



15 December 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

Dear Minister Ryan,

Re. The Holding of Children in Watch Houses

Thank you for your response letter to Catholic Religious Australia (CRA), dated 30 October 2023.

We congratulate your government for the measures detailed in this letter, such as the progressive rollout of Youth Co-responder Teams, to assist in diverting children away from the Youth Justice System. However, your letter indicates that the government's emphasis remains on punishment, as you conclude that, "we all want offenders held to account for the crimes that they commit." This is clear through the government's substantive investment into increasing youth detention capacity, including building a new youth remand facility in Wacol, also referred to in your response. As we emphasised in our first letter to you, urgent action is required to move children out of adult watch houses, after the government's decision to suspend the State's *Human Rights Act* to permit adult watch houses to be used as youth detention centres. However, a new remand centre is a band-aid solution that will only entrench the issues that have brought children into contact with the criminal justice system in the first place.

This is coupled with the government's legislative changes in February 2023 that introduced tougher sentencing and bail laws for children, which has broadened the extent to which children are being charged by Queensland police for breaches of bail,¹ and leading children to plead guilty to crimes they did not commit, because they are less likely to receive a sentence, but instead end up with a criminal history.² The recently published *Standing Council of Attorneys-General Age of Criminal Responsibility*

¹ Dechlan Brennan, "Bail offences for young people skyrocket in Queensland," *National Indigenous Times*, <https://nit.com.au/14-11-2023/8608/bail-offences-for-young-people-skyrocket-in-queensland>

² Dechlan Brennan, "Queensland bail laws driving kids to plead guilty to crimes they didn't commit," *National Indigenous Times*, <https://nit.com.au/28-06-2023/6541/new-bail-laws-driving-kids-to-plead-guilty-to-crimes-they-didnt-commit>

*Working Group Report*³ makes clear that research shows that “early contact with the criminal justice system is correlated with ongoing justice system contact as an adult,” and that “the younger the child at the time of their first sentence, the more likely they are to reoffend (with any offence) and to reoffend violently.” Likewise, the recently released report *Who’s responsible: Understanding why young people are being held longer in Queensland watch houses* from the Queensland Family and Child Commission, has confirmed that there are high rates of recidivism for youth following detention, and the Queensland detention centre population is largely comprised of ‘repeat offenders’.⁴

Where other jurisdictions - the Northern Territory, Victoria, the ACT and Tasmania – are making positive amendments to their Youth Justice Systems by introducing or committing to legislation to raise the criminal age of responsibility – the Queensland government is taking a contrastingly punitive approach, violating children’s rights, not keeping the broader community any safer, and disregards Target 11 of the *National Agreement on Closing the Gap*, which aims to reduce the detention rate of First Nations children by a minimum of 30 per cent by 2031.⁵ The *Standing Council of Attorneys-General Age of Criminal Responsibility Working Group Report*, championing a lowered age of criminal responsibility across Australian jurisdictions, outlines alternatives for younger youth demonstrating negative behaviours, characterised by: “a holistic, trauma-informed, therapeutic approach, incorporating comprehensive assessment, case management and therapeutic responses that respond to the complex needs of children, providing multidisciplinary support as early as possible, and incorporating kin-, family- and child-centred practice,” as well as “locally tailored responses, including (where appropriate) place-based responses that build upon the strengths and capacity of communities to prevent and respond to the drivers of offending.”⁶

We support the conclusion by Luke Twyford, Principal Commissioner of the Queensland Family and Child Commission, that Queensland’s current approach is not the solution to reducing and preventing crime, and that the government instead needs to shift its focus to the reasons why young people are detained in watch houses and detention: “To make a meaningful difference we must intervene earlier in the lives of these children to address why their path has led to offending.”⁷ We therefore again urge the government to prioritise:

- addressing the root causes of behaviour;
- the best interests of the child by repealing recent punitive legislation;

³ Standing Council of Attorneys-General, “Age of Criminal Responsibility Working Group Report: September 2023,” <https://www.ag.gov.au/sites/default/files/2023-12/age-of-criminal-responsibility-working-group-report-2023-scag.pdf>

⁴ Queensland Family and Child Commission, “*Who’s responsible: Understanding why young people are being held longer in Queensland watch houses*,” <https://www.qfcc.qld.gov.au/sites/default/files/2023-12/FINAL%20-%20Watchhouse%20Review%20-%20Who%27s%20Responsible%20-%20November%202023.pdf>

⁵ National Indigenous Australians Agency, “Outcome 11: Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system,” <https://www.niaa.gov.au/2023-commonwealth-closing-gap-implementation-plan/delivering-outcomes-and-targets/outcome-11-aboriginal-and-torres-strait-islander-young-people-are-not-overrepresented-criminal-justice-system#:~:text=Target%2011%3A%20By%202031%2C%20reduce,at%20least%2030%20per%20cent.>

⁶ Standing Council of Attorneys-General, “Age of Criminal Responsibility Working Group Report: September 2023,” <https://www.ag.gov.au/sites/default/files/2023-12/age-of-criminal-responsibility-working-group-report-2023-scag.pdf>


⁷ Queensland Family and Child Commission, “*Who’s responsible: Understanding why young people are being held longer in Queensland watch houses*,” <https://www.qfcc.qld.gov.au/sites/default/files/2023-12/FINAL%20-%20Watchhouse%20Review%20-%20Who%27s%20Responsible%20-%20November%202023.pdf>

- funding early intervention;
- resourcing culturally appropriate service providers, especially Aboriginal Community Controlled Organisations (ACCOs); and
- building community capacity and First Nations representation in governance mechanisms.

One example of the latter service provider operating in Queensland is the Mater Young Adult Health Centre in Brisbane,⁸ a Catholic ministry of Mercy Partners, founded by CRA members, the Sisters of Mercy. The Queensland government should also be urgently re-visiting legislation to raise the minimum age of criminal responsibility, to at least 14, in line with other jurisdictions, in order to truly safeguard its children, as well as the safety of the wider community.⁹

We look forward to hearing from you.

Kind regards,



Peter Jones OSA

President



Anne Walker

National Executive Director

⁸ Mater, "Mater Young Adult Health Centre," <https://www.mater.org.au/health/services/mater-young-adult-health-centre>

⁹ Standing Council of Attorneys-General, "Age of Criminal Responsibility Working Group Report: September 2023," <https://www.ag.gov.au/sites/default/files/2023-12/age-of-criminal-responsibility-working-group-report-2023-scag.pdf>