

## Significant Policy Moments: Western Australia 1990-2002<sup>1</sup>

Last updated: 16 February 2014

Alisa Wicks

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### 1990

- *Changes to legislation (end 1989)*

Changes to the *Child Welfare Act 1947* and the introduction of the *Children's Court of Western Australia Act 1988* were proclaimed on 1 December 1989. The main effects were removal of departmental discretion to approve early release from secure detention; increasing eligibility for community based sentences; greater accountability in probation supervision; creation of the position of President of the Children's Court; and the ability of the President of the Children's Court to review sentences.

- *Premier announced 'revamp' of juvenile justice system*

In May the Premier announced a range of new initiatives including: the introduction of a cautioning system; the introduction of an Advisory Committee on Young Offenders; projects aimed at repeat offenders including extending the use of pastoral stations, introducing a system of restitution to victims, increasing the use of adult mentors and extending the range of educational and personal programs in custody.

- *Department for Community Services Youth Policy*

Endorsed in 1990/1991. Resulted in a focus on providing workers in the field with integrated information, funding the initiatives of NGOs that provide local services and further developing youth activities provided by the Department.

- *Transfer of responsibility for Conditional Release Orders*

Responsibility for the program was transferred from the Community Based Offender Programme to Divisional offices.

- *Transfer of responsibility for young people in holding cells (August)*

Remand centre staff accepted the transfer of responsibility for the supervision of young people in holding cells at Perth Children's Court and transport between the secure centres and the court.

- *Expansion of the Youth Legal Centre*

The Centre received \$95,000 this year and expanded its service to include a telephone advice line for young people in country areas.

- *Extension of Alternative Custody Program*

The program was extended into the Pilbara; placing young offenders at cattle stations as an alternative to custody.

- *Review of Community Support Hostels*

Aimed to assess the appropriateness of programs; identify issues and difficulties; make recommendations as to new services; and develop a suitable organisational structure. The review led to an increased specialisation in programs targeting young offenders who are referred to these residential facilities.

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<sup>1</sup> Note: This work is based on departmental annual reports only.

## 1991

- *'Laws for People' Report (May)*

Produced by the Legislative Review Committee to review the *Community Services Act 1972*, the *Child Welfare Act 1947* and the *Welfare and Assistance Act 1961*.

- *Police cautioning system*

Introduced on 1 August. Intended to divert minor offenders from formal prosecution. Lifted the age restriction on panel appearances. Also intended to increase the focus on provision of welfare services to young people and their families.

- *Plans for a new remand centre at Murdoch*

Plans for the new centre were endorsed and are due for completion in 1993.

- *New Local Offender programs*

5 new local offender programs were introduced in high-risk areas during the year, bringing the total number of program locations to 12.

- *Review of repeat young offenders*

A review was conducted into repeat young offenders involved in car thefts. Considered to be particularly problematic in Kalgoorlie.

- *Establishment of Killara Out of Hours Welfare and Justice Service*

Established in the metro area as an after hours service targeting early offenders in order to prevent further reoffending. Began in late February and provided counseling and support to 127 people in the first 4 months of operation.

- *Appointment of an Aboriginal Programs Officer*

Following consultation with the Aboriginal community in relation to juvenile offending, an Aboriginal programs officer was appointed and an alternative to custody program is being planned at Lake Jasper.

## 1992

- *Supervised Release (Parole) Program*

Developed and proposed for inclusion in the new *Young Offenders Act* to be passed in 1993/1994. The proposal is for statutory control over young offenders on parole.

- *Development of a Serious and Repeat Offender identification system*

The Youth Justice Bureau was involved in developing an identification system following the introduction of the *Crime (Serious and Repeat Offenders) Sentencing Act 1992*.

- *Pilot Reparation Services*

A pilot scheme based on the New Zealand Family Group Conferencing Scheme was implemented in 2 locations. The aim is for the victim, offender and offender's family to be actively involved in deciding what will happen to the offender in relation to reparation.

