

Tabled by Mr Michael Bokun MR

At Est Hearing LACSC

Date 26 July 2019

Signature



**HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY  
VIOLENCE PREVENTION COMMITTEE**

**2019 ESTIMATES PRE-HEARING**

**QUESTION ON NOTICE**

**No. 18**

THE HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE asked the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence (HON D FARMER)—

**QUESTION**

With respect to the Government funding a new Department of Youth Justice from 20 May 2019, with an objective of reducing the number of young people held on remand in police watchhouses, and noting the meeting on 11 October 2018 between Ministerial Staff, Departmental Staff, and the Public Guardian, Natalie Siegel-Brown, as detailed in the Minister's diary:

- (a) prior to that meeting, what information, if any, had the Public Guardian provided to Ministerial or Departmental staff about the detention of children in Queensland watchhouses?
- (b) at that meeting, what was discussed and what information, if any, was provided by the Public Guardian in relation to the detention of children in Queensland watchhouses?
- (c) what action was taken in response to any such information or discussions prior to the Four Corners report on 13 May 2019?

**ANSWER**

- (a) Youth Justice welcomes the oversight role of the Office of the Public Guardian (OPG), and is committed to the safety and security of all young people in custody, particularly those in watchhouses.

Youth Justice has sustained positive engagement with OPG regarding young people in Queensland watchhouses prior to, and following, 11 October 2018 and welcomes the ongoing contribution and oversight provided by the OPG. A strong working relationship ensures that any concerns that the OPG raises with Youth Justice regarding young people detained within watchhouse environments can be appropriately and quickly considered, investigated and responded to.

Prior to 11 October 2018, as part of the regular course of communication between the department and OPG, the OPG sent correspondence to the department, including information about the circumstances of individual young people held in watchhouses, general feedback about the use of watchhouses to detain young people for extended periods, and advocacy on behalf of individual young people concerning improving their access to services, legal representatives, family visits and court appearances.

The correspondence from the OPG acknowledged the department's concerns about the detention of children in watchhouses, and commitment to work through the complex contributing factors, while ensuring the safety of detained young people.

Additionally, with approval from the Police Commissioner, Community Visitors from the OPG commenced routinely visiting the Brisbane City Watchhouse each week from 20 September 2018.

(b) A meeting with the OPG on 11 October 2018 was held at my request to discuss issues, including:

- factors impacting on watchhouse numbers, including the transition of 17-year-olds into the youth justice system in February 2018;
- the legislative ability for the OPG to visit the Brisbane Watchhouse;
- confirmation that the Queensland Police Service (QPS) and Youth Justice share the view that a young person should be held in a watchhouse environment only as a last resort and for the shortest time possible;
- rapid bail assessments, supporting accelerated court processes and strengthening bail support to minimise where appropriate, the length of time a young person is held in watchhouses and detention;
- progress of planned infrastructure, and system upgrades to increase detention centre capacity;
- weekly OPG visits to the Brisbane City Watchhouse, including agreed protocols;
- weekly summary reports that identify issues and record actions required by Youth Justice and QPS, which has received positive comments from Community Visitors.

(c) The majority of the case studies in the ABC's Four Corner's report of May 2019 had been previously identified and responded to by the Department of Child Safety, Youth and Women or been addressed by QPS and/or Youth Justice in the course of normal Brisbane City Watch House operations. Having said this, the media has played an important role in highlighting the complex challenges associated with supporting some young people in the youth justice system.

In early 2018, the department established a dedicated team solely focused on the safety and wellbeing of young people held in watchhouses, and expediting their bail applications and transfer to a youth detention centre. The team explores the underlying reasons for remand rates, identifies matters that have been delayed in the court process and works with Youth Justice Service Centres (YJSCs) to prioritise them, and refers bail merit applications to Legal Aid Queensland. The team also works with YJSCs to establish clear watchhouse management protocols with QPS.

Prior to the 4 Corners report,

- every matter raised by the OPG with Youth Justice in relation to individual young people in the watchhouse, was fully considered by the Department.
- QPS and DCSYW had regular contact with the Office of the Public Guardian and the Community Visitors Program and as matters arose these were worked through as a matter of priority and in most cases were de-escalated or resolved on the spot.

It should be noted that QPS retain all legislative authority for the operation of watchhouses and are therefore responsible for managing all investigations into allegations that occur in a watch house – through Ethical Standards Unit and/or CCC if required.

Prior to May 2019 and since, where a young person was likely to be held for an extended period, they were transferred to the Brisbane City Watch House, which has a dedicated wing that can be used exclusively for young people. Additionally, the department provided a range of services and support to young people in watchhouses, including behavioural support services and advocacy. QPS and the department also facilitated services from other agencies, including on-site visits from the Child and Youth Mental Health Service, Brisbane Youth Education and Training centre, Murri Watch and Sisters Inside. Family visits were also facilitated for young people in watchhouses.

Daily risk assessments of youth detention capacity and watchhouse populations were a matter of normal business practice but greater emphasis and consideration was placed on these assessments from early 2018 to inform and prioritise transfer and admission decisions. Factors taken into account included potential room sharing arrangements in a detention centre; bed availability; age, vulnerability and trauma history of a detained young person; self-harm risks; upcoming court dates; and length of stays in a watchhouse.

Development of the first tranche of Government reforms and investments announced in December 2018 commenced prior to the meeting on 11 October 2018. The initiatives in the first tranche were aimed at supporting young people to get bail more readily and abide by bail conditions. These reforms dovetail with the government's *Working Together, Changing the Story: Youth Justice Strategy 2019-2023* (the YJ strategy), which was released on 11 December 2018, and the report by Major General (retired) Stuart Smith. Development of the YJ strategy was commenced well before 11 October 2018.

On 30 April 2019 a second tranche record investment of \$332.5 million in Youth Justice Reforms was announced as the next step in implementing this government's *Working Together, Changing the Story: Youth Justice Strategy 2019-2023* (the strategy) and progressively implement the report by Major General (retired) Stuart Smith, to implement a range of initiatives across Queensland aimed at reducing re-offending, expand existing youth detention centres and build and staff new youth detention centres. This funding brought the total investment in youth justice reforms to \$550 million since the transition of 17-year-olds to the youth justice system.

Development of the Youth Justice and Other Legislation Amendment Bill 2019 (the Bill) also commenced before May 2019. As part of the YJ strategy, the Government committed to commence a review of the *Youth Justice Act 1992*. The Bill includes priority amendments progressed as part of this review.

The Queensland Government has been clear that we do not support children being held in watch houses for any time beyond normal arrest and processing.