

Aboriginal Legal Service of Western Australia Limited



Standing Committee on Legislation Inquiry into the Criminal Code Amendment (Post and Boast Offence) Bill 2025

Submission

September 2025

The Aboriginal Legal Service of Western Australia Limited acknowledges the Traditional Custodians of the land on which we all live and work, and pay our respects to their Elders past, present and emerging. We acknowledge and respect the continuing culture and contributions that our First Nations Peoples make to the life of this state and country.

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I. Introduction

The Aboriginal Legal Service of Western Australia Limited ('ALSWA') welcomes the opportunity to make a submission to the Standing Commission on Legislation ('Committee') on the Criminal Code Amendment (Post and Boast Offence) Bill 2025 ('Bill').

ALSWA is strongly opposed to the passage of Bill in its current form and submits that the proposed legislation will have a disproportionate impact on Aboriginal and Torres Strait Islander peoples,¹ particularly who have long been, and continue to be, overpoliced and overrepresented in Western Australia's criminal justice system.²

ALSWA further submits that while there is no evidentiary basis to support the Bill, there is an abundance of evidence to suggest that increasing the likelihood of (overwhelmingly young) people coming into contact with the formal criminal justice system, be it more frequently or for the first time, will be detrimental to individuals, families, and the community more broadly.³

In light of these significant issues and Western Australia's ongoing commitment to Closing the Gap, ALSWA ultimately urges the Committee to recommend that the Bill not be passed.

In lieu of the committee adopting this stance, ALSWA proposes amendments to the Bill and urges the Committee to recommend that these amendments be made before the Bill can be passed.

II. About ALSWA

ALSWA was established in 1973 and is an Aboriginal Community Controlled Organisation. ALSWA is the lead provider of specialist legal advice, support services and advocacy for Aboriginal people in Western Australia. ALSWA works in collaboration and partnership with communities and key government and non-government partners to rectify legal policies and practices that impact adversely and disproportionately on the legal and human rights of WA's First Peoples.

ALSWA uses the law and legal system to bring about social justice for Aboriginal peoples as a whole. ALSWA develops and uses strategies in the areas of legal advice, legal representation, legal education, legal research, policy development and law reform.

ALSWA is governed by a Board of Directors, who are all Aboriginal. ALSWA is a company limited by guarantee registered with the Australian Securities and Investment Commission and a public benevolent institution registered with the Australian Charities and Not-for-Profits Commission.

ALSWA provides legal advice and representation to Aboriginal peoples in a wide range of practice areas including criminal law, civil law, family law, child protection and human rights

¹ Throughout this document, ALSWA uses 'Aboriginal' to refer to Aboriginal and/or Torres Strait Islander peoples.

² See, eg, Australian Institute of Health and Welfare, *Youth Justice in Australia 2023-24* (Report, 28 March 2025).

³ See, eg, Justice Reform Initiative, *Children, Youth Justice & Alternatives to Incarceration in Australia* (Position Paper, November 2024).

law. Its services are available throughout Western Australia via 11 regional and remote offices and one head office in Perth.

ALSWA also provides a number of additional wraparound services to support clients, including the Bail Support Service and Prison In-Reach Legal Service, the Custody Notification Service, the Custody Wellbeing Service, the Work and Development Permit Service and the Youth Engagement Program. ALSWA also leads the justice reinvestment program, Old Ways New Ways, along with Wadjak Northside Aboriginal Corporation, Stephen Michael Foundation and Hope Community Services. In addition, ALSWA works in partnership with Hope Community Services and other organisations for the delivery of the Waullo Dawn Healing Service and Koolark Healing Service in Armadale and the Marni Pirni Healing Service in Kalgoorlie.

III. Key Concerns

ALSWA has reviewed the proposed legislation and highlights the following key issues for the Committee's consideration.

