

Strategic Policy Development  
Department of Corrective Services  
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To whom it may concern,

**YACWA submission to the review of The Young Offenders Act 1994**

I am grateful for the opportunity to contribute to the review of The Young Offenders Act through my role as CEO, on behalf of the Youth Affairs Council of Western Australia and our respective members.

The Young Offenders Act is a significant piece of legislation in Western Australia, that has a significant effect on a number of young people. It is YACWA's responsibility to advocate on behalf of these young people, with a human rights focus in mind.

In this regard, YACWA has aimed to respond to the review and the proposals contained within it. In doing so, we acknowledge the significant work by the department in preparing the information contained within the Green Paper. However, YACWA holds concern for the potential impact of some proposals.

This submission outlines our concerns, as well as our strong support for proposals in which we believe will achieve positive outcomes for young people.

Should you have any questions or concerns regarding this submission, please don't hesitate to contact the YACWA offices for further discussion.

Yours sincerely,

Ross Wortham  
CEO  
Youth Affairs Council of WA

April 17

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## **1: About YACWA**

The Youth Affairs Council of Western Australia (YACWA) is the peak non-government youth organisation in Western Australia with a membership comprised of youth service organisations, community organisations, academics, individuals and most importantly young people themselves. Established in 1980, YACWA has worked tirelessly for over 35 years to deliver high-level representation and advocacy for the Western Australian youth sector and young people to address the exclusion of young people in a rapidly changing society.

YACWA's vision is to develop a Western Australian community where all young people are empowered and have their human rights maintained; a community that values young people's skills, knowledge and engagement in decision-making.

Therefore, YACWA considers it our responsibility to:

- act as a lobbying group for the non-government youth sector and Western Australian young people aged 12-25
- provide information and support to the non-government youth sector
- work to promote fair and positive outcomes for young people in our community
- promote equity, equality, access and participation for young people in Western Australia
- advocate to all levels of government on the best interests of Western Australia's young people
- encourage the active participation of young people in identifying and dealing with issues that are important to them
- improve youth services by exchanging ideas, information, skills and resources
- provide a strong, united and informed voice capable of effectively advocating for the non-government youth sector and the young people with whom they work

## **2: Introduction to this Submission**

YACWA is pleased to present this submission into the Review of the Young Offenders Act (*the Act*). In doing so, YACWA would like to acknowledge the work done by the Department of Corrective Services (*the Department*) in compiling the Green Paper, which poses a series of important questions, and proposals, for consideration and feedback.

In writing this submission, YACWA has aimed to focus on the proposals put forward by the Department, and their relationships with the broader questions regarding the Act. In forming a response, YACWA has taken the primary position of analysing proposals and their intended implementation against the State Government's Human Rights obligations.

In this regard, YACWA is of the opinion that the diversionary proposals of the review are good, and should be implemented. There are other elements from the Green paper that YACWA also strongly endorses. These are explored below.

YACWA has not commented on Aboriginal components and instead wishes to support the findings of the Aboriginal Health Council's submission as well as the Aboriginal Legal Services submission both of which reflect the views of YACWA and our Members.

Further, YACWA holds concern for some of the pre-release, detention facility, interaction with other legislative provisions, and other sections contained within the Green Paper and the proposals that are put forward by the Department.

The reasons for concern are outlined below, and consider the relationship of the proposals from a Human Rights perspective.

### **3: Background**

YACWA has a strong understanding of some of the issues facing young people involved in the justice system in Western Australia. This is underpinned by a long history of working alongside the justice system with members, young people, and Government.

YACWA currently represents its members on the Youth Justice Reference Group, in advocacy issues, and through formal submissions such as this one.

YACWA has also provided advice to the Department, and the Government in the past, around procurement processes, strategic initiatives, and through parliamentary inquiries such as those investigating the 2013 riots at Banksia Hill.

In 2012, YACWA held a Think Tank, which brought together people from across the community who worked in justice, or had experience with the justice system, and led discussions about the changes that were needed to best support young people. This resulted in a report being generated and provided to Government containing 26 Recommendations<sup>1</sup>.

