



20 September 2023

Hon Mark Ryan  
Minister for Police and Corrective Services  
Queensland Parliament  
PO Box 15195  
CITY EAST QLD 4002

Email: [police@ministerial.qld.gov.au](mailto:police@ministerial.qld.gov.au)

Dear Minister Ryan,

**Re. The Holding of Children in Watch Houses**

I write on behalf of Catholic Religious Australia (CRA), the peak body that represents more than 150 Catholic Leaders of Religious Institutes and Societies of Apostolic Life who are resident in Australia. Our religious congregations comprise of 4,800 Catholic religious women and men. Our members and their lay colleagues work in education, health care and social services and work with many vulnerable groups and individuals in Australian society. In particular, our Religious are committed to the safeguarding of children, recognising that their innate vulnerability requires adults to act with great care and responsibility to protect their rights, uphold their dignity and foster their flourishing.

Catholic Religious Australia is appalled by the Queensland Government's decision to suspend the state's Human Rights Act to permit adult watchhouses to be used as youth detention centres for the next three years, where children from as young as 10 might be held indefinitely. Further, to introduce these laws in the same week that the Queensland Family and Child Commission launched its inaugural *Queensland Child Rights Report (2023)*, which had emphasised the urgent attention needed to improve Queensland's youth justice system, is completely at odds. <sup>1</sup> Overriding the Human Rights Act, by definition, violates the rights of children and contravenes the *Convention on the Rights of the Child*, ratified by Australia, which specifies that children should only be detained as a measure of last resort and for the shortest time possible (Article 37, b). The Queensland Police Service's own operation manual states that children should not be held in a watch house overnight.<sup>2</sup> Former QLD Public Guardian, Natalie Siegel-Brown, has previously stated that children are held in QLD watch houses, in many cases, for minor charges that they have not yet been convicted of, sometimes for weeks at a

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<sup>1</sup> Giovanni Torre, "Queensland Family and Child Commission urges focus on children's universal human rights," *National Indigenous Times*, <https://nit.com.au/29-08-2023/7418/queensland-family-and-child-commission-urges-focus-on-childrens-universal-human-rights>

<sup>2</sup> Amnesty International, "Abhorrent: Qld Labor's Rushed Amendments Violate Children's Human Rights," <https://www.amnesty.org.au/abhorrent-qld-labors-rushed-amendments-violate-childrens-human-rights/>

time.<sup>3</sup> Furthermore, the Australian states and territories have been repeatedly condemned by UN bodies and Australian organisations<sup>4</sup> for their failure to raise the minimum age of criminal responsibility from 10, to at least 14, and subsequent failure to prioritise child development and wellbeing.<sup>5</sup>

In further contravention of child rights (Article 37, c), Natalie Siegel-Brown has stated that they are held in abhorrent conditions, subject to the cold, hunger, lack of outdoor spaces, and have no access to education.<sup>6</sup> Queensland magistrates have previously reported exposure of children in watch houses to adult detainees who are drunk, abusive, psychotic or suicidal.<sup>7</sup> The trauma of the watch house experience is likely to destroy the innocence of childhood, and irreparably alter a child's future life path. Research has shown that child detention can negatively impact their housing arrangements, social support structures, employment and education, and can lead to further criminal activity.<sup>8</sup> If rehabilitation is the goal of the QLD government for young people, who as children, deserve a second chance, this is not the way to achieve it. Furthermore, The *Queensland Child Rights Report* (2023) has also identified that a lack of government services for children in remote and regional parts of Queensland, including primary health services, early assessment and support for disability, or quality early childhood programs, is increasing the likelihood that these children will come into contact with the justice system.<sup>9</sup> Perhaps it is here that the QLD government should instead be focussing its resources.

