



YOUTH JUSTICE REFORM SELECT COMMITTEE

Members present:

Ms SL Bolton MP—Chair
Ms JM Bush MP
Mrs LJ Gerber MP (Virtual)
Mr AD Harper MP
Mr JJ McDonald MP
Mr DG Purdie MP
Mr A Tantari MP

Staff present:

Dr A Beem—Committee Secretary
Dr S Dodsworth—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY TO EXAMINE ONGOING REFORMS TO THE YOUTH JUSTICE SYSTEM AND SUPPORT FOR VICTIMS OF CRIME

TRANSCRIPT OF PROCEEDINGS

Wednesday, 6 December 2023

Brisbane

WEDNESDAY, 6 DECEMBER 2023

The committee met at 1.44 pm.

CHAIR: I declare open this public hearing into the committee's inquiry into youth justice reform in Queensland.

REILLY, Mr Anthony, Ombudsman and Inspector of Detention Services

CHAIR: Welcome. Would you like to make an opening statement before members ask their questions?

Mr Reilly: Today I appear primarily drawing on the experiences as the Inspector of Detention Services but noting that the Ombudsman has been engaged in youth justice issues for many years, so there is an ongoing history from that office. The Inspector of Detention Services is a recently established role that inspects places of detention and produces reports about those inspections for the Legislative Assembly. The reason for doing so, under our act, is to promote the improvement of detention services, with a focus on humane treatment. Since we commenced operations in July 2023, we have published inspection standards for adult prisons and youth detention centres. While they are available on our website, if it is of interest to the committee I have copies of our quick guide to those standards available that I can provide. The reason I thought the committee might be interested is that I notice from the evidence you have been gathering that you are exploring what are the best ways to possibly deal with children who have committed offences, and these standards are designed to set benchmarks for humane containment. I just thought they might be a worthwhile list to be aware of as you are looking at some of the many options that have been put to you. I hope they are of some assistance. The full version is a bit lengthier. I will leave that to your researchers to dive into. Thank you for taking an interest in those standards. Can I also say, just from reading the transcripts of the hearings so far, I observe the high quality of evidence that is being provided. It is a really interesting process.

As well as producing the standards, we have also undertaken inspections of Southern Queensland Correctional Centre, which, of course, is an adult women's prison; Cleveland Youth Detention Centre; and the Murgon Watch House. The focus of the inspection of Cleveland Youth Detention Centre was on the use of separation, which is an issue you are no doubt familiar with, and the inspection of Murgon Watch House was on the detention of children. We selected Murgon as a site to enable us to report eventually on the challenges that smaller regional watch houses face in humanely containing children, because it is not all about Brisbane and the Gold Coast, as you know.

We are currently preparing our inspection reports and aim to report to the Legislative Assembly in the first half of 2024. The process of preparing a report includes providing natural justice to the agencies managing these facilities prior to finalising the report. I will in the main seek to rely on those reports when we publish them to identify issues about humane treatment of detainees, because I want to go through that natural justice step and make sure the departments have the opportunity to comment before I provide evidence to parliament because of the importance of getting it right at a forum like this.

CHAIR: You are saying for us to not to ask questions such as, 'Can you give us some insight into what is in those?'

Mr Reilly: You are very welcome to ask questions and I will endeavour to provide as much information as I can, but, yes, we are still just pulling the analysis together into report form. I will provide copies to the committee as soon as they are available. There are a few issues that I think are well established and I think I would like to raise and I think are the key issues anyway that are coming up. The first is the continuing occurrence of staff shortage induced separation in youth detention centres. Our inspection of Cleveland Youth Detention Centre shows that, while this type of separation appears to be occurring less frequently than was the case last year or earlier this year—and that is due to more intensive recruitment of new staff—it is still a regular part of the weekly routine for children detained at the centre, particularly on weekends when staffing levels drop a bit. On the upside, a positive result of the reduced frequency of the use of separation in recent times was that it appears that more children are attending their structured day activities and are having access to schools, programs and activities such as the oval and undercover area. However, on the downside, to enable Brisbane

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children from those units to get access to these programs and schools, other units have to be placed in separation, including night mode. The staff at the centre have this constant balancing act as they try to juggle the issue with insufficient numbers of staff.

In some cases, the use of separation amounts to solitary confinement, or at least something very close to it. Separation impacts on young people in two ways: first, there is the direct harmful psychological impact; second, it reduces the opportunities for young people to participate in education and programs which are, at the end of the day, the key to our youth detention system having any chance of success at rehabilitation and, in turn, reducing crime when the young people leave the detention centre and thereby reducing the potential for impacts of crime on victims. For me, that is the connection between the use of separation and some of the really important issues, for example, about victims, which are very important to this process.

I thought the Australian Workers' Union evidence to this committee was very good on these issues. I think it provided a really good explanation of how staff shortages cause separation. That was a really clear explanation they gave. They provided some statistics about the use of separation at Cleveland Youth Detention Centre and, while there are lots of ways you can use numbers in this space, I checked with my team and the way in which the AWU explained it makes sense to us in terms of our observations too, so they are a good starting point.

