

Significant Policy Moments: Western Australia 2003-2015

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2003

- *Caversham Training and Enterprise Centre pilot*

DCS funded a 10-week pilot where 16 young people attended the Caversham Training and Enterprise Centre. The centre is a local community partnership between agencies including the Department of Indigenous Affairs/Aboriginal Lands Trust, Swan TAFE, the City of Swan and the Swan Alliance Inc and other community groups such as the Bassendean Youth Services CARTS and Employment Directions Network. It aims to re-engage unemployed, uneducated and untrained young people at risk of offending.

2004

- *Young Offenders Amendment Act 2004*

Amendments resulted in four community-based initiatives: the intensive supervision program involves working with juveniles who have extensive offending histories and their families to reduce offending; introduction of curfews which can be imposed as a condition of conditional release or supervised release orders; community supervision agreements with remote Aboriginal communities to enable young offenders to be supervised in these communities (agreements were signed with 10 Aboriginal communities in the Kimberley region, three in the Pilbara and nine in the Goldfields. Another 30 agreements are being negotiated); and juvenile community conferencing to allow approved members of remote communities to be involved in deciding the consequences for minor juvenile offenders. Four coordinators were recruited in the Kimberley, Gascoyne/Murchison, Pilbara and Goldfields to implement the initiative. The Act allows young people who accept responsibility for minor offending to be referred to juvenile justice teams rather than appear in court. The amendments include two further road traffic offences in schedule 1.

- *The Criminal Procedure Act 2004*

This Act and its consequential amendments to the Young Offenders Act (YOA) removed the requirement for a Justice of the Peace or prescribed court officer to sign summonses or notices to attend, unless an arrest warrant is being issued. The removal of this requirement has made it easier for police to direct young people towards court (Auditor General 2008, below).

- *MST Trial*

A trial of MST, known as Intensive Supervision Program or Family Intensive Teams, was conducted in Western Australia between 2004 and 2009. Multisystemic therapy (MST) is "an intensive family- and community-based treatment program that focuses on the entire world of chronic and violent juvenile offenders — their homes and families, schools and teachers, neighborhoods and friends" (<http://mstservices.com/>). In 2010 the Attorney General announced that the funds for the program would be redirected, as it had not successfully engaged with families and had not achieved the results expected (Government of Western Australia media release, 9/9/2010).

– *Western Australian Family and Domestic Violence State Strategic Plan (2004- 2008)*

Initiatives included increasing the circuits of visiting Juvenile Justice Officers to multi-functional (justice and policing) centres set up on remote communities; and the expansion of family violence courts. An Aboriginal Reference Group was established to ensure effective consultation with Aboriginal people in the roll-out to new areas.

– *The Western Australian Aboriginal Justice Agreement 2004-2009 (AJA)*

There are three nominated justice outcomes– (i) safe and sustainable communities; (ii) a reduction in the number of victims of crime; and (iii) a reduction in Aboriginal over-representation in the criminal justice system. Relevant elements include: targeting resources for the development of diversionary programs - reduced number of people, particularly children, entering the justice system - imprisonment recognised as a sanction of last resort as a matter of practice - improved opportunities for input from Aboriginal people into sentencing options - enhanced Aboriginal leadership in the criminal justice system - developing an evidence base specific to Aboriginal people to ensure the effectiveness of penalties used.

– *DCS Community and Juvenile Justice Aboriginal Justice Action Plan*

Contributes to the agreed outcomes of the AJA. The stated mission is to reduce offending, protect the community, and encourage those who offend towards law-abiding lifestyles. Objectives include (f) Managing young offenders in detention - To provide quality, safe and humane custodial services, which better equip offenders for reintegration into their communities. (h) Young people – to ensure services to offenders are age and developmentally appropriate and address their individual needs. Strategies include: increasing opportunities for Aboriginal youth, particularly those in regional and remote areas, to access the full range of juvenile justice diversionary services, including expanding of Juvenile Justice Teams to regional locations; establishing community supervision agreements to monitor young offenders from regional and remote areas; increasing the range of alternatives available for Aboriginal youth being remanded in custody, including the regional supervised bail program; reviewing policy and practices regarding the management of Aboriginal juveniles and adults in custody who are eligible for bail yet are unable to meet the bail conditions.

– *Ferrante et al, 'Pathways through Justice: A Statistical Analysis of Offender Contact with the WA Juvenile Justice System Final Report,' July 2004, Crime Research Centre, UWA.*

Compiled for the WA Department of Justice as part of a contract to provide juvenile justice data, to inform the development of a Juvenile Justice Strategy. Identified composition of offenders entering the juvenile justice system, and how this has changed (1995-2002); description of how juveniles progress through the system; rates of re-offending and interpretation of success rates of various strategies including cautioning, JJTs, community orders and detention. Further analysis by age of first offending and differences in experiences of Indigenous and non-Indigenous offenders. Highlights areas of concern: earlier contact with the juvenile justice system by Indigenous offenders, higher recidivism rates of Indigenous offenders, variations in recidivism rates based on urbanisation, greater levels of progression to detention by Indigenous offenders.

