

**BANKSIA HILL DETENTION CENTRE — PREMIER’S MEETING**

*Standing Orders Suspension — Motion*

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition)** [2.44 pm] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —

That this house condemns the Premier for his 90-minute secret meeting into Banksia Hill Detention Centre and calls on him to listen to the experts calling for an independent inquiry into the youth justice system.

Several members interjected.

**The SPEAKER:** Order, please!

*Standing Orders Suspension — Amendment to Motion*

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

To insert after “forthwith” —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

*Standing Orders Suspension — Motion, as Amended*

**The SPEAKER:** Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

*Motion*

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition)** [2.45 pm]: I move the motion.

**Ms A. Sanderson** interjected.

**The SPEAKER:** I point out that 10 minutes are available for each side. That will not work if we have repeated interjections.

**Ms M.J. DAVIES:** Thank you, Madam Speaker.

What we heard in question time today is further confirmation that the Premier is not taking this issue seriously. His flippant response to a question around the agenda for the meeting that is being held behind closed doors with a select few, some of whom have been invited only as late as today, just proves that this government does not want to have this conversation and is not willing to share the outcomes or be held accountable for the suggestions that might come forth.

It is a private talkfest with the Premier because I have never heard of a meeting being held in the Premier’s office without an agenda. He is adding attendees to a meeting, without an agenda, on a particular issue that he has spoken about for the past two weeks, and the Premier has failed to invite some of the key stakeholders. Some of them have been invited only today, Premier. Did the Premier know that? Did the Premier know that his office is still inviting stakeholders to this meeting? It smacks of the fact that he is not interested in having this conversation and that he is flippant and wants this issue to go away. It will not, because a growing chorus of experts are saying we must have an independent inquiry. His dismissiveness is arrogant and insulting to those people who have spent a lifetime engaged in the youth justice system.

We moved this motion because both the Premier and his minister are failing to take this matter seriously. They think they know better than the experts. They say that Banksia Hill Detention Centre is working and that there is no need for an independent open inquiry. The fact of the matter is that the meeting tomorrow is just a meeting. It is not a summit. There is clearly not an agenda from the Premier’s perspective. He is going to listen. There will be no outcome in terms of recommendations. We had no clarification from the Premier on how that will be reported publicly and how we might hold him and those in the system to account. It is a meeting behind closed doors. The reality is that the Premier does not want the meeting at all. He does not think anything is wrong. He thinks Banksia Hill is working and there are no failures in the system, despite the fact that juveniles are in an adult jail.

The Premier thinks that he has all the answers. He thinks that he and his ministers have come up with all the solutions, so they will have a meeting to placate those who have been calling for some action; and this will make this issue go away so that he can get back to making big announcements like the one he made today, instead of focusing on the issues that are causing enormous pain in communities across Western Australia. I think it is a sign that the Premier

Ms Mia Davies; Mr David Templeman; Speaker; Dr David Honey; Mr Mark McGowan; Ms Simone McGurk;  
Mr Bill Johnston

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believes he is untouchable—that he cannot be questioned and that he knows best. He is an arrogant person who will not listen or learn, even when he is the Premier.

Let us recap on what the experts have said. The Youth Affairs Council of Western Australia stated —

Children should not be sent to maximum security prison under any circumstance.

When the only option in our system to support young people with complex needs is to place them in maximum security prison, then it is the system that is broken.

In response to the treatment that detainees at Banksia Hill Detention Centre were subjected to, Judge Hylton Quail said —

“When you want to make a monster, this is how you do it,” ...

That is a chilling statement. The President of the Law Society of Western Australia said —

“Sending children to the main maximum-security prison in WA is not the right solution and there needs to be a rethink. The WA Government needs to urgently look at how it can redirect funding to the programmes that work to reduce the root causes of crime before behaviour escalates, and how to house children appropriately when either bail is inappropriate, or a custodial sentence is to be imposed. The system is broken if juvenile detainees are being housed in conditions described as cruel and punishing, and as having no rehabilitative effect.

Mick Gooda, co-commissioner for the Royal Commission into the Protection and Detention of Children in the Northern Territory, or the Don Dale royal commission, said —

Our answer can’t be to just keep locking kids up. We’ve got a recipe for making kids worse.