I think the Australian Workers' Union also made a really good point about the potential problems on the horizon in terms of staffing two additional youth detention centres, which is only two years away. I respectfully submit to the committee that the committee may wish to consider obtaining evidence about the staffing models used by the government for youth detention centres and the resourcing of those models as I think it is really important to ensure those models are up to the task of delivering enough staff to the centres so that they can prevent separation from continuing and thereby get on with their important work of getting the young people into school and into programs and increasing the prospects of rehabilitation. There are lots of really good staff in those centres and they really enjoy the opportunity to provide those services to kids; they want to do it. The school facility that is on campus at Cleveland Youth Detention Centre is a great facility with great teachers. There are children getting into that school now, but it needs to keep improving.

The second issue that I would like to raise is the tragedy of the high number of Aboriginal and Torres Strait Islander young people detained at Cleveland Youth Detention Centre. At the time I visited, of the 90 or so young people detained there only two were not First Nations young people. I personally did not realise it was at that level. At the start of my visit the community visitor, who has been working at the centre for many years, suggested that I pause before I go into the facility further to look at the photos of the children that are kept on a wall in the detention centre offices. I did and it was very impactful, including that beside the names of the children is the communities they come from. They are from communities all across North Queensland. To me—and I guess this is a personal reflection—the photo wall was a reminder of the legacy of multigenerational trauma that First Nations people have endured throughout the history of colonisation in Queensland and its ongoing impacts on their families and communities. In this regard, I have really appreciated the opportunity to read the evidence provided to your committee by First Nations organisations. I learned a lot from reading it, as I always do—for example, when I get the chance to talk to Indigenous elders about issues in their communities.

The third issue that I wanted to raise is the inadequacy of watch houses as facilities to detain children. Put simply—and police officers know this—watch houses were never intended to detain people for long periods—in excess of 24 hours or so—and they are not staffed or resourced to do so. Really basic issues like access to fresh air and the chance to do some physical activity or have a decent diet over a prolonged period arise from having children in there for too long. There are a whole lot of other issues that we will look at in our report—and it is not due, in my observation from our first inspection, to any lack of effort on the part of local police officers to do the right thing in their watch house. In the case of children, a key issue with our watch houses is that they simply have not been designed to support the separate accommodation of children from adults—apart from the fact, of course, that the children are in a particular cell and the adult is in a different cell, but apart from that it is the same facility. There are many other issues about our detention of children and young people that I will leave to be expressed through our reports.

I should note before endeavouring to provide you with useful answers to your questions that the role of the inspector is fairly confined. The statutory charter is just to look at what is going on inside detention centres and make sure that, basically, the people detained in there are being treated well. That is the main thing. I do not have any expertise or particular insight into all of those important

issues about the causes of crime and the types of programs that might assist to prevent crime occurring and so on and so forth. I will be honest enough to say that I am still building my expertise in terms of humane containment in detention centres.

CHAIR: Thank you. Member for Cooper?

Ms BUSH: Thank you for coming in today. Just so that I can set it up a little bit, you are our Ombudsman and the Inspector of Detention Centres as of when this year?

Mr Reilly: The legislation, I think, was finally fully commenced in July.

Ms BUSH: Thank you for taking that on. We have the Public Guardian behind you. There are a couple of agencies involved in that statutory oversighting role of kids in care and kids in detention: you, OPG, QFCC—do they have a role as well?

Mr Reilly: Yes, they have systemic role and they produce some very important reports and analysis, including through the Child Death Review Board.

Ms BUSH: You are the three oversighting bodies. Does OHO have a role?

Mr Reilly: The Crime and Corruption Commission, of course, has a role in relation to corruption, and corruption is a broad concept that can include, for example, violence toward detainees. There is also the Human Rights Commission that has a role in relation to complaints about human rights issues in detention centres.

Ms BUSH: Do they do proactive visiting—unannounced visiting, like you can—or are they more responding to complaints?

Mr Reilly: I think they do sometimes go and visit centres, but I think the active visitors, if you like, are us and the Public Guardian, particularly in youth detention centres.

Ms BUSH: You can do announced and unannounced visits?

Mr Reilly: Yes, announced and unannounced. At the moment I am doing announced visits because an inspection has a number of components. The first part is to get a whole lot of information from an agency. You can learn a lot about a centre before you turn up for the physical inspection and it is really important to build that relationship, in my view, with the agencies.

Ms BUSH: Absolutely.

Mr Reilly: So we are approaching things at this stage.

Ms BUSH: I note that Laura and I did the oversight of this bill, but you can also look at relevant documents, review CCTV and talk to anybody there onsite—staff or young people—to gather your evidence.

Mr Reilly: Yes, we have full access to the data systems that support the operations and so on. We can also, as well as inspecting particular facilities, do a review of an issue, if you like, and produce a report about that.

