



Youth justice

June 2020

"Kids need more support. Lots of people want to change their life, but it's really hard, you know?" 16 year-old¹

Most children and young people in Western Australia (WA) have little or no contact with the youth justice system. There is, however, a small cohort of children and young people who experience significant challenges and disadvantage, which can lead them into regular or ongoing contact with the justice system.

Ensuring the wellbeing and rehabilitation of this group of children and young people is vital; only through coordinated early intervention to divert children and young people away from the justice system and the delivery of therapeutic programs and supports to address the underlying causes of offending will this be achieved.

Youth justice in WA

Children and young people in contact with the youth justice system

Children and young people aged 10 to 17 years can be charged under the WA Criminal Code. In 2018–19, there were 5,989 children and young people aged 10 to 17 years who were proceeded against (both court and non-court actions)² for one or more offences in WA.³ This represents approximately 2.3 per cent of the population of WA's children and young people aged 10 to 17 years (257,000).⁴

The most common principal offence in WA was theft (457.8 per 100,000 young people) followed by acts intended to cause injury (451.9 per 100,000 young people) and unlawful entry with intent (413.0 per 100,000 young people).⁵

When a child or young person comes into contact with WA Police for an alleged offence, a decision is made to either direct them away from (diversion) or towards the court system. Once in the court system, the most common sentence for cases finalised with a guilty finding is a community order (31.7% of sentences), which will usually have a community work component as well as a supervision component. A period of detention is imposed in just under 10 per cent of cases.⁶

In 2018–19, there were 725 children and young people (aged 10 to 17) under youth justice supervision, either in the community or in detention, in WA on an average day.⁷

Children and young people aged 10 to 17 years under community-based supervision or detention on an average day by gender, number and per cent, WA, 2018–19

	Male		Female		Total
	Number	Per cent	Number	Per cent	Number
Community	474	80.3	116	19.7	590
Detention	120	90.2	14	10.5	133
Total	595	82.1	129	17.8	725

Source: Australian Institute of Health and Welfare (AIHW), [Youth Justice in Australia 2018–19](#), Tables S134a), b) and c)

Note: The number of children and young people on an average day may not sum due to rounding.

In 2018–19 in WA, Aboriginal children and young people were 18 times more likely to be under community-based supervision and 45 times more likely to be in detention on an average day compared to non-Aboriginal children and young people.⁸

Over one-half (56.2%) of children and young people released from sentenced supervision in WA in 2016–17 returned within 12 months.⁹

For more data on children and young people in contact with the WA youth justice system refer to the Commissioner’s Indicators of wellbeing – [Youth Justice](#) indicator.

Targeting the underlying causes of children and young people’s offending

"I stopped going to school when I was in Year 9, I was 13 years old. My mum was on drugs, that's what got me in trouble. She wasn't around." 15 year-old

Strategies to address youth justice issues must be grounded in an understanding of the underlying reasons for children and young people’s offending, which stem from the broader social and economic disadvantage they experience.

It is important to recognise that children and young people’s environments and individual circumstances fundamentally influence their offending behaviour instead of blaming contact with the justice system on their own ‘bad choices’. A range of interrelated social and environmental factors including family and community dysfunction and violence, alcohol and drug use, poverty, disengagement from education and social exclusion, contribute significantly to children and young people’s likelihood of coming into contact with the justice system.¹⁰

Research shows that children and young people who have been abused or neglected are at greater risk of engaging in criminal activity and entering the youth justice system.¹¹

Linked data now identifies the intersection of children and young people who are involved in both the child protection and youth justice systems. Across Australia, children and young people under youth justice supervision in the community were nine times as likely as the general population to have also received child protection services, and children and young people in detention were 10 times as likely to have also received child protection services.¹² In WA, 38.9 per cent of children and young people under youth justice supervision had also been involved in the child protection system.¹³

Of children and young people who had received both child protection services and youth justice services in Australia between 2014 and 2018, 81 per cent had received child protection services as their first contact.¹⁴

