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Western Australian
Council of Social Service Inc

*Ways to make
a difference*

Prof Neil Morgan
Inspector of Custodial Services
Banksia Hill Directed Review
via banksiahillinquiry@oics.wa.gov.au

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Dear Prof Morgan,

Submission: Banksia Hill Inquiry

The Western Australian Council of Social Service (WACOSS) is the leading peak organisation for the community services sector in Western Australia, and represents its 300 members and the over 800 organisations involved in the provision of services to individuals, families and children in our community. WACOSS has strong relationships with the community services sector and represents the interests of the sector and the communities they serve.

Each year, the Council's member organisations deliver services to hundreds of thousands of Western Australians. Some of our members are involved in direct service provision within both adult and juvenile detention facilities, and the services of many others are linked to the areas of crime prevention, children and youth, mental health, drugs and alcohol, and community development.

In recent weeks, the Council has released two separate reports which are relevant to this inquiry. Copies of these reports are attached to this email, and are also available by clicking on the links below:

- [The Report and Recommendations of the 2012 Youth Justice Think Tank Report](#) — this is a joint report prepared by the Council, the Youth Affairs Council of Western Australian and Youth Legal Service.
- [Justice & Community Safety in Western Australia: A call for Efficient investment in efficient investment in effective outcomes](#) — this is a joint report prepared by the Council, the Western Australian Association for

Ways to make a difference

Mental Health (WAAMH) and the Western Australian Network of Alcohol and Other Drug Agencies (WANADA).

While neither of these reports provide comments specific to the circumstances of the incident on 20 January 2013, both reports have relevance to the context of the incident (which are required to be investigated under the Terms of Reference of the Inquiry). Issues raised, which are of particular relevance to this Inquiry, include:

- a) The requirement under Article 37 of the Convention on the Rights of the Child that Convention, that arrest, detention and imprisonment only be used as a measure of last resort when dealing with children; and that the best interests of the child are the primary consideration in all actions taken with respect to the child (Article 3);
- b) The dangers, and community safety impacts of high levels of overcrowding in detention facilities;
- c) The overrepresentation of Aboriginal people with Western Australian detention facilities;
- d) The importance of ensuring access to rehabilitative programs and services to people while in custody (and the contribution such programs make to lowering rates of recidivism);
- e) The need to ensure that accurate information is gathered about all detainees relating to their mental health and alcohol and other drug histories and needs — to ensure adequate and appropriate services are available.

While the Council acknowledges that the focus of this Inquiry is the incident on 20 January 2013, we believe that it would be remiss of the Inquiry to ignore the many broad and systemic concerns which have been raised regarding youth offending, as well as questions regarding the contribution of detention facilities to community safety in Western Australia.

For more information about anything contained in either of these reports, please contact Chris Twomey, Director Social Policy on 9420 7222 or chris@wacoss.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irina Cattalini', with a long horizontal line extending to the right.

Irina Cattalini
CEO