Ms BUSH: My question is: for communities or for people concerned about crime at home who might have the view, 'Why should a young person be contained humanely? They have wronged me and I want the full force of the law thrown at them,' why is humane containment important and what constitutes that? What measures do you tick off? Do you have a framework? Is it linked to the UN charter? What are you looking for?

Mr Reilly: Those standards reflect what we consider to be humane containment, and those standards are derived from a number of sources, including relevant international human rights instruments, as well as relevant local legislation and the standards in other jurisdictions about these sorts of matters. That is what we have drawn from to develop those standards. That is what those standards are. They serve two functions. One is to enable us, when we go to do an inspection, to say to the facility, 'This is the sort of stuff we are going to be looking at and these are the sorts of benchmarks we will be checking.' It is nice to provide people with clarity about what we are looking for. The second thing is: we also believe that they are a suitable set of benchmarks to understand what humane containment looks like and should be.

In terms of, 'Why humane containment?', well, having your liberty deprived is a significant punishment. We have an independent judiciary that determines when that significant punishment is appropriate. To then pile on top of that significant punishment solitary confinement and long periods of being locked in your room I think is just undesirable from a basic human rights perspective and unfair on those children. They are not being subject to solitary confinement because of their own behaviour inside the facility or their safety; they are being kept in separation because the state has not staffed the facilities they are detained in sufficiently. That is the reason. The causes of that are

many and go back a long way. That is what I would say: the punishment is the detention, and I would hope the community considers that sufficient in itself and I would hope that the community does not expect that there be additional cruelty to young people while they are detained as a normal part of their detention.

I think the other thing is the point I made earlier, which is that piling on really tough, harsh detention on children—the evidence, as I understand it, is that that probably does not lead to good outcomes in terms of reducing their likelihood to undertake crime and hurt victims after they are released. I think if detention is going to be of any value it has to be done in a way that might start to repair some of the disconnect that those children have from the society and the community they are in because of their life experiences and that contributes to their criminal behaviour. The detention, if done well, is an opportunity to maybe build some trust of those young people with their community and maybe build something that can continue on after they are released and help them to reduce their criminal activity. I am sorry, I have not prepared that answer. I am trying to construct it as I go.

CHAIR: I am mindful of time. We have only 10 minutes left. I want to make sure that all committee members have a chance to ask a question. Anything that can be taken on notice just say you will take it on notice so that we can get everyone in.

Mr McDONALD: This might be one that you could take on notice. Has the Ombudsman investigated any complaints in relation to the administrative youth justice portfolio in the past year? If so, what kinds of issues did those complaints involve?

Mr Reilly: I had a look at the stats for the last year. There were 18 complaints about the youth justice portfolio. There were none about Victim Assist. We had zero. The ones about youth justice: I went through each of them and there is not really a pattern or trend there. Some are from staff; some are from children. I am happy to try to provide some follow-up information that does not breach—we have restrictions around confidentiality and so on.

Mr McDONALD: We heard from Atkinson the other day. When I asked him a question about consequences for action, he said that with this challenging cohort—I am talking about the worst of the worst, serious repeat offenders; there are 460 at the moment—it is challenging for us to understand because these people do not appreciate professional reputation and they do not fear incarceration. I am just wondering, in terms of your inspection standards—and you have outlined the quality and the richness and it is good to be treated well in there; I think it actually flows from the question from the member for Cooper—how do we capture that issue of consequence for action within that context? I am not talking about people who have just gone in there for a month. These are people who really need intensive rehabilitation.

Mr Reilly: Is that former police commissioner Atkinson you are referring to? I read his evidence as well. He is a really good source of guidance on his issues. I will just say that in going forward. The consequence is that they are being detained, so their liberty has been deprived. The other consequence is that they are being expected to participate in a structured day, in structured routines which are designed to try to help them learn about their behaviour and how they operate in the world. Part of the consequence I think is the opportunity to get them and get them to go through that stuff. Another consequence is that they get a health check. Things like hearing problems and intellectual capacity issues can be identified and so on. I do my job in very simple way. I just look at the job that parliament gives me and I try to do it well. It is very simple. The statutory charter I have been given is to promote humane containment rather than to consider, if you like, appropriate consequences within a detention facility.

Mr HARPER: Thank you, Mr Reilly, for going to Cleveland Youth Detention Centre. I am from Townsville. I have been at that centre a number of times, not only as an MP but also responding to staff assaults in my former role with Ambulance, and I was very concerned when the AWU raised that staff assaults are still occurring.

Mr Reilly: Yes, I read that evidence.

Mr HARPER: More work needs to be done there. As you have mentioned, recruiting is on the up. Some people in Townsville think it is bubbles, sparkles and rainbows and everyone has coloured, flowered shirts and—

CHAIR: Member, sorry, we are time poor. A question, please.

Mr HARPER: That is certainly not the impact I have from going in there and visiting.

Mr Reilly: The school facility is a nice facility. The actual accommodation units are quite—you are clearly in a detention facility, I think. I could talk about that more, but we do not have time. I will produce it in the report. No, it is not bubbles and sparkles.

