

Hon Anastacia Palaszczuk
Premier of Queensland
1 William St
BRISBANE Q 4000

Hon Mark Ryan
Minister for Police and Corrective Services
1 William St
BRISBANE Q 4000

25 August 2023

Dear Premier Palaszczuk, and Minister Ryan,

CC: Deputy Premier Hon Steven Miles, Attorney General Yvette D'ath, Hon Dianne Farmer Minister for Youth Justice

We write to condemn the Queensland Government's rushed amendments that, having now passed, will override the State's Human Rights Act to allow adult watch houses to be used as youth detention centres for the next three years.

The 180 organisations and individual advocates that have signed onto this letter are a collective of human rights, legal, disability rights, health and community groups and experts who are vehemently opposed to the willingness and determination of the Queensland Government to continue to impose punitive and carceral solutions onto vulnerable and marginalised children.

These changes in law undeniably violate children's rights and exacerbate the human rights emergency in Queensland's already broken youth justice system that disproportionately affects Aboriginal and Torres Strait Islander children. Although around 8% of 10-17 year olds in Queensland are First Nations, at least 65% of the Queensland youth prison population on an average day are First Nations children.¹

The amendments put forward by the Palaszczuk Government violate human rights instruments that Australia has signed and ratified, including the UN Convention on the Rights of the Child (CRC), Convention on the Rights of People with Disabilities (CRPD), Declaration of the Rights of Indigenous Peoples (UNDRIP), the Convention Against Torture (CAT), the Rules for the

¹ Productivity Commission, [Report on Government Services 2023](#), data table 17A.28; Queensland Family and Child Commission, [Queensland Child Rights Report 2023](#), p21.

Protection of Juveniles Deprived of Their Liberty (Havana Rules) and the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

Since Australia's ratification of the CRC in 1990, successive Commonwealth, state and territory governments have failed to incorporate the CRC into domestic law. The Australian Government refuses to ratify the Optional Protocol to the CRC, denying First Nations children, and all children, the right to communicate with the UN about the severe human rights abuses they are experiencing in Australia.

This situation has resulted in the systematic denial and breach of the human rights of children in custody, and failure to hold Australia accountable to our UN commitments. Overwhelmingly it is First Nations children and children with disabilities who are experiencing this shocking abusive treatment.

The Queensland Government's actions are of such dire concern that our colleagues at the First Peoples Disability Network have taken the step of notifying the UN Committee Against Torture (CAT). In November last year, the CAT issued a scathing report on Australia's compliance with its international anti-torture framework and protocols, raising serious concerns about the treatment of and conditions facing children in youth detention and police watch houses.

Queensland's latest youth justice changes show complete lack of respect for the CAT's recommendations for preventing torture and mistreatment behind bars. Australia cannot afford to violate the rights of First Nations children any longer.

The Palaszczuk Government has already shown contempt for UN torture protocols. In 2022, it [blocked the UN torture prevention body](#) from visiting places where people are detained. It now wishes to exclude indefinite detention of children by police from human rights oversight. These are the places where human rights safeguards are needed most.

We demand accountability and call on the Australian Government to ratify the Optional Protocol to the CRC and fully implement the OPCAT without further delay, and establish a national Youth Justice Taskforce as recommended by Anne Hollonds, the National Children's Commissioner.

Countless recommendations from Royal Commissions, and Federal Inquiries have sought to end the mass incarceration of First Nations children, and yet the Queensland Government has passed laws and amendments since 2021 that have only increased the number of First Nations children in the legal system. There is a stark disconnect between the Government's claimed commitment to community safety and supporting First Nations communities, and the policy and laws that are now in place.

As a collective of expert organisations, we are outraged that the Queensland Government has failed to implement advice and expertise on alternatives to incarceration, community-led approaches that support children and their families, and have opted instead to suspend its own Human Rights Act and violate international laws to continue to punish and criminalise

Queensland children. The Government must immediately unwind these law changes, and end its cruel 'business as usual'.

