

# CONSTITUENT QUESTION

## House of Assembly

ASKED BY: ROSOL - MP

ANSWERED BY: Hon Guy Barnett MP  
Attorney-General and Minister for Justice

### QUESTION:

#### **Access to Confidential Legal Counsel for People Accused of a Crime**

#### **Ms ROSOL question to ATTORNEY-GENERAL, Mr BARNETT**

An experienced lawyer has contacted me with concerns surrounding the difficulties in speaking confidentially to clients being held in the Remand Centre. Prior to the first bail hearing, there is a small window where lawyers should have an opportunity to discuss their client's case confidentially. It is a basic legal right that someone accused of a crime can be given an opportunity to discuss their case in this way, yet it is not happening consistently.

It is also not uncommon for lawyers representing children and young people held at Ashley Youth Detention Centre to first speak with the young person over the phone in a non-confidential environment. This leads to cases being adjourned to facilitate a person's right to confidential legal counsel, clogging up the system with more people being held in custody for longer. What is the government doing to ensure that people, including children and young people who are accused of a crime, can access confidential legal counsel before their first bail hearing?

### ANSWER:

For clarification, when young people are first arrested, they are detained in the Police cells awaiting a court appearance, and this is their first appearance where they can apply for bail. A duty solicitor should be available to speak with the young person in this situation.

Young people once remanded to Ashley Youth Detention Centre (AYDC) are able to call their legal representatives (if contact has not already been made). These calls are made by the young person on the unit telephone. AYDC has implemented a new phone system that only allows outgoing calls to be made and staff are not made aware of who the young person is calling. Staff would only be made aware if the young person shares that information or requests

assistance in getting into contact with their lawyer. The young person can also request to be taken to a private room in the Admissions area where calls are possible.

AYDC has been working towards having lawyers book times/appointments to speak with the young people to ensure that they are in a confidential and private space to discuss their matters.

Legal Aid is working on a project to have a duty lawyer present at AYDC to provide information and assistance for young people with their legal matters. The Department for Education, Children and Young People supports this being progressed.

A handwritten signature in black ink, appearing to read 'Guy Barnett', written in a cursive style.

Hon Guy Barnett MP  
**Attorney-General**  
**Minister for Justice**

Date: 30 August 2024