YACWA has continued to track recent reform and is a strong supporter of Social Reinvestment WA<sup>2</sup> and the Youth Partnership Project<sup>3</sup>.

Both of these projects, and a lot of our advice and advocacy has focussed around early intervention and prevention services in the justice system. We know, as is stated by the department in the Green Paper, that<sup>4</sup>:

“Exposing young people to the criminal justice system at an early age can increase their chances of reoffending, and young people who have spent time in detention are more likely to be imprisoned later in life.”

As a result, YACWA staunchly holds the view that early intervention and prevention approaches should be prioritised, funded, and where possible supported by legislation to decrease the amount of young people exposed to the justice system.

The current picture of the justice system is not always a pretty one, despite the hard work that countless people do to improve the outcomes for young people.

Currently, the number of Aboriginal young people in prison, the high rates of recidivism, the intersection between Child Protection services and justice services, the number of young people detained while on remand, the lack of education, health and mental health support within Banksia Hill Detention Centre, are all problems that need to be addressed.

In most cases, they can be avoided with adequate funding and support for early intervention and prevention programs. Whilst YACWA understands the importance of this, we also understand that this legislative review has little impact on the early prevention and intervention area, as it deals predominantly with the system and structures within the justice system.

In this regard, YACWA has responded to the review with the primary focus of preventing young people from being detained in detention facilities, and protecting their human rights within the justice system.

#### **4: Addressing Human Rights**

Western Australia is a party to the seven key international human rights treaties of which Australia has signed on behalf of the entire country and ratified. These include<sup>5</sup>:

- The International Covenant on Civil and Political Rights (ICCPR),
- The International Covenant on Economic, Social and Cultural Rights (ICESCR),
- The Convention on the Rights of the Child (CRC),
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD),
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of Persons with Disabilities (CRPD)

The Australian Government, as a party to the above treaties, has explicitly agreed to ensure that new laws being enacted or existing laws be applied in a manner that gives proper expression to its treaty obligations.

Our treaty obligations are voluntary, and our government has an obligation of good faith to comply with the treaties provisions, and to take the necessary steps to give effect to those treaties under domestic law.<sup>6</sup> The same is applied to State Governments developing new laws, or changing current laws, to be enacted within Australia.

YACWA has chosen to assess the proposals contained within the review in relation to the Conventions on the Rights of the Child, as it relates entirely to people under the age of 18 as does the Act.

Given the extensive work that has already been conducted by the Department, in particular the comparative analysis with other legislation, YACWA has chosen to assess elements using a strong human rights lens.

The following articles of the Conventions on the Rights of the Child have been identified by YACWA as potentially relating to components of the bill<sup>7</sup>:

- **Article 6:** Children have the right to live a full life. Governments should ensure that children survive and develop healthily.
- **Article 12:** Children have the right to say what they think should happen when adults

- are making decisions that affect them and to have their opinions taken into account.
- **Article 19:** Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.
  - **Article 25:** Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.
  - **Article 36:** Children should be protected from any activities that could harm their development.
  - **Article 37:** Children who break the law should not be treated cruelly. They should not be put in a prison with adults and should be able to keep in contact with their family.
  - **Article 40:** Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

YACWA holds concern about some proposed changes compliance with human rights issues relating to children and the option to withdraw from treatment.

Further, YACWA notes that two recommendations from the Youth Justice Think Tank conducted in 2012 by YACWA have not been conducted. Those recommendations include<sup>8</sup>:

- 1 - That the Convention on the Rights of the Child be incorporated as the guiding principles underpinning Western Australia's juvenile justice legal and policy framework.
- 3 - That regular reviews be undertaken of the practices of State Government and community sector agencies who work with children to ensure any practices or actions found not to be in keeping with Australia's obligations under the Convention on the Rights of the Child are addressed in a timely manner.