Mr HARPER: No, thank you for clarifying that. The former Queensland ombudsman published a report in 2016-17 with 17 recommendations. Have they all been implemented?

Mr Reilly: We do monitor the implementation. I might get back to you on the question of 'all'. A lot has been done, but I will have to go back and look at our systems to check if all of them have technically been fully implemented, but I am happy to take that on notice.

Mr HARPER: Thank you.

Mrs GERBER: My question is around watch houses. In terms of the guidelines you just gave the committee in relation to humane treatment, what do they say about the government's move to declare watch houses detention centres? Have you outlined those in your guidelines?

Mr Reilly: We do not yet have standards for watch houses. We are developing those. They are harder to do because there are not actually many models around. One of the reasons we are doing some inspections before having the standard is actually to give us some insight into watch houses. When we look at a watch house, the issue we are focusing on is children who have been detained there for more than a short period. In that situation, my view is that the inspection standards for youth detention centres become relevant, because you are talking then about longer detention and so the sorts of issues about health care and access to education, decent food, decent clothes, a decent bed and so on kick in.

Mrs GERBER: In that circumstance, watch houses could never be humane as detention facilities because they do not provide those services.

Mr Reilly: The Queensland police's own policy and procedures document talks about watch houses as a place to hold people for 24 hours or so. That is how they approach watch houses. That is because they know that is what the facilities are designed for. They are not designed for long-term detention.

Mrs GERBER: How many of the watch houses are you planning on inspecting? You have said that you have gone to one of the regional ones because you want to focus on watch houses with the notion that watch houses essentially should be just a short-term holding cell, but we know that the state government has overridden the Human Rights Act to declare watch houses detention centres. Are you going to inspect those watch houses?

CHAIR: Member for Currumbin, can we please have the question? We still have members who want to ask questions and we have four minutes left.

Mrs GERBER: The question was: how many other watch houses?

Mr Reilly: Three. I wrote to the Police Commissioner and advised her that we are going to do a program of four inspections, which we hope to have wrapped up by the end of next year.

Mrs GERBER: Which watch houses, sorry?

Mr Reilly: I am not sure yet. We are still working that through. We have done Murgon and we are looking at making our choices for the next one now.

Mr TANTARI: My question is mainly around how you may work collaboratively with the other oversight agencies. In particular my question is: have you been consulted at all on the design and appropriateness of the new detention centres currently in progress?

Mr Reilly: Youth Justice did invite us to come in and be a part of that. I declined the offer because we are an independent office and I believe that our job is to inspect youth detention centres rather than be involved in the design. However, these reports we are doing will make observations about some facility design issues, including the design of some of the separation rooms that are in those facilities, that I think should be addressed in the design process. I have not gone into those design processes, but we have been offered the opportunity. That is my recollection of what happened.

Mr PURDIE: To clarify the question about the police procedures, it used to be the case that you could not keep a child in a watch house overnight unless you got the inspector's approval and it was a maximum of one night and you had to notify Crisis Care. Obviously, that is not the case anymore. Have the police procedures now been changed to reflect the fact that kids are being kept in watch houses indefinitely?

Mr Reilly: I do not believe I am in a position to advise on that fully, but can I say it is a really good question and I think a really important one. The Police Commissioner herself has made comments on these issues. I have just consulted the police policy that is in the OPMs and it refers to 24 hours or so.

Mr PURDIE: It still does?

Mr Reilly: That was the last one I saw.

CHAIR: You can take this on notice because I am mindful of time. The issue of watch houses obviously comes up, and I am trying to understand your role going forward in your report. Given our role in the inquiry in a bipartisan manner is to come up with some agreements and solutions around that, with evidence so far indicating that the situation in the watch houses is a result, as you said earlier, of a lack of resourcing—

Mr Reilly: It is the result of the flows into the watch houses, which is a product of crime levels.

CHAIR: And a product of legislative change that was called for from communities?

Mr Reilly: Yes. There are a whole lot of factors that lead to the number of children going into watch houses. I think the problem has been then the children who should be released quickly out the watch houses into the youth detention facilities. They cannot do so because the facilities are full and so they wait.

CHAIR: With that in mind, there are those incoming—and as the community calls for greater safety, what they are seeking is for these young people to be taken out of the community. In the interim, until the new detention facilities come online, what suggestions would you have to improve those conditions within watch houses? We need to be able to make some recommendations, because it is an interim; it is not going forever—

Mr Reilly: Yes, it would be for a year or two.

CHAIR: And we need to hear some solutions.

Mr Reilly: Sure. I think our report will look at some of those issues. There are some intractable problems of just having children in watch houses. Queensland is a big place. It is a big, decentralised state. There are small and large facilities scattered across the state, and their resourcing levels and the things officers can do are very different across the state. There are no silver bullets, if you like. The reason we started with a small watch house was that we knew that some of those smaller watch houses probably have the least access to services and so on to do some of the things you might need to do, so we wanted to start there and then we will get back to the bigger ones.

