

## MEDIA RELEASE

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# ADULT WATCH HOUSES ARE NO PLACE FOR PRIMARY SCHOOL STUDENTS SAYS CREATE FOUNDATION

In a disgraceful move last week the Queensland Government passed legislative amendments to override its own Human Rights Act 2019 to allow children as young as 10 to be detained in police watch houses and for adult prisons to be used as youth detention centres.

Last month, Queensland Government was ordered by the courts to release children they were unlawfully detaining in watch houses, and instead of doing that, the Government chose to circumvent its human rights obligations, setting a disturbing precedent.

Most children and young people involved with the youth justice system experience significant and intersecting disadvantage, including homelessness and poverty, mental health and other health issues, substance abuse, childhood trauma, maltreatment and cognitive impairment. More than half (53%) of the young people under youth justice supervision during 2020–21 had an interaction with the child protection system in the preceding 5-year period and 21% had been in out-of-home care in the last 5 years. Sadly, nearly one-third (30%) of the young people under youth justice supervision during this period were the subject of a substantiated notification for abuse or neglect (Australian Institute of Health and Welfare [AIHW], 2022).

Children who have contact with justice systems have already been let down by other systems that are meant to be in place to support families and children at risk, and instead of intervening to give them the care and support they need, the Queensland Government just wants to lock them up.

Detention has a devastating impact on children's health, development, mental health, and wellbeing (Human Rights Law Centre, 2023), and evidence shows that the earlier a child has contact with the criminal justice system, the more likely it is they will have long term involvement in crime (AIHW, 2022).

CREATE Foundation is the national consumer body representing the voices of children and young people with an out-of-home care experience. We provide programs to children and young people with a statutory care experience. We listen to what those with a lived experience of the care system tell us, and advocate with and for them to achieve systemic change.

*Quotes: Many children in Queensland are being failed by two broken systems - a child protection system that clearly has not provided the care and support it should, and then a youth justice system that punishes young children and fails to meet their human rights, causing more damage. Queensland's Human Rights Act is there to protect children, but it is rendered meaningless if Queensland Government can just pass another law to avoid meeting its obligations.*

CREATE is also deeply concerned about the increasing rates of Aboriginal and Torres Strait Islander children and young people's in Queensland's youth justice system and reports that First Nations elders and community controlled Aboriginal and Torres Strait Islander services across Queensland were not consulted on the recent decision. It is clear that Queensland's youth justice system is failing Aboriginal and Torres Strait Islander children and young people and criminalising behaviours associated with trauma, causing continued distress in communities according to QATSICPP, Queensland's Aboriginal and Torres Strait Islander Peak body for child protection.

ACT and Tasmania remain the only jurisdictions to raise the age of criminal responsibility or detention to 14 over the coming years, but that does nothing to help children under 14 now, and in all other jurisdictions children as young as 10 can still be locked up. CREATE calls on the Federal Attorney-General, Mark Dreyfus KC MP, to be on the right side of history on this issue. Work with your state and territory colleagues so that Australia can meet its human rights obligations and keep children safe.

Read CREATE Foundation's position paper on youth justice here:

<https://create.org.au/position-papers/>

CREATE has also made several youth justice related submissions (2022) which are available for viewing via this link <https://create.org.au/submissions/>

For more information please visit the CREATE website at [www.create.org.au](http://www.create.org.au)

**For further comment from CREATE's Chief Executive, Ms Jacqui Reed, and/or a young person with care experience contact Erin Laing, National Media and Marketing Coordinator: [erin.laing@create.org.au](mailto:erin.laing@create.org.au) or 0401 880 522.**

#### **Key statistics on the care sector in Australia:**

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- 46,212 children and young people were reported in 2020-21 as living in out-of-home care across Australia (Australian Institute of Health & Welfare, 2022).
- 30% of young people experience homelessness within the first year of leaving care. (McDowall, 2020).
- 30% of young people who have left care or preparing to leave care are unemployed.
- 36% children and young people in care do not live with any of their siblings.
- 35% of young people in care have five or more caseworkers during their time in care.
- 67% of young people in care over the age of 15 are not aware of having a leaving care plan.
- Young people in out-of-home care are 16 times more likely to be under a youth justice order than the general population.
- About one fifth (21%) of young people with Youth Justice experience have been in out-of-home care in the last five years.

McDowall, J. J. (2018). *Out-of-home care in Australia: Children and young people's views after five years of National Standards*. CREATE Foundation.

McDowall, J. J. (2020). *Transitioning to adulthood from out-of-home care: Independence or interdependence?* CREATE Foundation.

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