The Inspector of Custodial Services, Eamon Ryan, who I understand is attending the meeting tomorrow, said that Banksia Hill Detention Centre is not fit for purpose as a youth detention centre; he said —

“It looks like, and in many respects runs like, an adult prison ...

He has also been on record saying that we have to involve all players—representatives from various departments such as health, education, mental health, communities and justice. I can attest to the fact that members of the community call in to my electorate office and those of our Nationals members to ask whether they can have their say to explain their lived experience of the impact of this revolving door of juveniles going through the justice system and returning back to their communities to cause chaos and havoc. The victims whom the Premier spoke about in this Parliament last week want their say.

The final quote that I will remind the Premier about is from the CEO of the Western Australian Council of Social Service. Referring to the government, she said —

There is a clear choice before them: listen to the voices of many, or dig in and try to ride out the bad press without any tangible change.

She also said —

It is not a talkfest that the Premier is trying to avoid.

It is scrutiny and accountability of our failing justice system.

That came from an opinion piece in *The West Australian* yesterday. Ms Giolitto cut straight to the core of the issue. The Premier is trying to avoid scrutiny and accountability. He prefers to play the political line. After six years in government, with a massive majority and a huge budget surplus, it is bordering on ridiculous to resort to that strategy. Any number of experts are waiting to offer their assistance and support, and community members want to offer their lived experience. We call on the Premier to instigate an independent inquiry and let everyone have their say so that we can get on with dealing with this serious issue.

**DR D.J. HONEY (Cottesloe — Leader of the Liberal Party)** [2.53 pm]: I strongly support the motion moved by the Leader of the Opposition. We need an independent inquiry into the youth justice system to end the destructive cycle of youth crime that we are seeing in this state. It is ludicrous for the Premier to contend that a 90-minute summit in his office is somehow any meaningful attempt to look at this problem. If we look at the number of attendees who will attend that summit, they will have something like 10 minutes each. This is a problem with many complexities. We have heard from this side, at least, of the complexity of the issues facing primarily those communities in the north of the state, but also across the whole of the state, that led to this youth crime problem.

It is ludicrous to imagine that the Premier will arrogantly sit there and solve this problem in 90 minutes with some suggestions from a hand-picked group of people. It is utterly farcical. It is a complete disservice to those youths

and to the people of Western Australia to contend that this problem is so simple that the Premier can solve it in a 90-minute meeting. If it were indeed that simple, why has this problem not been fixed previously?

We know about it, because we get out into those communities. We know that in all those communities, this situation is worse.

Several members interjected.

**Dr D.J. HONEY:** Member, you should get out of your house. We know —

Several members interjected.

**The SPEAKER:** Order, please!

**Ms S. Winton** interjected.

**The SPEAKER:** Member for Wanneroo! Continue, please, member for Cottesloe.

**Dr D.J. HONEY:** We know that this is just a stunt because *The West Australian* was on the Premier's back. This is a stunt to get *The West* off his back, because *The West Australian* has reported this issue faithfully and has said that we need a proper inquiry into this matter. The Premier is not going to do that. This is a stunt to try to deflect criticism. What have we seen along the way? We have seen a new manifestation: the Premier has gone from being a Premier tough on COVID to now being a Premier tough on crime. But there are two victims in this, and they are the communities suffering from this crime and the conveyor belt of children going into the criminal justice system. This Minister for Corrective Services has described those children as the third priority. That is an absolute disgrace. This 90-minute meeting is a stunt to deflect criticism. This is a serious matter. We need a full-blown independent inquiry into the youth justice system to look at what factors led those children into crime and how those children are being dealt with in the criminal justice system. It is apparent that the government is failing the majority of those children, because a large number of them go on into the adult justice system. The government's system and its programs are not working. The Premier needs to have a proper inquiry and look at this issue seriously. Do not come forward with a stunt.

