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‘Adult watch houses no place for children’: Law Council

Urgent action must be taken to end the unacceptable practice of detaining children in adult watch houses in Queensland and to raise the age of criminal responsibility across all jurisdictions, says the Law Council.

President, Arthur Moses SC, said “adult watch houses are no place for children”.

“The ABC’s Four Corners program, which showed children as young as 10 being locked up – sometimes for weeks – in adult facilities in Queensland, was deeply concerning and must not be ignored,” Mr Moses said.

“Remanding children in such facilities, in any state or territory, is inappropriate, highly disturbing and represents a grave breach of the duty owed by governments to children in their care. This practice exposes some of society’s most vulnerable – our children – to significant trauma and to hardened criminals. It is not consistent with Australia’s obligations under international human rights laws and should not be tolerated.

“Critical problems exist in Queensland’s youth justice system which must be addressed. Recent laws designed to ensure 17-year-olds are treated as juvenile offenders have created a new cohort that has contributed to overcrowding of juvenile detention facilities.

“The number of juvenile detainees in Queensland has increased 22 per cent in seven years, with Aboriginal and Torres Strait Islander children representing 72 per cent of the children being detained. In Queensland, Indigenous children are 32 times as likely to be in detention as non-Indigenous young people.

“The vast majority of children in detention in Queensland are unsentenced and alternatives to detention, including justice reinvestment projects, should be implemented immediately.”

Mr Moses said unacceptable treatment of children in detention was not isolated to Queensland, with reports of abuse and mistreatment of children in detention arising across multiple Australian jurisdictions.

“It is time our governments – state, territory and Commonwealth – got off the back foot and pro-actively shouldered their obligations and duties to these children,” Mr Moses said.

“It was a Four Corners’ exposé in 2016 that drew attention to the substandard treatment of Australian children in the Don Dale Youth Detention Centre. Three years later, it has taken another media report to draw attention to this appalling practice. Governments must take these responsibilities more seriously.”

Mr Moses said these incidents also emphasised the critical need across all jurisdictions to raise the minimum age of criminal responsibility around Australia to at least 12 years’ old, alongside the rebuttable *doli incapax* presumption that 10 to 14-year-olds are incapable of committing a criminal act.

“A 2017 [report by the Queensland Family and Child Commission](#) (QFCC) found Queensland should consider raising the minimum age of criminal responsibility to 12 years. It also suggested other options, including removing 10-12 year olds from youth detention centres. Similarly, the NT Royal Commission revealed systemic change to practices in youth detention was essential to protect the rights and welfare of children and recommended raising of the age of criminal responsibility, which the NT government has failed to do.”

Mr Moses also expressed concern for police, who were forced to supervise detained children in unsuitable conditions without specialised training, contributing to greater workplace pressures.

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