This is not an exhaustive list of our concerns regarding the Bill. Rather, it is intended to foreground our primary concerns: the disproportionate impact that the Bill will have on Aboriginal peoples in Western Australia, and the incompatibility of the proposed legislation with Western Australia's ongoing commitment to Closing the Gap, particularly Targets 10 and 11.⁴

ALSWA nevertheless shares concerns held by a number of organisations regarding the Bill's potential to silence legitimate dissent⁵ and further notes the opinion of constitutional law scholar Dr. Murray Wesson⁶ that 'the extraordinarily broad nature of the proposed offences has the potential to curtail and chill free political communication in Western Australia, in a manner that is incompatible with the constitutionally guaranteed implied freedom of political communication'.⁷

A. The Bill will have a disproportionate impact on Aboriginal children and young people

Aboriginal children and young people have long been, and continue to be, overpoliced and overrepresented in Western Australia's criminal justice system.⁸ Available statistics indicate that the majority of charges lodged in the Children's Court of Western Australia are brought

⁴ Target 10 is to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent by 2031. Target 11 is to reduce the rate of Aboriginal and Torres Strait Islander young people aged 10-17 years in detention by at least 30 per cent by 2031. See 'Closing the Gap Targets and Outcomes', *Closing the Gap* (Web Page)

<<https://www.closingthegap.gov.au/national-agreement/targets>>.

⁵ Letter from Sophie Stewart to Tony Buti, 25 July 2025, 3; see also, Dechlan Brennan, 'Critics warn WA "Post and Boast" Laws will Entrench Disadvantage, Target Indigenous Youth' *National Indigenous Times* (online, 19 August 2025)

<<https://nit.com.au/19-08-2025/19735/critics-warn-wa-post-and-boast-laws-will-entrench-disadvantage-target-indigenous-youth>>.

⁶ Associate Professor, Law School, University of Western Australia.

⁷ Murray Wesson, *A Constitutional Law Comment on the Criminal Law Code Amendment (Post and Boast Offence) Bill 2025* (Comment, 2025) 7

<[https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4210427c20bd0a93273b935248258ce5000b52d0/\\$file/tp-427.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4210427c20bd0a93273b935248258ce5000b52d0/$file/tp-427.pdf)>.

⁸ See, eg, Australian Institute of Health and Welfare, *Youth justice in Australia 2023-24* (Report, 28 March 2025).

against Aboriginal young people,⁹ many of whom have complex neurodevelopmental and social vulnerabilities.¹⁰

The Commonwealth has recently recognised the developmental vulnerabilities of adolescents, particularly those under the age of 16, in the passage of legislation to enforce a national minimum age for access to social media.¹¹ Despite this recognition, the Bill proposes to criminalise ‘posting and boasting’ by children as young as 10 in Western Australia.

In New South Wales and Queensland, where ‘post and boast’ laws have already been implemented, reports suggest that the overwhelming majority of individuals charged with ‘post and boast’ offences are children.¹² In New South Wales, Aboriginal young people represented 78% (38) of all young people (50) charged with a ‘post and boast’ offence up to March 2025.¹³ As at 19 March 2025, over half (27) of all ‘post and boast’ charges brought against individuals since the legislation commenced (53) were brought against children under the age 16.¹⁴

ALSWA notes that this profound disparity has arisen in circumstances where, under New South Wales legislation, an individual can only be charged with a ‘post and boast’ offence if they have been charged with committing either a burglary or steal motor vehicle offence and have disseminated material advertising their role in committing the offence.¹⁵ Given the Bill proposes the creation of a ‘post and boast’ offence in Western Australia that is substantially broader in scope than that of New South Wales, ALSWA submits that the overrepresentation of Aboriginal children and young people among individuals who will be charged with the offence if the Bill is passed is inevitable.

B. The Bill will bring more Aboriginal peoples into contact with the criminal justice system

The Bill proposes a new offence¹⁶ of ‘disseminating’ material that depicts a ‘relevant offence’ where a reasonable person would consider it ‘likely’ to be harmful to a victim of the conduct; offensive to a particular person or group; or to have been shared for the purpose of increasing

⁹ *Report on Criminal Cases in the Children’s Court of Western Australia 2018-2019 to 2022-23* (Court and Tribunal Reports Western Australia, 2024); *Report on Indigenous Defendants in the Children’s Court of Western Australia 2018-2019 to 2022-23* (Court and Tribunal Reports Western Australia, 2024).

¹⁰ See, eg, Australian Human Rights Commission, ‘*Help Way Earlier! : How Australia Can Transform Child Justice to Improve Safety and Wellbeing*’ (Report, 2024).

¹¹ Australian Government, *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (Fact Sheet, 4 December 2024).