The reasons for the relationship between the child protection and youth justice systems are complex. Studies show that behavioural issues, poorer educational attainment, mental health problems and substance misuse can exacerbate the link between maltreatment and offending, and parental factors such as low income, mental illness and incarceration can increase the risk of offending among victims of maltreatment.¹⁵

A research study of a sample of children and young people in WA's Banksia Hill Detention Centre in 2015–16 found 89 per cent had at least one form of severe neurodevelopmental impairment and 36 per cent had Fetal Alcohol Spectrum Disorder (FASD).¹⁶ FASD is characterised by impairment in executive function, memory, language, learning and attention due to prenatal alcohol exposure, and can result in a range of difficulties for children and young people including understanding consequences, learning from past experiences, decision making and general impulsivity.¹⁷ Children and young people with FASD are therefore much more susceptible to repeat involvement with the justice system.

In addressing youth justice issues, responses that balance the need to hold a child or young person accountable for their offending behaviour with acknowledging and responding to their experience of maltreatment and adversity are essential.

An important component of this is trauma-informed approaches and practice. Research suggests an estimated 80 per cent of incarcerated children and young people have experienced multiple traumatic stressors.¹⁸ Staff working with children and young people in the youth justice system must be adequately trained to understand the effects of trauma on children and young people, their families and communities, recognise the signs of trauma, and provide support to increase children and young people's sense of safety and hope and resist re-traumatisation.¹⁹

In 2016, the Commissioner undertook a consultation with 92 children and young people in the youth justice system to hear their views about why they get into trouble with the law and what support and assistance they need to help them develop positive behaviours and navigate away from criminal behaviour.²⁰ Overwhelmingly, the children and young people who participated in the consultation indicated that serious dysfunction at home, disengagement from school and the broader community, and personal struggles with mental health or alcohol and drug use, underpinned much of their involvement in crime. They

highlighted the importance of respectful, trusting and long-term mentoring relationships, with professionals, including youth justice workers and police, as crucial to sustaining behavioural changes, participating in education and employment, and in building a more positive future.

Similarly, the Commissioner's School and Learning consultation with almost 2,000 WA school students identified quality interpersonal relationships with friends, other students, teachers and other school staff, as well as with their families, as the foundation for students' engagement with education.²¹ This is important in the context of youth justice as strong engagement with school can provide an important source of early intervention and support for vulnerable children and young people and prevent disengagement from school, which is a known risk factor for children and young people's entry into the youth justice system.

It is clear a comprehensive response to addressing the underlying causes of children and young people's offending and pathways into the justice system requires a whole-of-government approach combined with community consultation and participation. This must occur alongside the provision of diversionary programs and efforts to addressing the offending behaviour itself. The youth justice system needs to work collaboratively with human service agencies including child protection, police, courts, schools, out-of-home care providers and the health system (incorporating mental health, and drug and alcohol) as well as working with families, communities and children and young people. This collaboration needs to be reflected across policy platforms and include information sharing and training.

Underpinning principles in youth justice

"I was sort of hanging out and didn't expect to come into troubleness and it just turns you out and you go into it and you try to get out but you can't. You gotta turn your life around somehow." 19 year-old

Youth justice in WA is governed by the *Young Offenders Act 1994* (the Act). The Act describes a number of fundamental principles, including rehabilitation of young offenders as a primary goal.

The Act includes the following principles:

- Encouraging police and courts to use measures other than judicial proceedings for dealing with a young person if it is appropriate to do so (s 7(g)).
- Detention to be considered a last resort for children and young people, and if imposed, should be for as short a time as possible (s 7(h)).
- Young people should be dealt with in ways which are appropriate to their sense of time (s 7(k)), their age, maturity and cultural background (s 7(l)).
- Young people should be dealt with in such a way as to encourage them to accept responsibility for their conduct (s 7(b)) and to develop a sense of social responsibility (s 7(j))
- Protecting the safety of the community (s 7(d)).