CHAIR: We have heard fairly consistently with the serious repeat offenders that detention is not a deterrent. Your comment was that being in detention or being in a watch house is significant punishment already. That is the particular cohort that we are confronted with at the moment. I look forward to your report very much and I thank you for your time today. I know that you are very busy.

Mr Reilly: I was actually surprised by the questions. I did not think I had much to offer.

CHAIR: We could have kept you for another half an hour. You are lucky the Guardian is behind you! There were questions taken on notice.

Mr Reilly: Can I quickly just ask what those were?

Mr PURDIE: We can chase up with the OPMs.

Mr HARPER: It was the 17 recommendations and progress.

Mr Reilly: Yes, from the old report.

CHAIR: Member for Currumbin, was there a question on notice from you?

Mr Reilly: There was the QO complaints.

Mrs GERBER: No, Chair.

CHAIR: Thank you so much. Have a good afternoon. If we do not see you beforehand, have a lovely holiday break over Christmas.

DWYER, Mr Nicholas, Deputy Public Guardian, Office of the Public Guardian

UNSWORTH, Ms Kelly, Senior Policy Officer, Office of the Public Guardian

CHAIR: I now welcome representatives from the Office of the Public Guardian. Would you like to make an opening statement before questions from the committee? As you can see, I sometimes have to hurry everyone along. Do not think I am being rude or anything when I am doing that. It is just that I want to make sure every member has an opportunity to ask a question.

Mr Dwyer: Thank you for the invitation to appear before the committee. It is very much appreciated from the OPG's perspective. I would like to start by acknowledging the traditional custodians of the lands we are gathered on here today and pay my respects to elders past, present and emerging.

Also, before I start my opening statement, I would like to point out that I have been the Deputy Public Guardian for around 12 months, but if it please the committee, just for context, my previous 23 years in the Public Service have been in youth justice so I am happy to, where I can, provide answers and other elements in relation to that where it is appropriate.

The Office of the Public Guardian is an independent statutory office that promotes and protects the rights and interests of children and young people in the child protection system or staying at a visitable site. OPG's Community Visitor Program monitors and advocates for the rights of children and young people staying at various visitable locations, which includes police watch houses and youth detention centres. Community visitors provide an independent voice for children and young people to raise concerns and express their views and wishes and supports them to exercise their rights. OPG's direct engagement with children and young people in the youth justice system gives us a unique insight into the issues they face, particularly in terms of their rights, interests and wellbeing.

We know that a significant proportion of the children and young people in the youth justice system have a range of complex and often prejudicial circumstances that impact on their behaviour. The majority have a child protection history and many have experienced complex trauma, childhood abuse and/or neglect. Some have cognitive or intellectual disabilities. Many have experienced mental health issues, homelessness or issues with drug and alcohol use. These traumatic experiences have a lasting impact on the life trajectory of these young people, which can manifest through offending.

The experience of our community visitors has shown that a failure to provide appropriate care and service support early in a young person's life, coupled with a lack of collaboration and transition between service systems, are avoidable factors that can lead to a young person engaging with the youth justice system. These service systems provide an ideal opportunity to intervene early so that disability and trauma related behaviours are not criminalised and contribute to cycles of disadvantage. More investment is needed in evidence-based, early intervention programs to identify young people's needs and to take a preventative approach to behaviours that can lead to offending. These intervention strategies should include, but are not limited to: social services, mental health and disability assessment, and education support. Intervening early to keep young people engaged in education and connected to their community can create positive outcomes that reduce the chance that a young person will offend.

For those young people who are already in the youth justice system, maintaining continuity of systems support is vital for their successful rehabilitation. Our office has ongoing concerns that young people with complex needs are losing access to health, education, cultural and therapeutic support at key points in the system. We observe two factors influencing that access: the use of police watch houses as a holding facility; and lockdowns and separation from detention centres.

In the last two years we have seen the growing use of police watch houses to hold young people due to capacity issues in youth detention centres across Queensland. In the last 12 months there have been: 80 children aged under 14 years who spent one night in a police watch house; 640 children aged between 10 and 17 who spent more than four nights in a police watch house; 132 children detained in a police watch house for 14 days or more; and 46 children detained in a police watch house for 21 days or more. Holding young people in watch houses, particularly for prolonged periods, is a safety and human rights issue because of the long-term risks to their health and psychological wellbeing. These vulnerable young people require targeted support for their wellbeing and rehabilitation which cannot be accessed in a watch house environment.

Similarly, youth detention centres are also not ideal environments to respond to complex trauma, and these institutions can often re-trigger such events. The OPG has observed that young people in youth detention centres experience mental health impacts more frequently because of chronic overcrowding and staff shortages, which regularly results in lockdowns, separation and

extended periods of what is described by young people as isolation. When this occurs young people can be confined to their rooms for extensive periods. Not only is that a further risk to their mental health, but every lockdown or separation period restricts their access to services and support and reduces their chance of genuine rehabilitation. In both watch houses and youth detention centres children and young people continue to raise concerns with community visitors around lockdowns, reintegration planning and a lack of access to the health, education and cultural supports they need to rehabilitate.

