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Health and Welfare**

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Number 7

# **Juvenile justice in Australia 2008–09**

**April 2011**

Australian Institute of Health and Welfare  
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- Department of Health and Human Services, Tasmania
- Department of Disability, Housing and Community Services, Australian Capital Territory.

# Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
Aust	Australia
JJ NMDS	Juvenile Justice National Minimum Data Set
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
SEIFA	Socio-Economic Indexes for Areas
SES	socioeconomic status
Tas	Tasmania
Vic	Victoria
WA	Western Australia

# Symbols

–	rounded to zero
0	zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data

# Notes

Components of tables may not sum to the totals due to rounding.

The average daily population of young people under community-based supervision and in detention may not sum to the total average daily population under supervision because a young person may move between community-based supervision and detention on the same day.

Age is calculated at the start of the first period of relevant supervision. If the first period of relevant supervision began before the financial year, then age is calculated at the start of the financial year. A young person may therefore be included in one age category for one type of supervision and in another age category for a different type of supervision (for example, 15 years old for community-based supervision and 16 years old for detention).



# Main findings

In Australia, the state and territory governments are responsible for dealing with young people who are involved in crime. One major aspect of this juvenile justice system is the supervision of children and young people who have committed or are alleged to have committed an offence. This report presents information on the young people under juvenile justice supervision, both in detention and under community-based supervision, and the supervision provided by juvenile justice agencies.

## **Few young people are involved in the juvenile justice system**

Each year, less than 5% of young people are proceeded against by police, only around 2% have a case finalised in a children's court, 0.5% are supervised by a juvenile justice agency and 0.2% are detained.

In 2008–09, there were around 7,200 young people under juvenile justice supervision on an average day and around 5,800 of these were aged 10–17 years (the remainder were aged 18 years and older). Western Australia and the Northern Territory did not provide standard data for 2008–09, and approximate national totals were calculated using available data (see Chapter 3 for details). Unless otherwise noted, numbers in this section refer to the approximate national total of around 7,200 young people. On any given day in 2008–09, only 0.25% of young Australians were under supervision. Most (around 6,200) of those under supervision on an average day were under community-based supervision, while around 1,000 were in detention.

However, the rate of young people under supervision increased slightly in recent years, rising from 2.2 per 1,000 aged 10–17 years in 2005–06 to 2.5 per 1,000 in 2008–09.

## **Aboriginal and Torres Strait Islander young people are over-represented, especially in detention**

On an average day in 2008–09, an Indigenous young person aged 10–17 years was almost 14 times as likely to be under community-based supervision as a non-Indigenous young person of the same age. The level of over-representation was even higher for detention. On an average day, an Indigenous young person aged 10–17 years was 24 times as likely to be detained as a non-Indigenous 10–17 year old. Although only 5% of young Australians are Aboriginal and Torres Strait Islanders, half of those in detention on an average day were Indigenous.

## **Young people from areas of low socioeconomic status are more likely to be under supervision**

Almost 30% of those under supervision on an average day were from one of the areas of lowest socioeconomic status in Australia (excluding Western Australia and the Northern Territory, for which data were unavailable), while only 12% were from one of the areas of highest socioeconomic status. A young person aged 10–17 years who lived in a low socioeconomic area was around 5 times as likely to be under supervision on an average day in 2008–09 as someone of the same age who lived in an area of high socioeconomic status.



# 1 Overview

## 1.1 Young people under supervision

On an average day in 2008–09, there were around 7,200 young people under supervision (including estimates for Western Australia and the Northern Territory, as standard data were not provided) (Figure 1.1). Most (87%) were under community-based supervision, while almost 1,000 young people were in detention every day (some young people moved between community-based supervision and detention on the same day).

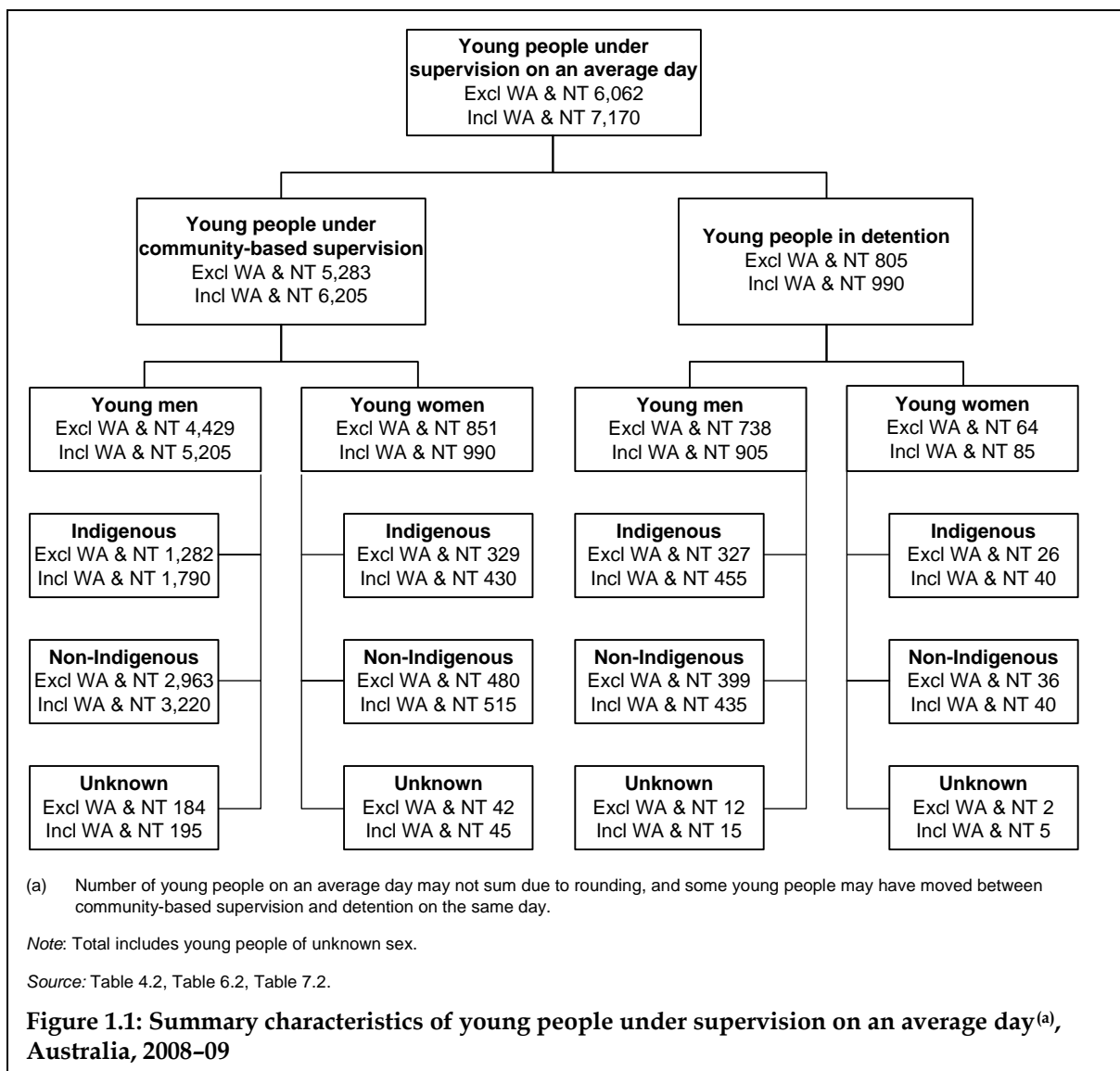
Nationally, around 2.5 young people per 1,000 aged 10–17 years were under supervision on an average day in 2008–09, representing 1 in 400 (0.25%) of all young Australians. Around 5.4 young people per 1,000 aged 10–17 years were under supervision at some time during the year, or 0.5% of the population. Young people aged 10–17 years were 6 times as likely to be under community-based supervision on an average day as in detention, with rates of 2.2 per 1,000 for community-based supervision and 0.4 for detention.

Aboriginal and Torres Strait Islander young people continued to be over-represented in juvenile justice supervision. Although only about 5% of young Australians are Indigenous, close to 40% of those under supervision on an average day in 2008–09 were Indigenous. The over-representation was higher in detention, where half (50%) were Indigenous.

Most of those under supervision on an average day were young men (around 85%); 91% of those in detention were male compared with 84% of those under community-based supervision. Young men had higher rates of supervision than young women in all states and territories and in all age groups, for both community-based supervision and detention. Overall, young men aged 10–17 years were almost 5 times as likely to be under community-based supervision on an average day as young women of the same age, and close to 9 times as likely to be in detention.

Most young people under supervision were in the older age groups, with about half of those under supervision on an average day aged 16 or 17 years. On average, Indigenous young people under supervision were younger than non-Indigenous young people under supervision: one-quarter (25%) of all Indigenous young people under supervision on an average day were aged 10–14 years, compared with 14% of non-Indigenous young people (excluding Western Australia and the Northern Territory). Despite the higher proportion of Indigenous young people in detention (44%) than community-based supervision (30%), the overall age distribution was similar – around half of the young people in both detention and community-based supervision on an average day were aged 16 or 17 years and close to 5% were aged 10–13 years.

Young people from geographically remote areas or areas of low socioeconomic status were more likely to be under juvenile justice supervision than those from *Major cities* or areas of high socioeconomic status (excluding Western Australia and the Northern Territory, as data were not provided). On an average day in 2008–09, young people aged 10–17 years from *Very remote* areas were around 6 times as likely to be under community-based supervision as those from *Major cities*. Young people from *Very remote* areas were also around 5 times as likely to be in detention as those from *Major cities*. Similarly, young people from areas of low socioeconomic status were around 5 times as likely to be under community-based supervision on an average day as those from areas of high socioeconomic status, and almost 6 times as likely to be in detention.



## 1.2 Trends

Both the numbers and rates of young people under supervision increased over the 4 years to 2008–09, with similar increases in both community-based supervision and detention (including Western Australia and the Northern Territory). Between 2005–06 and 2008–09, the rate of young people aged 10–17 years under supervision increased from 2.2 to around 2.5 per 1,000. This equates to an additional 3 young people per 10,000 under supervision in 2008–09 compared with 2005–06.

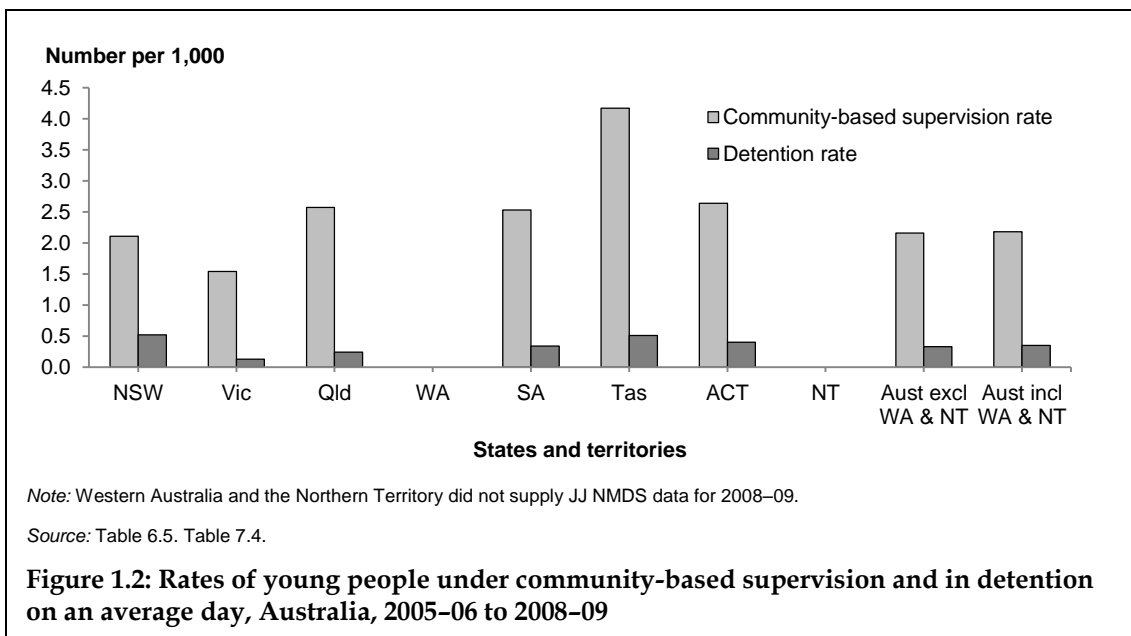
Over the same period, the rate of young people aged 10–17 years under community-based supervision increased from 2.0 to around 2.2 per 1,000, while the equivalent detention rate increased slightly from 0.3 per 1,000 in 2005–06 to 0.4 per 1,000 in 2008–09 (including for Western Australia and the Northern Territory).

### 1.3 States and territories

While young people were more likely to be under community-based supervision than in detention in every state and territory, rates for community-based supervision and detention varied (Figure 1.2). Excluding Western Australia and the Northern Territory, rates of young people aged 10–17 years under community-based supervision on an average day ranged from 1.5 young people per 1,000 in Victoria to 4.2 per 1,000 in Tasmania. Rates of young people 10–17 years in detention ranged from 0.1 in Victoria to 0.5 in the New South Wales and Tasmania.

There was little relationship between rates of community-based supervision and detention – some states and territories with low rates of community-based supervision had relatively high rates of detention, and vice versa. For example, on an average day, Queensland had one of the lowest rates of detention (0.2 young people per 1,000), but relatively high rates of community-based supervision (2.6 per 1,000), while New South Wales had the highest detention rate (excluding Western Australia and the Northern Territory) but the second lowest rate of community-based supervision (0.5 and 2.1 per 1,000, respectively).

Accordingly, the propensity to be in community-based supervision on an average day rather than detention also varied: a young person in Victoria was almost 12 times as likely to be under community-based supervision as in detention, while a young person in New South Wales was only 4 times as likely to be under community-based supervision as in detention. This variation in the relative use of detention and community-based supervision may reflect the range of types of supervised orders and options for diversion from the juvenile justice system available in each of the states and territories as well as differences in legislation, policy and practice (see Appendix for more details).



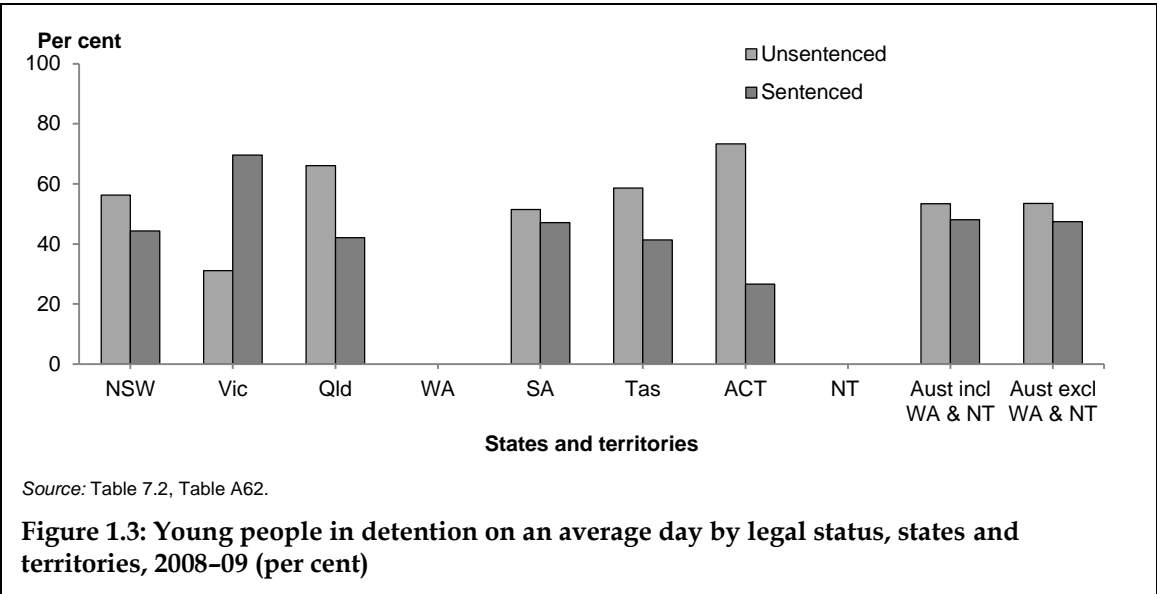
### 1.4 Use of detention

In general, the juvenile justice system is based on the principle that children and young people who break the law can and should be rehabilitated. An associated principle is that detention should be an option of last resort. This is a requirement of the United Nations

Convention on the Rights of the Child (Office of the United Nations High Commissioner for Human Rights 1989), which states that children should be deprived of liberty only as a last resort and for the shortest appropriate period of time (article 37 (b)). Similar statements are found in state and territory legislation relating to the sentencing of children and young people.

Alternatives to detention are available for children and young people who are awaiting trial or sentencing or who are sentenced, and states and territories have a number of unsupervised and supervised community-based orders available. These include placing young people on supervised or conditional bail while awaiting trial or sentencing, and sentencing young people to good behaviour bonds, community service, probation or suspended detention. Consistent with this principle, the use of community-based supervision is much more common than detention. As noted previously, in each of the 4 years to 2008–09, a young person aged 10–17 years was around 6 times as likely to be under community-based supervision as in detention on an average day. Information about the types of orders available in different states and territories is given in Table 2.1.

On any given day in 2008–09, around 1,000 young people are detained throughout Australia and about half of these are unsentenced (including Western Australia and the Northern Territory). Excluding Western Australia and the Northern Territory, just over half (53%) of young people in detention on an average day were unsentenced, with proportions ranging from 31% of young people in detention in Victoria to 73% in the Australian Capital Territory (Figure 1.3). Most (89%) young people detained during 2008–09 were in unsentenced detention at some time during the year; only one in five (19%) were in both sentenced and unsentenced detention during the year.



As expected, young people spent longer in sentenced detention than in unsentenced detention. The average person who was in unsentenced detention during 2008–09 spent a total of 52 days in unsentenced detention, while the average person who was in sentenced detention spent a total of 101 days in sentenced detention. Over the past 4 years, the average number of days spent in unsentenced detention during the year increased from 49 to 52, while the average in sentenced detention decreased from 111 to 101 days.

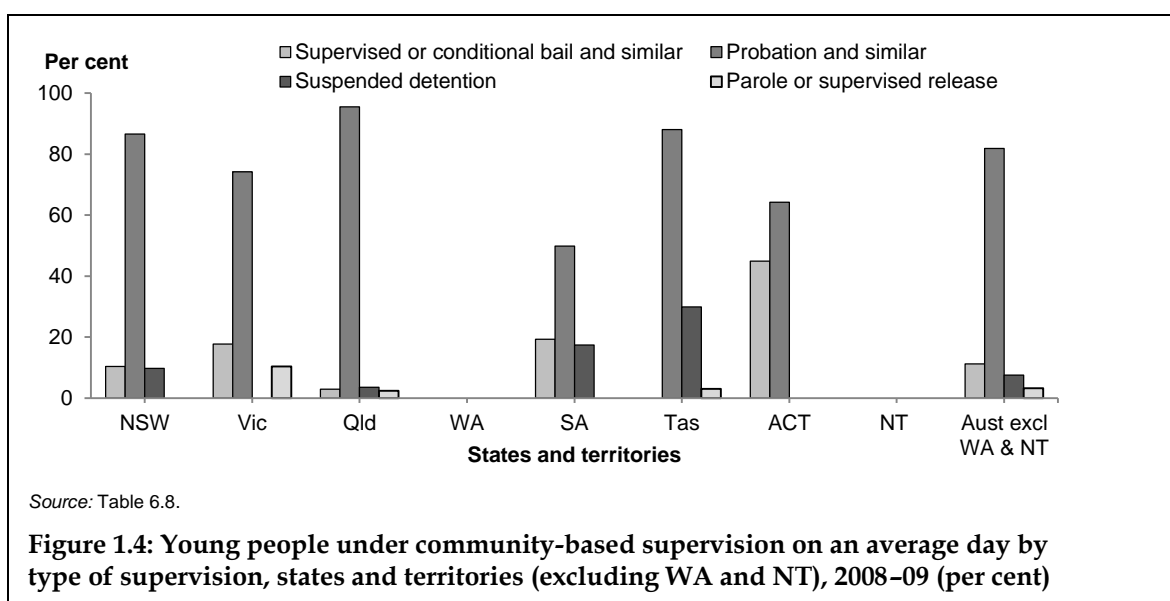
Half (53%) of remand periods ended with the young person being released on bail, while less than one-quarter (21%) of remand periods completed were followed by a period of sentenced

detention. The remand periods of non-Indigenous young people were more likely to end with release on bail than those of Indigenous young people, although there was no difference in the likelihood of being in sentenced detention following remand.

## 1.5 Community-based supervision

In those states and territories that supplied data for the Juvenile Justice National Minimum Data Set (JJ NMDS), there were 5,283 young people under community-based supervision on an average day and 10,835 at some time during 2008–09. When estimates for Western Australia and the Northern Territory are included, there were about 6,200 young people under community-based supervision on an average day and about 12,700 during the year.

Excluding Western Australia and the Northern Territory, juvenile justice agencies administered more than 22,500 community-based orders during 2008–09, most of which (69%) were probation orders. On an average day, most (91%) of those under community-based supervision were serving a sentenced order, 11% were unsentenced and 2% were under both sentenced and unsentenced community-based supervision. The most common type of community-based supervision was probation (82% of those under community-based supervision on an average day), and this was the most common type of supervision in all states and territories with available data (Figure 1.4).

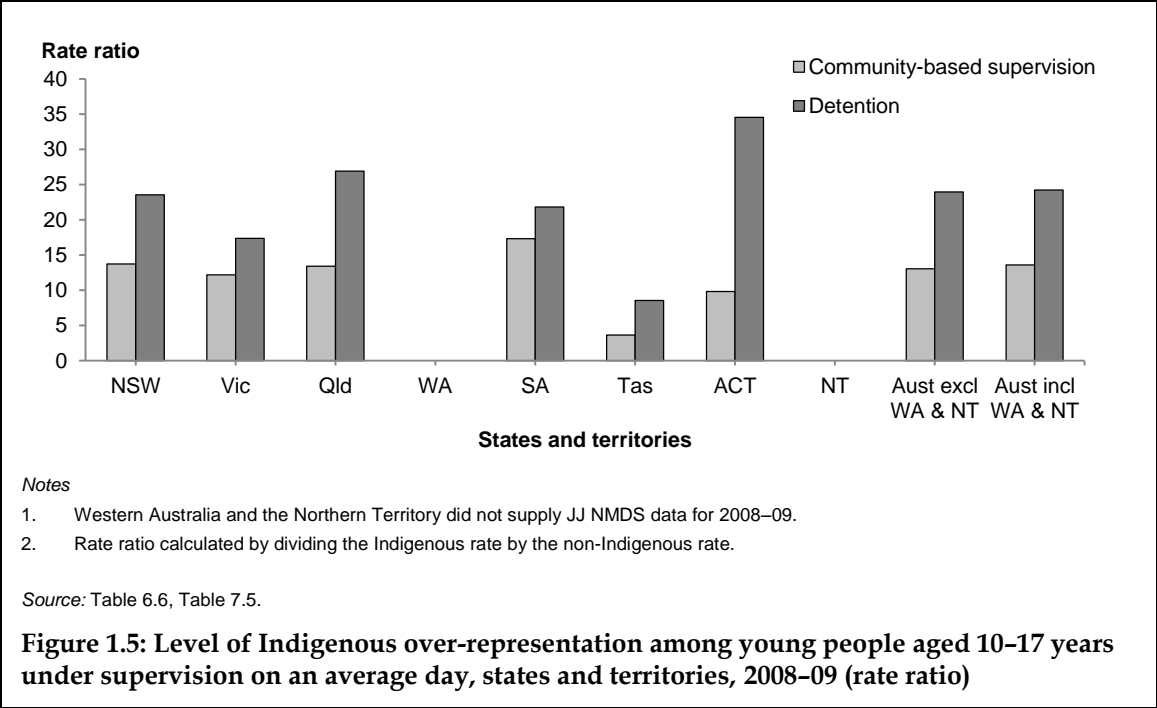


## 1.6 Aboriginal and Torres Strait Islander young people

On an average day in 2008–09, there were around 22 Indigenous young people aged 10–17 years under juvenile justice supervision for every 1,000 in the population, compared with 1.5 non-Indigenous young people per 1,000 (including Western Australia and the Northern Territory). That is, around 2% of the Aboriginal and Torres Strait Islander population aged 10–17 years was under supervision, compared with less than 0.2% of the non-Indigenous population aged 10–17 years. This means that an Indigenous young person aged 10–17 years was almost 15 times as likely as a non-Indigenous young person aged 10–17 years to be under supervision on any given day.

Although Indigenous young people were over-represented in juvenile justice supervision in every state and territory, the level of over-representation varied (excluding Western Australia and the Northern Territory). In Tasmania, Indigenous young people aged 10–17 years were 4 times as likely as non-Indigenous young people to be under supervision on an average day. In New South Wales, Victoria, Queensland and the Australian Capital Territory, Indigenous young people were 12–16 times as likely as non-Indigenous young people to be under supervision on an average day, and in South Australia they were 18 times as likely.

Indigenous over-representation was greater for detention than for community-based supervision. When estimates for Western Australia and the Northern Territory are included, Indigenous young people aged 10–17 years were almost 14 times as likely as non-Indigenous young people of the same age to be under community-based supervision on an average day, but 24 times as likely to be in detention (Figure 1.5). On an average day, Indigenous young people aged 10–17 years were 4 times as likely as non-Indigenous young people to be under community-based supervision in Tasmania, but 17 times as likely in South Australia. Similarly, Indigenous young people were around 9 times as likely as non-Indigenous young people to be in detention in Tasmania, but 35 times as likely in the Australian Capital Territory.



Although Indigenous young people were over-represented in juvenile justice supervision at all ages, the level of over-representation was greatest in the younger age groups, and this was the case for both community-based supervision and detention. Overall, more than half (55%) of those aged 10–13 years under juvenile justice supervision on an average day were Indigenous, compared with one-third (33%) of those aged 14–17 years and one-fifth (19%) of those aged 18 years and over (excluding Western Australia and the Northern Territory). While a 17-year-old Indigenous young person was around 11 times as likely to be under supervision on an average day as a non-Indigenous young person of the same age, a 13-year-old Indigenous young person was 28 times as likely to be under supervision as a 13-year-old non-Indigenous young person.



Indigenous young people, particularly young Indigenous males, were also more likely to experience their first period of juvenile justice supervision at a younger age than non-Indigenous young people. Around 30% of young Indigenous women and 40% of young Indigenous men who were under supervision during 2008–09 first entered supervision aged 10–13 years, compared with 16% of young non-Indigenous women and 14% of young non-Indigenous men.

Although only 5% of young Australians are Indigenous, just under half of those in both unsentenced (45%) and sentenced detention (43%) on an average day in 2008–09 were Indigenous (excluding Western Australia and the Northern Territory). On average, Indigenous young people experienced longer periods of unsentenced detention (8 days compared with 3) and shorter periods of sentenced detention (50 days compared with 60) than non-Indigenous young people. However, they were more likely to complete multiple periods of both unsentenced and sentenced detention, and overall spent longer in both unsentenced (58 days compared with 48) and sentenced detention (103 days compared with 100) during the year. Indigenous young people in sentenced detention were also less likely than non-Indigenous young people to be released on parole or supervised release (40% of completed sentenced detention periods compared with 51% for non-Indigenous young people).

## 1.7 Comparison with adults

On an average day during the June quarter in 2009, there were 84,700 people under adult corrective services supervision (excluding periodic detention) (ABS 2010a). The proportion of people under adult corrective services who were in detention was higher than the corresponding proportion of those under juvenile justice supervision. Around one-third (33% or 28,334 people) of those under adult corrective services were in full-time custody (ABS 2010a), compared with 14% of all young people under supervision on an average day (including Western Australia and the Northern Territory) who were in detention.

Nationally, there were 1.7 prisoners per 1,000 members of the adult population on an average day during the June quarter 2009, which was higher than the rate for young people of 0.4 young people per 1,000 aged 10–17 years in detention on an average day in 2008–09 (including Western Australia and the Northern Territory). Most (93%) of those in adult prison were male, which was similar to the proportion of young people in juvenile detention (91%). Just over one-quarter (26%) of adult prisoners were Indigenous, which was lower than the proportion of young people in detention, where half (50%) were Indigenous on an average day (including Western Australia and the Northern Territory). While just over half (54%) of all young people in juvenile detention on an average day were unsentenced, more than three-quarters (77%) of people in adult prison were serving a sentence.

On an average day in the June quarter in 2009, there were 3.4 people per 1,000 adult population in community-based corrections. This was higher than the rate of 2.2 per 1,000 young people aged 10–17 years who were under community-based juvenile justice supervision on an average day in 2008–09. Most (82%) of the 56,366 people under adult community-based corrections on an average day were male, which was a lower proportion than for those in adult prison. The most common orders were sentenced probation (61%), parole (22%) and community service (18%); only a small proportion of those under community-based corrections were on bail (less than 3%).

Over the 4-year period between 30 June 2005 and 30 June 2009, the number of people in adult prisons on 30 June increased by around 16%, from 25,353 to 29,317 (ABS 2009b). The imprisonment rates also increased over the period, from 1.6 prisoners per 1,000 adult population to 1.8 per 1,000. These increases also occurred among the juvenile detention population, where the number of young people in detention on an average day increased from 832 in 2005–06 to 990 in 2008–09 (including Western Australia and the Northern Territory), and the rate of young people aged 10–17 years in detention increased from 0.3 to 0.4 per 1,000.

## 1.8 Report structure

This report is the first report in the juvenile justice series to contain information from the redeveloped JJ NMDS (see Chapter 3 for more details). Consequently, this report contains expanded analyses on community-based supervision and a new chapter containing information on the specific orders supervised by juvenile justice agencies. Also, analysis of the remoteness and socioeconomic status of the usual residence of young people under supervision is included for the first time.

There are eight chapters in this report:

- Chapter 1 (this chapter) provides an overview of the report.
- Chapter 2 provides background information to the juvenile justice supervision system and the young people who are under juvenile justice supervision.
- Chapter 3 details the data and methods used in the report.
- Chapters 4 and 5 examine the characteristics of the young people under juvenile justice supervision and the supervision they experience.
- Chapter 6 contains further information on community-based supervision, while Chapter 7 focuses on detention.
- Chapter 8 summarises key information for each state and territory.

The Appendix contains further information on the juvenile justice systems in each of the Australian states and territories.

Appendix tables referred to in this report are available for download from <http://www.aihw.gov.au/publications/>. Past reports in this series are also available for download.

## 2 The juvenile justice system in Australia

The juvenile justice system is the set of processes and practices for dealing with children and young people who are alleged to have committed an offence or who have been found guilty of committing an offence. In Australia, juvenile justice is the responsibility of the state and territory governments. These state and territory systems share a number of characteristics, including the general process through which children and young people are arrested, charged and sentenced, and the types of legal orders that are handed down by the courts. The children and young people who are involved in the juvenile justice system also share a number of characteristics – they typically come from disadvantaged backgrounds with low levels of educational achievement, histories of drug and alcohol use and often have poor physical and mental health (Kenny & Nelson 2008; NSW Department of Juvenile Justice 2003).

### 2.1 Definition of a young person

In all states and territories, a child is deemed to have criminal responsibility if they are 10 years or older. Children under the age of 10 cannot be charged with a criminal offence in any state or territory in Australia. The age limit for treatment as a young person is 17 years in all states and territories except Queensland, where the age limit is 16 years.

This age limit refers to the age at which the offence was committed (or allegedly committed), which means that people who are aged 18 years or older (17 years or older in Queensland) when they (allegedly) commit an offence will be dealt with under the criminal legislation relating to adults. However, it is possible for people who are 18 years or older to be under juvenile justice supervision. First, they may have been apprehended for an offence that was (allegedly) committed when they were aged 17 years or younger. Second, if they entered supervision when aged 17 years or younger, they may continue to be supervised by the juvenile justice system once they turn 18 years old; alternatively, they may be transferred to the adult correctional system. Third, in some states and territories, young people aged 18 years and older may be supervised by juvenile justice agencies due to their vulnerability or immaturity. Additionally, young people in Victoria aged 18–20 years may be sentenced to detention in a juvenile detention centre (rather than an adult prison) where the court deems appropriate (the ‘dual track’ sentencing system).

### 2.2 Agencies involved in the juvenile justice system

The juvenile justice system involves a number of agencies that are involved in various stages and processes (Figure 2.1).

## **Police**

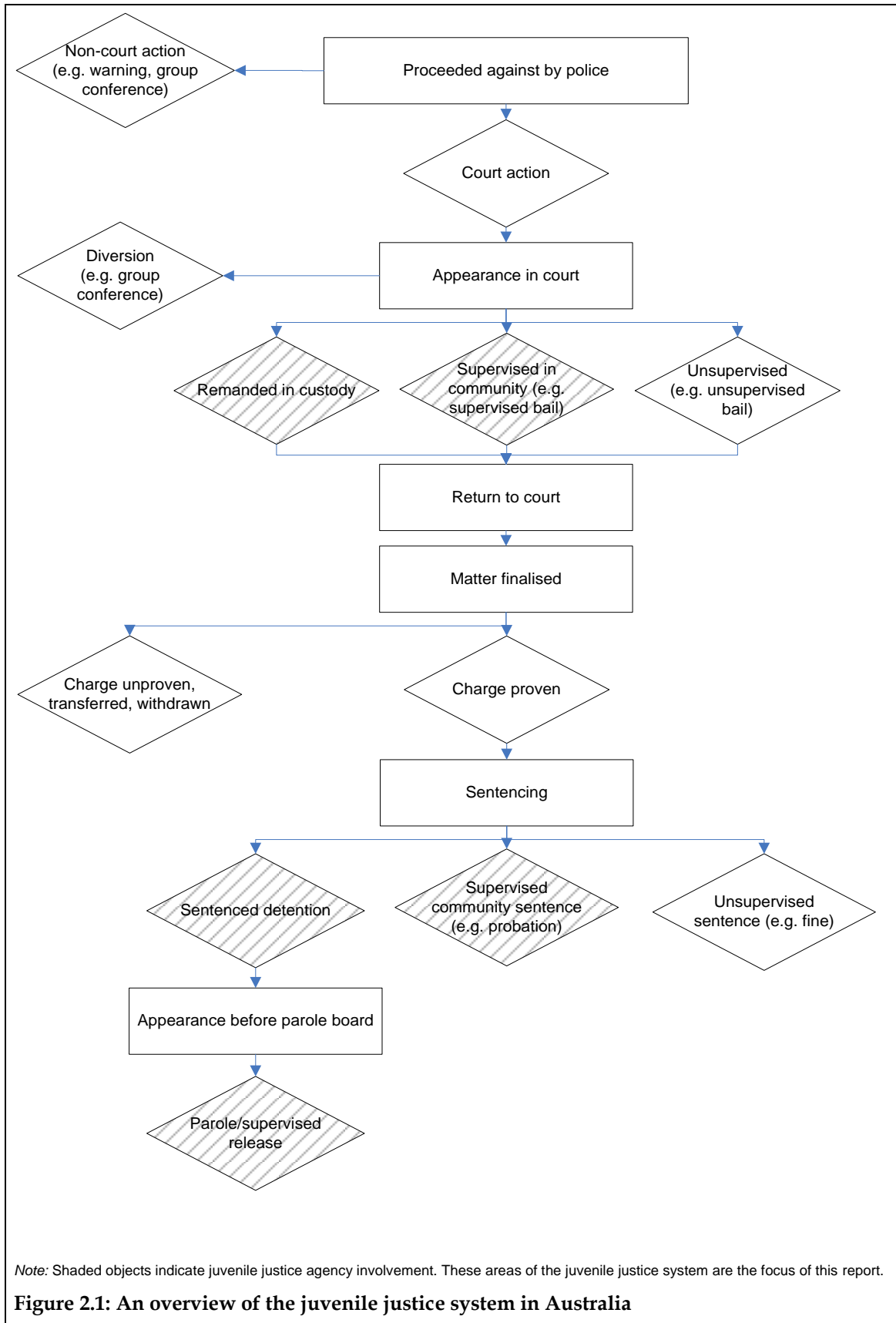
The first contact that most young people have with the juvenile justice system is when the police apprehend them for allegedly committing an offence (Figure 2.1). An important feature of the juvenile justice system in Australia is diversion, and police may divert young people from further involvement with the juvenile justice system through non-court actions. Such actions include warnings, which typically only apply for trivial offences and can be delivered on the spot, and cautions, which usually apply to more serious offences and often involve the young person explaining their actions and considering the impact. Police may also refer the young person to a group conference (also known as a youth justice conference or community conference – the availability of police-referred group conferencing varies by state and territory). The aim of a group conference is for the young person to take responsibility for their actions and meet with the victims of the offence. If the police do not divert a young person through a non-court action, then the matter proceeds to court.

## **Courts**

At the initial court appearance, the court may decide to dismiss the charge or divert the young person through the use of a caution or a referral to a group conference (the availability of diversionary options varies by state and territory). If the trial proceeds, the court will decide to either remand the young person in custody until the next court appearance or release the young person on supervised (also known as conditional) or unsupervised bail. If the charge is proven, the court can hand down a number of orders. These can include fines, good behaviour bonds, community service orders, community work orders, probation, suspended sentences, home detention and detention.

## **Parole boards**

In most states and territories, young people serving sentenced detention orders may be eligible for release on parole (also known as supervised release), usually after a set period of the sentence has been served in detention. Parole allows a young person to be provided with regular support and supervision while they are living in the community. If parole is granted, the young person is released into the community and is required to meet a number of conditions, such as not committing any offences and regularly reporting to their parole officer. If any of these conditions are broken, the parole board may cancel the parole and the young person will return to detention for the remainder of their sentence.



## Juvenile justice agencies

Juvenile justice agencies are responsible for supervising young people on orders. Supervised orders include unsentenced orders, such as supervised bail or remand, and sentenced orders such as probation, sentenced detention and parole. Courts may also hand down orders that do not require the young person to be supervised (for example, unsupervised bail), and juvenile justice agencies are not responsible for these orders. This report focuses on young people serving unsentenced and sentenced supervised orders.

Juvenile justice agencies provide a number of services to young people serving supervised orders, including education and training programs, rehabilitation programs and assistance in finding accommodation and employment or returning to school. In many states and territories, juvenile justice agencies are also responsible for running the police-referred and court-referred group conferencing programs. Group conferences typically involve both the victim and the young person, along with representatives from government and non-government organisations. Eligibility criteria and processes for group conferences vary by state and territory. Data on these services are not available in this report.

## 2.3 Young people involved in the juvenile justice system

It is generally accepted that involvement in crime tends to peak in adolescence or early adulthood and diminishes with age (Fagan & Western 2005; Farrington 1986). In Australia, offending rates peak in the 15–19-years age group and steadily decrease in each consecutive age group (ABS 2010c). Developmental criminologists suggest that a variety of social and cognitive factors can explain the high rate of adolescent offending, such as the lack of strong bonds to societal institutions such as work, marriage and family, and the multiple stressors and life changes that occur during adolescence. Desistance from crime in adulthood accompanies increased access to legitimate sources of resources through work and credit and increased ties to societal institutions (Steffensmeier & Allan 1995). Additionally, improvements in cognitive and analytical skills mean that adults are better able to reason and process information and use this information to evaluate risks and consequences (Scott & Steinburg 2008). However, some young people will continue to offend for a significant portion of their life, and a number of criminologists (such as Moffitt 1993) have theorised that there are a number of different criminal trajectories. For example, a study of a Queensland birth cohort with finalised children's court appearances (Livingston et al. 2008) found there were three distinct groups of offenders: early peaking-moderate offenders (21% of the cohort), late onset-moderate offenders (68%) and chronic offenders (11%).

However, it is important to remember that overall, few young Australians are involved in the juvenile justice system and fewer still end up under juvenile justice supervision. Each year, police will proceed against around 3% of the Australian population aged 10–17 years; close to 2% will have a case finalised in a children's court; a juvenile justice agency will supervise 0.5%, and 0.2% will be detained (ABS 2010b, 2010c; AIHW 2009) (Table 4.3, Table 7.3).

### Young people proceeded against by police

Young people first enter the juvenile justice system when they are investigated by police for allegedly committing a crime. Following the investigation, a decision will be made as to

whether the young person is proceeded against by police. Information about people proceeded against by police is available from the Australian Bureau of Statistics *Recorded crime – offenders* publication (ABS 2011).

In 2009–10, around 69,000 young people aged 10–17 years were proceeded against by police (ABS 2011), which is around 3% of all young Australians. Almost half (49%) were aged 16 or 17 years, and only around 3% were 10 or 11 years old. The most common principal offences of young people aged 10–17 years were theft, acts intended to cause injury and public order offences.

Police are more likely to proceed against young people than adults. In 2008–09, police proceeded against around 280,000 adults aged 18 years and older (ABS 2011), which equates to less than 2% of the adult Australian population.

## **Defendants finalised in children's courts**

If the police decide to proceed against the young person via a court action, the matter will usually be heard in a children's court. Children's courts have jurisdiction over most offences committed by young people aged 10–17 years (10–16 years at the time of the offence in Queensland), although more serious offences (such as car theft and break and enter) are usually heard in a higher court (ABS 2010b; Cunneen & White 2007). Some matters may also be heard by specialist courts such as drug courts and Indigenous courts.

Information about finalised defendants in children's courts is available from the Australian Bureau of Statistics (ABS) *Criminal courts* publication. In this collection, the ABS defines a young person as a finalised defendant when all charges are formally completed so that the defendant's case ceases to be an item of work to be dealt with by the court (ABS 2010b). In these data, a person will be counted multiple times if they are a defendant in a number of cases that are dealt with and finalised separately during the counting period. Therefore, the number of distinct people may be fewer than the number of finalised defendants.

In 2008–09, there were 42,198 defendants finalised in the children's courts; four in five (80%) were male (ABS 2010b). Half of those whose cases were adjudicated were aged 16 years (24%) or 17 years (26%) at the time of finalisation; less than 3% were aged 10–12 years.

Most of the finalised defendants in the children's courts were proven guilty (which includes both those who pleaded guilty and those found guilty following a trial) – around 77% of all finalised defendants and 95% of finalised defendants whose cases were adjudicated. Almost 20% of finalised defendants did not have their cases adjudicated (for example, because the charges were withdrawn or the case was transferred to another court) and just under 5% of finalised defendants were found not guilty. Young people are equally likely to be proven guilty as adults – a similar proportion of finalised defendants whose cases were adjudicated in Higher Courts and Magistrates' Courts (which mostly involve adult defendants and organisations) were proven guilty (ABS 2010b).

Defendants in children's courts in the younger age groups were more likely to be proven guilty of principal offences against property; one quarter (25%) of 10–12-year-old defendants who were adjudicated were proven guilty of unlawful entry with intent, compared with 8% of 17 year olds. Those in the older age groups were more likely to be proven guilty of a principal offence of traffic and vehicle regulatory offences (less than 4% of 10–12 year olds compared with 20% of 17 year olds adjudicated). In addition, close to 20% of defendants in all age groups were proven guilty of a principal offence of acts intended to cause injury.

Consistent with the diversionary practices of the juvenile justice system and the principle of detention as a last resort, only a small proportion of defendants received a custodial sentence. Of those who were proven guilty in 2008–09, the principal sentence for less than one in 10 (9%) was a custodial order – 6% were sentenced to detention, 2% to custody in the community (home detention) and 2% received a fully suspended sentence. For the majority, the principal sentence was a non-custodial order, including community supervision or work orders (26%), monetary orders (23%) and good behaviour bonds (22%).

Around one-third (32%) of defendants proven guilty of robbery and extortion as a principal offence were sentenced to a custodial order, as were one-quarter (24%) of those proven guilty of sexual assault. By contrast, nearly all (97–99%) defendants proven guilty of traffic and vehicle regulatory offences, public order offences and offences against justice procedures and government received a non-custodial order.

## **2.4 Juvenile justice supervision in the states and territories**

Overall, the outcomes available for young people in the juvenile justice system are similar in each state and territory (Table 2.1). These outcomes can be categorised into those that divert the young person from further involvement with the juvenile justice system (such as cautions and conferencing), those that do not require the young person to be supervised (such as fines), and those that require the young person to be supervised in the community or detained. This report focuses on the outcomes that require a juvenile justice agency to supervise the young person, either in the community or in detention (these outcomes are shaded in the table below). The state and territory agencies responsible for juvenile justice supervision provide a range of services for young people under supervision, including case management, offence-specific and therapeutic programs, Indigenous and cultural programs, supported accommodation and bail programs and pre- and post-release programs. For details on these and on the broader juvenile justice system in each state and territory, see Appendix.



**Table 2.1: Juvenile justice services and outcomes, states and territories, November 2010**

Juvenile justice services and outcomes	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Diversionary outcomes</b>								
Informal caution/warning	✓	✓	✓	✓	✓	✓	✓	✓
Formal caution	✓	✓	✓	✓	✓	✓	✓	✓
Conferencing	✓	✓	✓	✓	✓	✓	✓	✓
<b>Does not require supervision</b>								
Discharge	✓	✓	✓	✓	✓	✓	✓	✓
Fine	✓	✓	✓	✓	✓	✓	✓	✓
Obligation without supervision	✓	✓	✓	✓	✓	✓	✓	✓
<b>Requires supervision</b>								
<i>Unsentenced</i>								
Supervised bail or similar	✓	✓	✓	✓	✓	—	✓	✓
Remand/unsentenced detention	✓	✓	✓	✓	✓	✓	✓	✓
<i>Sentenced</i>								
Good behaviour bond	✓	✓	—	✓	—	✓	✓	✓
Probation or similar	✓	✓	✓	✓	✓	✓	✓	✓
Community service	✓	✓	✓	✓	✓	✓	✓	✓
Suspended detention	✓	—	✓	✓	✓	✓	✓	✓
Home detention	—	—	—	—	(a) ✓	—	—	✓
Detention	✓	✓	✓	✓	✓	✓	✓	✓
Supervised release from detention (parole)	✓	✓	✓	✓	✓	✓	—	(b) ✓

(a) Item that is within JJ NMDS scope but for which data are unavailable for the JJ NMDS.

(b) In the Northern Territory, supervised release from detention includes probation and parole.

*Note:* Shaded cells indicate items that are within JJ NMDS scope and for which data are collected in the JJ NMDS. Other ticked cells indicate juvenile justice outcomes and services that the states and territories offer that are outside the scope of the JJ NMDS.

## 3 Data and methods

Most of the data in this report are extracted from the Juvenile Justice National Minimum Data Set (JJ NMDS). The JJ NMDS contains information on all children and young people in Australia whom juvenile justice agencies supervise, both those supervised in the community and those in detention. The JJ NMDS does not contain information on children and young people in the juvenile justice system who are not supervised (for example, young people on unsupervised bail), nor does it contain information on children and young people supervised by agencies other than juvenile justice agencies, such as police.

The data for the JJ NMDS are extracted from the administrative systems of the state and territory departments responsible for juvenile justice in Australia, according to definitions and counting rules agreed to by the departments and the Australian Institute of Health and Welfare. The relevant departments are:

- Department of Human Services, New South Wales
- Department of Human Services, Victoria
- Department of Communities, Queensland
- Department of Corrective Services, Western Australia
- Department for Families and Communities, South Australia
- Department of Health and Human Services, Tasmania
- Department of Disability, Housing and Community Services, Australian Capital Territory
- Department of Justice, Northern Territory.

### 3.1 Juvenile justice NMDS versions

The JJ NMDS was first developed between 2002 and 2004, with the first report, containing data from 2000–01 to 2004, published in 2006. In 2009, the JJ NMDS was redeveloped and this report is the first to contain data from this new version of the JJ NMDS. With the redeveloped JJ NMDS, the number and type of orders supervised by juvenile justice agencies can be analysed more completely.

