

19 OCT 2016



Department of
Justice and Attorney-General

Our reference: OADG 16-291

Ms Claire Mallinson
National Director
Amnesty International Australia
Locked Bag 23
BROADWAY NSW 2007

Dear Ms Mallinson

Thank you for your email dated 26 August 2016 providing a draft copy of Amnesty International's report titled, *Heads held high: Keeping Queensland kids out of detention, strong in culture and community* (the report). I note that this report was released publicly on 31 August 2016.

As you are aware, on 7 September 2016, the Queensland Government announced that it would introduce legislation to end the practice of treating 17 year olds as adults in the youth justice system. This is a significant step forward that, after 20 years, brings Queensland into line with all other Australian jurisdictions and the United Nations Convention on the Rights of the Child.

In responding to the matters raised in your report, I provide the following:

reversing legislation to stop the automatic transfer of 17 year olds, who have at least six months left to serve in detention, to adult correctional facilities represents an important step in the Government bringing 17 year olds into the youth justice system; policy reviews and new directives have led to improvements in Youth Justice in recent years, including:

- young people may not be asked to lift their breasts or genitals during searches (August 2015). The recent purchase of electronic body scanner equipment also minimises the need for partially clothed searches;
- ankle cuffs are no longer used in youth detention centres (April 2015). Restraints can be used in exceptional circumstances and only in accordance with legislative requirements;
- young people are not forced to change into suicide prevention garments (September 2013);
- separation occurs only for the safety and security of the detention centres and has never been used for disciplinary purposes. Policy changes in 2013 clarified separation use within the parameters of the *Youth Justice Act 1992* (YJ Act);

Office of the Assistant Director-General
Youth Justice
25th Floor, 50 Ann Street
Brisbane Qld 4000
GPO Box 149, Brisbane Qld 4001
Telephone 0730330876
ABN 13846673994

- Youth Justice has zero tolerance for excessive or unauthorised use of force. Staff who use excessive or unauthorised force are dealt with in accordance with appropriate legislation. The Protective Actions Continuum policy guides staff use of force in a detention context;
- dogs are not used as a general security measure at youth detention centres. A security dog was authorised in December 2014 to assist in reducing risks presented by a significant building project at the Cleveland Youth Detention Centre (e.g. young people accessing the site and arming themselves with building debris). The use of the dog was immediately discontinued when it was identified that the handler used the animal for an unauthorised purpose;
- Queensland detention centres are subject to significant internal and external oversight and monitoring. Independent oversight is provided by the Ombudsman and Community Visitors from the Office of the Public Guardian; and
- data reported in the report often compares Queensland statistics against the national average. Little or no comparison is made with other jurisdictions. Queensland performs better than others in a number of measures (e.g., school attendance, reading and writing, the disability gap). In failing to appropriately contextualise the Queensland data, the report risks drawing erroneous conclusions.

I was encouraged to see sections in the report describe the significant steps taken by Queensland in recent years to reform and improve its youth justice system, including:

- development of an *Aboriginal and Torres Strait Islander Cultural Capability Action Plan (2015 – 2019)* and the establishment of the Youth Justice First Nations Action Board:
 - please note the *Aboriginal and Torres Strait Islander Cultural Capability Action Plan (2015 – 2019)* is titled incorrectly in the report; and
- providing improved restorative justice pathways for young people, including the introduction of section 24A in the Act which is specifically intended to divert Aboriginal and Torres Strait Islander young people from the youth justice system.

Youth Justice has also implemented a number of important and innovative initiatives that I believe are worthy of recognition. For example, the Youth Justice First Nations Action Board is the first of its kind in Australia. It is made up of Aboriginal and/or Torres Strait Islander Youth Justice staff members from across the State who are strong advocates and leaders within their communities. The First Nations Action Board guides Youth Justice in approaches to reducing over-representation, and works to ensure that there is a cultural lens embedded in the development of youth justice policy, programs and interventions.

Since April 2015, trauma informed practice (TIP) has been progressively implemented across all aspects of policy, programs and service delivery in Youth Justice. TIP is a strengths-based framework that recognises the impact trauma can have on the

developing brain. In taking a trauma informed approach, Youth Justice staff are better able to support young people to identify triggers for their behaviour, and support them to respond to stress in more appropriate and adaptive ways. This initiative is intended to reduce reoffending as a result of young people developing better control over their behaviour and choosing to act in more socially acceptable ways.

I note and share the concerns raised in the report regarding the high number of young people held on remand in detention. The Attorney-General has committed to addressing the very high rates of young people who are on remand, and extensive work will be done in the coming months to reduce these numbers and ensure the safe transition of 17 year olds into the youth justice system.

Youth Justice is a key participant in the Childrens Court Committee which has been tasked with addressing delays in the youth justice system and looking at ways to reduce remand. Youth Justice also continues to work closely with the Department of Communities, Child Safety and Disability Services, and other stakeholders to better respond to the need for bail accommodation and other support services.

It is also worth noting, that Youth Justice is working to develop new services to address contemporary issues for young offenders. From October, Youth Justice will commence advertising Community Partnership funding opportunities across 14 locations throughout Queensland. A deliberate strategy in program design has been to work with members of Aboriginal and Torres Strait Islander communities, including Community Justice Groups and Elders. Youth Justice is also collaborating with the Department of Aboriginal and Torres Strait Islander Partnerships to ensure that Aboriginal and Torres Strait Islander organisations are in a sound position to apply for funds and deliver services.

Department of Justice and Attorney-General (DJAG) remains committed to ensuring the safety and wellbeing of all children and adults present in the detention environment. Furthermore, as should be apparent from the support of your research, DJAG remains open to external feedback, and is transparent in the policies and practices it uses to achieve improved outcomes for young people.

I trust this information is of assistance, and look forward to the innovative, evidence-based and exciting new direction Youth Justice will take in the coming years.

Yours sincerely


Sean Harvey
Assistant Director-General
Youth Justice

12/10/2016