– *Young Offender Personal Development Program*

Re-modelled to incorporate stories and characters into modules with substantial Aboriginal content and to make it more relevant. It was also extended to Rangeview

Remand Centre where 66 Aboriginal youths attended during the year. Another 75 attended the program at Banksia Hill Detention Centre.

- *Repay WA*

A program that allows eligible offenders to undertake supervised community work projects. Prisoners nearing the end of long-term prison sentences or on an early release scheme may be eligible to participate in Repay WA to support their transition back into the community. Juvenile offenders may be completing youth community-based orders, intensive youth supervision orders, juvenile conditional release orders or community work orders. Although the option of providing projects for adults and juveniles completing community sentences has been running successfully in WA since 1977, the launch of Repay WA in 2004 meant that the number of supervised community work programs managed by the Department was increased.

- *Appointment of Aboriginal group workers*

8 new Aboriginal workers appointed to better manage Aboriginal juveniles in custody. Responsible for physical day-to-day care of detainees at Banksia Hill Detention Centre and Rangeview Remand Centre.

- *Protective Behaviours Program*

Program supported the Gordon Inquiry Recommendations; teaches youth how to deal with potentially abusive situations. 27 Aboriginal young people completed the program in 2004.

- *Law Reform Commission of WA Background paper on Aboriginal people and justice services: plans, programs and delivery / Neil Morgan and Joanne Motteram*

The paper reviews a range of justice services provided by the Department of Justice (DOJ) with a focus on programs, plans and initiatives aimed specifically at Aboriginal people. Discusses key policies, legislation and statistics (including trends in Aboriginal imprisonment rates) since the Royal Commission into Aboriginal Deaths in Custody in 1991; presents a descriptive overview of specific programs, plans and initiatives in terms of their stated objectives, their availability on the ground, the extent of Aboriginal participation, and any evaluations; and provides a thematic review of the issues raised. Services discussed include court services, prison services, and community and juvenile justice services as they impact on Aboriginal people. Highlights the unacceptable levels of Aboriginal incarceration, higher in WA than in other Australian jurisdictions. Positively reflected on the increased focus on services to regional and remote areas, the cross border initiatives, and initiatives to expand the operations of Juvenile Justice Teams in more remote areas. Recommended consideration of the introduction of specialist Aboriginal courts in metropolitan and regional centres, akin to the Koori Court initiative in Victoria.

2005

- *Department of Indigenous Affairs, Overcoming Indigenous Disadvantage in Western Australia Report (2005)*

Highlights over-representation of Indigenous young people in detention. Notes that Indigenous juveniles are over five times more likely to come in contact with police than non-Indigenous juveniles and, when they do, are more likely to be apprehended and charged. Highlights that that early and appropriate diversions can prevent further contact with the justice system, particularly for juvenile offenders.

- *Inquiry into the Management of Offenders in Custody and in the Community (Mahoney report) November 2005*

The final Mahoney Report has been highly influential in shaping legislation and policy in Western Australia. Recommendations were made in the final report with respect to a range of relevant issues. The report specifically explored the management of juvenile offenders, with particular attention to sentencing procedures; treatment of juveniles in custody; mental illness and disabilities; departmental arrangements; and bail and remand. Recommendations include: allocation of recurrent funding to establish a separate regime for the management of juvenile female detainees (rec 112); provision of appropriate tertiary mental health services for young offenders (rec 113); that the Human Services Directors General Group should consider the needs of mentally impaired accused juveniles, with particular regard to S 7(c)(i) YOA 1994 (rec 114); implementation of a preferred model for the provision of suitable accommodation solutions for young people exiting custody (rec 115); consideration of the management of juvenile justice being consolidated with the Department of Corrections to form a cohesive juvenile justice function (rec 116); and consideration of expanding the function of the proposed juvenile remand centres in Kalgoorlie and Geraldton (rec 117).

- *Intensive Supervision Program (ISP)*

Noted above as introduced under amendments to the *Young Offenders Act 1994*. The intensive supervision program (ISP) was the first of its kind in Australia. Based on a program operating in the United States, Canada and Europe, ISP teams work with juveniles who have extensive offending histories and complex social circumstances that contribute to their anti-social behaviour. The program aims to help juvenile offenders by helping their families to make best use of their existing strengths, skills and resources. Three teams were established in the Perth metropolitan area. Twelve to 18 offenders are assigned to each team for up to six months.