¹² See, eg, Josh Hohne, ‘High-Visibility Youth-Crime Operations to Target NSW Towns and Social Media Boasting’, 9 News (online, 19 March 2025) <<https://www.9news.com.au/national/nsw-police-launch-operation-targeting-youth-crime-across-regional-nsw/70a69422-928a-4375-8beb-a3923383b39f>>; Rhiannon Tuffield, ‘Almost 150 Queensland Youths Charged with “Boasting” about Crimes Online’, 9 News (online, 7 February 2024)

<<https://www.9news.com.au/national/queensland-news-police-targeting-rise-in-teen-social-media-crime-in-queensland/eb9f3a2a-eccc-460a-b2f5-571460b74eab>>; Arianna Levy, ‘Queensland Police Charge 90 Young Offenders with “Posting and Boasting” about Their Crimes on Social Media’, ABC News (online, 23 November 2023) <<https://www.abc.net.au/news/2023-11-23/qld-young-offenders-social-media-crime/103140754>>.

¹³ Jackie Fitzgerald, ‘Aboriginal Incarceration in NSW: Why Over-Representation has Increased and Options for Improvement’, *New South Wales Bureau of Crime Statistics and Research* (Presentation, Unpublished, July 2025).

¹⁴ Legislative Assembly Committee on Law and Safety, Parliament of New South Wales, *Community Safety in Regional and Rural Communities: Addressing the Drivers of Youth Crime Through Early Intervention* (Interim Report, May 2025) 16 <<https://apo.org.au/node/330842>>.

¹⁵ *Crimes Act 1990* (NSW) s 154K.

¹⁶ Criminal Code Amendment (Post and Boast Offence) Bill 2025 (WA) (‘Post and Boast Bill’).

the notoriety of a person who engaged in the conduct, boasting about the conduct, glorifying the conduct, or encouraging others to engage in the same or similar conduct.¹⁷

While the ordinary meaning of the term ‘disseminate’ is widespread sharing, the Bill proposes a definition that includes sharing material with, or making material accessible to, another person by any means.¹⁸ The intent is to ensure that an individual can be charged with a ‘post and boast’ offence whether they share material depicting a ‘relevant offence’ publicly, with a mass audience, or privately, with a single individual.¹⁹ Further, a person may be prosecuted for, and convicted of, a ‘post and boast’ offence whether or not anyone has been prosecuted for, or convicted of, the ‘relevant offence’ depicted in the shared material.²⁰

ALSWA submits the breadth and scope of the proposed legislation risks criminalising Aboriginal people—particularly Aboriginal children and young people—who may engage with and share material depicting conduct that constitutes a ‘relevant offence’, but who would otherwise not come into contact with the criminal justice system because they have no participation in the commission of criminal offences themselves.

The eSafety Commissioner of Australia has produced numerous reports on the complexities of young people’s experiences online, with recent research suggesting that young men in particular may ‘publicly endorse or perpetuate certain harmful ideas in order to maintain a sense of connection or belonging, despite not fully believing in those ideas’.²¹ Notably, Aboriginal children and young people have been found to be ‘highly engaged in the digital environment, despite a higher-than-average level of exposure to negative experiences’.²²

Punitive and highly politicised ‘tough on crime’ policies inevitably increase police interactions with Aboriginal people, broaden the circumstances in which harsher penalties may be imposed upon conviction for offending, and increase the likelihood that Aboriginal people who enter the justice system will reoffend or remain in the system for longer periods.²³ These policies are often hastily conceived in response to sensationalised media coverage, but fail to address the drivers of the behaviours they seek to discourage.²⁴

¹⁷ Post and Boast Bill (n 16) s 221I(2)(c).

¹⁸ Post and Boast Bill (n 16) s 221G.

¹⁹ Explanatory Memorandum, Criminal Code Amendment (Post and Boast Offence) Bill 2025 (WA) 2 [2] (‘Explanatory Memorandum’).

²⁰ Post and Boast Bill (n 16) s 221I(4).

²¹ eSafety Commissioner, *Supporting Young Men Online: Understanding Young Men’s Needs, the Pull of Harmful Content and the Way Forward* (Report, February 2025) 39 <<https://www.esafety.gov.au/research>>.

²² eSafety Commissioner, *Cool, Beautiful, Strange and Scary: The Online Experiences of Aboriginal and Torres Strait Islander Children and their Parents and Caregivers* (Report, March 2023) 63 <<https://www.esafety.gov.au/research>>.

²³ See, eg, Brenda Lin, Brendan Delahunty and Garner Clancey, ‘“Law and Order” Policy’ in Diana Perche et al (eds), *Australian Politics and Policy* (Sydney University Press, 2024) 1126; Louis Schetzer and Mindy Sotiri, ‘Reforming Bail and Remand’ (Position Paper, Justice Reform Initiative, November 2024); Max Travers et al, *Bail Decision-Making and Pre-Trial Services: A Comparative Study of Magistrates Courts in Four Australian States* (Report to the Criminology Research Advisory Council Grant: CRG 34/16–17, Australian Institute of Criminology, October 2020).