Diversion

"She used to take kids out to the spring and stuff but that stopped because there was no more funding and no... other activities so that's why the kids are getting in trouble." 15 year-old

In 2016, the Department of Corrective Services released a Green paper, *Young People in the Justice System: A Review of the Young Offenders Act 1994*.²² As identified in the 2008 Auditor General's performance examination of the juvenile justice system,²³ the Green paper outlined that the strategies to minimise children and young people's contact with the justice system were losing momentum and potentially ineffective.²⁴ Both reviews also stated that fewer children and young people were being diverted from the court system, and police use of cautions and diversion to juvenile justice teams was declining.^{25,26}

The lack of progress in this area during the eight year period between the two reviews is disturbing and a clear indicator that the current approach is not working. This was reinforced by the release of a report from the Auditor General in 2017, *Diverting Young People Away From Court*, which found:

- Police divert young people away from court less than half of the time, which fails to maximise the benefits of diversion.
- For most of the young people involved, diversion does not result in meaningful or needs-based help to address their offending.²⁷

Detention and rehabilitation

Banksia Hill is the sole facility for the detention of children and young people aged 10 to 17 years in WA. It accommodates young males and females from all areas of WA who:

- have been sentenced to a period of detention
- have been arrested and are waiting for a first court appearance or bail determination
- are waiting for their court case if they have been denied bail
- are waiting to be sentenced after conviction.

The majority of children and young people (58.6%) in Banksia Hill on an average day are unsentenced.²⁸ The high remand rates appear to persist despite the support of supervised bail in the form of Metropolitan Youth Bail Services and young people having the unqualified right to bail.

The practice of detaining children and young people who have been granted bail but are remanded in custody due to a lack of suitable accommodation or responsible adult, contravenes State legislation²⁹ and the United Nations Convention on the Rights of the Child³⁰ agreed use of detention as a last resort. The mixture of remand and sentenced children and young people in Banksia Hill also counters national and international agreements³¹ in that an accused person should be treated according to their unconvicted status, which includes being segregated from convicted children and young people.

As noted in the Green paper,³² a youth detention centre should provide consistent and quality rehabilitation and supervision services for children and young people in detention. However, the Office of the Inspector of Custodial Service's 2017 review *Behaviour Management Practices at Banksia Hill Detention Centre*³³ identified significant failings in the operation of the centre and, in particular, that some management practices have conflicted with a rehabilitative, trauma-informed approach. This is despite the fact that the transformation of Banksia Hill's culture, services and operations was identified as a key priority area for reform for 2015 to 2016.³⁴ The review recommended a number of changes to ensure Banksia Hill becomes a stable, positive environment to support the rehabilitation of children and young people in detention.

In November 2017, the *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory* was released.³⁵ The findings of the Royal Commission identified a systematic failure in the Northern Territory to address the challenges faced by children and young people in care and detention, and in some cases exacerbated these problems. The report called for wide ranging reforms and many of the specific recommendations align closely with the Commissioner's key priorities for improving youth justice in WA discussed below.

Working with other Commissioners and Guardians for children around Australia, the Commissioner has endorsed a [Statement on Conditions and Treatment in Youth Justice Detention](#) to guide development of policy and practice in detention facilities.

What needs to change?

"In a way, I do think that the system is still a bit unbalanced, unstable... they do get caught, they do get put on orders, and they do breach, they do go to lockup, they come out and do the same thing over and over...there's not that much kids that do get into trouble and learn their lesson...Being locked up...is mainly a badder influence than being on the street and stealing and stuff, like us boys we have been locked up we have, like we seen everything." 18 year-old

Preventing children and young people from becoming involved in the youth justice system and improving the outcomes for those who do, has been a focus for the Commissioner since the office's inception in 2007. The following areas for improvement have been identified from this work.

1. Comprehensive strategic framework for youth justice in WA

Develop a whole-of-government, collaborative approach to youth justice, guided by a strategic framework and implementation plan that re-evaluates the *Youth Justice Framework 2015 to 2018*³⁶ and embeds the strategy in a prevention, rehabilitation and restorative justice approach. Collaboration between departments and agencies including education, child protection and family services, health, housing and police is essential to enact meaningful and sustainable change to youth justice in WA.