While both versions of the JJ NMDS contain information on children and young people, the original version only contains information on the most serious supervised legal arrangement or order. Where a young person is being supervised in relation to two or more orders of different types at the same time, the national classification of supervised legal arrangements and orders is used to determine which order is the most serious (see AIHW 2009 for more information). This results in one type of order being recorded at any one time. For example, if a young person was on probation from 1 January to 1 September but was held on remand in relation to another matter from 1 March to 15 March, the original version of the JJ NMDS would contain information on an episode of probation from 1 January to 1 March; an episode of remand from 1 March to 15 March; and a further episode of probation from 15 March to 1 September.

In 2009, all participating states and territories provided data in the new format from 2000–01 to 2008–09, where possible. Exceptions are discussed in section 3.4 'Data quality and coverage'.

## 3.2 Data on children and young people under juvenile justice supervision

The JJ NMDS contains information on all children and young people whom a juvenile justice agency in Australia supervises because they have:

- committed or allegedly committed an offence between the ages of 10 and 17 years, or
- committed or allegedly committed an offence when aged over 17 years and are treated as a young person due to their vulnerability or immaturity.

Consequently, there may be people in the JJ NMDS who are aged 18 years or older:

- young people who committed or allegedly committed an offence while aged 17 years or younger may be supervised in relation to that offence when they are aged 18 years or older
- some people who were aged 18 years or older at the time of the offence may be supervised by the juvenile justice system rather than the adult correctional system because of their vulnerability or immaturity.

In Queensland, the relevant juvenile justice legislation applies to children and young people aged 10–16 years when the offence was (allegedly) committed. In all other states and territories, the relevant legislation applies to young people aged 10–17 years. See Chapter 2 for further information.

For each young person in the JJ NMDS, data are collected on:

- sex
- date of birth
- Indigenous status
- date of first supervision.

The JJ NMDS also contains an identification code for each young person and specific combinations of letters are collected which, in combination with other data items, can be used to create a statistical linkage key (full names are not collected). A statistical linkage key allows records to be linked across states and territories and between other collections that contain the same statistical linkage key; these linkage possibilities are not explored in this report. For further information on the feasibility of linking the records of young people under juvenile justice supervision with records in other collections, see AIHW 2008.

## 3.3 Data on types of supervision

The JJ NMDS contains information on all legal arrangements and orders supervised by juvenile justice agencies and all periods of detention in juvenile justice detention centres. Supervised legal arrangements and orders include police-referred detention before the first court appearance, court-referred remand and supervised bail, and sentenced orders such as community service orders, probation, suspended detention, sentenced detention and parole or supervised release (Table 3.1). Periods of detention include police-referred detention (before the young person's initial court appearance); remand (court-referred detention following a court appearance); and sentenced detention.

For each period of supervision, data are collected on:

- order or detention type

- start date of the order or detention period
- end date of the order or detention period
- reason the order or detention period ended, including whether the order was successfully completed or breached and whether the young person was released from detention on bail or parole
- suburb and postcode of the young person’s last known home address.

**Table 3.1: National classification of supervised legal arrangements and orders**

Stage	Supervision type	Order type	Includes
Unsentenced	Detention	Pre-court appearance—detention	
	Community-based supervision	Pre-court appearance—other	
	Detention	Remand	
	Community-based supervision	Supervised bail	Conditional bail, Griffith remand
		Home detention bail	
	Other court-referred arrangements	Deferral of sentence	
Sentenced	Detention	Sentenced detention	Control order, revocation of parole, youth residential order
	Community-based supervision	Probation or similar with additional mandated requirements	Community service order, good behaviour order with supervision, good behaviour bond
		Probation or similar without additional mandated requirements	intensive supervision order, youth attendance order, youth supervision order
		Home detention	
		Suspended detention	Suspended sentence, conditional release order
	Parole	Supervised release order, fixed release order	
Other	Community-based supervision	Not elsewhere classified	Mental health order

### 3.4 Data quality and coverage

Overall, the quality of data in the JJ NMDS is good. Around 5% of young people who were under supervision during 2008–09 and 8% of all young people since 2000–01 have an unknown Indigenous status, and around 5% of records in each of the order and detention files have unknown or missing information for the postcode and suburb of the young person’s usual residence. For all other variables, the proportion of missing data is less than 0.1%.

There are a number of additional issues specific to particular states and territories. First, not all states and territories provided JJ NMDS data for 2008–09. Second, not all states and territories were able to provide JJ NMDS data in the new format (see 3.1 ‘Juvenile justice NMDS versions’) for all years of the JJ NMDS (2000–01 to 2008–09).

## **New South Wales**

In New South Wales, the Kariong Juvenile Justice Centre was transferred from the NSW Department of Juvenile Justice to the NSW Department of Corrective Services on 10 November 2004 and renamed the Kariong Juvenile Correctional Centre. As the scope of the JJ NMDS includes only young people who are supervised by juvenile justice agencies in Australia, information about young people in custody in the Kariong Juvenile Correctional Centre after 10 November 2004 is not included in this report. There are typically 18–28 young people on an average day in the Kariong Juvenile Correctional Centre (Richards & Lyneham 2010), and therefore they form only a small proportion of young people in detention in New South Wales.

## **Queensland**

End reasons for orders are not available for Queensland data.

## **Western Australia**

Western Australia did not provide JJ NMDS data for 2008–09 and provided only limited data in non-standard format for 2008–09. These data include the number under community-based supervision and in detention at the end of each month, and additional data on community-based orders and detention receptions, placements and releases. Further details on these data are available in the online appendix tables. Data for 2000–01 to 2007–08 are only available in JJ NMDS 2007 format (most serious supervised order). These data were extracted from separate detention and community-based supervision databases and linked using a statistical linkage key. While this linkage is sufficiently accurate for statistical purposes, it is not accurate for administrative purposes such as case management.

## **Tasmania**

For Tasmania, complete data on detention periods and orders are only available for 2006–07 onwards. Because data on length of detention is used to derive the time actually spent under community-based supervision, information on periods of community-based supervision before 2006–07 may therefore be incomplete.

## **Australian Capital Territory**

For the Australian Capital Territory, data for 2000–01 to 2002–03 are unavailable and data for 2003–04 to 2007–08 are only available in JJ NMDS 2007 format. Some trend analyses therefore exclude the Australian Capital Territory.

## **Northern Territory**

The Northern Territory did not provide JJ NMDS data for 2008–09. Data for 2000–01 to 2007–08 are only available in JJ NMDS 2007 format (most serious supervised order).

## 3.5 Methods

### National totals

Western Australia and the Northern Territory did not provide JJ NMDS data for 2008–09. Western Australia provided limited aggregate data in non-standard format. Therefore, tables in this report contain two totals:

- ‘Aust excl WA & NT’ – only states and territories with JJ NMDS data are included in these totals (that is, New South Wales, Victoria, Queensland, South Australia, Tasmania and the Australian Capital Territory).
- ‘Aust incl WA & NT’ – an approximate national total derived from the available JJ NMDS data, non-JJ NMDS data for Western Australia and existing 2007–08 JJ NMDS for the Northern Territory (which was rounded to the nearest 5 young people). These totals are then further rounded to the nearest 5 young people.

The Western Australian and Northern Territory numbers used in calculating the approximate national total are available in the online appendix tables.

### Age

Age is calculated as at the start of the first relevant period of supervision unless that period of supervision began before the financial year, in which case age is calculated as at the start of the financial year. A young person’s age can therefore vary across tables as age is calculated in respect to the type of supervision being analysed. For example, a young person enters supervised bail aged 17 years on 1 August and leaves 30 August. They turn 18 years old on 15 September, enter sentenced detention on 1 December and are released on 1 January on parole, which ends on 30 January. They have no other periods of community-based supervision during the financial year.

- In the supervised bail analysis, they will appear as a 17 year old.
- In the parole analysis, they will appear as an 18 year old.
- In the sentenced detention analysis, they will appear as an 18 year old.

This means that for a particular age group, the total number of young people under supervision may not be the sum of the number of young people under particular types of supervision.

### Duration

Duration is calculated in whole days. For example, if a young person entered supervision on 1 January and left 5 January, this is counted as 5 days under supervision, while if a young person entered and left supervision on the same day, this is counted as 1 day under supervision.

### Number under supervision

This report contains information on both the number of young people under supervision on an average day and the number of young people under supervision during the year. Comparing the two measures provides information on the average length of supervision during the year.

The number of young people under supervision on an average day is calculated by summing the number of days each young person spends under supervision during the year and dividing this total by the number of days in the financial year.

The number of young people under supervision during the year is calculated by counting each distinct young person under supervision during the financial year. Each young person is counted only once, even if they entered and exited supervision multiple times during the year.

Components in the tables may not sum to the total number under supervision for both the number of young people under supervision on an average day and the number of young people during the year.

For the number on an average day, components may not sum to the total because:

- young people can experience different types of supervision on the same day
- age is calculated specific to the type of supervision being analysed
- the number on an average day is rounded to the nearest whole person.

For example, if there are 3.4 young women on an average day and 3.4 young men on an average day, the total is 6.8 young people. When these numbers are rounded, the corresponding table would show 3 young women, 3 young men and a total of 7 young people.

For the number during the year, components may not sum to the total because:

- young people can experience different types of supervision during the year
- age is calculated specific to the type of supervision being analysed.

For example, if there were 100 young people under supervision in a particular year, each of these 100 young people could have both been detained and been under community-based supervision at different times during the year so that there were 100 young people in detention, 100 young people under community-based supervision and a total of 100 young people under supervision. Similarly, a young person may be 15 years at the start of their first period of detention during the year but 16 years at the start of their first period of community-based supervision. This young person would appear as a 15 year old in detention tables but as a 16 year old in community-based supervision tables, and as a 15 year old in tables for the total number under supervision.

## Population rates

While the number under supervision varies by state and territory, so does the total number of young people who live in that state or territory. To compare the number under supervision while taking into account differences in population sizes, this report presents population rates. Population rates are calculated by dividing the number of young people under supervision by the number of young people who are eligible to be supervised. Those who are eligible must relate to those under supervision (that is, if the rate is calculated for males under supervision, then those who are eligible can only be males).

Population rates are calculated for both the number under supervision during the year and the number under supervision on an average day. Because there are differences between the states and territories in the extent to which young people aged 18 years and older can be supervised by juvenile justice agencies, all rates are calculated for those aged 10–17 years. For this report, this number is then multiplied by 1,000 (although any multiplier could be

used). The rate can then be expressed as the number per 1,000 young people. For example, if there were 10,000 young people aged 10–17 years under supervision during the year and there were 2,000,000 young people aged 10–17 years in Australia, then there were 5 young people under supervision for every 1,000 young people aged 10–17 years in Australia (or 0.5% of the population aged 10–17 years). Similarly, if there were 5,000 Indigenous young people aged 10–17 years under supervision in Australia and there were 100,000 Indigenous young people of this age in Australia, then there were 50 Indigenous young people under supervision for every 1,000 Indigenous young people aged 10–17 years in Australia (or 5% of the Indigenous population aged 10–17 years).

The calculation of rates for Indigenous and non-Indigenous young people excludes young people with unknown Indigenous status. Rates are not calculated where there are fewer than five young people.

The populations used to calculate rates are available in the online appendix tables.

## Rate ratio

Rates are compared using a rate ratio, which is the ratio of two rates. Rate ratios should be interpreted with caution where there are small denominators, rare events and rates that converge while declining. In this report, rate ratios are mainly used to compare Indigenous and non-Indigenous rates and to provide a measure of the level of Indigenous over-representation. Crude rates are also presented to guide interpretation. Rate ratios are not calculated where one or both the rates has fewer than 5 young people in the numerator.

## Receptions

A reception occurs when a detention period starts and the young person:

- was not in detention immediately before the start of the current detention period, or
- did not escape from detention or abscond from leave in the immediately preceding detention period.

To account for young people transported to court and returning to detention on remand or sentenced detention following a court hearing and for young people transferred between detention centres, the start of a detention period is only considered a reception when the detention periods starts at least 2 full days after the end of the previous detention period.

## Releases

A release from detention occurs where a detention period ends and the young person:

- was not detained immediately following the end of the current detention period, or
- did not escape from detention or abscond from leave in the current detention period.

To account for young people transported to court and returning to detention on remand or sentenced detention following a court hearing and for young people transferred between detention centres, the end of a detention period is only considered a release when the detention periods ends at least 2 full days before the start of the next detention period.

## Remoteness

This report uses the Australian Standard Geographical Classification (ASGC) Remoteness Structure developed by the Australian Bureau of Statistics (ABS 2009a) to analyse the



remoteness of usual residence of the town or suburb of young people under supervision. This structure allows areas that share common characteristics of remoteness to be classified into broad geographical regions of Australia. These areas are:

- *Major cities*
- *Inner regional*
- *Outer regional*
- *Remote*
- *Very remote*.

In this classification, remoteness is determined based on the minimum road distance to different sized urban centres, where the population size of the urban centre is assumed to determine the availability of goods and services (AIHW 2004).

Examples of places that are considered *Major cities* in the ASGC RA classification include Canberra and Newcastle. Hobart and Bendigo are *Inner regional* areas and Mackay and Darwin are *Outer regional* areas. Alice Springs and Mount Isa are *Remote* areas and Tennant Creek and Meekatharra are *Very remote*.

For this report, the remoteness of the young person's usual residence was determined using the most recent postcode of their last known address. Young people with invalid, missing or unknown postcodes of last known home address were excluded from the analysis.

The number of young people under supervision in each remoteness area was estimated based on each young person's most recent postcode. Some postcode areas were split between two or more remoteness areas. Where this was the case, the data were weighted according to the proportion of the population of the postcode area in each remoteness area.

## **Socioeconomic status**

This report uses the Socio-Economic Indexes for Areas (SEIFA) developed by the ABS to analyse the socioeconomic status (SES) of the usual residence of young people under supervision.

The SEIFA comprises four indexes that are constructed using information from the five-yearly Census of Population and Housing (ABS 2006). These four indexes are the Index of Relative Socio-Economic Disadvantage, the Index of Relative Socio-Economic Advantage and Disadvantage, the Index of Economic Resources and the Index of Education and Occupation.

In this report, the Index of Relative Socio-Economic Advantage and Disadvantage is used to compare the average level of socioeconomic advantage and disadvantage in the areas of usual residence of those under supervision. The Index of Relative Socio-Economic Advantage and Disadvantage is derived from census variables related to both advantage and disadvantage, including low levels of income and education, as well as high levels of education and income. This index can be used to measure both disadvantage and advantage. A high score indicates a relatively high level of advantage and a relatively low level of disadvantage. An area containing some relatively disadvantaged people and some relatively advantaged people may have a low score on the Index of Relative Socio-economic Disadvantage, due to the levels of disadvantage, but a relatively high score on the Index of Relative Socio-economic Advantage and Disadvantage, due to the existence of both advantage and disadvantage.

The socioeconomic status of the area of the young person's usual residence was determined by allocating a SEIFA score to the most recent postcode of last known home address. Young people with invalid, missing or unknown postcodes of last known home address were excluded from the analysis.

The number of young people under supervision in each area was estimated based on each young person's most recent postcode. Some postcode areas were split between two or more areas with different SEIFA scores. Where this was the case, the data were weighted according to the proportion of the population of the postcode area in each SEIFA area.

The SEIFA represents the average of all people living in the area, and not the socioeconomic status of a particular individual living in the area. Therefore, socioeconomic analyses in this report indicate the level of socioeconomic advantage and disadvantage in the area of usual residence of the young person, not the level of socioeconomic advantage and disadvantage of the young person or their family.

### **3.6 Appendix tables**

Appendix tables referred to in this report are available for download from <http://www.aihw.gov.au/publications/>.

## 4 Characteristics of young people under supervision

Young people under juvenile justice supervision may be either in the community or in detention. This chapter focuses on the characteristics of all young people who were under juvenile justice supervision, whether they were under community-based supervision or in detention, during 2008–09.

This chapter contains information on the number and rate of young people under supervision and their characteristics, including age, sex and Indigenous status. Information is also presented on their first supervision and the remoteness and socioeconomic status of the area of their usual residence and on common patterns of supervision.

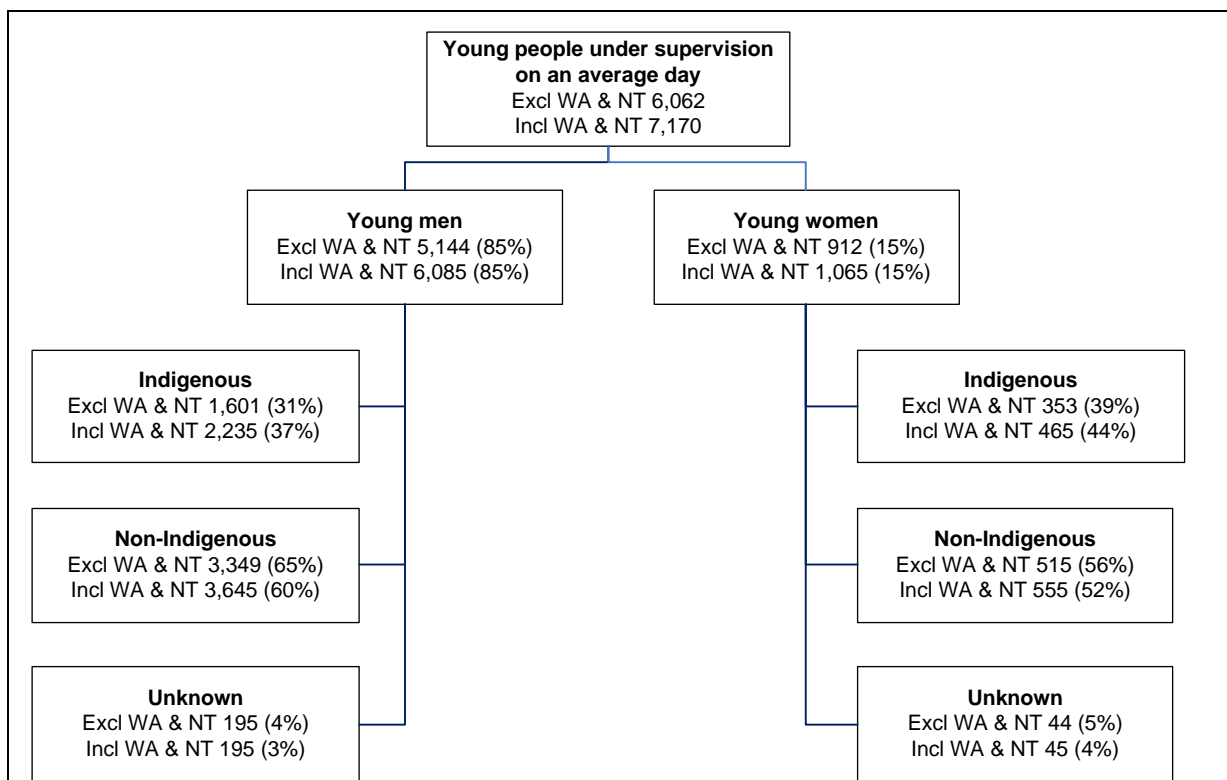
Western Australia and the Northern Territory did not provide data in standard format for 2008–09. Approximate national totals are provided where additional data were available (see Chapter 3 ‘Data and methods’ for more details) and these are noted in the text and accompanying tables and figures as ‘including Western Australia and the Northern Territory’.

### 4.1 Summary

In 2008–09 in Australia, there were around 7,200 young people under supervision on an average day and around 14,500 under supervision during the year; for the states and territories that supplied JJ NMDS data, there were 6,062 young people under supervision on an average day and 12,197 during the year.

As with the adult correctional system (ABS 2010a), most (85%) of those under juvenile justice system were boys or young men. Excluding Western Australia and the Northern Territory, half (49%) under supervision on an average day were aged 16–17 years, while only 6% were aged 10–13 years.

Indigenous young people are highly over-represented in juvenile justice supervision: although only 5% of young Australians are Aboriginal or Torres Strait Islander, almost 40% of those under supervision were Indigenous (including Western Australia and the Northern Territory). Furthermore, on an average day in 2008–09, an Indigenous young person aged 10–17 years was almost 15 times as likely as likely to be under supervision as a non-Indigenous young person of the same age.



(a) Number of young people on an average day may not sum to total due to rounding.

Note: Total includes young people of unknown sex.

Source: Table 4.2.

**Figure 4.1: Summary characteristics of young people under supervision on an average day<sup>(a)</sup>, Australia, 2008–09**

Most of those under juvenile justice supervision are in the community. Including Western Australia and the Northern Territory, almost 90% were under community-based supervision on an average day, while almost 20% of young people under supervision were both under community-based supervision and detained at some time during 2008–09. Later chapters contain more detail on community-based supervision and detention.

An increasing proportion of young people are under supervision. Including Western Australia and the Northern Territory, there were an extra 3 per 10,000 young people aged 10–17 years under supervision on an average day in 2008–09 compared with 4 years before in 2005–06.

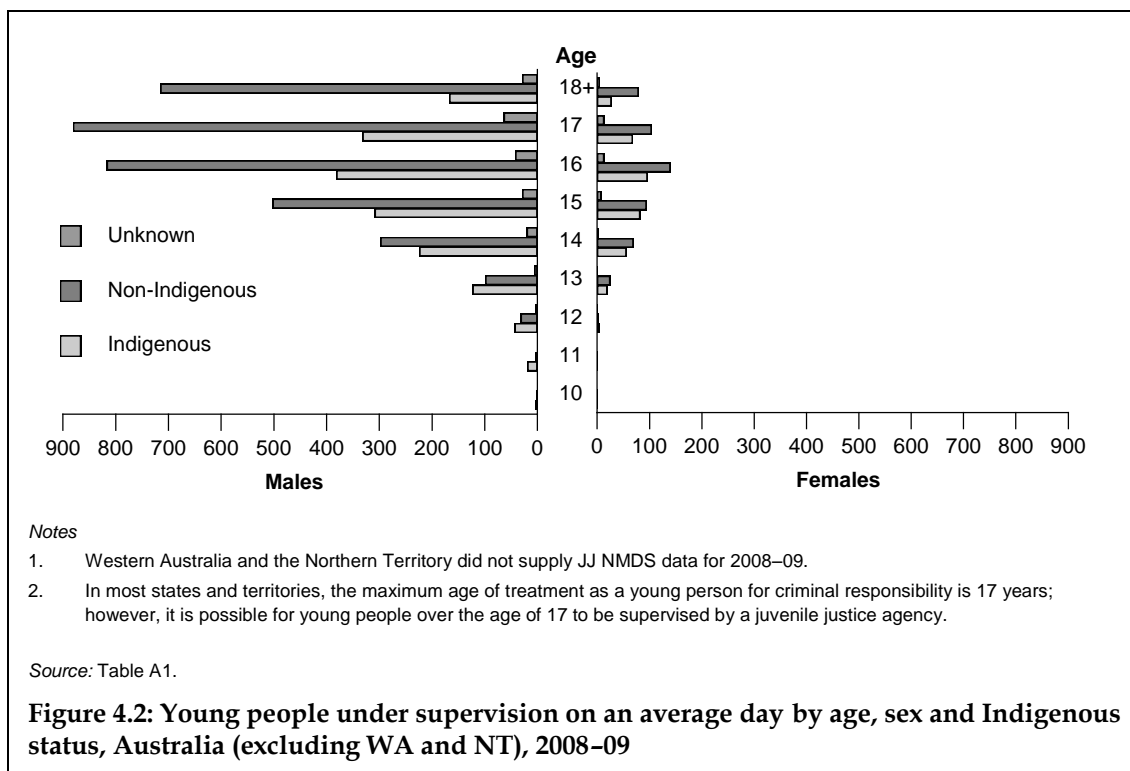
## 4.2 Age, sex and Indigenous status

### Number under supervision

Excluding Western Australia and the Northern Territory, for which detailed data were not supplied, most of the 6,062 young people under supervision on an average day in 2008–09 were boys or young men (85%) and around one-third (32%) of those under supervision were Indigenous (Figure 4.2). A higher proportion of females than males were Indigenous (39% compared with 31%).

Almost half (49%) of those under supervision on an average day were 16 or 17 years old. Another 28% were aged 14–15 years and 17% were aged 18 years or older. Most of those in the 18 years or older category were aged 18 years and the oldest person under supervision was aged 26 years. There were few under supervision in the younger age groups – around 5% were 13 years old, only 1% were 12 years old while less than 1%, or 27 young people, were aged 10 or 11 years. While a similar proportion of males and females were aged 16–17 years, girls were more likely to be aged 14–15 years than boys (34% compared with 27%) and young women were less likely to be aged 18 years and older (12% compared with 18%).

Indigenous young people under supervision were also younger on average than non-Indigenous young people. Just under half (45%) of all Indigenous young people under supervision on an average day were aged between 10 and 15 years, compared with less than one-third (29%) of non-Indigenous young people.



Including Western Australia and the Northern Territory, almost one-third (30%) of those under supervision on an average day in 2008–09 were in New South Wales, while around 20% were in Victoria and another 20% in Queensland (Table 4.1). There was some variation in the proportions of young people under supervision in each age group across the states and territories. Most notably, Victoria had the highest number and proportion of young people aged 18 years and older who were under supervision (excluding Western Australia and the Northern Territory), where one-third (34%) of young people under supervision in Victoria on an average day were aged 18 years and older. This is in part due to legislation in Victoria that allows for young people aged 18–20 years to be sentenced to a juvenile detention centre (the ‘dual track’ system). Queensland had the lowest proportion of young people aged 18 years and older, with 8% of those under supervision on an average day in this age group. This is most likely because in Queensland people who are aged 17 years and older when they (allegedly) commit an offence are processed in the adult justice system. In the remaining states and territories, the proportion of those under supervision aged 18 years and older ranged from 11% in New South Wales to 22% in Tasmania.

Reflecting the national picture, most of those under supervision in each state or territory were male, ranging from 82% in Queensland and South Australia to 89% in Victoria (excluding Western Australia and the Northern Territory) (Table 4.2). In all states and territories, the proportion of those under supervision during the year that was male was smaller than for an average day, reflecting the longer time that young men typically spend under supervision compared with young women.

Excluding Western Australia and the Northern Territory, New South Wales had the largest number of young people under supervision who were Indigenous (801 on an average day), followed by Queensland (683). On an average day, just over one-third (37%) of young people under supervision in New South Wales and just under half (47%) in Queensland were Indigenous, compared with only 12% in Victoria.

**Table 4.1: Young people under supervision by age, states and territories, 2008–09**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—average day<sup>(b)</sup></b>										
10	0	2	1	n.a.	3	0	0	n.a.	5	n.a.
11	7	2	7	n.a.	4	1	0	n.a.	22	n.a.
12	31	10	30	n.a.	12	4	—	n.a.	87	n.a.
13	99	33	88	n.a.	34	9	10	n.a.	273	n.a.
14	259	110	201	n.a.	57	33	12	n.a.	671	n.a.
15	368	170	302	n.a.	104	56	24	n.a.	1,024	n.a.
16	554	270	447	n.a.	117	73	28	n.a.	1,490	n.a.
17	618	327	267	n.a.	143	78	32	n.a.	1,466	n.a.
10–17	1,935	923	1,343	n.a.	474	255	107	n.a.	5,037	5,775
18+	237	469	122	n.a.	107	73	15	n.a.	1,024	1,390
<b>Total</b>	<b>2,172</b>	<b>1,392</b>	<b>1,465</b>	<b>n.a.</b>	<b>582</b>	<b>329</b>	<b>122</b>	<b>n.a.</b>	<b>6,062</b>	<b>7,170</b>
<b>Number of young people—during the year</b>										
10	0	4	2	n.a.	8	0	0	n.a.	14	n.a.
11	15	5	12	n.a.	6	2	0	n.a.	40	n.a.
12	79	21	64	n.a.	34	9	1	n.a.	208	n.a.
13	210	63	169	n.a.	74	14	24	n.a.	554	n.a.
14	502	202	356	n.a.	124	52	28	n.a.	1,264	n.a.
15	797	338	545	n.a.	231	91	51	n.a.	2,053	n.a.
16	1,114	519	800	n.a.	251	117	61	n.a.	2,862	n.a.
17	1,301	614	502	n.a.	321	122	70	n.a.	2,930	n.a.
10–17	4,018	1,766	2,450	n.a.	1,049	407	235	n.a.	9,925	12,210
18+	612	999	236	n.a.	250	138	34	n.a.	2,269	2,330
<b>Total</b>	<b>4,630</b>	<b>2,765</b>	<b>2,686</b>	<b>n.a.</b>	<b>1,302</b>	<b>545</b>	<b>269</b>	<b>n.a.</b>	<b>12,197</b>	<b>14,545</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people and therefore may not sum to total.

(b) Number of young people on an average day may not sum to total due to rounding.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown age.
3. Age calculated as at start of financial year if first period of supervision in the relevant year began before the start of the financial year, otherwise age calculated as at start of first period of supervision in the relevant year.

**Table 4.2: Young people under supervision by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—average day<sup>(b)</sup></b>										
<b>Male</b>										
Indigenous	669	144	542	n.a.	158	63	24	n.a.	1,601	2,235
Non-Indigenous	1,049	1,094	655	n.a.	298	173	79	n.a.	3,349	3,645
Unknown	129	4	2	n.a.	20	40	0	n.a.	195	195
<b>Total</b>	<b>1,848</b>	<b>1,242</b>	<b>1,199</b>	<b>n.a.</b>	<b>476</b>	<b>276</b>	<b>103</b>	<b>n.a.</b>	<b>5,144</b>	<b>6,085</b>
<b>Female</b>										
Indigenous	132	24	141	n.a.	44	9	3	n.a.	353	465
Non-Indigenous	157	125	125	n.a.	58	35	16	n.a.	515	555
Unknown	33	1	0	n.a.	1	9	0	n.a.	44	45
<b>Total</b>	<b>322</b>	<b>149</b>	<b>265</b>	<b>n.a.</b>	<b>103</b>	<b>53</b>	<b>19</b>	<b>n.a.</b>	<b>912</b>	<b>1,065</b>
<b>All young people</b>										
Indigenous	801	168	683	n.a.	202	72	27	n.a.	1,954	2,710
Non-Indigenous	1,209	1,218	779	n.a.	359	208	95	n.a.	3,869	4,205
Unknown	162	5	2	n.a.	22	49	0	n.a.	240	240
<b>Total</b>	<b>2,172</b>	<b>1,392</b>	<b>1,465</b>	<b>n.a.</b>	<b>582</b>	<b>329</b>	<b>122</b>	<b>n.a.</b>	<b>6,062</b>	<b>7,170</b>
<b>Number of young people—during the year</b>										
<b>Male</b>										
Indigenous	1,254	271	930	n.a.	299	88	40	n.a.	2,882	n.a.
Non-Indigenous	2,330	2,132	1,233	n.a.	686	286	174	n.a.	6,841	n.a.
Unknown	306	12	5	n.a.	50	71	0	n.a.	444	n.a.
<b>Total</b>	<b>3,890</b>	<b>2,415</b>	<b>2,168</b>	<b>n.a.</b>	<b>1,035</b>	<b>445</b>	<b>214</b>	<b>n.a.</b>	<b>10,167</b>	<b>12,105</b>
<b>Female</b>										
Indigenous	285	58	267	n.a.	98	16	7	n.a.	731	n.a.
Non-Indigenous	375	288	251	n.a.	156	66	48	n.a.	1,184	n.a.
Unknown	77	3	0	n.a.	7	18	0	n.a.	105	n.a.
<b>Total</b>	<b>737</b>	<b>349</b>	<b>518</b>	<b>n.a.</b>	<b>261</b>	<b>100</b>	<b>55</b>	<b>n.a.</b>	<b>2,020</b>	<b>2,420</b>
<b>All young people</b>										
Indigenous	1,539	329	1,197	n.a.	397	104	47	n.a.	3,613	n.a.
Non-Indigenous	2,708	2,421	1,484	n.a.	847	352	222	n.a.	8,034	n.a.
Unknown	383	15	5	n.a.	58	89	0	n.a.	550	n.a.
<b>Total</b>	<b>4,630</b>	<b>2,765</b>	<b>2,686</b>	<b>n.a.</b>	<b>1,302</b>	<b>545</b>	<b>269</b>	<b>n.a.</b>	<b>12,197</b>	<b>14,545</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people.

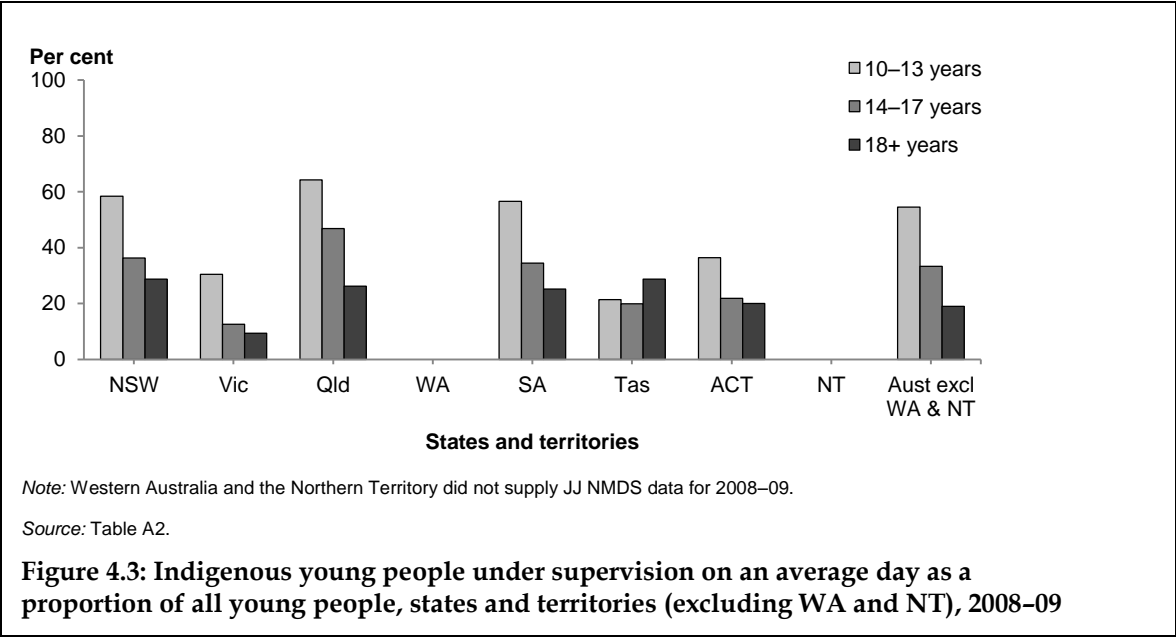
(b) Number of young people on an average day may not sum to total due to rounding.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown sex and Indigenous status.



Overall (excluding Western Australia and the Northern Territory), the proportion of young people under supervision that was Indigenous was highest in the younger age groups (Figure 4.3). Nationally, more than half (55%) of those aged 10–13 years under supervision on an average day were Indigenous, compared with one-third (33%) of those aged 14–17 years and 19% of those aged 18 years and over. This pattern was present in all states and territories except Tasmania, where those aged 18 years and over were slightly more likely to be Indigenous (29% compared with 21% of those aged 10–13 years and 20% of those aged 14–17).



### Rates of supervision

Overall, relatively few young people end up in juvenile justice supervision. There were 2.5 young people aged 10–17 years per 1,000 population under supervision on an average day and 5.4 per 1,000 during the year in all states and territories (including Western Australia and the Northern Territory) (Table 4.3). This means that on an average day, 0.25% of the Australian population aged 10–17 years is under supervision, and about 0.5% is supervised at some time during the year.

Boys and young men aged 10–17 years were under supervision at higher rates than girls and young women. In 2008–09, a young man aged 10–17 years was around 5 times as likely to be under supervision on an average day as a young woman within the same age range, and 4 times as likely to be under supervision during the year. The difference between the two rate ratios reflects the greater length of time that young men typically spend under supervision.

While the overall rate of young people under supervision was relatively low, the rate for Indigenous young people was much higher. Including Western Australia and the Northern Territory, Indigenous young people were almost 15 times as likely to be under supervision on an average day in 2008–09 as a non-Indigenous young people. Overall, Indigenous young people were under supervision on an average day at a rate of 22 per 1,000 Indigenous young people aged 10–17 years; that is, around 2% of the young Indigenous population were under supervision on any given day in 2008–09. In comparison, there were 1.5 non-Indigenous

young people per 1,000 non-Indigenous young people aged 10–17 years under supervision on an average day (or 0.15%).

The rate of supervision for Indigenous young people was higher than the non-Indigenous rate for each year of age, but the over-representation was highest in the younger age groups. Overall (excluding Western Australia and the Northern Territory), older children and young people were more likely to be under supervision than younger people – a 16 year old was around 5 times as likely to be under supervision as a 13 year old, both on an average day and during the year. However, while a 17-year-old Indigenous young person was around 11 times as likely to be under supervision on an average day as a non-Indigenous young person of the same age, a 13-year-old Indigenous child was 28 times as likely to be under supervision on an average day.

The rate of supervision for Indigenous young people was higher than for non-Indigenous young people in each age group for both young men and young women (Figure 4.4 and Figure 4.5), and in each age group the rate of supervision for young Indigenous women was higher than for young non-Indigenous men. However, while the rates of supervision for both young Indigenous men and women peaked at 16 years, the rate of supervision for non-Indigenous men was greater in each successive age group.

**Table 4.3: Rate of young people aged 10–17 years under supervision by age, sex and Indigenous status, Australia (excluding WA and NT), 2008–09**

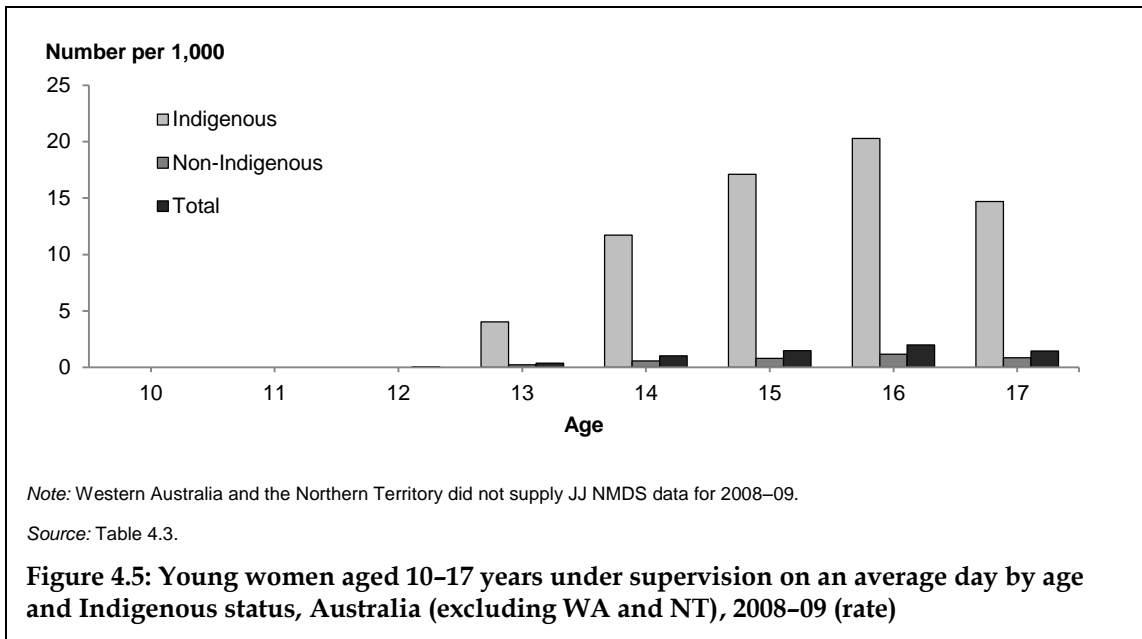
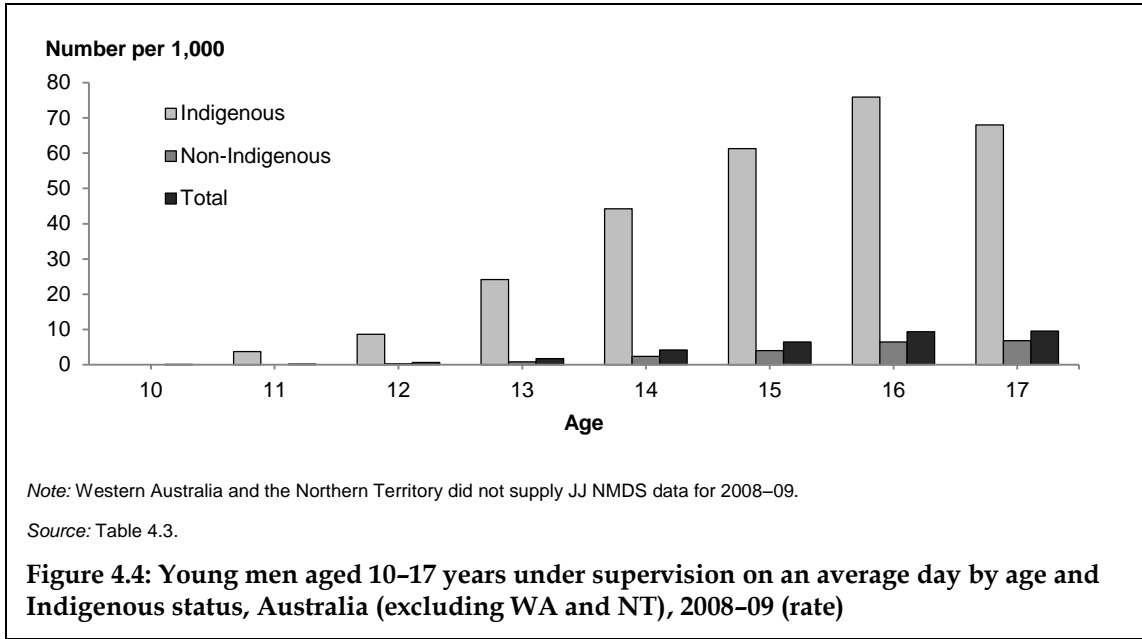
Indigenous status	10	11	12	13	14	15	16	17	10–17	10–17 incl WA & NT <sup>(a)</sup>
<b>Supervision rate—average day</b>										
<b>Male</b>										
Indigenous	n.p.	3.75	8.64	24.18	44.20	61.27	75.95	67.98	35.86	35.61
Non-Indigenous	n.p.	n.p.	0.26	0.80	2.38	3.99	6.42	6.81	2.65	2.51
<b>Total</b>	<b>0.04</b>	<b>0.17</b>	<b>0.62</b>	<b>1.77</b>	<b>4.16</b>	<b>6.42</b>	<b>9.38</b>	<b>9.51</b>	<b>4.10</b>	<b>4.15</b>
<b>Female</b>										
Indigenous	n.p.	n.p.	n.p.	4.02	11.73	17.12	20.28	14.70	8.56	8.17
Non-Indigenous	n.p.	n.p.	n.p.	0.22	0.58	0.79	1.16	0.85	0.46	0.43
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.07</b>	<b>0.37</b>	<b>1.04</b>	<b>1.48</b>	<b>1.98</b>	<b>1.46</b>	<b>0.82</b>	<b>0.82</b>
<b>All young people</b>										
Indigenous	n.p.	1.95	4.81	14.37	28.40	39.81	48.95	42.03	22.54	22.26
Non-Indigenous	n.p.	n.p.	0.15	0.51	1.51	2.43	3.86	3.91	1.59	1.50
<b>Total</b>	<b>0.02</b>	<b>0.09</b>	<b>0.35</b>	<b>1.09</b>	<b>2.64</b>	<b>4.01</b>	<b>5.78</b>	<b>5.60</b>	<b>2.50</b>	<b>2.53</b>
<b>Supervision rate—during the year</b>										
<b>Male</b>										
Indigenous	1.01	5.84	19.35	41.55	71.95	104.58	131.27	124.39	62.54	n.a.
Non-Indigenous	0.05	0.07	0.61	1.78	4.56	8.25	12.53	13.71	5.33	n.a.
<b>Total</b>	<b>0.09</b>	<b>0.31</b>	<b>1.39</b>	<b>3.48</b>	<b>7.46</b>	<b>12.49</b>	<b>17.77</b>	<b>18.83</b>	<b>7.90</b>	<b>8.58</b>
<b>Female</b>										
Indigenous	n.p.	n.p.	3.31	8.32	23.76	33.10	39.99	30.58	17.36	n.a.
Non-Indigenous	n.p.	n.p.	0.11	0.54	1.41	2.00	2.46	1.82	1.06	n.a.
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.27</b>	<b>0.87</b>	<b>2.35</b>	<b>3.37</b>	<b>4.07</b>	<b>3.11</b>	<b>1.79</b>	<b>1.94</b>
<b>All young people</b>										
Indigenous	0.72	3.07	11.44	25.39	48.49	69.84	87.01	78.68	40.49	n.a.
Non-Indigenous	0.03	0.04	0.37	1.17	3.03	5.21	7.63	7.93	3.25	n.a.
<b>Total</b>	<b>0.06</b>	<b>0.16</b>	<b>0.84</b>	<b>2.21</b>	<b>4.98</b>	<b>8.05</b>	<b>11.10</b>	<b>11.19</b>	<b>4.93</b>	<b>5.36</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

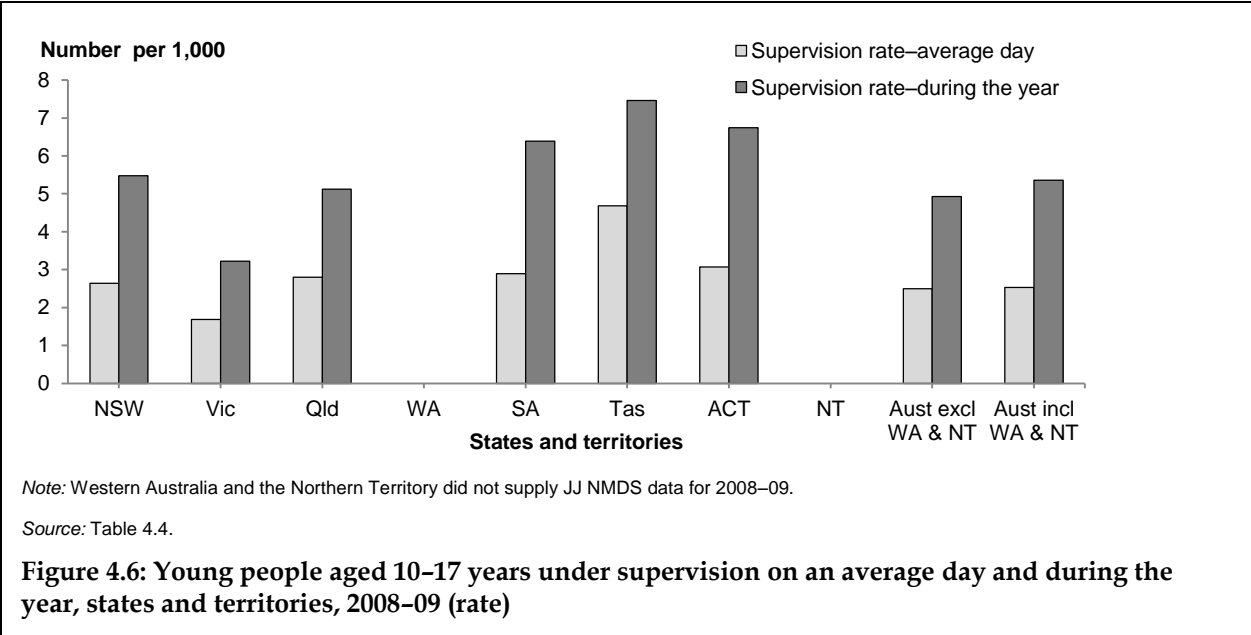
*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of supervision in the relevant year began before the start of the financial year, otherwise age calculated as at start of first period of supervision in the relevant year.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.

Source: Table A1, Table A3.

