

27 August 2020

Our ref: BDS-ChLC

His Honour Judge Terry Gardiner
Chief Magistrate
Judge of the District Court of Queensland

By email: [REDACTED]

Dear Chief Magistrate

COVID-19 and youth justice matters in the Childrens Court of Queensland

We write at the request of the Society's Children's Law Committee requesting you give consideration to the issues identified in this letter that have arisen as a result of the COVID-19 pandemic.

We thank you again for your and your courts willingness to work so cooperatively with the profession in addressing the ongoing issues the pandemic has created to date. This collaborative approach is appreciated by the whole profession.

Our members are concerned about the risks for the operation of the Children's Court, particularly in relation to youth justice matters that arise from the cluster of confirmed cases arising from Brisbane Youth Detention Centre (BYDC) and the recent positive COVID-19 case of a court officer who is a close contact of a positive case from the BYDC cluster.

We are aware that young people appearing in the Childrens Court can be classified into the following four groups in terms of the BYDC cluster:-

a) Those at BYDC all of whom have been tested

They are all negative and unable to spread the disease in the community as they have all been appearing via videolink.

b) Those 90-100 young people who were in the detention centre and have been released since 22 July

They are thought to be the highest risk for community spread. Lists of those young people are being/have been prepared so at least the courts will know who those young people are, if they do arrive. Reports from our members indicate that not all of those young people have been served with their quarantine notices and the information being reported is that many of them are being located in the company of large groups of other young people (up to 70 young people in one case according to information provided by Legal Aid Queensland).

c) Those young people who have interacted with a young person since they were released from custody on 22 July

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This group is almost impossible to accurately identify. They are a group of young people very likely to be attending at the court as young people who are offending often associate with each other. The information from police suggests that there could be a very large number of young people in this cohort. Due to their anonymity in terms of contact with young people who have been at BYDC they pose the greatest risk of the Childrens Court being a gateway for spread of the epidemic.

d) Those young people who have no contact with any other known offenders


We understand the court is eager to resolve as many matters as they are able to and the profession is of course supportive of that objective. We do not wish to obstruct that goal. However, there remains a significant challenge to ensure that category (c) children are not interacting with category (d) children at court and in doing so furthering the spread of the virus. In this regard we note that it is difficult, if not impossible to determine whether a young person is (c) or (d).

Given the uncertainty that arises from these various cohorts and coupled with the recent knowledge of a court officer also having tested positive, we request that you give consideration to the Children's Court dealing with all youth justice remotely for the next fortnight to minimize the risk of further spread.

If you wish to discuss this request with me, I am of course more than happy to do so and look forward to hearing from you at your earliest convenience.

Thank you for your consideration of this request.

Yours faithfully


Luke Murphy
President