- *Recommendations from the Review of the management Structures and Programs of Secure Centres and the McColl Report into security and management*

Recommended that security procedures and physical security be strengthened, resulting in the construction of the new Rangeview Remand Centre to be opened in 1993/1994.

### 1993

- *Criminal Procedure Amendment Act 1993*

Led to subsequent development of a Bail Supervision program, under which juveniles will only be released to bail on the written undertaking of a responsible adult.

- *Transfer of responsibility from Department for Community Development to new Ministry of Justice*

The Youth Justice Bureau and a revised Young Offenders Program were transferred to the new Ministry of Justice in 1993.

- *Establishment of co-located community based offices*

On 1 July the JJ Division established 6 metro offices (4 co-located with Community Corrections) and 15 country community based offices (10 co-located with Community Corrections).

- *Juvenile Protective Mediation*

Began operating in 1993. Provides an opportunity for victims of violence and offenders to reach agreements about the level and nature of contact between them.

- *Establishment of 'At Risk' Register*

The Young Offenders Treatment Team collated and distributed an 'at risk' register of detainees (on a monthly basis).

- *Juvenile Justice Teams pilot in Thornlie and Fremantle (June)*

Two JJTs were piloted with the objective of bringing young offenders and their parents together with victims to set penalties and restitution, using a family conference model.

### 1994

- *Young Offenders Act 1994*

Provides for new approaches to offender management; varying from cautions and diversion via the juvenile justice teams through to community-based orders, detention and supervised release. A special order was also introduced for serious juvenile offenders (See more info below – proclamation 1995).

- *Establishment of new management philosophy of "responsible citizenship"*

The Ministry established a new philosophy to guide all service provision within juvenile justice. The philosophy is "based on the view that a critical part of any young person's development towards adulthood is their capacity to increasingly act as responsible citizens. This is based on the principle that responsible citizenship develops in the family and that parents have the prime responsibility to assist their children to develop an understanding about what is required to accept the rights responsibilities and obligations, which go with citizenship. The fact that a child has offended and been placed under an order of the court does not change the fact that the parent still has prime responsibility for their child's continuing development. The

JJ Division sees its responsibility as twofold, assisting parents in their efforts to further the development of their child into a responsible citizen, and ensuring that the order of the court is carried out.”

– *Remand Centres merged and Rangeview operationalised*

Longmore Remand moved to Rangeview Remand Centre in March. At that time Longmore Detention Centre took possession of the vacated remand centre. Rangeview was operationalised on 29 March 1994. It has 48 beds with single and double cells, and a \$2.3 million security system.

– *Westbrook YDC decommissioned*

Westbrook YDC was decommissioned and sold. Facilities and security at Cleveland and John Oxley YDCs were upgraded.

– *Working party for Juvenile Sex Offender Treatment*

Established June 1994.

– *Youth Homelessness Protocol*

Introduced in October 1994 to clarify roles and responsibilities of the Commonwealth and States in the provision of services to homeless people under 17 years old. This led to a significant increase in referrals for young people to the Ministry of Justice for assistance.

– *Centralised reporting structure*

A centralised reporting structure for youth detention centres was introduced.

– *Conditional bail program*

A conditional bail program was developed to provide high-level supervision and support to young people released on bail.

## 1995

– *Young Offenders Act 1994 proclaimed*

Proclaimed March 1995. Allows for the establishment of a special detention centre (Camp Kurli Murri at Laverton); the introduction of a supervised release scheme (juvenile parole) and the establishment of the Supervised Release Review Board; and a range of community based orders.

- The Act formally established JJTs throughout the state. There were 2 pilot schemes running prior to the Act, and there are now 4 teams situated in Fremantle, Thornlie, Midland and Wangara. Country teams have also been constituted in most country areas.
- A Supervised Review Release Board was established under the Act.
- The Camp Kurli Murri work camp was commissioned on 13 March 1995 by the Attorney General. Designed for offenders between 16-21 years old who have not had a previous imprisonment/detention and would otherwise be sentenced to detention. There are no administrative or managerial differences in the treatment of juveniles and young adults at the camp.