Like others who have appeared before the committee, I would like to draw your attention to the significant over-representation of First Nations children and young people in the youth justice system. In the last financial year more than 40 per cent of the children and young people we supported were Aboriginal and Torres Strait Islander. In considering diversion and preventative strategies for young people, this over-representation must be addressed.

Any strategies to better protect the rights and wellbeing of children and young people who engage with the youth justice system must also include consideration of increasing the age of criminal responsibility. Queensland's current age of criminal responsibility is well below the United Nation's minimum standard.

We appreciate that youth justice issues are complex, nuanced and related to multiple service systems. Any solutions must balance the needs of young people with the safety of the community. It is equally important that victims of crime are supported and prioritised in this process. A specific focus on rehabilitation and support at every stage of the system can reduce offending and put the rights of your young people at the forefront.

I acknowledge that the Queensland government is progressing with a number of initiatives; however, this is only the beginning of a long journey to improve the system. We have the potential to achieve so much more by working together. In November this year leading New Zealand parties formed a coalition government with agreed priorities and policies to establish a constructive and enduring working relationship in the best interests of New Zealand, including reforms to their youth justice system. I respectfully suggest that Queensland would benefit from a similar bipartisan approach and a shared vision for innovative youth justice reform to break the cycle and provide a safe community for everyone in which our young people can grow and thrive.

Ms BUSH: Thank you for coming along. I should declare that I used to work at the Office of the Public Guardian. I was a director there for a while. It is lovely to hear about the work you are doing. Thank you also for the work you are doing and your comments on watch houses. Nobody wants to see children in watch houses; I think we all feel the same way. Obviously, one night is too much. Thank you also for clarifying that no child is being held indefinitely in a watch house, which is what we just heard a comment in relation to.

I just want to hear how you work with your partner agencies, QFCC and others, to use your collective weight to advocate for the human rights of children in these spaces to make sure they have transition plans, NDIS plans and healthcare plans. How does that come together?

Mr Dwyer: As mentioned earlier, I can only speak for the last 12 months being at the OPG. It has been something upon my arrival there that I noted was quite a unique and valued aspect of the oversight process. The OPG is specifically focusing on the individual rights, advocacy and the complaints process at an individual level for young people. Over the last 12 months—in particular with the Ombudsman, but also with QFCC—we have managed to work on a number of systemic issues that have resulted in a number of reports. There is a report soon to be released from the QFCC in relation to watch houses and the drivers behind young people being remanded in custody in watch houses to which we contributed significantly in relation to the complaints process.

We certainly see quite a deal of information coming in, as you would know, that is focused around individual complaints for young people around their human rights. Outside of collecting and supporting young people in that first period, what we see as our major role is how we engage and partner with our key agencies across the oversights and other areas as well to ensure that information is actually flowing in the direction that it needs to. We have established a number of very key relationships not only in the oversight space but also within departments and the NGO space, ensuring that we come together quite regularly around what is and is not a key priority from a systemic point of view and how we then ensure that is making its way to where it needs to so people can be informed with that information—which I am sure forms part of this work the committee is doing—but also on other aspects. In the 12 months I have been in the chair I certainly have seen quite a number of different pieces that have informed a whole range of systemic processes we have been part of.

Ms BUSH: In theory, you are on the ground, you have visitors on the ground, and they detect when a child or young person is about to transition out and they do not have an appropriate transition plan. They can raise that issue with centre management on the day or the day after. You have real advocacy occurring in real-time.

Mr Dwyer: Absolutely. I was in Townsville last week. I was at the centre seeing firsthand the work that our community visitors do on the ground with staff and the way they have been able to create that quite enduring, respectful relationship. There is always a degree of tension within that, but it is quite respectful and really well placed in terms of how they engaged with stakeholders to support young people transitioning. I will just quickly mention this because it may come up in another question as well. It certainly is still one of the key contributing factors we see through our community visitor program that is impacting on young people exiting detention and impacting on our serious repeat offenders who transition out of custody into meaningful pursuits within the community and how we best wraparound the supports for them so they can have that. It comes up quite frequently.

Mrs GERBER: Thanks for your advocacy in relation to children and young people. I want to better understand that. In the last financial year can you just let me know how many times the OPG raised issues on behalf of children and young people, and can you break that down so we can understand. Of that number, how many related to children in the youth justice system and how many related to children in watch houses or in relation to watch houses?

CHAIR: You can take that as a question on notice.

Mr Dwyer: The number of complaints in the last financial year raised within youth detention was 1,465. In relation to watch houses, the number of complaints raised was 1,281.

Mrs GERBER: So I have a baseline, what was the total number of issues the OPG raised on behalf of children and young people?

Mr Dwyer: The total number was 12,993.

Mr HARPER: Thank you for being in Townsville. Was it your first visit to the centre?