YACWA also adds, that if WA had a Human Rights Act in place to provide a legislative base for the interpretation of such changes, or the development of state laws, in a similar manner to that of Victoria<sup>9</sup>, it would greatly assist in developing changes to not only this legislation, but others.

A significant amount of work has already begun on this. A subsequent report on findings conducted by a delegated committee was released in November 2007, which records the process of consultation with Western Australians undertaken by the Committee for a Proposed WA Human Rights Act to ascertain if there is support for a WA Human Rights Act and, more broadly, what the Government and the community can do to encourage a human rights culture within this State.<sup>10</sup>

As a result, recommendations 2 and 3 of the report stated:

2. A WA Human Rights Act should take the form of an ordinary Act of the Parliament.
3. That Act should be called a "Human Rights Act".

YACWA is of the opinion that recommendations from this report, as well as the think tank conducted in 2012 should be implemented, and the development of a Human Rights Act should be progressed.

## **5: Supportive Of Proposals:**

YACWA would like to indicate our support for the following proposals:

### **a) Diversionary proposals (Appendix 2, proposals 1-6)**

As stated above, there is a plethora of evidence that states that young people who end up in detention facilities, suffer as a result of their time spent there. YACWA therefore will always support initiatives that help keep young people out of detention through a rehabilitative approach, whilst still meeting community expectations. YACWA therefore supports the proposals put forward in the Green Paper relating to diversionary elements, and notes the Department's commentary which states:<sup>11</sup>

In recent years there has been a decline in the diversion of young offenders. Rates of referral to Juvenile Justice Teams and cautions issued have decreased. There has also been an increase in the number of young people being arrested, charged and/or remanded in detention.

It would appear that further legislative instruments need to be added, in order to ensure that the intentions of the Act are being completed.

YACWA believes that the diversionary proposals contained within the Green Paper put forward by the department for this review are a good step to achieving change that benefits young people. In this regard the following proposals have been considered and are supported by YACWA:

1. Strengthening the general principle relating to diversion.
2. Adding a requirement for police to lodge a document outlining why diversion was not pursued wherever court proceedings are commenced.
3. Introducing conditional cautioning by a police prosecutor.
4. Providing legislation outlining court conferencing, its impacts on sentencing, and a principle reinforcing the preference for court conferencing over upfront sentencing for first time scheduled offenders.
5. Inserting a provision which states that where criminal proceedings are commenced against a young person and the young person has not been released from custody, the young person shall be brought before the Children's Court as soon as practicable.
6. Mandating that a child aged less than 14 years may not be placed in a detention centre prior to their sentencing for an alleged offence.

### **b) Authority to alter early release (Appendix 2, proposal 19)**

YACWA is supportive of proposal 19, which removes authority of the superintendent and visiting justices to alter the early release date of young offenders. As the Department identifies in the Green Paper<sup>12</sup>:

The power to alter the earliest release date of a prisoner no longer exists under the *Prisons Act 1981*. It is inappropriate that young detainees should be treated more

severely than adult prisoners. Professional standards questions may arise as to the ability of Superintendents and Visiting Justices to effectively extend the length of a court ordered sentence.

Given early release dates are typically decided by the court, any alteration of the sentence, in YACWA's view, should be re-considered by the court or a similar appropriate authority. The Young person's view, should be taken into account with any decision made, as is required by our obligations under section 12(1) of the Conventions on the Rights of the Child to do so.

### **c) *Legislating a standard of proof (Appendix 2, proposal 20)***

YACWA is supportive of developing a legislated standard of proof, as outlined in proposal 20, in line with the *Prisons Act 1981 (WA)*. This will assist in ensuring that a standard approach to offenses committed within the detention centre are appropriately dealt with, so that all parties are aware of the requirements and ramifications.

As explained in the Green Paper<sup>13</sup>:

The *Prisons Act 1981* distinguishes between minor prison offences and aggravated prison offences. Minor offences are attached to administrative hearings and therefore only require proof on the balance of probabilities (civil standard). Aggravated offences (including assaults) are heard in a court of summary jurisdiction and as such require proof beyond reasonable doubt (criminal standard).

