



11 June 2024

Ms. Anne Hollonds
National Children's Commissioner
Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

Email: communications@humanrights.gov.au

CC. Mr. Mark Dreyfus, Commonwealth Attorney-General, Police Ministers Council
Ms. Linda Burney, Minister for Indigenous Australians

Dear Ms. Hollonds,

Re. Child Detention

Catholic Religious Australia (CRA) is the peak body of 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.

CRA is greatly alarmed by the state of juvenile detention systems around the country, in which First Nations children are disproportionately represented. We wrote to the Hon Mark Ryan, Minister for Police and Corrective Services in Queensland, on two separate occasions in September and December 2023, outlining our grave concerns with 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 years of age might be held indefinitely. It is now being reported that this action has led to 80 juveniles being held in watchhouses currently, 56 of whom are First Nations children.¹ Former QLD Public Guardian, Natalie Siegel-Brown, has stated that children held in adult watchhouses are subject to the cold, hunger, lack of outdoor spaces, and have no access to education.² Queensland magistrates have previously reported exposure of children in watchhouses to adult detainees who are

¹ Laine Clarke, "Govt under fire with kids 'suffering' in watch houses," *National Indigenous Times*, <https://nit.com.au/06-05-2024/11220/govt-under-fire-with-kids-suffering-in-watch-houses>

² 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>, accessed 30 May 2024.

drunk, abusive, psychotic or suicidal.³ We have been appalled to learn that children as young as 11 years of age are also allegedly being subjected to sexual abuse and mistreatment in these watchhouses.⁴

Meanwhile in New South Wales, the NSW Bureau of Crime Statistics and Research has released its Quarterly update (March 2024), which alarmingly reveals that the State is no longer on track to meet its Close the Gap target to reduce the rate of Aboriginal young people in prison by 15 per cent by 2031. There are currently 148 Aboriginal young people in detention, 27 more than in March 2019, who make up two-thirds of the total youth detention population - a new record in NSW.⁵

In Tasmania, the Tasmanian Commissioner for Children and Young People, Leanne McLean, has recently drawn attention to the number of children held in the Ashley Youth Detention Centre. Currently numbering 26, these are some of the highest numbers of children and young people seen in detention in Tasmania in the last decade. Almost all of the children are on remand, and more than a quarter of them are Aboriginal. Their detainment is occurring despite the Commission of Inquiry's recommendation six months ago, accepted by the Government, that the Ashley Youth Detention Centre demonstrated widespread and systematic abuse against children and must be closed, being replaced by a new therapeutic model of youth justice that is designed in partnership with Aboriginal and other community organisations and focussed on rehabilitation.⁶

The situation is no better in Western Australia, which has witnessed its first death of a child in detention in October 2023. The death of Yamatji teen Cleveland Dodd by self-harm, who was discovered unresponsive in his cell in Unit 18, the former youth wing of the maximum-security adult Casuarina Prison in Perth, is currently before a Coronial Inquest. This is the most tragic outcome of a failed system, happening after the Office of the Inspector of Custodial Services had raised the alarm on a youth crisis, with high rates of self-harm and attempted suicides, coupled with stretched mental health care services, in their report on the Unit 18 and in the Banksia Hill facilities in June 2023.⁷

CRA calls for drastic reform of Australia's juvenile detention systems, which is long past its due date. We are catastrophically failing First Nations children and other young people. As the 2024 Reconciliation Week theme states, 'now more than ever,' we need to tackle headfirst the issues of injustice facing Aboriginal and Torres Strait Islander people, and especially their children, and we urge you to work closely with State and Territory governments to bring about the drastically required changes to fully establish children's rights in this country.

We look forward to hearing from you.

³ 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/>, accessed 20 September 2023.

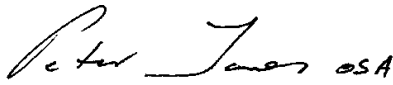
⁴ Dechlan Brennan, "Queensland government urged to release children from police watch houses," *National Indigenous Times*, <https://nit.com.au/02-05-2024/11160/queensland-government-urged-to-release-children-from-watch-houses>, accessed 30 May 2024.

⁵ NSW Bureau of Crime Statistics and Research, "Number of adults on remand in NSW the highest on record: NSW Custody Statistics: Quarterly update March 2024," https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2024/mr-custody-Mar2024.aspx, accessed 30 May 2024.

⁶ Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings Report, "Who was looking after me? Prioritising the safety of Tasmanian children: Volume 5: Children in youth detention (Book 3)," https://www.commissionofinquiry.tas.gov.au/_data/assets/file/0011/724439/COI_Full-Report.pdf, accessed 3 June 2024.

⁷ Office of the Inspector of Custodial Services, "Inspection of Banksia Hill Detention Centre and Unit 18 at Casuarina Prison (Part One), 8 June 2023," <https://www.oics.wa.gov.au/reports/148-inspection-of-banksia-hill-detention-centre-and-unit-18-at-casuarina-prison-part-one/key-findings/>, accessed 3 June 2024.

Kind regards,

Handwritten signature of Peter Jones OSA in cursive script.

Fr Peter Jones OSA

President

Handwritten signature of Anne Walker in cursive script.

Anne Walker

National Executive Director