

BANKSIA HILL DETENTION CENTRE — MANAGEMENT

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) informed the Assembly that she was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

Several members interjected.

The SPEAKER: Order, please!

[In compliance with standing orders, at least five members rose in their places.]

MR R.S. LOVE (Moore — Leader of the Opposition) [2.52 pm]: I would like to thank the Leader of the House for facilitating that. Due to illness, we are a bit light on numbers. I move —

That this house condemns the McGowan Labor government for its failure to manage Banksia Hill Detention Centre, exposing our state to the dangerous repercussions of a failed corrective service.

It is quite obvious if we look at what has happened at Banksia Hill —

Several members interjected.

The SPEAKER: Order, please!

Mr R.S. LOVE: — especially over the last six months or so, that the government has completely lost control of the situation. Riot after riot has engulfed the facility. We know that there is chronic understaffing and the minister seems to not accept that there is actually a problem and a failure that needs to be addressed. The Premier has identified that during the latest demonstrated failing—the riot that we had a week or so ago—\$30 million of damage was done to the facility. One would think that after the three preceding riots, a message would be put in place to ensure that the behaviours at Banksia Hill were moderated and the situation was controlled. We understand that it is difficult for the minister to accept, because he does not accept his failing here. It is obvious to all that when we have a situation that government members are the only ones with the levers, so they are the ones who are responsible. They are the ones who set in place what happens at Banksia Hill. They set in place the levels of staffing, the resources and direction for the facility. That is what the government does and what it has failed to do to make sure the community is kept safe.

When discussing a whole series of the minister's failings during another matter of public interest, the minister outlined his priorities in terms protection and his responsibilities regarding the detainees at Banksia Hill. At that point, he said that protection of the community was his number one priority, followed by protection of staff, and after that, the welfare of the detainees. What he has actually put in place has achieved none of those things. The community is not safe for a number of reasons. First of all, all Western Australian taxpayers have been exposed to a staggering bill of \$30 million for the criminal actions that took place a week or so ago. That showed the minister's failure to understand what was going on in the centre and a failure to take the steps needed to ensure that it could not keep happening. As a result, the community is being exposed to the eventual return of some of these detainees into their communities. Instead of being returned with their lives turned around in some way, they have been involved in riots and the types of criminal behaviour that will only harden them and make them more of a menace to the community when they return. The community is not being kept safe by what the McGowan government and this minister are doing. It is a myth to think that the community is at the forefront of their thinking. If that was the case, they would be ensuring that Banksia Hill was operating effectively and that those young detainees were being controlled and having their lives turned around. We would like to see them rehabilitated because that keeps the community safe when they return. That is of utmost importance.

We also know that the staff are not being kept safe. They are dealing with chronic understaffing and a situation where young people have become used to being out of control. The President of the Children's Court, Hylton Quail, outlined the seriousness of this whole issue and was quoted as saying —

‘When you treat a damaged child like an animal, they will behave like one and if you want a monster this is how you do it.’

That is the method this government has employed in the management of this facility and these youth offenders. Far from turning them away from a life of crime, it has the potential of hardening their resolve and making them more dangerous when they return to the community, putting the community at risk because the government is not listening and doing the things that are needed to ensure that facility turns around. We know this is the case because it is obviously demonstrated by failure after failure and riot after riot. This has been continuing to go on, and it is now the seventh year of the McGowan government. The government cannot keep claiming that it is someone else's fault; it is the seventh year of this government! It is time for the government to take responsibility for what is going on there. We know that there is understaffing in the facility. In March of this year, the workers at Banksia Hill

Mr Shane Love; Ms Libby Mettam; Ms Mia Davies; Mr Mark McGowan; Mr Bill Johnston; Deputy Speaker

took industrial action over this situation. They walked off the job. They did not actually leave the area completely; they wanted to make sure that if there was a situation, they could return. That was reported in the press. Nonetheless, they were taking action because they were worried about the staffing ratios and levels at that centre.

It is obvious that it has not been resolved.

Let us look at what was said at the time by the unions. Community and Public Sector Union–Civil Service Association of WA state secretary, Rikki Hendon, said —

According to the union, the centre “regularly” runs with less than half of the 65 staff it is meant to have on a day shift.

“It’s 30 on a good day, recently it was as low as 14 —

Instead of 65 —

on a day shift which is very, very low, it’s extremely unsafe,” ...

“Ideally, this centre is supposed to operate in a way that allows young people to move safely around the centre, to participate in rehabilitation programs, to participate in education.

“That simply can’t occur when you don’t have enough staff to safely escort the young people around the centre and ensure that they’re unlocked in a safe manner.”

We know that at the riot the other week a single female officer had her keys taken off her, and the situation escalated from there. I will let the member for Vasse talk more about the situation for staff members involved. It is very worrying, indeed.

If we look at questions last week, the Minister for Corrective Services claimed that he did not stand with the detainees on violent behaviour. Does the minister understand that staff are working in an unsafe environment? They are his staff—he is the Minister for Industrial Relations and the Minister for Corrective Services—and they are working in an unsafe environment. That is simply not good enough.