Given that precedent has already been established for this under the *Prisons Act 1981*, YACWA supports this measure.

### **d) *Independent statutory board (Appendix 2, proposal 16)***

YACWA supports proposal 16 to establish a board to have oversight over Banksia Hill and provide strategic advice.

However, YACWA insists that if this proposal advances, the composition and function is provided for under the legislation. In this regard, YACWA believes strongly that the board's composition should include a young person with exposure to the justice system (directly or indirectly), in line with article 12(1) of the Conventions on the rights of the child which states<sup>14</sup>:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Further, YACWA believes the functions of the board, and their remit, should be legislated also. This could be based upon the school council model, as is provided for in the *Education Act 1999* with substantial statutory provision.



### ***e) Extension of day release time available (Appendix 2, proposal 10)***

The proposal to extend the ability for a young person to leave detention to a period of up to five days is supported by YACWA. As identified by the Department:

Current day release provisions may be disproportionately disadvantageous to children and young people from regional or remote areas, which may not be easily accessible by airplane. Given that the WA's only detention centre is located in the metropolitan area, many rural/regional young people may not get the opportunity to see their families, attend ceremonies or benefit from community reintegration due to the 72-hour time limit.

YACWA supports this analysis, and urges the Government to implement this proposal. It is further necessary to allow young people living in the regions to visit family according to Article 37(c) of the Conventions of the rights of the Child, which states that<sup>15</sup>:

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner, which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances

### ***f) Graduated Release Orders (Appendix 2, proposal 12)***

YACWA is supportive of the exploration of graduated release orders that support young people in circumstances where an SRO is not appropriate, or ahead of an SRO being granted.

Graduated release Orders would support objective s.6(e) of the Act which states<sup>16</sup>:

(e) to integrate young persons who have committed offences into the community;

They would also support the Conventions on the Rights of the Child, and article 37(b) and 37(c)<sup>17</sup>:

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

YACWA would like to see a legislative base incorporated into the act that supports graduated release orders, assessed and provided on an as needs basis.

## **6: Unsupportive of proposals**

YACWA would like to place on record that we do not support the following proposals.

### **a) Prevention from leaving detention (Appendix 2, proposal 15)**

YACWA does not support proposal 15 and keeping young people detained past their release date.

While YACWA understands the issues that some young people face when exiting the Justice System and understands that the risk of this happening currently which, as the Green Paper identifies, is the reason for this proposal being put forward, YACWA cannot support the detention of young people past their sentencing date.

The detaining of young people past their release date is contradictory to the intention to keep young people out of detention, as well as our human rights obligations.

Of further concern, is the administration of this legislative instrument. In YACWA's view, to provide for the authority of somebody outside of a judicial role to authorise such action, is inappropriate, and should not occur, particularly if the child is not consulted in the decision that is made.

Such changes could have negative effects on the young person, and is in direct contrast to article 37(b) of the convention of the rights of the child, which states<sup>18</sup>:

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

It is for this reason that YACWA has advocated strongly in the past, alongside other community services, for an expansion of exit services for young people leaving detention alongside a well resourced through care program.<sup>19 20</sup>

The state as a whole has a responsibility to look after those in its custody, and should look to alternative methods that do not contradict the aims of its own legislation, our international obligations to adhere to human rights, and the best interests of the child.

### **b) Age relation to prisons (transfers to adult prison) (Appendix 2, proposal 17, Appendix 3, proposal 6)**

Two proposals were contained in the Green paper (17 and, 6 from appendix 3) which address the ability for courts to sentence young people to be transferred immediately, and the ability to transfer young people to an adult facility in "emergency situations".

YACWA does not support these changes to the legislation as YACWA views the transferral of young people to other prisons as problematic because:

- Young People require a different approach to adults
- Confinement due to requirement to separate from adults
- Training of staff
- Exposure to further assault
- Increased Mental health risk
- Facilities ill-equipped and lack of access to youth specific services
- Incarceration in an adult prison becomes a status symbol for young people when they exit

In this regard, it should be an option of absolute last resort, which is currently provided for under the legislation. YACWA does not want to see the expansion of these legislative instruments to net-widen the negative effects that sending children to adult prisons can have.

