Speech By

Hon. Leanne Linard

MEMBER FOR NUDGEE

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MONITORING OF PLACES OF DETENTION (OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE) BILL

Hon. LM LINARD (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (11.41 am): I rise to speak in support of the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2022. I want to thank the Legal Affairs and Safety Committee for its examination of the bill and its recommendation that the bill be passed. I also thank those who made submissions and appeared as witnesses as part of the committee's inquiry. I note that the committee made a number of comments on the bill, including the provisions around temporarily restricting access to places of detention and access to information, which my colleague the Attorney-General has addressed in her speech.

In December 2017 the Australian government ratified the Optional Protocol to the Convention Against Torture, known as OPCAT. OPCAT is an international treaty which supplements the 1984 United Nations convention against torture. Its overarching aim is to protect persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment. OPCAT establishes the United Nations Subcommittee on Prevention of Torture, the UN subcommittee. Parties to OPCAT must grant UN subcommittee delegates unrestricted access to all places of detention, the liberty to choose the places of detention they wish to visit and persons to interview, the opportunity to privately interview persons in detention and other persons with relevant information, and unrestricted access to certain information about persons in detention and their treatment.

The purpose of the bill is to facilitate visits by the UN subcommittee to places of detention in Queensland. This would include the three youth detention centres in Queensland currently which my department operates—the Brisbane Youth Detention Centre, the West Moreton Youth Detention Centre and the Cleveland Youth Detention Centre in Townsville. The bill also applies to community corrections centres, prisons or work camps; inpatient units of an authorised mental health service; the Forensic Disability Service; court cells or watch houses; holding cells and other places in a police station where a person is detained; and any other place where a person is detained, other than a private residence, prescribed by regulation. The objective of the bill is to provide the UN subcommittee with a consistent framework to access all places of detention across Queensland and obtain information to fulfil its mandate and produce reports of its visits.

The bill provides that the responsible minister and the detaining authority for a place of detention must ensure the UN subcommittee is permitted to enter and visit places of detention and has unrestricted access. The responsible minister may object to a visit but only if there is an urgent and compelling reason to do so on the limited grounds of national defence, public safety, natural disaster or serious disorder in the place of detention. The bill provides that the detaining authority may temporarily prohibit or restrict access to a place of detention or a part of a place of detention on limited grounds, including, for example, where access to part of a detention centre may prevent the maintenance of security, good order of the centre or impact on the health and safety of a young person in detention.

Provisions are made in the bill for the UN subcommittee to access information relevant to the purpose of the visit, for example information about the number of detainees in the place of detention and treatment of detainees and to conduct interviews with detainees and other persons, with their consent. The bill also provides that a person must not cause, or attempt or conspire to cause, detriment to another person because they have provided information or assisted the UN subcommittee. We already have robust oversight of our detention centres in Queensland, including from the Public Guardian and the Ombudsman, our own internal but independent Youth Detention Inspectorate and, from 1 July 2023, the new Inspector of Detention Services. However, the government unreservedly welcomes the additional oversight and scrutiny and international perspectives that visits from the UN subcommittee to youth detention centres will provide.

The recommendations and reports of international experts will help us ensure that we meet our international obligations, that our youth detention centres comply with international standards and that young people in detention are held in safe and appropriate environments. I anticipate that the UN subcommittee will communicate with our Queensland oversight entities prior to any visit to help ensure the best possible use of time and resources. Visits by the UN subcommittee will therefore complement and enhance our existing oversight mechanisms, consistent with the government's commitment to transparency and accountability.

I will now turn to the specific provisions in the bill which make consequential amendments to the Youth Justice Act 1992 to facilitate the UN subcommittee's access to youth detention centres. The bill amends section 263A of the Youth Justice Act to provide that body worn cameras may not be used to record the actions of a member of the subcommittee or a person assisting the subcommittee, for example a UN expert or interpreter. This provision will help ensure that the activities of UN subcommittee members remain private and confidential and their access to youth detention centres is unrestricted to the greatest extent possible. The bill also amends section 272 of the Youth Justice Act to provide that the rules relating to ordinary visitors to youth detention centres, for example refusing entry in certain circumstances and requiring names, addresses and proof of identity, do not apply to UN subcommittee members or persons assisting them. This provision supports the bill's purpose of providing UN subcommittee members with unrestricted access to places of detention.

I reiterate my thanks to committee members and the secretariat for their hard work in considering this bill. Equally, I take this opportunity to acknowledge the frontline youth detention workers, youth justice staff and support staff who work in the challenging environments in these three youth detention centres. Roughly 280 young people are detained in our youth detention centres on any given day and they often exhibit very challenging behaviours. We appreciate that that is why these young people are being held in detention, but it is an incredibly challenging environment for these youth detention workers to go to work every day and to deal with. I acknowledge their service to keeping the community safe which is not as recognised sometimes as that of the more visible frontline staff. Our police do an extraordinary job, as do—and I know the minister for police acknowledged them too—our corrections staff and our youth detention workers. They often receive negative coverage and commentary such as comments like detention centres being a holiday camp which are deeply offensive to the complexity of their work. I put on record, as I always do, that it is offensive to them and I thank them for their service to community safety.

I also want to address commentary from the opposition spokesperson for justice and the member for Currumbin with regard to some media commentary recently about young people alleging that they had been in solitary confinement—a term we do not use—for at least 45 days. There are a number of different cases they reference so I will speak generally. While I have addressed these issues in regard to public reports, I do want to put on record that while I am aware of these allegations, and they are deeply concerning and I absolutely take responsibility on behalf of my agency, the recording processes that they use need to be upgraded. They need to use a more detailed recording process rather than the manual one they are using now so that we can better provide the courts with information, often in very short time frames, about the supports and movements of young people.

The advice I received from my department is that those allegations, as I mentioned, are not true and the young people referred to, while held and subject to periodic separation, were moving outside of their rooms and partaking in the usual programs and access to engage with other young people. Where separation is required the following supports and services continue to be provided to young people: health services; education; specialist services, such as dental; multidisciplinary support such as case workers, psychologists, speech and language pathologists and program delivery staff, cultural liaison officers; and cultural visits. Young people are provided with equitable time out of rooms, access to phone calls, personal and professional and, as I said, medical assessment or treatment.

There are strict protocols and controls around the use of separations in our youth detention centres and it is my and my government's expectations that those controls are complied with. The department is currently reviewing the systems and protocols to allow for the greater detail I spoke about—young people's movements to be provided to the courts within the short time frames they often require—and we will also ensure that the court is given a full view of the supports provided to young people during separation as is appropriate for transparency. I commend the bill to the House.