

Western Australian Aboriginal Advisory Council

PO Box 7770, Cloisters Square, Perth, Western Australia, 6850
Telephone (08) 65518000 waac@dia.wa.gov.au

CONTACT: Diana Ting 6551 8000
OUR REF: 13/0180

Professor Neil Morgan
Inspector of Custodial Services
Albert Facey House
L5, 469 William Street
PERTH WA 6000

Dear Professor Morgan

BANKSIA HILL INQUIRY

Thank you for the opportunity to provide input into the Banksia Hill Inquiry.

The Western Australian Aboriginal Advisory Council (WAAAC) concerns relate to the over-representation of Aboriginal youth in juvenile detention. Another concern is the lack of a coordinated approach by the Department of Corrective Services and more broadly by the Western Australian Government to invest in a strategy that engages with Aboriginal people to create opportunities that provide effective support to divert young offenders and potential offenders from the criminal justice system, as well as appropriate rehabilitation and the reduction of recidivism.

It is suggested that the circumstances of the incident at Banksia Hill Youth Detention Centre on 20 January 2013 are a symptom of systemic failings of the criminal justice system towards Aboriginal young people. Further to this, the current solution to use Hakea Prison as alternative accommodation for the Banksia Hill detainees is pitiable and is not supported by the WAAAC. In fact, it is a disgraceful situation which highlights the welfare and needs of detained youth is a secondary consideration to that of a quick fix solution.

It is well documented that diversionary programs and cultural activities provide a low-cost, effective mechanism for addressing youth offending, especially when compared to the cost of detention. This is far more effective when the diversionary programs and cultural activities are developed, designed and implemented by Aboriginal people. WAAAC advocates the provision of greater resource investment from the Department of Corrective Services in a coordinated strategic approach working with the Aboriginal community in partnership for the delivery of appropriately designed diversionary programs and cultural activities that address Aboriginal juvenile incarceration rates.

Figures published in WA Budget papers for 2012/13 indicate that it costs \$567 a day to keep a juvenile in detention, and \$81 a day to manage a juvenile through community supervision. From a strictly financial perspective, this should provide more impetus towards supporting diversion. The social benefits of a diversionary approach would provide additional justification. The Department's financial investment clearly needs to shift its focus and approach from incarceration to diversion and in doing so engage Aboriginal people in how best to develop programs that bring greater and more effective return on their investment.



More broadly, WAAAC is aware that advocates for Government action to reduce detention rates of Aboriginal juveniles commonly agree there is a need to address the underlying factors that contribute to high levels of offending. The Aboriginal community are well aware that the inter-generational traumatisation cause by past government policies are complex and many. The incarceration rates are a symptom of underlying complexity that link direct to the current capacity of many families aiming to improve positive outcomes for young people at risk. Why are these families at risk in the first instance? The inability to recognise and accept the reasons why by those who have the resources to create change often undermine a shift towards shared ownership of critical social issues including youth offending.

In relation to youth justice issues therefore, WAAAC suggests that the most effective way to divert youth from the criminal justice system is through culturally based programs and activities that are designed, developed and implemented by Aboriginal people. These programs must have a strong focus on building the capacity of families, elders and other community members that engages and connects children, young people and families to culture.

Therefore, on the theme of community engagement, WAAAC has two recommendations:

1. That there be a strategic review of the effectiveness of existing diversionary services, given the number of Aboriginal young people who continue to enter the justice system, and consideration be given to the most appropriate role for State Government in enabling the development of culturally based responses designed and delivered by Aboriginal people, families and organisations.
2. That safe houses or safe places be established around the state where children who do not have stable, safe home lives can live with responsible adults, interact with positive role models, attend school and look to further training and sustainable careers rather than coming under the focus of the criminal justice system.

Thank you for your consideration of this submission. I look forward to the results of your Inquiry and wish to advise that WAAAC would be prepared to participate in any efforts by State Government to address systemic factors contributing to the over-representation of Aboriginal youth in the criminal justice system.

Yours sincerely



Michael Hayden
Chairperson

WESTERN AUSTRALIAN ABORIGINAL ADVISORY COUNCIL

2 April 2013