Further, YACWA believes that young people between the ages of 18 and 25 are better placed in most circumstances in juvenile facilities, and should only be placed in adult facilities if they pose a risk to children under the age of 18 in the centre. They should be given the opportunity to demonstrate their ability to not pose a risk first, before being sent to adult prison facilities.

Any changes to the legislation should take into account the above concerns mentioned, and also clearly articulate how the changes comply with article 37(c) of the Convention on the Rights of the Child<sup>21</sup>:

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

Having stated that, YACWA does not want to see these proposals progress, and recommends that the legislation in these respective areas remain the same.

***c) Legislating contracts for custodial services (Appendix 2, proposal 18)***

YACWA does not support proposal 18 and the privatisation of Banksia Hill Detention Centre, or providing the legislative means to do so. YACWA holds significant concern for the impact this would have on the young people and the services they receive at Banksia Hill. YACWA believes the requirement to change this legislative provision is unfounded given that the Green paper states that<sup>22</sup>:

While there may not be an immediate plan to contract any aspect of the operations of BHDC, the fact that there is no scope under the YOA to do so may be problematic in the future.

#### ***d) Mandatory sentencing framework (Appendix 2, proposal 21)***

YACWA unequivocally doesn't support mandatory sentencing for children under the age of 18.

Mandatory sentencing is in contradiction of our Human Rights commitments through the *Convention on the Rights of the Child*, in particular articles 3 (1), 37(b), 40(2)(b)(v) and Article 40(4)<sup>23</sup>. These obligations seek to ensure we have the best interests of the child as a primary consideration in sentencing children, and that detention must be only used as a last resort.

Currently, WA has mandatory sentencing in place of which YACWA holds significant concerns and would like to see repealed. Some of YACWA's concerns include:

- The lack of ability to independently assess the needs of the child
- It undermines the foundations of justice
- It leads to higher imprisonment rates
- It is a costly exercise
- It doesn't comply with Human Rights commitments
- It will have an impact on mandatory sentencing on criminal records
- The impact of mandatory sentencing on population groups (CaLD, Disabled, Regional, Aboriginal young people)

These concerns were also raised in a substantial policy discussion paper released by the Australian Law Council, which explored the themes of mandatory sentencing and raised concerns with it in regards to: undermining the rule of law, creating an inconsistency with Australia's international obligations, creating economic costs, and adding a disproportionate social cost.<sup>24</sup>

YACWA supports developing safer communities, but it is critical that we seek to foster safe communities through engaging our young people at risk of offending. Therefore, expanding the mandatory sentencing to those younger than 16 is very concerning and is not supported by YACWA.

#### **7: Conclusion**

YACWA contends that the Green Paper raises some very important questions in regard to young people and the Justice system that require addressing. YACWA congratulates the Department for starting the process of simulating change through the legislation that will better support young people, and the community.

However, YACWA has some concern for some of the proposals contained within the Green Paper, and their relationship to human rights. In this regard, YACWA is of the opinion that some should not proceed, some should proceed with changes, and others should be implemented very quickly as identified above.

YACWA is also of the opinion that a Human Rights Act underpinning all legislation in a Western Australian context would further strengthen existing legislation, as well as future legislation that is developed, to protect the rights and best interests of children, young people, and the wider community.