The Premier has been involved in commentary on this and has downplayed the consequences of foetal alcohol spectrum disorder and what that might mean for the children and young people. Some of the young people are beyond the age of youth in the sense that they are older, which is certainly worrying. The Leader of the Government in the other place has said that FASD may well be underdiagnosed amongst Banksia Hill detainees. Hon Sue Ellery confirmed in an upper house response that “learning and behaviour disorders” and “intellectual disabilities” were associated with the disorder. She went on to say that FASD might impede decision-making capability.

I want to be very, very crystal clear on this. The opposition does not support violence. It does not support offending by those young people or anyone else. Nothing I am saying here in any way provides any support or encouragement to anyone to commit an offence. The opposition is primarily concerned with community safety by ensuring that detainees are appropriately treated, rehabilitated and detained as required. That is something that the Premier and his government are failing to do.

A study on FASD was done by the Telethon Kids Institute, and a report released in 2018 showed that one in nine children or young people in that centre had some sort of neurological disorder, and 36 per cent were what is known as “children with FASD”. The Premier downplays that. Nonetheless, that makes it more difficult to ensure the right type of behaviour from those young people and to ensure they are handled correctly. It is not inconsequential and cannot be dismissed as an excuse; it is a neurological condition. Ignoring that does not enhance the situation; it inflames it and does not lead to good outcomes. The Premier must admit that four riots this year is evidence enough that his handling of this is a failure.

I go back to how important it is for people out there to understand what all this means. Many people in the community do not have sympathy for the people in Banksia Hill because they think that they have done their crime and they need to do their time. People need to understand that if these people are handled in an inappropriate manner, the centre becomes more costly to run. It has now been subjected to a \$30 million cost, which is the community’s cost. Also, these people will eventually return to communities in a way in which they are not rehabilitated and their lives of crime have not been turned around. As anyone who lives in a small country town will tell you, it takes only one hardened offender in a community to turn a town into a nightmare. If we look across the state of Western Australia, the situation with crime is exploding. Right across the Kimberley and the north, and even around some of the southern areas, the contagion of violence seems to engulf many communities. We do not want to see that inflamed even further by having people returned to their communities who have not been properly treated while at Banksia Hill. We condemn the government for its handling of the situation.

MS L. METTAM (Vasse — Leader of the Liberal Party) [3.05 pm]: I rise to support the motion moved by the Leader of the Opposition —

That this house condemns the McGowan Labor government for its failure to manage the Banksia Hill Detention Centre, exposing our state to the dangerous repercussions of a failed corrective service.

I want to focus on the failure of this government to protect staff at the Banksia Hill facility. As we have heard from the Minister for Corrective Services, the minister's second priority is the safety of staff, after the safety of the community. Clearly, when it comes to Banksia Hill, the government has failed in both areas.

Staff safety is not a priority of this government, this minister or this Premier. It is no wonder that the minister's own union is against him. We have seen a range of contradictions and inconsistencies from the Premier and the government on the management of this issue. As always, we have seen a government that has prioritised a political approach ahead of delivering practical solutions. Although we have heard the Premier's tough talk approach in referring to offenders as "terrorists" and to some of the advocates, including Professor Fiona Stanley, as an "activist", apparently, we have seen the government take an easy approach, which is for the Premier to stand in front of the press and cameras, and deflect attention away from trying to resolve the significant issues at Banksia Hill that are putting staff safety at risk. It is a smokescreen for a lack of action by this government to address the issues plaguing Banksia Hill.

We know that the government has been warned on multiple occasions by the unions and others: if you do not allow staff to operate in a safe working environment, a disaster is likely to occur. I refer to comments in early 2021 by Melanie Bray, the assistant secretary of the Community and Public Sector Union—Civil Service Association of WA —

"Chronic understaffing means more lockdowns, which makes detainees agitated and disruptive.

... the centre needs rapid intervention for de-escalation before another riot, like in 2017."

It is typical of the government's approach. It has not listened or acted and, as a result, countless lives have been put in danger. As the Leader of the Opposition stated, we are not excusing or condoning for a moment the actions of the offenders. We are pointing to the failure of this government, in part, to keep its own staff in this facility safe and to have a level of control. After all, this is a corrections facility.

Although in last week's riots the actions of the inmates at Banksia Hill were absolutely deplorable, this government has failed to manage the facility appropriately. Banksia Hill Detention Centre is a state-owned and state-operated facility. It is fair to say that no-one expects to go to work and get a fractured skull, but that is what happens at Banksia Hill under the McGowan government. In February this year, the Australian Workers' Union described an incident as unnecessary and avoidable. It continues to call for change and a safer work environment, but its calls are clearly falling on deaf ears. It is no wonder that staff are leaving Banksia Hill in droves. Who in their right mind would want to work in that sort of environment, which has been normalised under the McGowan government? As soon as Banksia Hill employs new staff, they leave. Last year is a prime example of this, with more than 32 new full-time employees leaving Banksia Hill in a seven-month period. Banksia Hill is attracting staff, but they are leaving in droves. From 1 January to 31 July, 32 full-time staff left Banksia Hill. With such high turnover rates—the Minister for Police is aware of this because there has been an exodus of officers from the Western Australia Police Force—we are seeing similar levels of frustration amongst people in this workforce and fear from those who work at Banksia Hill. That has caused a mass exodus of staff.