- *Reviews of Banksia Hill Detention Centre*
 - Review against the Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities conducted by external assessors, Rosemary Cant and Rod Oglivy (not available online).
 - A review of psychological reporting procedures by a private clinical psychologist in February found most practices, including risk assessment and reporting practices, were of a high standard, but areas such as consultation with education staff could be improved. Adjustments to work practices were made following the review.
 - A review of Juvenile Education Services at Banksia Hill Detention Centre was undertaken by a retired District Director of Education. The findings were positive, and included recommendations regarding data collection, planning and links with external education facilities.
- *State government commitment of \$24 million to construct two 12-bed juvenile remand centres in regional WA*

Note that following this announcement the Minister for Corrective Services advised in 2006 that after extensive community consultations the government will look at a wider range of options for young offenders at risk (see below).

- *Community corrections practices and procedures manual reviewed and updated*

- *Roberts, L. 2005, Single versus Repeat Juvenile Detainees, Report prepared for the West Australian Department of Justice, Crime Research Centre, University of Western Australia, Perth* (not available online)

2006

- *Law Reform Commission of Western Australia. (2006) Aboriginal Customary Laws: Discussion Paper: No 94. Law Reform Commission of Western Australia: Perth.*

Recommended that an Aboriginal Court be established in both regional and metropolitan locations, for both adults and children. An Aboriginal Court subsequently commenced at Norseman in February 2006, and was due to commence in Kalgoorlie in November 2006 (with an Aboriginal Family Violence Court in Geraldton). The LRC also focused on ways to increase diversion for Aboriginal youth. It was strongly recommended that youth who have committed minor offences be dealt with by community justice groups, without recourse to the criminal law at all. Where a matter does come to the attention of Police, it was suggested that they refer an offender to a pilot diversionary scheme which utilises community justice groups (Recommendations 50 & 51).

- *Kalgoorlie-Boulder Community Court*

Started operating in 2005/2006 (with early indications being positive as 90 adult and 40 juvenile defendants elected to be dealt with by this court that year). Family and domestic violence courts, based on the Joondalup model, were also rolled out to address family violence in Aboriginal communities, offering defendants access to relevant programs.

- *Community Consultation in Geraldton and Kalgoorlie-Boulder*

Undertaken in mid-2006, to address the management of juveniles in these regions. The consultation led to consideration being given to alternatives to proposed remand centres in these regions. A decision on the alternatives was made to introduce early intervention, diversion, reparation and intensive family support services to these regions.

- *Models of best practice: Aboriginal community patrols in Western Australia / Harry Blagg; University of Western Australia. Crime Research Centre; WA Dept. of the Premier and Cabinet, Office of Crime Prevention.*

Explores best practice issues in relation to Aboriginal Community Patrols in Western Australia. At the time there were 20 Patrols funded at various levels by the Department of Indigenous Affairs. The role played by Patrols in the management of local security, has been recognised in a number of recent high-level inquiries. Argued that to achieve their full potential, Aboriginal patrols need to be part of a holistic and integrated localised response to crime and disorder, rather than as stand-alone organisations fulfilling an essentially para-policing function.

- *National Standards for Juveniles*

Australian and New Zealand members of the Australasian Juvenile Justice Administrators Committee drafted a set of performance measures and community and custodial standards relating to juvenile justice.

- *Evaluation of Intensive supervision program*

A November 2006 interim evaluation of the ISP showed the program reduced the number of days in custody by 32.56%, the number of times a young person was

placed in custody by 30.6%, and the number of convicted offences by 73%. The severity of convicted offences also showed a drop with robbery and fraud each by 100% and traffic and vehicle offences by 46%. These trends relate to young offenders from three metropolitan ISP teams who have been out of the program for six months or more.

- *Office of the Inspector of Custodial Services, Report of an Announced Inspection at Banksia Hill Juvenile Detention Centre, no. 37 September 2006.*

Recommendations include development of a risk assessment tool for Aboriginal detainees; development of a more culturally sensitive recruitment process; evaluation of the referral system to access Aboriginal welfare officers and the Aboriginal visitors scheme; additional resources to ensure trained mental health workers and specialist psychiatric nursing staff are available to support mental health assessment and treatment; regular access to case planning and shorter modules so that people on shorter sentences can access programs; promote throughcare by strengthening community alliances; design specific pre-release course for all detainees. The Department wholly or partially accepted each of the 22 recommendations.

2007

- *Safer Communities Safer Children*

Developed by the Department of Indigenous Affairs in response to a dramatic increase in the number of disclosures and investigations of child abuse in the East Kimberley. Builds on the commitments set out in the *Gordon Action Plan*. Proposes model for agreed whole of government action to address broad community issues arising from the disclosure of child abuse in Indigenous communities in the East Kimberley. Phase 1: Initial response, immediate and short-term response coordinated by WA Police. Phase 2: Recovery, support for the broader community to manage issues arising as a result of the allegations and arrests. This phase involves case management and community-healing strategies. Phase 3: Ongoing community building.

