

# Youth Justice (Contact with Children) Amendment Regulation 2023

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Di Farmer, Minister for Employment and Small Business, Minister for Training and Skills Development and Minister for Youth Justice provide this human rights certificate with respect to the *Youth Justice (Contact with Children) Amendment Regulation 2023* (the Regulation) made under the *Youth Justice Act 1992*.

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The Inspector of Detention Services Bill 2021 was passed by the Legislative Assembly on 30 August 2022 and received assent on 7 September 2022. The Inspector Act will commence in full on 1 July 2023.

The Inspector Act gives effect to the Queensland Government's commitment to establish an independent inspectorate to promote and uphold the humane treatment and conditions of people detained in prisons, community corrections centres, work camps, youth detention centres and police watch-houses (places of detention).

The Inspector Act establishes the Inspector of Detention Services (the Inspector). The purpose of the Inspector is to promote the improvement of detention services and places of detention with a focus on promoting and upholding the humane treatment of detainees, including the conditions of their detention, and preventing detainees being subjected to harm, including torture and cruel, inhuman or degrading treatment.

This will facilitate greater transparency in the way that places of detention, and the people detained within them, are managed by establishing a framework for the review of detention services and inspection of places of detention, and independent and transparent reporting, to support their improvement.

The Inspector has a broad power to do all things necessary or convenient for, or in connection with, the performance of the Inspector's functions and to fulfil its preventative, proactive and independent mandate.

The position of Inspector is held by the Queensland Ombudsman (Ombudsman). The Inspector is supported by the Office of the Ombudsman and will be able to delegate the exercise of the Inspector's functions and powers to appropriately qualified staff of the Office of the Ombudsman, although staff exercising the Inspector's functions will not exercise the functions of the Ombudsman.

Under section 7(1)(b) of the *Ombudsman Act 2001* (Ombudsman Act), the Ombudsman has a function to investigate administrative actions of public sector agencies, which includes the administration of youth justice services by the Department of Youth Justice, Employment, Small Business and Training.

The Regulation will:

- facilitate full and frank disclosure of information to the Inspector, supporting the Inspector's functions to carry out inspections of places of detention, including youth detention centres, and reviews of detention services; and
- facilitate full and frank disclosure of information to the Ombudsman, supporting the Ombudsman's function to investigate administrative actions of public sector agencies.

The objectives of the Regulation are to:

- allow a child in detention to communicate via mail or telephone with the Inspector and the Ombudsman in their separate capacities confidentially and without interference;
- protect communications between a child in detention and the Inspector and Ombudsman in a similar manner to protections provided for adult detainees in the *Corrective Services Regulation 2017*.

## Human Rights Issues

**Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 Human Rights Act 2019)**

The Regulation protects communications by a child in detention with the Inspector and the Ombudsman from interference, and affords protections to these communications in line with the protections provided to adult detainees in the *Corrective Services Regulation 2017*.

As such, no human rights are engaged by the Regulation.

## Conclusion

I consider that the *Youth Justice (Contact with Children) Amendment Regulation 2023* is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

**DI FARMER MP**  
MINISTER FOR EMPLOYMENT AND SMALL BUSINESS  
MINISTER FOR TRAINING AND SKILLS DEVELOPMENT and  
MINISTER FOR YOUTH JUSTICE