– *Construction of Banksia Hill Detention Centre*

Planning is underway for a new centre at Canning Vale. Will accommodate 120 juveniles (male and female). The two existing detention centres are to be replaced.

- *Supervised bail program*

The program was established to avoid the unnecessary detention of juveniles who are deemed eligible for bail but have no responsible adult who is willing to bail and support them.

- *Alternative to Custody program*

The initial placement for the program in Warramia Farm was closed, as a result of reduced demand following legislative changes and the introduction of Supervised Released Orders.

- *Day release program introduced*

Allows detainees due for release to be reintegrated back into the community. Provides access to services such as Social Security and the Commonwealth Employment Service.

## 1996

- *Riverbank Detention Centre closed (August)*

Detainees were transferred to the Longmore/Nyandi Complex which had been upgraded to accommodate the move. Longmore/Nyandi will be close when the new Banksia Hill Detention Centre opens in September 1997.

- *Aboriginal Family Supervision Program*

Developed following a survey by Juvenile Justice and the Aboriginal Affairs Department. The program seeks to identify and establish a contractual commitment from a family member who will provide day-to-day contact and supervision for young Aboriginal offenders (aged 16-21), pursuant to a management plan. Pilot sites were established at Balcatta, Midland and Geraldton.

## 1997

- *Banksia Hill Detention Centre for Juveniles*

Opened at Canning Vale in September 1997. The centre can accommodate 120 juveniles (boys and girls).

- *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*

Chapter 24 of the report relates specifically to Juvenile Justice, highlighting the over-representation of Indigenous youth and how this varies across jurisdictions.

- *Amalgamation of Community Corrections and Juvenile Justice Community Based Services*

The directorate was combined in February and aims to provide better coordinated supervision for offenders aged 16-21.

- *Warminda Intensive Intervention Centre*

The centre opened in March and provides high intensity supervision for young offenders at risk. To be eligible the offenders must be aged 16-21, have a history of community supervision order breaches, be at high risk of breach under a proposed order, have limited community support and a defined need for competency development.

## 1998

- *Cant & Downey: Evaluation of the Young Offenders Act and the Juvenile Justice Teams*

Cant & Downey found that about 95% of offenders successfully completed the outcome agreed at the conference and that there were very high rates of satisfaction on the part of offenders, offenders' parents and victims. However, they commented that some of the offences dealt with were minor enough to have been dealt with by a caution in the first instance and that there was also evidence that cases that might have been dealt with by Teams were being sent to Children's Court (Cant & Downey 1998, p iv). They also reported concerns by the Aboriginal Justice Council and Aboriginal Affairs Department about relatively low referral rates of Aboriginal juveniles to the Teams (16% in the metropolitan area, though as high as 50% in some country areas), considering their over-representation in the justice system, possibly owing to the exclusion of young people with minor histories of misdemeanours (p v).

- *Tendering regime*

The Ministry moved from a grants system for funding community programs to a competitive tendering regime, following a needs analysis.

- *Evaluation of community programs*

During the 1998/1999 financial year a number of community programs were evaluated.

An evaluation of the Juvenile Justice teams (facilitating mediation for victims, offenders and families) revealed 95% of offenders completed their action plans. The Warminda Intensive Intervention Centre was evaluated and deemed to be a credible rehabilitation program. Warminda caters for persistent offenders aged 16-21 who are unlikely to return to the community without re-offending or breaching their orders. The program was found to be reaching its intended client base. A review was also conducted of the home detention scheme, showing that 83% of offenders completed the program in a 4-year period.

- *Development of juvenile transition programs*

Trial transition programs from custody to community were developed and implemented for juvenile offenders. The program started in March with the use of self-care accommodation at the Banksia Hill detention centre.

- *Rural placement program for young offenders expanded*

The rural placement program was expanded to include adults up to the age of 21. The program will also be extended to the Gascoyne, Kimberley and southern regions. The program diverts young offenders from custody into rehabilitation on rural stations, where they can gain supervised work experience.