- *The Department of Corrective Services' Handbook*

A guide to services provided by the Department, and an expression of commitment to addressing the needs of Aboriginal people who are directly or indirectly involved in the justice system. Highlights the Aboriginal Visitors Scheme (AVS) which provides support and counselling for Aboriginal detainees and prisoners in prison, juvenile detention centres and police lock-ups. According to the Handbook the AVS aims to reduce the likelihood of death or self-harm; to ensure that the conditions of those in custody improve through consultation, advice and information; and that Aboriginal community groups are informed of conditions of custody. Information is also provided about the Community Supervision Agreements for adult and juveniles offenders from remote communities. Relevant councils and community members are contracted to provide services to young offenders in their own communities such as (i) providing placement options if suitable for supervised bail, (ii) providing mentoring, support and guidance where young people are on community-based orders, (iii) having community members (a) trained to provide community conferencing for minor offending and (b) develop and/or facilitate programs, and (iv) providing and monitoring community work.

- *Introduction of Victorian Offending Needs Indicator for Youth in WA*

A new assessment tool introduced to improve the way the needs of young offenders in Western Australia are managed. Victoria's Juvenile Justice Services' *Victorian*

Offending Needs Indicator for Youth (VONIY) provides an individual profile of all juvenile offenders to indicate the level of intervention required to address their offending needs, appropriate to their risk of re-offending. The DCS system enables officers to complete and store VONIY assessments on young offenders electronically. The assessments can then be accessed by community and custodial staff across the State and track the progress of young people while they are in the juvenile justice system. The system can also provide information on local, regional and State-wide trends on the needs of young people in the juvenile justice system.

– *Introduction of new Juvenile Custodial Services Rules*

The legislative rules provide regulations for the management, control and security of both juvenile custodial facilities.

2008

– *Bail Amendment Act 2008*

Makes the 'exceptional circumstances' test in Sch 1, Part C, cl 3A(1) more stringent by ensuring the public knows the reasons when bail is granted to a serious offender. Adds offence of attempted murder to Sch 2. Removes requirement that a person charged with willful murder or murder be automatically considered for bail; however a child must still be taken before a judge of the Children's Court for consideration of bail, irrespective of whether an application for bail has been made. Incorporated use of audiovisual links. Created a formal appeal process to the Court of Appeal from a bail decision of Court including the Children's Court; however if in Children's Court neither accused or prosecutor can apply to Supreme Court for review, in order to prevent 'bail shopping.' Added additional factors to be considered when considering bail.

– *Expansion of Banksia Hill and Rangeview detention centres*

The capacity of Banksia Hill will increase to 214 to accommodate all juveniles in detention (male and female, sentenced and on remand) and Rangeview will be developed into an 80-bed young adult facility for 18 to 22-year-old male prisoners.

– *Office of the Inspector of Custodial Services, Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre, no. 58, December 2008.*

Found that the primary issue confronting Banksia Hill was the growth in the detainee population over the last three years, and the shift in the proportion of sentenced to remanded detainees whereby remandees now make up some 60 per cent of the total population of juveniles in custody. Banksia Hill was managing a more volatile, unsentenced, shorter stay male population, and Rangeview housing sentenced females without the facilities or adequate services to meet their needs; "a wholly unsatisfactory situation." Concerned that the 24 new beds did not come with appropriate ongoing funding for support services, e.g., education, programs, and case management, and this was not acceptable; found that the proposal also offered no solution to the significant issue of future accommodation planning for the sentenced girls, who clearly needed their own dedicated precinct if not facility.

– *Opening of Regional Youth Justice Centres in Mid West Gascoyne (Geraldton) and in the Goldfields (Kalgoorlie)*

In late August 2008, the Department opened the first of two regional youth justice centres in the Mid West Gascoyne (Geraldton) as a one-stop shop for young people who have offended or were at risk of offending. A second centre opened in the Goldfields (Kalgoorlie) in December. The goal of the centres is to provide services

and programs to help reduce the need for juvenile remand and detention while improving community safety in each region. The services offered include juvenile justice teams to help steer at-risk young people away from the justice system; an after-hours outreach family support service; and an after-hours seven-day-a-week bail service with limited short term bail accommodation. Blagg (below) writes in 2009 that 'anecdotal evidence suggests the scheme is already having an impact; children are not being remanded to Rangeview Detention Centre. A similar initiative in the Goldfields has seen a 40-50% increase in referrals to JJTs because police have renewed confidence in the system.'

– *Department of Corrective Services' Handbook 2008*

Provides information about the Aboriginal Justice Directorate, established to improve delivery of services to Aboriginal offenders and to assist in implementing strategies (including those within the Mahoney Inquiry; Gordon Inquiry and AJA) to address over-representation, as well as Community Supervision Agreements in place for adult and juvenile offenders on remote communities.