Let us not forget how the riot—which is condemned by the opposition—started. It started after a young male detainee removed bricks from his cell to threaten a female guard who was carrying out a check alone. The detainee stole a set of keys from the female guard and unlocked the cells of other detainees, who were aged 18 years or over. The group, some armed with makeshift weapons, began a major riot, setting fire to accommodation and trashing the facility. Apparently, this has come at a cost of more than \$30 million, which will be borne by taxpayers. The opposition supports the investigation that is now taking place into why the female guard—she was one of 13 officers patrolling that night—was patrolling alone. We note that there have been calls over several years to introduce a permanent staffing ratio with a no-officer-alone policy. This government failed to ensure that that dedicated female officer was safe. These calls have been constantly brought to the attention of the government, and for obvious reasons. On the one hand, we have heard the Premier talk about the significant risks that these offenders apparently pose to the community, but, on the other hand, he has failed to ensure that measures were in place for the female officer who was working on her own, despite calls for measures to ensure that officers work alongside other colleagues. The riot resulted in millions of dollars in damage and raised the question: what has happened to the no-officer-left-alone policy?

That was not the first time; this was the second incident in less than a month. The other incident involved a set of keys being taken from a youth custodial officer at unit 18. Detainees are high-risk offenders and, given the opportunity, they will create trouble; we have seen this time and again, particularly given this government's approach to managing the facility. Why are staff members not being better supported by having a colleague work alongside

them? We know that understaffing is a significant issue because it was outlined as such in the *2021 inspection of the intensive support unit at Banksia Hill Detention Centre*. Key issues were raised in that report, which reads —

Staff we spoke to lament the impact staffing shortages were having on detainees. They were highly conscious of the lack of out of cell time detainees were receiving, which often resulted in legislative requirements not being met ...

Staff shortages resulting in rolling lockdowns and extended periods in cell for all ISU detainees.

Between January 2021 and the time the report was delivered, 49 staff departed Banksia Hill, of which 44 had resigned. This attrition rate has caused significant resourcing issues for the facility. The compounding issues are, firstly, the more lockdowns that these detainees are subject to, the more disruptive they become, and, secondly, the chronic shortage of staff has led to incidents in which detainees have threatened staff and stolen keys, similar to what we saw last week.

I know that other members would like to speak on this motion. Quite clearly, there has been warning after warning, but this government has failed the dedicated staff at Banksia Hill and it has failed to heed the warnings of many advocates across the community to keep staff safe.

MS M.J. DAVIES (Central Wheatbelt) [3.16 pm]: I am very pleased to rise to support this motion and put on the record that we have a Premier and a Minister for Corrective Services who have failed to keep safe the community, our prison officers and the kids and young adults who are in the system. We have a Premier and a minister who believe that they are right and everyone else is wrong—every expert who feeds information into this process, including experts on juvenile justice, child development and prison management. The Premier and his minister are right and everyone else is wrong. That is the height of arrogance, but it is straight out of the Labor playbook. This is not an issue that the Premier and the minister want to talk about. They do not want to derail their agenda. They do not want to talk about this inconvenience. What they have done is pushed through and dog whistled to the public, which is usually more than happy to lap up the message “Tough on crime” no matter which party is in power. They have clearly done the polling that says that the Premier can keep saying it. They have gone against all the advice from the experts. This is not an easy issue—no-one is pretending that it is—but the Premier and the minister refuse to listen to those experts. They are at odds with those experts and practitioners in juvenile justice, community services, children’s services and social services.

I can imagine what the conversation around the cabinet table is like. What type of calls is the Minister for Community Services; Early Childhood Education getting because the vast majority of kids who end up in Banksia Hill Detention Centre and the justice system are, unfortunately, wards of the state? What sort of phone calls is the Minister for Aboriginal Affairs receiving? I imagine that there are some very awkward conversations happening within the caucus and cabinet room because the position of the Premier and the minister has put them at odds with very long held positions of the Labor Party. We do not have to go back too far, only to discussions about Banksia Hill during the Barnett government, to see that when it came to kids with foetal alcohol spectrum disorder and the management of our prisons, the member for Rockingham in particular had a very different line about how these situations should be managed. I do not accept the argument of the Premier and the minister that they stand with the victims and are not listening to anyone else. Every single person in this chamber has constituents who have been victims of crime—every single one. We stand with those people in the community who have been impacted by this. Not one person on this side of the house is suggesting that we should live in a world without consequences. That is not a point for debate. We do not want prison officers assaulted, we do not want children and young adults treated inappropriately and we do not want taxpayers footing the bill for the riots and the destruction that has come about from the mismanagement of this government. At what point will the government admit that it is doing something wrong? When will it start listening to the likes of Professor Fiona Stanley? When will it start listening to Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar? When will it start listening to the prison guards and the unions, as the Leader of the Liberal Party and the Leader of the Opposition have raised?

