

31 May 2019

Our ref: BDS-ChLC

The Honourable Dianne Farmer MP  
Minister for Child Safety, Youth and Women and  
Minister for the Prevention of Domestic and Family Violence  
1 William Street  
Brisbane Qld 4000

By email: [REDACTED]

Dear Minister

### **Children and young people being detained in watch houses**

We write in relation to the issue of children and young people being detained in watch houses and the treatment of these children while they are held in these facilities. The Society, and notably members of our Children's Law Committee, express great concern that the detention and treatment of children and young people runs contrary to the charter of youth justice principles in the *Youth Justice Act 1992* and the Queensland Police Service Operational Procedures Manual and Australia's obligations under international law and custom.

We also note that the Queensland Parliament has recently passed the *Human Rights Act 2019*. Although this legislation is not yet in force, there is obviously an intention by the Queensland government to protect the rights of children in the criminal process.

The Queensland Law Society calls for the following in the short term:

1. An increase of the age of criminal responsibility to 12 years for all offences, or at least summary offences;
2. An assurance that no children under 14 years of age will be housed in watch houses;
3. Strict adherence to the Queensland Family & Child Commission Joint agency protocol to reduce preventable police call-outs to residential care services;
4. That the security upgrade at the YDCs be completed as a matter of absolute urgency and that the 36 beds become available as a matter of priority;
5. The provision of more funding to the Office of the Public Guardian to allow community visitors to work with youth detention facility staff to identify rooms that are fit for sharing and habitation within the particular youth detention facility;
6. A commitment to review bail for children and young people, especially for those children and young people who are denied bail on welfare grounds;

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7. An assurance from child safety that accommodation placement will be made available for all children and young people in care within 48 hours of arrest; and
8. Children who are appearing by videolink from the watch house continue to have access to all of the supports offered through the pilot programs offered at Brisbane Children's Court (education and mental health) as would be available as if they were present at court.

We have also had the benefit of considering Youth Advocacy Centre Inc's Orange Paper 1: the use of Queensland watch houses to hold children and support the calls to action stated therein.

We would be pleased to meet with you to discuss these matters further.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy Manager, Binny De Saram by phone on [REDACTED] or by email to [REDACTED]

Yours faithfully

[REDACTED]  
Bill Potts  
**President**

Copy to:

The Honourable Anastacia Palaszcuk MP  
Premier and Minister for Trade  
1 William Street  
Brisbane Qld 4000

By email: [REDACTED]