A comprehensive approach must include a strong focus on reducing the overrepresentation of Aboriginal children and young people in the youth justice system through Aboriginal-led solutions³⁷ and culturally safe, trauma-informed intervention and diversion programs.

2. Prevention and early intervention to address disadvantage

Build robust service models that focus on early intervention in the cycle of disadvantage by identifying children and young people who may be at risk prior to any interaction with the youth justice system, to prevent them offending, including:

- **Raising the age of criminal responsibility:** The Commissioner supports raising the minimum age of criminal responsibility from 10 years to at least 14 years. This is in line with UN Committee on the Rights of the Child which has urged States Parties, including Australia, to raise the minimum age of criminal responsibility to 14 years as the absolute minimum.³⁸ Offending by children aged 10 to 13 years is best dealt with by human services agencies rather than the criminal justice system through investment in intensive supervision and support that includes comprehensive wrap around family and community based interventions.
- **Engagement in education:** Disengagement from education is an early indicator of a child or young person's potential risk of entry into the youth justice system. Identifying and intervening early in response to signs of disengagement from education is therefore critical to disrupt pathways into offending.
- **Supporting families:** Ensure programs and services take a family-integrated approach and focus on supporting and strengthening families to provide the best opportunities for their children to grow up in healthy, safe and nurturing environments.
- **Community-based support:** Accessible services and programs that focus on the family unit and provide support to address underlying factors that can lead to offending including alcohol and drug use and mental illness. This could include treatment support in the home.
- **Place-based approaches:** Collaborative, community-led, multiagency strategies to identify local solutions to address the issues children and young people experience in their town or neighbourhood.³⁹

3. Intervention and diversion early in the offending behaviour

Intervention and diversion once children and young people begin contact with the justice system is also critical to ensuring that the underlying causes of offending are appropriately responded to and that further contact with the justice system is prevented or reduced.

- **Comprehensive needs assessment and support planning:** Implement a child-centred review of any child or young person involved in criminal activity to identify the issues contributing to the offending behaviour to provide the basis for a coordinated, collaborative plan for intervention for the child and their family. This includes

assessment of physical and mental health, education and learning needs, safety and basic care needs, and family support. This should also include formal neurodevelopmental assessments for children and young people entering the justice system to identify FASD and other disability and provide appropriate rehabilitation and therapeutic interventions.⁴⁰

- Mental health assessments: Continued funding for, and rapid expansion of, the forensic mental health service at the Children’s Court, to ensure children and young people appearing before any WA court have access to appropriate, comprehensive mental health assessment, referral and treatment services.⁴¹
- Investment in diversion: Investment in programs to support diversion and reduce recidivism by delivering needs-based programs and follow-up assistance to children and young people, particularly in regional and remote areas where services are limited. Diversion programs must be designed to address the underlying causes of offending (such as school disengagement and family issues) and be monitored to ensure they are achieving positive outcomes for young people.

4. Community-based supervision

- Opportunity: Provide community-based orders that recognise the complex interplay of social conditions and support the rehabilitation of children and young people in their communities.
- Integration: Integrate community-based orders with local service providers to ensure that young people are accessing the supports that they need during and post-order.
- Juvenile justice teams: Utilise the skills of juvenile justice teams in all geographical areas over extended service hours and with full integration into other support systems and services to facilitate optimal treatment and diversion of children and young people.

5. Custody and detention

Police custody

Children and young people can be held in police custody for a variety of reasons and are particularly vulnerable during these periods. This vulnerability can be exacerbated by the traumatic or distressing circumstances that frequently precede arrest and detention, as well as the varying risk factors to which young offenders are predisposed. Furthermore, police custody facilities are not designed for the purpose of detaining children and young people and this can create additional risks.⁴² Ensuring the wellbeing of children and young people who are held in police custody requires:

- Reducing exposure: Children and young people should remain in police custody for the shortest amount of time possible.