Let us talk about the kids who actually end up in detention. Just in the Kimberley, more than 300 kids aged between 10 and 12 years were arrested in the past year. Without bail into the community, those kids are flown to Perth and end up at Banksia Hill Detention Centre. There are 600 young people locked up every year, and 63 per cent of them are Aboriginal. Most of them have neurodevelopmental impairments. The Leader of the Opposition talked about foetal alcohol spectrum disorder and the levels of FASD that are undiagnosed in our community. Neurodevelopmental impairments are not an excuse for criminal behaviour, but they must be taken into consideration. It is not because these young people are incorrigible; it is because they do not have consequential thinking. It is pointless saying, as the Premier has said, as though he is talking to someone from the western suburbs who is surrounded by a supportive family, who goes to a great school and who has the resources to support people who might have gone a little bit off the rails, that these kids just need to pull their socks up. It does not work like that. It is more complex. These kids have issues of diagnosed and undiagnosed ADHD, autism, drug and alcohol issues and trauma in their history. They are often without role models and are living in overcrowded and substandard housing, which is another thing

that the government is responsible for. The way that Banksia Hill is being run now is actually contributing to making these kids into better criminals. It is hardening them and sending them back out into our community. Those of us who have been to these communities have all seen that.

This government's tough-on-crime stance would be fine if it were delivering a result, but it is just posturing from the Premier. Notable experts who have added their concerns to the public record on the dismal failure of Banksia Hill include Jonathan Carapetis, head of the Telethon Kids Institute; Denis Reynolds, former President of the Children's Court; Jacqueline McGowan-Jones, Commissioner for Children and Young People; and Greg McIntyre, Law Society of Western Australia Indigenous Legal Issues Committee. At the Disability Royal Commission earlier this year, the director general of Corrective Services conceded that detainees at Banksia Hill had been subjected to cruel, inhumane or degrading treatment under the terms of international law. Then we get the Premier saying "Pull up your socks and do better." Then we come to the round table that the Premier was forced to hold. There were no minutes—despite the Premier saying that he took pages of notes—contradictory reports on what was actually said and agreed at the meeting, and a war of words that erupted afterwards between one of the most esteemed professionals in Western Australia and the Premier of the state—how undignified! I think that the Premier needs a bogeyman to attack, and if it is not Clive Palmer or some Premier over east, it is these kids in Banksia Hill. Our community is not safer from the Premier taking a tough-on-crime stance. It is posturing and nothing more. He is failing the prison guards, the kids and our community. It is six or seven years into the Premier's time in office and it is time that he actually takes responsibility for Banksia Hill. He has more than enough funds at his disposal. He has more than enough resources and people willing to help, and experts sitting waiting to be called in, but arrogantly he refuses to listen to them. He is right! His minister is right! He holds none of those other people in the regard they deserve, and it is disgraceful. He is demonising these kids.

MR M. MCGOWAN (Rockingham — Premier) [3.23 pm]: Obviously, we will not be supporting this motion. I want to put a few things on the record. Over the last 10 or 12 years, the number of detainees in Banksia Hill Detention Centre has halved. Banksia Hill was actually built to hold far more detainees. The number of detainees has halved. The range of actions and diversionary measures that this government has put in place has reduced the number of people going into Banksia Hill. It is never acknowledged by the opposition or any of the protesters that there are fewer detainees. The only reason people go into Banksia Hill is because they have committed a very serious offence or a number of very serious offences—sometimes in the hundreds. There are people at home who are the victims of these offences. I have listened to the arguments of members opposite; they never once mentioned the victims. People out there are the victims of burglaries and assaults in the community. That is why the perpetrators, if found guilty, are sent to Banksia Hill. Out of 12 juveniles who are engaged in the juvenile justice system and who have been found guilty by a court or an order of a court, 11 are not in Banksia Hill. Only one in 12 of those juveniles are sent to Banksia Hill. Of the 87 detainees currently in Banksia Hill, six are guilty of some form of homicide, 15 are guilty of some sort of sexual assault and the rest are guilty of aggravated burglary, car stealing or armed robbery—those sorts of offences. That is why they end up in Banksia Hill.

I heard some people at the rally the other day saying that we should let them all out. I do not agree with that. We have to protect the public. At some point, the interests of the public and the victims need to be taken into account. I know that it does not enter the thinking of a lot of the activists that there are victims out there in the community who need to be protected. People living out there in the suburbs, towns and cities of this state need some protection.

It is unfortunate when someone under 18 years old arrives at Banksia Hill—technically they are under 18, but we learnt some are over 18, which we are about to change—it provides some structure in their life. A lot of these juveniles do not have any structure in their lives outside Banksia Hill. There is actually a routine. They have a bed. There is no alcohol or drugs. They have an environment in which they have the opportunity to learn, engage in some recreational activity and undertake some training. Those opportunities are all there. They can receive some psychological support. On the day of the recent riot, I am advised that there were some educational programs for those juveniles who rioted, followed by some barista training, followed by some hip-hop classes, followed by a game of footy. I can almost guarantee members that none of those 47 juveniles who rioted would have done any of those things if they were not in Banksia Hill. Do any members think that they were engaged in barista training outside of the detention centre? Banksia Hill gives them some structure in their lives and an opportunity to undertake rehabilitation activities. It gives them the opportunity to take the opportunity to improve their lives.