Mr Dwyer: In my previous role I attended Townsville and CY quite often.

Mr HARPER: I might disagree with my colleague, the member for Cooper. My community is fatigued with crime, particularly the reoffending rate. In relation to watch houses, there is a process. The police catch them, charge them—they have to go somewhere—and then they go through the court process. Are there any other jurisdictions that do not take them to watch houses or maybe go straight to a detention centre? What is the alternative? Once they are arrested, what are the other options the committee can look at in terms of where they could go?

Mr Dwyer: I am happy to take part of that question on notice in terms of ensuring that I am not overreaching when I answer it. My understanding, without looking into it further, is that watch houses are utilised as facilities across the country. The significant difference is that in Queensland watch houses are used for extended periods of time. One of the members of the committee in the previous session made the comment about police powers and operations around watch houses and having it clearly worded that a young person is not to stay in a watch house for 24 hours or more. I distinctly remember that being a process. Everybody knew about it when any child spent more than 24 to 48 hours in a watch house. The process was that we all had to drop everything to try and get that young person out. In terms of other jurisdictions, I think that is more the process that is followed. The issue here in Queensland—and again I really think it is an opportunity for us all to work together to find a solution—is that we have young people staying in watch houses far longer than anywhere else in Australia.

Mr HARPER: With regard to people transitioning out, particularly in terms of reintegration planning and accommodation, can you elaborate on the kinds of issues your office has raised with regard to that?

Mr Dwyer: I would say the overwhelming issue that is raised that we see coming through our Community Visitor Program is the ability for a young person to reintegrate successfully into that community and, most importantly, into some sort of prosocial pursuit. Often that relates to vocational education programs or other key elements that support that young person, knowing full well that at that particular point within their offending trajectory, for want of a better term, they need quite a lot of wraparound support—not just a program in the community to send them to school or TAFE—to see them successfully reintegrate. Often the common information we receive through our community visitors is that children are leaving detention without even having basic access to any form of

educational component, whether it be to get back into a mainstream program or into some form of flexi school or something offered through TAFE training or other institutions because of the fact they bring with them such a range of other complexities. I respect and understand it is difficult for them to potentially maintain themselves in a schooling environment.

I acknowledge, and was really pleased, to see the education department come out in the last few days and talk about the extra resourcing they provide, particularly in the flexi school space and pathway space. It is fantastic programming. They are the things we need more access to for young people if they are to transition successfully back into the community. I am pleased to see that is happening.

Mr PURDIE: Back to watch houses and the Operational Procedures Manual. When I was a police officer in late 2017 it was a firm rule that no child was to be kept in a watch house for more than one night. By 2019 it was exposed by the ABC that there were dozens of—

CHAIR: Member, can we get to the question. We really need to move beyond—

Mr PURDIE: Identifying the cause of the problem?

CHAIR: No, I think everyone knows what the problem is—

Mr PURDIE: By 2019 we were in a situation where we had kids in watch houses. In your previous role in youth justice, what was the catalyst for the failure of that system?

Mr Dwyer: I would prefer not to answer that, if that is appropriate. I do not currently represent youth justice. I am here on behalf of the OPG.

CHAIR: That is fine, thank you.

Mr TANTARI: Thank you for coming along this afternoon, Mr Dwyer. Does the OPG play any role in advocating for the children of adult offenders, including children whose parents are currently in prison? If so, what kinds of issues do you typically encounter with them?

Mr Dwyer: The community visitor component potentially would. Any adult we have guardianship for who has children, we may have a role we play in representing and supporting that child through that arrangement.

Mr McDONALD: Can I just ask you about your advocacy with children. Have you observed any connection between child safety and a lack of support for young people following detention that has led to further offending?

Mr Dwyer: Having been in the regions recently—and the primary focus of going to Townsville was to meet with Youth Justice and Child Safety around matters from a community visitor point of view—what I would say is that in the regions I visited and worked with recently, departments on the ground are doing a tremendous job working together to the best of their abilities. If I could just touch on my previous experience. In the period of time we were with Child Safety as a department there were certainly some great opportunities for us in that space to really rebuild that relationship. Having been in that working area for many years—I think we have potentially come in and out of Child Safety several times—there was definitely the opportunity in that last juncture to really rebuild and rebrand that department to be better partnered together. I was impressed when we went to the regions recently just how much they were still in play on the ground with staff. The work that Child Safety is doing in partnership around serious repeat offenders has been continuing over a long period.

What I would say, and I guess it is a little bit of a stretch in terms of your point, is that I would really like to impress upon the committee—and it is certainly something that I raised in my speaking notes as well—is that a multisystem approach is required. Child Safety, Youth Justice, and to a degree now QPS quite often as well, tends to be left carrying the bag for a lot of these issues. I think they do the best they can. I do think we need to see a lot more engagement across a number of other different agencies that can intervene and work with these young people at an earlier age.

