

YOUTH DETENTION — BANKSIA HILL DETENTION CENTRE AND CASUARINA PRISON

Statement

HON DR BRAD PETTITT (South Metropolitan) [5.38 pm]: I thank the honourable parliamentary secretary for that statement. It is always difficult, but I appreciate him sharing that.

My statement today is also about children but from a different angle. A few of my crossbench colleagues and I took a tour of the Banksia Hill Detention Centre and Casuarina Prison's unit 18 a week or so ago. I thought it was important to share that, and I want to thank the office of Hon Dr Brian Walker for organising it.

It was really instructive for learning what is actually happening in that space. We asked lots of questions about this issue and certainly raised our concerns about putting youth into an adult detention centre. I thought it was important to see how it is playing out in reality. I want to thank the Commissioner of Corrective Services and all the staff who showed us around. It was a very open, honest and frank look at the challenges, and they are facing some serious challenges. It brought home to me the need to get really serious about the solutions. To be absolutely frank, it was extremely bleak, and it has haunted me in the days and weeks that have passed since.

I do not know whether anyone has been there, but the cells in the Banksia Hill Detention Centre are stark. They are small. They are designed so that nothing can break. They have a stainless steel toilet with no lid and a shower over it, and the bed mattress is covered in plastic. The walls are covered in tags and graffiti. This is a place that we are locking children and young people in for at least 13 hours a day. There are times when they are in there for 20 or 22 hours, and sometimes even 24 hours, a day. There was nothing in those cells that said to me that this is a place for rehabilitation or for getting these kids, whose lives have gone off track, back on track. There was nothing in there to show what it could be for children.

Part of the problem is that Banksia Hill is old. It was built in 1987. The architecture looks like it was built in 1987. It is a big, sprawling campus. The grounds outside are quite pleasant, but the problem is that they are out of date. Members would have heard talk about the internal fences that are very easily scalable by young people. They have learnt ways to climb the unclimbable fence, which blows my mind. The kids are scaling and sitting on top of the fences. Because the facility is not up to scratch, kids have to spend more and more time in lockdown and cannot go to education classes and do all the things that they should do. Ultimately, that is what in part led to some of them being transferred to unit 18.

The need for upgrades at Banksia Hill has been recognised. They are funded in the budget, but they are rolling out very slowly. They are not planned to be finished until 2025–26. Really? We need to get on and do this now. There are fences that kids can climb and sit on top of, and that results in lockdowns. Every second cell has been smashed and broken, even though they are unbreakable, which is a key point. We should not have to wait for years to fix this; it should be done now. We cannot get the kids out of the adult prison until the upgrades are made to Banksia Hill. It is unacceptable that we are not going to do that for three or four years. I came away from that visit thinking that we need to get on with it and do it quickly. Banksia needs to be fixed; there is no doubt about that.

After Banksia, we went to unit 18 at Casuarina Prison, which is an adult prison. It felt like an adult prison—it is an adult prison. When we were there, the guards in the under-18 part outnumbered the kids by about four to one, including the guards in riot gear. We were there for only 20 minutes or half an hour and there were three incidents in that time. At one point, we were asked to seek refuge in the staff room, where we found eight staff who had the job of providing education and First Nations people who were there to teach about country. They were really good people who wanted to do a good job, but they could not do their job. Instead, all these kids were in lockdown and being controlled.

Hon Dr Steve Thomas: Were they violent incidents?

Hon Dr BRAD PETTITT: Yes, they were.

Hon Dr Steve Thomas: And they were in the group of juveniles?

Hon Dr BRAD PETTITT: Yes, that is right.

Hon Dr Steve Thomas: Maybe they're in the right place, then, if they were violent incidents.

Hon Dr BRAD PETTITT: Yes; they were violent incidents, absolutely. That is at the heart of this. The idea of putting traumatised young people into an adult prison means that they will double down on the misbehaviour, and that is what we saw there. Kids who were freaked out were getting more freaked out. This is no disrespect to the prison guards, who are doing the best that they can in a difficult situation, but it is an environment that is kind of asking for this and making it worse. I remind everyone in the house that these are children; these are young people. Their ages vary from 13 to 16. These are people whom we want to rehabilitate, not treat them in that way. I should clarify; the member asked: was there violence? I did not see any violence perpetrated by the young people. I assume,

from the response, that there was an incident, but I did not see any violence. There certainly was a lot of coercive control of the particular young person that we saw at the time, just to be absolutely clear about that.

This goes to the heart of a system that, I am afraid, is failing, and that we need to get in front of. I walked away thinking, “Well, what do we do about this?” The commissioner said, “Look, we’re doing the best we can with what we get, but actually it is what happens before these kids come in here that needs to be fixed”. I think at the heart of this is early investment, making sure that these kids do not get into these situations, and actually seeing what the solutions are. I think that is really important.

After we visited, the Aboriginal Legal Service put out a really interesting list of 27 recommendations for what it thinks needs to happen. I think they are really good ideas, and I want to share some of them; I will not read them all. Amongst the things that need to happen are for Banksia Hill Detention Centre and youth justice to be managed by the Department of Communities, to shift the focus away from punishment and towards a recovery-oriented approach. It also recommended that youth custodial officers be replaced with youth justice officers wearing plain clothes. The idea is that if they are working with kids, they should not be wearing prison uniforms and riot gear; they should actually deal with kids face to face and one on one. There should be culturally appropriate care for Aboriginal children. Many of these kids have disabilities and many of them have foetal alcohol spectrum disorder. There are literally problems upon problems that need to be addressed around education and less solitary confinement.

I will not read through all the recommendations, but I think there are some really good ideas there that I wanted to bring to the attention of the house. I also want to bring to the attention of the house that we cannot let this situation go on for years; it is a terrible situation, and one that I think none of us should stand by and watch. We are actually creating ongoing issues here. We need early investment in a range of areas, from doing up Banksia to much better treatment and much better resourcing of what happens in prisons with young people.

It was a tour worth doing; I highly recommend it to anyone in this place. I thank my colleagues for organising it and coming along. I am hoping that what I have put forward today are solutions that are based on evidence and that we do not create an ongoing legacy that we will have to deal with in the future. It will mean funding to implement some of these things urgently, and it will not just mean haphazardly allocating money in the budget for works that cannot be completed for several years.