I say to all members that I do not believe in excuses. A young person goes to Banksia Hill because they have been found by a court to be culpable beyond reasonable doubt with the capacity to form an intent. I do not think that is well understood by some of the people who complain about this, including members of the opposition. Those young people have been found guilty of a crime because they could form an intent and they are mentally capable of pleading. That is why they end up at Banksia Hill. They have been found guilty subject to the law, and the court—not me or the government—has sent them there. They are being held to account. If all the messages those detainees get is that they are not responsible, which is the tone of members' arguments, and whatever they do, they cannot be held to account for those things, all they are going to learn is to keep doing it. Then when they come

out, they will do it again, and when they do it again as an adult, they end up in Hakea Prison or Casuarina Prison. In the process, someone will have had their house broken into, or been run into by a vehicle, or been assaulted or killed. I think that the messages that need to be promulgated by all the experts, the advocates and by us here is that those young people need to take responsibility. They need to understand that there are consequences for their actions. They need to do the right thing by themselves, their families, their friends and their communities. What is wrong with those messages? Why are those messages so bad? Why is that a bad message to send to someone? The opposition seems to think that that is a bad message. It is not a bad message to send to young people that that is the way they should act in life.

As I said earlier, I grew up in towns where there were a lot of disadvantaged kids. I went to public schools that were poor. If we say to those disadvantaged kids, “Your life is hopeless, you are not responsible for your actions, and if you go and commit crimes, that’s the government’s fault”, what message are they getting? They are getting the message that that is okay. We have to say: take advantage of the opportunities that are given to you. You can actually do something here. You can improve your life. That is my fundamental argument with the activists, because they do not accept that. They then say that they should never be locked up. If you kill or rape someone, you will get locked up if you are found guilty. For goodness sake!

I heard comments made by members of the opposition just now. The tone was that somehow this is the government’s fault. I heard what Peter Collier said in January after a riot. He said, “The only vehicle they’ve got is to riot.” He basically justified it. Apparently, that is the opposition’s coping strategy. According to Peter Collier, “the coping strategy is exactly what happened yesterday”, which is what he said on 1 January. “The only option they’ve got is to riot.” That is the Liberal Party saying that. It is basically justifying rioting.

What occurred the other day? There have been two recent incidents. In the first incident, three detainees jointly took a key from a youth custodial officer and threw it to another one, who threw it to another one, who unlocked the detention facilities and let out some detainees. The incident that occurred the other day was significantly worse. One detainee used some sort of implement to remove a brick from a wall, and then other bricks from a wall in his accommodation. He got out through the hole in the wall made with removed bricks and used a brick to threaten a woman, a custodial officer, and somehow he grabbed some keys and released 47 detainees. Again, that is not acceptable. That is a criminal offence. Those detainees will be charged. They will have another charge on their rap sheet.

Mr R.S. Love: Why was she there on her own?

Mr M. McGOWAN: There are inquiries into all that. They are not supposed to be on their own. There are actually protocols. The detainees released 47 prisoners, and they climbed on the roof and set fire to buildings. They actually blocked fire trucks from getting in to put out the fire. In my view, that was dangerous for the other detainees who did not get out of their detention. They blocked the fire trucks. Then they got hammers. Members saw them throwing hammers and so forth at people. It is terrible behaviour. No excuses should be made for it. Peter Collier and you guys made excuses for it. It is not acceptable.

What are we doing about it? Obviously, we are spending \$105 million on new facilities and upgraded services at Banksia Hill. We are doing a lot in the community in terms of diversionary programs, including the Target 120 program and numerous others across the state. These programs are particularly focused on regional communities. We have committed massive additional resources. We have to repair the damage that was created at Banksia Hill. Obviously, it will mean a change to the routine. No doubt, the opposition will now say, “You’re locking down the detainees more; that’s unacceptable.” The only reason they will be locked down more is that they burnt down the facilities. It is cause and effect. If detainees are going to attack youth custodial officers, obviously we will have trouble recruiting officers. If detainees are going to throw things and break their feet, as happened to one custodial officer recently, we will have trouble recruiting. If detainees are going to burn down facilities, we will have to do more in terms of locking people in—or how else do we manage the place? It is cause and effect. That is what occurs. We are recruiting more staff. We are not apologising for the behaviour of detainees. I am calling it out.

We are investing \$105 million, plus at least another \$30 million, to make the facility safe. We are doing significantly more by way of diversionary programs in the community. We will shortly be introducing laws so that 18-year-olds and above are taken out of Banksia Hill and put into adult custodial facilities, which is where they should be. It will be interesting to see whether the Liberals and Nationals vote for that. If you are 18, an adult, you should be in an adult prison. If my child was in Banksia Hill, aged 13 or 14, I would not want a 20-year-old in there with them. We are changing that to protect children. I know that some people object to that. I fail to see the logic sometimes. I cannot see the logic of some people. I want to protect children. That is what we are doing. That will reduce the cohort in Banksia Hill by 16 or 17. It will take it down in today’s numbers to 70, which should reduce some pressure in the facility. I might add that a group of the rioters were aged over 18 years. Honestly, they were actually over 18! They are adults and they were rioting with 14-year-olds. They will now go into an adult custodial facility, where the behaviour is better. They might develop a bit of maturity when they have to mix with adults. That is occurring.

