



2 September 2024

Hon Steven Miles
Premier of Queensland
1 William Street
BRISBANE QLD 4000

Dear Premier

We thank you for arranging our meeting with the Director General Youth Justice and the Commissioner Qld Corrective Services that was held on Friday 23 August 2024 to discuss our Briefing Paper to you.

As we discussed with you, victims of crime and many other stakeholders want more effective primary interventions to prevent crime, including empowerment of and support for First Nations and other disadvantaged communities to strengthen their families and communities and more effective control and rehabilitation approaches for offenders. We discussed with you our concerns relating to 'duty of care' failings in police watch-houses, juvenile detention centres and adult prisons and other challenges relating to breach of bail, 'out of home care' and school suspensions.

Concerning high recidivism rates of juvenile and adult offenders, we drew attention to alternative more cost-effective models for sentencing, control and rehabilitation of offenders that would better protect the community and reduce crime. We advised you of our view that the additional youth detention centres at Cairns and Woodford should not proceed and that these funds should be allocated to alternative holistic options to achieve more cost-effective, safer for the community outcomes.

We were critical of the decision to expand the adult Southern Queensland Correctional Centre to 1,500 beds on the evidence that there exist more cost-effective options.

We advised you of comments by the Qld Productivity Commission in their 2018 report into Imprisonment and Recidivism concerning the need to improve accountability arrangements for Queensland Corrective Services for rehabilitation of offenders¹. We mentioned the excessive recidivism rates in juvenile and adult corrections, a failure of a key KPI for corrections, and that this points to the need for a review of governance arrangements between Ministers and Heads of Agencies Offices.

Prior to our meeting with the Director General Youth Justice and the Commissioner Qld Corrective Services on Friday 23 August 2024 we provided them with a Briefing Paper, **Appendix 1** to this letter, with our recommendation that this paper is agreed by them and us as a 'consensus report and recommendations' to you. At the meeting both officers would not agree with our assertion in the Briefing Note, paragraph 5 b) that "the current system is broken" and therefore would not agree to the document as a 'consensus report'. However, they said they were open to considering alternatives to current systems and wished to continue discussions.

Our position is that for years submissions and recommendations by stakeholders and recommendations of Inquiries and investigations have provided compelling evidence for urgent reform. Concerning systemic failings, we echo Human Rights Commissioner Scott McDougall's call² for coordination across Government to address the underlying causes of current issues. The Queensland Ombudsman, August 2024, *Cleveland Youth Detention Centre inspection report: Focus on separation*

¹ See quotation from QPC Report in Briefing Paper to the Hon the Premier for meeting of 17 June 2024

² "Better ways to protect community than proposed youth justice reforms" Queensland Human Rights Commission 6 February 2023

due to staff shortages and the Qld Productivity Commission's report mentioned above are also relevant.

Proponents of reform to achieve a safer Queensland are suffering serious fatigue. Rather than further discussion, action is needed. That is, approval of our recommendations in the attached Briefing Paper, **Appendix 1**. We draw your attention to **Paragraph 6 in Appendix 1** that includes recommendations and specified tasks for our recommended *Task Force*. As you will see governance of the system needs urgent attention, assessment of '*duty of care*' risks is critically urgent given potential for loss of life, as is the need for '*root and branch reform*' of juvenile and adult corrections given the billions of dollars being misallocated to ineffective infrastructure and operations (*see terrible recidivism rates*) and the challenges inherent in *Out of Home Care* and *School Suspensions* must be addressed and solved.

Evidence uncovered by the *Task Force* may well cause a more extensive Inquiry.

In conclusion, we are not politically partisan and wish to see multi-partisan support for our recommendations across Parliament. The safety of Queenslanders is above politics. Given the upcoming election, we are providing a copy of this letter to all Queensland politicians for their consideration. We will seek meetings with Party Leaders with the aim of achieving support for our recommendations so Queenslanders will know before the October election where the incoming government stands on this important issue.

We will keep the media and stakeholders fully informed of responses from political parties to our recommendations.

We have provided a copy of this letter to the Director General, Youth Justice and to the Commissioner, Queensland Corrections.

Thank you for your consideration of our recommendations in **Appendix1**.