Furthermore, Queensland's youth justice system disproportionately affects Aboriginal and Torres Straits Islander children, with statistics tabled in parliament in September 2022 showing that First Nations children make up 62% percent of youth in detention and 84% of those placed in solitary confinement.<sup>10</sup> The 2021 Report 'Our Youth, Our Way: Systemic inquiry into the over-representation of Aboriginal children and young people in Victoria's youth justice system,'<sup>11</sup> found that the historical legacies of dispossession and colonisation are foundational to Indigenous youth incarceration, and that the problem of overrepresentation is sustained by structural and institutional racism. These were also findings of the *Bringing Them Home Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), which identified the overrepresentation of Aboriginal and Torres Strait Islander Children in detention, and the treatment

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<sup>3</sup> The Office of the Public Guardian, "There are immediate solutions available to remove children from watch houses," <https://www.publicguardian.qld.gov.au/about-us/news-and-information/news-and-media/there-are-immediate-solutions-available-to-remove-children-from-watch-houses>

<sup>4</sup> Raise the Age, "About Us," <https://raisetheage.org.au/about>

<sup>5</sup> Human Rights Law Centre, "Major UN human rights review highlights need for Australia to raise the age of criminal responsibility," <https://www.hrlc.org.au/news/2021/1/20/un-review-highlights-need-for-aust-to-raise-the-age-criminal-responsibility>

<sup>6</sup> The Office of the Public Guardian, "There are immediate solutions available to remove children from watch houses," <https://www.publicguardian.qld.gov.au/about-us/news-and-information/news-and-media/there-are-immediate-solutions-available-to-remove-children-from-watch-houses>

<sup>7</sup> Amnesty International, "Abhorrent: Qld Labor's Rushed Amendments Violate Children's Human Rights," <https://www.amnesty.org.au/abhorrent-qld-labors-rushed-amendments-violate-childrens-human-rights/>

<sup>8</sup> [https://www.sentencingcouncil.vic.gov.au/sites/default/files/2020-09/Children\\_Held\\_on\\_Remand\\_in\\_Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/2020-09/Children_Held_on_Remand_in_Victoria.pdf)

<sup>9</sup> Giovanni Torre, "Queensland Family and Child Commission urges focus on children's universal human rights," *National Indigenous Times*, <https://nit.com.au/29-08-2023/7418/queensland-family-and-child-commission-urges-focus-on-childrens-universal-human-rights>

<sup>10</sup> ANTaR, "Indigenous Incarceration and Child Detention," <https://antarqld.org.au/indigenous-encarceration/>

<sup>11</sup> Commission for Children and Young People Victoria, "Our youth, our way," <https://ccyp.vic.gov.au/inquiries/systemic-inquiries/our-youth-our-way/>

they receive in the juvenile justice system, as another form of the colonial separation policies of the past.<sup>12</sup> Shamefully, most of the recommendations of this report sit idle some 26 years later. April Lawrie, South Australian Commissioner for Aboriginal Children and young People, in her 2020 Report *Family and Culture is Everything*,<sup>13</sup> has urgently called for more genuine decision-making partnerships between state services and Aboriginal youth, their families and their communities, a call that the Queensland government would do well to heed.

At a time when the whole nation is heading towards a Referendum to consider how to improve the lives and outcomes of First Nations Peoples through the possible realisation of the Uluru Statement from the Heart, the introduction of these laws by the QLD Government is blatantly out of step. Catholic Religious Australia believes it's a dismal failure of government to remove children from their families indefinitely, deny them basic care, and submit them to grievous harm. All of our children, including our First Nations Children, deserve more, and Catholic Religious Australia calls for these new laws to be repealed. Furthermore, we believe the government must work closely with its Family and Child Commission, to urgently address its recommendations for a rights-based comprehensive Children's Plan.

Kind regards,

A handwritten signature in cursive script, appearing to read 'Anne Walker', written in black ink.

Anne Walker

National Executive Director

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<sup>12</sup> Australian Human Rights Commission, "Bringing Them Home – Chapter 24," <https://humanrights.gov.au/our-work/projects/bringing-them-home-chapter-24>

<sup>13</sup> South Australia's Commissioner for Aboriginal Children and Young People, "Family and Culture is Everything," <https://cacyp.com.au/wp-content/uploads/2021/09/CACYP04-2020-Report-opt.pdf>