There have been some grievous attacks on staff, by both some detainees and some commentators. One columnist in *The West Australian* today wrote that the staff are people who want to hurt kids. These are people who go to work. These are working people who work in that environment, where they are subject to attack and are spat on and so forth. A columnist actually wrote that the people being employed go into that type of work to hurt people, and it only attracts people who want to hurt kids. It is just disgraceful stuff that that could be said. The excuse making has now got to such a degree that people are actually attacking ordinary people who work in that environment saying they are sadists. How can that be written? Why would someone write that? Why would someone say that? It is just ludicrous. That is occurring.

As I said before, most of the juveniles in Banksia Hill have had hard upbringings. I accept that. As I said, I grew up with lots of kids like that. They have had hard upbringings, often with single parents—often with no parents. Some of them suffer from some of those conditions that members opposite have talked about. Unless they commit a capital offence or a sexual assault, they have multiple chances before they get to Banksia Hill. That is why we continue to divert them and divert them. That is why we have program after program to intervene before they get to Banksia Hill to try to help them get them off this course. Once they are at Banksia Hill, they have to take the opportunity that is presented to them. If they do not take the opportunity that is presented to them, if they listen to everyone else who says, “You can’t turn your life around”, they will commit more crimes when they leave and end up in Hakea or Casuarina for decades. That is all that will happen. We have seen it. If we go to Hakea or Casuarina, we see people in juvenile detention because they did not take the opportunities offered to go into diversionary programs prior to going to Banksia. When they got to Banksia, the people who advised them, the commentators, kept saying, “It’s nothing to do with you. It’s not your fault. You’re not responsible. Let you out.”

It is all the wrong messages. The message should be: take the opportunity, learn how to do something, turn your life around, make sure that you treat your colleagues and your friends with respect and do not commit any more crimes. They should be the messages they are given, and everyone should repeat those messages. I do not think that is some far-flung ideological rubbish; I just think that is normal. They are the normal messages we should be giving to people. I do not understand why people out there are giving alternative messages. I have heard them all. I have been in meetings when people say that these detainees are not responsible for their actions. Why are they in custody then? Why do the courts find them culpable? The courts are very sympathetic to juveniles. Why are they there? All I am saying is that people who say that no-one is responsible for their actions, they should not be there, somehow the system is at fault and they are just innocent parties are not doing them any favours. They need to give them the message to take all the opportunities you are given, treat everyone with respect and whatever you can do by way of self-improvement, whether that is learning a trade, engaging in recreation and fitness programs or whatever else is offered in detention, you should take those opportunities, and when you come out, you might be a better person and life might improve for you. That would be my advice to everyone involved in this.

MR W.J. JOHNSTON (Cannington — Minister for Corrective Services) [3.39 pm]: I want to address immediately something the Leader of the Opposition said. He said we were treating the detainees at Banksia Hill Detention Centre like animals. What a disgraceful thing to say! It is absolutely disgraceful. The Liberal Party and the Nationals WA realise they have gone too far in the past so for the first time they now acknowledge the trouble of working at Banksia Hill. Now, after months and months of saying it is all about the government and our employees, and that we are the ones causing the trouble, the opposition now realises that the workforce does not support it so it tries to pretend it is on the side of the workforce. I tell members what, every time I talk to the workforce, like I did on Friday, its members thank me for standing up for them and they thank the Premier for standing up for them because they know that the people who are standing up on behalf of the staff are not the members of the Liberal and National Parties, who continue to blame the workforce for what is going on there. It is disgraceful that they continue to say, like that commentator in *The West Australian* today, that the workforce at Banksia Hill are not the right people to work at that facility. The idea that the opposition continues to do this—blame the people doing a difficult job in difficult circumstances—is disgraceful. There is no other reason that there are only six of them; that is enough. The way they have continued to blame the workforce for the behaviour of the detainees is disgraceful.

I point out to the opposition what has been said. I quote —

However, 16 to 18-year-olds can be very violent offenders. They tend not to be in detention centres and under the management of youth custodial officers unless they are in there for serious offending. Notwithstanding the comments made after the Banksia Hill Detention Centre unrest about fast-tracking juveniles through the system and that so many are in there who will not ultimately go to jail and that they are in there for trivial crimes, that is not the case at all.

Who was that? It was the former Attorney General Hon Michael Mischin in *Hansard* of 12 September 2013. Once upon a time, the Liberal Party did not take the approach it does now. Its members talk about the excuses people have for offending behaviour. I want to remind everybody of something, because it is misunderstood: in round figures, less than seven per cent of young offenders are in Banksia Hill. Ninety-three per cent are being managed in the community. We do not want to see more people at Banksia Hill; we want to see fewer people at Banksia Hill. That is why we are investing in programs in the community. That is why our biggest focus is in the community.

When I got this job as Minister for Corrective Services, I talked to a whole range of experts about what needed to happen at Banksia Hill, and the Inspector of Custodial Services told me we needed to do three things. The first thing that needed to be done was improve the infrastructure of Banksia Hill because it was still in the state it was in when the Liberals and Nationals were in power. The second thing that needed to be done was to deal with staffing, and not just the staffing of youth custodial officers, but other staffing issues. The third thing was to create a model of care. Guess what we have done. We have made a \$105 million investment into infrastructure, services, staffing and a new model of care.