Yours sincerely,

Maggie Munn, National Director Change the Record
Shane Duffy, CEO Aboriginal and Torres Strait Islander Legal Services Queensland
Queensland Aboriginal and Islander Health Council
Mali Hermans, First Peoples Disability Network
Deb Kilroy OAM, CEO Sisters Inside
National Network of Incarcerated and Formerly Incarcerated Women and Girls
Flat Out Inc
Caitlin Reiger, CEO Human Rights Law Centre
Amnesty International Australia
Jumbunna Institute for Indigenous Education and Research
Institute for Collaborative Race Research
Townsville Aboriginal and Islander Health Service (TAIHS)
Mithangkaya Nguli Young People Ahead Youth & Community Services Indigenous Corporation
Uniting Church in Australia Queensland Synod
Queensland Council of Social Services
Anglicare North Queensland
Queensland Youth Services Inc.
Brisbane Youth Service
Youth Advocacy Centre, Brisbane
Zig Zag Young Women's Resource Centre Inc
Queensland Youth Policy Collective
Queensland Council for LGBTI Health
Professor Chelsea Watego, Professor of Indigenous Health & Executive Director, Carumba Institute, QUT
Professor Megan Williams, Principal, Yulang Indigenous Evaluation
Dr Hannah McGlade, A/Prof Curtin law School, UN Permanent Forum for Indigenous Issues
Dr Thalia Anthony, Professor, Faculty of Law, University of Technology Sydney
Jodie Griffiths-Cook, ACT Public Advocate and Children and Young People Commissioner
Leanne McLean, Commissioner for Children and Young People, Tasmania
Jacqueline McGowan-Jones, Commissioner for Children and Young People, Western Australia
Zoë Robinson, NSW Advocate for Children and Young People
Nicole Hucks, Acting Children's Commissioner, Northern Territory
Andrew Naylor, Co-Chair, Human Rights Council of Australia
Dr Mark Rallings, Former Commissioner, Queensland Corrective Services.
Michael Cope, President, Queensland Council for Civil Liberties
Steven Caruana, Coordinator, Australia OPCAT Network
Corinne Dobson, Co-founder, Australia OPCAT Network
Cathryn Eatock, Co Chair, Indigenous Peoples' Organisation Australia
Justine Nolan, Director, Australian Human Rights Institute, UNSW Sydney

Greg McIntyre SC, President, Western Australian Branch, International Commission of Jurists
Alison Battison, Director Principal, Human Rights For All
Rob Hulls, Director, Centre for Innovative Justice, RMIT University
Professor Melissa Castan, Director, Castan Centre for Human Rights Law, Faculty of Law,
Monash University
Associate Professor Maria Giannacopoulos, Director, Centre for Criminology, Law and Justice,
Faculty of Law and Justice, University of New South Wales
Carla Klease, President, Queensland branch, International Commission of Jurists (Qld) Inc
Professor Julian Trollor, Chair, Intellectual Disability Mental Health & Head, Department of
Developmental Disability Neuropsychiatry, NHMRC Leadership Fellow, School of Clinical
Medicine, UNSW Medicine & Health
Professor John Tobin, Francine V McNiff Chair in International Human Rights Law, Melbourne
Law School, University of Melbourne
Associate Professor Amy Maguire, Director, Newcastle University Centre for Law and Social
Justice
Professor Ben Saul, Challis Chair of International Law, The University of Sydney
Brother to Another
Deadly Connections Community & Justice Services
Children's Ground
Absec
Vacro
Victorian Aboriginal Legal Service
Djirra
Ban Spit Hoods Coalition
Youth Legal Service Inc
Oxfam
Youth Advocacy Centre
Caxton Legal Centre
54 Reasons (part of the Save the Children Australia Group)
Australian Lawyers for Human Rights
ANTAR
Australian Council of Social Services
Women's Justice Network
Justice Reform Initiative
National Justice Project
Public Interest Advocacy Centre
Justice Connect
SHINE for Kids
ARACY - Australian Research Alliance for Children and Youth
South Australian Council of Social Service (SACOSS)
Liberty Victoria
Social Reinvestment WA
Jesuit Social Services
Youthlaw

