

**BANKSIA HILL DETENTION CENTRE AND UNIT 18, CASUARINA**

*Statement*

**HON DR BRAD PETTITT (South Metropolitan)** [5.34 pm]: I rise tonight to discuss the ongoing youth justice crisis in WA and draw this house's attention to a series of 57 complaint letters written by the Aboriginal Legal Service of Western Australia on behalf of children detained at Banksia Hill Detention Centre and unit 18 in Casuarina Prison. I would like to acknowledge Alice Barter of the civil law and human rights unit at ALSWA who is sitting in the public gallery, as well as all the other lawyers who have been working tirelessly to protect the basic human rights of the children who are detained at Banksia Hill and unit 18.

Alice and the ALSWA team are in the midst of yet another litigation against the state government in the Supreme Court for the inhumane and unlawful treatment of kids in youth detention in WA. These people are far more than just lawyers. Day in and day out, they support some of our state's most vulnerable kids through serious trauma, attempted suicide and feelings of despair, and are otherwise just trying to make sure these kids feel heard and cared for. I can only imagine the mental and emotional strength it takes to do that kind of job and I thank ALSWA and the dozens of other non-profits, lawyers, judges, former and current public servants, doctors and other advocates in WA who are fighting for the basic human rights of kids who are caught up in the horrific situation at Banksia Hill and unit 18.

As I mentioned, I am speaking tonight to draw attention to complaint letters that have been made on behalf of young people regarding their treatment at Banksia Hill and unit 18, the vast majority of which have not been responded to or received outcomes. I first raised the issue of these complaint letters during the estimates committee's Department of Justice annual report hearing in February this year. At the time, I was aware of 31 complaint letters. I am very sorry to say that, since those annual report hearings a few months ago, that number has now ballooned out, and I am holding 57 complaint letters in my hands today.

These letters detail some pretty horrific treatment of young people at Banksia Hill and unit 18, including ongoing lockdowns and solitary confinement-like conditions; sexually inappropriate behaviour by officers; excessive use of force; young people being forced to sleep in wet clothes or bedding, or wear clothing stained in other people's blood; officers using degrading, sexualized and unprofessional language; and the derelict conditions in cells and other extremely serious matters. There are 257 pages' worth of these complaints here, so of course I cannot read out all of them. But I want the members in this place to hear some of the things in these letters.

In a letter dated 8 February 2023 addressed to Christine Ginbey, the acting deputy Commissioner for Women and Young People, there is a series of complaints from a young female on remand at Banksia Hill. According to my notes, some of the notable parts of this letter read —

Two male YCOs ... picked up chairs and hit [the child] on the left and right sides of her head at the same time with the two chairs. She had lumps on her head as a result. She was then placed in handcuffs and her legs were folded up behind her into a 'hog tie' or 'folding up' position. She was then dragged along the floor whilst restrained.

The same complaint details numerous instances of sexual harassment and misconduct by youth corrections officers. The letter continues —

During her most recent admission in BHDC, [the child] asked [officer] to open her cell door. He moaned inappropriately (sexually) at her which made her scared. If [the child] screams, [officer] will often say things such as 'I love it when you scream.'

Another letter dated 21 February 2023, on behalf of a different young person, according to my notes, reads —

[The child] threatened to hurt himself and YCOs ripped his clothes off and left him naked in the cell with a rip proof gown, which in his distress [the child] did not put on ... [The child] was left naked in the cell from about 2:30pm on 30 January 2023 until his visit with [his lawyer] the following morning ... His mattress was covered in OC Spray and was 'itchy'. As such, he slept in the shower and he had only a rip proof pillow and no bedding. He was very cold all night.

In a different letter from the 22 February 2023, according to my notes it reads —

[The child] is often left in the same clothes for days without being provided fresh ones. In around mid-January 2023, [the child] spent two weeks in the same clothes, being denied fresh clothing by the staff.

There are dozens and dozens more horrific anecdotes from these letters. I hope members, particularly the ministers and parliamentary secretaries in this place, are listening to just how serious these complaints are.

The crisis at Banksia Hill Detention Centre and unit 18 is getting worse, not better. Frankly, so long as this state continues with business as usual, it is only a matter of time before there is a horrific and tragic, and completely avoidable death of a child in custody. The refusal of this state government, particularly the Premier, to accept that

there is something seriously wrong with the way the state government is running youth detention right now is causing extreme harm to children and our communities, particularly First Nations ones. They need to address this issue as the massive public health crisis that it is.

I know we are in the business of politics but none of us should be dismissing well-documented and researched neurological disabilities like foetal alcohol spectrum disorder as excuses, or labelling predominantly Aboriginal children as terrorists when they are enduring worse conditions than those for most farm animals in this state. No child, no matter how bad their behaviour, deserves to be treated this way. Western Australia can, and must, do better. I am running out of time now, but it is really important and I wanted to make this statement tonight, mostly for the young people at Banksia Hill and unit 18 to let them know that they are not forgotten and that their stories are heard in this place. I thank my fellow members for listening tonight and hope they take the time to read some of these complaints. I seek leave to table the letters.

[Leave granted. See paper [2230](#).]

*House adjourned at 5.41 pm*

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