Mr McDONALD: In terms of young people in watch houses, you mentioned the numbers before and I will not go over it. Have you advocated for them to have improved health and education opportunities? We are told that that cohort does not qualify if they are on remand and it is not actually until they are detained that they qualify.

Mr Dwyer: I can answer that question with both hats. Again, having been out of Youth Justice for 12 months now, my understanding is that, regardless of whether they are on remand or sentence, they can access and qualify. The issue is then just around how they get access to those services in those environments. Sometimes departments do need to do a process where they have to risk manage or manage how they give access to certain cohorts. If they are on remand or in custody, held in detention, they do have access to all the same supports. The issue is, if we are talking about a Brisbane

watch house context, it is just very difficult. I am sure the committee has all been to see a watch house firsthand. It is very difficult to provide any really meaningful support, engagement or intervention to a young person in a watch house.

CHAIR: You said difficult, but it is not impossible.

Mr Dwyer: I am a very positive person, so I would say you could certainly try to do anything, but it depends on the watch house. The Ombudsman pointed to this previously. Some watch houses have a level of capacity to maybe do some things, but then you have other remote locations where, from a privacy point of view, the ability to have a young person even access what they need to do, an education program, for the safety and security of other people in the watch house it would be close to impossible.

CHAIR: We are here to find some solutions. From everything we have heard, we know the reasons they are in the watch house. We know the reasons we have detention centres. We need to move beyond that. We are in this situation. We probably have a year before there is extra capacity in the detention centre. We are looking at that reality in terms of not only numbers now but they may increase as a result of various legislative changes and greater reporting. We are seeing more victims report. We need some kind of innovative way to look at options for offenders who will continue to be held in watch houses until room is freed up in detention centres. From your experience and your knowledge, where would you start to address something right now?

Mr Dwyer: That is a difficult question.

CHAIR: I am happy to take it on notice.

Mr Dwyer: I am happy to attempt to answer that question, and then if I need to I will also take it on notice. I know it is still a way off, but the introduction of the remand centre the Queensland government is talking about, as I understand it, is sort of early to mid next year. I think that will be a significant opportunity. Coming to the point that was raised before around declaring a watch house a detention centre, one of the key aspects of being able to do that, in my opinion, is that it actually has to be something other than a watch house. The remand centre model that has been proposed provides us with a model that, if it is established reasonably quickly, can give us and the government an opportunity to provide some of those essential services they just cannot within a watch house.

To the point around whether or not we have been engaged in relation to the design of the new builds—we actually have. I did take that offer up, so I am hoping that is okay. I have been working with my previous colleagues in Youth Justice in relation to what an effective youth justice remand centre and/or detention centre needs to look like in the current climate. I think this is something that would need to be looked at within the current built environments in the three centres we currently have. There is a lot of research out there that talks to how we can better provide services within the built environments we currently have that would allow us to do more effective work with young people. I genuinely believe that the best way to stop young people from cycling back in and out of detention is to provide them with the intensive support that is required once in detention—remembering that, when detention and services were at a high level in terms of being able to be provided for young people, we were able to see a lot more access for a lot more meaningful endeavours for them in detention that then could transition to the community space, which we are not seeing at the moment. If there is an ability to free up time and space in the detention centre to do that now, that would be of benefit, I would say.

CHAIR: That would be the area that you see it could be freed up?

Mr Dwyer: The highest proportion of detainees currently cycling through detention facilities are serious repeat offenders. In my opinion, if you really want to look at ways to start to free up some of those young people in detention and have them return to the community and stay in the community, a focus on that collective whole-of-government response for those young people and support, both inside and outside of a detention environment, is I think where you get your best results in the short to medium term. I know personally from working in that environment and also from the last 12 months in that position that the key agencies involved in that are doing everything they can to make that a reality. I think there needs to be a lot more direct leaning in from other key agencies that can provide some real support and impetus into that to assist Child Safety, Youth Justice and the like to make that a reality.

CHAIR: Would you be able to take that on notice and maybe flesh it out a little bit for us?

Mr Dwyer: Sure.

CHAIR: I would really appreciate it. Unless there is a really burning question—

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Ms BUSH: To that point, which agencies?

CHAIR: That is why I asked for a question on notice.

Mr Dwyer: The two key agencies for me that have certainly played a role, but could play and continue to play more of a meaningful role to really benefit the outcomes for those young people, would be Health and Education.

CHAIR: Are there any other burning questions?

Mr McDONALD: I have another one on notice about that.

CHAIR: Are there question to be taken on notice?

Mr McDONALD: Yes, that would be great. I asked this question before regarding consequences for action for this cohort who have no consideration of professional reputation and no fear of incarceration. We have had psychiatrists and others here, but you have that practical understanding of consequences for action. Maybe we could get some information on that as well?

CHAIR: That is a question on notice, yes. We have run out of time. That would be really appreciated. I want to thank you so much for your attendance today. It has been deeply appreciated. The questions on notice are due back by 18 December. That concludes this public hearing. Thank you to everyone who has participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course.

The committee adjourned at 2.46 pm.