– *Auditor General (2008) Performance Examination. The Juvenile Justice System: Dealing with Young People Under the Young Offenders Act 199. Auditor General of Western Australia: Perth.*

Recommendations include: That DCS and WA Police develop strategies for young people who continually breach bail; departmental collaboration to ensure repeat offenders are identified and case managed in relation to mental health, substance abuse and other associated problems; improved data recording on ethnicity and Indigenous status to enable better evaluation; WA Police apply YOA provisions and consider redirection options in line with the YOA - by ensuring that officers direct young people towards court only when all other redirection options have been considered and refer people to JJT where appropriate; DCS improve the JJT program to ensure action plans support rehabilitation and address causes of offending; that DCS and WA Police ensure support for victims and opportunity for involvement in JJTs; that DCS and Department of Child Protection provide statewide alternatives to detention for young people who need supervision and accommodation while on bail; DCS and WA Police explore ways of locating responsible adults including the use of non-sworn staff for this purpose; review practices to ensure no children under the protection of the Director General are refused on 'no responsible adult' grounds; WA police develop protocols for young people's long distance transport arrangements.

– *Auditor General (2008) Supporting paper: A cost benefit analysis of proactive redirection measures in the juvenile justice system.*

Examined the WA Government cost implications of four pre-sentencing juvenile justice system redirection measures: police cautions, referrals to Juvenile Justice Teams by police; referral to Juvenile Justice Teams by the Children's Court; and court conferences.

On a full cost basis, the total cost reduction realised by using redirection as opposed to the pre-YO Act practices is estimated to be \$8.7 million per annum or 10.5 per cent of Juvenile Justice System costs. Gender and Indigenous status Juvenile Justice System cost differences are significant and reflect underlying differences in the profile of Juvenile Justice System contacts between Indigenous and non-Indigenous offenders and regional cost differences. For complete findings see: http://www.audit.wa.gov.au/reports/pdfreports/report2008_04_V2.pdf

– *DCS prevalence study on juvenile detainees with an intellectual disability (referred to in DCS Annual Report 2008/9, not available online)*

- *WA Department of Corrective Services ad Department of Education MOU* Outlined the responsibilities of each agency in the management of young people involved in the justice system. The memorandum supported the case management of young people entering and exiting remand and detention and for those with court orders.

2009

- *Office of the Inspector of Custodial Services. (2009) Remodelling Corrections for Juveniles and Young Men: Issues Paper NO 2. Office of the Inspector of Custodial Services: Perth.*

Focused on issues and opportunities associated with the development of Rangeview Juvenile Remand Centre and its redesign as a facility for young adult males (18-22). Also reflected on the impacts for juveniles at Banksia Hill, and noted that the position of the girls must be at the forefront of the Banksia Hill redevelopment, not an afterthought; the number of remands, especially from remote and regional areas must be reduced through appropriate investment in diversion and alternative accommodation; and the question of minimum security options for juveniles should be re-opened.

- *Price Consulting Group: Macleod F, MacNish B and Gould D. (2009) A Review of Structure and Service Delivery for the Community and Juvenile Justice Division, Department of Corrective Services. Price Consulting Group: Perth.*

Proposal to create a separate Youth Justice entity within the Community and Juvenile Justice Division.

- *Youth Justice in Western Australia Report: Prepared for the Commissioner for Children and Young People WA by Dr Harry Blagg, 17 December 2009*

Sought to uncover ways to improve youth justice outcomes in Western Australia. Argued that due to the focus on adult correctional initiatives there has been a lack of focus on youth offender needs as well as a decreasing commitment to the principle of diversion by Police. A lack of clarity regarding the role of youth justice has led to a decline in the quality of support for children and families at risk, which has, in turn, undermined confidence within police regarding the benefits of diversion from the system. The report identified areas for priority action and also discussed the role of the courts. It cites the success of the Koori Children's court in Victoria and supports a more 'interventionist' or 'solution focused' approach, where the court seeks to ensure agencies fulfill their responsibilities to help young people at risk and their families.

- *Departmental separation of Youth Justice Services*

During 2009/10 the realignment of the former Community and Juvenile Justice (CJJ) division to Community Youth Justice (CYJ) was completed, resulting in the establishment of two distinct service delivery arms – Youth Justice Services (community and custodial) and Adult Community Corrections.

- *Regional Youth Justice Services expanded to East and West Kimberley and the Pilbara*

RYJS (operating in Kalgoorlie and Geraldton regions since 2008) was expanded in 2009/10 as a result of funding provided by the Royalties for Regions program. Since the implementation of the Regional Youth Justice Services, DCS has reported an increase in police cautioning and Juvenile Justice Team referrals along with closer working relationships with local Magistrates.

