

Appendix D: Office of the Public Guardian submission



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Our reference: 7112038

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Mr Anthony Reilly
Queensland Ombudsman and Inspector of Detention Services
GPO Box 3314
BRISBANE QLD 4001

Via email: inspector@ombudsman.qld.gov.au

Dear Mr Reilly

Thank you for your letter dated 19 July 2024 enclosing a draft inspection report providing proposed recommendations in relation to the Cairns and Murgon police watch houses, following completion of your annual inspection schedule at those locations. I appreciate the time you have taken to provide the confidential draft inspection report for my consideration.

I have reviewed the findings of the draft inspection report and I welcome the 24 recommendations proposed to be made. In particular, I commend the recognition of the particular needs of children with mental health, cognitive and psychosocial conditions, and the importance of trauma-informed and culturally responsive approaches to their complex needs and behaviours. While attempts have been made to provide services to children in watch houses, they remain inconsistent and do not, for the most part, meet their minimum human rights. I am of the view these draft recommendations would be a positive step towards ensuring the protection of their rights, wellbeing and dignity.

The draft inspection report makes several observations about the Cairns watch house in the context of the functions of community visitors, including the design of the watch house and numbers of children detained together in accommodation cells. The Office of the Public Guardian (OPG) has observed that the design of the Cairns watch house and the current operational model has the effect of reducing the ability of community visitors to consistently access children for a visit and prohibiting community visitors from carrying out their full legislative powers. Section 67(1)(d) of the *Public Guardian Act 2014* provides community visitors with legislative powers to access a child staying at a visitable site, and section 67(1)(e) to talk with a child staying at a visitable site out of hearing of other persons at the site (including staff members of the site). The right to confidential and private communication is a cornerstone of the community visitor's role in places of detention, including police watch houses. The inability to communicate confidentially with children in this environment, reduces the likelihood community visitors can raise concerns regarding their safety and wellbeing until after they transition into a detention centre, or the community. Further, lack of privacy may prevent young people from feeling safe enough to disclose information crucial for assessing their wellbeing and escalating concerns.

Limited appropriate access to children detained in a watch house reduces the ability of community visitors to speak with them about the facilitation of essential support services and determine

whether their individual needs are being met by watch house staff. In turn, reduced access to children correlates to a decrease in the resolution of their concerns and grievances and limits the ability of community visitors to discharge their legislative functions to protect their rights and interests through escalating complaints on their behalf.

OPG has observed that access to children for visits has been more consistent at the Murgon watch house, but the remoteness of the location limits the ability for in-person visits.

The findings and recommendations of the report also note that children are at risk of experiencing extended periods of isolation in police watch houses, which has the potential to cause significant harm to a child's wellbeing. OPG has consistently advocated against the use of isolation, which has been observed by community visitors to lead to escalating behaviours of concern by the child, and in turn, an increased use of force by police, and a subsequent decline in the child's mental wellbeing. I also share your concerns regarding the potential for children to experience extended periods of isolation in police watch houses, and community visitors will continue to monitor this issue at these locations.

Once again, I thank you for providing the confidential inspection report. My office will continue to work closely with you to provide relevant information that supports your ongoing inspections of police watch houses so that children's rights and interests are upheld.

Should you require further information regarding this matter, please contact [REDACTED], Deputy Public Guardian, OPG, at [REDACTED] [@publicguardian.qld.gov.au](mailto:[REDACTED]@publicguardian.qld.gov.au) or (07) 3738 9439.

Yours sincerely



Shayna Smith
Public Guardian