Again, the biggest problem we have with implementing the new model of care is that every time we are ready to move forward, another problem is caused by the detainees. This is the problem. We do listen to experts. That is exactly why the ministry is not in charge, it is the department. Of course, I have to provide the leadership that we are all required to provide, and I have to get the resources from the Treasurer and the Expenditure Review Committee. Guess what! I have. Yes, it is hard to recruit staff, and sometimes we do not have enough people at work. That is because a lot of the staff are going on workers compensation, and therefore we do not have the number of people attending work that we want. That is why we continue to recruit. As I keep saying, if anybody would like not to talk about youth justice issues but contribute to solving a problem—because plenty of people want to talk but not so many want to step up and help—those who want to step up and help can get in touch with the department of corrective services. There are YCO courses starting on a constant basis. One is just about to finish right now. People can contribute to helping us out there. We are investing in an Aboriginal services unit to provide cultural leadership to the detainees because, unfortunately, many of the detainees are Indigenous. There are additional resources in health, additional psychologists, psychiatrists and nurses. We are investing in all the services that actual experts—not commentators—say are required. There is no lack of investment.

The fact that the investment is so much larger than when the member for Central Wheatbelt was at the cabinet table is a demonstration of our commitment. It is interesting that the member for Central Wheatbelt at the end of her career now discovers youth justice issues—at the end of her career, not at the start—when she cannot make a contribution, rather than when she could. She sat around the cabinet table and did nothing, and now complains that we are doing something and then makes excuses for the violence of these violent offenders. With a born-to-rule attitude like that, no wonder the Nationals WA are in opposition.

I noted the Leader of the Liberal Party making her comments today. The Leader of the Liberal Party said she wants to build a remand centre. I can tell the Leader of the Liberal Party that there are three sites suitable for that—government-owned land in the electorate of Vasse. I do not want to do this. It is not me making this proposal, it is the member for Vasse. There is the Dunsborough leavers' site on Vasse–Yallingup Siding Road, the land next to the horse and pony club and the Geographic Community Landcare Nursery Queen Elizabeth Avenue, and a parcel of crown land south of Rendezvous Road. It is not my idea. They are all blocks that are suitable for a youth detention facility. The member for Vasse needs to tell her community on which of those three sites the \$250 million facility will be built. She will take \$250 million out of the budget of Western Australia that would otherwise be used for services and put it into building new physical infrastructure, and she needs to tell us which of those three sites it will go on. Otherwise, it is just hot air. Is she prepared to say which site she will choose out of those three? They are all suitable; I have asked the department and these are the sites that the department tells me are physically capable of taking a juvenile justice facility. Now she has her chance. If she is going to be honest and tell the truth, she has to choose which site it will be. She has to stop making excuses. She is happy to make excuses for her friends like Troy Buswell, but now it is time for her to apply her standards to herself.

The Leader of the Opposition comes into the chamber to forgive violence and excuse criminals. What a load of rubbish. The Leader of the Opposition needs to decide whose side he is on. Does he support the perpetrators of criminal violence or does he support the detention centre staff at Banksia Hill? Does he support people making excuses for violence or is he with the McGowan Labor government standing up for the community and protecting the community? That is his decision. He needs to make that decision. Which side does he stand on? Does he side with excuse-making or does he want to stand with us?

Mr R.S. Love interjected.

The DEPUTY SPEAKER: Leader of the Opposition!

Mr W.J. JOHNSTON: He is getting it done. It is time for the Leader of the Opposition, with his born-to-rule attitude, who thinks he will be Premier without doing any work and without any policies, to go. I look forward to him having a nuclear power station in his electorate as well.

Mr R.S. Love interjected.

The DEPUTY SPEAKER: Leader of the Opposition!

Mr W.J. JOHNSTON: This is just so ridiculous. I want to make it clear —

Mr R.S. Love interjected.

The DEPUTY SPEAKER: Leader of the Opposition, you have had your say. You may not like the response you are getting, but it is the government's turn to respond. The minister will finish in silence, thank you.

Mr W.J. JOHNSTON: Here it is, the glass jaw of the Leader of the Opposition. We sat here with not a single interjection on his contribution and then this is what happens. When we point out their contradictions, the basic lack of thinking, the members of the opposition behave like children. It is time to stop.

I want to make it clear: since the Justice Tottle decision last August, we no longer have the practices that occurred when the Liberal and National Parties were in government. Members can read the report of the Inspector of Custodial Services that said that holding people in cells was done as part of a disciplinary regime. We have stopped that. When I talk to the youth custodial officers, they say they think we are concentrating too much on getting the young people out of cell. That is actually one of the things they say to me. When I spoke to three senior officers last Friday, they literally said, "Don't concentrate so much on getting them out of cell." I said, "I'm sorry, I'm not able to do that. Justice Tottle has made it clear that we have to provide more out-of-cell hours, and that is what we are trying to do." The youth custodial officers' view is that the out-of-cell hours are contributing to the unruly behaviour. I do not necessarily agree with that, but I am just telling members what they have said. We need to recruit more YCOs and we probably need to change the structure of the employment arrangements down there. That is exactly what I said to the workforce when I was with them on Friday. By the way, when I told them that when I got back to Parliament this week we would introduce a law to move the adults out of the juvenile detention facility, they celebrated and congratulated me. They said that was a great advancement under the leadership of the Premier. We are listening to the workforce. I was talking to one of the nurses at unit 18 who told me how much respect she has for the youth custodial officers because of the difficult work they do. To then hear the commentators and Liberal Party and Nationals WA members criticise the workforce by saying they are treating the detainees like animals—what a disgrace!

