

## **YACWA STATEMENT**

***No justice in youth justice – rights of young people must be upheld***  
**18 November 2022**



The current media spotlight on the conditions and treatment of some of the children and young people at Banksia Hill Detention Centre and Casuarina Adult Maximum Security Prison has highlighted just how truly broken and dysfunctional our youth justice system has become. Monday's Four Corners report in particular has showcased damning evidence on the state of youth detention in WA.

Our youth justice system must change. This moment provides an opportunity for our community to commit to a better way forward.

In its current state, youth detention fails to support and rehabilitate the children in its care. Instead, we see evidence of cruel and unreasonable punishment without pathways to address the underlying harm, causing further trauma.

Young people in detention face some of the greatest disadvantage in the country. The majority of them come from the child protection system. Many – if not all – have experienced repeated trauma, instability and neglect throughout their lives. They need help, not harm.

However, it appears their experiences within juvenile detention only serve to deepen their trauma and further ostracise them from the community. Keeping vulnerable children in their cells for up to 23 hours a day is not only cruel, but also illegal. In August 2022, the Supreme Court of Western Australia has declared the lockdowns at Banksia Hill to be unlawful.

Without access to the right programs and supports young people will continue to be re-incarcerated at astounding rates, with 77% of the young people incarcerated return to the justice system within 12 months.

Young people engaged with justice system should be guaranteed the inalienable right to humane, safe, and secure living conditions, comprehensive education and skills building opportunities as well as continued connections to family, community and culture, no matter what.

We need to end the practice of reactively placing further restrictions, isolation and punishments on young people and instead provide the supports and facilities required to guarantee the safety and wellbeing of young people, facilitate successful rehabilitation and balance community safety.

YACWA welcomes the announcement of a summit into youth detention, however it is not enough. We have an opportunity now for courageous leadership from our government. We call on Premier McGowan to step in and commit to designing a youth justice system that cares for children and lives up to its name.

We need an immediate timeline to end the incarceration of young people in adult maximum-security prison, and urgently end the solitary confinement and dangerous restraint of children.

We must raise the minimum age of criminal responsibility to at least 14 years old, and stop charging, prosecuting, and locking up children who are not old enough to drive, get a job, or vote.

And we must overhaul our youth justice system root and branch to end the pipeline that sends vulnerable children to prison, beginning with an independent inquiry of experts and Aboriginal leaders.

YACWA stands with the voices of experts who have spoken up in the last fortnight, and thanks them for their courage and steadfast commitment to the rights and wellbeing of young people. Western Australia has another way forward, and comprehensive solutions have been provided.

For more information, we encourage members to look to Social Reinvestment WA's Youth Justice Blueprint available at [www.socialreinvestmentwa.org.au](http://www.socialreinvestmentwa.org.au).

## **ENDS**

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### **About the Youth Affairs Council of Western Australia**

The Youth Affairs Council of Western Australia (YACWA) is the peak body for young people aged 12 to 25 and the youth sector in Western Australia. YACWA operates primarily as a human rights organisation, and seeks to address the exclusion of young people in a rapidly changing society.

YACWA represents approximately 100 member organisations delivering critical services to young people and the community, and fights for the rights of the 600,000 young people living in Western Australia.