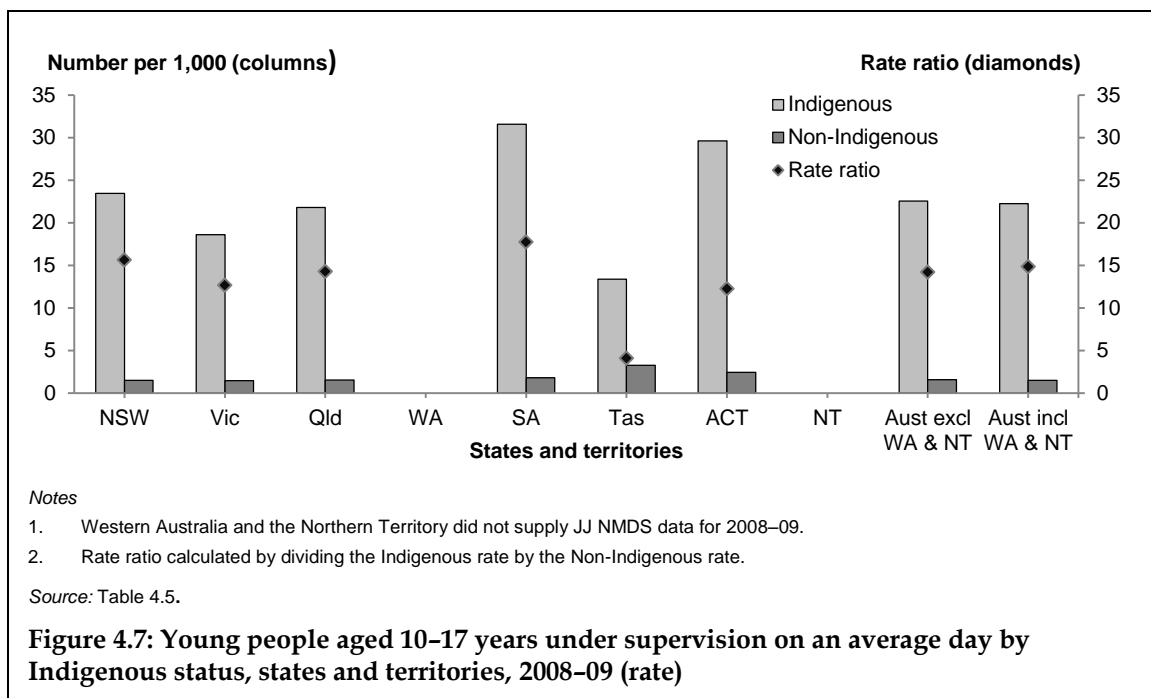


Rates of supervision varied between the states and territories (excluding Western Australia and the Northern Territory). The overall average day rate for young people aged 10–17 years ranged from 1.7 per 1,000 young people in Victoria to 4.7 per 1,000 in Tasmania (Figure 4.6). A similar pattern occurred for young men and young women. For young men, average daily rates ranged from 2.9 per 1,000 in Victoria to 7.7 in Tasmania and from 0.4 per 1,000 in Victoria to 1.5 per 1,000 in Tasmania for young women (Table 4.4). Similarly, the lowest rate of young people under supervision during the year was in Victoria (3.2 per 1,000) while the highest was in Tasmania (7.5 per 1,000) (Figure 4.6).



In all states and territories (excluding Western Australia and the Northern Territory), the rate of Indigenous young people aged 10–17 years under supervision was considerably higher than the rate of non-Indigenous young people (Figure 4.7). On an average day, the supervision rate for Indigenous young people ranged from 13 per 1,000 young people in Tasmania to 32 per 1,000 in South Australia (excluding Western Australia and the Northern Territory). In contrast, the supervision rate among non-Indigenous young people was relatively similar across states and territories and ranged from 1.5 per 1,000 in Victoria, New South Wales and Queensland to 3.3 in Tasmania.

Because the Indigenous rate varied while the non-Indigenous rate was relatively consistent, the level of Indigenous over-representation also varied by state and territory. In Tasmania, Indigenous young people aged 10–17 years were 4 times as likely as non-Indigenous young people to be under supervision on an average day, while in New South Wales, Victoria, Queensland and the Australian Capital Territory they were 12–16 times as likely to be under supervision and 18 times as likely in South Australia.



Young Indigenous men had particularly high rates of supervision in all states and territories (Table 4.4). The highest supervision rate for young Indigenous men was in South Australia, where around 1 in 11 (9%) Indigenous young men aged 10–17 were under supervision at some time during the year, compared with 1 in 34 Indigenous young women (3%) and 1 in 155 non-Indigenous young men (0.6%). This was followed by the Australian Capital Territory, where around 1 in 13 Indigenous young men were under supervision during the year.

Consistent with the national picture, young men were more likely to be under supervision on an average day than young women in each state and territory. In Victoria, young men were around 7 times as likely to be under supervision as young women, while in the remaining states and territory (excluding Western Australia and the Northern Territory), they were around 4–5 times as likely to be under supervision.

**Table 4.4: Rate of young people aged 10–17 years under supervision by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Supervision rate—average day</b>										
<b>Male</b>										
Indigenous	38.01	31.21	33.47	n.a.	49.57	22.97	47.78	n.a.	35.86	35.61
Non-Indigenous	2.54	2.54	2.51	n.a.	2.81	5.35	4.00	n.a.	2.65	2.51
<b>Total</b>	<b>4.35</b>	<b>2.89</b>	<b>4.46</b>	<b>n.a.</b>	<b>4.56</b>	<b>7.68</b>	<b>5.09</b>	<b>n.a.</b>	<b>4.10</b>	<b>4.15</b>
<b>Female</b>										
Indigenous	8.12	5.79	9.45	n.a.	13.15	3.59	n.p.	n.a.	8.56	8.17
Non-Indigenous	0.42	0.34	0.51	n.a.	0.66	1.07	0.80	n.a.	0.46	0.43
<b>Total</b>	<b>0.83</b>	<b>0.41</b>	<b>1.06</b>	<b>n.a.</b>	<b>1.09</b>	<b>1.51</b>	<b>0.98</b>	<b>n.a.</b>	<b>0.82</b>	<b>0.82</b>
<b>All young people</b>										
Indigenous	23.45	18.59	21.79	n.a.	31.56	13.38	29.62	n.a.	22.54	22.26
Non-Indigenous	1.50	1.47	1.53	n.a.	1.78	3.27	2.42	n.a.	1.59	1.50
<b>Total</b>	<b>2.64</b>	<b>1.69</b>	<b>2.80</b>	<b>n.a.</b>	<b>2.89</b>	<b>4.68</b>	<b>3.07</b>	<b>n.a.</b>	<b>2.50</b>	<b>2.53</b>
<b>Supervision rate—during the year</b>										
<b>Male</b>										
Indigenous	68.35	56.18	56.43	n.a.	90.36	30.41	79.19	n.a.	62.54	n.a.
Non-Indigenous	5.48	4.77	4.73	n.a.	6.48	8.50	8.80	n.a.	5.33	n.a.
<b>Total</b>	<b>8.88</b>	<b>5.41</b>	<b>7.99</b>	<b>n.a.</b>	<b>9.74</b>	<b>11.92</b>	<b>10.56</b>	<b>n.a.</b>	<b>7.90</b>	<b>8.58</b>
<b>Female</b>										
Indigenous	17.25	13.25	17.76	n.a.	29.09	5.89	15.67	n.a.	17.36	n.a.
Non-Indigenous	1.01	0.76	1.05	n.a.	1.82	1.87	2.50	n.a.	1.06	n.a.
<b>Total</b>	<b>1.90</b>	<b>0.92</b>	<b>2.09</b>	<b>n.a.</b>	<b>2.82</b>	<b>2.75</b>	<b>2.80</b>	<b>n.a.</b>	<b>1.79</b>	<b>1.94</b>
<b>All young people</b>										
Indigenous	43.45	34.86	37.63	n.a.	60.06	18.27	49.70	n.a.	40.49	n.a.
Non-Indigenous	3.30	2.82	2.94	n.a.	4.23	5.28	5.70	n.a.	3.25	n.a.
<b>Total</b>	<b>5.48</b>	<b>3.22</b>	<b>5.12</b>	<b>n.a.</b>	<b>6.39</b>	<b>7.46</b>	<b>6.74</b>	<b>n.a.</b>	<b>4.93</b>	<b>5.36</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of supervision in the relevant year began before the start of the financial year, otherwise age calculated as at start of first period of supervision in the relevant year.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.

Source: Table A3.

## Trends

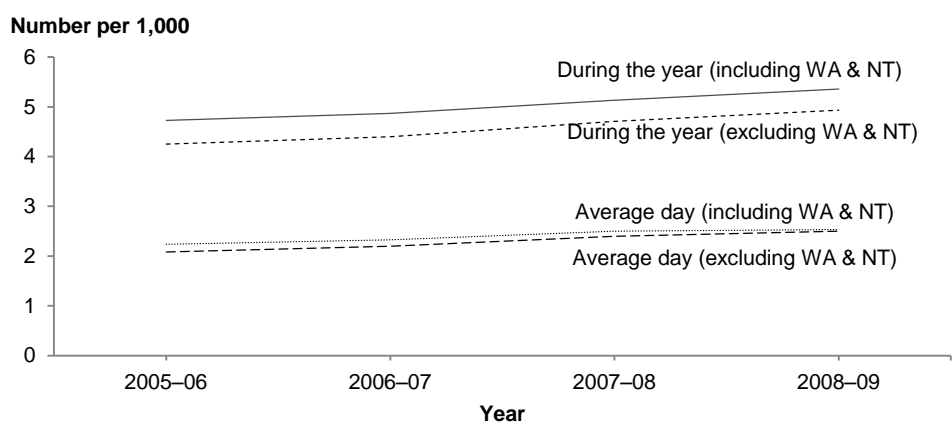
Overall, both the average daily rate of supervision for 10–17 year olds and the equivalent rate during the year increased in each of the 4 years (Figure 4.8). Including Western Australia and the Northern Territory, the average daily rate increased from 2.2 per 1,000 in 2005–06 to 2.5 in 2008–09, while the equivalent rate during the year increased from 4.7 young people per 1,000 in 2005–06 to 5.4 per 1,000 in 2008–09.

Of the states and territories (excluding Western Australia and the Northern Territory), the greatest proportional increase was in New South Wales, where the rate of young people under supervision increased from 1.9 to 2.6 young people per 1,000 on an average day (Table 4.5). Queensland was the only state or territory where the rate decreased over the 4-year period, from 3.0 young people per 1,000 in 2005–06 to 2.8 per 1,000 in 2008–09.

Including Western Australia and the Northern Territory, the rate of non-Indigenous young people aged 10–17 years under supervision on an average day steadily increased over each of the 4 years, from 1.3 to 1.6 per 1,000 (Table 4.5, Figure 4.9). The Indigenous rate increased from 22.1 per 1,000 in 2005–06 and 2006–07 to 23.5 in 2007–08, before dropping back to 22.3 in 2008–09. There were steady increases in both the non-Indigenous and Indigenous rates in New South Wales and Victoria over the period (Table 4.5). The Indigenous rate decreased in Queensland, with little change in the non-Indigenous rate, while the non-Indigenous rate increased in South Australia, with no clear pattern in the Indigenous rate. There were no clear patterns for either Indigenous or non-Indigenous rates in the Australian Capital Territory.

The propensity for Indigenous young people to be under supervision in Australia compared with that of non-Indigenous young people has also remained high, although there was a small decrease in the rate ratios from 2005–06 to 2008–09 (Figure 4.9). Nationally (including Western Australia and the Northern Territory), an Indigenous young person aged 10–17 years was 17 times as likely as a non-Indigenous young person to be under supervision on an average day in 2005–06 – this decreased to 15 times in 2008–09. This pattern did not occur in all states and territories (excluding Western Australia and the Northern Territory) (Figure 4.10). There were small overall decreases in New South Wales, Victoria and Queensland, while rate ratios in South Australia and the Australian Capital Territory fluctuated.





*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008-09.
2. Detention data for Tasmania are only available from 1 January 2006. The Australian totals for 2005-06 include these data and will therefore be an under-count of the total number in detention.

*Source:* Table 4.5, Table A5.

**Figure 4.8: Young people aged 10-17 years under supervision, Australia, 2005-06 to 2008-09 (rate)**

**Table 4.5: Rate of young people aged 10–17 years under supervision on an average day by Indigenous status, states and territories, 2005–06 to 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>2005–06<sup>(b)</sup></b>										
Indigenous	18.08	13.88	25.23	37.11	28.15	n.a.	29.89	13.19	20.91	22.18
Non-Indigenous	1.06	1.07	1.59	1.13	1.61	n.a.	2.30	1.25	1.30	1.28
Rate ratio	17.06	12.97	15.87	32.84	17.48	n.a.	13.00	10.55	16.08	17.33
<b>Total</b>	<b>1.86</b>	<b>1.26</b>	<b>3.00</b>	<b>3.16</b>	<b>2.57</b>	<b>n.a.</b>	<b>2.92</b>	<b>6.29</b>	<b>2.08</b>	<b>2.24</b>
<b>2006–07</b>										
Indigenous	19.49	15.16	24.73	36.29	24.35	13.44	27.57	11.08	21.22	22.08
Non-Indigenous	1.19	1.20	1.58	1.10	1.62	2.79	2.49	0.66	1.38	1.35
Rate ratio	16.38	12.63	15.65	32.99	15.03	4.82	11.07	16.79	15.38	16.36
<b>Total</b>	<b>2.08</b>	<b>1.39</b>	<b>3.01</b>	<b>3.12</b>	<b>2.47</b>	<b>3.68</b>	<b>3.14</b>	<b>5.09</b>	<b>2.20</b>	<b>2.33</b>
<b>2007–08</b>										
Indigenous	22.67	17.15	24.68	38.45	29.41	15.05	34.65	8.12	23.17	23.51
Non-Indigenous	1.33	1.36	1.64	1.06	1.70	2.49	2.40	0.98	1.49	1.44
Rate ratio	17.05	12.61	15.05	36.27	17.30	6.04	14.44	8.29	15.55	16.33
<b>Total</b>	<b>2.39</b>	<b>1.55</b>	<b>3.07</b>	<b>3.23</b>	<b>2.75</b>	<b>3.62</b>	<b>3.23</b>	<b>4.02</b>	<b>2.40</b>	<b>2.50</b>
<b>2008–09</b>										
Indigenous	23.45	18.59	21.79	n.a.	31.56	13.38	29.62	n.a.	22.54	22.26
Non-Indigenous	1.50	1.47	1.53	n.a.	1.78	3.27	2.42	n.a.	1.59	1.50
Rate ratio	15.63	12.65	14.24	n.a.	17.73	4.09	12.24	n.a.	14.18	14.84
<b>Total</b>	<b>2.64</b>	<b>1.69</b>	<b>2.80</b>	<b>n.a.</b>	<b>2.89</b>	<b>4.68</b>	<b>3.07</b>	<b>n.a.</b>	<b>2.50</b>	<b>2.53</b>

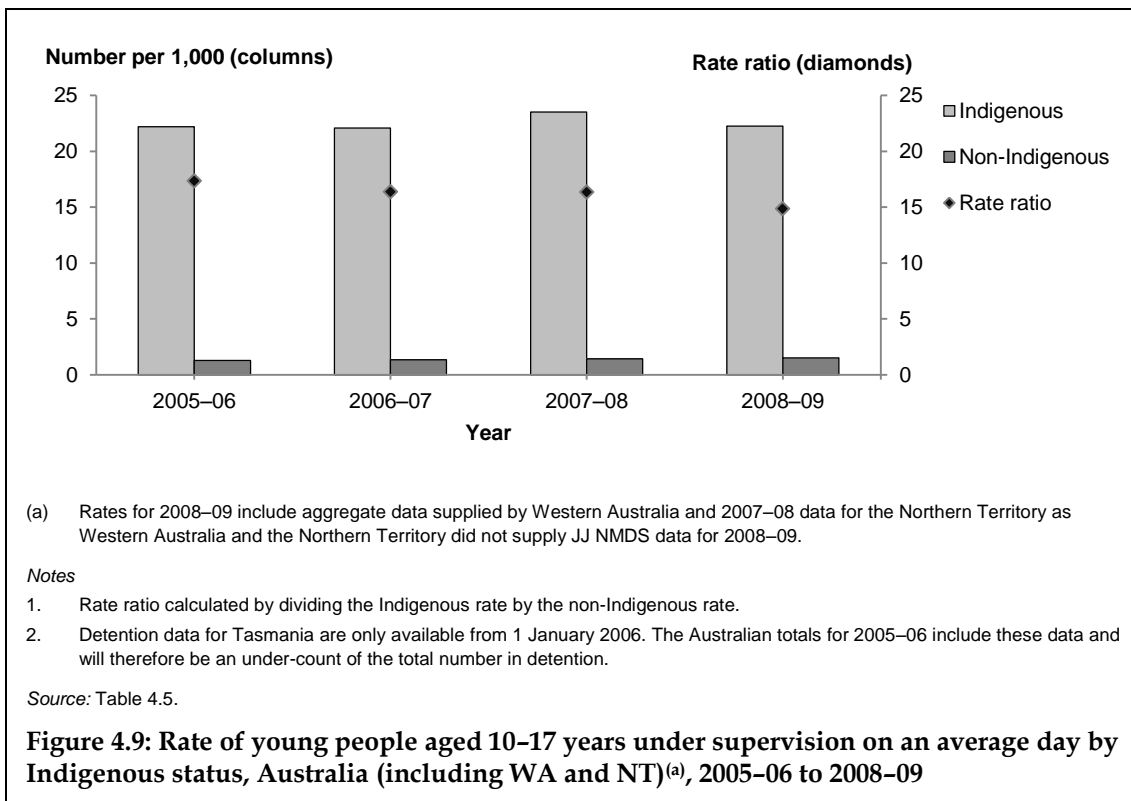
(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

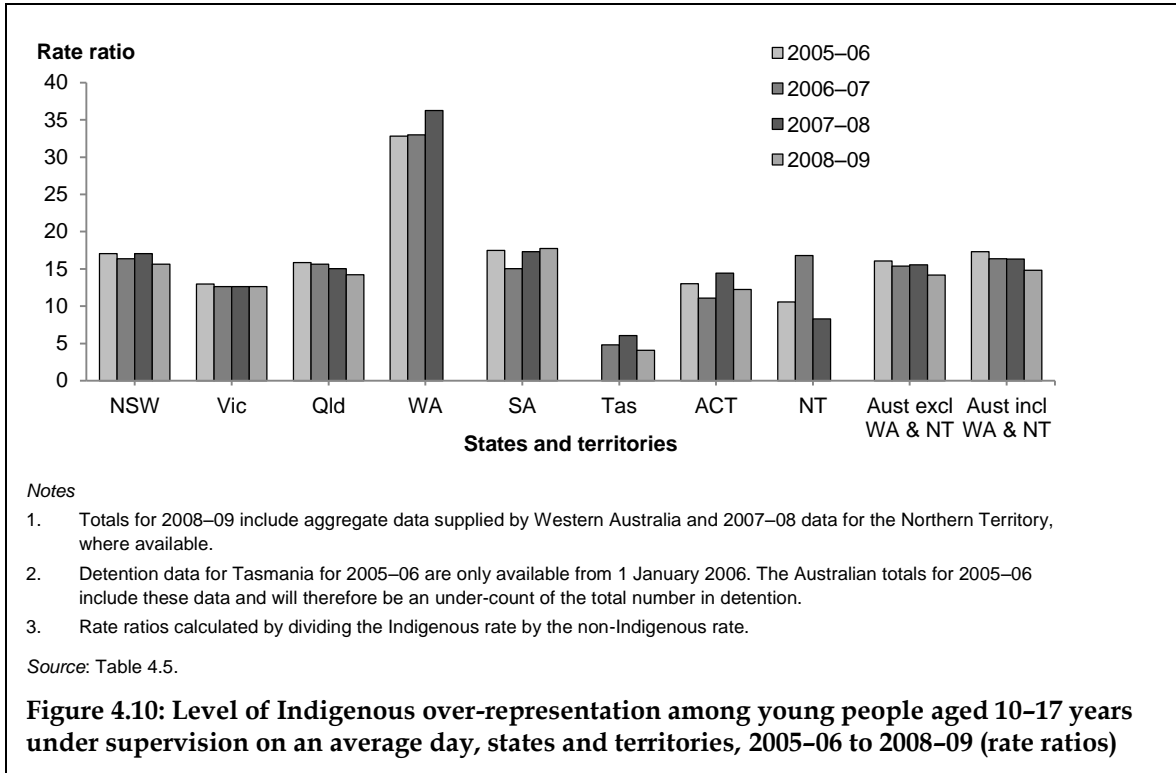
(b) Detention data for Tasmania are only available from 1 January 2006. The Australian totals for 2005–06 include these data and will therefore be an under-count of the total number in detention.

*Notes*

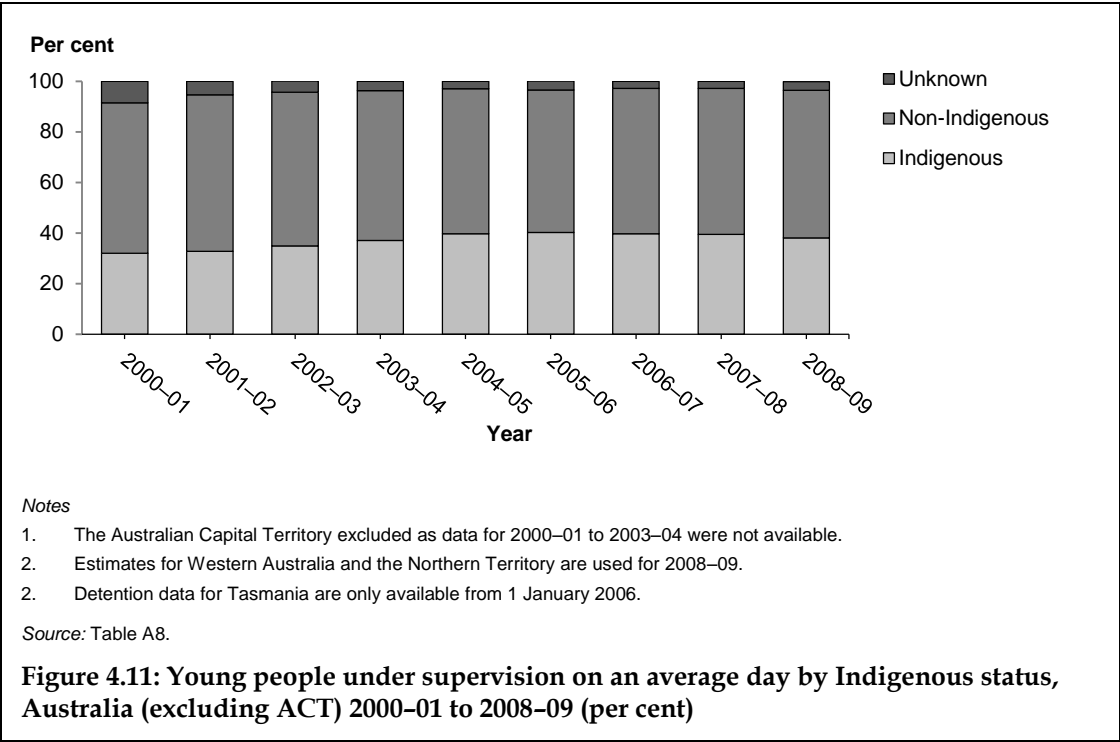
1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of supervision in the relevant year began before the start of the financial year, otherwise age calculated as at start of first period of supervision in the relevant year.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.
6. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

Source: Table A4.





Only around 5% of young Australians are Indigenous, but over one-third of those under supervision on an average day are Indigenous, which is a small increase since 2000–01 (Figure 4.10).



Excluding Western Australia and the Northern Territory, for which age data were not available, the pattern of rates of supervision for age groups remained similar over the 4 years from 2005–06, with the peak supervision rate occurring at 16 or 17 years (Table 4.6). However, while the rates of supervision for the younger age groups remained relatively steady, the rate of supervision for those aged 14 years and older increased in each of the 4 years.

The patterns of average daily supervision rates for both young men and young women remained similar over the four years from 2005–06. For young women, supervision rates were greatest for 16 year olds, while for young men, 17 year olds had the highest rate of supervision (Figure 4.12). The rates of supervision increased over the four years for the older age groups. There was a steady increase from 2005–06 to 2008–09 in the supervision rates for young women aged 16 years and 17 years and from 14 years for young men.

**Table 4.6: Rate of young people aged 10–17 years under supervision on an average day<sup>(a)</sup> by age and sex, Australia (excluding WA and NT), 2005–06 to 2008–09**

Year	10	11	12	13	14	15	16	17	10–17	10–17 incl WA & NT <sup>(a)</sup>
<b>Male</b>										
2005–06	n.p.	0.20	0.51	1.60	3.37	5.37	7.94	8.17	3.40	3.67
2006–07	0.24	0.24	0.59	1.40	3.56	6.07	8.21	8.38	3.61	3.82
2007–08	n.p.	0.20	0.69	1.75	3.71	6.44	8.65	9.25	3.92	4.08
2008–09	0.04	0.17	0.62	1.77	4.16	6.42	9.38	9.51	4.10	4.15
<b>Female</b>										
2005–06	n.p.	n.p.	0.08	0.33	0.82	1.43	1.57	1.25	0.67	0.71
2006–07	n.p.	n.p.	0.08	0.33	1.06	1.34	1.74	1.10	0.69	0.73
2007–08	n.p.	n.p.	0.08	0.37	0.98	1.62	1.84	1.43	0.80	0.84
2008–09	n.p.	n.p.	0.07	0.37	1.04	1.48	1.98	1.46	0.82	0.82
<b>All young people</b>										
2005–06	n.p.	0.10	0.30	1.00	2.13	3.46	4.84	4.79	2.08	2.24
2006–07	0.02	0.12	0.34	0.88	2.35	3.77	5.06	4.86	2.20	2.33
2007–08	n.p.	0.11	0.40	1.07	2.36	4.09	5.34	5.45	2.40	2.50
2008–09	0.02	0.09	0.35	1.09	2.64	4.01	5.78	5.60	2.50	2.53

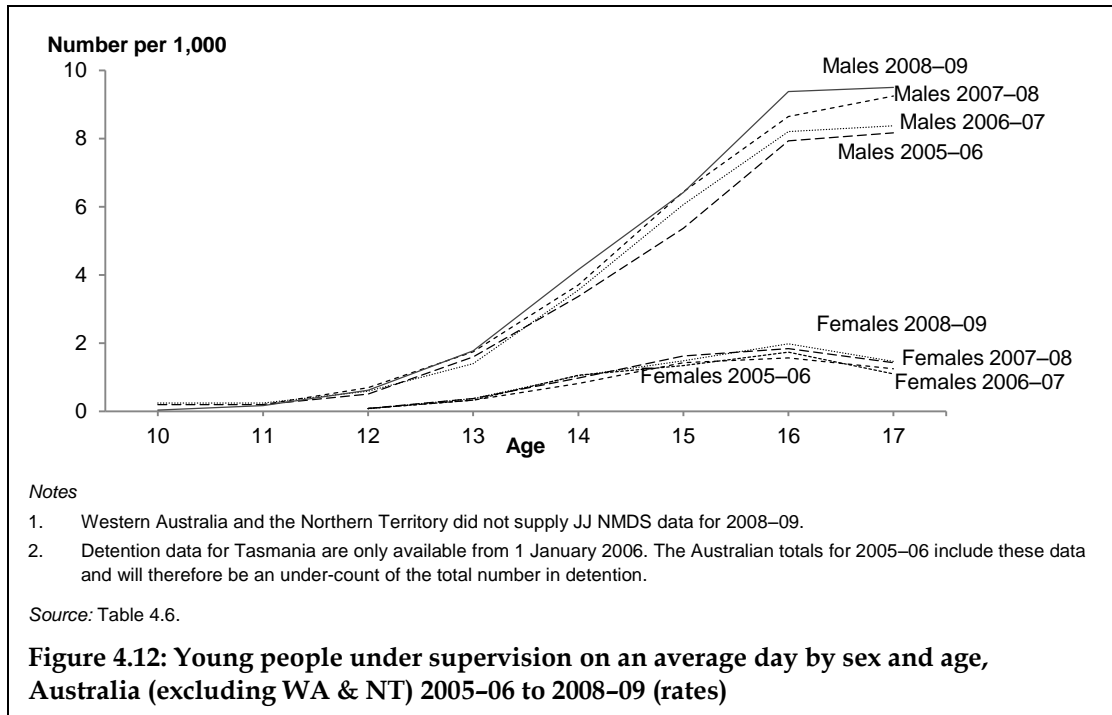
(a) Number of young people on an average day may not sum to total due to rounding.

(b) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown age.
3. Age calculated as at start of financial year if first period of supervision in the relevant year began before the start of the financial year, otherwise age calculated as at start of first period of supervision in the relevant year.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.
6. Detention data for Tasmania are only available from 1 January 2006. The Australian totals for 2005–06 include these data and will therefore be an under-count of the total number in detention.

Source: Table A6.



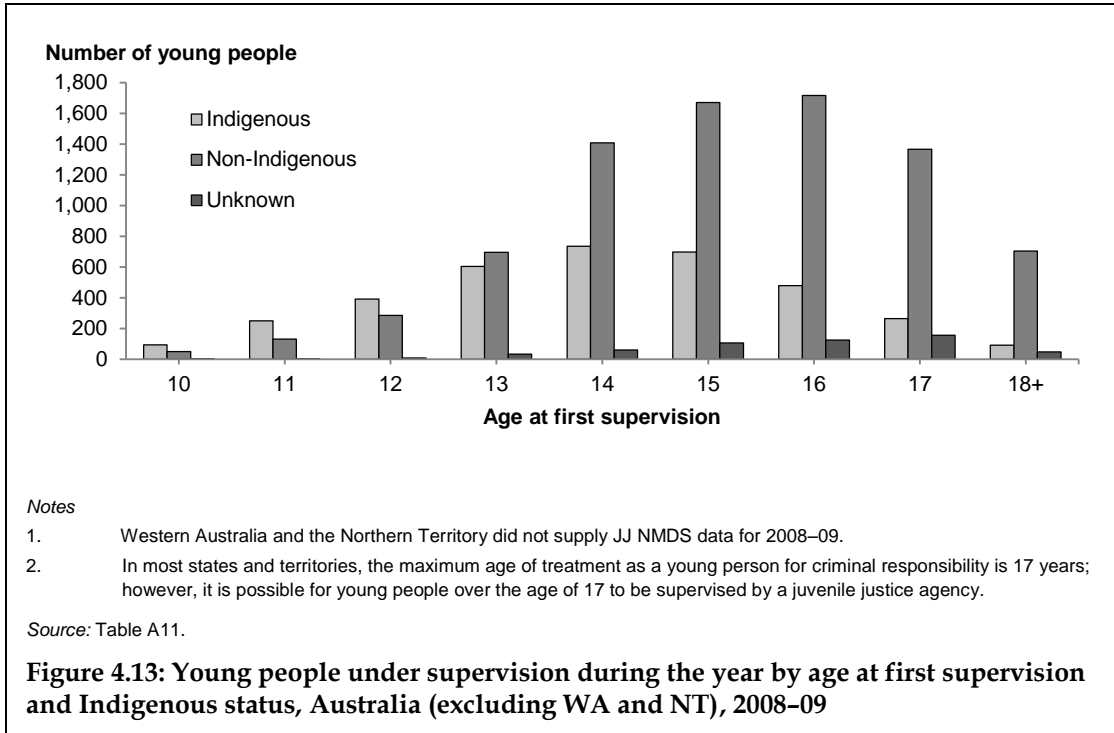
### 4.3 First supervision

Just over one-third (35%) of those under supervision during 2008-09 (excluding Western Australia and the Northern Territory) had not been under juvenile justice supervision before – the remaining two-thirds had been under juvenile justice supervision at some time before 2008-09 (Table A9). Nationally, there has been little change in the rate of new entrants to juvenile justice supervision. Each year since 2005-06, around one-third of those under supervision entered supervision for the first time in that year.

There was some variation between the states and territories in the rate of new entrants in 2008-09. In Queensland and Tasmania, only 20% of those under supervision during 2008-09 were new entrants, compared with around 40% in the remaining states and territory (excluding Western Australia and the Northern Territory) (Table A9).

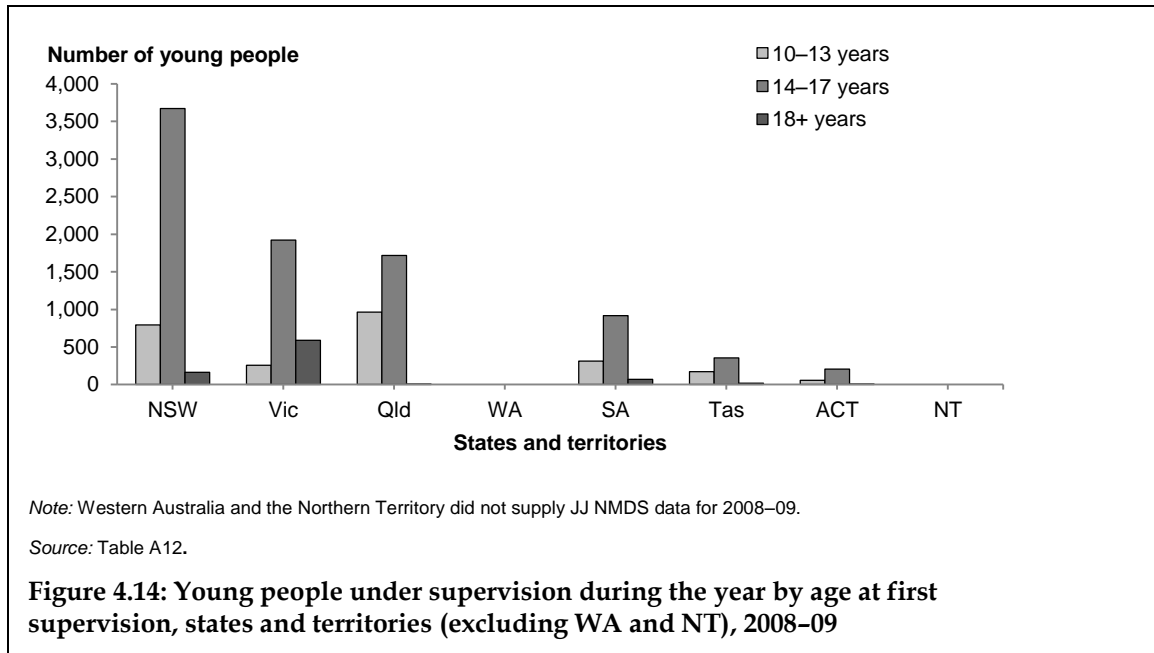
Each year, Indigenous young people are less likely to be new entrants. In 2008-09, only one-quarter (27%) of Indigenous young people under supervision in all states and territories (excluding Western Australia and the Northern Territory) were new entrants, compared with almost 40% of non-Indigenous young people for the same period (Table A10). These rates have changed little since 2005-06. In all states and territories excluding Western Australia and the Northern Territory, Indigenous young people were less likely to be new entrants than non-Indigenous young people (Table A10).

One reason Indigenous young people are less likely to be new entrants is that they enter supervision at younger ages. Most (72%) of those under supervision during 2008-09 first entered supervision aged 14-17 years old (Figure 4.13). However, Indigenous young people, and young Indigenous males in particular, were much more likely to enter supervision at younger ages. Around 30% of young Indigenous women and 40% of young Indigenous men who were under supervision during 2008-09 first entered supervision aged 10-13 years, compared with 16% of young non-Indigenous women and 14% of young non-Indigenous men (Table A11).



In all states and territories (excluding Western Australia and the Northern Territory), most young people under supervision during 2008–09 first entered supervision when they were aged 14–17 years old (Figure 4.14). Victoria had the largest number and proportion of young people who first entered supervision when they were aged 18 years or over (588 young people, or 21%); this is most likely because of the ‘dual track’ sentencing system in Victoria in which people aged 18–20 years can be sentenced to detention in a juvenile detention centre rather than an adult prison. In all other states, the proportion was 5% or less. Substantial proportions of young people under supervision in Queensland (36%), Tasmania (31%), South Australia (24%) and the Australian Capital Territory (22%) first entered supervision when they were aged 10–13 years.



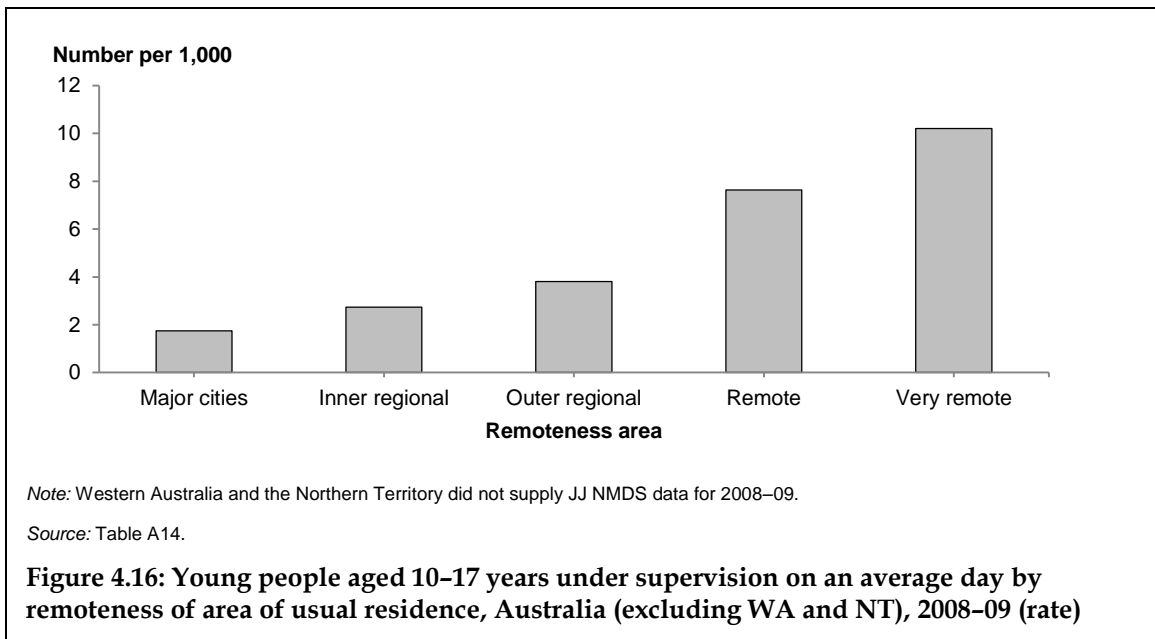
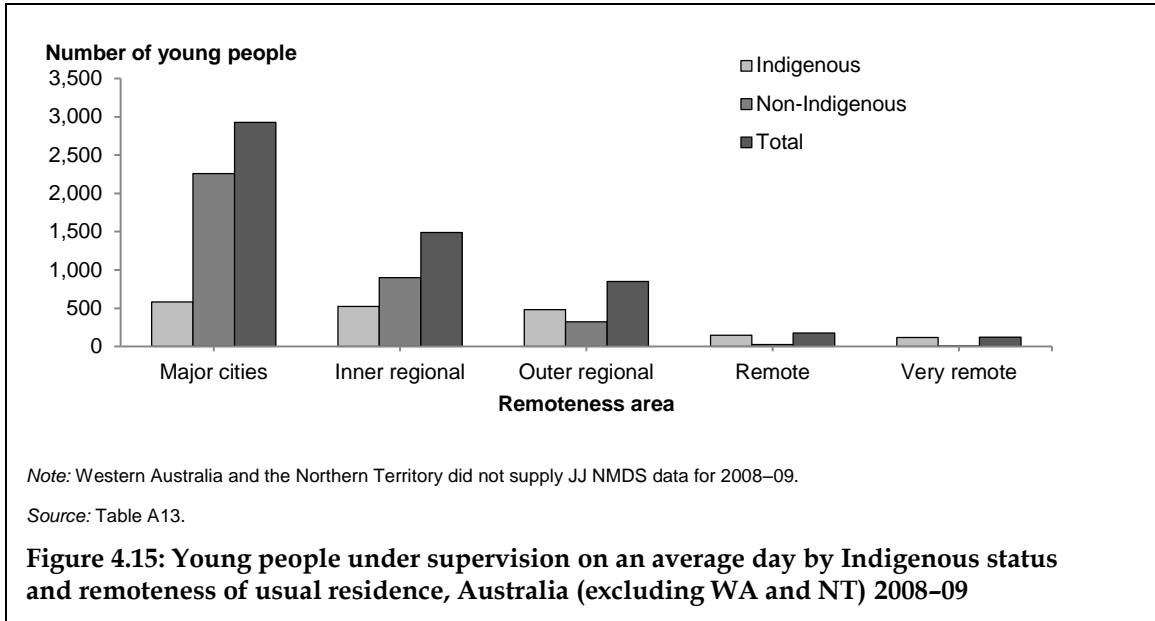


## 4.4 Remoteness of usual residence

Most of those under supervision on an average day in 2008-09 were from cities and regional areas. Over half (53%) of those under supervision on an average day (excluding Western Australia and the Northern Territory) were from *Major cities* and a further 42% were from regional areas (Figure 4.15). Only 5% of those under supervision were from a *Remote* or *Very remote* area.

Indigenous young people under supervision were more likely to be from remote areas than non-Indigenous young people. On an average day in 2008-09, 14% of Indigenous young people under supervision were from a *Remote* or *Very remote* area, compared with just 1% of non-Indigenous young people.

Although most of those under supervision were from cities and regional areas, those living in *Remote* and *Very remote* areas were more likely to be under supervision on an average day than those from *Major cities* or regional areas (Figure 4.16). On an average day, 7.6 out of every 1,000 young people aged 10-17 years living in *Remote* areas and 10.2 out of every 1,000 living in *Very remote* areas were under supervision, compared with 1.7 out of every 1,000 young people aged 10-17 years living in *Major cities* (excluding Western Australia and the Northern Territory). This means that those from *Very remote* areas were around 6 times as likely to be under supervision on an average day as those from *Major cities*.

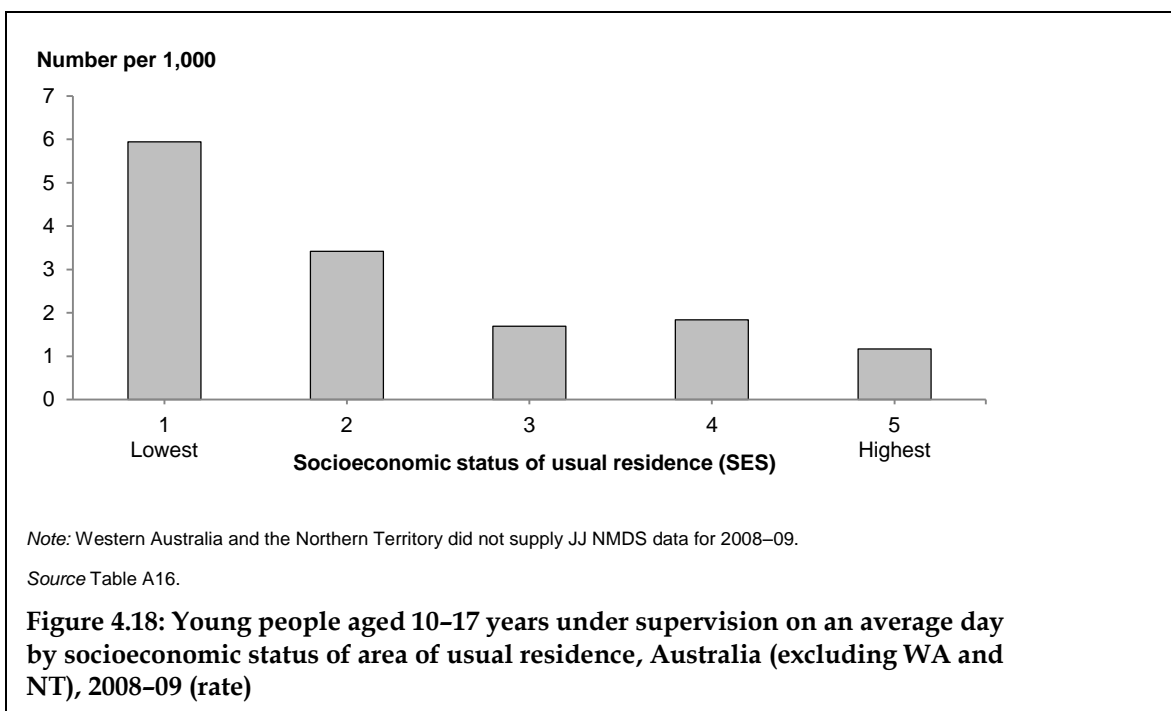
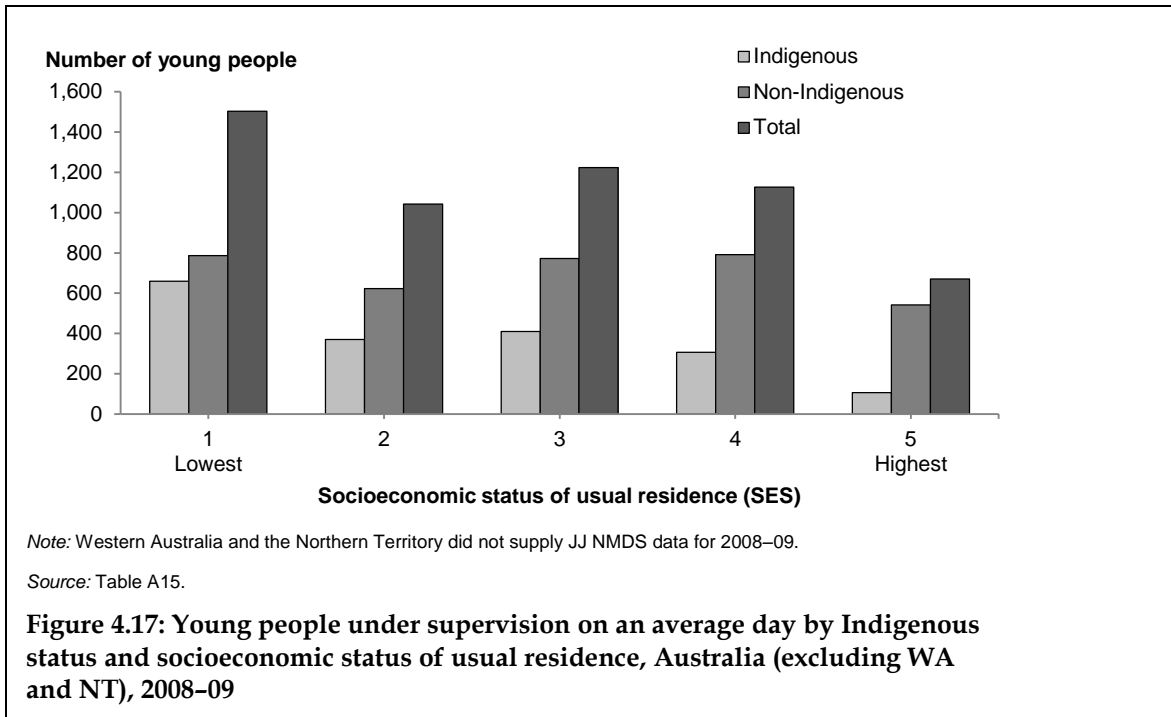


## 4.5 Socioeconomic status of usual residence

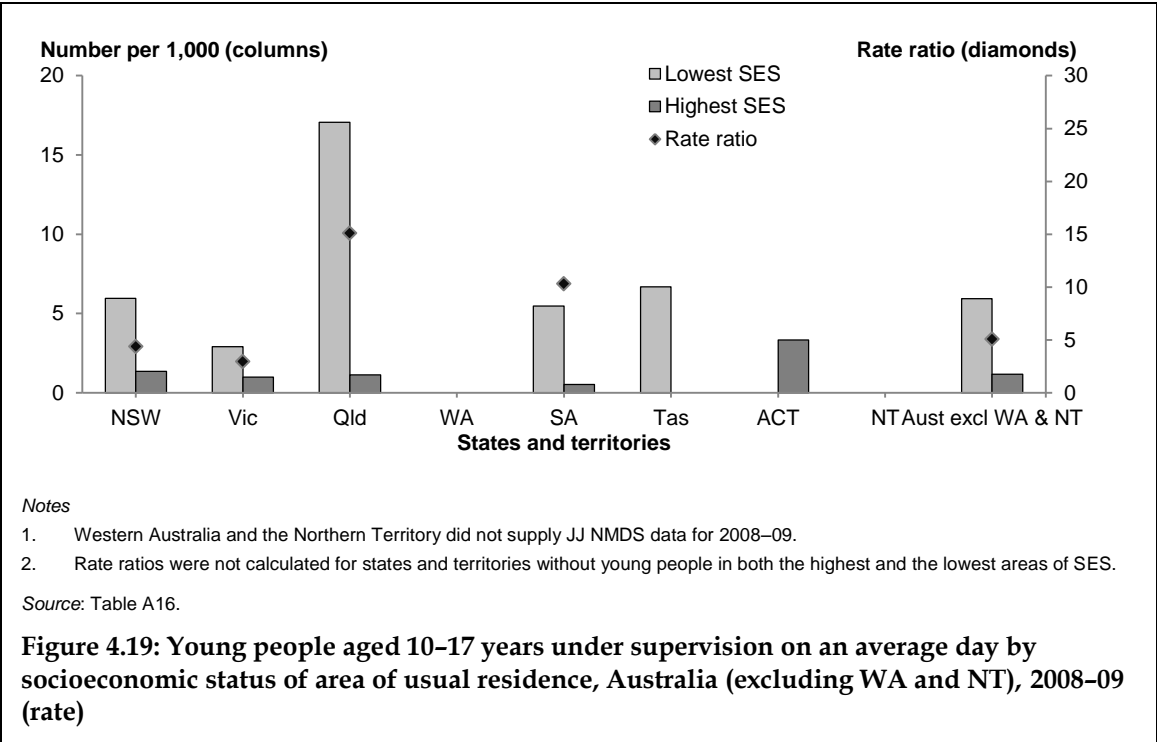
Young people under supervision during 2008–09 (excluding Western Australia and the Northern Territory, for which data were not available) were more likely to be from areas of low socioeconomic status than from areas of high socioeconomic status. On an average day, 27% of young people under supervision were from one of the areas of lowest socioeconomic status in Australia, while only 12% were from one of the areas of highest socioeconomic status (Figure 4.17) (percentages exclude young people with missing or invalid postcodes).