Point of Order

Mr R.S. LOVE: That is the second time that the minister has said that I said prison officers were treating the children like animals. That was actually a direct quote that I read from the President of the Children's Court, Hylton Quail, into the debate today. It is not an observation that I made on my own.

The DEPUTY SPEAKER: That is not a point of order. Carry on, minister.

Debate Resumed

Mr W.J. JOHNSTON: Thank you. As I said, here is the Leader of the Opposition saying —

Withdrawal of Remark

Mr R.S. LOVE: I respectfully request that the minister withdraw the remark.

The DEPUTY SPEAKER: There was no point of order.

Mr R.S. LOVE: Okay. Thank you.

The DEPUTY SPEAKER: Carry on, minister.

Debate Resumed

Mr W.J. JOHNSTON: As I was saying, the Leader of the Opposition comes in here and endorses the view that the YCOs are treating the detainees like animals. I have heard members of Parliament split hairs before, but that was embarrassing from the Leader of the Opposition. If he does not think that the YCOs are treating people like animals, why come in here and make the allegation? The member cannot do this. He cannot say one thing and then deny that he said it. That is the problem. All I did was quote the member.

As the member pointed out, eight out of nine detainees at Banksia Hill do not have foetal alcohol spectrum disorder. I accept that FASD leads to challenges in managing the detainees. If the courts do not think that those people suffering from FASD should go to Banksia Hill, I would welcome that. That is why we are investing in an on-country facility in the Kimberley. That is an Aboriginal-led solution to some of the challenges of juvenile justice in the Kimberley. If other groups want to come forward with proposals for community-led solutions, we will happily look at them. That is why we are investing in Target 120 and doing all the different things we are doing. But, in the meantime, I will not stand with the opposition and excuse violent behaviour and blame somebody else for the violent behaviour. That is what is happening. The Premier has put the challenge out to the opposition: is it going to support moving adults out of the Banksia Hill Detention Centre or does the opposition think that adults belong at Banksia Hill? This is a genuine test for the Leader of the Opposition. It will be interesting to see how he responds, because we know that the commentators will not support it. They want to keep Western Australia as one of only two states in Australia where adults are allowed into juvenile detention facilities. Every other state except South Australia and Western Australia put adults in prisons. It is a challenge for the Leader of the Opposition and the Leader of the Liberal Party. Do they stand with the workforce at Banksia Hill and with the Labor government in doing this reform?

Extract from *Hansard*
[ASSEMBLY — Tuesday, 16 May 2023]
p2290b-2299a

Mr Shane Love; Ms Libby Mettam; Ms Mia Davies; Mr Mark McGowan; Mr Bill Johnston; Deputy Speaker

Other reforms to the law here in Western Australia will be needed to make it better for the staff at Banksia Hill, and we will do those things. It is a challenge now. It is a terrible situation that we have at Banksia Hill. We understand that. We need better outcomes, and that is why we are investing in it. We are doing the things that the experts say we should do. They are not necessarily all the things that the commentators say we should do; we are doing what the actual experts say we should do. Do not forget that the director general has a PhD in youth justice issues. It is not like we lack advice from people who know how to respond. We are not listening to the opposition because we believe in common sense. We are not going to listen to people who come in here and say that the staff at Banksia Hill are treating the detainees like animals.

Division

Question put and a division taken, the Deputy Speaker casting his vote with the noes, with the following result —

Ayes (4)

Ms M.J. Davies	Mr R.S. Love	Ms L. Mettam	Mr P.J. Rundle (<i>Teller</i>)
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Noes (41)

Mr S.N. Aubrey	Ms M.J. Hammat	Mr D.R. Michael	Ms J.J. Shaw
Mr G. Baker	Ms J.L. Hanns	Mr S.A. Millman	Dr K. Stratton
Ms L.L. Baker	Mr M. Hughes	Mr Y. Mubarakai	Mr C.J. Tallentire
Ms H.M. Beazley	Mr W.J. Johnston	Ms L.A. Munday	Mr D.A. Templeman
Dr A.D. Buti	Mr H.T. Jones	Mrs L.M. O'Malley	Ms C.M. Tonkin
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mr R.R. Whitby
Ms C.M. Collins	Ms E.J. Kelsbie	Mr S.J. Price	Ms S.E. Winton
Ms L. Dalton	Dr J. Krishnan	Mr D.T. Punch	Ms C.M. Rowe (<i>Teller</i>)
Ms D.G. D'Anna	Mr P. Lilburne	Ms M.M. Quirk	
Mr M.J. Folkard	Mr M. McGowan	Ms A. Sanderson	
Ms E.L. Hamilton	Ms S.F. McGurk	Mr D.A.E. Scaife	

Pairs

Ms M. Beard	Ms K.E. Giddens
Dr D.J. Honey	Ms A.E. Kent

Question thus negatived.