²⁴ See, eg, Law Institute of Victoria (‘LIV’), ‘LIV Believes New “Post and Boast” Laws Unnecessary’: Locking Up Kids for Longer Won’t Make the Community Safer’ (Media Release, 19 June 2025) <https://www.liv.asn.au/web/advocacy_media/media_releases/web/advocacy/media_releases/2025/liv-believes-new-post-and-boast-laws-unnecessary.aspx>; Declan Brennan, ‘New “Posting and Boasting” Law Slammed by Indigenous Legal Group as Harmful and Misguided’, *National Indigenous Times* (online, 17 June 2025) <<https://nit.com.au/17-06-2025/18597/new-posting-and-boasting-law-slammed-by-indigenous-legal-group-as-harmful-and-misguided>>; Justice Reform Initiative, ‘A Political Misfire – NSW Government’s Move to Tighten Bail Laws Misses Opportunity to Keep Children and Communities Safe’ (Media Release, 12 March 2024); Jacqueline Wilson, ‘How Useful are the Concepts of “Moral Panic” and “Populist Politicisation” in Understanding Shifts in Juvenile/Youth Justice Law and Policy in Australia

C. The Bill will make sharing content that depicts ‘relevant offences’ more serious than committing many of the ‘relevant offences’ themselves

The Bill defines a ‘relevant offence’ as an offence against specified provisions of the *Criminal Code Act 1913* and the *Road Traffic Act 1974*.²⁵ This captures over 100 offences involving a wide range of conduct and includes disorderly behaviour, trespass, common assault, stealing, burglary, and careless driving. An additional clause provides that further offences may be prescribed as relevant by regulations.²⁶

While ALSWA acknowledges that some of the proposed ‘relevant offences’ are serious, we note that about a quarter are simple offences, and roughly half carry a maximum statutory penalty no greater than two years imprisonment and fines when dealt with summarily. Conversely, the proposed ‘post and boast’ offence attracts a maximum statutory penalty of three years imprisonment—the highest penalty a court of summary jurisdiction is able to impose for a single offence in Western Australia.

The Bill further proposes a ‘rectification order scheme’ which may commence during any proceeding against a person accused of committing a ‘post and boast’ offence, with failure to comply attracting an additional new charge punishable by 12 months imprisonment and a fine of \$12,000.²⁷ Where an accused has reached the age of 18 at the time an order is made, failure to comply may also attract a significant daily penalty.²⁸

ALSWA notes that the rationale behind this inclusion is to prioritise the interests of victims by ensuring the removal of harmful material at the earliest opportunity. While ALSWA understands why this is a priority for government, ALSWA is nevertheless concerned that the proposed rectification order scheme presumes guilt and could involve a form of double punishment in the event of a finding of guilt in relation to a ‘post and boast’ offence. Further, an accused who admits to sharing harmful material may nevertheless be unable to remove it, ‘particularly in complex inter-jurisdictional contexts’.²⁹

ALSWA further notes that, while the provisions of the proposed rectification order scheme are broadly aligned with those related to the unlawful distribution of intimate images,³⁰ failure to comply with a rectification order in respect of the removal of an intimate image does not attract a daily penalty.³¹ Moreover, the maximum statutory penalty upon conviction for distributing an intimate image is 18 months imprisonment and a fine of \$18000 when dealt with

and/or Elsewhere?’ (Research Paper No 24-27, University of New South Wales Law Journal Student Series, 2024) <<https://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/UNSWLawJLStuS/2024/26.html>>.

²⁵ Post and Boast Bill (n 16) s 221H.

²⁶ Post and Boast Bill (n 16) s 221H.

²⁷ Post and Boast Bill (n 16) s 221L.

²⁸ Post and Boast Bill (n 16) s 221L; see also Explanatory Memorandum (n 19) 8 [2].

²⁹ Youth Affairs Council of Western Australia (YACWA) submission to the Government of Western Australia Department of Justice Office of the Commissioner for Victims of Crime, *Statutory Review of the Criminal Law Amendment (Intimate Images) Act 2019* (29 January 2024) 6 [5].

³⁰ *Criminal Code 1913* (WA) s 221BD.

