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The Bar

## Crossover cruelties: Navigating the historical intersections between Australia's child protection and youth justice systems

With French windows, shutters and a single-storey cast-iron veranda, Bidura House in the Sydney suburb of Glebe might appear to passersby as a handsome relic from Australia's colonial past. Yet this stately Italianate villa of handmade brick with its slate roof and fine classical proportions is a Janice-faced historical house of horrors, writes Dr Jacqueline Rule.

October 08, 2025 • [By Dr Jacqueline Rule](#)

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The entangled occupancies of the Bidura estate, which served as a children's home, a court, and a remand centre during the 20th century, are also illustrative of the complex interrelationship between Australia's contemporary out-of-home care system and its brutal youth detention system. The colonial origins of both systems, in particular their punitive Victorian-era approach to child welfare, should not be overlooked.

Originally occupied by colonial architect Edmund Blackett, in 1920 Bidura House became a key receiving depot for wards of the state. It was the entry point into the 'care' system for many First Nations children who were part of the stolen generations, along with other young people deemed to be disadvantaged, abandoned, or neglected who were wrenched from their circumstances and imprisoned at Bidura to await foster placements or transfer to other institutions. In the 1920s, additional premises known as the Metropolitan Girls Shelter were built at the back of Bidura House for children awaiting trial at the Children's Court in Albion Street. Forcibly removed wards of the state and young detainees on remand lived side by side with shared facilities on the Bidura premises, the welfare and justice systems geographically melded together with one central administration for the site. Like other brutal children's institutions of the time, scenes of daily abuse, neglect, maltreatment, forced virginity testing, and a myriad of other unthinkable cruelties were committed at Bidura and this legacy of trauma continues to haunt.

The state's coalescing of child 'protection' and criminal 'punishment' at Bidura became more official when it ceased running as a children's home in 1977 and was instead transformed into the Bidura Children's Court and Metropolitan Remand Centre, which operated from the early 1980s until 2017. The



former Metropolitan Girls Shelter located behind Bidura House was demolished to make way for an ominous-looking ‘Concrete Brutalist’ building to house the new Children’s Court and children on remand awaiting trial or sentencing. However, soon after opening in 1983, this imposing multi-storey structure gained notoriety when a number of young detainees managed to escape from the remand centre.

This historically punitive approach to child welfare lives on in 21st-century Australia as the state continues to ‘criminalise care’, particularly for First Nations families, albeit perhaps in a more covert matter. Historical assimilationist child removal practices, documented for example in the *1997 Bringing Them Home Report*, now operate more insidiously behind the scenes of the machinery. Take for instance, the screening algorithm still used by NSW child protection services despite concerns that it perpetuates racial bias towards First Nations families in a similar manner to the discontinued child protection screening tool previously used in Queensland. Such examples illustrate how progress towards ‘closing the gap’ requires a dismantling of the historically racist mindset that still informs the state’s approach to child protection.

As the *2024 Help way earlier!* report notes, the state continues to ignore human rights obligations under the UN Convention on the Rights of the Child. This is particularly apparent given the rising number of ‘crossover children’, young people caught between the interlocking tentacles of the ‘care’ and criminal justice systems who are funnelled into ‘juvie’ by a child protection system that serves as a pipeline into the detention system. We know that young offenders are significantly more likely to become adult offenders when they grow up. First Nations communities are disproportionately over-represented in all of these systems, including as ‘cross-over children’. For example, a 2024 report showed that approximately 76 per cent of First Nations youth under youth justice supervision during 2022–23 also had an interaction with child protection services during the last decade.

The United Nations has sought to bring attention to these concerning statistics. A suite of reports and royal commissions paints a clear picture of what is occurring again and again. The historical echo of these statistics (as well as the tragic Indigenous deaths in custody statistics) should make our blood run cold.

In the 1920s, ‘at-risk’ children were punished for their circumstances of disadvantage, charged with the crime of neglect, and forced to attend court. In 2025, struggling families, particularly First Nations families, still have genuine cause to be afraid of asking for help, lest the state might just decide to remove their children and place them in a system that still routinely ignores the Aboriginal and Torres Strait Islander Child Placement Principle. A system that inadvertently pushes children still reaching cognitive maturity towards further unsettledness and bad decision making and into the waiting arms of the justice system.

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While kids at home might be grounded or have their phones taken away for bad behaviour, in the child protection system, misbehaving foster children are more likely to be visited by the police, creating unnecessary contact with law enforcement and the 'over-criminalisation' of disadvantaged children at a very early age. These kinds of needless interactions, along with the low age of criminal responsibility across Australia and the profiling and over-surveillance of First Nations children, set the scene for young people in care to morph into 'crossover children', possibly leading to a life-long spiral of interaction with the criminal justice system.

This is a structural and historically informed problem. A dysfunctional marriage between two under-resourced, broken systems in perpetual crisis and chaos that share the same overly-punitive moth-eaten colonial mindset. It's time to tell the truth about the origins of these anachronistic structures that are no longer fit for purpose and to begin a First-Nations-led process of rethinking and reforming them. Otherwise, the 'crossover cruelties' of both systems and the violent settler foundations on which they are built will keep rolling from generation to generation, re-perpetrating the historical sins of our nation's past.

*Dr Jacqueline Rule is an Australian novelist with a background in 'Law and Literature' scholarship. Her debut novel, The Leaves, explores historical trauma, injustice and the cruelty and dysfunction of Australia's out-of-home care and youth detention systems. She is admitted as a solicitor in NSW and spent several years supporting a specialist legal committee on youth detention in the criminal justice system.*

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