While both Indigenous and non-Indigenous young people under supervision were more likely to come from an area of disadvantage than one of advantage, the differences were greater for Indigenous young people. On an average day, 36% of Indigenous young people under supervision were from one of the areas of lowest socioeconomic status in Australia, compared with 22% of non-Indigenous young people. Further, only 6% of Indigenous young people under supervision were from one of the areas of highest socioeconomic status, compared with 15% of non-Indigenous young people (Figure 4.17).

In the general population, young people from areas of low socioeconomic status were more likely to be under supervision on an average day than those from an area of higher socioeconomic status. Almost 6 young people out of every 1,000 aged 10–17 years living in an area of the lowest socioeconomic status were under supervision on an average day, which was 5 times the rate of those living in an area of the highest socioeconomic status (Figure 4.18, Table A16).



While the rate of supervision was higher for those from the lowest socioeconomic areas than for those from the highest socioeconomic areas for each state and territory (excluding Western Australia and the Northern Territory), the rate ratios differed (Figure 4.19). In Queensland, young people aged 10–17 years from the lowest socioeconomic areas were 15 times as likely to be under supervision on an average day as those from the highest socioeconomic areas, while in South Australia, they were 10 times as likely to be under supervision. In contrast, young people aged 10–17 years from the lowest socioeconomic areas in New South Wales and Victoria were only 4 and 3 times as likely, respectively, to be under supervision on an average day as those from the highest socioeconomic areas. Neither Tasmania nor the Australian Capital Territory had young people in either the highest or the lowest socioeconomic area and therefore no rate ratios were calculated.



## 5 Characteristics of supervision and orders

This report is the first in the *Juvenile justice in Australia* series to contain detailed information on all orders under which young people are supervised. For previous reports, data were only available on the most serious supervised order for a young person at any one time.

Young people may be on any number and type of orders at a single time, but they may not serve the full duration of these orders for several reasons. Firstly, community-based orders may be interrupted by time spent in detention. For example, a young person was given a 12-month sentence of probation. After serving 6 months of the sentence, they were then remanded in detention for 1 month on an unrelated matter before being released to serve the remainder of the probation sentence. Therefore, the young person spent 6 continuous months on probation followed by one month in detention and then a further 5 continuous months on probation, with a total time of 11 months on probation during the year. Secondly, the entire period of a sentenced detention order may not be served where the young person is released on parole or supervised release. For example, a young person was sentenced to 12 months of sentenced detention. After serving 6 months, they were released early on parole but breached the parole after 1 month and were returned to serve the remainder of the detention sentence. Therefore, the sentenced detention order lasted 12 months and the parole order lasted 1 month but the total time under supervision was 12 months, with 6 continuous months in sentenced detention followed by 1 month on parole and a further 5 continuous months in sentenced detention, for a total of 11 months in sentenced detention. In this chapter, the total time actually spent under supervision is referred to as a supervision period

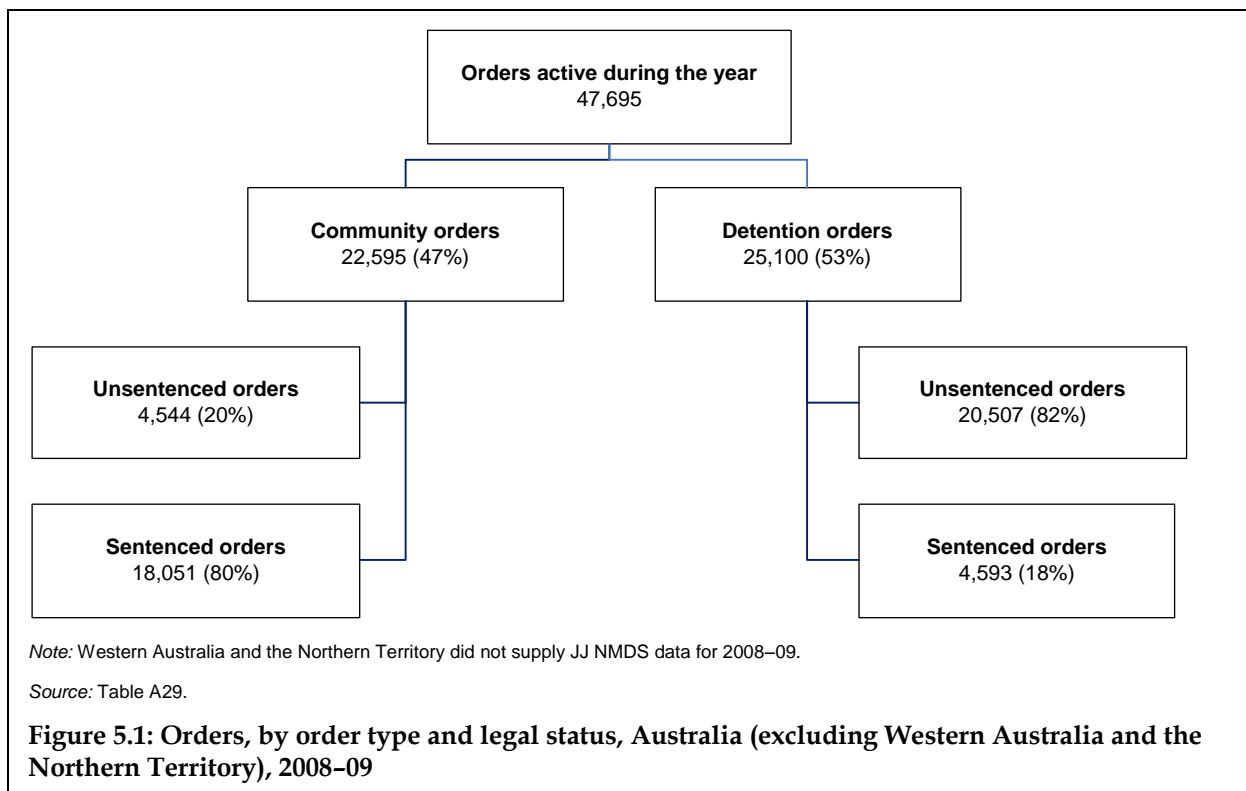
This chapter provides information on both the characteristics of supervision during 2008–09 and the orders supervised by juvenile justice agencies.

Western Australia and the Northern Territory did not provide JJ NMDS data for 2008–09 (see Chapter 3 ‘Data and methods’ for more details) and are not included in this chapter.

### 5.1 Summary

In 2008–09, the 12,197 young people who were under juvenile justice supervision during the year were supervised under a total of 47,695 active orders (excluding Western Australia and the Northern Territory) (Figure 5.1). Just over half (53%) of all active orders were detention orders, and the remainder were community orders (47%); New South Wales had the highest proportion of detention orders (66%), while the Australian Capital Territory had the highest proportion of community orders (67%).

While most (82%) detention orders were unsentenced, the reverse was true for community orders, where most (80%) were sentenced (excluding Western Australia and the Northern Territory). Nationally, although less than half (47%) of all orders were sentenced orders, most young people (83%) who were under supervision during the year experienced a sentenced order at some time during the year.



Between 2005–06 and 2008–09, the number of active orders increased in all states and territories for which data were available (excluding Western Australia, the Northern Territory, the Australian Capital Territory and Tasmania), although the rates of increase differed. The largest rates of increase were in Victoria (up 59%) and New South Wales (37%).

In total, the 12,197 young people under supervision during the year (excluding Western Australia and the Northern Territory) experienced 15,802 periods of continuous supervision; almost 40% of these periods were ongoing at the end of the financial year. The average young person spent half the year (182 days) under supervision, and Indigenous young people spent more time under supervision, on average, than non-Indigenous young people (198 days compared with 176 days).

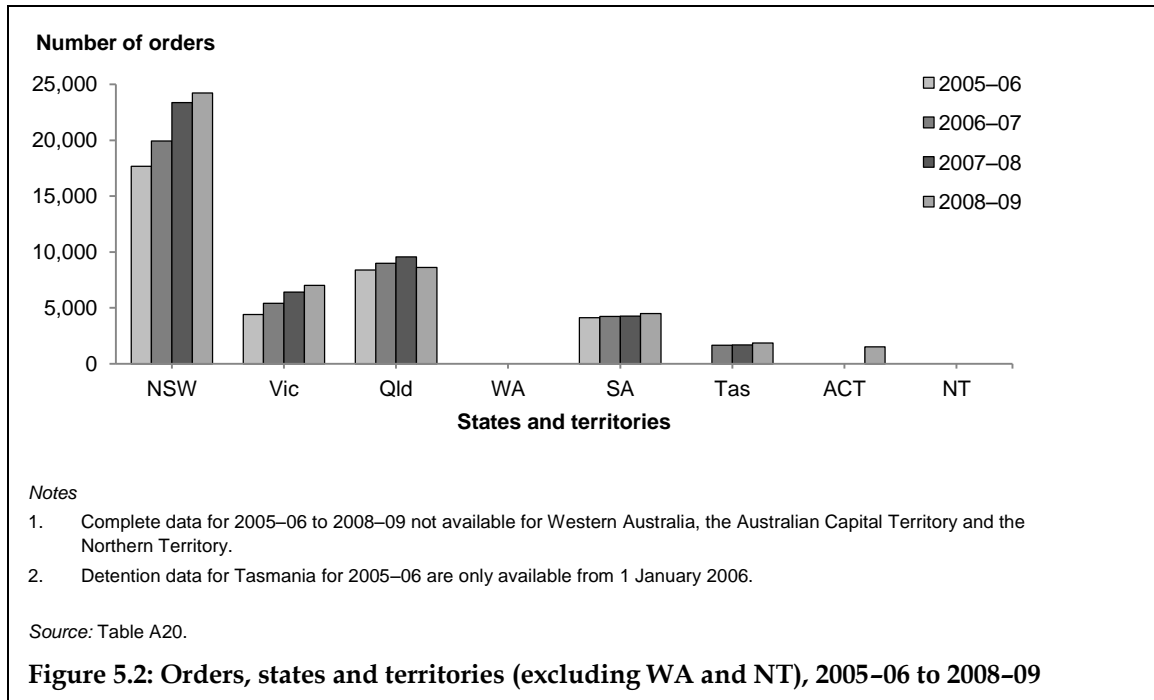
Around 40% of orders that ended in 2008–09 were less than one month, and 43% lasted 1–9 months. However, for 42% of young people who completed one or more supervision periods, at least one of those supervision periods lasted 9 months or more.

## 5.2 Number of orders and supervision periods

Excluding Western Australia and the Northern Territory, there were 12,197 young people under supervision during 2008–09 (Table 4.2). These young people were supervised under the 47,695 supervised orders that were active during the year, and experienced 15,802 periods of continuous supervision (Table A17 and Table A18). Around 60% of these periods of supervision ended during 2008–09, while over 70% of the orders ended during 2008–09 (Table A17 and Table A19).

The number of supervised orders increased between 2005–06 to 2008–09 in all states and territories for which complete trend data were available, although the rate of increase differed (Figure 5.2). The percentage increase was greatest in Victoria (59%) and New South

Wales (37%). In South Australia, the number of active orders increased by 9% while the increase in Queensland was 2%, which was smaller than the increase of 5% in the population aged 10–17 years over the same period.



Around two-thirds (65%) of the 12,197 young people under supervision during the year (excluding Western Australia and the Northern Territory) completed one or more supervision periods during the year (Table A21). The remainder did not complete a supervision period during 2008–09; that is, they had not left supervision for at least one full day by the end of 2008–09. Of those that completed one or more supervision periods, most (84%) completed only one during the year, while 2% completed four or more (Table A21), and this proportion remained relatively stable over the four years from 2005–06 (Table A22).

Young women under supervision during 2008–09 were slightly more likely to have completed at least one supervision period than young men (56% compared with 54%) and where they did complete at least one supervision period, young women were also slightly more likely to have completed multiple periods of supervision (19% compared with 16%).

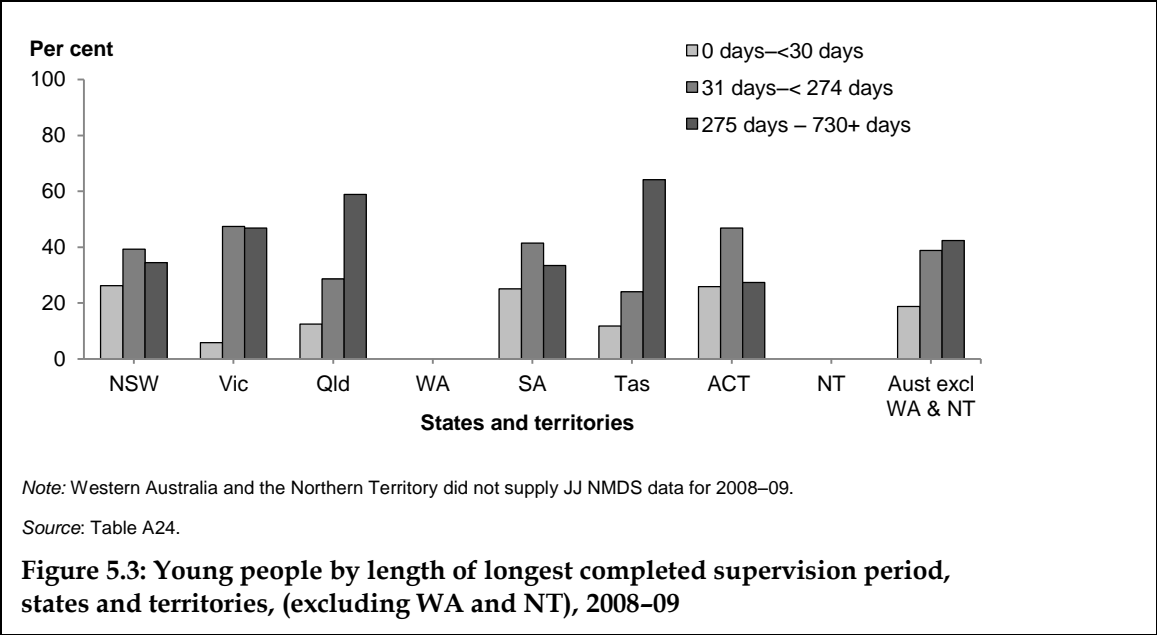
Indigenous young people and non-Indigenous young people were equally likely to have completed at least one supervision period during the year (64% and 65%, respectively), although Indigenous young people were slightly more likely to have completed multiple periods of supervision (19% compared with 15%) (Table A23).

### 5.3 Length of supervision

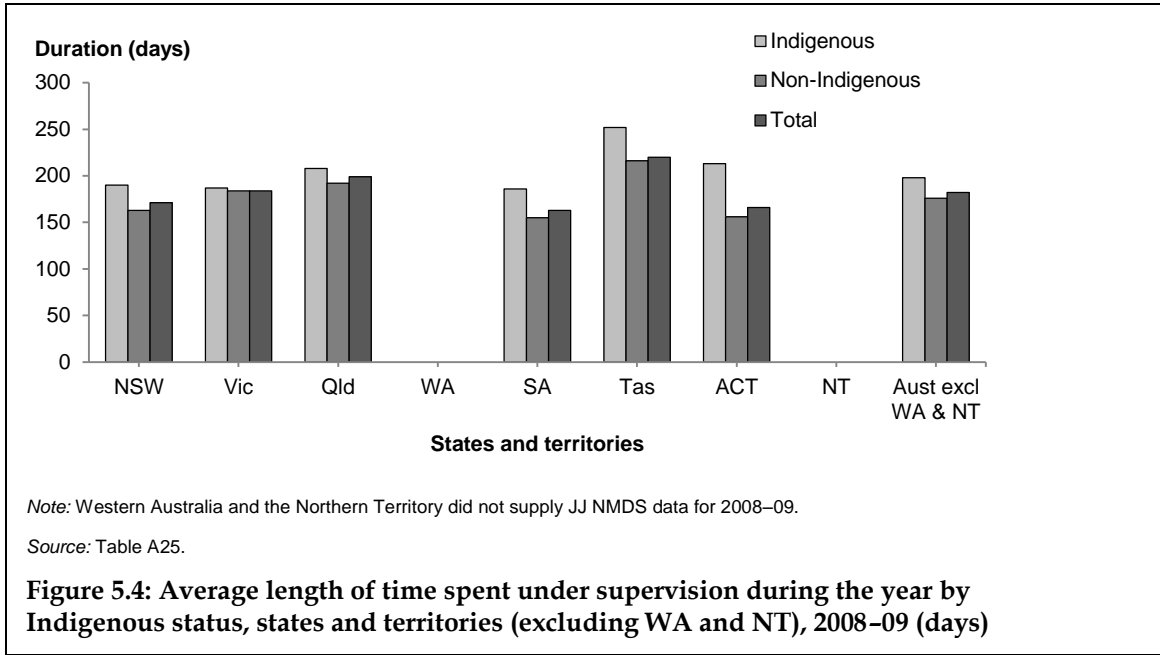
For 42% of those who completed a supervision period in 2008–09 (excluding Western Australia and the Northern Territory), at least one of their supervision periods lasted 9 or more months (Figure 5.3 and Table A24). However, 19% did not complete a supervision period longer than 1 month.



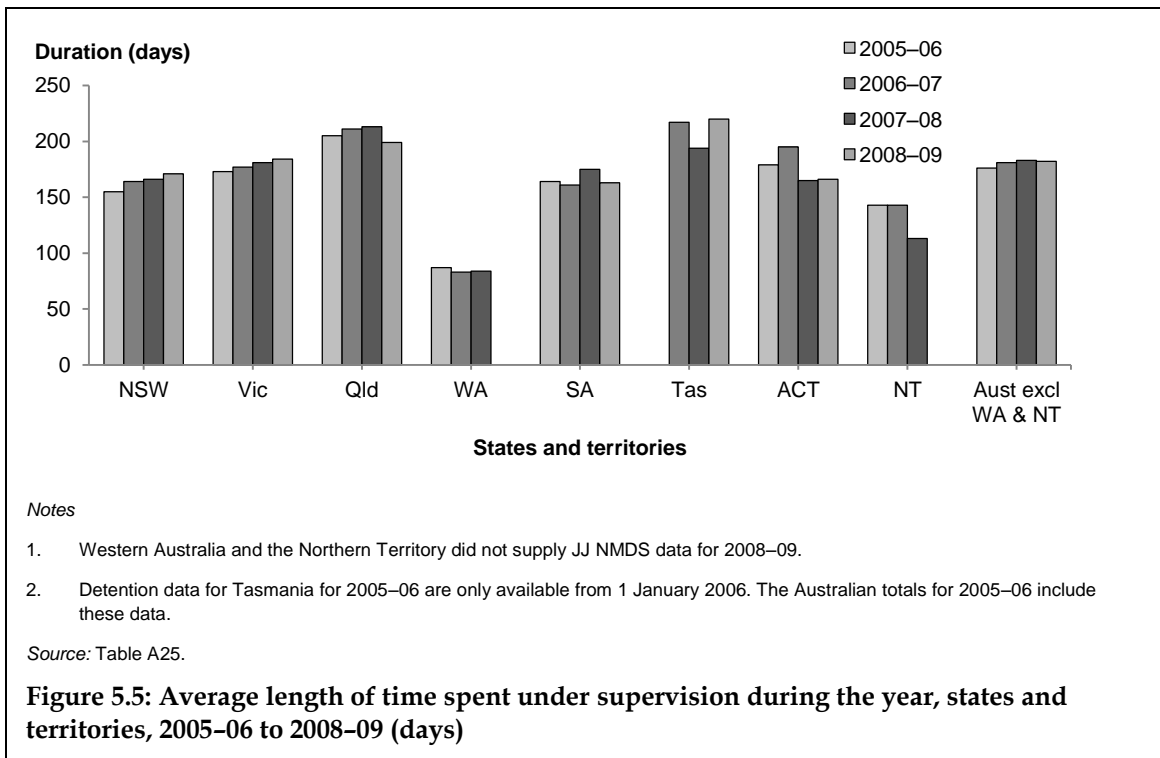
The length of young people’s longest supervision period varied between the states and territories. For almost two-thirds (64%) of young people with completed supervision periods in Tasmania and 59% of those in Queensland, at least one of their supervision period lasted 9 or more months, compared with just under half (47%) of those in Victoria and around one-third or less in New South Wales, South Australia and the Australian Capital Territory. In contrast, in Victoria 6% of young people had a supervision period that lasted less than one month, compared with just over 10% in Queensland and Tasmania and around one-quarter in New South Wales, South Australia and the Australian Capital Territory (Figure 5.3).



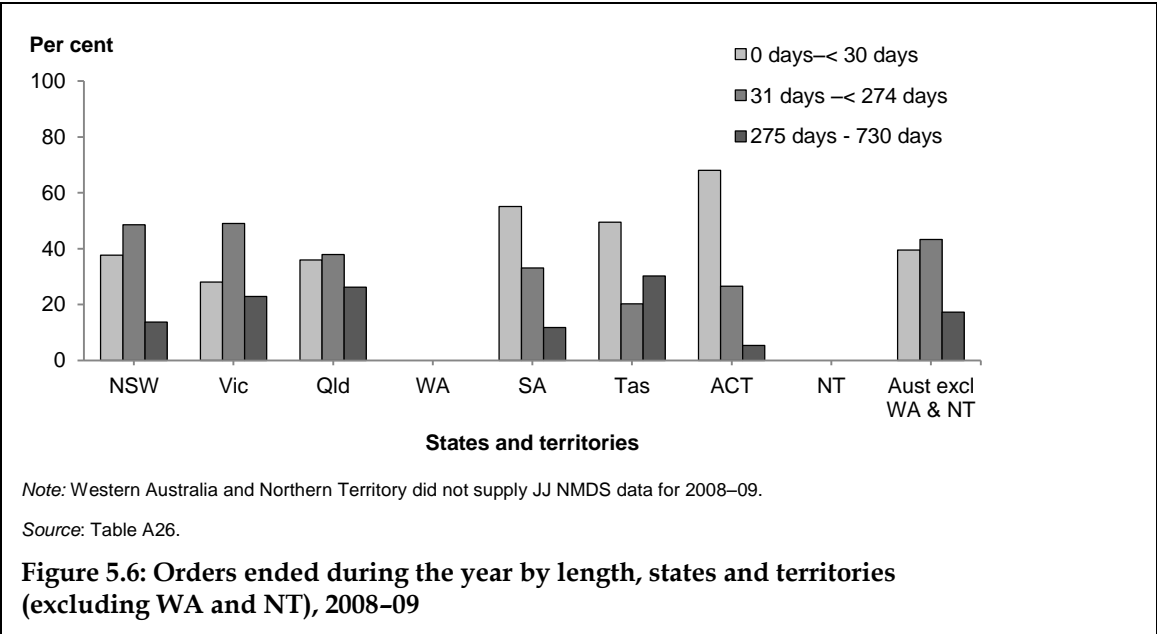
In 2008–09, the average young person under supervision spent almost half the year (182 days) under supervision (excluding Western Australia and the Northern Territory). On average, Indigenous young people spent more time under supervision than non-Indigenous young people (198 days compared with 176 days) (Table A25). This was true in all states and territories for which data were available, although the difference in time varied. In Victoria, Indigenous young people spent only 3 days more under supervision on average, while in the Australian Capital Territory, Indigenous young people spent an additional 57 days under supervision (Figure 5.4).



There were steady increases in the average length of time spent under supervision during the year over the four years from 2005-06 in both New South Wales (increase of 16 days) and Victoria (increase of 11 days). However, there were no clear patterns in the remaining states and territories (Figure 5.5).



Nationally, (excluding Western Australia and the Northern Territory), 43% of orders that ended in 2008–09 were 1–9 months long while 40% were less than one month. Only 17% were longer than 9 months (Figure 5.6). In New South Wales and Victoria, nearly half (49% each) of orders that ended in 2008–09 lasted 1–9 months, while in Queensland, orders were equally as likely to last up to 1 month as 1–9 months (36% and 38%, respectively). In contrast, the most common length for orders was under 1 month in South Australia (55%), Tasmania (49%) and the Australian Capital Territory (68%).



**Figure 5.6: Orders ended during the year by length, states and territories (excluding WA and NT), 2008–09**

## 5.4 Types of supervision

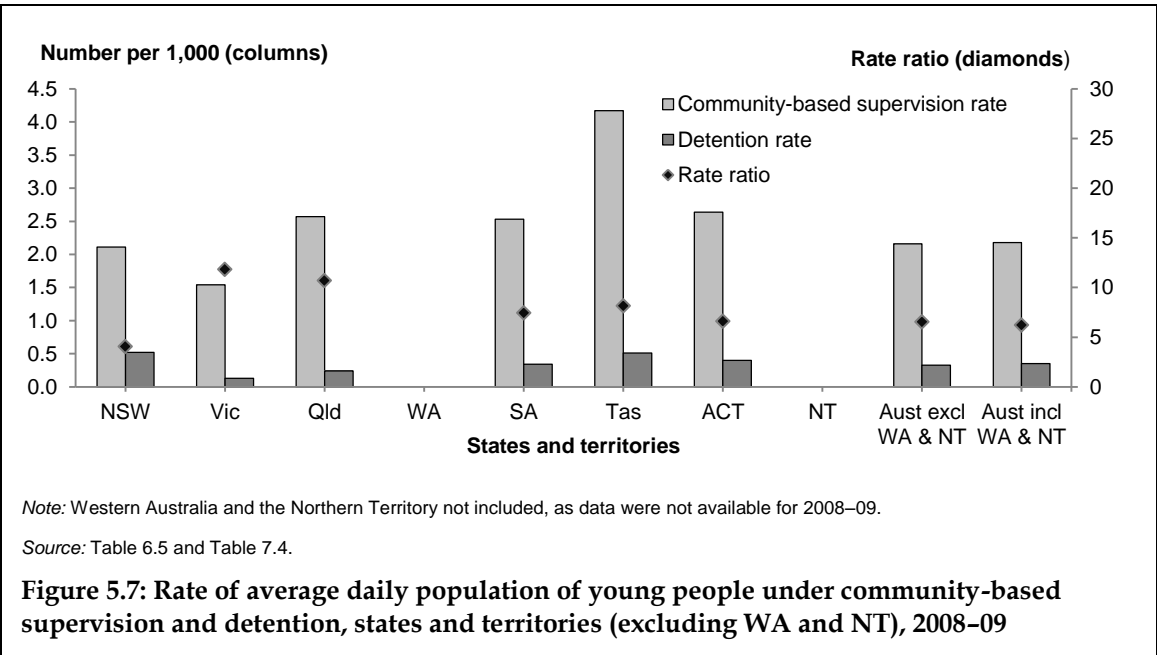
### Community-based supervision and detention

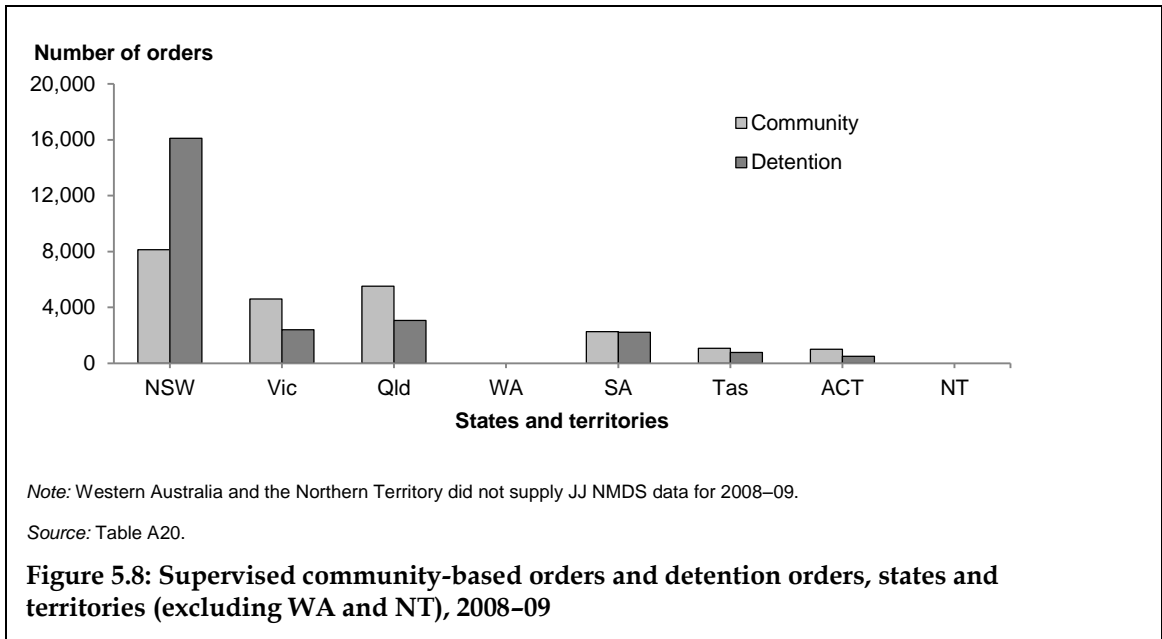
Community-based supervision is much more common than detention. In 2008–09, excluding Western Australia and the Northern Territory, there were 2.2 young people per 1,000 aged 10–17 years under community-based supervision and 0.3 young people per 1,000 aged 10–17 in detention in Australia (Figure 5.7). A young person in Australia aged 10–17 years was 7 times as likely to be under community-based supervision as in detention. This pattern occurred in all states and territories (excluding Western Australia and the Northern Territory), although the ratios differed. In Victoria and Queensland, young people were 12 and 11 times as likely, respectively, to be under community-based supervision on an average day as in detention, while in New South Wales, they were only 4 times as likely.

In contrast, nationally (excluding Western Australia and the Northern Territory), there were more detention orders active during 2008–09 than community-based supervision orders, with 53% of active orders being detention orders (Table A20). However, this was mostly due to New South Wales, which not only had a large number of supervised orders (51% of all orders active nationally, excluding Western Australia and the Northern Territory), but also a large number of detention orders (66% of all orders active during 2008–09 in New South Wales were detention orders) (Figure 5.8 and Table A20). In South Australia, detention and community-based supervision orders were equally likely, while in the remaining states and territories (excluding Western Australia and the Northern Territory), community-based

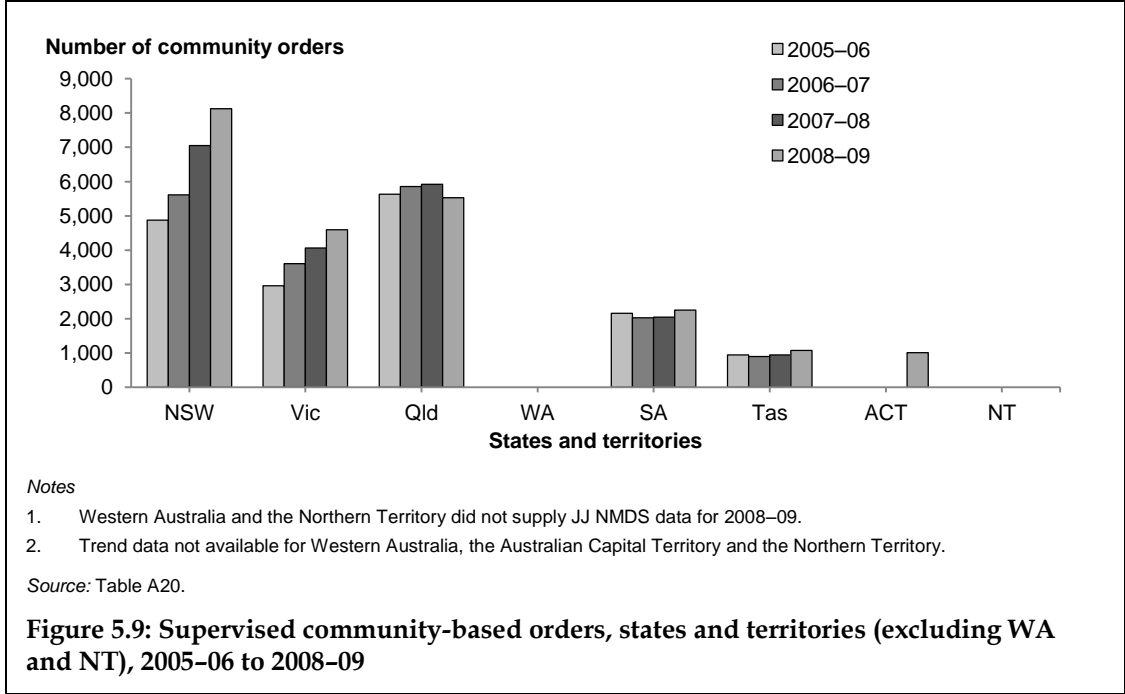
supervised orders were more common (ranging from 58% in Tasmania to 67% in the Australian Capital Territory).

In 2008–09, a young person who was in detention at some time during the year had, on average, 5.3 detention orders, while a young person under community-based supervision had, on average, 2.1 community-based orders (tables 6.1, 7.1, A20) (excluding Western Australia and the Northern Territory). In New South Wales, there was an average of 6.4 detention orders for every young person in detention during the year, compared with 5.4 in Tasmania, 4.5 in Queensland, 3.9 in Victoria and South Australia and 3.1 in the Australian Capital Territory. There was much less variance in the average number of community-based supervision orders, which was between 2.0 and 2.2 in New South Wales, Queensland, South Australia and Tasmania. Victoria was the lowest with an average of 1.7 community-based supervision orders per person, while the Australian Capital Territory was the highest with 4.3.

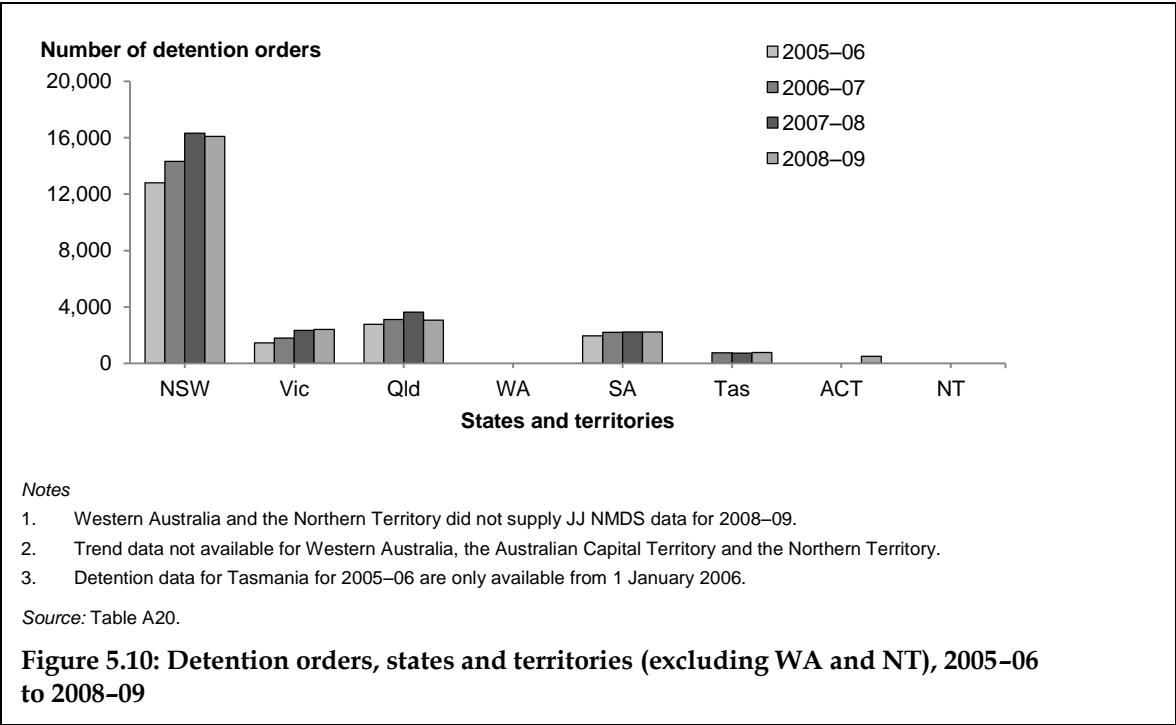




Both the number of active community-based supervised orders and the number of detention orders increased over the 4 years from 2005–06 (excluding Western Australia, the Northern Territory and the Australian Capital Territory, for which trend data were not available) (Table A20). For community-based orders, the largest percentage increase occurred in New South Wales, where the number of active orders increased by 67%, while the number of active orders in Queensland increased in each of the first 3 years before falling below 2005–06 numbers in 2008–09. The number of orders increased in all remaining states and territories (from 4% in South Australia to 55% in Victoria) (Figure 5.9).



Over the four years from 2005–06 to 2008–09, the number of detention orders increased in all states and territories with available data, although increases in each year occurred only in Victoria (Figure 5.10). The largest percentage increase occurred in Victoria (66%), followed by New South Wales (26%), South Australia (14%) and Queensland (11%).



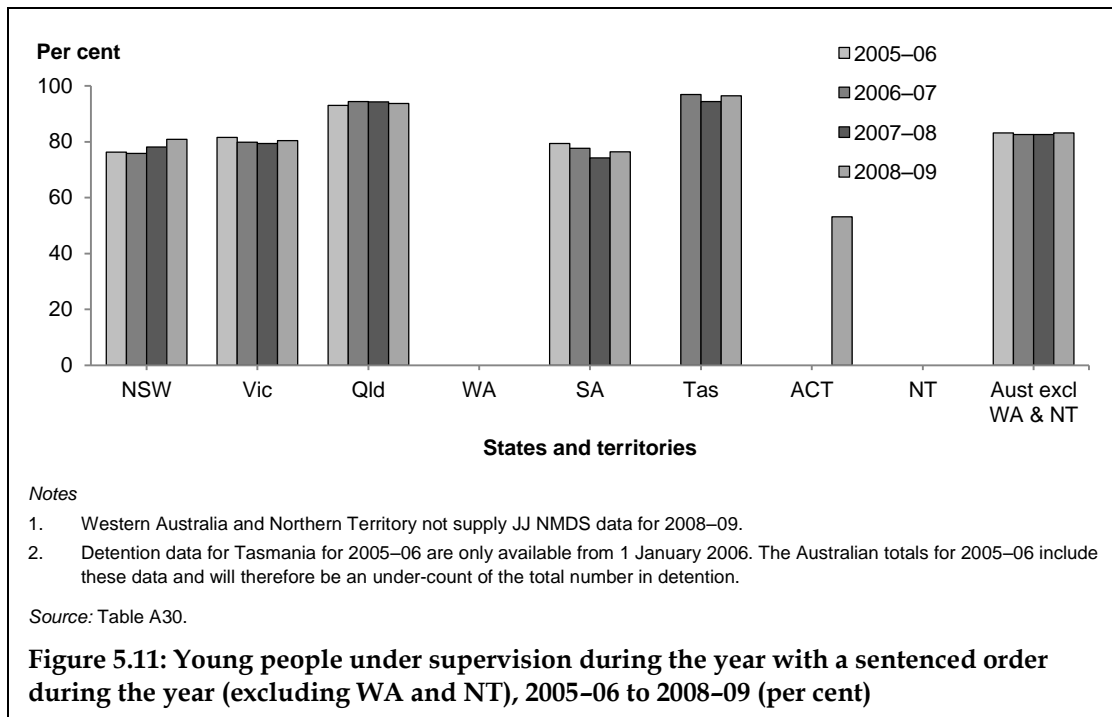
Further information on community-based supervision and detention is available in Chapters 6 and 7.

### Legal status

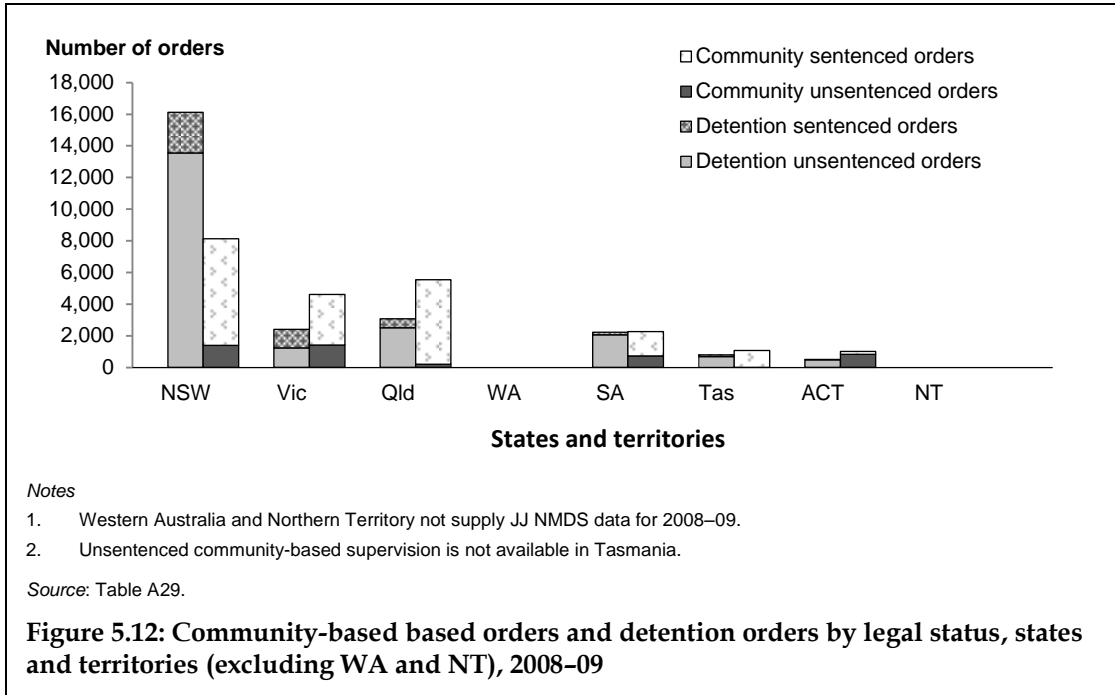
About 83% of those under supervision during 2008–09 (excluding Western Australia and the Northern Territory) were serving a supervised sentence at some time during the year (Table A27). Indigenous young people were slightly more likely to be sentenced during the year than non-Indigenous young people (86% compared with 81%), and young men were slightly more likely to be sentenced than young women (84% compared with 79%) (Table A27 and Table A28). In contrast, just under half of all active orders were sentenced orders (Table A29).

In all states and territories (excluding Western Australia and the Northern Territory), most young people were serving a supervised sentence during 2008–09, although the proportion varied (Figure 5.11). In Queensland and Tasmania, over 90% of those under supervision were sentenced, while around 80% were sentenced in New South Wales, Victoria and South Australia. Only half (53%) were sentenced in the Australian Capital Territory. Indigenous young people under supervision were slightly more likely to be serving a supervised sentence during the year in all states and territories (Table A28).

There was little change in the proportion of people serving supervised sentences in the past four years (Figure 5.11).



Sentenced orders were most common in Queensland (69%), Tasmania (64%) and Victoria (62%), while unsentenced orders were most common in the Australian Capital Territory (87%), New South Wales (62%) and South Australia (62%) (Figure 5.12). However, the type of order (community-based supervision or detention) varied. Nationally, unsentenced detention orders were the most common (43%) followed by sentenced community-based orders (38%), with equal proportions of sentenced detention and unsentenced community-based orders (Table A29). In New South Wales, 56% of all active orders were unsentenced detention orders, compared with only 11% for sentenced detention orders. Similarly, in South Australia, 46% of all active orders were unsentenced detention orders, compared with only 4% for sentenced detention orders. For Victoria, 45% of all active orders were sentenced community-based orders and 20% were unsentenced community-based supervised orders, with 18% unsentenced detention and 17% sentenced detention. In Queensland, 62% of active orders were sentenced community-based supervised orders, while 30% were unsentenced detention orders. Likewise, in Tasmania, most were either sentenced community-based supervised orders (58%) or unsentenced detention (36%) while in the Australian Capital Territory, most were either unsentenced community-based orders (55%) or unsentenced detention orders (32%).





## 6 Community-based supervision

This chapter contains information on all young people who were under juvenile justice supervision in the community during 2008–09, and over the 4 years from 2005–06 to 2008–09. It includes the number and rate of young people under community-based supervision by age, sex, Indigenous status and location, as well as the number of young people supervised under different orders. Data on young people under community-based supervision, both on an average day and during the year, are presented.