³¹ *Criminal Code 1913* (WA) s 221BE(6).

summarily.³² If dealt with on indictment, this increases to a maximum statutory penalty of three years imprisonment—the same penalty as that proposed for a ‘post and boast’ offence.³³

D. The Bill will be detrimental to individuals, families, and the community.

The Western Australia Police Force has indicated there is limited evidence that ‘posting and boasting’ is rife in Western Australia.³⁴ While there is clear public interest in ensuring this remains the case, there is no evidence to suggest that the proposed legislation will assist efforts to achieve the Government’s overarching aims in preventing ‘copycat behaviour’ and protecting victim-survivors of relevant offences from further harm and re-traumatisation.³⁵

Conversely, there is an abundance of evidence to suggest that increasing the likelihood of (overwhelmingly young) people coming into contact with the formal criminal justice system, be it more frequently or for the first time, will be detrimental to individuals, families, and the community more broadly.³⁶

The Bill proposes the creation of a new criminal offence that will inevitably bring more individuals before the courts at a time when Western Australia’s justice system is already under immense strain. Earlier this year, the government pledged to expedite trials for young people accused of certain violent offences, despite concerns expressed by police and lawyers alike that doing so will risk miscarriages of justice, both for victims of crimes and those accused of committing them.³⁷

The complexity and volume of legal matters brought before Western Australia’s courts contribute to significant delays in the resolution of matters,³⁸ with ‘tough on crime’ policies reducing the likelihood that accused persons will be granted bail.³⁹ Custodial facilities across Western Australia are in crisis, with record high populations largely driven by the increasing number of people entering custody on remand.⁴⁰ In addition to the impact of cramped and unhygienic cells, insufficient access to rehabilitative programs, and routine lockdowns on prisoners,⁴¹ the Office of the Inspector of Custodial Services (WA) note that:

As a result of these population pressures, more Aboriginal people are being held in facilities off Country away from their family and culture. Maintaining connection to family, kinship and culture is integral to the emotional and social wellbeing of First Nations peoples.⁴²

³² *Criminal Code 1913* (WA) s 221BD(2).

³³ *Ibid.*

³⁴ Western Australia, *Parliamentary Debates*, Legislative Council, 26 June 2025, 1961 (Dan Caddy, Parliamentary Secretary).

³⁵ See generally Western Australia, *Parliamentary Debates*, Legislative Council, 26 June 2025 (Dan Caddy, Parliamentary Secretary).

³⁶ See, eg, Justice Reform Initiative, *Children, Youth Justice & Alternatives to Incarceration in Australia* (Position Paper, November 2024).

³⁷ Keane Bourke and Mya Kordic, ‘WA Labor Pledges to Speed Up Trials of Some Children Accused of Violent Offences’, *ABC News* (online, 10 January 2025) <<https://www.abc.net.au/news/2025-01-10/wa-labor-pledge-expedite-trials-for-some-young-offenders/104799980>>.

³⁸ ‘Independent Review to Target Delays in WA Justice System’, *Brief* (online, 19 August 2025) <<https://briefonline.com.au/2025/08/19/independent-review-to-target-delays-in-wa-justice-system/>>.

³⁹ See n 23.

⁴⁰ Office of the Inspector of Custodial Services (WA), *Annual Report 2023-24* (Report, 5 November 2024) 23 <<https://www.oics.wa.gov.au/reports-publications/>>.

⁴¹ *Ibid* 28-29.

⁴² *Ibid* 24 [citations omitted].

Custodial inspections and coronial inquests continue to reveal conditions that are detrimental to health, safety, and wellbeing, and are recognised as violating the human rights of persons held in custody.⁴³ Young people in detention face solitary confinement⁴⁴ and incidents involving excessive force.⁴⁵ Two children have recently died in youth detention in Western Australia within the space of a year.⁴⁶ Of the 54 young people aged 10-16 released from detention in Western Australia in 2022-23, over 90% (49) returned to sentenced supervision within a year, compared to less than 52% (239) of those who were released from community-based supervision (463).⁴⁷

ALSWA submits that despite the urgency of these circumstances, and the known benefits of evidence-based, culturally safe, and trauma-informed diversion programs in keeping young people out of the justice system, the Bill proposes legislation that will further entrench young people in the system.