**MR M. McGOWAN (Rockingham — Premier)** [2.56 pm]: The government will not support this motion. I will outline a few things. Firstly, as I have told members opposite now on two occasions, the meeting has been scheduled for 90 minutes but will go longer if required. If people want to say more or there are more contributions to be made, the meeting will go longer. Second, how is the meeting secret when it has been published in the press, it is on the television, and all the invitees are publicly known? A range of people have been invited to this meeting to put forward whatever views they have on the matters that are publicly in question. Third, the agenda of the meeting is to listen to people and to see whether they have any good ideas. Rather than just the ministers and I talking, we will hear these people's ideas and provide any advice they might require. I think it is reasonable to listen to people. I actually think that is reasonable. Fourth, the attendees include me; the two ministers I outlined earlier; the Commissioner for Children and Young People; Gail Beck, the co-chair of the Aboriginal Advisory Council; the Telethon Kids Institute, including Professor Jonathan Carapetis and Ben Wyatt; Fiona Stanley, a well-known Western Australian; Mr Daniel Morrison from the Wungening Aboriginal Corporation; the Inspector of Custodial Services; and the director general of the Department of Communities.

The opposition has not acknowledged the things that have occurred. Firstly, the number of young people in detention has halved since members opposite were in office. Secondly, members opposite closed down Rangeview Remand Centre when they were in office. Thirdly, they had seven times as many juveniles in adult prisons as we have at this point in time—seven times as many! There were 70 young people in Hakea prison at one point in time. We have a group of 10 juveniles currently in an adult prison because their cells are being repaired because they were destroyed by the youth detainees. That is what occurred. That is a difficult problem to resolve, but we are doing our best to resolve it.

We have put in place the Kimberley initiative that I outlined today—our first on-country facility, which has been talked about for a long time. The minister is up there up announcing the site. It is an Aboriginal co-design and is being worked on with the Aboriginal community. As members will understand, it will take some time to put that in place. We have a \$25 million upgrade to Banksia Hill Detention Centre currently being put in place, which will include new facilities and upgrades to existing facilities and recreational facilities. Banksia Hill has a range of programs. I have told members opposite this before; they do not listen. I have told them about all the programs currently running well whilst all these services are being provided to the youth detainees. We are putting in place an Aboriginal services unit, at a cost of more than \$3 million, which we announced in the budget. Again, that will be Aboriginal co-design and will take some time to put in place. We have put in place the Target 120 program to intervene in families early. That has been ongoing for some years. Nearly 300 families have been the beneficiary of that program that the government has put in place.

We are dealing with a range of those issues in the community currently. What never features in the language of the Liberals and Nationals is the victims. You do not care about the victims. All of your language says that you do not care. I will tell opposition members one other group that we have invited. That is the secretary of the Community and Public Sector Union—Civil Service Association of WA. The CSA represents youth custodial officers and people who work in prisons. There have been hundreds of attacks on those people. We have invited the CSA, because we want to hear the view of the staff who work there and have been subject to attacks. Those people deserve to be listened to. I know the Liberals and Nationals do not care about them. I know they do not care about the victims in the community who have suffered from crime. I know that does not feature in their language. We actually care about those workers.

We are trying to address the issues that confront juveniles, and in particular to improve some of the facilities at Banksia Hill. We are putting in place the on-country facility in the Kimberley. We are putting in place programs to intervene in families early. We are also supporting people in the community who are victims of crime. That includes people who are victims of crime in the workplace. That is what we are doing. That is why we have invited all those people, including the representative of those workers who have suffered from crime.

**MS S.F. MCGURK (Fremantle — Minister for Child Protection)** [3.10 pm]: I would also like to speak on this ridiculous motion. As the Premier said, to say that this will be a secret meeting, no-one knows what is going to occur, and there is no agenda, is an insult to the people who are coming to that meeting and whose opinions we value. It is obviously not secret. That is patently clear.

What is frustrating to most of the people who have been listening closely to the opposition's position on this issue is that it has one foot in each camp. On the one hand, the opposition is saying that youth crime in the regions is difficult and out of control, and we need to do more and lock more kids up, but when the opportunity arises and people are concerned about what is happening in Banksia Hill, the opposition says we should be locking up fewer children and there should not be any consequences for what those young people are doing. The opposition is trying to have two bobs each way. There is no doubt about that. Depending on the dialogue of the day and the headline in *The West Australian*, the opposition will go in that direction. That is distinct from the behaviour of this government. We are looking at what the evidence tells us is effective in addressing the underlying causes of youth crime, and in supporting families to keep children safe and make sure that they can start to do the things that we expect our young people to do—that is, get an education; be engaged with their community; get involved in organised activities, whether it is sport or community groups; and be good, happy and healthy functioning members of their community. That is what we have been concentrating on, and that is what I have been responsible for largely as a minister.