– *Pilot Youth Justice Initiative*

The Pilot Youth Justice Initiative (PYJI) is a collaborative interagency project to improve the case management of young people identified by the President of the Children's Court of Western Australia and the Chairman of the Supervised Release Review Board (SRRB). The initiative aims to address the systematic barriers to effective intervention for young people who commit serious offences, including repeated offending, and focuses on assessment, planning, case management and service delivery.

– *Introduction of metropolitan Youth Justice Services throughout Perth*

2010

– *Department of Attorney General Review of the Bail Act 1982 (WA)*

The review was prompted by Coronial comments arising from the Inquest into the death of Mr Ward. The Department posed 42 questions in relation to bail, including 'Should the Act contain a dedicated chapter/schedule for children and young people regarding bail?' and 'Should the Act outline that the President of the Children's Court, another Judge or a Magistrate be the only authority to refuse bail for a child, and allow police the power only to grant bail for children, and not refuse it?' The review was finalised in 2011/12 (not located online).

– *RAW approach to mentor WA youth*

An Aboriginal consultancy in Perth trialed a new mentoring service for Indigenous youth in Western Australia's two juvenile detention centres. The service is a 10-week program that begins well before the offenders are released from detention. Mentors work with the youth to provide a support network to guide and direct them into employment, education, training and sport.

– *Western Australian Youth Justice Framework 2010–2015*

This framework has been developed by the DCS in partnership with 12 other government departments. It is intended to address the rate of contact between young people and the justice system through better targeting of services and better cross-agency collaboration. Key aims are to reduce the differential between Aboriginal and non-Aboriginal rates of contact, and to reduce overall contact with the justice system.

– *Select Committee on Regional and Remote Indigenous Communities Report 2010*

Recommendations regarding WA from the Third Report included: greater use of discretion in policing in remote communities (with guidelines and training to support this); that the WA government conduct an analysis of non-custodial sentencing options to reduce unacceptably high incarceration rates in regional and remote Indigenous communities, with particular attention to the social and economic costs and benefits of alternatives and the factors driving high offending rates; an audit of the substance and scale of rehabilitation programs and post-custodial release programs to address the unacceptably high rate of Indigenous recidivism; provision of adequate and long term funding and support for the youth service in Balgo.

- *Community Development and Justice Standing Committee, WA Legislative Assembly, Report: Making our Prisons Work, report no. 6, 2010.*

Stated that the 'gross over-representation of both Aboriginal adults and juveniles in the criminal justice system is the single biggest issue that confronts the criminal justice system of Western Australia.' Highlighted that WA has the highest rate of Aboriginal juveniles in detention and remand in the nation, with '8.11 per 1,000 on an average day. That compares to 6.1 in New South Wales, and 2.86 in the Northern Territory.' Noted particularly high recidivism rates for Aboriginal juveniles and highlighted the cost to the justice system of dealing with young people. Made 24 recommendations for successful implementation of a justice reinvestment strategy.

- *Expansion of the Metropolitan Youth Bail Service (formerly Supervised Bail Unit)*

The Supervised Bail Program was expanded and renamed the Metropolitan Youth Bail Service (MYBS) in May 2011. The MYBS provides advocacy and advice at point of arrest; assumes the role of responsible person if no other alternatives, subject to suitable accommodation being available; identification of short and long-term bail placements; court support; ensures adequate supervision and monitoring while on bail and referral to relevant programs and services.

- *Office of the Inspector of Custodial Services released Code of Inspection Standards for Young People in Detention (February 2010)*

- *Implementation of Youth Diversion Services (YDS) in 2010/11*

The service offers a combination of diversionary activities, informal counselling and mentoring services, education and vocational support, and other positive alternatives for young offenders or those at risk of offending. YDS has a total contract value of \$1.97 million and services are located across the Perth metropolitan area, Kalgoorlie, Geraldton, Carnarvon, Halls Creek, Hedland and Derby. Planned expansion to Kununurra and Roebourne.

2011

- *Pilbara Regional Youth Justice Services (South Hedland office) is opened July 2011*

- *Registration of The Youth Custodial Officers General Agreement (not available online)*

- *Youth Bail Options Program (YBOP)*

A \$2.7 million youth bail program was funded in 2011/12. The YBOP provides assistance for young people who are not immediately able to contact a responsible adult, or be in an environment that is conducive to their wellbeing. The YBOP program is located in the Perth metropolitan area and in Kalgoorlie, Kununurra, Broome, Geraldton and Hedland.

- *DCS assumed responsibility for the transportation of young people from WA Police*

Government transferred funding from WA Police to DCS for the transport of young people in detention in regional Western Australia (effective from November 2011). Police held the responsibility of transporting young people in regional areas since 2000. The decision means police will no longer have to transport young people over

long distances in vehicles not designed for long distance transportation, therefore reducing the risk to detainees. DCS will have control over recruitment, selection, training and supervision of staff to ensure high standards are maintained. Under the new agreement, police will provide the initial transport to an agreed regional hub, with DCS staff providing the remainder of the escort by either road or air. All police stations within a four-hour drive of Perth will be considered hubs. In more remote regions, hubs will be those centres with appropriate holding, transport and airstrip facilities.

