

JUVENILE JUSTICE TEAMS — REFERRALS

734. Mr F.A. ALBAN to the Attorney General:

Can the Attorney General inform the house of any improvements in the system of referrals of young persons to juvenile justice teams in Western Australia as a mechanism for rehabilitation at the earliest possible stage for young persons in this state?

Mr C.C. PORTER replied:

I thank the member for his question.

There is a little bit of history in this issue of juvenile justice teams, and that history probably commences with two levels of general agreement. The first level of general agreement is that programs which can prevent people from ending up in the court and in the prison system, and which, rather, divert people into rehabilitation programs, are a critical part of any rational policy on criminal justice. The second level of agreement is that such programs are not always easy to find, and some of them commence, are ineffective, and have to be replaced with other programs. But when they appear to be most effective and when there is considerable return on the investment in diversion and rehabilitation is when the programs are directed at children and juvenile offenders. So, it has been that an absolutely key component of the rehabilitative side of Western Australian criminal justice system for more than a decade has been juvenile justice teams, which commenced around about 1994 with the Young Offenders Act. The idea is fairly straightforward and is mirrored in a lot of jurisdictions; at the very earliest signs of offending behaviour we try to caution a juvenile and send them to a juvenile justice team, whose task it is to break the pattern of behaviour that has commenced that leads to the offending. The earlier that can be done in terms of age and the nature of the low-level offending is important, and in this jurisdiction we use this system for what are called non-scheduled offences. This system was reviewed in 2008, in an Auditor General's report titled "The Juvenile Justice System: Dealing with Young People under the Young Offenders Act 1994". The results of that were not overly pleasing. It noted that from 2003 to 2008 the rate of referral to JJTs had declined by 13 per cent. That was, if members like, 1 900-odd instances of non-referral over that five-year period. The reasons identified by the Auditor General were, firstly—to be fair on the former government—that there was a greater focus on certain Road Traffic Act offences, which were not in the schedule of offences which would lead to referral. But, secondly and very importantly, police were not referring; they were referring fewer people to juvenile justice teams because they had lost confidence in the ability of the juvenile justice teams to get to the young people in a timely fashion. The Auditor General stated —

the delay between a young person's referral to a juvenile justice team and the eventual meeting was too long to be effective

And the police knew it. They had lost confidence in the system and were referring fewer people.

This was something that the government took very, very seriously, and we set about trying to reverse that decline in juvenile justice referrals. The first step taken was inside Corrective Services, and I congratulate the Minister for Corrective Services. It has been absolutely imperative to get juvenile justice teams to see the referred juvenile within a reasonable period of time—the benchmark being six weeks—and there has been very significant improvement. The results have been very encouraging. Police referrals in 2008–09 were 2 551; in 2010–11, the end of the last financial year, they were 2 787. There have been 236 more police referrals. That does not sound like a lot, but with the juveniles we are dealing with, that is a very important cohort of people inside the criminal justice system. What we have effected in the Liberal–National government is a nine per cent increase in police referrals in three years; what the opposition achieved in five years was a 13 per cent decline. There is a lot of constant talk in this place about doing more in the way of rehabilitation. Both rational sides of politics agree that more needs to be done, but if we also agree that this is the absolute basic cornerstone of a rehabilitative policy and we fail to do the basic things properly, then I think the people of Western Australia can be assured that their lack of confidence in the other side is a fair one.

This also, very importantly, corresponds to new data we have had out, which is that lodgements in the Children's Court have decreased by 17.6 per cent in the 2010–11 financial year. Compared with 2009–10, in one year there has been a 17.6 per cent decrease in children going to the Children's Court. There were 8 893 lodgements in 2010–11; in the last year of Labor there were 10 387. What we can fairly safely say is that the juvenile justice referral system is now back on track. Juveniles are being referred away for low-level offending, at the earliest points of criminal behaviour being detected, into a rehabilitative system, and that system is now well and truly back on track. Again, my congratulations to the Minister for Corrective Services, whose timeliness with respect to JJTs has been a large part of bringing about this change.