Youth Law Australia
Justice Action
The Twenty Ten Association
Southside Justice
Rights Resource Network SA
CREATE Foundation
Tasmanian Council of Social Services
Inclusion Australia
Australian Unemployed Workers Union
Antipoverty Centre
LGBTI Legal Service
Queer and Trans Workers Against Violence
Anti-Poverty Network South Australia
Older Women's Network NSW
Australian Association for Flexible and Inclusive Education (AAFIE)
SCALES Community Legal Centre
Carolyn Robinson, Founder and CEO of Beyond DV and the Hope 4 Life Program, QLD
Diana Johns, A/Prof Criminology, The University of Melbourne
Amanda George, Community Lawyer
Dr Piers Gooding, Senior Research Fellow, Melbourne Law School
Simon Katterl, Human Rights Advocate
Shelley Turner, Adjunct Senior Lecturer Social Work, Monash University
Kate Swaffer, PhD Candidate and Civil Rights Campaigner, University of South Australia
Associate Professor Anna Copeland, Murdoch University School of Law and Criminology
Holly Doel-Mackaway, Senior Lecturer, Macquarie University Law School
Catherine Greentree, Lecturer, Macquarie University Law School
Amy Barrow, Associate Professor, Macquarie Law School, Macquarie University
Sonya Willis, Senior Lecturer, Macquarie University Law School
Natalie Ironfield, Indigenous Research Higher Degree Fellow, The University of Melbourne
Dr Lara Palombo, sessional Lecturer/Tutor, Law School, Macquarie University
Tamara Walsh, Professor of Law, The University of Queensland
Ben Spies-Butcher, Associate Professor of Sociology, Macquarie School of Social Sciences
Lorana Bartels, Professor of Criminology, Australian National University; Adjunct Professor of Law, University of Canberra, University of Tasmania
Chris Cunneen, Professor of Criminology, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney
Noam Peleg, Senior Lecturer, Faculty of Law and Justice, UNSW Sydney
Eileen Baldry AO Professor of Criminology UNSW
Dr Jamal Barnes, Lecturer in Criminology, Edith Cowan University
Tobia Fattore, Senior Lecturer, School of Social Sciences, Macquarie University
Amanda Porter, Associate Professor of Criminal Law and Criminology, School of Social and Political Sciences, University of Melbourne
Emeritus Professor Ross Homel AO, School of Criminology and Criminal Justice, Griffith University

Professor Elena Marchetti, Griffith Law School, Griffith University
Professor Joseph Pugliese, Department of Media, Communications, Creative Arts, Language and Literature, Macquarie University
Dr Julie Debeljak, Associate Professor, Faculty of Law, Monash University
Mianna Lotz, Associate Professor of Philosophy, Macquarie University
Associate Professor Elise Klein, Crawford School of Public Policy, Australian National University
Grant Michelson, Professor of Management, Macquarie University Business School, Sydney
Dr Priya Kunjan, Centre for Urban Research, RMIT University
Dr Louise Boon-Kuo, Senior Lecturer, Sydney Law School, University of Sydney
Scott Walker, Research Fellow, Castan Centre for Human Rights Law, Faculty of Law, Monash University
Associate Professor Kathleen Tait, Macquarie School of Education, Faculty of Arts, Macquarie University
John Stephens, Emeritus Professor, Department of Media, Communications, Creative Arts, Language and Literature, Macquarie University
Dr Joanne Faulkner, Senior Lecturer, Department of Media, Communications, Creative Arts, Language and Literature, Macquarie University
Dr Eugene Schofield-Georgeson, Faculty of Law University of Technology Sydney
Dr Elyse Methven, Senior Lecturer, Faculty of Law, University of Technology Sydney
Dr Lisa Billington, Lecturer, Faculty of Law, University of Technology Sydney
Ms Teresa Somes, Lecturer, Faculty of Law, University of Technology Sydney
Dr Terri Libesman, Assoc Professor, Faculty of Law, University of Technology Sydney
Professor Julia Quilter, School of Law, University of Wollongong
Professor Luke McNamara, Centre for Crime, Law and Justice, Faculty of Law & Justice, UNSW
Professor Kate Douglas, Flinders University
Dr Catharine Fleming, Young and Resilient Research Centre, Western Sydney University
Dr Eve Vincent, Macquarie School of Social Sciences, Macquarie University
Dr Caitlin Biddolph, School of Social and Political Sciences, University of Sydney
Dr Christoph Sperfeldt, Senior Lecturer, Macquarie Law School
Dr Norbert Ebert, Senior Lecturer in Sociology, Macquarie University
Dr Tricia Daly, Lecturer in Criminology, Macquarie University.
Professor Arlie Loughnan, University of Sydney Law School
Dr Vicki Sentas, Faculty of Law and Justice, University of New South Wales, Sydney
Dr Chris McGrath, Barrister, Queensland.
Stephen Keim SC
Patrick Earle, Executive Director, Diplomacy Training Program
Professor Kerry Carrington, Adjunct School of Law & Society, University of the Sunshine Coast
Andreea Lachsz, Churchill Fellow
Damien Linnane, University Fellow and PhD Candidate, University of Newcastle
Ben Mostyn, University of Sydney Law School
Winnifred Louis, Director, Social Change Lab, The University of Queensland
Christine McCoy, Manager, Social Change Lab, The University of Queensland
Professor Judy Cashmore AO, University of Sydney
Professor Rebecca Millar, University of Sydney Law School