## **8: Recommendations**

YACWA has provided the following recommendations to ensure legislative change that supports the system and young people within it efficiently with the emphasis on keeping young people out of detention:

1. Implement recommendation 1 and 3 from the 2012 Justice Think Tank session report conducted and produced by YACWA.
2. Create a Western Australian Human Rights Act to ensure consistent human rights are incorporated in current and future legislation in a Western Australian context.
3. Proceed with the following proposals outlined in the Green Paper and discussed above:
  - a. Diversionary proposals
  - b. Altering of early release
  - c. Inclusion of Detention offences within legislation
  - d. Independent statutory board
  - e. Extension of Day Release
  - f. Supporting Graduated Release
4. Do not proceed with the following proposals as discussed above:
  - a. Prevention from leaving detention (15)
  - b. Age relation to prisons (transfers to adult prison) (17) (3.6)
  - c. Legislating contracts for custodial services (18)
  - d. Mandatory sentencing framework (21)

Thank you for the opportunity to comment on the impact of this review on behalf of our members. If you wish to discuss any elements of this submission, please do not hesitate to contact the YACWA offices.

## 9: References

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- <sup>1</sup> YACWA, WACOSS, YLS. 2012. The report and recommendations of the 2012 Youth Justice think tank. [ONLINE] Available at: [http://www.wacoss.org.au/Libraries/State\\_Election\\_2013\\_Documents/Youth\\_Justice\\_Think\\_Tank\\_Report.sflb.ashx](http://www.wacoss.org.au/Libraries/State_Election_2013_Documents/Youth_Justice_Think_Tank_Report.sflb.ashx).
- <sup>2</sup> <http://socialreinvestmentwa.org.au/>
- <sup>3</sup> <http://youthpartnershipproject.org.au/>
- <sup>4</sup> Department of Corrective Services. 2016. Young People in the Justice System: A Review of the Young Offenders Act 1994. [ONLINE] Available at: [http://www.correctiveservices.wa.gov.au/\\_files/youth-justice/young-people-justice-system-review-yoa.pdf](http://www.correctiveservices.wa.gov.au/_files/youth-justice/young-people-justice-system-review-yoa.pdf).
- <sup>5</sup> Law Council of Australia. Australia's International Human Rights Obligations. Available from: <http://www.lawcouncil.asn.au/lawcouncil/lca-divisions?id=113>.
- <sup>6</sup> United Nations. Vienna Convention on the Law of Treaties. 1969.
- <sup>7</sup> UNICEF. 1989. A simplified version of the United Nations Convention on the Rights of the Child.. [ONLINE] Available at: <https://www.unicef.org.au/Upload/UNICEF/Media/Our%20work/childfriendlycr.pdf>.
- <sup>8</sup> YACWA, WACOSS, YLS. 2012. The report and recommendations of the 2012 Youth Justice think tank. [ONLINE] Available at: [http://www.wacoss.org.au/Libraries/State\\_Election\\_2013\\_Documents/Youth\\_Justice\\_Think\\_Tank\\_Report.sflb.ashx](http://www.wacoss.org.au/Libraries/State_Election_2013_Documents/Youth_Justice_Think_Tank_Report.sflb.ashx).
- <sup>9</sup> Victorian Government. 2006. Charter of Human Rights and Responsibilities Act 2006. [ONLINE] Available at: [http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/LTObject\\_Store/LTObjSt8.nsf/DDE300B846EED9C7CA257616000A3571/87318807B8E7A33ACA257D0700052646/\\$FILE/06-43aa013%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt8.nsf/DDE300B846EED9C7CA257616000A3571/87318807B8E7A33ACA257D0700052646/$FILE/06-43aa013%20authorised.pdf).
- <sup>10</sup> Lisa Baker, Colleen Hayward, Fred Chaney, Peter Carnley. 2007. A WA Human Rights Act: Report of the Consultation Committee for a proposed WA Human Rights Act. [ONLINE] Available at: [http://apo.org.au/files/Resource/human\\_rights\\_final\\_report.pdf](http://apo.org.au/files/Resource/human_rights_final_report.pdf).
