youth Workers are regularly the target of violence by specific detainees. In addition to this, they are at very real risk of serious injury when intervening to stop detainee-on-detainee violence when it occurs.

With an average number of over five (5) assaults on staff per week in 2022 and a higher risk of harm being posed by adult detainees in these centres, the AWUEQ submits that this hazard warrants the placing a positive obligation on the chief executive to

consider the safety and wellbeing of individual centre staff when deciding if and when a transfer will occur.

The AWUEQ submits that a similar subsection should be added to both aforementioned subsections conferring a positive obligation on the chief executive to consider the safety and wellbeing of individual Detention Youth Workers when considering the transfer of an adult detainee to an adult correctional centre.

The inclusion of such a provision would go a long way towards showing Detention Youth Workers that their health, safety and wellbeing is a clear priority of this Government - not just an afterthought.

**1. (b) The requirement to consider any rehabilitation and interventionist services in youth detention centres and adult correctional centres.**

The AWUEQ notes that the proposed subs 276I(2)(c) in clause 36 of the Bill puts a positive obligation on the chief executive to have regard for the following when considering when to transfer a detainee to adult detention:

*(c) any interventionist, rehabilitation or similar activities being undertaken by the person and the availability of those activities if transferred.*

The AWUEQ also notes that the proposed amendments to s136 (Offender remanded in custody for a child offence) in clause 18 of the Bill will reduce the age an offender must be held in remand in an adult corrective services facility to 18 years of age, while allowing the court to order the offender to be remanded in a youth detention centre in certain circumstances.

In doing so, the court must have regard to the following in subsection 136(4)(b):

*(b) any interventionist, rehabilitation or similar activities being undertaken by the offender and the availability of those activities if the offender were held on remand in a corrective services facility.*

This same requirement is also included at subsection 279DA(4)(b) in relation to transfer delay decisions; and 276I(2)(d) in relation to transfer decisions.

The AWUEQ holds concerns that these proposed subsections may be incorrectly interpreted as a requirement to consider whether there are identical rehabilitation and intervention activities available in an adult correctional centre.

The AWUEQ notes that subsection 276H(1)(b) in clause 36 of the Bill states that the chief executive must do the following when giving a written prison transfer notice to a detainee:

*(b) informing the person of the interventionist, rehabilitation or similar activities that will be available for the person if they are transferred; and*

The AWUEQ believes that this is a reasonable approach to ensuring a detainee is made aware of similar rehabilitation activities if they are transferred to an adult correctional centre.

## **2. The broader workplace health and safety implications that an influx of detainees may have on the already-struggling youth detention system:**

As stated earlier, AWUEQ members in youth detention are subject to extreme workplace violence.

In 2022, there were 262 reports of assaults on staff in Queensland's youth detention centres - an average of over (five) 5 assaults on staff by youth offenders every single week.

AWUEQ members report that these assaults are being driven by chronic staffing shortages and a culture from management of dismissing the dynamic risk assessments workers are making from the floor.

In late 2022 AWUEQ members in youth detention drew a line in the sand when workers made the decision to exercise their right to not undertake unsafe work and as a result of their action, workers have begun to see a gradual improvement in this culture from management.

Given this, we are broadly supportive of the proposed subsections 276D(4)(b) and 276I(4)(d), which require that the chief executive must consider the following when making a transfer delay decision or a transfer decision

*whether a decision to not transfer the person would prejudice the security or good order of the detention centre at which the person is, or is to be, to be remanded.*

However, we have concerns that these subsections do not go far enough. The security and good order of a youth detention centre is inextricably linked to the safety and security of workers at the centre. We submit that it is therefore necessary to amend the proposed Bill to include a mandatory requirement to consider whether a decision to delay a transfer or alternatively, not transfer the detainee, would be detrimental to the safety and security of all centre staff given the extreme violence our members have encountered in these workplaces.

The practical effects of other provisions of the Bill will likely see more youth offenders on remand and therefore more demand on an already-struggling system.

Any action from this Government that makes these workplaces even more unsafe will be met with extreme resistance by AWUEQ members in youth detention centres.

Queensland's Youth Detention Workers are entitled to the same degree of safety from the violent behaviours of youth offenders as anybody else. They are entitled to the provision of a safe workplace and should not be required to work every shift with the ever-present threat of looming violence.

The AWUEQ will continue to engage with the Department in good faith to deliver better safety outcomes for our members and the Queensland community at large.



**Stacey Schinnerl**

**Secretary**

**The Australian Workers' Union of Employees, Queensland**

24 February 2022