Dr Carolyn McKay, Co-Director, Sydney Institute of Criminology, University of Sydney Law School
Prof Suvendrini Perera, John Curtin Distinguished Emeritus Professor, Curtin University
Dr Justine Lloyd, Sociology, Social Sciences, Macquarie University
Professor Mary Crock, Law School, The University of Sydney
Dr Bill Swannie, Lecturer, Thomas More Law School, Australian Catholic University
Anne Hewitt, Associate Professor, The University of Adelaide Law School
Dr Peta Spyrou, Lecturer, Adelaide Law School, The University of Adelaide
Professor Simon Rice, OAM, Sydney Law School
Nina Storey, Formerly Incarcerated Girls Justice Advocates Melbourne
Michael Berkman, Greens MP for Maiwar
Horse Whispering Youth Program
Gershon Nimbalker, National Director of Common Grace
Dr Robin Banks and Michael Small, Directors, Equality Building
Debbie Lee - NSW Coalition Of Aboriginal Peaks Policy Officer (First Peoples Disability Network)
Professor Sharon Bessell, The Australian National University
Emerita Professor Margaret Thornton, The Australian National University
Liam Elphick, Lecturer, Monash University Faculty of Law
Associate Professor Jennifer Nielsen, Southern Cross University
Dr Alison Pert, University of Sydney Law School
Dr Coel Kirkby, University of Sydney Law School
Dr Murray Lee, Professor of Criminology, University of Sydney
Dr Rachel Killean, University of Sydney Law School
Dr Jason Chin, Australian National University, College of Law
Alex Cahill, Research Officer and Keeping Kids Central Facilitator, Institute of Child Protection Studies



Human
Rights
Law
Centre.



Commissioner for Children and Young People
Western Australia



Public Advocate
ACT Human Rights Commission

Office of the
Advocate for Children
and Young People

acyp.



Victorian
Aboriginal
Legal Service



ATSILS
Aboriginal and
Torres Strait Islander
Legal Service (Qld) Ltd

BRISBANE
YOUTH
SERVICE

NEW FUTURES FOR YOUNG PEOPLE

qcoSS



YOUTH
ADVOCACY
CENTRE INC



Southside
Justice

Anglicare
North Queensland

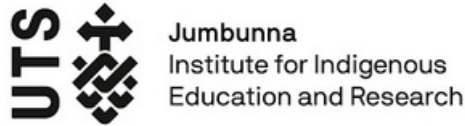
caxton
legal centre inc



Institute for
Collaborative
Race
Research







**LIBERTY
VICTORIA**



CASTAN
CENTRE FOR
HUMAN RIGHTS
LAW





THE UNIVERSITY OF SYDNEY

CENTRE FOR LAW AND SOCIAL JUSTICE



NATIONAL JUSTICE PROJECT



WOMEN'S
JUSTICE
NETWORK