I am very proud of some of the outcomes that we have achieved. Target 120 warrants more attention. Time and again we hear from the opposition that it wants early intervention and it wants to address the underlying causes of crime. We are doing that through Target 120. All the indicators are that that approach is working. We are having a huge amount of success with that program. We are also getting good results with child protection and in engaging with Aboriginal-controlled organisations to work with families.

**MR W.J. JOHNSTON (Cannington — Minister for Corrective Services)** [3.03 pm]: I want to wrap up a few things on this motion. The first is the idea that the government of Western Australia is choosing who goes into detention. That is completely untrue. The decision about who goes into detention is made by the courts. We do not ask the courts to put anyone in detention. The courts determine that themselves, in accordance with the act. That is why I have commissioned a review of the act. We have to make sure that the legislation is up to date. That is actually the most important thing that I have done in youth justice since I have had this portfolio.

I also want to address the idea that these offenders become violent only after they have been in detention. That is not the experience of the workers on site. The youth custodial officers and members of the Civil Service Association do not agree with that. They say that the youth offenders are violent from the moment they arrive. That is not a surprise, because some of these offenders have been violent in the community.

I next want to address the fallacy or myth that the member for Cottesloe keeps creating. The overwhelming majority of young people in detention are from Perth. They are not from the Kimberley, the Pilbara, the goldfields or the midwest. They are from Perth.

Next, fewer than 100 of the approximately 1 300 young people who are being dealt with through the youth custodial system are in detention at any one time. An even smaller number of those are sentenced detainees. The idea that the government is throwing every young person it can find into detention simply is not founded on fact. That is the problem. It is very hard to have a debate with the opposition when it knows nothing about the topic that it is talking about. That is why this is so frustrating. I remember that back in 2005 when the Leader of the Opposition was elected, her campaign was to put 16 and 17-year-olds into adult prisons. She wanted them tried in open court and sent to adult prisons.

**Ms M.J. Davies:** In 2005? I wasn't in Parliament at that time.

**Extract from *Hansard***  
[ASSEMBLY — Tuesday, 22 November 2022]  
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Ms Mia Davies; Mr David Templeman; Speaker; Dr David Honey; Mr Mark McGowan; Ms Simone McGurk;  
Mr Bill Johnston

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**Mr W.J. JOHNSTON:** The Leader of the Opposition reckons it was 2008. Fair enough. That was the Liberal and National Parties' campaign in 2005. I accept that they have left that behaviour behind, but the idea that somehow this is a new challenge is ridiculous.

*Division*

Question put and a division taken with the following result —

Ayes (6)

Ms M. Beard  
Ms M.J. Davies

Dr D.J. Honey  
Mr R.S. Love

Ms L. Mettam  
Mr P.J. Rundle (*Teller*)

Noes (47)

Mr S.N. Aubrey  
Mr G. Baker  
Ms L.L. Baker  
Ms H.M. Beazley  
Dr A.D. Buti  
Mr J.N. Carey  
Ms C.M. Collins  
Mr R.H. Cook  
Ms L. Dalton  
Mr M.J. Folkard  
Ms E.L. Hamilton  
Ms M.J. Hammat

Ms J.L. Hanns  
Mr T.J. Healy  
Mr M. Hughes  
Mr W.J. Johnston  
Mr H.T. Jones  
Mr D.J. Kelly  
Ms E.J. Kelsbie  
Dr J. Krishnan  
Mr P. Lilburne  
Mr M. McGowan  
Ms S.F. McGurk  
Mr D.R. Michael

Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Ms L.A. Munday  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr J.R. Quigley  
Ms M.M. Quirk  
Ms R. Saffioti  
Ms A. Sanderson  
Mr D.A.E. Scaife

Ms J.J. Shaw  
Ms R.S. Stephens  
Mrs J.M.C. Stojkovski  
Dr K. Stratton  
Mr C.J. Tallentire  
Mr D.A. Templeman  
Mr P.C. Tinley  
Ms C.M. Tonkin  
Mr R.R. Whitby  
Ms S.E. Winton  
Ms C.M. Rowe (*Teller*)

Question thus negatived.