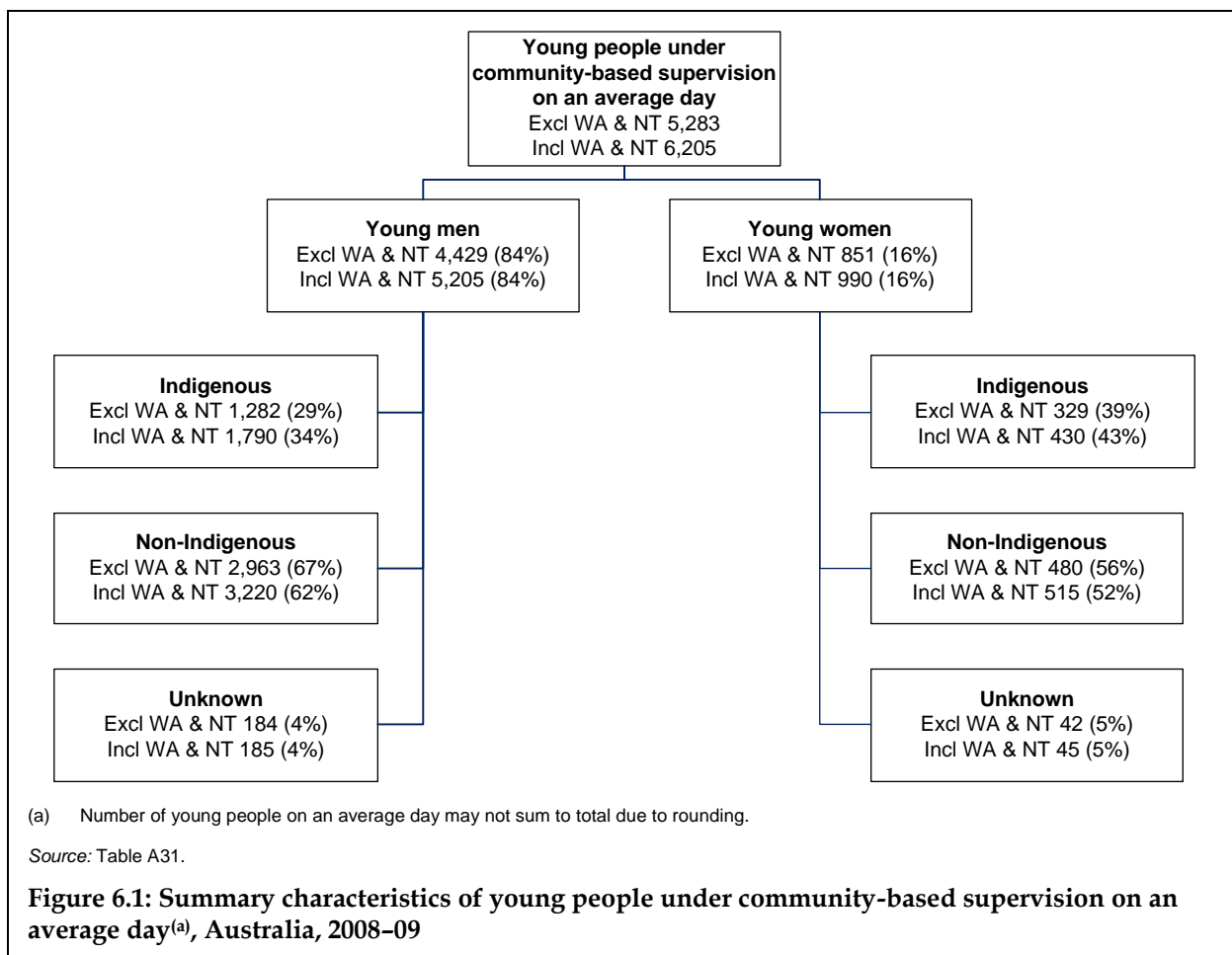
Young people may be under juvenile justice supervision in the community while unsentenced or while serving a sentence following a court case. Types of unsentenced community-based supervision include supervised bail and conditional bail, while types of sentenced community-based supervision include probation, community service orders, suspended or home detention, and parole or supervised release. Not all types of community-based supervision are available in all states and territories; see Table 2.1 for more details. Information on unsupervised orders, such as for young people who are unsupervised in the community while awaiting court appearances or serving sentences, are not included in this report.

Western Australia and the Northern Territory did not provide data in standard format for 2008–09. Approximate national totals are provided where additional data were available (see Chapter 3 ‘Data and methods’ for more details) and these are noted in the text and accompanying tables and figures as ‘including Western Australia and the Northern Territory’. The sections on remoteness of usual residence, socioeconomic status of usual residence and types of supervision do not include Western Australia and the Northern Territory.

### 6.1 Summary

There were around 6,200 young people under community-based supervision on an average day and about 12,700 under community-based supervision during the year in 2008–09 including estimates for Western Australia and the Northern Territory. In those states and territories that supplied JJ NMDS data, there were 5,283 young people under community-based supervision on an average day in 2008–09, and 10,835 under community-based supervision during the year.

Most young people under community-based supervision were male (84% on an average day, including Western Australia and the Northern Territory). Young women were more likely to be Indigenous than young men; 43% of young women were Indigenous compared with 34% of young men.



On an average day in 2008–09, there were 2.2 young people under community-based supervision for every 1,000 aged 10–17 years, and 4.4 for every 1,000 during the year (including Western Australia and the Northern Territory). Around 18 out of every 1,000 Indigenous young people aged 10–17 years were under community-based supervision on an average day, a rate almost 14 times as high as the equivalent non-Indigenous rate. Nationally, between 2005–06 and 2008–09, the rate of young people aged 10–17 years under supervision increased from 2.0 to 2.2 young people per 1,000 on an average day and from 4.1 to 4.4 young people per 1,000 during the year.

Although most young people under community-based supervision in 2008–09 were from non-remote areas, those in remote areas were more likely to be under supervision. Excluding Western Australia and the Northern Territory, there were less than 2 young people per 1,000 aged 10–17 years under community-based supervision from *Major cities* on an average day, compared with 7 per 1,000 from *Remote* areas and 9 per 1,000 from *Very remote* areas. Young people from lower socioeconomic status areas were also more likely to be under community-based supervision – on an average day, there were 5 young people per 1,000 aged 10–17 years from the areas of lowest socioeconomic status under supervision, compared with 1 per 1,000 from the areas of highest socioeconomic status.

Most (91%) of those under community-based supervision on an average day were serving a sentence (excluding Western Australia and the Northern Territory). Around 80% served a probation or similar sentence at some time during the year and one-quarter (24%) were

under supervised or conditional bail (young people may have had multiple community-based orders during the year).

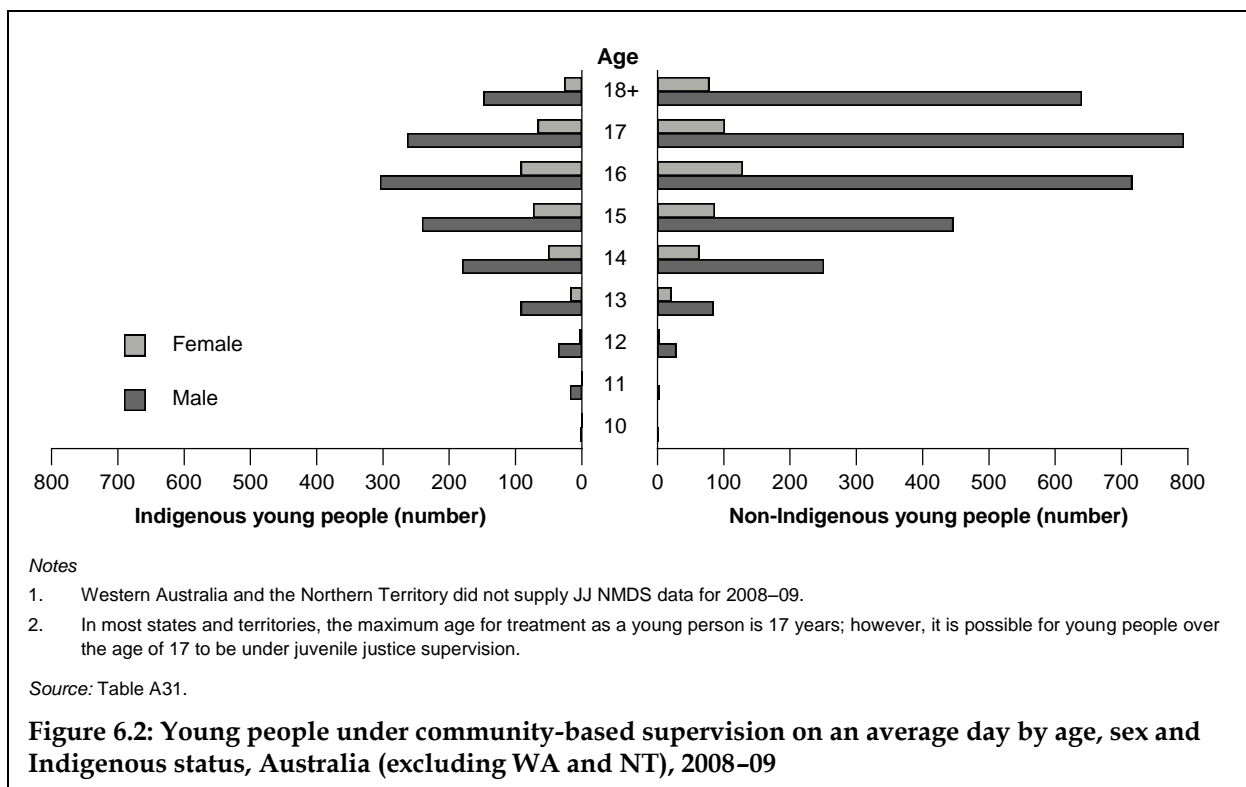
## **6.2 Number and rate of young people under community-based supervision**

### **Number under supervision**

Excluding Western Australia and the Northern Territory, most (84%) of the 5,283 young people under community-based supervision on an average day were male and just under one-third (30%) were Indigenous (Figure 6.2). A higher proportion of young women than young men were Indigenous – around four in ten (39%) young women, compared with nearly three in ten (29%) young men.

Over 80% of those under community-based supervision were aged 10–17 years (excluding Western Australia and the Northern Territory). The median age of those under community-based supervision was 16 years, and around half (49%) of those under supervision on an average day were aged 16 or 17 years. Around one-quarter (27%) were aged 14 or 15 years and around one in five (18%) were 18 years or older. Few (6%) were aged 13 years or younger and only 4 of the 5,283 young people under community-based supervision on an average day were 10 years old. Young men were more likely to be aged 17 years or older than young women (44% compared with 34%).

On average, Indigenous young people under community supervision were younger than those who were non-Indigenous. One-quarter (25%) of Indigenous young people under community-based supervision on an average day were aged 10–14 years, compared with 13% of non-Indigenous young people, and one-tenth (11%) were aged 18 years and older, compared with one-fifth (21%) of non-Indigenous young people (excluding Western Australia and the Northern Territory).



**Figure 6.2: Young people under community-based supervision on an average day by age, sex and Indigenous status, Australia (excluding WA and NT), 2008–09**

Nationally (including Western Australia and the Northern Territory), almost 30% of those under community-based supervision on an average day were in New South Wales, while 22% were in Queensland and 20% were in Victoria (Table 6.1).

In most states and territories (excluding Western Australia and the Northern Territory), nearly all of those under community-based supervision on an average day were aged 10–17 years (the remainder were 18 years and older). In Queensland, over 90% were in this age group; this is most likely due to legislation in Queensland that treats 17 year olds as adults for the purpose of criminal responsibility. In the remaining states and territory, 80–87% were in this age group except in Tasmania and Victoria, with 76% and 67% respectively. Most of those under community-based supervision were in the older ages; the proportion aged 10–13 years ranged from 3% in Victoria to 9% in South Australia.

Most of those under community-based supervision in each state and territory (excluding Western Australia and the Northern Territory) were male; on an average day, the proportion of females ranged from 11% in Victoria to 19% in Queensland (Table 6.2).

Indigenous young people were over-represented in all states and territories. Only around 5% of young people in Australia are Indigenous, but on an average day, the Indigenous proportion of the community-based supervision population ranged from 12% in Victoria to 45% in Queensland (excluding Western Australia and the Northern Territory). In New South Wales, Victoria, Queensland and South Australia, young women under community-based supervision were more likely to be Indigenous than young men. The reverse was true in Tasmania and the Australian Capital Territory.

**Table 6.1: Young people under community-based supervision by age, states and territories, 2008–09**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—average day<sup>(b)</sup></b>										
10	0	2	1	n.a.	2	0	0	n.a.	4	n.a.
11	7	2	6	n.a.	4	1	0	n.a.	21	n.a.
12	25	9	26	n.a.	10	4	—	n.a.	74	n.a.
13	75	26	73	n.a.	31	5	8	n.a.	220	n.a.
14	206	97	178	n.a.	48	29	9	n.a.	566	n.a.
15	285	162	269	n.a.	94	49	22	n.a.	880	n.a.
16	445	242	412	n.a.	100	65	27	n.a.	1,291	n.a.
17	503	304	265	n.a.	126	75	26	n.a.	1,299	n.a.
10–17	1,546	844	1,231	n.a.	415	228	92	n.a.	4,356	4,965
18+	199	416	118	n.a.	102	73	17	n.a.	925	1,235
<b>Total</b>	<b>1,745</b>	<b>1,260</b>	<b>1,349</b>	<b>n.a.</b>	<b>518</b>	<b>301</b>	<b>109</b>	<b>n.a.</b>	<b>5,283</b>	<b>6,205</b>
<b>Number of young people—during the year</b>										
10	0	3	1	n.a.	6	0	0	n.a.	10	n.a.
11	13	5	11	n.a.	6	2	0	n.a.	37	n.a.
12	57	21	53	n.a.	25	8	1	n.a.	165	n.a.
13	171	57	150	n.a.	54	11	19	n.a.	462	n.a.
14	413	193	327	n.a.	103	51	21	n.a.	1,108	n.a.
15	639	324	506	n.a.	194	85	48	n.a.	1,796	n.a.
16	929	503	752	n.a.	215	107	53	n.a.	2,559	n.a.
17	1,057	602	500	n.a.	271	121	58	n.a.	2,609	n.a.
10–17	3,279	1,708	2,300	n.a.	874	385	200	n.a.	8,746	10,560
18+	509	950	233	n.a.	221	139	34	n.a.	2,086	2,145
<b>Total</b>	<b>3,788</b>	<b>2,658</b>	<b>2,533</b>	<b>n.a.</b>	<b>1,098</b>	<b>524</b>	<b>234</b>	<b>n.a.</b>	<b>10,835</b>	<b>12,705</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest five young people and therefore may not sum to total.

(b) Number of young people on an average day may not sum to total due to rounding.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown age.
3. Age calculated as at start of financial year if first period of community-based supervision began before the start of the financial year, otherwise age calculated as at start of first period of community-based supervision.

**Table 6.2: Young people under community-based supervision on an average day by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—average day<sup>(b)</sup></b>										
<b>Male</b>										
Indigenous	475	122	479	n.a.	133	54	19	n.a.	1,282	1,790
Non-Indigenous	859	991	615	n.a.	267	156	74	n.a.	2,963	3,220
Unknown	120	4	0	n.a.	20	40	0	n.a.	184	185
<b>Total</b>	<b>1,454</b>	<b>1,117</b>	<b>1,094</b>	<b>n.a.</b>	<b>420</b>	<b>250</b>	<b>93</b>	<b>n.a.</b>	<b>4,429</b>	<b>5,205</b>
<b>Female</b>										
Indigenous	121	22	135	n.a.	42	7	2	n.a.	329	430
Non-Indigenous	139	119	120	n.a.	53	34	15	n.a.	480	515
Unknown	31	1	0	n.a.	1	9	0	n.a.	42	45
<b>Total</b>	<b>291</b>	<b>142</b>	<b>255</b>	<b>n.a.</b>	<b>95</b>	<b>50</b>	<b>17</b>	<b>n.a.</b>	<b>851</b>	<b>990</b>
<b>All young people</b>										
Indigenous	596	145	613	n.a.	174	62	21	n.a.	1,611	2,225
Non-Indigenous	998	1,111	736	n.a.	322	191	88	n.a.	3,445	3,740
Unknown	151	5	0	n.a.	22	48	0	n.a.	226	230
<b>Total</b>	<b>1,745</b>	<b>1,260</b>	<b>1,349</b>	<b>n.a.</b>	<b>518</b>	<b>301</b>	<b>109</b>	<b>n.a.</b>	<b>5,283</b>	<b>6,205</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people and therefore may not sum to total.

(b) Number of young people on an average day may not sum to total due to rounding.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown sex and Indigenous status.

**Table 6.3: Young people under community-based supervision during the year by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—during the year</b>										
<b>Male</b>										
Indigenous	1,045	260	877	n.a.	245	85	36	n.a.	2,548	n.a.
Non-Indigenous	1,831	2,055	1,168	n.a.	590	271	154	n.a.	6,069	n.a.
Unknown	287	10	0	n.a.	50	71	0	n.a.	418	n.a.
<b>Total</b>	<b>3,163</b>	<b>2,325</b>	<b>2,045</b>	<b>n.a.</b>	<b>885</b>	<b>427</b>	<b>190</b>	<b>n.a.</b>	<b>9,035</b>	<b>10,590</b>
<b>Female</b>										
Indigenous	248	52	260	n.a.	83	15	5	n.a.	663	n.a.
Non-Indigenous	309	277	228	n.a.	119	64	39	n.a.	1,036	n.a.
Unknown	68	3	0	n.a.	7	18	0	n.a.	96	n.a.
<b>Total</b>	<b>625</b>	<b>332</b>	<b>488</b>	<b>n.a.</b>	<b>209</b>	<b>97</b>	<b>44</b>	<b>n.a.</b>	<b>1,795</b>	<b>2,100</b>
<b>All young people</b>										
Indigenous	1,293	312	1,137	n.a.	328	100	41	n.a.	3,211	n.a.
Non-Indigenous	2,140	2,333	1,396	n.a.	712	335	193	n.a.	7,109	n.a.
Unknown	355	13	0	n.a.	58	89	0	n.a.	515	n.a.
<b>Total</b>	<b>3,788</b>	<b>2,658</b>	<b>2,533</b>	<b>n.a.</b>	<b>1,098</b>	<b>524</b>	<b>234</b>	<b>n.a.</b>	<b>10,835</b>	<b>12,705</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people and therefore may not sum to total.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown sex and Indigenous status.

## Rates of supervision

Including Western Australia and the Northern Territory, around 0.2% of the Australian population aged 10–17 years were under community-based supervision on an average day (2.2 per 1,000) and around 0.5% were under community-based supervision at some time during the year (4.6 per 1,000) (Table 6.4). Young men were more than four times as likely to be under community-based supervision as young women; on an average day, there were 3.5 males per 1,000 under community-based supervision compared with 0.8 females.

As with the rate of young people under all supervision, while the overall rate was low, the rate for Indigenous young people was relatively high. Indigenous young people aged 10–17 years were around 14 times as likely to be under community-based supervision on an average day as non-Indigenous young people, with a rate of 18.1 per 1,000 compared with 1.3 for non-Indigenous young people (excluding Western Australia and the Northern Territory). For young women, the rate ratio was even higher – Indigenous young women were around 19 times as likely to be under community-based supervision as non-Indigenous young women.

This high level of Indigenous over-representation was particularly prevalent in the younger age groups. While rates for both Indigenous and non-Indigenous young people were greater in each successive year of age, Indigenous rates were proportionally higher for those younger age groups. For example, an Indigenous young person aged 17 years was 10 times

as likely to be under community-based supervision on an average day as a non-Indigenous young person of the same age, but over 30 times as likely if aged 12 years old (excluding Western Australia and the Northern Territory).

On an average day in 2008–09, the rate of young people aged 10–17 years under community-based supervision ranged from 1.5 per 1,000 in Victoria to 4.2 per 1,000 in Tasmania (excluding Western Australia and the Northern Territory; Table 6.5). Rates for males ranged from 2.6 per 1,000 in Victoria to 6.8 in Tasmania, and from 0.4 in Victoria to 1.4 in Tasmania for females.

Indigenous young people were over-represented in all states and territories, although the level of over-representation varied. Based on the rate ratio, South Australia had the highest level of Indigenous over-representation (excluding Western Australia and the Northern Territory), with Indigenous young people aged 10–17 years 17 times as likely to be under community-based supervision on an average day as non-Indigenous young people. The level of over-representation was lowest in Tasmania, where Indigenous young people aged 10–17 years were around 4 times as likely to be under community-based supervision; in the remaining states and territory, the level of over-representation ranged from 10 to 14 times.



**Table 6.4: Rate of young people aged 10–17 years under community-based supervision by age, sex and Indigenous status, Australia (excluding WA and NT), 2008–09**

Indigenous status	10	11	12	13	14	15	16	17	10–17	Aust incl WA & NT <sup>(a)</sup>
<b>Community-based supervision rate—average day</b>										
<b>Male</b>										
Indigenous	n.p.	3.56	7.10	18.09	35.50	47.82	60.50	53.84	28.39	28.24
Non-Indigenous	n.p.	n.p.	0.23	0.68	2.00	3.54	5.62	6.13	2.34	2.21
<b>Total</b>	<b>n.p.</b>	<b>0.16</b>	<b>0.53</b>	<b>1.42</b>	<b>3.45</b>	<b>5.46</b>	<b>8.00</b>	<b>8.31</b>	<b>3.50</b>	<b>3.53</b>
<b>Female</b>										
Indigenous	n.p.	n.p.	n.p.	3.45	10.43	15.37	19.51	14.21	7.94	7.47
Non-Indigenous	n.p.	n.p.	n.p.	0.17	0.53	0.72	1.06	0.82	0.43	0.40
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.06</b>	<b>0.31</b>	<b>0.94</b>	<b>1.34</b>	<b>1.85</b>	<b>1.41</b>	<b>0.75</b>	<b>0.75</b>
<b>All young people</b>										
Indigenous	n.p.	1.85	4.00	10.97	23.30	32.05	40.62	34.54	18.41	18.09
Non-Indigenous	n.p.	n.p.	0.13	0.43	1.29	2.17	3.40	3.55	1.41	1.33
<b>Total</b>	<b>n.p.</b>	<b>0.09</b>	<b>0.30</b>	<b>0.88</b>	<b>2.23</b>	<b>3.45</b>	<b>5.01</b>	<b>4.96</b>	<b>2.16</b>	<b>2.18</b>
<b>Community-based supervision rate—during the year</b>										
<b>Male</b>										
Indigenous	n.p.	5.64	16.53	36.04	66.61	91.70	117.53	106.38	55.21	n.a.
Non-Indigenous	0.04	0.06	0.47	1.43	3.91	7.27	11.11	12.19	4.68	n.a.
<b>Total</b>	<b>0.07</b>	<b>0.29</b>	<b>1.15</b>	<b>2.92</b>	<b>6.60</b>	<b>11.02</b>	<b>15.81</b>	<b>16.64</b>	<b>6.97</b>	<b>7.43</b>
<b>Female</b>										
Indigenous	n.p.	n.p.	2.69	7.28	21.26	29.33	36.61	29.50	15.79	n.a.
Non-Indigenous	n.p.	n.p.	0.05	0.43	1.14	1.63	2.24	1.66	0.91	n.a.
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.17</b>	<b>0.70</b>	<b>2.00</b>	<b>2.85</b>	<b>3.72</b>	<b>2.91</b>	<b>1.58</b>	<b>1.67</b>
<b>All young people</b>										
Indigenous	0.52	2.97	9.70	22.05	44.54	61.39	78.29	68.93	35.97	n.a.
Non-Indigenous	0.02	0.03	0.27	0.94	2.57	4.52	6.79	7.07	2.84	n.a.
<b>Total</b>	<b>0.04</b>	<b>0.15</b>	<b>0.67</b>	<b>1.84</b>	<b>4.36</b>	<b>7.04</b>	<b>9.93</b>	<b>9.97</b>	<b>4.34</b>	<b>4.63</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of supervision began before the start of the financial year, otherwise age calculated as at start of first period of supervision.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.

Source: Table A31.

**Table 6.5: Rate of young people aged 10–17 years under community-based supervision by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Community-based supervision rate—average day</b>										
<b>Male</b>										
Indigenous	26.49	27.15	29.34	n.a.	41.36	18.69	35.37	n.a.	28.39	28.24
Non-Indigenous	2.08	2.32	2.36	n.a.	2.46	4.70	3.58	n.a.	2.34	2.21
<b>Total</b>	<b>3.40</b>	<b>2.63</b>	<b>4.05</b>	<b>n.a.</b>	<b>3.95</b>	<b>6.78</b>	<b>4.37</b>	<b>n.a.</b>	<b>3.50</b>	<b>3.53</b>
<b>Female</b>										
Indigenous	7.37	5.56	9.02	n.a.	12.35	2.58	n.p.	n.a.	7.94	7.47
Non-Indigenous	0.37	0.33	0.48	n.a.	0.59	1.05	0.75	n.a.	0.43	0.40
<b>Total</b>	<b>0.75</b>	<b>0.39</b>	<b>1.02</b>	<b>n.a.</b>	<b>1.00</b>	<b>1.42</b>	<b>0.85</b>	<b>n.a.</b>	<b>0.75</b>	<b>0.75</b>
<b>All young people</b>										
Indigenous	17.18	16.43	19.46	n.a.	27.01	10.72	21.46	n.a.	18.41	18.09
Non-Indigenous	1.25	1.35	1.45	n.a.	1.56	2.93	2.18	n.a.	1.41	1.33
<b>Total</b>	<b>2.11</b>	<b>1.54</b>	<b>2.57</b>	<b>n.a.</b>	<b>2.53</b>	<b>4.17</b>	<b>2.64</b>	<b>n.a.</b>	<b>2.16</b>	<b>2.18</b>
<b>Community-based supervision rate—during the year</b>										
<b>Male</b>										
Indigenous	56.83	54.40	52.98	n.a.	75.77	28.84	67.87	n.a.	55.21	n.a.
Non-Indigenous	4.30	4.63	4.47	n.a.	5.41	7.89	7.64	n.a.	4.68	n.a.
<b>Total</b>	<b>7.21</b>	<b>5.25</b>	<b>7.51</b>	<b>n.a.</b>	<b>8.22</b>	<b>11.24</b>	<b>9.15</b>	<b>n.a.</b>	<b>6.97</b>	<b>7.43</b>
<b>Female</b>										
Indigenous	14.82	12.35	17.27	n.a.	25.09	5.35	13.05	n.a.	15.79	n.a.
Non-Indigenous	0.82	0.72	0.95	n.a.	1.37	1.79	1.97	n.a.	0.91	n.a.
<b>Total</b>	<b>1.59</b>	<b>0.87</b>	<b>1.96</b>	<b>n.a.</b>	<b>2.25</b>	<b>2.64</b>	<b>2.21</b>	<b>n.a.</b>	<b>1.58</b>	<b>1.67</b>
<b>All young people</b>										
Indigenous	36.36	33.51	35.63	n.a.	50.71	17.21	42.42	n.a.	35.97	n.a.
Non-Indigenous	2.60	2.73	2.75	n.a.	3.45	4.93	4.85	n.a.	2.84	n.a.
<b>Total</b>	<b>4.47</b>	<b>3.12</b>	<b>4.80</b>	<b>n.a.</b>	<b>5.32</b>	<b>7.06</b>	<b>5.74</b>	<b>n.a.</b>	<b>4.34</b>	<b>4.63</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest five young people and therefore may not sum to total.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of community-based supervision began before the start of the financial year, otherwise age calculated as at start of first period of community-based supervision.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.

Source: Table A32.

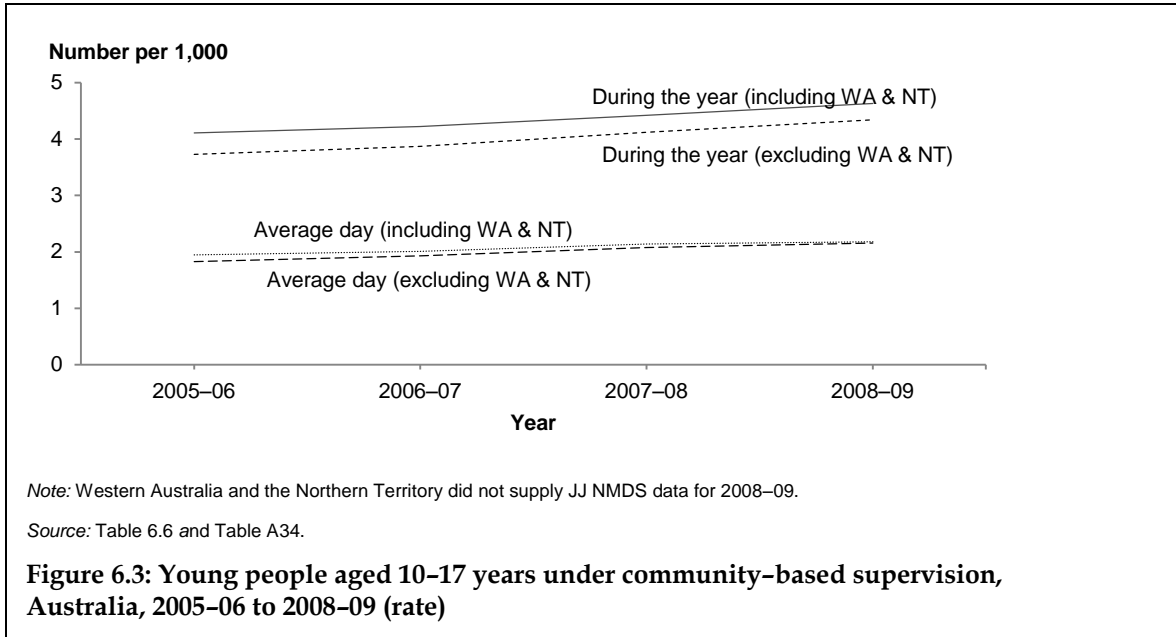
## Trends

Over the four-year period from 2005–06 to 2008–09, the rate of young people aged 10–17 years under community-based supervision on an average day increased from 2.0 young people per 1,000 to 2.2 per 1,000 (including Western Australia and the Northern Territory) (Figure 6.3). There were increases in the rates in most states and territories, with the largest increases (excluding Western Australia and the Northern Territory) occurring in New South Wales (from 1.5 to 2.1 per 1,000 on an average day) and Victoria (from 1.1 to 1.5 per 1,000).

Nationally, the Indigenous rate fluctuated over the four-year period from 2005–06 while the non-Indigenous rate steadily increased (Table 6.6). However, this pattern was not consistent between states and territories. Excluding Western Australia and the Northern Territory, both the Indigenous and non-Indigenous rates increased in New South Wales and Victoria, while the non-Indigenous rate increased in South Australia with no clear pattern for Indigenous rates. Indigenous rates decreased in Queensland with no clear pattern for non-Indigenous rates. There was no clear pattern over the four years in Tasmania and the Australian Capital Territory for either Indigenous or non-Indigenous rates.

Overall, there was a small but steady decrease in the level of Indigenous over-representation from 2005–06 to 2008–09. Including Western Australia and the Northern Territory, Indigenous young people aged 10–17 years were almost 16 times as likely to be under community-based supervision on an average day in 2005–06 and 14 times as likely in 2008–09 (Figure 6.4). Again, this pattern was not consistent between states and territories (excluding Western Australia and the Northern Territory). The level of over-representation remained steady in Victoria, decreased in Queensland from 15 times to 13 and fluctuated over the four years in New South Wales, South Australia, Tasmania and the Australian Capital Territory.

The only state or territory where there was an overall decrease between 2005–06 and 2008–09 was Queensland, where the rate of young people under supervision fell from 2.8 to 2.6 young people per 1,000 on an average day.



**Table 6.6: Rate of young people aged 10–17 years under community-based supervision on an average day by Indigenous status, states and territories, 2005–06 to 2008–09**

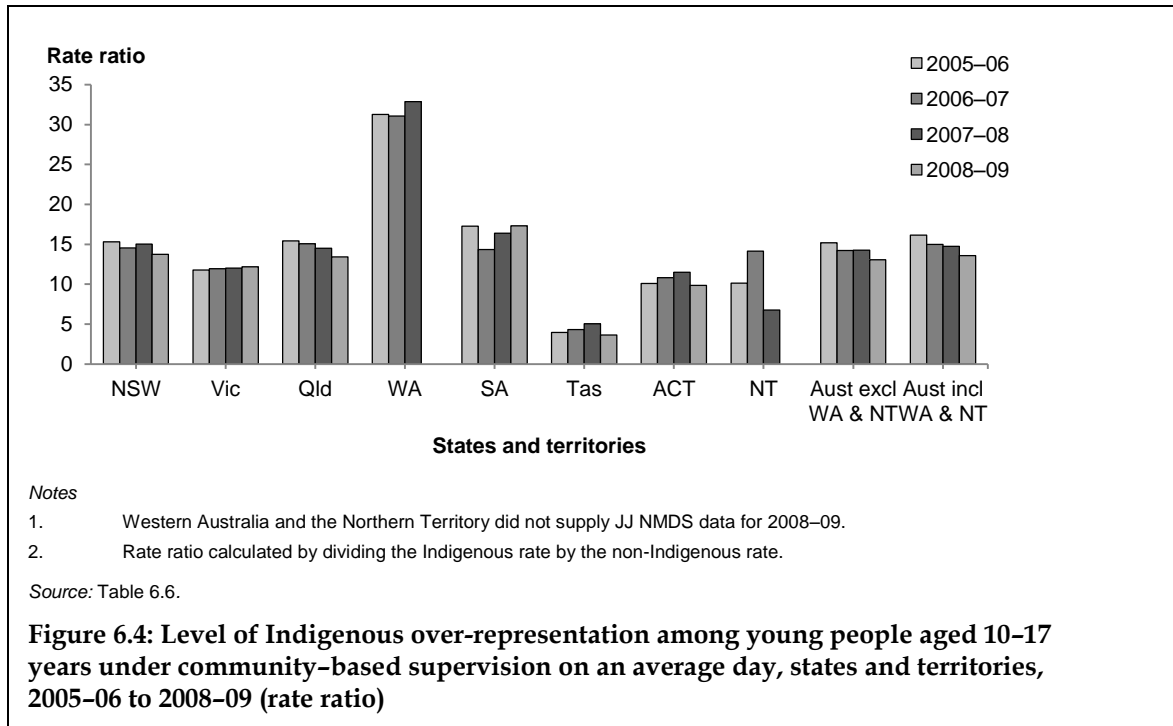
Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>2005–06</b>										
Indigenous	13.63	11.45	22.83	30.98	24.86	9.81	24.91	9.31	17.63	18.45
Non-Indigenous	0.89	0.97	1.48	0.99	1.44	2.47	2.47	0.92	1.16	1.14
Rate ratio	15.31	11.80	15.43	31.29	17.26	3.97	10.09	10.12	15.20	16.18
<b>Total</b>	<b>1.51</b>	<b>1.14</b>	<b>2.75</b>	<b>2.68</b>	<b>2.29</b>	<b>3.30</b>	<b>2.97</b>	<b>4.46</b>	<b>1.83</b>	<b>1.95</b>
<b>2006–07</b>										
Indigenous	14.54	13.27	22.01	29.22	20.79	10.11	30.08	7.36	17.64	18.02
Non-Indigenous	1.00	1.11	1.46	0.94	1.45	2.33	2.78	0.52	1.24	1.20
Rate ratio	14.54	11.95	15.08	31.09	14.34	4.34	10.82	14.15	14.23	15.01
<b>Total</b>	<b>1.69</b>	<b>1.28</b>	<b>2.73</b>	<b>2.57</b>	<b>2.19</b>	<b>3.03</b>	<b>3.39</b>	<b>3.43</b>	<b>1.93</b>	<b>2.01</b>
<b>2007–08</b>										
Indigenous	16.68	15.05	21.93	29.92	24.57	11.13	30.94	5.30	18.96	18.89
Non-Indigenous	1.11	1.25	1.51	0.91	1.50	2.21	2.69	0.78	1.33	1.28
Rate ratio	15.03	12.04	14.52	32.88	16.38	5.04	11.50	6.79	14.26	14.76
<b>Total</b>	<b>1.91</b>	<b>1.42</b>	<b>2.78</b>	<b>2.60</b>	<b>2.40</b>	<b>3.08</b>	<b>3.40</b>	<b>2.74</b>	<b>2.08</b>	<b>2.14</b>
<b>2008–09</b>										
Indigenous	17.18	16.43	19.46	n.a.	27.01	10.72	21.46	n.a.	18.41	18.09
Non-Indigenous	1.25	1.35	1.45	n.a.	1.56	2.93	2.18	n.a.	1.41	1.33
Rate ratio	13.74	12.17	13.42	n.a.	17.31	3.66	9.84	n.a.	13.06	13.60
<b>Total</b>	<b>2.11</b>	<b>1.54</b>	<b>2.57</b>	<b>n.a.</b>	<b>2.53</b>	<b>4.17</b>	<b>2.64</b>	<b>n.a.</b>	<b>2.16</b>	<b>2.18</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of community-based supervision began before the start of the financial year, otherwise age calculated as at start of first period of community-based supervision.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.
6. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

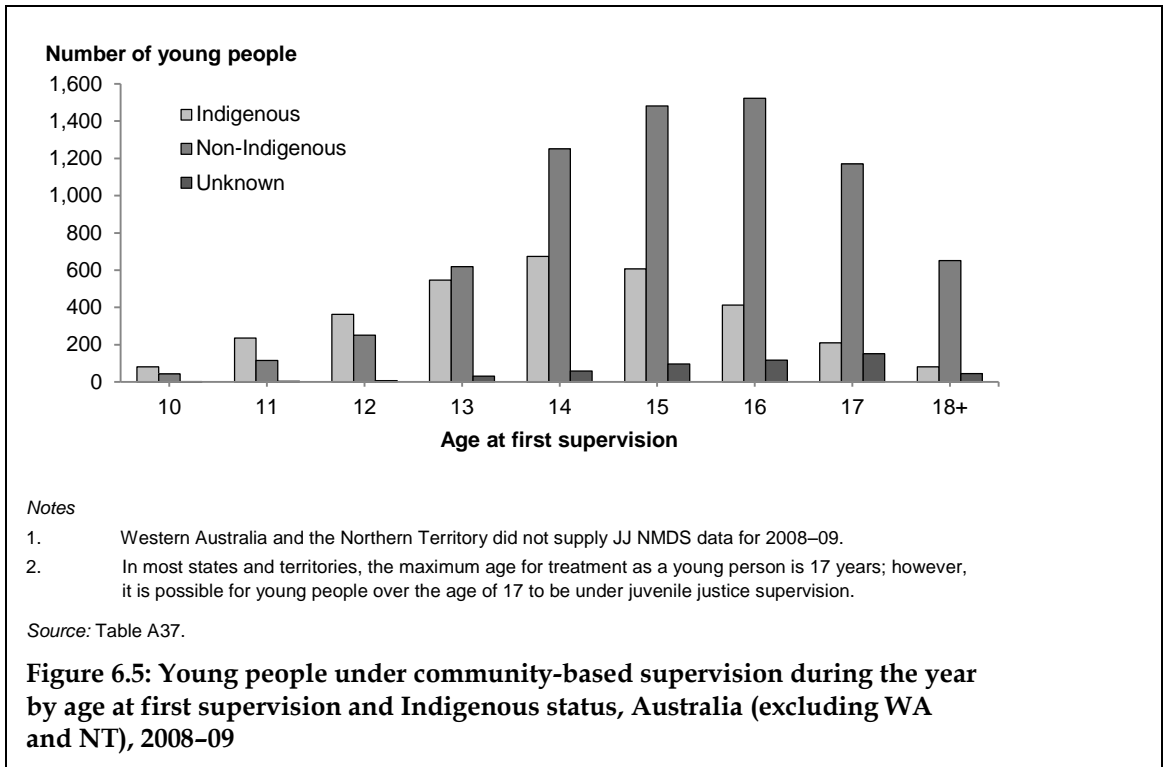
Source: Table A33.



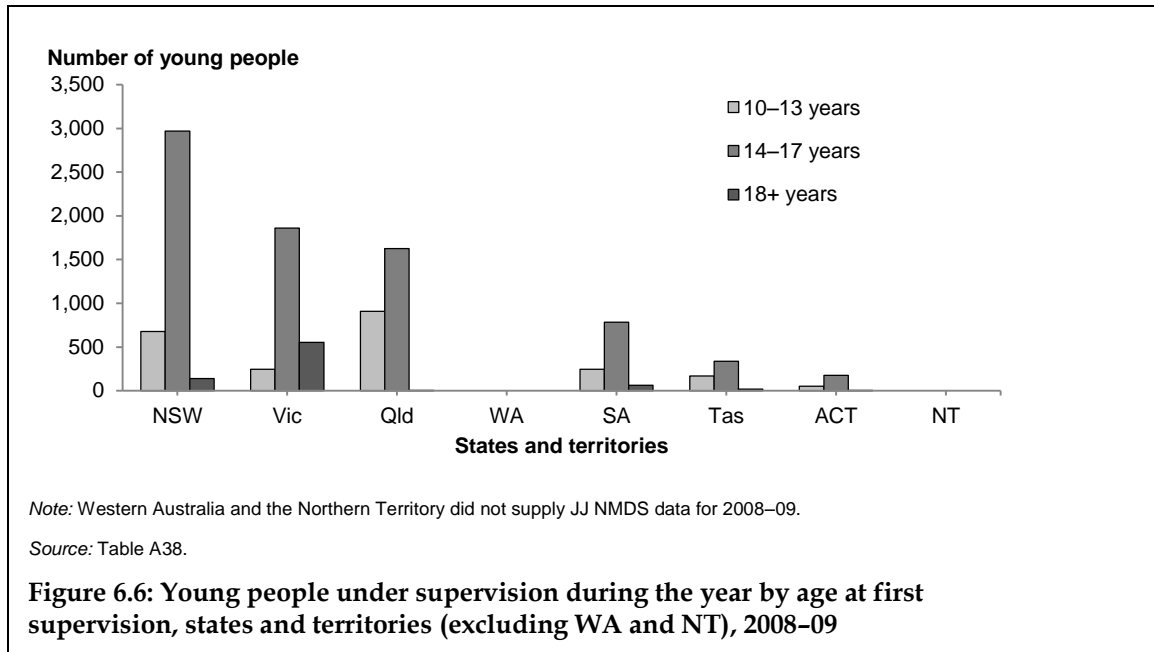
### 6.3 First supervision

Almost two-thirds (68%) of those under community-based supervision during 2008-09 had been under supervision in a previous year; the remainder (32%) were new entrants to juvenile justice supervision in 2008-09 (excluding Western Australia and the Northern Territory) (Table A35). The proportion of new entrants ranged from 18% in Queensland and Tasmania to 41% in Victoria. Indigenous young people under community-based supervision were more likely to have been under community-based supervision in a previous year than non-Indigenous young people (76% of Indigenous young people compared with 66% of non-Indigenous young people) (Table A36).

The patterns of age at first supervision for those under community-based supervision during 2008-09 closely match those of all young people under supervision. Although most (72%) under community-based supervision during the year were first under supervision when aged 14-17 years, Indigenous young people tended to enter their first supervision at a younger age. The median age of first supervision among Indigenous young people under community-based supervision was 14 years, compared with 15 years for non-Indigenous young people (excluding Western Australia and the Northern Territory) (Figure 6.5). Thirty-eight per cent of Indigenous young people under community-based supervision during 2008-09 had entered supervision when they were aged 10-13 years, compared with only 14% of non-Indigenous young people.



Most young people under community-based supervision in 2008–09 first entered supervision when they were aged 14–17 years (excluding Western Australia and the Northern Territory) (Figure 6.6). The proportion of young people who entered their first supervision aged 10–13 years was relatively high in Queensland and Tasmania, at 36% and 32% respectively. Less than 6% of young people under community-based supervision during the year first entered supervision when aged 18 years and older in all states and territories except Victoria, where 21% of young people first entered supervision aged 18 years or older.

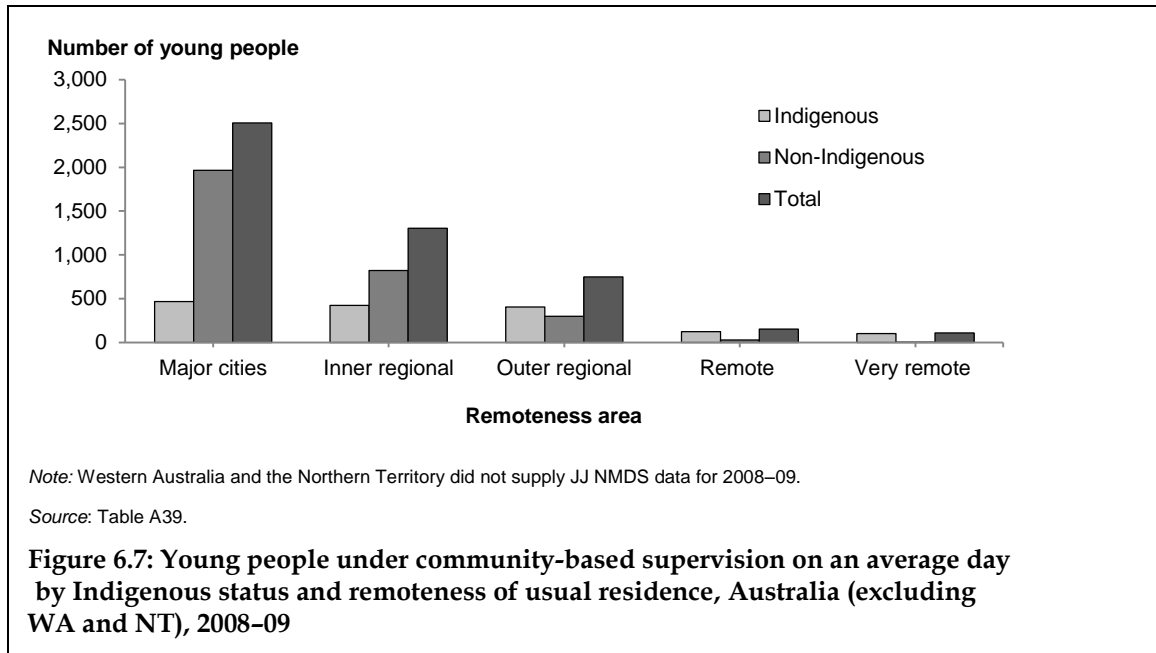


## 6.4 Remoteness of usual residence

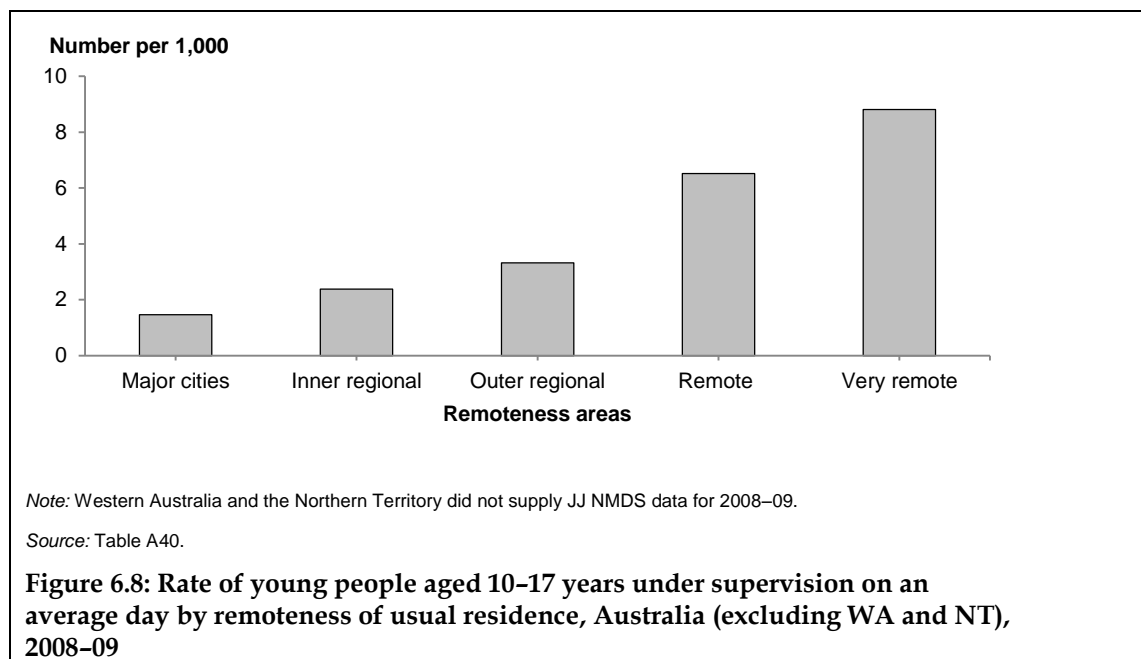
Nearly all of those who were under community-based supervision on an average day in 2008-09 (excluding Western Australia and the Northern Territory) lived in *Major cities* (52%) or regional areas (43%) (Figure 6.7), which is similar to the distribution for all young people under supervision.

Most (63%) non-Indigenous young people under community-based supervision on an average day lived in *Major cities* and only 1% lived in *Remote* or *Very remote* areas. Less than one-third (31%) of Indigenous young people lived in *Major cities* – similar proportions lived in *Inner regional* and *Outer regional* areas (28% and 27% respectively), while 15% lived in *Remote* or *Very remote* areas. Consequently, most (88%) of those under community-based supervision in *Remote* or *Very remote* areas were Indigenous.