- Supporting children: If a child or young person must remain in police custody, the processes and procedures should ensure that their needs are appropriately met.
- Monitoring and oversight: A system of comprehensive independent oversight of the detention of children and young people in police custody should be undertaken in WA.⁴³

Bail services

The Australian Institute of Criminology's review of bail support programs identifies a set of best-practice principles for the implementation and operation of these programs.⁴⁴ Areas requiring significant attention in WA are:

- Improved resources: The provision of a statewide 24-hour bail service is required to achieve shorter periods of police custody.
- Bail conditions: Conditions should be tailored to address the individual circumstances of the young person to assist in preventing breaches, for example those breaches caused by community or cultural commitments or an inability to report due to regional/remote location.

Detention

- Recidivism: Investment in effective, evidence-based programs that reduce recidivism.
- Smaller facilities, closer to home: Providing options for detention which maintain a child or young person's connection to key support systems (including family and culture) and services that will also assist them in reintegrating into the community post-detention.
- Rehabilitation and therapeutic services: Significant improvement and focus on these services in detention facilities is required. This includes:
 - school and education programs that connect children and young people back into their school in their home community when they exit detention^{45,46}
 - employment and training programs
 - psychiatric and psychological services
 - drug and alcohol services
 - relationship and family support programs
 - training for justice staff to ensure they are suitably skilled to work with children and young people with neurodevelopmental impairment, mental health issues and experiences of trauma.
- Investment in throughcare, a coordinated and integrated case management approach to young offender rehabilitation from their first point of contact with the youth justice system to the completion of their legal order, including their supported, reintegration into the community.⁴⁷

- Monitoring and oversight: Regular, independent monitoring and oversight of WA's youth detention facility is required, which includes access to an independent advocate to support children and young people to raise concerns about their treatment and support.⁴⁸

Guiding principles

Each of the key areas outlined above should be guided by the following principles.

Children and young people's participation

Consulting with and acting on the views of children and young people who have experience in the youth justice system, from early intervention and diversion through to incarceration, is essential to ensure changes to the system are informed by their views and the system can therefore more effectively meet their needs. These children and young people and their families must also have opportunities to participate in the development, delivery and monitoring of policies and programs to improve youth justice services.

Culturally secure and responsive interventions

To address the significant over-representation of Aboriginal children and young people in contact with the justice system,⁴⁹ all strategies and programs must be culturally secure and include Aboriginal-led and controlled services and supports.⁵⁰

Trauma-informed care

Consistent with the high levels of disadvantage and dysfunction associated with children and young people's offending behaviour, all interventions should be undertaken using a trauma-informed approach that can identify and respond appropriately to the trauma they may have experienced and the affect this has on their wellbeing, and address their individual needs.

Action by the Commissioner

"I want a life for myself and I want a job when I get out of [Banksia Hill] cos I'm sick of it. Like, this life we live is not sustainable, if you get what I mean. Like, we can't keep going the way we go. You can't keep on doing crime, cos this is the way we end up, in here...we're all young still and got time. I have a lot of time." 17 year-old

The Commissioner has worked closely with a wide range of stakeholders in government and the non-government sector to advance the interests of children and young people involved in the youth justice system. Since the Commissioner's 2013 youth justice issues paper, the Commissioner has continued to publish policy briefs and reports relating to youth justice⁵¹ and has strongly advocated through submissions⁵² and engagement with stakeholders for improvements to youth justice in WA.

The Commissioner will continue to use the views shared by children and young people in his 2016 youth justice consultation⁵³ to make representations and advocate for changes to the WA youth justice system to improve the opportunities and outcomes for children and young people in the system and their families.

In May 2019, the Commissioner tabled a report in State Parliament calling for a new approach to reducing vulnerability in WA's children and young people.⁵⁴ The report details five recommendations to government including the development of a statewide Child Wellbeing Strategy that requires government to set meaningful targets and measure and report on how they are improving the wellbeing of children and young people. Another recommendation calls on government to enable Aboriginal-led solutions as the model for service design and delivery in Aboriginal communities. Given children and young people in the youth justice system are some of the most vulnerable in our state, this work is anticipated to create the change needed to address some of the underlying drivers of offending and prevent children and young people from becoming involved in the youth justice system.