IV. Recommendations

In light of the concerns raised throughout this submission, ALSWA is ultimately of the view that evidence of ‘posting and boasting’ should be confined to use as evidence in the proof of the relevant offence to which it relates and, if proven, to the determination of penalty for the relevant offending upon conviction. As this is already the case, ALSWA urges the Committee to recommend that the Bill be defeated and removed from notice.

In lieu of adopting this approach, ALSWA urges the Committee to recommend that:

1. Amend proposed section 221I(2) so that a person can only commit a ‘post and boast’ offence if the person has reached the age of 18 or, at the very least, the age 16.

⁴³ See, eg, Office of the Inspector of Custodial Services (WA), *2025 Follow-up Inspection of Hakea Prison* (Report, June 2025) <<https://www.oics.wa.gov.au/reports-publications/>>; Ariel Bogle and Christopher Knaus, ‘New Data Reveals Increase in Staggering Death Toll from Known Hanging Points in Australian Jails’, *Guardian Australia* (online, 11 July 2025) <https://www.theguardian.com/australia-news/2025/jul/11/death-toll-from-suicides-using-known-ligature-points-in-australian-prisons-climbs-on-release-of-new-information-ntwnfb?CMP=share_btn_url>; *Inquest into the Death of Sam Phillip Chisholm* (Coroner’s Court of Western Australia, Coroner Jenkin, 12 June 2025).

⁴⁴ See, eg, Australian Human Rights Commission, *‘Help Way Earlier!’: How Australia Can Transform Child Justice to Improve Safety and Wellbeing* (Report, 2024) <<https://humanrights.gov.au/our-work/childrens-rights/publications/help-way-earlier>>; Office of the Inspector of Custodial Services (WA), *2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre* (March 2022) <<https://www.oics.wa.gov.au/wp-content/uploads/2022/03/Banksia-Report-141.pdf>>; Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *Interim Report of the Senate Inquiry into the Youth Justice System* (Report, February 2025) <https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000499/toc_pdf/Australia%e2%80%99youthjusticeandincarcerationsystem.pdf>; Australian Associated Press, ‘Former WA Justice Boss Concedes Children Subject to “Institutional Abuse” under His Watch, Cleveland Dodd Inquest Hears’, *The Guardian* (online, 25 July 2024) <<https://www.theguardian.com/australia-news/article/2024/jul/25/cleveland-dodd-inquest-wa-death-in-custody-ntwnfb>>; *VYZ by Next Friend XYZ v Chief Executive Officer of the Department of Justice* [2022] WASC 27; *CRU by Next Friend CRU2 v Chief Executive Officer of the Department of Justice* [2023] WASC 257.

⁴⁵ See, eg, Grace Tobin et al, ‘Boys Handcuffed, Held Down by Guards and Sat on in Dangerous Youth Detention “Folding” Restraint’, *ABC News* (14 November 2022) <<https://www.abc.net.au/news/2022-11-14/video-shows-dangerous-youth-detention-restraint-on-teenage-boy/101632832>>.

⁴⁶ Rhiannon Shine and Andrea Mayes, ‘Banksia Hill Teenager Becomes the Second Child to Die by Suicide in WA’s Troubled Youth Detention System’, *ABC News* (online, 30 August 2024) <<https://www.abc.net.au/news/2024-08-30/banksia-hill-suicide-second-child-death-wa-youth-detention-/104290074>>.

⁴⁷ Australian Institute of Health and Welfare, *Young People Returning to Sentenced Youth Justice Supervision 2023-24* (Web report, 4 September 2025).

2. Amend proposed section 221I(4) so that an offence against proposed section 221I(2) is enlivened only when a person who disseminates material which depicts conduct that constitutes a 'relevant offence' has been charged with committing, or is party to the commission of, the 'relevant offence'.
3. Amend the definition of 'relevant offence' under proposed section 221H(1) so that it is applicable to those offences within the specified provisions that are strictly indictable offences and either-way offences proceeding on indictment only, and remove the ability to include further offences by regulation.
4. Amend the maximum statutory penalty for an offence under proposed section 221I(2) to imprisonment for 2 years.
5. Remove proposed section 221L(7)(b) so that there is no daily penalty for failure to comply with a rectification order.
6. Amend proposed section 221L so that a rectification order scheme may only commence upon a plea of guilty or finding of guilt to an offence under proposed section 221I(2).
7. Insert a provision that requires sunseting of the proposed legislation and a statutory review 12 months after commencement to be completed within 6 months.
8. Insert a provision that requires the collection of data pertaining to the age, sex, and Aboriginality of persons charged with 'post and boast' offences.