- <sup>11</sup> Department of Corrective Services. 2016. Young People in the Justice System: A Review of the Young Offenders Act 1994. [ONLINE] Available at: [http://www.correctiveservices.wa.gov.au/\\_files/youth-justice/young-people-justice-system-review-yoa.pdf](http://www.correctiveservices.wa.gov.au/_files/youth-justice/young-people-justice-system-review-yoa.pdf).
- <sup>12</sup> Department of Corrective Services. 2016. Young People in the Justice System: A Review of the Young Offenders Act 1994. [ONLINE] Available at: [http://www.correctiveservices.wa.gov.au/\\_files/youth-justice/young-people-justice-system-review-yoa.pdf](http://www.correctiveservices.wa.gov.au/_files/youth-justice/young-people-justice-system-review-yoa.pdf).
- <sup>13</sup> Department of Corrective Services. 2016. Young People in the Justice System: A Review of the Young Offenders Act 1994. [ONLINE] Available at: [http://www.correctiveservices.wa.gov.au/\\_files/youth-justice/young-people-justice-system-review-yoa.pdf](http://www.correctiveservices.wa.gov.au/_files/youth-justice/young-people-justice-system-review-yoa.pdf).
- <sup>14</sup> United Nations. 1989. *Convention on the Rights of the Child*. [ONLINE] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- <sup>15</sup> United Nations. 1989. *Convention on the Rights of the Child*. [ONLINE] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- <sup>16</sup> WA Government. 1994. *Young Offenders Act 1994*. [ONLINE] Available at: [https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:29617P/\\$FILE/Young%20Offenders%20Act%201994%20-%20\[06-j0-00\].pdf?OpenElement](https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:29617P/$FILE/Young%20Offenders%20Act%201994%20-%20[06-j0-00].pdf?OpenElement).
- <sup>17</sup> United Nations. 1989. *Convention on the Rights of the Child*. [ONLINE] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- <sup>18</sup> United Nations. 1989. *Convention on the Rights of the Child*. [ONLINE] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- <sup>19</sup> YACWA. 2016. Forging a Fair Path Forward: YACWA Pre-Budget Submission. [ONLINE] Available at: <https://www.yacwa.org.au/wp-content/uploads/2016/11/YACWA-PBA-ONLINE.pdf>.
- <sup>20</sup> WACOSS. 2016. The Future In Our Hands: WACOSS Pre-Budget Submission. [ONLINE] Available at: [http://www.wacoss.org.au/Libraries/Publications\\_Reports/WACOSS\\_Pre-Budget\\_Submission\\_2017-18\\_The\\_Future\\_in\\_Our\\_Hands.sflb.ashx?utm\\_source=MailingList&utm\\_medium=email&utm\\_campaign=Members+Update+05112016http://www.wacoss.org.au/Libraries/Publications\\_Reports/WACOSS\\_Pre-Budget\\_Submission\\_2017-18\\_The\\_Future\\_in\\_Our\\_Hands.sflb.ashx](http://www.wacoss.org.au/Libraries/Publications_Reports/WACOSS_Pre-Budget_Submission_2017-18_The_Future_in_Our_Hands.sflb.ashx?utm_source=MailingList&utm_medium=email&utm_campaign=Members+Update+05112016http://www.wacoss.org.au/Libraries/Publications_Reports/WACOSS_Pre-Budget_Submission_2017-18_The_Future_in_Our_Hands.sflb.ashx).
- <sup>21</sup> United Nations. 1989. *Convention on the Rights of the Child*. [ONLINE] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
- <sup>22</sup> Department of Corrective Services. 2016. Young People in the Justice System: A Review of the Young Offenders Act 1994. [ONLINE] Available at: [http://www.correctiveservices.wa.gov.au/\\_files/youth-justice/young-people-justice-system-review-yoa.pdf](http://www.correctiveservices.wa.gov.au/_files/youth-justice/young-people-justice-system-review-yoa.pdf).

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people-justice-system-review-yoa.pdf.

<sup>23</sup> United Nations. 1989. *Convention on the Rights of the Child*. [ONLINE] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

<sup>24</sup> Law Council of Australia. 2014. *Policy Discussion Paper on Mandatory Sentencing*. [ONLINE] Available at: [https://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/discussion%20papers/MS\\_Discussion\\_Paper\\_Final\\_web.pdf](https://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/discussion%20papers/MS_Discussion_Paper_Final_web.pdf).