In 2018, the Commissioner released the [Engaging with Aboriginal Children and Young People Toolkit](#) which outlines a process for establishing a long-term, sustainable commitment to working with Aboriginal children and young people within their community to develop effective initiatives that improve their current wellbeing and future opportunities. It supports the development of Aboriginal-led solutions through engaging children and young people, community Elders and senior leaders to ensure programs are produced with the community and for the community. Given the high proportion of Aboriginal children and young people who have contact with the justice system, it is anticipated that the toolkit will be a valuable resource.

The Commissioner is also integrating youth justice issues with the office's other relevant portfolios and projects, including:

- Education: In 2018, the Commissioner released a report on the findings of a consultation of more than 1,800 students from primary and secondary school across WA on the factors that influence their engagement in school and learning.^{55,56}
- Monitoring and oversight: The Commissioner has mapped the current framework of independent oversight against services provided to children and young people and has highlighted the need for increased independent oversight of police custody and youth justice to monitor the wellbeing of children.⁵⁷
- Wellbeing: The Commissioner has developed the [Indicators of wellbeing](#), a practical resource that provides a collated overview of the wellbeing of WA's children and young people including data on children and young people involved in the youth justice system.
- Promoting and valuing the voice of children and young people: In 2020, the Commissioner released the results of the first [Speaking Out Survey](#), where 4,912

children and young people from all regions of WA shared their views on their health, safety, family and school life and how they see their place in our society.

The opportunities presented by a renewed focus on reducing reoffending rates by children and young people in the WA Premier's whole-of-government targets released in 2019,⁵⁸ and on oversight of institutions due to the findings and recommendations from the *Royal Commission into Institutional Responses to Child Sexual Abuse*⁵⁹, should continue to be a catalyst for significant improvements to youth justice in WA.

Endnotes

- ¹ Quotes from children and young people in this paper are from the Commissioner's 2016 consultation with children and young people involved in the youth justice system, [Speaking Out About Youth Justice: The views of young people who have had contact with Youth Justice Services in WA](#), Commissioner for Children and Young People.
- ² A proceeding is a legal action initiated against an alleged offender for an offence(s). Legal actions can be court actions (laying charges) or non-court actions (diversions, infringements, warnings). Source: Australian Bureau of Statistics (ABS) 2020, [Recorded Crime – Offenders, Australia, 2018-19](#)
- ³ Australian Bureau of Statistics (ABS) 2020, [Recorded Crime – Offenders, Australia, 2018–19](#), Table 20 Youth Offenders, Principle offence, States and territories, 2008–09 to 2018–19, ABS.
- ⁴ Australian Bureau of Statistics 2019, [3101.0 Australian Demographic Statistics, Sep 2019](#), TABLE 55. Estimated Resident Population By Single Year Of Age, Western Australia, ABS.
- ⁵ Australian Bureau of Statistics (ABS) 2020, [Recorded Crime – Offenders, Australia, 2018–19](#), Table 20 Youth offenders, Principal offence, States and territories, 2008–09 to 2018–19, ABS.
- ⁶ Department of Justice 2019, [Report on Criminal Cases in the Children's Court of Western Australia 2013/14 to 2017/18](#), Department of Justice.
- ⁷ Australian Institute of Health and Welfare (AIHW) 2020, [Youth Justice in Australia 2018–19](#), Cat. No. JUV132, AIHW, Canberra.
- ⁸ Australian Institute of Health and Welfare (AIHW) 2020, [Youth Justice in Australia 2018–19](#), Cat. No. JUV132, *Tables S47a: and S85a*, AIHW, Canberra.
- ⁹ Productivity Commission 2020, [Report on Government Services 2020 - Youth Justice](#), Table 17A.26, Productivity Commission.
- ¹⁰ Gilmore L 1999, [Pathways to prevention: Developmental and early intervention approaches to crime in Australia](#), National Crime Prevention, Attorney General's Department, Canberra, pp. 7-10.
- ¹¹ Australian Institute of Health and Welfare (AIHW) 2019, [Young people in child protection and under youth justice supervision: 1 July 2014 to 30 June 2018](#), Data linkage series no. 25. Cat. no. CSI 27, AIHW.
- ¹² Ibid, p. v.
- ¹³ Ibid, Table S4a: Young people aged 10–17 who had been under youth justice supervision and who had also received child protection services, by state and territory, by Indigenous status, by sex, 1 July 2014 – 30 June 2018 (%).
- ¹⁴ Ibid, p. 8. It should be noted that a young person's child protection history prior to the age of 10 years was not captured in this analysis, therefore the number of young people who experienced child protection first may be higher than reported here.
- ¹⁵ Malvaso C 2017, [Investigating the complex links between maltreatment and youth offending](#), Australian Institute of Family Studies.
- ¹⁶ Bower C et al. 2018, [Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia](#), *BMJ Open*, Vol. 8.
- ¹⁷ Ibid.