Respectfully



Keith Hamburger AM

This Briefing Paper has the agreement of Ms Trudy Reading, Ms Lyndy Atkinson and Ms Natalie Merlehan representing Voice for Victims, Professor Boni Robertson, a proud Kabi Kabi woman and Ms Katherine Hayes CEO, Youth Advocacy Centre.

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BRIEFING PAPER FOR MEETING WITH THE DIRECTOR GENERAL, YOUTH JUSTICE AND THE COMMISSIONER FOR QLD CORRECTIONS, FRIDAY 23 AUGUST 2024

Purpose of Meeting

1. On Monday 17 June 2024 the Hon the Premier met with Keith Hamburger AM, former Director General, Qld Corrective Services Commission, now an independent corrections practitioner, Ms Trudy Reading, Ms Lyndy Atkinson, Mr George Atkinson and Ms Natalie Merlehan representing Voice for Victims to discuss the attached *Briefing Note*.
2. The Briefing Note recommended that “the Hon the Premier facilitates, via relevant Ministers, for Keith Hamburger AM, representatives of Peak Bodies, First Nations Elders and Voice for Victims representatives to meet with the Director General Youth Justice and the Commissioner Qld Corrective Services to discuss the circumstances as covered in this Briefing Note and for parties to provide a report of discussion outcomes to relevant Ministers and to the Hon the Premier”. The Premier accepted this recommendation and has arranged this meeting.
3. Keith Hamburger advised the Premier that endeavour will be made to achieve a consensus report. If this is not possible, then we, proponents of solutions to perceived systemic failures, will submit this Briefing Paper with its recommendations to Ministers and to the Premier.

There are systemic failures across several government agencies resulting in increased crime, loss of innocent lives in the community, inhumane treatment of offenders that entrenches criminality and misallocation of public funds to ineffective operations and infrastructure. Over a considerable period First Nations people, researchers, Peak Bodies, practitioners, victims of crime, the Queensland Productivity Commission and the Auditor General have drawn attention to these systemic failures and have proposed solutions that have not been progressed.

If Heads of Agencies do not support the above assertions and or the recommendations below to Ministers and to the Hon the Premier, then their reasons for this, together with supporting evidence should be provided. In this event, the differing positions can be considered in the ‘*court of public opinion*’ and in the Inquiries and or class actions that will inevitably occur if the identified systemic failures are not addressed.

Support for Victims issues covered in attached Briefing Note

4. The Premier is progressing these issues separately.

Suggested approach to considering issues raised in the attached Briefing Note to the Hon the Premier
Note: The Director General Youth Justice and the Commissioner Qld Corrections may require time to consider this approach. In this case, this meeting could be adjourned and reconvened as soon as possible to finalise an approach.

5. We suggest as follows:
 - a) That the Director General, Youth Justice and the Commissioner, Qld Corrective Services consider the information provided in the attached *Briefing Note* discussed with the Hon the Premier and form views in relation to these matters.
 - b) Establish whether the Director General, Youth Justice and the Commissioner, Qld Corrective Services agree with us that the current system is broken, as summarised in the *Briefing Note*, resulting in tragic outcomes for victims of crime, for First Nations and other disadvantaged

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families and communities, *'duty of care'* failings in watchhouses, juvenile detention centres and adult prisons and misallocation of billions of dollars to ineffective infrastructure and operations.

- c) Should the Director General, Youth Justice and the Commissioner, Qld Corrective Services agree with assertions in the *Briefing Note* to the Premier and in this paper, then we propose the following reform approach for their support to Ministers and to the Premier.

Suggested approach to challenges contributing to family and community dysfunction and crime and loss of faith by the community in our justice system

6. The issues in the attached *Briefing Note* to the Premier are grouped as follows for attention:

- a) **Governance arrangements between Ministerial Offices and the agencies of adult and juvenile corrections. See paragraph 15 of *Briefing Note*** that includes comments by the Qld Productivity Commission (QPC) concerning the need to improve accountability and comments by proponents for reform that the governance arrangements between Ministerial Offices and the agencies of adult and juvenile corrections require attention to ensure a focus on *'best practice'*, rehabilitation and *'duty of care'*.