- *Assessment of the Children's Court of WA: Part of a National Assessment of Australia's Children's Courts by Clare, M, Clare, J, Spiranovic, C & Clare, B, University of Western Australia.*

Key findings: Aboriginal children, young people, families and communities are over-represented in the protective and the criminal jurisdictions of the CCWA; there is an absence of appropriate services and programs for children and families across both criminal and protective jurisdictions of the CCWA; the lack of integrated approaches to practices within the Department of Child Protection, Youth Justice and the WA Police has an unhelpful impact on case outcomes; the challenges faced by all stakeholder agencies and the current proceduralised practice and decision-making processes are eroding the impact of service outcomes; and agency-specific professional development opportunities and opportunities for inter- agency training and professional development should be developed.

2012

- *Office of the Inspector of Custodial Services, Report of Announced Inspection at Banksia Hill Juvenile Detention Centre, no. 76, January 2012.*

In mid-2012, upon completion of a major expansion, Banksia Hill will become the sole juvenile detention centre in WA. Most of the findings of this report are positive - there was a noticeably marked improvement in the overall climate and atmosphere at the Centre compared with 2008, and it was well-controlled and relatively calm. However, the inspection also identified a number of significant issues- e.g. children in detention are subject to being 'locked down' in their cells or units far more frequently than is the case at adult prisons; use of regression; induction is too limited; young people typically spend up to 14 hours per day in cells which have limited amenity and few belongings; detainees complained about insufficient supervision and protection; significantly less intensive interventions than available to adult prisoners.

- *WA Law Reform Commission Report on Community Protection (Offender Reporting) Act 2004*

Recommended a therapeutic approach for juvenile sex offenders and recognised that juvenile offenders should be treated differently to adult offenders. Recommended providing the Children's Court with the option of a therapeutic treatment order as an alternative to a juvenile offender reporting order in appropriate cases. Other relevant recommendations include that the DPP amend its guidelines to include a specific policy relating to the prosecution of juveniles for child sexual offences; and that the decision to charge a juvenile with a child sexual offence be overseen or made by a senior police officer.

- *Opening of Wandoo Reintegration Facility*

Young adult facility in Murdoch, privately managed by Serco, opened November 2012 as a minimum security prison for young men aged 18 – 24.

2013

- *Justice & Community Safety in Western Australia: A call for efficient investments in effective outcomes, Discussion paper by Western Australian Association for Mental Health, Western Australian Council of Social Service & Western Australian Network of Alcohol and other Drug Agencies.*

Outlines current levels of offending in WA, associated economic costs and the health and social determinants of offending. Recommends a policy shift to justice reinvestment.

- *Building a more effective youth justice system in WA: Report February 2013*

The report is the result of a series of Youth Justice Think Tanks hosted by the Western Australian Council of Social Service (WACOSS), the Youth Legal Service (YLS) and the Youth Affairs Council of Western Australia (YACWA). The report contains 26 recommendations including: incorporation of CROC as the guiding principles for the WA juvenile justice framework; improved understanding of the principle of the 'best interests of the child'; development of protocols to enable sharing of information and improved service provision between the Government and community sector; establishment of a Youth Justice Partnership Forum; that a case manager or broker system be developed to coordinate the various services working with individual young people at risk; increased alternative education opportunities and dedicated funding for youth worker programs in schools; introduction of improved research and auditing of rates of mental illness, drug & alcohol problems and undiagnosed disabilities amongst young people in detention; that programs and services be developed for children under 10 years of age who have indicated a propensity to engage in offending behaviour; increased funding for and access to homelessness services and crisis accommodation for young people; improve access to mental health services (including psychiatrists) to young people in detention; that all relevant services are engaged by a central through-care manager to contribute to a coordinated, individual-centred planning process to be undertaken in consultation with a young person prior to them leaving detention.

- *Riot at Banksia Hill Detention Centre and transfer of juveniles to Hakea Adult Prison (20 January 2013)*

Approximately 100 cells were damaged in the riot. The Inspector of Custodial Services has been directed by the Minister to carry out an inquiry into the incident. The subsequent transfer of juvenile detainees to Hakea prison has raised significant human rights concerns and is subject to legal proceedings in the Supreme Court of WA. The Australian Human Rights Commission has been granted leave to intervene in the proceedings (10 April 2013) and is seeking to stop the government from treating Hakea prison as a juvenile detention facility.