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- ¹⁸ The Royal Australasian College of Physicians 2011, [*The health and well-being of incarcerated adolescents*](#), The Royal Australasian College of Physicians, Sydney, p. 16.
- ¹⁹ Wall L et al 2016, [*Trauma-informed care in child/family welfare services*](#), CFCA Paper No. 37, Child Family Community Australia, Australian Institute of Family Studies.
- ²⁰ Commissioner for Children and Young People WA 2016, [*Speaking Out About Youth Justice: The views of young people who have had contact with Youth Justice Services in WA*](#), Commissioner for Children and Young People WA, Perth.
- ²¹ Commissioner for Children and Young People WA 2018, [*Speaking Out About School and Learning, The views of WA children and young people on factors that support their engagement in school and learning*](#), Commissioner for Children and Young People WA, Perth.
- ²² Department of Corrective Services 2016, [*Young people in the justice system: a review of the Young Offenders Act 1994*](#), WA Government, Perth.
- ²³ Auditor General of Western Australia 2008, [*Performance Examination. The juvenile justice system: Dealing with young people under the Young Offenders Act 1994*](#), Report 4, WA Government, Perth.
- ²⁴ Department of Corrective Services 2016, [*Young people in the justice system: a review of the Young Offenders Act 1994*](#), WA Government, Perth, p 9.
- ²⁵ Auditor General of Western Australia 2008, [*Performance Examination. The juvenile justice system: Dealing with young people under the Young Offenders Act 1994*](#), Report 4, WA Government, Perth.
- ²⁶ Department of Corrective Services 2016, [*Young people in the justice system: a review of the Young Offenders Act 1994*](#), WA Government, Perth.
- ²⁷ Auditor General of Western Australia 2017, [*Diverting Young People Away From Court*](#), Report 18, WA Government, Perth.
- ²⁸ Australian Institute of Health and Welfare (AIHW) 2020, [*Youth Justice in Australia 2018–19*](#), Cat. No. JUV132, Tables S67a) and S110a) Young people aged 10–17 under supervision on an average day, AIHW, Canberra.
- ²⁹ [*Young Offenders Act 1994*](#) (WA), Section 7(h).
- ³⁰ [*United Nations Convention on the Rights of the Child 1989*](#), article 37(b).
- ³¹ Article 10.2 (a) of [*The International Covenant on Civil and Political Rights*](#); Rules 8 (b) and 85.1 of the *Standard Minimum Rights for the Treatment of Prisoners*.
- ³² Department of Corrective Services 2016, [*Young people in the justice system: a review of the Young Offenders Act 1994*](#), WA Government, Perth.
- ³³ Office of the Inspector of Custodial Services 2017, [*Behaviour management practices at Banksia Hill Detention Centre*](#), WA Government, Perth, pp. 9-11.
- ³⁴ Department of Corrective Services 2015, [*Youth Justice Framework Western Australia 2015 – 2018*](#), WA Government, Perth.
- ³⁵ Royal Commission and Board of Inquiry 2017, [*Report of the Royal Commission and Board of Inquiry into the protection and detention of children in the Northern Territory*](#), Australian Government.
- ³⁶ Department of Corrective Services 2015, [*Youth Justice Framework Western Australia 2015 – 2018*](#), WA Government, Perth.