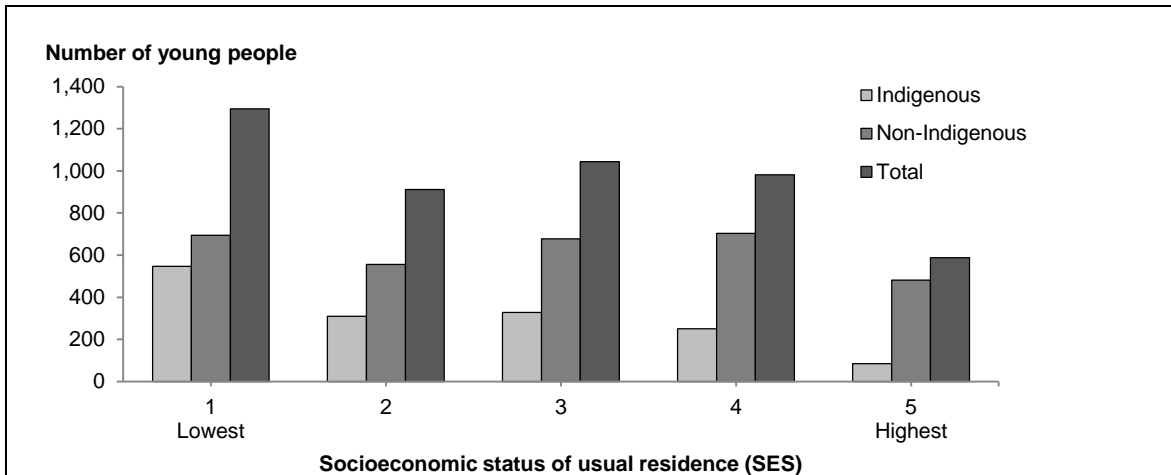
While most young people under community-based supervision resided in *Major cities* and regional areas, those in the general population who lived in remote areas were more likely to be under community-based supervision on an average day than those who lived in more populated areas (Figure 6.8). Excluding Western Australia and the Northern Territory, young people aged 10–17 years who lived in *Remote* Australia were 4 times as likely to be under community-based supervision on an average day as those in the same age range who lived in *Major cities*. Those in *Very remote* areas were 6 times as likely to be under community-based supervision as those in *Major cities*.



## 6.5 Socioeconomic status of usual residence

Those under community-based supervision on an average day were more likely to be from an area of low socioeconomic status than one of high socioeconomic status (Figure 6.9). On an average day (excluding Western Australia and the Northern Territory), 27% of those under community-based supervision were from one of the areas of the lowest socioeconomic status in Australia, while only 12% were from an area of the highest socioeconomic status. Indigenous young people under community-based supervision were even less likely to be from an area of high socioeconomic status. Over one-third (36%) of Indigenous young people under community-based supervision on an average day were from one of the areas of lowest socioeconomic status, while only 6% were from one of the areas of highest socioeconomic status.

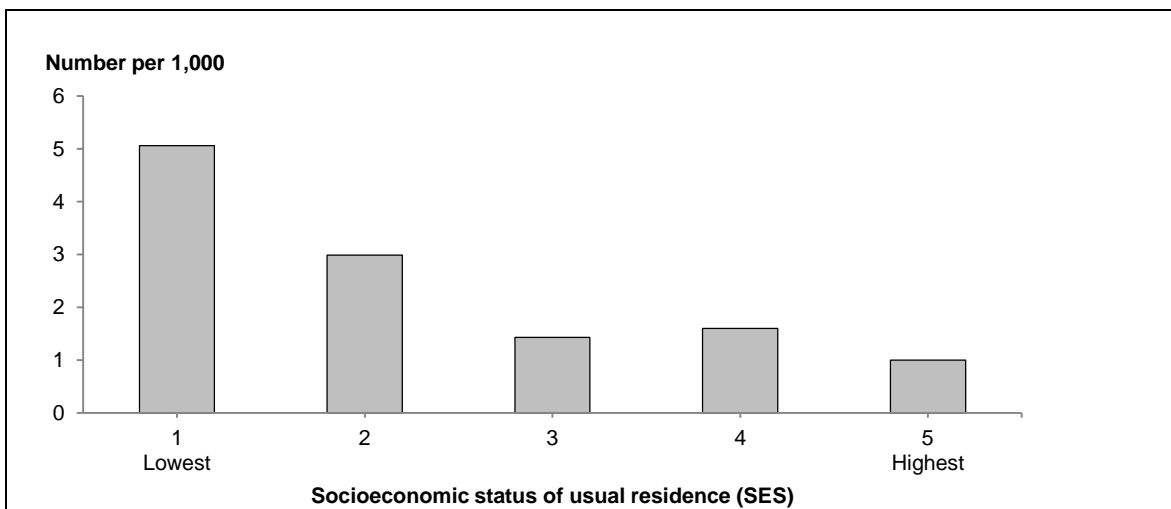
Similarly, young people in the general population who lived in lower socioeconomic status areas were more likely to be under community-based supervision than those from higher socioeconomic status areas. On an average day (excluding Western Australia and the Northern Territory), young people aged 10–17 years living in areas of the lowest socioeconomic status in Australia were around 5 times as likely to be under community-based supervision as those in areas of highest socioeconomic status (Figure 6.10). Around 5 young people aged 10–17 years per 1,000 from areas of lowest socioeconomic status were under community-based supervision on an average day, compared with 1 per 1,000 from areas of highest socioeconomic status.



Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.

Source: Table A41.

**Figure 6.9: Young people under community-based supervision on an average day by indigenous status and socioeconomic status of usual residence, states and territories (excluding WA and NT), 2008–09**



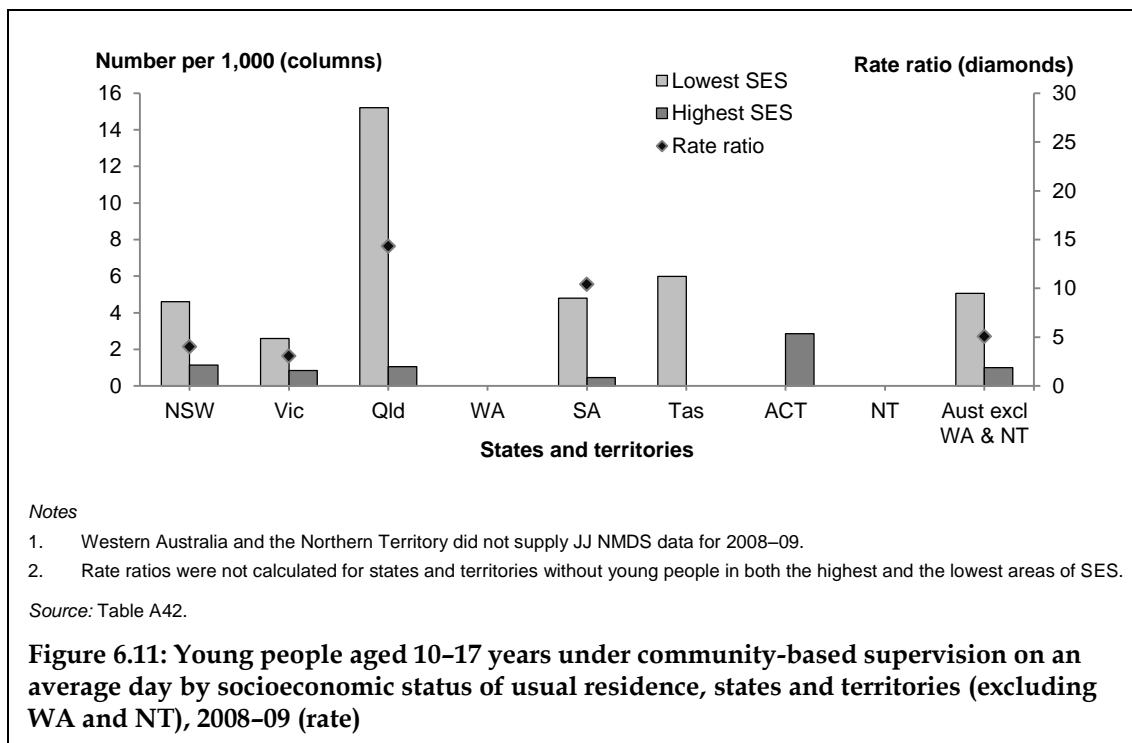
Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.

Source: Table A42.

**Figure 6.10: Young people aged 10–17 years under community-based supervision on an average day by socioeconomic status of usual residence, states and territories (excluding WA and NT), 2008–09 (rate)**

Queensland had the greatest difference in the supervision rate across areas of different socioeconomic status (excluding Western Australia and the Northern Territory; Figure 6.11). In this state, young people aged 10–17 years who resided in one of the areas of lowest socioeconomic status were around 14 times as likely to be under community-based supervision on an average day as those in areas of highest socioeconomic status. This was followed by South Australia, where young people in the areas of lowest socioeconomic status were around 10 times as likely as those in areas of highest socioeconomic status to be under community-based supervision. In New South Wales and Victoria, young people from

the areas of lowest socioeconomic status were 4 and 3 times as likely to be under community-based supervision, respectively.



## 6.6 Legal status

On an average day in 2008–09 (excluding Western Australia and the Northern Territory), most (91%) of those under community-based supervision were sentenced. Eleven per cent were unsentenced, which means that on an average day, 2% were under both sentenced and unsentenced community-based supervision (Table 6.2 and Table 6.7).

Young people were more likely to be sentenced than unsentenced, although the proportion that was sentenced varied by state and territory – this is partly the result of the range of unsentenced community-based supervised orders that exist in each state and territory (see Table 2.1 for details). In the Australian Capital Territory, almost half (45%) of those under community-based supervision on an average day were unsentenced, while one-fifth (19%) were unsentenced in South Australia. In contrast, only 3% in Queensland were unsentenced and there were no unsentenced young people under community-based supervision in Tasmania, where supervised or conditional bail is not available.

In most states and territories, there were few young people under community-based supervision who were serving a sentenced order and were also under unsentenced supervision on an average day – this ranged from 2% in New South Wales, Victoria and Queensland to 9% of young people in the Australian Capital Territory (excluding Tasmania, where unsentenced community-based supervision is not an option, Western Australia and the Northern Territory).

Overall (excluding Western Australia and the Northern Territory) Indigenous young people under community-based supervision on an average day were slightly more likely to be

sentenced – 94% were sentenced, compared with 90% of non-Indigenous young people, and similar proportions were both sentenced and unsentenced. Similar proportions of Indigenous and non-Indigenous young people were both sentenced and unsentenced in most states and territories.

**Table 6.7: Young people under community-based supervision on an average day<sup>(a)</sup> by legal status and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT <sup>(b)</sup>
<b>Unsentenced</b>									
Indigenous	64	23	14	n.a.	36	..	10	n.a.	147
Non-Indigenous	108	198	27	n.a.	63	..	38	n.a.	434
Unknown	10	2	0	n.a.	1	..	0	n.a.	13
<b>Total</b>	<b>182</b>	<b>223</b>	<b>40</b>	<b>n.a.</b>	<b>100</b>	<b>..</b>	<b>49</b>	<b>n.a.</b>	<b>594</b>
<b>Sentenced</b>									
Indigenous	547	124	613	n.a.	152	62	14	n.a.	1,511
Non-Indigenous	914	931	718	n.a.	276	191	56	n.a.	3,085
Unknown	143	3	0	n.a.	21	48	0	n.a.	215
<b>Total</b>	<b>1,605</b>	<b>1,058</b>	<b>1,331</b>	<b>n.a.</b>	<b>448</b>	<b>301</b>	<b>70</b>	<b>n.a.</b>	<b>4,812</b>
<b>All young people<sup>(c)</sup></b>									
Indigenous	596	145	613	n.a.	174	62	21	n.a.	1,611
Non-Indigenous	998	1,111	736	n.a.	322	191	88	n.a.	3,445
Unknown	151	5	0	n.a.	22	48	0	n.a.	226
<b>Total</b>	<b>1,745</b>	<b>1,260</b>	<b>1,349</b>	<b>n.a.</b>	<b>518</b>	<b>301</b>	<b>109</b>	<b>n.a.</b>	<b>5,283</b>

(a) Number of young people on an average day may not sum to total due to rounding.

(b) Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.

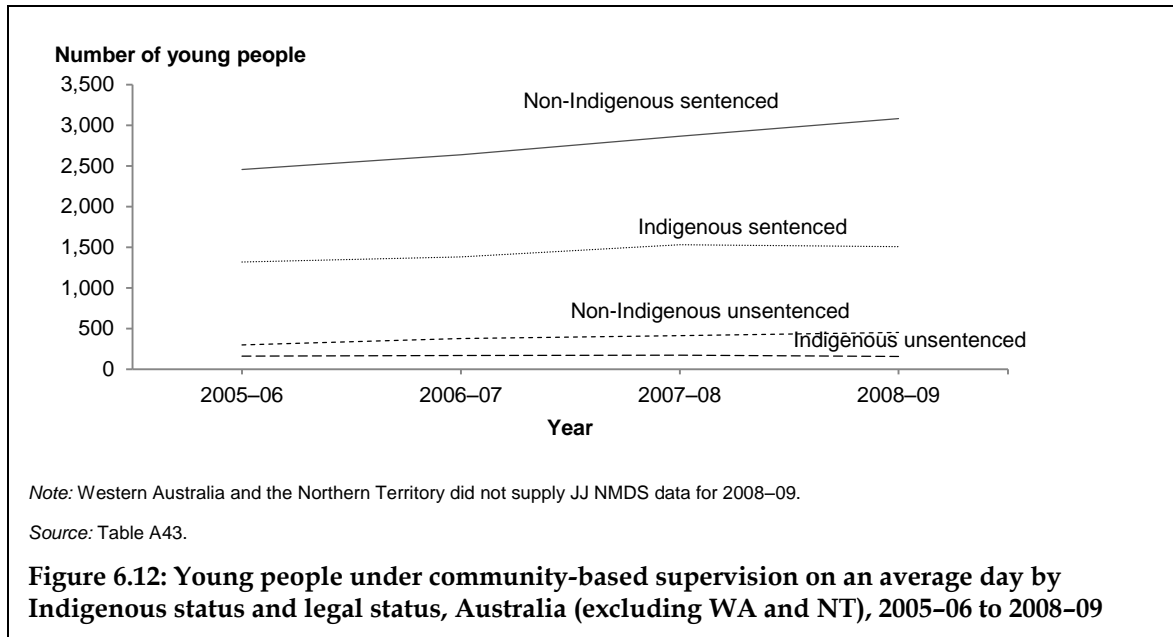
(c) 'All young people' includes young people with an order type of 'other'.

*Notes*

1. Number of unsentenced and sentenced young people may not sum to total number of young people as the legal status of some young people may have changed during the same day.
2. Unsentenced community-based supervision is not available in Tasmania.

Between 2005–06 and 2008–09, the number of unsentenced young people under community-based supervision increased by 36% (excluding Western Australia and the Northern Territory), compared with a 22% increase in the number of sentenced young people (Figure 6.12). However, while the number of unsentenced non-Indigenous young people on an average day increased by 61% (from 270 to 434), the number of unsentenced Indigenous young people decreased slightly (from 153 to 147). Similarly, the increase in the number of sentenced young people under community-based supervision over the period was greater for non-Indigenous young people (26%) than for Indigenous young people (14%).

Between 2005–06 and 2008–09 (excluding Western Australia and the Northern Territory), Victoria had the largest increases in the numbers of both sentenced (up 57%) and unsentenced (up 76%) young people under community-based supervision on an average day. There were small decreases in the number of sentenced and unsentenced young people in Queensland and South Australia.



## 6.7 Types of supervision

Community-based supervision includes unsentenced orders such as supervised or conditional bail and home detention bail, and sentenced orders such as probation and similar, home detention, suspended detention and parole or supervised release. The types of community-based supervision that are available vary across the states and territories (see Table 3.1). This section provides information on the number and types of orders that juvenile justice agencies supervised and the number of young people that were supervised for each order type. Young people may be supervised under multiple orders of different types at the same time, and community-based supervised orders may be interrupted by periods of detention.

Information in this section does not include Western Australia and the Northern Territory, for which JJ NMDS data were not provided. Queensland is not included in the analyses of length of completed and breached orders as information on the order end reason was not provided.

There were almost 22,600 community-based orders during 2008-09 (an average of 2.1 orders per young person), and almost one-quarter (24%) of young people under community-based supervision during the year were supervised on multiple types of orders; this proportion ranged from 16% of young people under community-based supervision in Queensland to 43% in South Australia (excluding Western Australia and the Northern Territory) (Table 6.8).

The most common types of orders were probation and similar orders, which include those with and without additional mandated requirements. In total (excluding Western Australia and the Northern Territory), 69% of community-based orders in 2008-09 were probation or similar. On an average day, 82% of young people under community-based supervision were serving this type of sentence (the differences in the proportions for an average day and for orders reflect the differences in the average length of time spent on the order during the year). On an average day, nearly all (95%) young people under community-based supervision in Queensland were being supervised under these types of orders, and proportions were also high for Tasmania (88%), New South Wales (87%) and Victoria (74%).

However, these orders were less common in South Australia (31% of community-based orders and 50% of those under community-based supervision on an average day) and the Australian Capital Territory (18% and 64%, respectively).

The next most common order type was supervised or conditional bail and similar unsentenced orders. Overall, 19% of active community-based orders were of this type, and on an average day, 11% of young people under community-based supervision were on supervised or conditional bail and similar unsentenced orders (excluding Western Australia and the Northern Territory).

Only 6% of community-based supervised orders during 2008–09 were suspended detention, and 2% were parole or supervised release. Proportions were similar for young people on an average day.

**Table 6.8: Community-based supervised orders, states and territories, 2008–09**

Order type	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT <sup>(a)</sup>
<b>Orders<sup>(b)</sup></b>									
Supervised or conditional bail and other unsentenced	1,257	1,413	197	n.a.	676	..	830	n.a.	4,373
Probation and similar	6,129	2,830	4,823	n.a.	709	807	181	n.a.	15,479
Suspended detention	606	..	360	n.a.	235	221	..	n.a.	1,422
Parole or supervised release	0	356	148	n.a.	1	49	..	n.a.	554
Home detention	..	..	..	..	8	..	..	..	8
Other <sup>(c)</sup>	133	0	0	0	626	0	0	0	759
<b>Total</b>	<b>8,125</b>	<b>4,599</b>	<b>5,528</b>	<b>0</b>	<b>2,255</b>	<b>1,077</b>	<b>1,011</b>	<b>0</b>	<b>22,595</b>
<b>Young people on an average day<sup>(d)(e)</sup></b>									
Supervised or conditional bail and other unsentenced	182	223	40	n.a.	100	..	49	n.a.	594
Probation and similar	1,510	935	1,288	n.a.	258	265	70	n.a.	4,326
Suspended detention	171	..	48	n.a.	90	90	..	n.a.	399
Home detention	..	..	..	..	1	..	..	..	1
Parole or supervised release	0	131	33	n.a.	—	9	..	n.a.	173
Other <sup>(c)</sup>	31	—	—	n.a.	153	—	—	n.a.	184
<b>Total</b>	<b>1,745</b>	<b>1,260</b>	<b>1,349</b>	<b>n.a.</b>	<b>518</b>	<b>301</b>	<b>109</b>	<b>n.a.</b>	<b>5,283</b>
<b>Young people during the year<sup>(d)</sup></b>									
Supervised or conditional bail and other unsentenced	849	1,004	173	n.a.	363	..	167	n.a.	2,556
Probation and similar	3,376	1,890	2,427	n.a.	544	483	139	n.a.	8,859
Suspended detention	455	..	216	n.a.	193	167	..	n.a.	1,031
Home detention	..	..	..	..	7	..	..	..	7
Parole or supervised release	0	325	122	n.a.	1	41	..	n.a.	489
Other <sup>(c)</sup>	81	0	0	n.a.	459	0	0	n.a.	540
<b>Total</b>	<b>3,788</b>	<b>2,658</b>	<b>2,533</b>	<b>n.a.</b>	<b>1,098</b>	<b>524</b>	<b>234</b>	<b>n.a.</b>	<b>10,835</b>

(a) Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.

(b) Includes all community-based supervised orders where the order started in or before the relevant financial year and the order ended in or after the relevant financial year. Orders are included where the young person was not supervised in the community for the duration of the order (that is, where the young person was in detention).

(c) Other includes other sentence requiring juvenile justice supervision and other types of legal arrangements.

(d) Number of young people may not sum to total as young people may have been under supervision in relation to multiple types of orders during the same day or year.

(e) Number of young people on an average day may not sum to total due to rounding.

Note: Unsentenced community-based supervision is not available in Tasmania.



## Supervised or conditional bail and other unsentenced orders

The most common type of unsentenced supervised community-based order was supervised bail, also known as conditional bail in some states and territories. Other types of unsentenced supervised community-based orders include home detention bail, which is only available in South Australia, and other court-referred arrangements such as deferral of sentence.

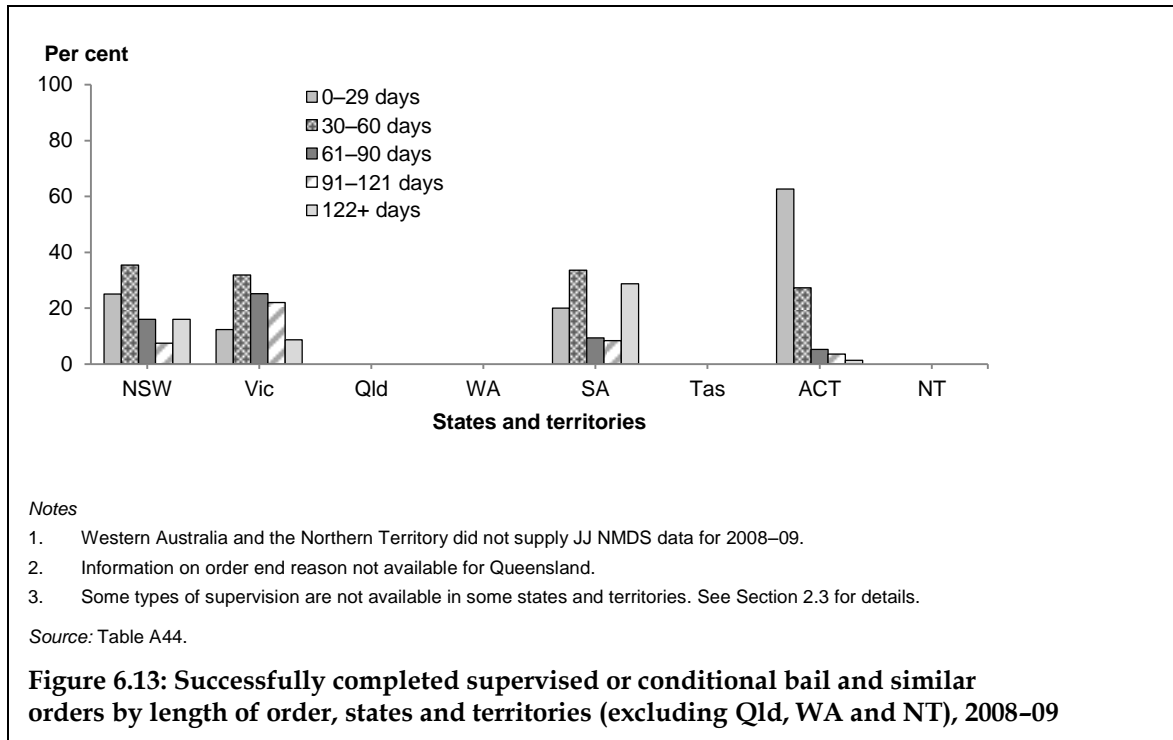
Unsentenced community-based supervision is not available in Tasmania.

Excluding Western Australia and the Northern Territory, almost one-quarter (2,556 young people or 24%) of all those under community-based supervision during the year were under supervised or conditional bail and other unsentenced orders (Table 6.8). Among the states and territories, this proportion ranged from just 7% in Queensland to 71% in the Australian Capital Territory. Only 11% of those under community-based supervision were on these types of orders on an average day, due to the typically short length of these orders compared with other types of orders. The highest proportion of young people under community-based supervision on these types of orders on an average day was in the Australian Capital Territory (45% of young people), compared with 19% in South Australia, 18% in Victoria, 10% in New South Wales and only 3% in Queensland.

The 2,556 young people under supervised or conditional bail and other unsentenced orders during the year were being supervised under 4,373 active orders, an average of 1.7 orders per person. Most (72%) of these orders were supervised or conditional bail; 27% were other unclassified court-referred pre-sentence arrangements and 1% were home detention bail. All of the home detention bail orders occurred in South Australia and most (91%) of the unclassified orders were in Victoria. In the remainder of this section, all these orders are analysed together as unsentenced community-based supervision.

Unsentenced community-based supervised orders such as supervised or conditional bail and similar formed 20% of all community-based supervised orders during the year (excluding Western Australia and the Northern Territory). These types of orders were most common in the Australian Capital Territory, where they formed 82% of all orders during 2008–09. In contrast, they formed 41% of community-based orders in South Australia, 31% of those in Victoria, 16% in New South Wales and only 4% of those in Queensland (these types of orders are not available in Tasmania).

Of the states and territories with available data, most supervised or conditional bail and other unsentenced orders that ended during 2008–09 were successfully completed – 76% in New South Wales, 86% in South Australia, 98% in Victoria and 100% in the Australian Capital Territory (Table A19 and Table A44). Most supervised or conditional bail and similar orders that were successfully completed lasted a relatively short period of time, however, this varied somewhat between the states and territories (excluding Queensland, Western Australia and the Northern Territory as data were unavailable) (Figure 6.13). In the Australian Capital Territory, over 60% of completed unsentenced community-based orders ended within 1 month, but only one-quarter or less of these orders ended within 1 month in the remaining jurisdictions, and over one-quarter (29%) lasted for 4 or more months in South Australia.



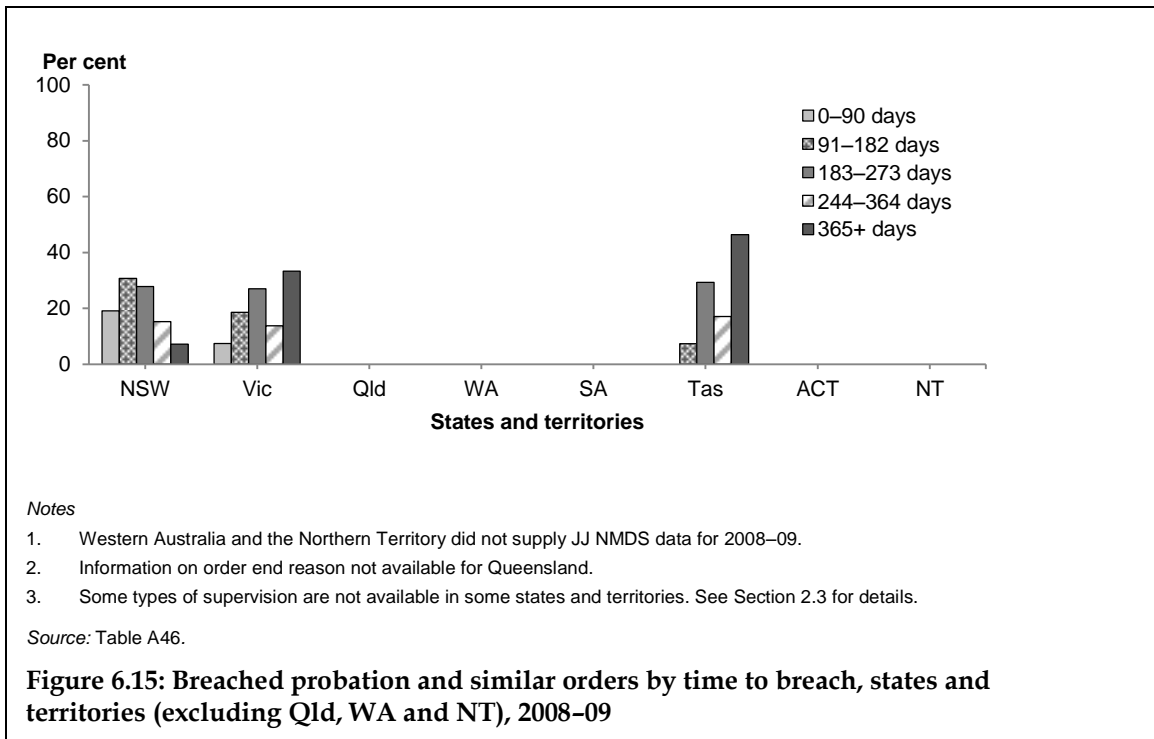
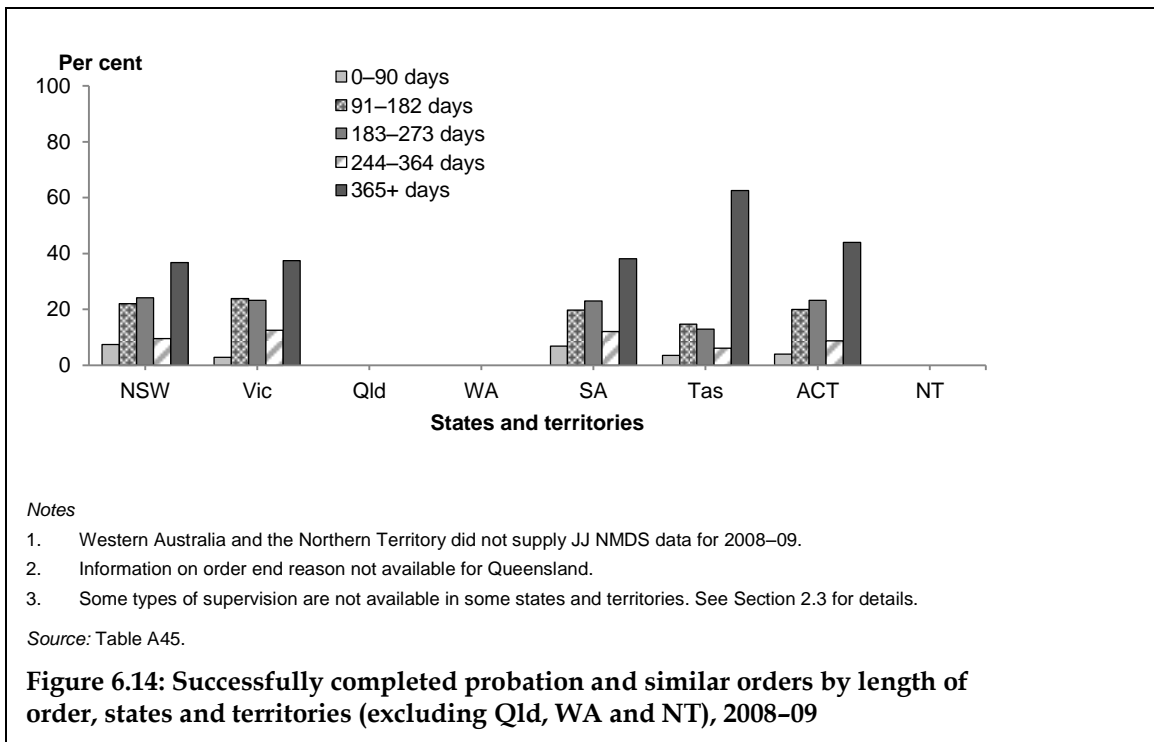
## Probation and similar orders

Most (8,859 or 82%) of the young people who were under community-based supervision during 2008-09 were on probation or similar supervision at some time during the year (excluding Western Australia and the Northern Territory) (Table 6.8). The proportion of all young people under community-based supervision on probation or a similar order during the year was high in all states and territories that provided JJ NMDS data, and ranged from 50% in South Australia to 96% in Queensland. These proportions were similar on an average day.

These 8,859 young people had 15,479 active probation and similar community-based orders during the year, meaning that each young person had an average of 1.7 probation orders. Nationally, (excluding Western Australia and the Northern Territory), more than two-thirds (69%) of all orders in 2008-09 were probation and similar; the proportion of probation and similar orders in each state and territory ranged from 18% in the Australian Capital Territory to 87% in Queensland.

All (100%) probation or similar community-based orders that ended during 2008-09 in the Australian Capital Territory were successfully completed (Table A19 and Table A45). This proportion was close to 90% in Victoria and South Australia and around 80% in Tasmania, but only 43% in New South Wales (excluding Western Australia, the Northern Territory and Queensland). In all states and territories (excluding Western Australia, the Northern Territory and Queensland), more than one-third of successfully completed orders lasted more than one year; the proportion ranged from around 37-38% in New South Wales, Victoria and South Australia to 44% in the Australian Capital Territory and 63% in Tasmania (Figure 6.14). Between one-fifth and one-quarter (20-24%) lasted 3-6 months in New South Wales, South Australia and the Australian Capital Territory; only 15% were of this length in Tasmania.

Of those states and territories for which data were available, (excluding Western Australia, the Northern Territory and Queensland), breaches occurred in New South Wales, Victoria and Tasmania (Table A46). The rate of breaches was highest in New South Wales, where 57% of these orders were breached and lowest in South Australia and the Australian Capital Territory, where none were breached. Only 12% were breached in Victoria (where less than 1% ended for other reasons) and 10% in Tasmania (where 8% ended for other reasons). While half (50%) of those breached in New South Wales were breached in the first 6 months, only one-quarter (26%) in Victoria and 7% in Tasmania were breached in this period (Figure 6.15). One-third of breaches in Victoria and 46% of those in Tasmania occurred at least one year after the order began.



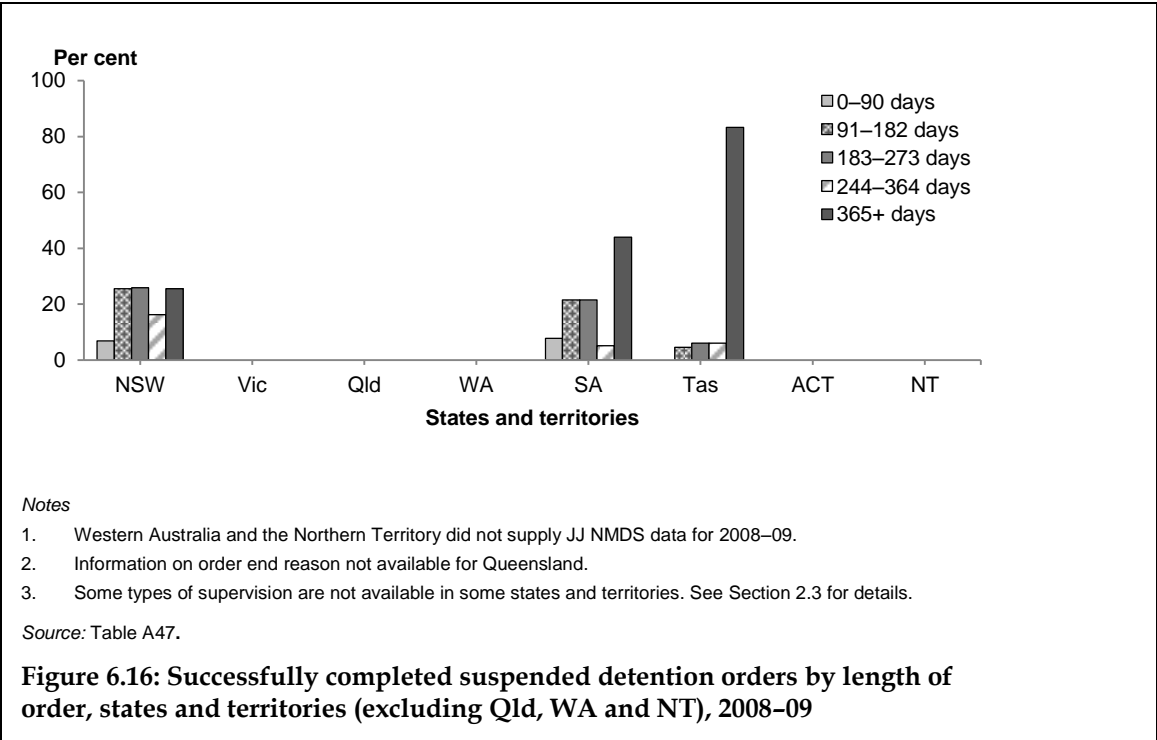
## Suspended detention

Nationally (excluding Western Australia and the Northern Territory), one in ten (1,031) young people who were under community-based supervision during the year were under a

suspended detention order at some time (Table 6.8). Among the states and territories that provided JJ NMDS data, the proportion of all young people under community-based detention with suspended detention during the year ranged from 9% in Queensland to 32% in Tasmania (suspended detention is not available in Victoria). Similarly, on an average day there were about 400 young people on suspended detention, or around 8% of all those under community-based detention.

During 2008–09, the 1,031 young people on suspended detention were on a total of 1,422 suspended detention orders, an average of 1.4 orders per young person (excluding Western Australia and the Northern Territory). Nationally, 6% of all orders in 2008–09 were suspended detention orders; this proportion ranged from 7% in Queensland to 21% in Tasmania.

In South Australia and Tasmania, around 83% of suspended detention orders that ended during 2008–09 were successfully completed, while in New South Wales, the proportion was around 60%; data were not supplied by Western Australia, the Northern Territory and Queensland (Table A19 and Table A47). Of the suspended detention orders that were successfully completed in 2008–09, over 80% of orders in Tasmania lasted more than 1 year, as did almost half (44%) of those in South Australia (excluding Western Australia, the Northern Territory and Queensland) ( Figure 6.16). In contrast, around one-quarter (26%) of those in New South Wales lasted 3–6 months, another quarter (26%) lasted 6–9 months and a further quarter (26%) lasted more than one year.



### Parole or supervised release

Of those who were under community-based supervision during 2008–09, only a small proportion (5% or almost 500 people) were on parole (also known as supervised release in some states and territories) at some time during the year (excluding Western Australia and

the Northern Territory; Table 6.8). On an average day, there were 173 young people on parole or supervised release, which accounted for 3% of all those under community-based supervision on an average day. Most of those on parole or supervised release (76% on an average day and 66% during the year) were in Victoria (excluding Western Australia and the Northern Territory). Victoria also had the highest proportion of all young people under community-based supervision on parole or supervised release, at around one in ten (12%) during the year, followed by Tasmania (8%) and Queensland (5%). Parole or supervised release was not available in the Australian Capital Territory.

There were 554 parole or supervised release orders during the year, which equates to around 1.1 orders per young person who experienced parole. Nationally, the 554 parole orders accounted for less than 3% of all orders during the year (excluding Western Australia and the Northern Territory). Victoria had the highest proportion of parole orders among the states and territories (8%), followed by Tasmania (5%).

## 7. Detention

As with community-based supervision, a young person can be detained while awaiting an initial court appearance for an alleged offence, waiting for a court hearing or outcome, or serving a sentence following the finalisation of a court case. Usually, young people in detention who are unsentenced have been remanded in custody by a court until their next court appearance. However, in some states and territories it is possible for the police to place young people in juvenile detention until their first appearance in court. In this chapter, 'unsentenced' refers to both those young people who are remanded in detention by a court and those awaiting their initial court appearance (in contrast, unsentenced young people supervised by a juvenile justice agency in the community have usually already had their initial court appearance). Where analyses exclude young people who have been placed in detention by police and only includes those remanded by a court, the term 'remand' is used.

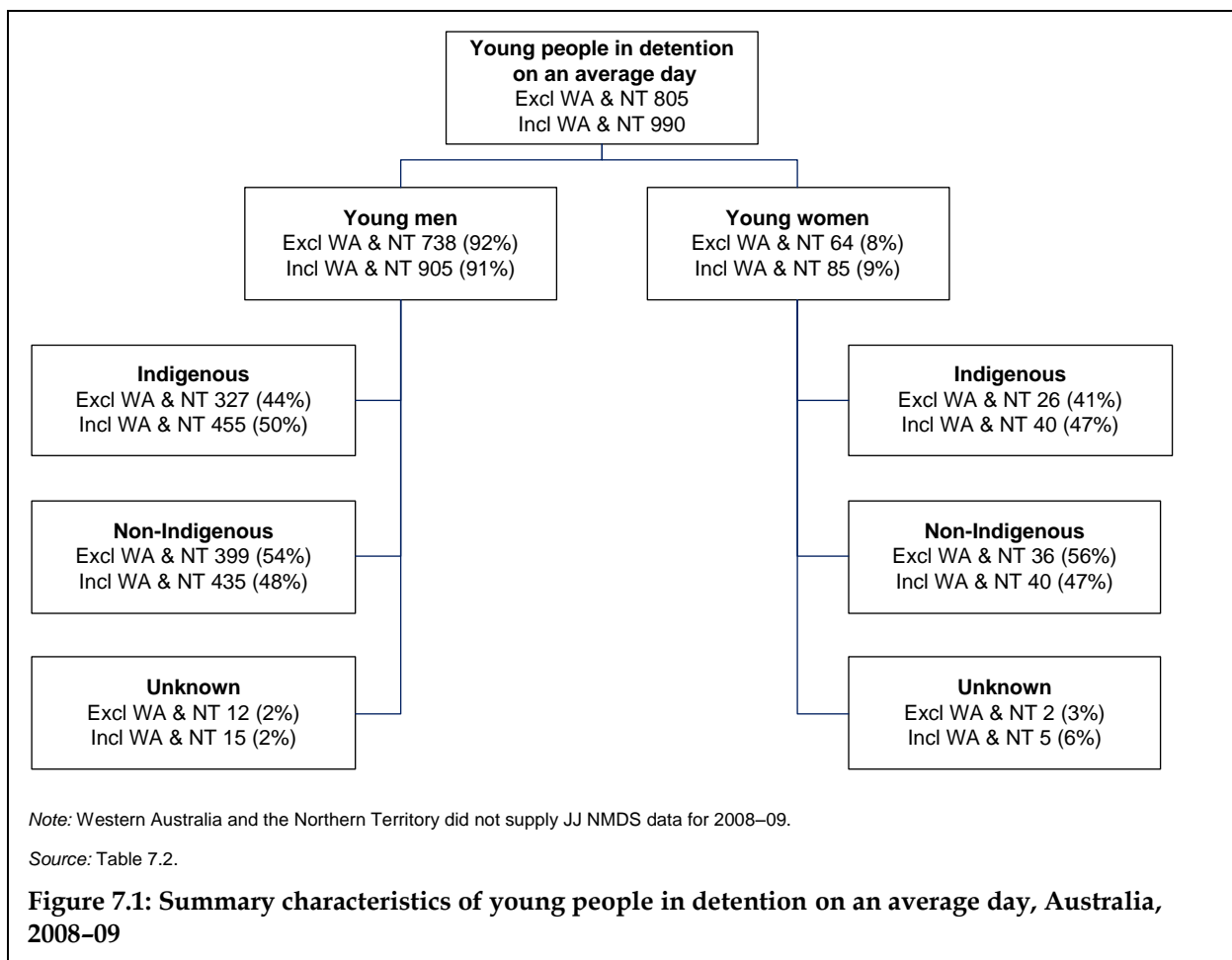
This chapter contains information about the young people who were in juvenile justice detention, including their legal status, age at first supervision and the remoteness and socioeconomic status of their usual residence. It also contains information on receptions and releases and the time spent in detention.

Western Australia and the Northern Territory did not provide data in standard format for 2008–09. Approximate national totals are provided where additional data were available (see Chapter 3 'Data and methods' for more details) and these are noted in the text and accompanying tables and figures as 'including Western Australia and the Northern Territory'. The sections on first supervision, remoteness of usual residence, socioeconomic status of usual residence, legal status and length of detention do not include Western Australia and the Northern Territory.

### 7.1 Summary

There were almost 1,000 young people in detention on an average day and around 5,900 in detention during the year in 2008–09, including Western Australia and the Northern Territory (Figure 7.1). In those states and territories that supplied JJ NMDS data, there were 805 young people in detention on an average day and 4,714 young people in detention during the year.

Nationally (including Western Australia and the Northern Territory), most of those detained were male (91% on an average day). In contrast to community-based supervision, a similar proportion of young women and young men in detention were Indigenous. Around half (47% for young women and 50% for young men) were Indigenous, which is much higher than the proportions found in the general population.



While the overall detention rate is relatively low, the rate of detention for Indigenous young people is considerably higher than the equivalent rate for non-Indigenous young people. Including Western Australia and the Northern Territory, there were 0.4 young people for every 1,000 aged 10–17 in detention on an average day in 2008–09, and 2 per 1,000 during the year. Four out of every 1,000 Indigenous young people aged 10–17 years were detained on an average day, a rate that is 24 times as high as the equivalent non-Indigenous rate. The detention rate increased slightly over the four years from 2005–06, from 0.3 to 0.4 per 1,000.

Young people from remote and disadvantaged areas were more likely to be in detention than young people from *Major cities* and advantaged areas. Excluding Western Australia and the Northern Territory, young people aged 10–17 years from *Very remote* Australia were 5 times as likely to be in detention on an average day as those from *Major cities*. Young people from areas of low socioeconomic status were almost 6 times as likely to be in detention on an average day as those from areas of high socioeconomic status.

On any given day in 2008–09, just over half (53%) of those in detention were unsentenced; the proportion was similar (54%) when estimates for Western Australia and the Northern Territory were included. Almost one-fifth (19%) of young people in detention during the year were in both sentenced and unsentenced detention at some time during 2008–09.

Sentenced detention periods were, on average, around 11 times as long as unsentenced detention periods, with a median length of 55 days for sentenced detention and 5 days for unsentenced detention (excluding Western Australia and the Northern Territory, for which data were unavailable). However, the time spent in sentenced detention over the course of



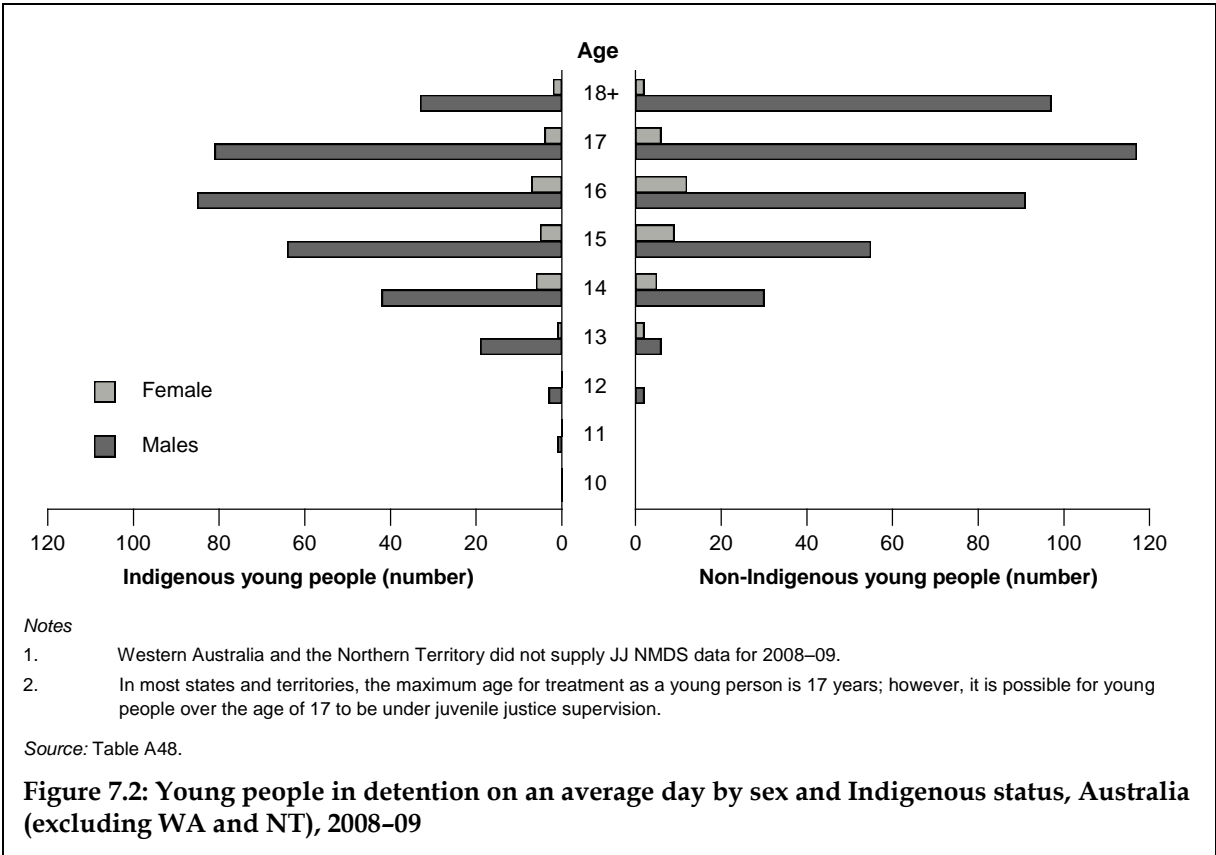
the year was only twice as long as the time spent in unsentenced detention: young people who were in sentenced detention during the year spent a total of 101 days in sentenced detention, on average, compared with 52 days for those in unsentenced detention during the year.