Ministers are ultimately accountable for both successes and failures within their agencies. Information in the QPC report, the *Auditor General's Performance Audit Report, 28 June 2024, Reducing Serious Youth Crime* and the failures chronicled in the attached *Briefing Note*, including awful recidivism rates clearly indicate that core business KPI's of protecting community safety and rehabilitating offenders are not being met.

As covered in the *Briefing Note* to the Premier, significant public funds are directed to ineffective operations and infrastructure in juvenile and adult corrections that contribute to increased crime thus placing innocent citizens at risk. *See summary of best practice alternatives for juvenile and adult corrections in paragraphs 19 and 20 of Briefing Note to the Hon the Premier that would reduce crime and save billions of dollars in the out years yet have not been progressed.*

The QPC's findings and the above outcomes relating to recidivism, operations and infrastructure point to inadequate governance systems, including risk management, between the Offices of Ministers and Offices of the Director General Youth Justice and Commissioner for Corrections that put accountable Ministers at risk.

Recommendation 1

That governance and risk management arrangements between Ministers' Offices and the Offices of the above Heads of Agencies are reviewed by a qualified person with recommendations for enhancement.

- b) **'Duty of Care' failures in: (See Paragraphs 3, 4, 5 and 10 of Briefing Note to the Hon the Premier)**
 - i) **Police watchhouses, including the inappropriate placement of children in watchhouses;**
 - ii) **Juvenile detention centres and adult prisons likely to result in disasters involving loss of life and class actions;**

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- iii) Practices relating to solitary confinement;
- iv) Breach of Bail by Juveniles – creates ‘Duty of Care’ failures impacting on innocent citizens; and
- v) Overcrowding in adult prisons.

c) Need for ‘root and branch’ reform of operations and infrastructure of juvenile and adult corrections.

Concerning Duty of Care failures – 6 b) above, this requires mid to long term systemic change. However, there is an immediate need to provide short-term solutions such that, in the interim period until systemic change occurs, innocent citizens, staff and detained people are safe. When worst-case disasters occur, that is loss of life, **and there is risk of this in the short term,** it is essential that agencies and Ministers can demonstrate that they had taken all reasonable steps to ensure safety of staff and inmates.

Concerning Need for ‘root and branch’ reform of operations and infrastructure of juvenile and adult corrections – 6 c) above, there is a universal view across the social and justice sectors that the new youth detention centres and the expanded adult Southern Correctional Centre will be ineffective – see reasons for this view briefly summarised in paragraph 3 and paragraphs 8 through 14 of the Briefing Note.

This was discussed with the Premier at our meeting on Monday 17 June 2024 where Keith Hamburger presented arguments and advised the Premier that a direction should be given to cease planning and or construction on these proposed new and expanded facilities as it was a misallocation of public funds and available funds should be directed to the more effective options proposed in our reform model.

After hearing Keith’s position on this, the Premier observed to his staff who were present that work on the Woodford Youth Detention Centre had progressed too far to be stopped, however it may be possible to cease development of the Cairns Centre. This was said in the context that he had agreed to arrange a meeting for us with the Director General Youth Justice and the Commissioner Qld Corrections and no decision could be taken on such a step until he received advice from these officers and their Ministers. Nevertheless, it was interpreted by us that the Premier was open to considering more effective options if such were available and supported by advice from Agencies.

After the meeting with the Premier, it has been revealed that the cost of the proposed Woodford Youth Detention Centre has increased to \$982.6 million which is \$8.77 million per cell (*a mind-boggling sum*) for the 112 juveniles to be accommodated there. As indicated above, this is a terrible misallocation of funds to an ineffective outcome that will contribute to ongoing high recidivism, reduced community safety and entrenched adult criminality for these young offenders.

The above costs reinforce the reform proponents view that expenditure on and development of the two new youth detention centres should cease immediately. This is dealt with in Recommendation 2, Task 2 below.

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Recommendation 2

That a Task Force of experienced officers supported by independent expertise, including relevant stakeholders, is immediately created and resourced to undertake three concurrent tasks:

Task 1 – Assess ‘Duty of Care’ risks

Review the ‘Duty of Care’ issues identified in watchhouses, overcrowded juvenile and adult prisons, solitary confinement practices and breach of bail and provide advice to Heads of Agencies and their Ministers on the risks identified with recommendations for immediate short-term action with risk mitigations.