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- ³⁷ Commissioner for Children and Young People WA 2018, [Supporting Aboriginal-led solutions](#), Commissioner for Children and Young People WA, Perth.
- ³⁸ Committee on the Rights of the Child 2019, [General Comment No 24: Children's rights in juvenile justice](#), paragraph 33, UN Doc CRC/C/GC/24.
- ³⁹ Bellefontaine T & Wisener R 2011, [The evaluation of place-based approaches: Questions for further research](#), Policy Horizons Canada, Ottawa, p 6.
- ⁴⁰ Bower C et al. 2018, [Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia](#), *BMJ Open*, Vol. 8
- ⁴¹ Commissioner for Children and Young People WA 2011, [Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia](#), Commissioner for Children and Young People WA, Perth, pp. 80-83.
- ⁴² Auditor General of Western Australia 2008, [Performance Examination. The juvenile justice system: Dealing with young people under the Young Offenders Act 1994](#), Report 4, WA Government, Perth, p.42.
- ⁴³ Commissioner for Children and Young People WA 2017, [Oversight of services for children and young people in Western Australia](#), Commissioner for Children and Young People WA, Perth, p. 61.
- ⁴⁴ Willis M 2017, [Bail support: A review of the literature](#), Research Report 04, Australian Institute of Criminology, Canberra.
- ⁴⁵ When exiting youth justice detention, education is consistently identified as a key protective factor against further criminal activity and recidivism.
- ⁴⁶ White J et al. 2019, [Improving educational connection for young people in custody](#), Victoria University, University of Tasmania, Deakin University, Melbourne.
- ⁴⁷ Stevens K 2002, [The Challenges of Implementing Throughcare](#), paper presented to the Probation and Community Corrections: Making the Community Safer Conference, Perth, 23-24 September, 2002.
- ⁴⁸ Commissioner for Children and Young People WA 2017, [Oversight of services for children and young people in Western Australia](#), Commissioner for Children and Young People WA, Perth, p. 71.
- ⁴⁹ Australian Institute of Health and Welfare (AIHW) 2020, [Youth Justice in Australia 2018-19](#), Cat. No. JUV132, Supplementary tables: Characteristics of young people under supervision, Tables S2b and S35c, AIHW, Canberra.
- ⁵⁰ The Commissioner notes this is consistent with recommendation 25.14 of the [Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Findings and Recommendations](#), November 2017, p 42.
- ⁵¹ Refer to the Commissioner's Youth Justice resources webpage at <https://www.cyp.wa.gov.au/our-work/resources/youth-justice/> for further policy briefs and reports on youth justice.
- ⁵² Refer to the submissions section of the Commissioner's Youth Justice resources webpage at <https://www.cyp.wa.gov.au/our-work/resources/youth-justice/>.
- ⁵³ Commissioner for Children and Young People WA 2016, [Speaking Out About Youth Justice: The views of young people who have had contact with Youth Justice Services in WA](#), Commissioner for Children and Young People WA, Perth.

⁵⁴ Commissioner for Children and Young People WA 2019, [*Improving the odds for WA's vulnerable children and young people*](#), Commissioner for Children and Young People WA, Perth.

⁵⁵ Commissioner for Children and Young People 2018, [*School and learning consultation: Technical report*](#), Commissioner for Children and Young People WA, Perth.

⁵⁶ Commissioner for Children and Young People 2018, [*Speaking Out About School and Learning: The views of WA children and young people on factors that support their engagement in school and learning*](#), Commissioner for Children and Young People WA, Perth.

⁵⁷ Commissioner for Children and Young People WA 2017, [*Oversight of services for children and young people in Western Australia*](#), Commissioner for Children and Young People WA, Perth.

⁵⁸ Government of Western Australia 2019, [*Our Priorities, Sharing Prosperity*](#), WA Government, Perth.

⁵⁹ Royal Commission into Institutional Responses to Child Sexual Abuse 2017, [*Final Report: Making institutions child safe Volume 6*](#), Commonwealth of Australia, Canberra.