## 7.2 Number and rate of young people in detention

### Number in detention

Excluding Western Australia and the Northern Territory, nearly all (92%) of the 805 young people in detention on an average day in 2008–09 were male and just over half (54%) were non-Indigenous (Figure 7.2). Most of those in detention on an average day were in the older age groups – over half (51%) were aged 16 or 17 years.

Indigenous young people were particularly over-represented in the younger age groups, and for each individual year of age from 10 to 15, Indigenous young people outnumbered non-Indigenous young people (excluding Western Australia and the Northern Territory). Almost 70% of those aged 10–13 years were Indigenous, while almost 60% of those aged 14 years and just over half of those aged 15 years were Indigenous. However, the pattern was reversed for those aged 18 years and older. Only one-quarter (26%) of those in this age group were Indigenous.



Nationally (including Western Australia and the Northern Territory), almost half (44%) of those in detention on an average day were in New South Wales, while only 14% were in Victoria and 12% were in Queensland (Table 7.1). Most (80%) in detention were aged 10–17 years, which is the age for treatment as a young person in most states and territories, but

almost half (46%) of those in detention in Victoria were aged 18 years and older; this is likely because of the 'dual track' sentencing system that operates in that state. In contrast, 13% of those in New South Wales were aged 18 years and older while only 5% were of this age in Queensland, where the maximum age for treatment as a young person is 16 years.

In every state and territory (excluding Western Australia and the Northern Territory), most of those in detention on an average day were boys or young men; the proportion of young women in detention on an average day ranged from 5% in Victoria to 20% in the Australian Capital Territory (excluding Western Australia and the Northern Territory).

Indigenous young people were over-represented in detention. On an average day in 2008-09, 44% of young people in detention were Indigenous; this proportion increases to 50% when estimates from Western Australia and the Northern Territory are included (Table 7.2). The proportion of Indigenous young people in detention on an average day ranged from 18% in Victoria to 60% in Queensland (excluding Western Australia and the Northern Territory).

Slightly higher proportions of young men than young women in detention were Indigenous: 44% of young men and 41% of young women in detention on an average day were Indigenous (or 50% of young men and 47% of young women including estimates for Western Australia and the Northern Territory). This pattern was evident in all states and territories (excluding Western Australia and the Northern Territory) except Tasmania, where only 9 out of the 27 (33%) of young men in detention on an average day were Indigenous, while there was an average 2 Indigenous young women and 1 non-Indigenous young woman on each day in 2008-09.

**Table 7.1: Young people in detention by age, states and territories, 2008–09**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—average day<sup>(b)</sup></b>										
10	0	—	—	n.a.	—	0	0	n.a.	—	n.a.
11	—	0	—	n.a.	—	0	0	n.a.	1	n.a.
12	3	—	1	n.a.	1	—	—	n.a.	6	n.a.
13	14	2	8	n.a.	2	—	1	n.a.	28	n.a.
14	46	5	20	n.a.	7	5	3	n.a.	85	n.a.
15	73	14	28	n.a.	12	5	3	n.a.	136	n.a.
16	105	24	44	n.a.	14	8	2	n.a.	198	n.a.
17	141	28	13	n.a.	18	9	5	n.a.	213	n.a.
10–17	383	73	115	n.a.	55	28	14	n.a.	668	795
18+	55	62	6	n.a.	12	2	1	n.a.	137	195
<b>Total</b>	<b>437</b>	<b>135</b>	<b>121</b>	<b>n.a.</b>	<b>68</b>	<b>29</b>	<b>15</b>	<b>n.a.</b>	<b>805</b>	<b>990</b>
<b>Number of young people—during the year</b>										
10	0	1	1	n.a.	5	0	0	n.a.	7	n.a.
11	8	0	5	n.a.	2	0	0	n.a.	15	n.a.
12	49	3	22	n.a.	21	2	1	n.a.	98	n.a.
13	132	20	60	n.a.	49	4	15	n.a.	280	n.a.
14	316	52	132	n.a.	72	21	23	n.a.	616	n.a.
15	502	92	162	n.a.	115	27	33	n.a.	931	n.a.
16	598	125	244	n.a.	119	38	39	n.a.	1,163	n.a.
17	721	119	46	n.a.	135	44	47	n.a.	1,112	n.a.
10–17	2,326	412	672	n.a.	518	136	158	n.a.	4,222	5,395
18+	210	202	12	n.a.	54	9	5	n.a.	492	515
<b>Total</b>	<b>2,536</b>	<b>614</b>	<b>684</b>	<b>n.a.</b>	<b>572</b>	<b>145</b>	<b>163</b>	<b>n.a.</b>	<b>4,714</b>	<b>5,910</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people.

(b) Number of young people on an average day may not sum to total due to rounding.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown age.
3. Number of young people on an average day may not sum to total due to rounding.
4. Age calculated as at start of financial year if first period of supervision began before the start of the financial year, otherwise age calculated as at start of first period of supervision.

**Table 7.2: Young people in detention by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number of young people—average day<sup>(b)</sup></b>										
<b>Male</b>										
Indigenous	198	22	66	n.a.	27	9	5	n.a.	327	455
Non-Indigenous	195	105	42	n.a.	32	18	7	n.a.	399	435
Unknown	9	1	2	n.a.	—	—	0	n.a.	12	15
<b>Total</b>	<b>402</b>	<b>128</b>	<b>110</b>	<b>n.a.</b>	<b>59</b>	<b>27</b>	<b>12</b>	<b>n.a.</b>	<b>738</b>	<b>905</b>
<b>Female</b>										
Indigenous	12	1	6	n.a.	3	2	1	n.a.	26	40
Non-Indigenous	19	6	4	n.a.	6	1	1	n.a.	36	40
Unknown	2	0	0	n.a.	—	0	0	n.a.	2	5
<b>Total</b>	<b>33</b>	<b>7</b>	<b>11</b>	<b>n.a.</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>n.a.</b>	<b>64</b>	<b>85</b>
<b>All young people</b>										
Indigenous	210	24	72	n.a.	29	11	7	n.a.	353	495
Non-Indigenous	217	111	46	n.a.	38	18	8	n.a.	438	480
Unknown	11	1	2	n.a.	—	—	0	n.a.	14	15
<b>Total</b>	<b>437</b>	<b>135</b>	<b>121</b>	<b>n.a.</b>	<b>68</b>	<b>29</b>	<b>15</b>	<b>n.a.</b>	<b>805</b>	<b>990</b>
<b>Number of young people—during the year</b>										
<b>Male</b>										
Indigenous	803	86	302	n.a.	174	35	29	n.a.	1,429	n.a.
Non-Indigenous	1,301	459	255	n.a.	266	93	100	n.a.	2,474	n.a.
Unknown	66	2	5	n.a.	1	3	0	n.a.	77	n.a.
<b>Total</b>	<b>2,170</b>	<b>547</b>	<b>562</b>	<b>n.a.</b>	<b>441</b>	<b>131</b>	<b>129</b>	<b>n.a.</b>	<b>3,980</b>	<b>4,975</b>
<b>Female</b>										
Indigenous	148	16	58	n.a.	46	5	5	n.a.	278	n.a.
Non-Indigenous	191	50	64	n.a.	80	9	29	n.a.	423	n.a.
Unknown	24	0	0	n.a.	1	0	0	n.a.	25	n.a.
<b>Total</b>	<b>363</b>	<b>66</b>	<b>122</b>	<b>n.a.</b>	<b>127</b>	<b>14</b>	<b>34</b>	<b>n.a.</b>	<b>726</b>	<b>925</b>
<b>All young people</b>										
Indigenous	951	102	360	n.a.	220	40	34	n.a.	1,707	n.a.
Non-Indigenous	1,495	510	319	n.a.	350	102	129	n.a.	2,905	n.a.
Unknown	90	2	5	n.a.	2	3	0	n.a.	102	n.a.
<b>Total</b>	<b>2,536</b>	<b>614</b>	<b>684</b>	<b>n.a.</b>	<b>572</b>	<b>145</b>	<b>163</b>	<b>n.a.</b>	<b>4,714</b>	<b>5,910</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people and therefore may not sum to total.

(b) Number of young people on an average day may not sum to total due to rounding.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown sex and Indigenous status.
3. Number of young people on an average day may not sum to total due to rounding.

## Rates of detention

Overall, very few young people are detained in Australia. In 2008–09, there were 0.3 young people aged 10–17 years in detention on an average day for every 1,000 young people in the general community (excluding Western Australia and the Northern Territory), and 0.4 young people per 1,000 when estimates for Western Australia and the Northern Territory are included (Table 7.3). During the year, 2.1 young people per 1,000, or 0.2% of the general population aged 10–17 years, were detained at some point (excluding Western Australia and the Northern Territory), and 2.4 young people per 1,000 when estimates for Western Australia and the Northern Territory are included.).

Despite the overall low detention rate, the level of Indigenous over-representation was high. During the year, Indigenous young people aged 10–17 years were around 15 times as likely to be detained as non-Indigenous young people (excluding Western Australia and the Northern Territory). On an average day, they were around 24 times as likely to be detained as non-Indigenous young people (a similar rate ratio was found when estimates for Western Australia and the Northern Territory were included). The greater level of over-representation on an average day indicates that during the year, Indigenous young people tend to spend more time in detention than non-Indigenous young people.

For both Indigenous and non-Indigenous young people, those who were older were more likely to be detained than those who were younger, although the Indigenous detention rate was highest at 16 years compared with 17 years for non-Indigenous young people. However, the high level of Indigenous over-representation was especially prominent at younger ages. While a 17 year old Indigenous young person was 18 times as likely to be detained on an average day as a 17 year old non-Indigenous young person (excluding Western Australia and the Northern Territory), this increased to 22 times for 16 year olds, 27 times for 15 year olds and 35 times for 14 year olds. For those aged 13 years, an Indigenous young person was 68 times as likely to be detained on an average day as a non-Indigenous young person.

Boys and young men were also over-represented in detention compared with girls and young women, although not to the same extent as Indigenous young people. On an average day, a young man aged 10–17 years was 10 times as likely to be detained as a young woman in the same age range (or 9 times as likely when Western Australia and the Northern Territory are included). However, a young man aged 15 years was 8 times as likely to be detained as a young woman of the same age while a young man aged 17 years was 19 times as likely to be detained (excluding Western Australia and the Northern Territory).

The rates of detention varied somewhat between the states and territories. New South Wales and Tasmania had the highest rates of detention on an average day, at 0.5 young people per 1,000—a rate that was twice as high as Queensland's and four times the Victorian rate, which was the lowest in Australia (excluding Western Australia and the Northern Territory) at 0.1 per 1,000 (Table 7.4).

Both the level of Indigenous and male over-representation varied. Young men aged 10–17 years were around 6 times as likely to be detained on an average day as young women in the same age range in South Australia, but were 12 times as likely in Victoria. Indigenous young people were 9 times as likely to be detained on an average day in Tasmania, but 27 times as likely in Queensland and 35 times as likely in the Australian Capital Territory.

**Table 7.3: Rate of young people aged 10–17 years in detention by age, sex and Indigenous status, Australia (excluding Western Australia and the Northern Territory), 2008–09**

Sex	10	11	12	13	14	15	16	17	10–17 excl WA & NT	10–17 incl WA & NT <sup>(a)</sup>
<b>Detention rate—average day</b>										
<b>Male</b>										
Indigenous	n.p.	n.p.	n.p.	3.79	8.36	12.65	16.85	16.51	7.35	7.27
Non-Indigenous	n.p.	n.p.	n.p.	0.05	0.24	0.44	0.72	0.90	0.30	0.29
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.04</b>	<b>0.20</b>	<b>0.57</b>	<b>0.93</b>	<b>1.35</b>	<b>1.50</b>	<b>0.59</b>	<b>0.62</b>
<b>Female</b>										
Indigenous	n.p.	n.p.	n.p.	n.p.	1.27	1.09	1.47	n.p.	0.63	0.70
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	0.05	0.08	0.10	0.05	0.04	0.03
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.09</b>	<b>0.12</b>	<b>0.16</b>	<b>0.08</b>	<b>0.06</b>	<b>0.07</b>
<b>All young people</b>										
Indigenous	n.p.	n.p.	n.p.	2.05	4.91	7.03	9.39	8.90	4.07	4.12
Non-Indigenous	n.p.	n.p.	n.p.	0.03	0.14	0.26	0.42	0.49	0.17	0.17
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.02</b>	<b>0.11</b>	<b>0.34</b>	<b>0.53</b>	<b>0.77</b>	<b>0.81</b>	<b>0.33</b>	<b>0.35</b>
<b>Detention rate—during the year</b>										
<b>Male</b>										
Indigenous	n.p.	2.22	9.27	24.22	40.13	55.26	69.92	61.99	32.97	n.a.
Non-Indigenous	n.p.	n.p.	0.26	0.74	2.12	3.59	4.88	5.20	2.16	n.a.
<b>Total</b>	<b>n.p.</b>	<b>0.12</b>	<b>0.62</b>	<b>1.67</b>	<b>3.66</b>	<b>5.70</b>	<b>7.50</b>	<b>7.46</b>	<b>3.42</b>	<b>3.85</b>
<b>Female</b>										
Indigenous	n.p.	n.p.	1.24	4.99	9.80	13.83	15.23	9.04	6.79	n.a.
Non-Indigenous	n.p.	n.p.	0.10	0.33	0.75	0.93	0.79	0.48	0.43	n.a.
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.16</b>	<b>0.53</b>	<b>1.11</b>	<b>1.49</b>	<b>1.36</b>	<b>0.85</b>	<b>0.70</b>	<b>0.80</b>
<b>All young people</b>										
Indigenous	n.p.	1.13	5.31	14.87	25.36	35.13	43.40	36.19	20.19	n.a.
Non-Indigenous	n.p.	n.p.	0.18	0.54	1.46	2.30	2.89	2.91	1.32	n.a.
<b>Total</b>	<b>0.03</b>	<b>0.06</b>	<b>0.40</b>	<b>1.12</b>	<b>2.43</b>	<b>3.65</b>	<b>4.51</b>	<b>4.25</b>	<b>2.10</b>	<b>2.37</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of supervision began before the start of the financial year, otherwise age calculated as at start of first period of supervision.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.

Source: Table A48.

**Table 7.4: Rate of young people aged 10–17 years in detention by sex and Indigenous status, states and territories, 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Detention rate—average day</b>										
<b>Male</b>										
Indigenous	11.21	3.66	4.29	n.a.	7.85	4.57	11.24	n.a.	7.35	7.27
Non-Indigenous	0.45	0.20	0.16	n.a.	0.31	0.62	0.38	n.a.	0.30	0.29
<b>Total</b>	<b>0.93</b>	<b>0.24</b>	<b>0.42</b>	<b>n.a.</b>	<b>0.56</b>	<b>0.89</b>	<b>0.65</b>	<b>n.a.</b>	<b>0.59</b>	<b>0.62</b>
<b>Female</b>										
Indigenous	0.76	n.p.	0.45	n.a.	n.p.	n.p.	n.p.	n.a.	0.63	0.70
Non-Indigenous	0.05	0.02	0.02	n.a.	0.07	n.p.	n.p.	n.a.	0.04	0.03
<b>Total</b>	<b>0.09</b>	<b>0.02</b>	<b>0.05</b>	<b>n.a.</b>	<b>0.10</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.a.</b>	<b>0.06</b>	<b>0.07</b>
<b>All young people</b>										
Indigenous	6.12	1.91	2.42	n.a.	4.36	2.82	7.60	n.a.	4.07	4.12
Non-Indigenous	0.26	0.11	0.09	n.a.	0.20	0.33	0.22	n.a.	0.17	0.17
Rate ratio	23.54	17.36	26.89	n.a.	21.80	8.55	34.55	n.a.	23.94	24.24
<b>Total</b>	<b>0.52</b>	<b>0.13</b>	<b>0.24</b>	<b>n.a.</b>	<b>0.34</b>	<b>0.51</b>	<b>0.40</b>	<b>n.a.</b>	<b>0.33</b>	<b>0.35</b>
<b>Detention rate—during the year</b>										
<b>Male</b>										
Indigenous	46.11	18.43	19.59	n.a.	55.50	16.78	61.09	n.a.	32.97	n.a.
Non-Indigenous	3.26	1.06	1.06	n.a.	2.95	3.37	5.73	n.a.	2.16	n.a.
<b>Total</b>	<b>5.26</b>	<b>1.27</b>	<b>2.24</b>	<b>n.a.</b>	<b>4.72</b>	<b>4.39</b>	<b>7.11</b>	<b>n.a.</b>	<b>3.42</b>	<b>3.85</b>
<b>Female</b>										
Indigenous	9.18	3.31	3.99	n.a.	14.91	2.68	n.p.	n.a.	6.79	n.a.
Non-Indigenous	0.54	0.16	0.29	n.a.	0.99	0.32	1.67	n.a.	0.43	n.a.
<b>Total</b>	<b>0.98</b>	<b>0.20</b>	<b>0.52</b>	<b>n.a.</b>	<b>1.48</b>	<b>0.49</b>	<b>1.87</b>	<b>n.a.</b>	<b>0.70</b>	<b>0.80</b>
<b>All young people</b>										
Indigenous	28.12	10.92	12.01	n.a.	35.43	9.80	37.58	n.a.	20.19	n.a.
Non-Indigenous	1.94	0.62	0.69	n.a.	2.01	1.89	3.73	n.a.	1.32	n.a.
Rate ratio	14.49	17.61	17.41	n.a.	17.63	5.19	10.08	n.a.	15.30	n.a.
<b>Total</b>	<b>3.17</b>	<b>0.75</b>	<b>1.40</b>	<b>n.a.</b>	<b>3.15</b>	<b>2.49</b>	<b>4.53</b>	<b>n.a.</b>	<b>2.10</b>	<b>2.37</b>

(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available. Numbers were rounded to the nearest 5 young people and therefore may not sum to total.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of detention began before the start of the financial year, otherwise age calculated as at start of first period of detention.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.

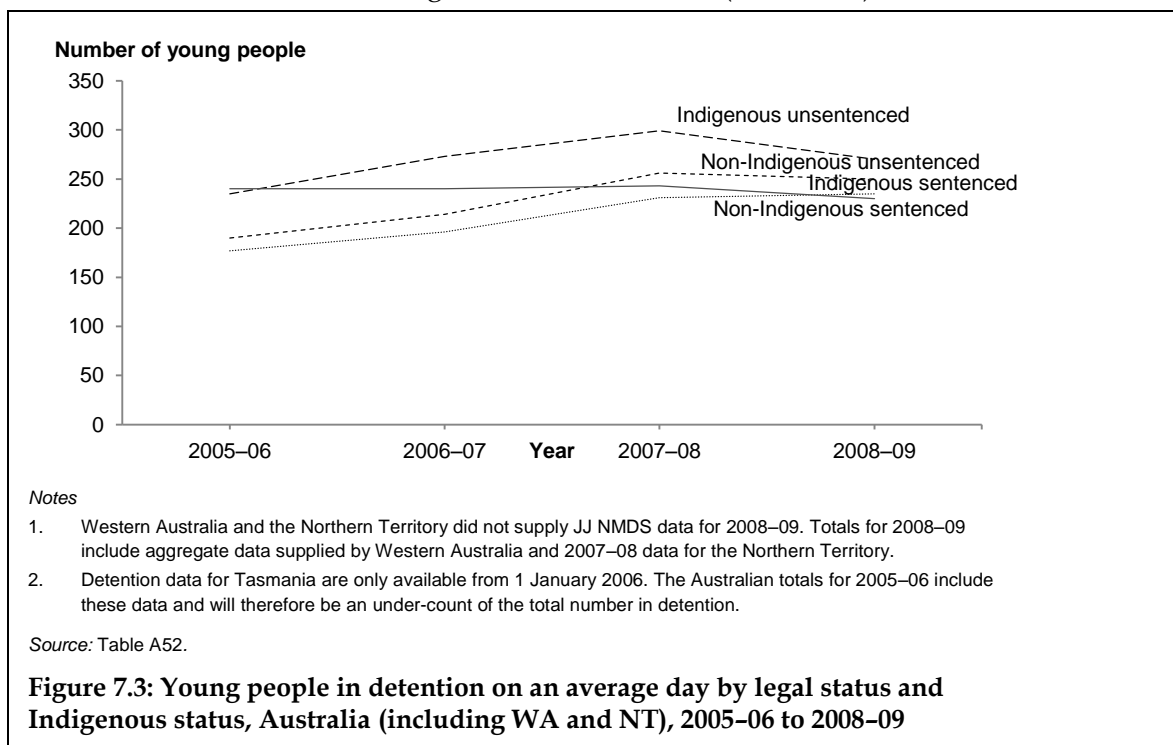
Source: Table A49.

## Trends

Over the four years from 2005–06 to 2008–09, the total number of young people in detention on an average day (including Western Australia and the Northern Territory) increased by 19%; the percentage increase was greater for Indigenous young people than for non-Indigenous young people (28% compared with 9%) (Table A52). However, for both Indigenous and non-Indigenous young people, there was a small decrease in the most recent year from 2007–08 to 2008–09 (4% for Indigenous and 2% for non-Indigenous).

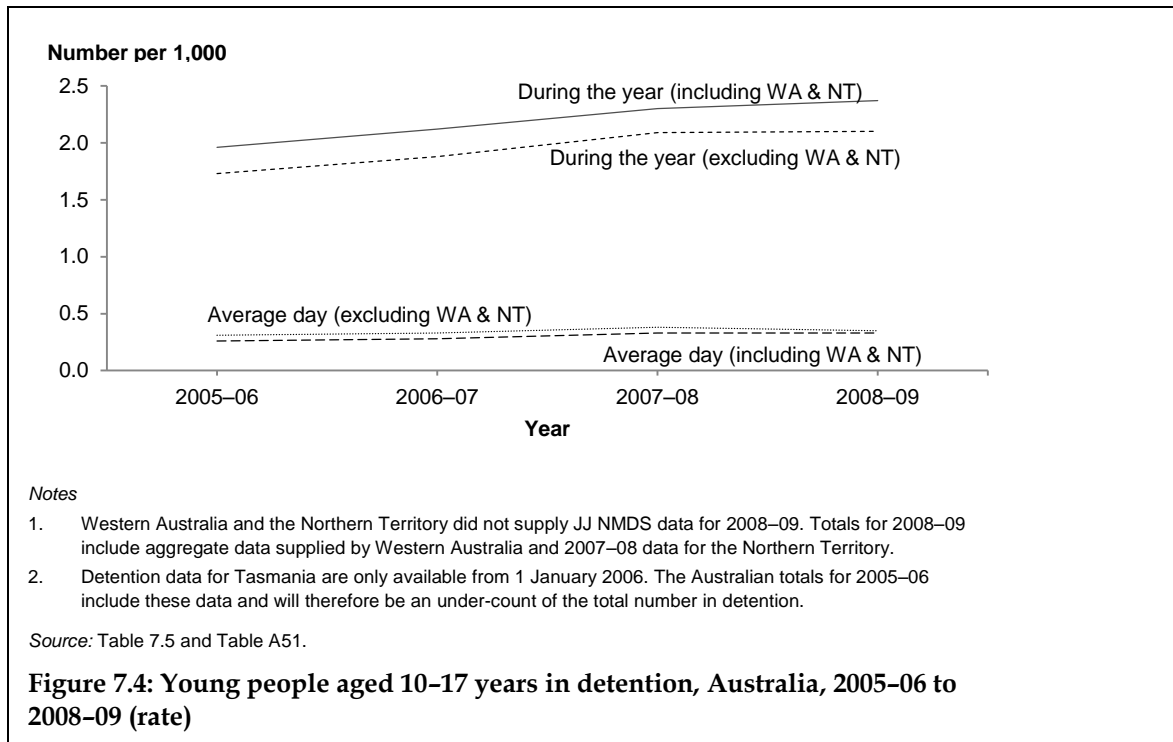
This change in the number of young people in detention on an average day is partly driven by the changing use of detention. Over the four years, the trends are similar for both Indigenous and non-Indigenous unsentenced detainees as well as Indigenous sentenced detainees – a steady increase from 2005–06 to 2007–08 before a decrease to 2008–09 (Figure 7.3). However, the number of non-Indigenous sentenced detainees showed a slight but steady decrease over the same period.

Overall, there were few clear patterns in trends among the states and territories. Average daily detention numbers increased in each of the four years from 2005–06 in New South Wales and increased in each of the first three years in Queensland and South Australia, with no clear trends in the remaining states and territories (Table A52).



Over the four years from 2005–06 to 2008–09, the detention rate on an average day increased slightly, with an extra 7 young people for every 100,000 aged 10–17 years in detention on an average day in 2008–09 (Figure 7.4). (The level of increase was similar when estimates for Western Australia and the Northern Territory are included.) There was also an increase in the detention rate during the year, with an extra 37 young people for every 100,000 aged 10–17 years in detention during the year in 2008–09 (excluding Western Australia and the Northern Territory).





Nationally, the rate of detention on an average day for non-Indigenous young people remained relatively stable over the four years (between 0.14 and 0.18 per 1,000 in each year) while the Indigenous rate increased slightly in each year from 2005-06 to 2007-08 but fell in the most recent year (Table 7.5). (The patterns were similar for both excluding and including Western Australia and the Northern Territory.) Excluding Western Australia and the Northern Territory, there was little improvement in the level of Indigenous over-representation over the four years; it remained at 24-25 times the non-Indigenous rate, but when estimates for Western Australia and the Northern Territory were included, there was a slight decrease between 2006-07 to 2008-09 from 28 times to 24 times the non-Indigenous rate (Figure 7.5).

There were few consistent trends in the states and territories. The average daily detention rate increased slightly in each year from 2005-06 to 2008-09 in New South Wales, with an additional 17 young people per 100,000 in detention by 2008-09 (Table 7.5). The detention rate also increased over the four years in South Australia, although it did not increase in each individual year. It increased in each of the three years of available data for Western Australia, decreased in the Northern Territory and remained relatively steady in Victoria. There were no clear patterns in the remaining states and territories. Similarly, there were no clear trends in the level of Indigenous over-representation (Figure 7.5).

**Table 7.5: Rate of young people aged 10–17 years in detention on an average day by Indigenous status, states and territories, 2005–06 to 2008–09**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>2005–06<sup>(b)</sup></b>										
Indigenous	4.47	2.26	2.50	6.75	3.42	n.a.	9.96	3.98	3.37	3.88
Non-Indigenous	0.17	0.09	0.12	0.15	0.18	n.a.	0.29	0.33	0.14	0.14
Rate ratio	26.29	25.11	20.83	45.00	19.00	n.a.	34.34	12.06	24.07	27.71
<b>Total</b>	<b>0.35</b>	<b>0.12</b>	<b>0.26</b>	<b>0.52</b>	<b>0.28</b>	<b>n.a.</b>	<b>0.50</b>	<b>1.87</b>	<b>0.26</b>	<b>0.31</b>
<b>2006–07</b>										
Indigenous	4.90	1.68	2.83	7.66	3.80	3.22	6.27	3.72	3.69	4.22
Non-Indigenous	0.19	0.08	0.12	0.17	0.18	0.35	0.29	n.p.	0.15	0.15
Rate ratio	25.79	21.00	23.58	45.06	21.11	9.20	21.62	n.a.	24.60	28.13
<b>Total</b>	<b>0.39</b>	<b>0.10</b>	<b>0.29</b>	<b>0.60</b>	<b>0.30</b>	<b>0.55</b>	<b>0.42</b>	<b>1.70</b>	<b>0.28</b>	<b>0.33</b>
<b>2007–08</b>										
Indigenous	5.93	2.15	2.89	8.83	4.92	3.37	8.66	2.82	4.27	4.71
Non-Indigenous	0.22	0.10	0.13	0.18	0.20	0.27	0.26	n.p.	0.18	0.18
Rate ratio	26.95	21.50	22.23	49.06	24.60	12.48	33.31	n.a.	23.70	26.06
<b>Total</b>	<b>0.47</b>	<b>0.12</b>	<b>0.30</b>	<b>0.68</b>	<b>0.36</b>	<b>0.49</b>	<b>0.46</b>	<b>1.31</b>	<b>0.33</b>	<b>0.38</b>
<b>2008–09</b>										
Indigenous	6.12	1.91	2.42	n.a.	4.36	2.82	7.60	n.a.	4.07	4.12
Non-Indigenous	0.26	0.11	0.09	n.a.	0.20	0.33	0.22	n.a.	0.17	0.17
Rate ratio	23.54	17.36	26.89	n.a.	21.80	8.55	34.55	n.a.	23.94	24.24
<b>Total</b>	<b>0.52</b>	<b>0.13</b>	<b>0.24</b>	<b>n.a.</b>	<b>0.34</b>	<b>0.51</b>	<b>0.40</b>	<b>n.a.</b>	<b>0.33</b>	<b>0.35</b>

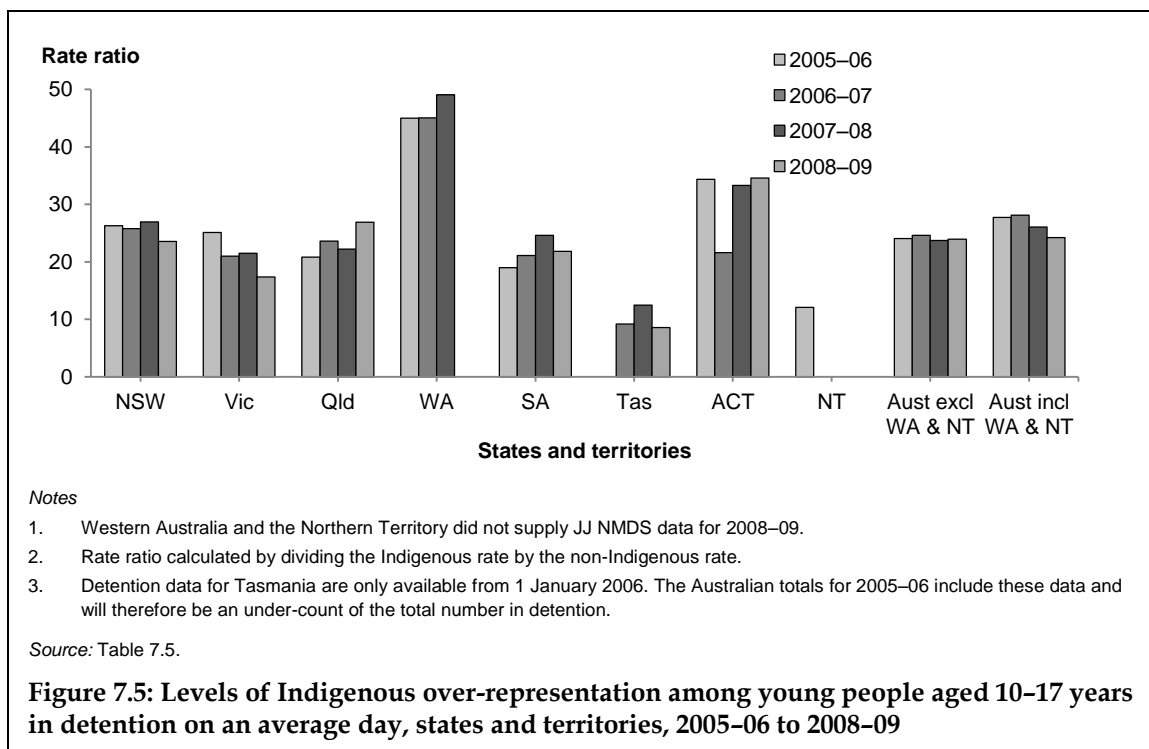
(a) Totals for 2008–09 include aggregate data supplied by Western Australia and 2007–08 data for the Northern Territory, where available.

(b) Detention data for Tasmania are only available from 1 January 2006. The Australian totals for 2005–06 include these data and will therefore be an under-count of the total number in detention.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Age calculated as at start of financial year if first period of detention began before the start of the financial year, otherwise age calculated as at start of first period of detention.
3. Total includes young people of unknown Indigenous status.
4. Rates are number of young people per 1,000 relevant population.
5. Rates are not published where there were fewer than five young people.
6. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

Source: Table A50.



### 7.3 First supervision

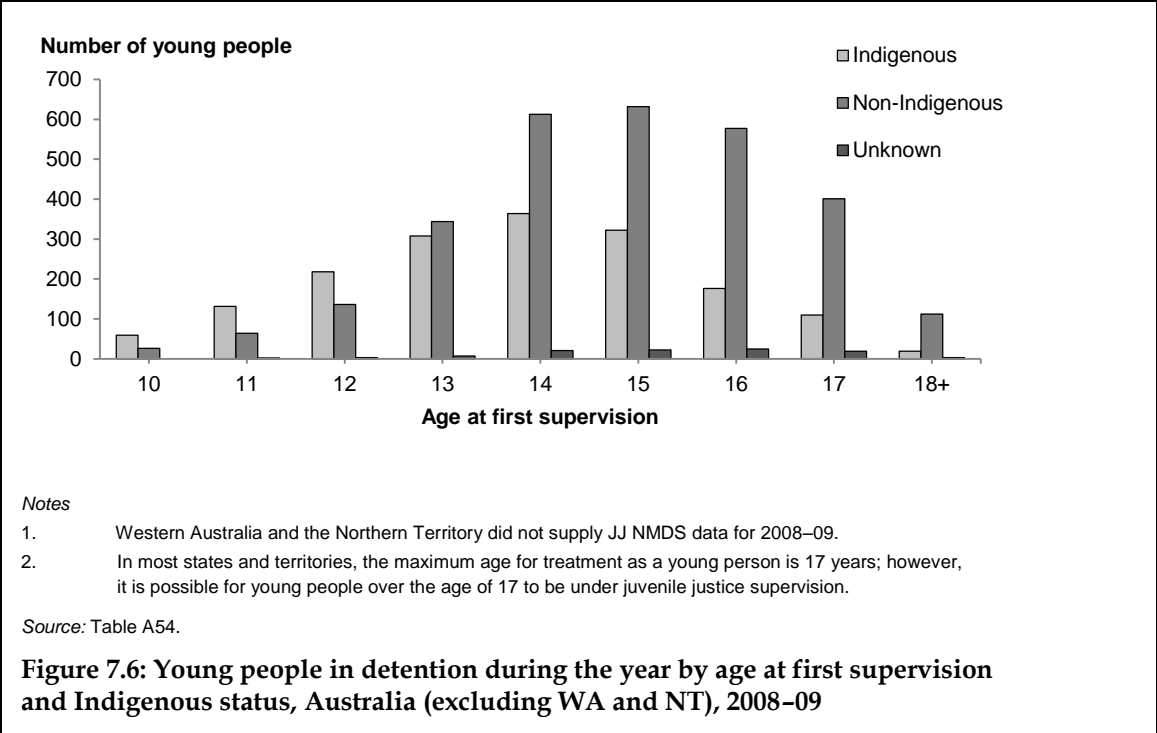
Young people in detention were slightly less likely to have been under supervision in a previous year than those under community-based supervision. Of those in detention in 2008-09 (excluding Western Australia and the Northern Territory), over half (61%) had been under supervision in a previous year, compared with 68% of those under community-based supervision; the remaining 39% were new entrants to juvenile justice supervision in 2008-09 (tables A35 and A53). Of the states and territories that supplied data for the JJ NMDS, the Australian Capital Territory had the highest proportion of new entrants to detention – 55% of those in detention had not been under supervision before 2008-09. South Australia and New South Wales had higher than average proportions of new entrants (47% and 43%, respectively), while the proportions in Victoria (32%), Tasmania (23%) and Queensland (23%) were lower.

Over two-thirds (70%) of young people in detention (excluding Western Australia and the Northern Territory) entered their first supervision aged 14-17 years (figures 7.6 and 7.7). However, as with those under community-based supervision, Indigenous young people tended to enter their first supervision at a younger age. Two in five (42%) Indigenous young people in detention first entered supervision aged 10-13 years compared with 20% of non-Indigenous young people, while only 8% of Indigenous young people were aged 17-18 years at their first supervision, compared with 18% of non-Indigenous young people (Table A54).

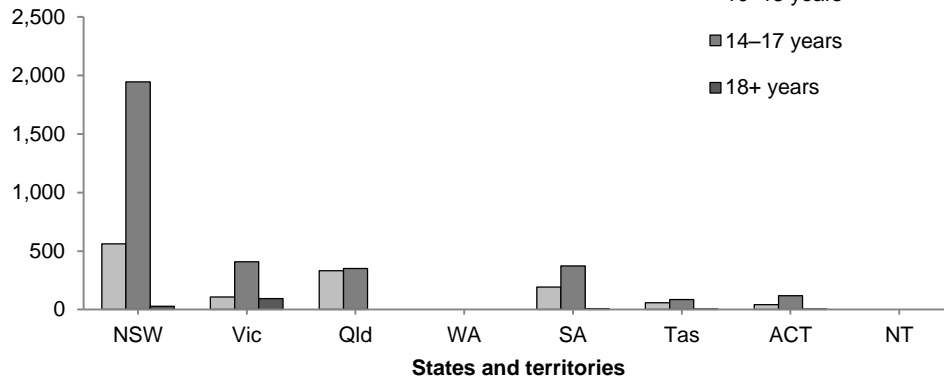
A similar pattern for age at first supervision was found for detainees in each of the states and territories (excluding Western Australia and the Northern Territory), with over half of all detainees in each state and territory first entering supervision aged 14-17 years (Figure 7.7). In New South Wales, 77% of those in detention first entered supervision in this age range,

and 59% of those in detention nationally (excluding Western Australia and the Northern Territory) who first entered supervision at this age were detained in New South Wales, reflecting the large detention population in this state (Table A55). In contrast to the other jurisdictions, detainees in Queensland were almost equally likely to have first been under supervision aged 10–13 years or 14–17 years (49% compared with 51%). The proportion of detainees first being supervised aged 18 years or older was low in most states and territories, but of those who were, over two-thirds (71%) were detained in Victoria, most likely due to the ‘dual track’ sentencing system that operates in this state.

Age at first detention followed similar patterns to age at first supervision – most first entered detention at older ages, but Indigenous young people were more likely to have their first detention at younger ages than non-Indigenous young people. Three quarters (75%) of those detained in 2008–09 (excluding Western Australia and the Northern Territory) were first detained when aged 14–17 years; this ranged from 66% in Victoria to 88% in the Australian Capital Territory (Figure 7.8 and Figure 7.9). Overall, around one-fifth (21%) were first detained when aged 10–13 years, and first detention at this age was most common in South Australia (30% of detainees), Queensland (28%) and New South Wales (20%). First detention when aged 18 years or older was relatively uncommon (4%) as most detainees of this age would be processed by the adult justice system. However, of the 207 detainees who were first detained in this age group, 71% were detained in Victoria. Again, the relatively high proportion of detainees first entering detention aged 18 years or older in this state is likely because of the ‘dual track’ sentencing system.



**Number of young people**

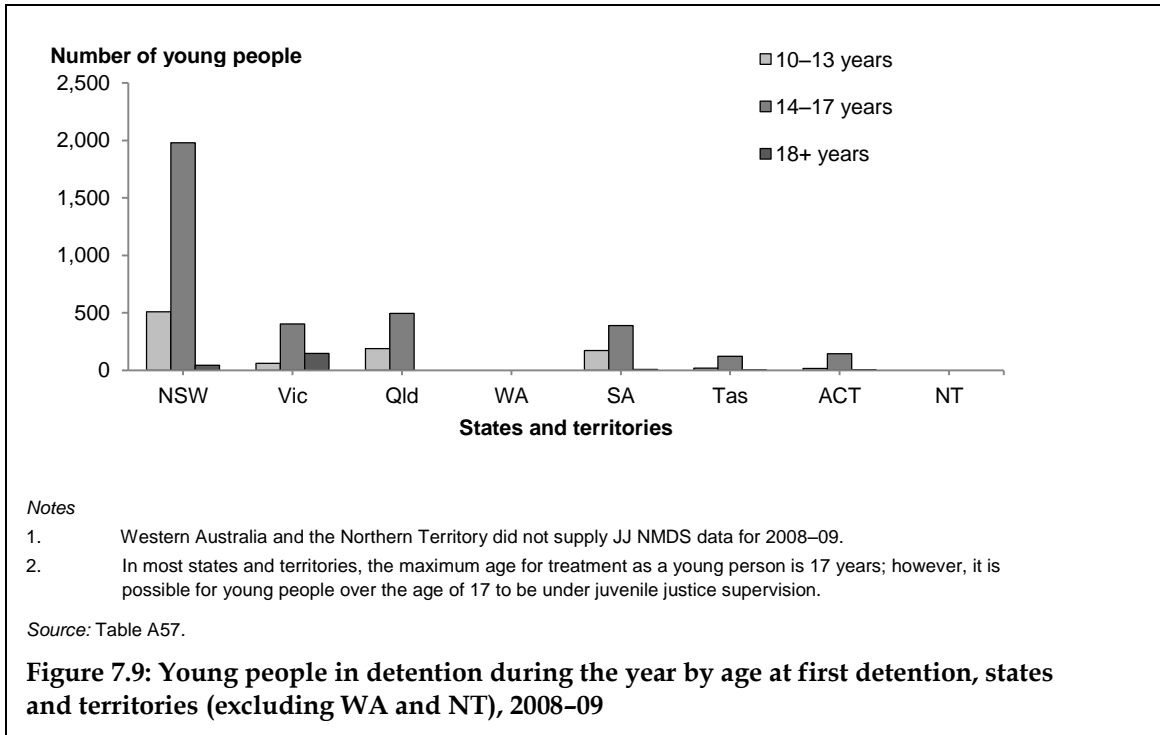
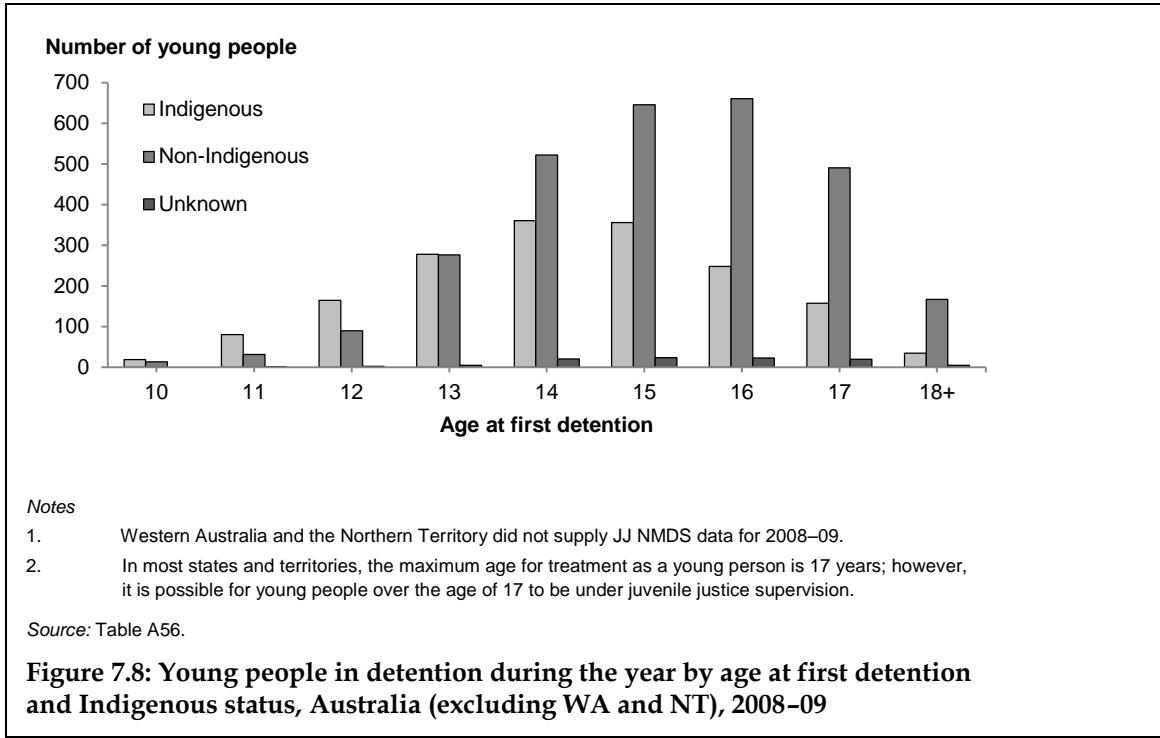


*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008-09.
2. In most states and territories, the maximum age for treatment as a young person is 17 years; however, it is possible for young people over the age of 17 to be under juvenile justice supervision.

Source: Table A55.