- *Office of the Inspector of Custodial Services: 'The Management of Young Women and Girls at Banksia Hill Detention Centre'*

The report was released following the riot at Banksia Hill in January 2013. The report made a number of recommendations regarding services and systems, including: broadening the range of recreation options; broadening the range of life skilling, employment, training and educational opportunities; provide better integration of services; evaluate 'what works' for girls and provide targeted intervention programs; and provide access to case management to a wider category of girls in custody.

– *WA Commissioner for Children and Young People releases submission to the Inspector of Custodial Services Inquiry into the Banksia Hill Incident*
Approximately 100 cells were damaged in the riot. The Inspector of Custodial Services has been directed by the Minister to carry out an inquiry into the incident.

– *Extension of mandatory sentencing for assaults on youth custodial officers*
Corrective Services Minister Murray Cowper said the decision to extend the scope of mandatory minimum terms to assaults on YCOs was taken following a spike of attacks in 2012 and after consultation with the officers and the Community and Public Sector Union Civil Service Association (CPSU/CSA). These proposed amendments to the Criminal Code were announced closely following the incident at Banksia Hill Detention Centre in January.

2014

– *Mental Health Act 2014*
The legislation provides for the treatment, care, support and protection of people with mental illness, including children.

– *Youth Justice Board established*
The YJB was established under Corrective Services WA. The YJB's functions include a review of the *Young Offenders Act 1994*.

– *Regional Youth Justice Services*
This service was developed to divert young people from the criminal justice system and to support families. The services provides:

- Management of young people on community orders
- Extended-hours family support service for young people at risk of offending
- Extended-hours bail service to help police find responsible adult to provide bail
- Juvenile justice team to help young people in early ages of offending
- Psychological support

– *Innovation fund to target youth crime announced*
It was announced by Corrective Services that a \$2 million fund is to be established to address youth crime. The Youth Justice Innovation Fund will provide seed capital to promising community-based crime prevention and diversion programs targeted towards young Aboriginal people.

– *WA Office of the Inspector of Custodial Services: 'Mentally impaired accused on 'custody orders': not guilty, but incarcerated indefinitely*
Under the *Criminal Law (Mentally Impaired Accused) Act 1996*, a mentally impaired accused is to be detained in an authorized hospital, a declared place, a juvenile detention centre or prison. The report stated there are 63 people who had received a custody order under the Act. Five of these people were juveniles when the custody order was imposed and some of these orders are still in force. However, it was stated that no person under 18 was being held under the Act.

- *WA Office of the Inspector of Custodial Services: 'Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre*

The report raised concerns over the high number of strip-searches of juvenile detainees, inadequate visiting facilities, severely under-resourced education facilities, weak case-management by youth workers, and severely stretched mental health services.

- *WA Commissioner for Children and Young People: 'The state of Western Australia's Children and Young People – Edition Two*

The report details the social and economic health and wellbeing of children in WA. The report contains sections on youth justice, and states the importance of minimising young people's contact with the formal criminal justice system. The report includes data on young people in WA subject to youth diversion, community-based supervision, and detention.

- *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014*

The Bill doubled the mandatory penalty for repeat burglars under the 'three strikes' laws to two years' jail. The amendments also mean that a person does not have to go before a magistrate to get a "strike". Under the new legislation, mandatory sentences are imposed on offenders who physically or sexually assault people in their homes during home burglary offences.

2015

- *Chief Justice Wayne Martin delivers speech on Indigenous Incarceration rates*

The Honourable Wayne Martin discussed the financial and social implications of high rates of incarceration of Aboriginal people in Western Australia, and notes a link between colonisation, systematic discrimination, social marginalisation, and criminal justice contact.

- *Partnerships to support Aboriginal Youth*

In June 2015, funding was announced for organisations to deliver Aboriginal-led programs. The programs involve Aboriginal elders mentoring young people and providing positive, culturally appropriate programs focused on the individual needs of young people. The organisations to be funded include the Aboriginal Legal Service; the Kimberley Aboriginal Law and Culture Centre and the Wirrpanda Foundation.

- *Funding for Youth Programs*

In June 2015, it was announced that more than \$1.5 million dollars have been provided for community-based programs to reduce offending by Aboriginal youth.

- *Yiriman Youth Diversion Program*

The Youth Justice Board provided \$440,000 to the Kimberley Aboriginal Law and Cultural Centre to operate the program in the Fitzroy Valley. The Yiriman Youth Diversion Program involves two types of interventions targeted at reducing offending behaviour:

- A five-day camel trek accompanied by elders and mentors with support from Kimberley Community Alcohol and Drug Services staff; and
- A six-week 'caring for Country' work readiness programme for youth with little or no work experience.

- *Bennett Brook Disability Justice Centre Opens*

The centre is the first "declared place" in Western Australia which can accommodate people deemed unfit to plead due to their intellectual or cognitive disability. The

facility holds a maximum of 10 people and eligibility is limited to adults who are deemed as safe to live in a community setting.