- *Extension of Aboriginal family supervision program*

The program for 16-21 year olds includes vocational and remedial educational programs. The program was extended to Maddington in April and an evaluation will be finalised in September. Preliminary results indicate that offenders who participate in the program are more likely to complete their community-based order.

## 1999

- *Juvenile Justice Teams (JJT) paper*

WA Police and JJTs worked together to release a policy paper recommending that more young offenders are referred to JJTs. This may include broadening the offences and expanding the service into remote Aboriginal communities. A new JJT was established in Rockingham and an acting Aboriginal coordinator was appointed to the JJT program.

- *Day release program at Banksia Hill JDC (November)*

Provides an opportunity to familiarise young offenders (aged 15 and over) with external programs and work placement before their release.

## 2000

- *Upgrade to Rangeview Remand Centre*

Planning was completed in May and construction of the \$4.2 million upgrade will commence in January 2001. Will provide accommodation for a further 56 detainees (with a modified capacity of 72), another 2 classrooms, a workshop and arts room, improved case planning facilities and video visit and conferencing facilities. Will include a dedicated unit for females.

- *Drug Court pilot*

The 2-year pilot program began operating in the Perth Children's Court and the Perth Court of Petty Sessions in December 2000. In the Children's Court, the drug court is presided over by the court president, with a specialist juvenile justice officer to provide counselling and support. Based on a therapeutic jurisprudence model, drug courts target offenders whose crimes are linked to substance use. If offenders plead guilty and acknowledge their use of drugs, they can be diverted to specialist treatment tailored to their individual situation.

- *Deferred bench warrant program pilot*

The deferred bench warrant program aims to minimise the arrest and detention of juveniles for whom a bench warrant is issued because of non-attendance at court. It started as a pilot program in January 2000, and initially operated only from Perth Children's Court; but was soon expanded to other metropolitan courts. The deferral program allows a court to delay issuing a bench warrant for 7 days while requiring either juvenile justice officers or Rangeview Remand Centre staff to contact and advise the juvenile within that period. This gives officers the chance to advise the juvenile of the new date, while making clear the importance of attending court and the consequences of failing to do so.

## 2001

- *New division*

In October 2011 a new division within the Department of Justice - Community and Juvenile Justice - was formed to take responsibility for community-based adult and juvenile services and custodial services for juveniles. With the disbanding of the Policy and Legislation branch, this new division also took on a reinvigorated policy and planning role across the correctional system.

- *Pilot court conferencing project*

A pilot court conferencing project at the Perth Children's Court commenced in October 2001. Its aim is to broaden the range of young offenders who can be referred to the Juvenile Justice Teams to include persistent offenders and those charged with serious offences. The pilot follows an evaluation of the Juvenile Justice Teams and involves just 3 magistrates. It was originally intended to run for 44 weeks, but may be extended to include all Children's Court magistrates.

– *Kimberley Supervised Bail Program*

A new concept in the treatment of young Indigenous people from remote areas was developed in response to community concerns about the cost and social effects of transporting young people to be remanded in Perth. The Banana Well juvenile bail facility was piloted in the West Kimberley to accommodate juveniles who were eligible for bail, but did not have a responsible adult to fulfil the bail conditions. Operated by the local Burrjuk Aboriginal community, on a fee-for-service basis, Banana Well provides care, accommodation and supervision. It saves the high cost of transport and escort to and from the Rangeview Remand Centre in Perth and aims to ensure that juveniles are not removed from their culturally familiar surroundings and supports.

– *Supervised bail facility in Bell Springs*

A second supervised bail facility at Bell Springs in the East Kimberley was opened in July 2001.

– *Appointment of Aboriginal officer to Killara Youth Support Service*

As part of its strategy to reduce Aboriginal over-representation in the justice system, the Ministry funded the appointment of an Aboriginal officer to the Killara Youth Support Service. This extended-hours service works with juveniles who come into contact with the police for the first time or who are identified as at risk because of their behaviour.