Task 2 – Assess Need for ‘root and branch’ reform of operations and infrastructure of juvenile and adult corrections.

This assessment to consider:

- a) The business cases and or gateway reviews, including demographic analysis of youth and adult prisoner populations, KPI’s and mechanism for longitudinal evaluation of KPI outcomes to address the QPC’s concerns, that should have underpinned decisions to build the two new youth detention centres in Cairns and Woodford and the expansion of the Southern Correctional Centre at Gatton. This information is required to understand the evidence for justification for this infrastructure.
- b) Proposals for reform previously submitted by First Nations people and practitioners to:
 - i) Divert children away from police-watchhouses and undertake ‘root and branch’ reform of operations and infrastructure of juvenile corrections (*see paragraph 3 of Briefing Note to the Hon the Premier*);
 - ii) Significantly reduce the population of adult prisons by diversion of offenders to ‘Healing and Rehabilitation’ Centres’ (*see paragraphs 8 through 14 of Briefing Note to the Hon the Premier*).

The proposed reforms in i) and ii) will see significant savings in infrastructure and operational costs in juvenile and adult corrections with reduced recidivism and crime;

- iii) Overcome the siloed government service delivery approach that contributes to social dysfunction and crime in First Nations and other disadvantaged communities through a holistic approach in these communities that **empowers and rewards** them to achieve prosocial change. Under this approach, current services will refocus their role from service delivery to facilitating empowerment and rewarding of local communities to deliver specified joined-up services. The approach rewards communities via *justice reinvestment*. – **See paragraph 17 of Briefing Note to the Hon the Premier.** And

Founded in consideration of a) and b) assessments above, make recommendations to the Director General Youth Justice, Commissioner for Qld Corrections and their Ministers.

In preparing recommendations, the Task Force should consider the approach recommended by proponents of reform for funding of Business Case development for trials of the reform model in

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selected communities. These Business Cases to be co-created by Elders and or Leaders in Trial Communities working with departmental officers and independent experts in close consultation with police, the judiciary, Shire Councils and other key stakeholders.

Task 3 - Out of Home Care and School Suspensions. Paragraphs 6 and 7 of *Briefing Note to the Hon the Premier*

The challenges inherent in the above are well known across government agencies, Peak Bodies and Not for Profit agencies. The Task Force to prepare a report for consideration by relevant government agencies and Ministers with recommendations to reform current practices.

Independent Ministerial Advisory Council (IMAC)

IMAC members are highly qualified with lived experience relevant to matters in this paper with a charter to advise government. Reform as proposed in this paper would be of particular interest to IMAC and *Victims Organisations* as successful reform will reduce the number of victims of crime. It is important that victims' representatives are closely involved in the reform journey to share their lived experience of system shortcomings and to contribute to the reform process from their perspective.

Recommendation 3

That IMAC oversee the work of the Task Force proposed in this paper and provide advice to relevant Ministers and the Hon the Premier on Task Force recommendations.

Note: *Keith Hamburger is a member of IMAC. He has not discussed this paper or this recommendation with IMAC. This recommendation needs to be discussed with the Co-Chairs of IMAC to obtain their views.*

Timeline for Action

Given the extreme community concern relating to crime and related issues such as '*Duty of Care*' and the misallocation of significant government funds to ineffective infrastructure and operations, the above recommendations need to be undertaken urgently with the Task Force given guidance and resources to achieve specified outcomes within the shortest practicable time.

Written report required by the Hon the Premier

We recommend to the Director General, Youth Justice and the Commissioner, Qld Corrective Services that this Briefing Paper with recommendations is submitted to relevant Ministers, to the Hon the Premier as a recommended approach for a way forward.



Keith Hamburger AM

This Briefing Paper has the agreement of Ms Trudy Reading, Ms Lyndy Atkinson and Ms Natalie Merlehan representing Voice for Victims, Professor Boni Robertson, a proud Kabi Kabi woman Ms Katherine Hayes CEO, Youth Advocacy Centre