

POSITION PAPER JUVENILE JUSTICE

JULY 2024

ABOUT THE KIMBERLEY REGIONAL GROUP

The Kimberley Regional Group (KRG) is an alliance of the four Kimberley Shires, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Our Vision is to maintain and enhance the rich diversity and liveability of the Kimberley for its people and the world. Collaboratively the group seeks to drive positive impact across the region through improved social, economic and cultural outcomes. This paper is designed to highlight the issues as known to Local Government at the time of writing and the potential pathways that are supported.

CONTEXT

- Youth offending is often underscored by complex social, cultural, historical, and political factors, in conjunction with individual experience and personal circumstances. A young person's family life can contribute or safeguard young people from these factors¹.
- Poverty and disadvantage is a key driver of youth offending in the Kimberley².
- Many young offenders suffer psychological distress, neuro-disabilities and Foetal Alcohol Spectrum Disorder (FASD)³ and need greater health and mental health support⁴.
- The Kimberley Aboriginal Youth Wellbeing Steering Committee, was formed as a partnership approach by the WA Government with the Kimberley Aboriginal community to progress initiatives in their *Commitment to Aboriginal Youth Wellbeing*⁵ - the WA Government's response to the 86 recommendations from the State Coroner's *Inquest into the deaths of thirteen children and young persons in the Kimberley Region*, and the Parliamentary Inquiry *Learnings from the Message Stick: The Report of the Inquiry into Aboriginal Youth Suicide in Remote Areas (2016)*.
- The Kimberley Juvenile Justice Strategy is a suite of WA Government responses to juvenile justice issues.
- Detention is costly and not effective⁶. A justice reinvestment approach that focuses on prevention, rehabilitation and reintegration, along with greater access to Kimberley based services will better support the wellbeing of at-risk children and their families⁷.
- Only 3.7 percent of the Kimberley youth population are juvenile offenders⁸. A focus on prevention will be of benefit to all young people in our region.
- Effective prevention requires a cross-government program of change with long-term investment and support⁹. This must be undertaken in partnership with local government and Aboriginal people and communities.¹⁰.

OBJECTIVE

- » Youth offending is reduced across the region and by location.

GUIDING PRINCIPLES

The following guiding principles should inform a youth justice response in the Kimberley.

- An integrated strategy that has a balance between a 'tough on crime' and personal accountability whilst addressing systemic local issues that lead to youth offending.
- A shared pathway between government and the Aboriginal community that supports Aboriginal youth wellbeing.
- Culturally informed and culturally led.
- Engagement with local government.
- Rights based approach.
- Justice reinvestment approach that focuses on prevention, early intervention and diverting young people from the criminal justice system.
- Restorative justice approach that aims to repair the harm done to victims.
- Quality therapeutic models of help and care that focus on rehabilitation and reintegration.

POLICY PRIORITIES

1. Whole of government and community response

- 1.1 Increased and accelerated Investment into Kimberley Youth Justice Strategy.
- 1.2 A shift by government from short-term, programmatic approaches which often react to symptoms to strategic resourcing based on agreed priorities with Aboriginal communities.

2. Legislative Reform

- 2.1 Amendment of Section 29 of the Criminal Code (WA) to provide that a 'person under the age of 14 years is not criminally responsible for any act or omission'.
- 2.2 Reform of the Young Offenders Act 1994 (WA) to reduce incarceration of primary school aged children, create more effective community-based rehabilitation and diversion options, reduce the over-representation of Aboriginal people in detention, consider the effect of cognitive impairment disability on diversion, and the isolation and separation of detainees.

3. A focus on early intervention and prevention

- 3.1 A Local Government community safety fund to allow Shires to implement a Crime Prevention through Environmental Design (CPTED) approach and for the infrastructure to support this such as well-planned and well-designed public spaces, security patrols, CCTVs, and improved LED street lighting.
- 3.2 An expansion of social justice reinvestment programs across the Kimberley, including investment into primary prevention strategies to divert young people from the criminal justice system including:
 - a. Family support programs.
 - b. Housing.
 - c. Increased investment into the delivery of alternative education programs, training and employment pathways.
 - d. Youth workers and cultural maintenance officers.
 - e. Supporting young people with life skills, leadership and mentorship programs.
 - f. Addressing food insecurity.
 - g. Sport and recreational programs and structured activities .
- 3.3 Positive examples of youth in the Kimberley and the promotion of their achievements.

4. Increased investment in Kimberley services and facilities

- 4.1 Adequate police resources in all Kimberley towns.
- 4.2 Increased investment to legal centres to provide support for young people meet the conditions of their bail and court order.
- 4.3 Provision of night patrols, crisis accommodation and safe houses in all Kimberley towns including safe night places.
- 4.4 Investment in Kimberley based skilled and professional staff and services for “at risk” youth including Aboriginal mentors, child psychologists and FASD diagnosis.

- 4.5 Bail houses located at Broome, Derby, Fitzroy Crossing, Halls Creek and Wyndham.
- 4.6 Alternative education programs for youth at risk and youth who are disengaged from mainstream education.
- 4.7 Increased investment in Kimberley based diversionary programs and On Country alternatives to detention.
- 4.8 Structured support programs for youth returning from detention.

ENDNOTES

1. *Target 120 Evaluation Progress Report, Department of Communities, March 2020, p 8.*
2. *Target 120 Evaluation Progress Report, Department of Communities, March 2020, p 8.*
3. <https://www.socialreinvestmentwa.org.au/the-issue>.
4. <https://www.socialreinvestmentwa.org.au/the-issue>.
5. <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/aboriginal-youth-wellbeing>
6. 45 P. Armytage and J. Ogloff, 'Meeting needs and reducing reoffending', Department of Justice, Melbourne, VIC, Government of Victoria, 2017, <https://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending>.
7. <https://www.socialreinvestmentwa.org.au/the-issue>.
8. <https://www.abc.net.au/news/2022-06-16/youth-crime-figures-in-the-kimberley/101158086>.
9. *Target 120 Evaluation Progress Report, Department of Communities, March 2020, p 8* [https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4014690caaf3fd67415bc53c4825862d00061cdb/\\$file/tp-4690.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4014690caaf3fd67415bc53c4825862d00061cdb/$file/tp-4690.pdf).
10. Kimberley Aboriginal Law and Culture Centre in their Kimberley Juvenile Justice Strategy Community Report Version 3.0 January 2021