– *The Gordon Inquiry*

In November 2001 the Government announced a special inquiry into the response by Government agencies to complaints of family violence and child abuse in Aboriginal communities. This was prompted by the coronial inquest into the death of a 15-year-old Aboriginal girl at the Swan Valley Nyoongar Community in 1999. In July 2002, Putting the Picture Together, commonly known as the Gordon Report identified that thirteen agencies had been providing services to the Aboriginal girl and that there was a serious need for interagency clarity and coordination.

## 2002

– *Evaluation of Kimberley juvenile bail facility and opening of Pilbara's Aboriginal juvenile bail facility*

The first evaluation of the Banana Wells juvenile bail facility, which opened six months earlier in the West Kimberley, was completed in March 2002 and showed that the facility at Banana Well had successfully met the objectives of the regional supervised bail program. In November 2002, the regional supervised bail facility program was extended, with a third facility opened at Yandeyarra in the Pilbara region. It accommodates up to eight young people and is jointly monitored by the Yandeyarra community.

– *Risk assessment model*

The Crime Research Centre, in conjunction with Community and Juvenile Justice staff, completed a feasibility study into the viability of developing a risk assessment model for juvenile offenders. Specifications for the model are currently being developed with a view to developing a 'live' model which will more accurately predict the risk of reoffending with the use of continuously updated data. It will be similar to the model in use for adult offenders in the community, but will be adjusted with a greater emphasis on the needs of juveniles.

– *Aboriginal coordinator appointed to JJTs*

An Aboriginal Coordinator has been appointed to help improve Aboriginal referral and retention rates to the Juvenile Justice Teams and to develop culturally appropriate processes. Aboriginal Case Support Officers have been appointed to assist young Aboriginal offenders and their families with attendance at family group conferences and compliance with resulting action plans.

– *Framework for Community Supervision Agreements*

A framework for Community Supervision Agreements to include juveniles was established. Through the use of Aboriginal Community Supervision Agreements, Community Justice Services supervises Aboriginal offenders on community-based supervision orders who live in remote areas of Western Australia. This ensures that community supervision is available to the judiciary as a sentencing option. Legislative amendments which flow from an evaluation of the *Young Offenders Act* will allow for the development of similar agreements for juveniles, so young Aboriginal people can be committed into the care of their own communities as an alternative to detention. The legislation also includes provision for supervised early release orders for juveniles serving a term of detention of 12 months or more.

– *Young Offenders Personal Development Program*

An innovative Young Offenders Personal Development Program was developed by Juvenile Custodial Services psychological team and has been implemented at Banksia Hill Detention Centre since early 2000. During the year, additional group workers were trained and the program extended to Rangeview Remand Centre in the first quarter of 2002.

– *Review of 'reducing imprisonment program'*

During 2002/03, a review was initiated to examine the effectiveness of the Department's reducing imprisonment program, established in 2001 as a major reform to reduce the rate and cost of imprisonment. The review is part of a plan to develop a mechanism for ongoing monitoring and future evaluation. It has four key areas – to develop: an evaluation framework to monitor how effective strategies are in reducing the rate of imprisonment; a plan for future evaluation of the reducing imprisonment strategies; an analysis of the impact of existing strategies on the rate of imprisonment; and a set of recommendations to enhance the effectiveness of the existing strategies.

– *Protective behaviours program trial*

A protective behaviours program, often described as 'anti-victimisation training', was trialed at Banksia Hill Detention Centre. The program is relevant for young juvenile offenders who may come from a background of domestic or family abuse and/or have perpetrated abuse towards others and violated the rights of others.

– *Development of an intellectual disabilities diversion pilot program*

Designed as a 15-month pilot, to be undertaken in conjunction with the Disability Services Commission. Aims to divert people with intellectual disabilities away from

the traditional court system into alternative and more appropriate support arrangements. (Subsequently implemented in June 2003).