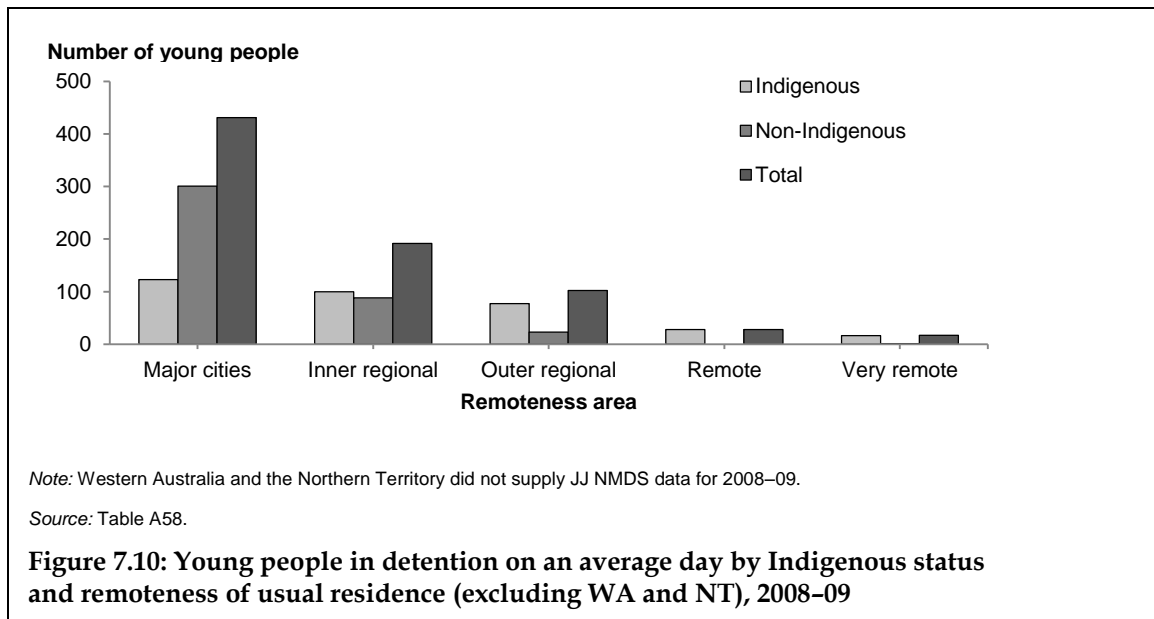
**Figure 7.7: Young people in detention during the year by age at first supervision, states and territories (excluding WA and NT), 2008-09**



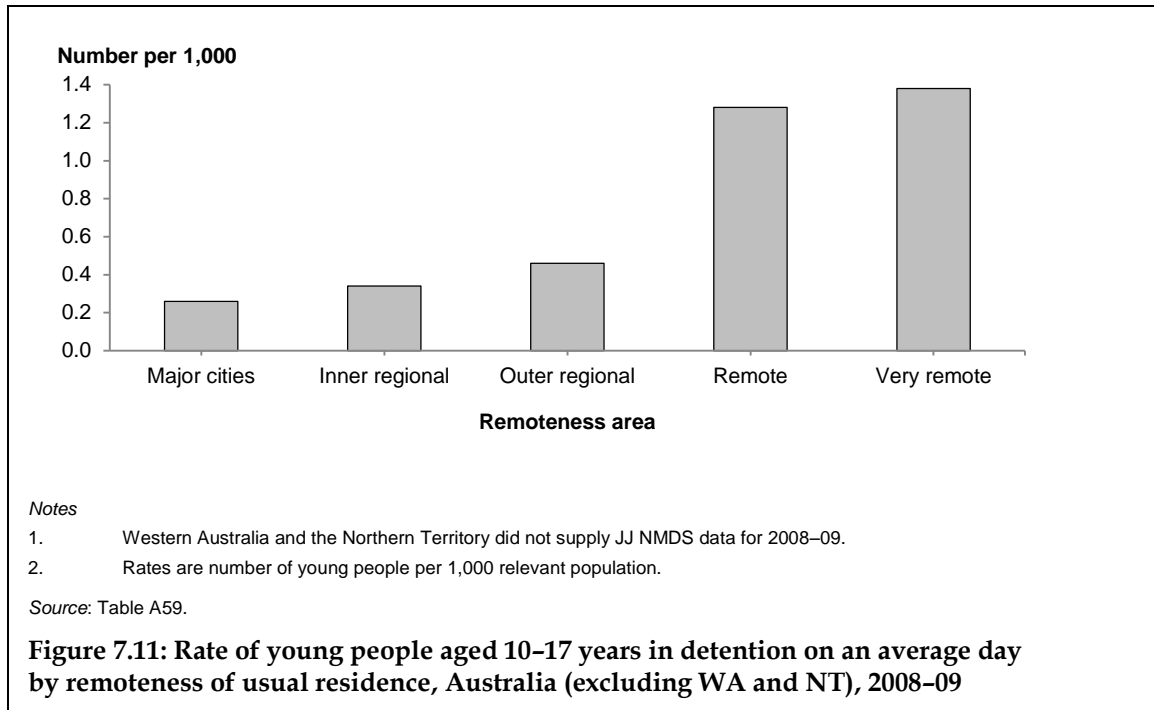
## 7.4 Remoteness of usual residence

In 2008–09, most young people in detention on an average day were from *Major cities* (56%) or regional areas (38%) (excluding Western Australia and the Northern Territory; proportions exclude young people for whom data on remoteness area were not available). Only a small proportion of young people in detention were from *Remote* or *Very remote* Australia (6%) (Figure 7.10).

Nearly all (98%) young people in detention on an average day who were from *Remote* or *Very remote* Australia were Indigenous. Most non-Indigenous young people in detention were from *Major cities* (73%), while only 36% of Indigenous young people in detention were from *Major cities*.



While most young people in detention were from *Major cities* and regional areas, young people living in remote areas were more likely to be detained on an average day than those living in non-remote areas. Young people aged 10–17 years living in *Remote* or *Very remote* areas were 5 times as likely to be in detention on an average day as young people of the same age living in *Major cities* (Figure 7.11).

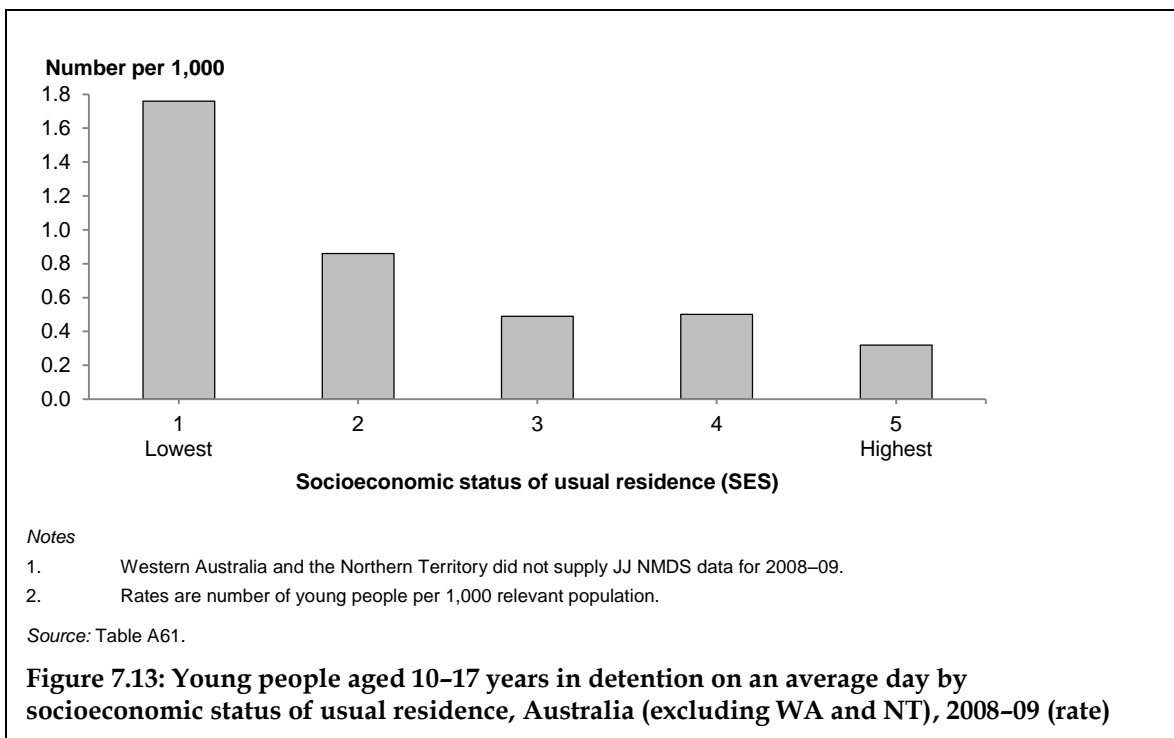
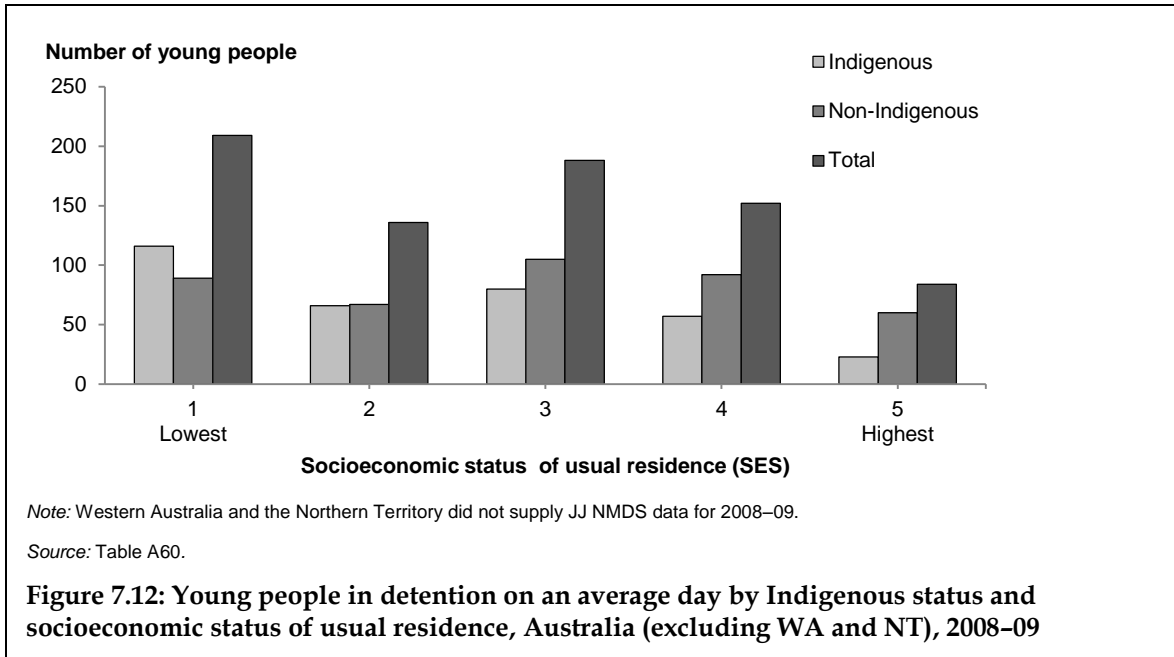


## 7.5 Socioeconomic status of usual residence

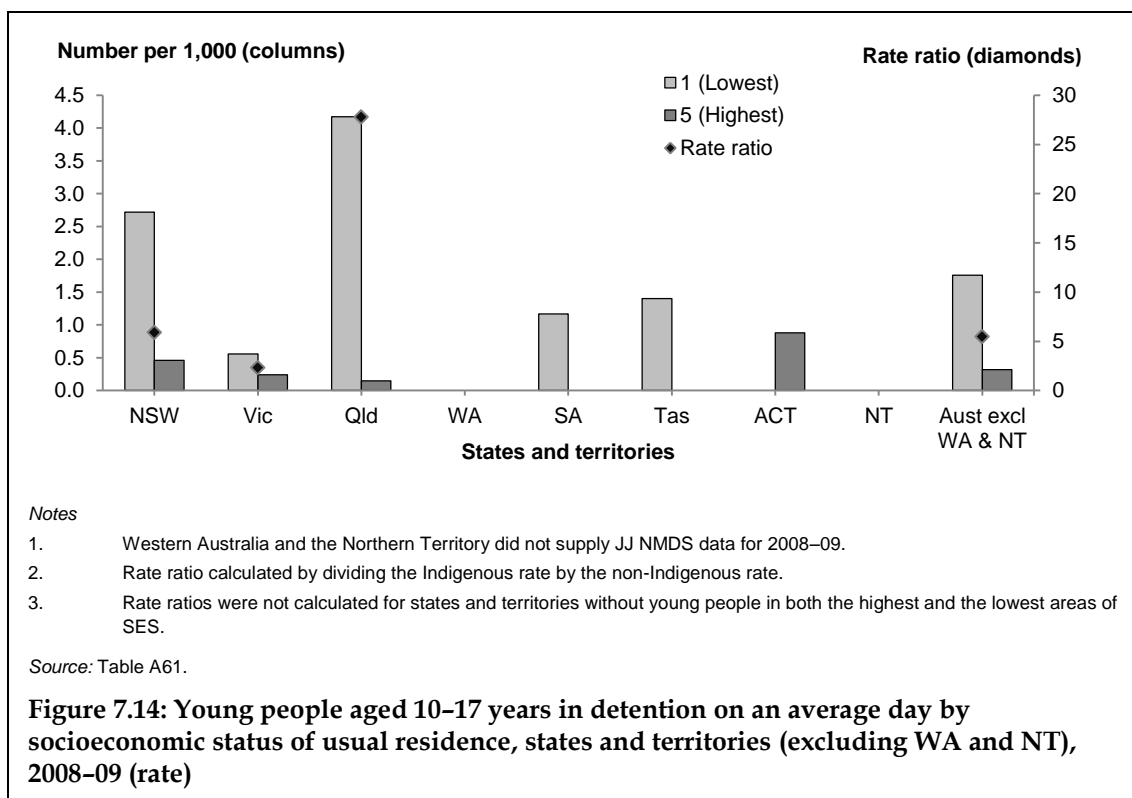
As with young people under community-based supervision, those in detention were more likely to be from areas of lower socioeconomic status than from areas of higher socioeconomic status. In 2008–09, 27% of those in detention on an average day (excluding Western Australia and the Northern Territory) were from one of the areas of lowest socioeconomic status, while only 11% were from an area of the highest socioeconomic status (proportions exclude young people for whom data on socioeconomic status were not available). Indigenous young people in detention were more likely than non-Indigenous young people to be from one of the areas of low socioeconomic status; around 34% of Indigenous young people in detention on an average day were from an area of lowest socioeconomic status, compared with 22% of non-Indigenous young people (Figure 7.12).

As with community-based supervision, those living in areas of low socioeconomic status were more likely to be in detention on an average day than those living in areas of high socioeconomic status. In 2008–09, young people aged 10–17 years living in the lowest socioeconomic status areas were 6 times as likely to be in detention as those living in the highest socioeconomic status areas (Figure 7.13).





In all states and territories (excluding Western Australia and the Northern Territory), young people from areas of lowest socioeconomic status were more likely to be detained than young people from the areas of highest socioeconomic status, although the likelihood varied. In Queensland, young people who were aged 10–17 years and living in an area of the lowest socioeconomic status were 28 times as likely to be in detention an average day as those living in an area of highest socioeconomic status (Figure 7.14). In contrast, those in New South Wales living in an area of lowest socioeconomic status were 6 times as likely to be in detention as those from an area of highest socioeconomic status, while in Victoria, they were only twice as likely.



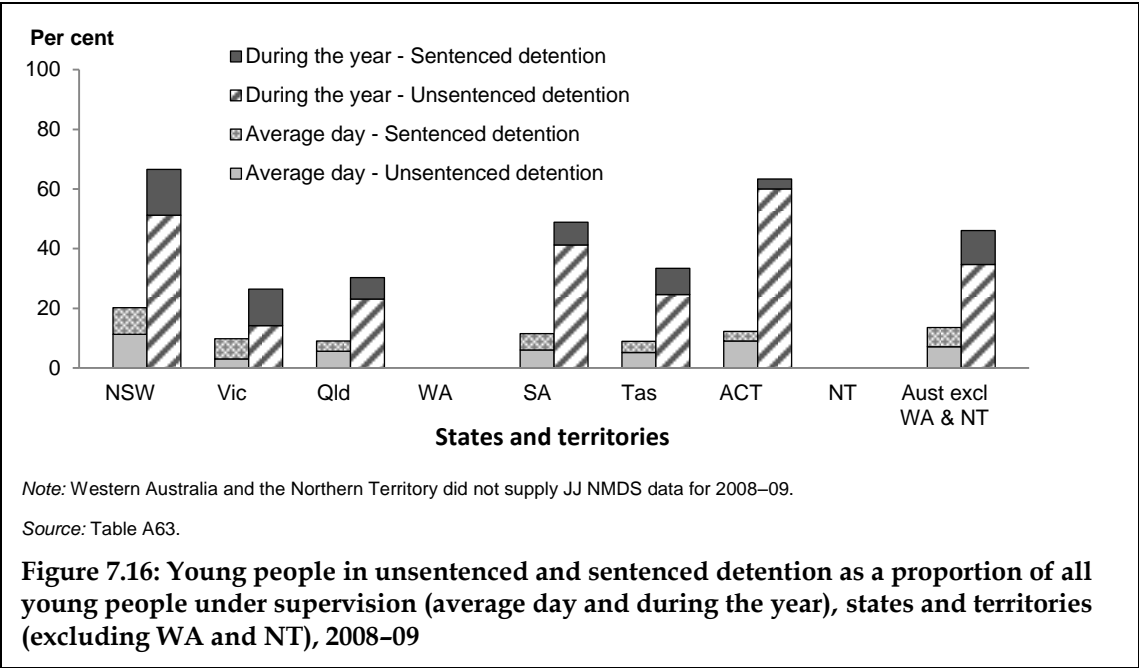
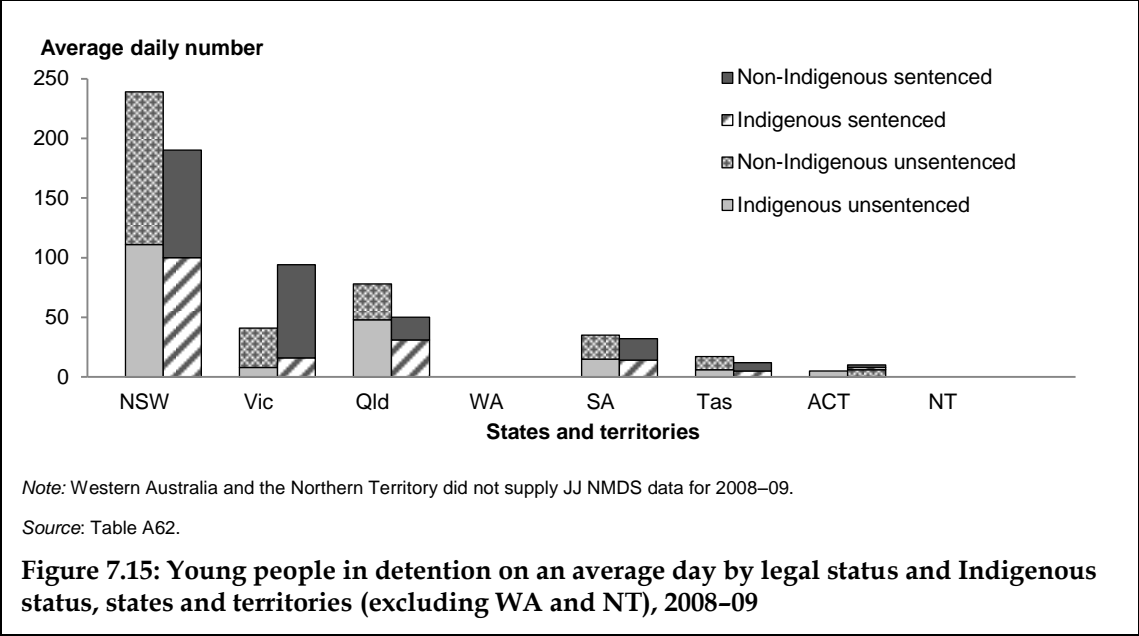
## 7.6 Legal status

On an average day, just over half of young people in detention were unsentenced (53% excluding Western Australia and the Northern Territory and 54% including estimates for these two jurisdictions) (Table A62). In all states and territories except Victoria (excluding Western Australia and the Northern Territory), over half were unsentenced – from 51% in South Australia to 73% in the Australian Capital Territory. In contrast, only 31% were unsentenced in Victoria (Figure 7.15).

Nationally, both Indigenous and non-Indigenous young people were more likely to be unsentenced than sentenced. On an average day in 2008–09, 54% of Indigenous detainees (55% with Western Australia and the Northern Territory) and 52% of non-Indigenous detainees were unsentenced. This pattern was evident in most states and territories, although in New South Wales and the Australian Capital Territory, non-Indigenous young people were slightly more likely to be unsentenced than Indigenous young people (59% of non-Indigenous young people compared with 53% of Indigenous young people in New South Wales and 75% compared with 71% in the Australian Capital Territory). Only in Victoria were both Indigenous and non-Indigenous young people more likely to be sentenced than unsentenced, although Indigenous young people were slightly more likely to be unsentenced (33% of Indigenous compared with 30% of non-Indigenous).

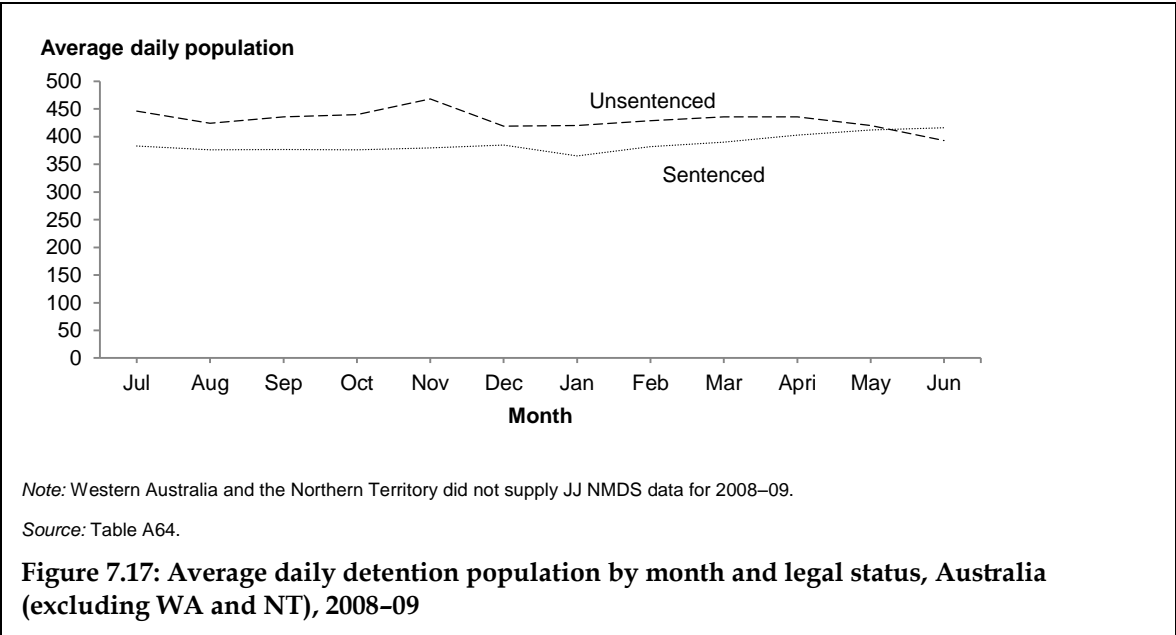
On an average day in 2008–09 (excluding Western Australia and the Northern Territory), 7% of all those under supervision were in unsentenced detention and 6% were in sentenced detention (Figure 7.16). This ranged from 3% in Victoria to 11% in New South Wales for unsentenced detention and from 3% in Queensland and the Australian Capital Territory for sentenced detention to 9% in New South Wales. During the year, 35% of those under

supervision were in unsentenced detention at some time and 11% were in sentenced detention. The difference between the proportions for an average day and during the year show the typically short duration of periods of detention compared with that of community-based supervision.



In 2008–09 (excluding Western Australia and the Northern Territory), the number of young people in sentenced detention on an average day remained relatively stable throughout the first part of the year, before increasing over the last six months from 365 in January 2009 to 416 in June 2009. In contrast, the number of young people in unsentenced detention on an average day peaked at 468 in November 2008 before decreasing to 393 in June 2009. The sentenced population exceeded unsentenced population for the first time at the end of

2008–09 (Figure 7.17). Despite the relative stability in the number of young people in sentenced and unsentenced detention on an average day each month on a national basis, there were substantial differences in these trends among the states and territories; details are provided in Chapter 8.



Nearly all of the young people detained during 2008–09 (excluding Western Australia and the Northern Territory) were in unsentenced detention at some time during the year (89%), while just under one-third were in sentenced detention (30%), which means that 19% experienced both unsentenced and sentenced detention during the year (Table 7.6). In all jurisdictions except Victoria, nearly all those detained were in unsentenced detention at some time during 2008–09 (from 91% in Queensland to 99% in the Australian Capital Territory). In contrast, just under two-thirds (64%) were in unsentenced detention during the year in Victoria. However, the use of sentenced detention varied. In the Australian Capital Territory, only 6% were in sentenced detention at some time during the year, compared with 17% in South Australia, around 30% in New South Wales, Queensland and Tasmania, and 55% in Victoria.

**Table 7.6: Young people in detention during the year by legal status, states and territories (excluding WA and NT), 2008–09**

Legal status	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT	NT	Aust excl WA & NT
	<b>Number</b>								
Unsentenced	2,372	392	621	n.a.	537	134	161	n.a.	4,217
Sentenced	708	336	192	n.a.	99	48	9	n.a.	1,392
<i>Both unsentenced and sentenced</i>	<i>544</i>	<i>114</i>	<i>129</i>	<i>n.a.</i>	<i>64</i>	<i>37</i>	<i>7</i>	<i>n.a.</i>	<i>895</i>
<b>Total number of young people</b>	<b>2,536</b>	<b>614</b>	<b>684</b>	<b>n.a.</b>	<b>572</b>	<b>145</b>	<b>163</b>	<b>n.a.</b>	<b>4,714</b>

(a) For Tasmania, young people on concurrent sentenced and unsentenced orders are recorded as being on a sentenced order.

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Total includes young people of unknown sex and Indigenous status.
3. Number of unsentenced and sentenced young people will not sum to total as some young people would have been both unsentenced and sentenced during the year.

## 7.7 Receptions and releases

A reception is defined as the start of a detention period where the young person was not previously detained immediately before the start of the period, while a release is defined as the end of a detention period where the young person was not detained immediately after the start of the period. A change in legal status, for example, from unsentenced to sentenced, is not counted as a new reception.

In 2008–09 there were 4,140 young people received into detention in Australia (excluding Western Australia and the Northern Territory) for 7,062 receptions – an average of 1.7 receptions per person (Table 7.7). Most (94%) of these receptions were for unsentenced young people – 35% of these unsentenced receptions were police-referred detention, where the young person is detained in a juvenile justice centre before their initial court appearance, and the remaining 65% were court remands, where the young person is placed in detention until their next court appearance. Although 1,392 young people were in sentenced detention in 2008–09 (excluding Western Australia and the Northern Territory), only 379 young people were received into sentenced detention (Table 7.6 and Table 7.7). This indicates that most of those in sentenced detention during the year were either received into sentenced detention before 2008–09 or were already detained (on an unsentenced order) before being sentenced to detention.

The number of young people released from detention in 2008–09 was similar to the number received (excluding Western Australia and the Northern Territory), with 4,369 young people released on 7,193 occasions (Table 7.8). Sentenced detainees formed a greater proportion of releases than receptions (16% compared with 6% of receptions), but unsentenced detainees still formed the majority of releases (84%). Most (72% of unsentenced releases) were for those remanded to detention by a court.

In all states and territories (excluding Western Australia and the Northern Territory), most receptions and releases were for unsentenced young people, although the proportions varied. Unsentenced receptions ranged from 75% of all receptions in Victoria to 100% in the Australian Capital Territory, where no one was received into sentenced detention, while unsentenced releases ranged from 63% in Victoria to 99% in the Australian Capital Territory.

In the states where police-referred detention occurred (New South Wales, Queensland and South Australia), between 28% (Queensland) to 66% (South Australia) of unsentenced receptions and between 16% (Queensland) to 50% (South Australia) of unsentenced releases were for police-referred detention.

**Table 7.7: Receptions by legal status, states and territories (excluding WA and NT), 2008–09**

Legal status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT
<b>Number of receptions</b>									
Police-referred detention	1,408	..	269	n.a.	662	..	0	n.a.	2,339
Remand	2,209	548	679	n.a.	340	205	336	n.a.	4,317
<i>Unsentenced</i>	<i>3,617</i>	<i>548</i>	<i>948</i>	<i>n.a.</i>	<i>1,002</i>	<i>205</i>	<i>336</i>	<i>n.a.</i>	<i>6,656</i>
Sentenced	98	185	68	n.a.	33	11	0	n.a.	395
<b>Total receptions</b>	<b>3,715</b>	<b>733</b>	<b>1,016</b>	<b>n.a.</b>	<b>1,046</b>	<b>216</b>	<b>336</b>	<b>n.a.</b>	<b>7,062</b>
<b>Number of young people</b>									
Police-referred detention	1,083	..	197	n.a.	403	..	0	n.a.	1,683
Remand	1,416	361	452	n.a.	244	125	158	n.a.	2,756
<i>Unsentenced</i>	<i>2,130</i>	<i>361</i>	<i>573</i>	<i>n.a.</i>	<i>516</i>	<i>125</i>	<i>158</i>	<i>n.a.</i>	<i>3,863</i>
Sentenced	94	180	66	n.a.	30	9	0	n.a.	379
<b>Total young people</b>	<b>2,192</b>	<b>522</b>	<b>605</b>	<b>n.a.</b>	<b>535</b>	<b>128</b>	<b>158</b>	<b>n.a.</b>	<b>4,140</b>

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Data for Tasmania are affected by recording practices for backdated orders.

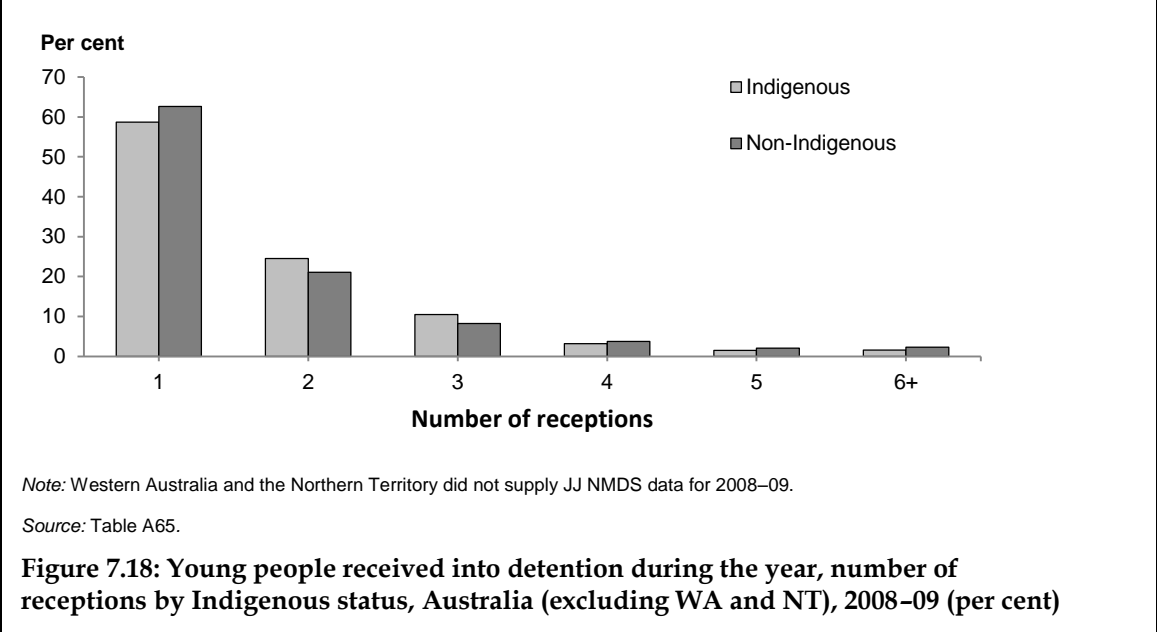
**Table 7.8: Releases by legal status, states and territories (excluding WA and NT), 2008–09**

Legal status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT
<b>Number of releases</b>									
Police-referred detention	1,104	..	138	n.a.	469	..	0	n.a.	1,711
Remand	2,161	465	715	n.a.	462	176	331	n.a.	4,310
<i>Unsentenced</i>	<i>3,265</i>	<i>465</i>	<i>853</i>	<i>n.a.</i>	<i>931</i>	<i>176</i>	<i>331</i>	<i>n.a.</i>	<i>6,021</i>
<i>Sentenced</i>	<i>557</i>	<i>269</i>	<i>175</i>	<i>n.a.</i>	<i>83</i>	<i>50</i>	<i>3</i>	<i>n.a.</i>	<i>1,137</i>
<b>Total releases</b>	<b>3,822</b>	<b>734</b>	<b>1,028</b>	<b>n.a.</b>	<b>1,049</b>	<b>226</b>	<b>334</b>	<b>n.a.</b>	<b>7,193</b>
<b>Number of young people</b>									
Police-referred detention	882	..	114	n.a.	324	..	0	n.a.	1,320
Remand	1,375	321	491	n.a.	302	116	159	n.a.	2,764
<i>Unsentenced</i>	<i>1,992</i>	<i>321</i>	<i>563</i>	<i>n.a.</i>	<i>493</i>	<i>116</i>	<i>159</i>	<i>n.a.</i>	<i>3,644</i>
<i>Sentenced</i>	<i>495</i>	<i>246</i>	<i>145</i>	<i>n.a.</i>	<i>70</i>	<i>40</i>	<i>3</i>	<i>n.a.</i>	<i>999</i>
<b>Total young people</b>	<b>2,339</b>	<b>530</b>	<b>649</b>	<b>n.a.</b>	<b>548</b>	<b>142</b>	<b>161</b>	<b>n.a.</b>	<b>4,369</b>

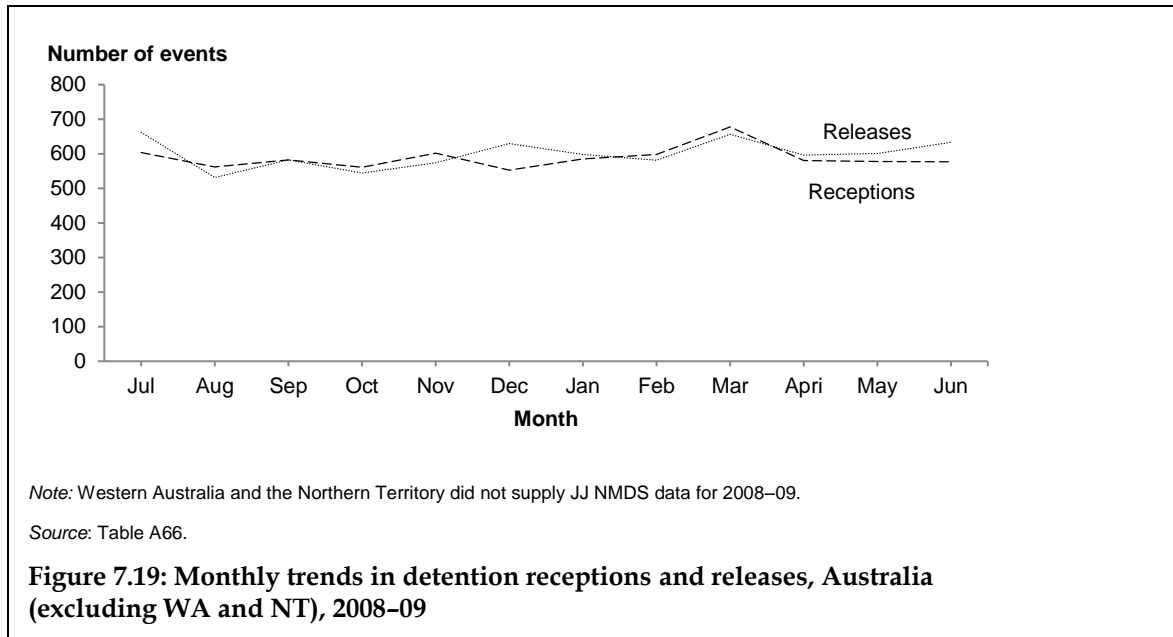
*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09.
2. Data for Tasmania are affected by recording practices for backdated orders.

Most (62%) of those received into detention in 2008–09 (excluding Western Australia and the Northern Territory) had only one reception during the year (Figure 7.18). Over one-fifth (22%) had two receptions, while 16% had three or more. Only 2% had six or more receptions. Indigenous young people were slightly more likely to have multiple receptions than non-Indigenous young people. Although only 36% of those received into detention were Indigenous, 40% of those who had two receptions and 42% of those who had three receptions were Indigenous. Overall, 41% of Indigenous young people received into detention during the year had multiple receptions, compared with 37% of non-Indigenous young people.



In most months of 2008–09, the number of receptions closely followed the number of releases, and both were generally lower in the first half of the financial year than in the second half (Figure 7.19). The number of receptions was lowest in December 2008, at 553, and peaked at 678 in March 2009, while the number of releases peaked at 662 in July 2008 before dropping to the low of 532 in the following month, with a further peak at 657 in March 2009.



## 7.8 Unsentenced detention

This section provides information on those in unsentenced detention and more specifically on those in remand. Remand only refers to those held in custody following a court referral, while unsentenced detention refers to all young people who have not been sentenced, regardless of whether they have been placed in detention following a police referral or a court referral (remand). Police-referred detention is not available in all states and territories and most of those in unsentenced detention on an average day are on remand.

Western Australia and the Northern Territory did not supply JJ NMDS data for 2008-09 and are not included in this section.

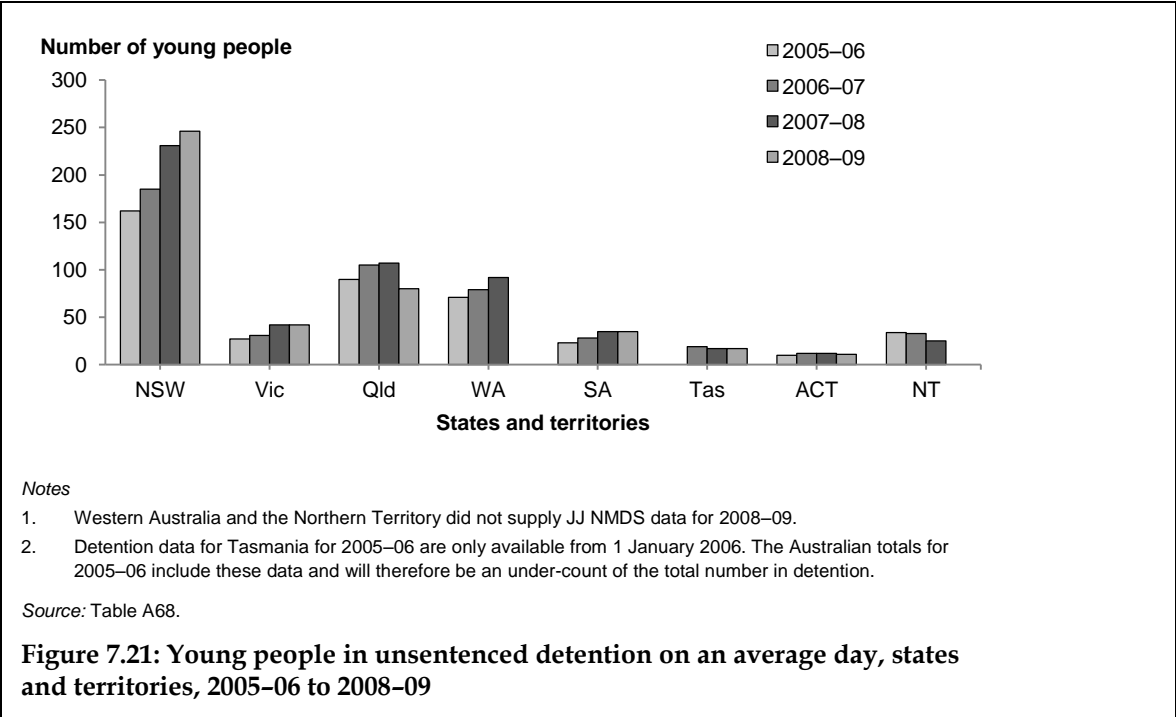
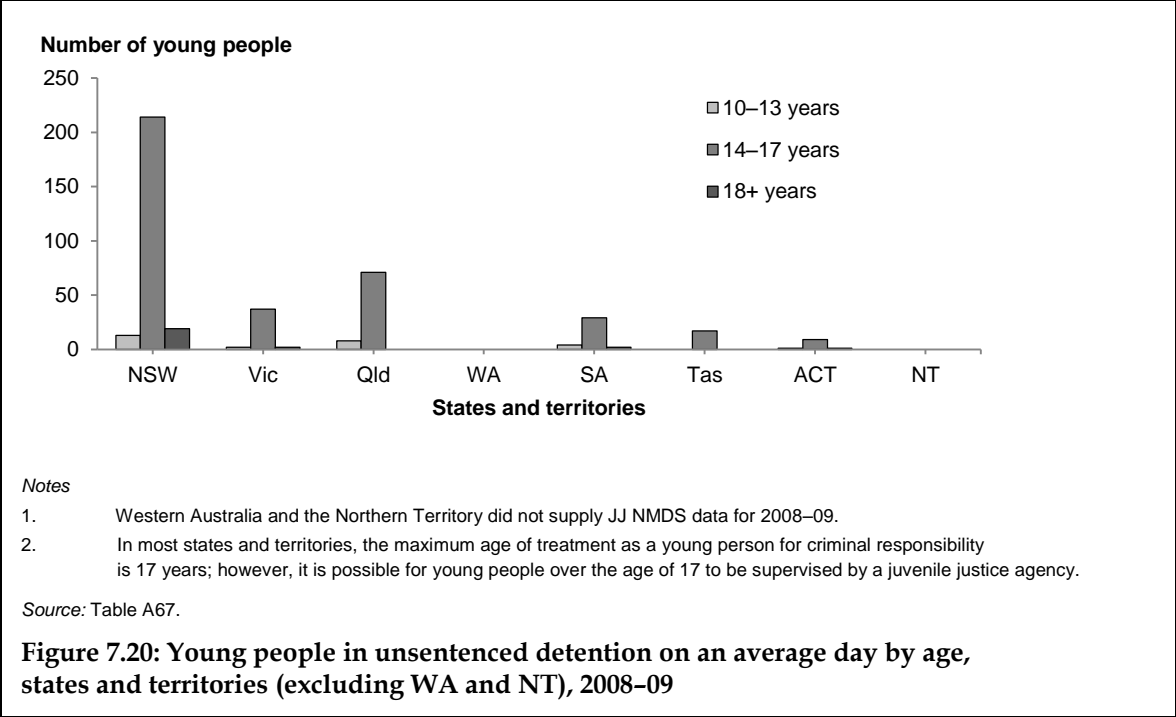
In 2008-09, 4,217 young people were in unsentenced detention at some time during the year, with an average of 430 young people in unsentenced detention each day in Australia (excluding Western Australia and Northern Territory) (Table A67). Only 16 young people (4%) were in police-referred detention on an average day – the remainder were on remand. Young people were in police-referred detention in New South Wales, Queensland and South Australia.

Most (88%) of those in unsentenced detention on an average day (excluding Western Australia and the Northern Territory) were aged 14-17 years; 7% were aged 10-13 years and 6% were aged 18 years or older (Figure 7.20). A similar proportion of Indigenous and non-Indigenous young people were aged 14-17 years, but Indigenous young people were more likely to be aged 10-13 years than non-Indigenous young people (9% compared with 4%) and less likely to be aged 18 years or older (4% compared with 7%).

Over half (57%) of those in unsentenced detention on an average day in Australia (excluding Western Australia and the Northern Territory) were in New South Wales, 19% were in Queensland and only 10% were in Victoria (Table A67). In all states and territories with available data, most young people were aged 14-17 years; this ranged from 82% in the Australian Capital Territory to 100% in Tasmania.

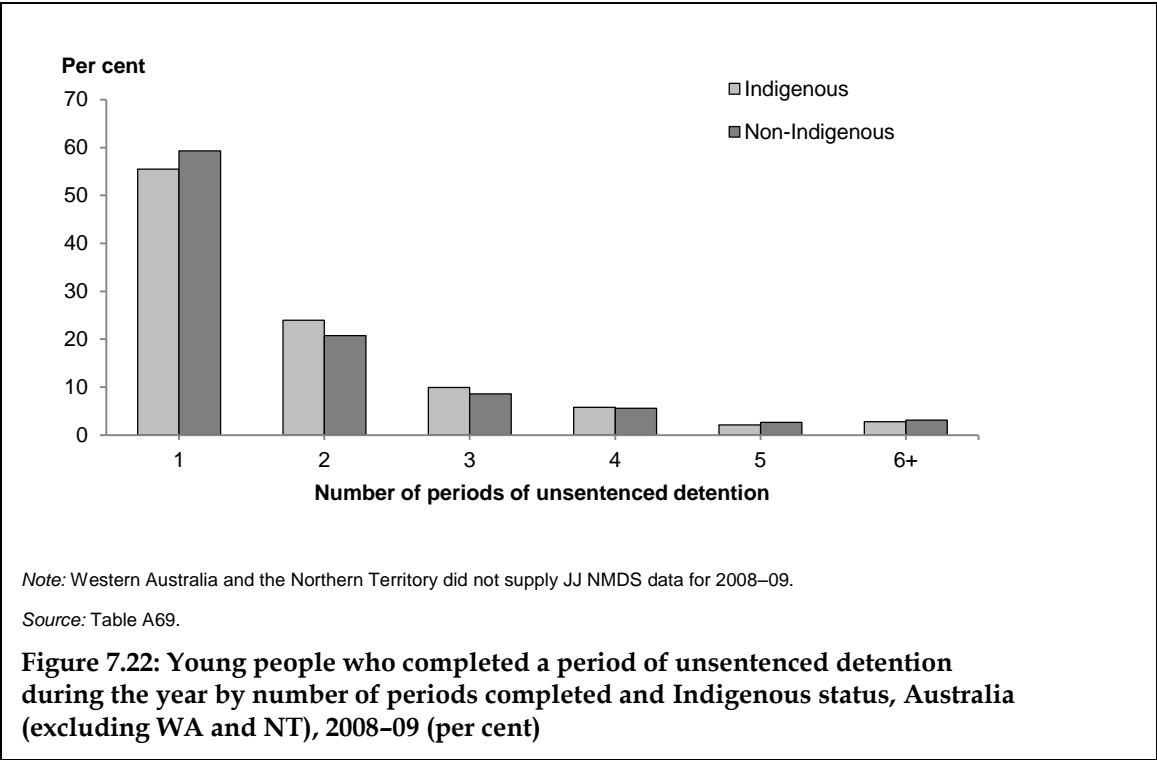


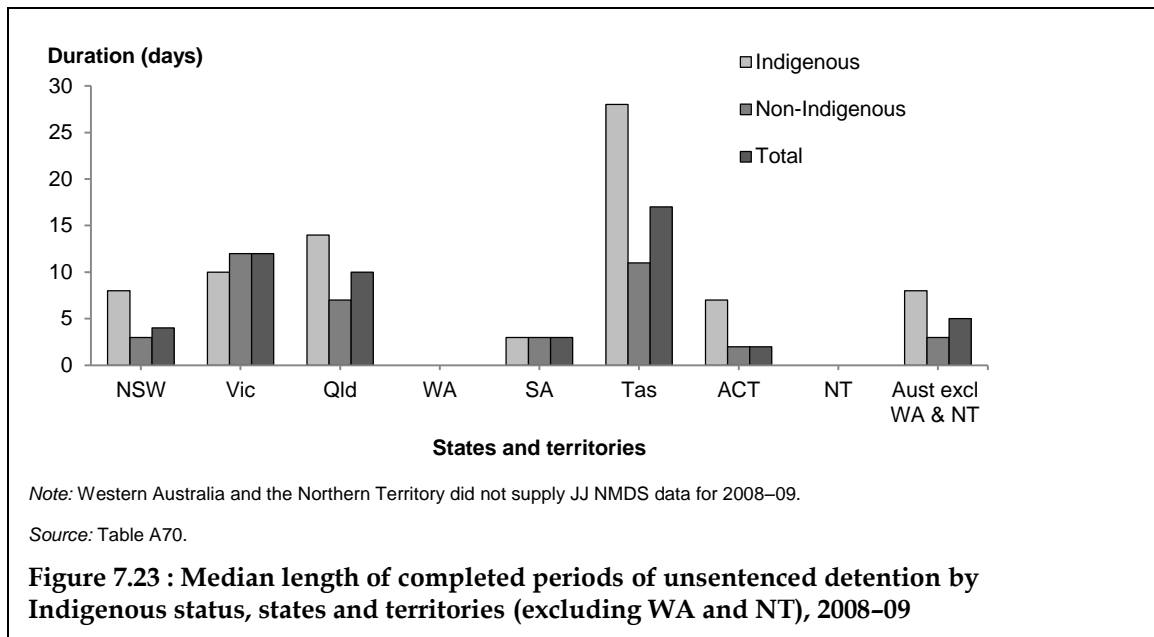
Over the four years from 2005–06 to 2008–09, the number of young people in unsentenced detention during the year increased by 27% while the number on an average day increased by 33% (excluding Western Australia and the Northern Territory), indicating that the total time spent in unsentenced detention during the year increased (Table A68; see also Figure 7.24). The largest proportional increases in the number of young people in unsentenced detention on an average day were in Victoria (56%), South Australia (52%) and New South Wales (52%) (Figure 7.21).



Nearly all (97%) of those in unsentenced detention during the year (excluding Western Australia and the Northern Territory) completed at least one period of unsentenced detention (Table A67 and Table A69). On average, those who completed at least one unsentenced detention period completed 1.9 periods during the year (Table A70). More than half of young people (58%) who completed at least one sentenced detention period during the year completed only one period, while 20% completed three or more (Figure 7.22). Indigenous young people were slightly less likely to complete only one period of unsentenced detention during the year than non-Indigenous young people (55% compared with 59%).

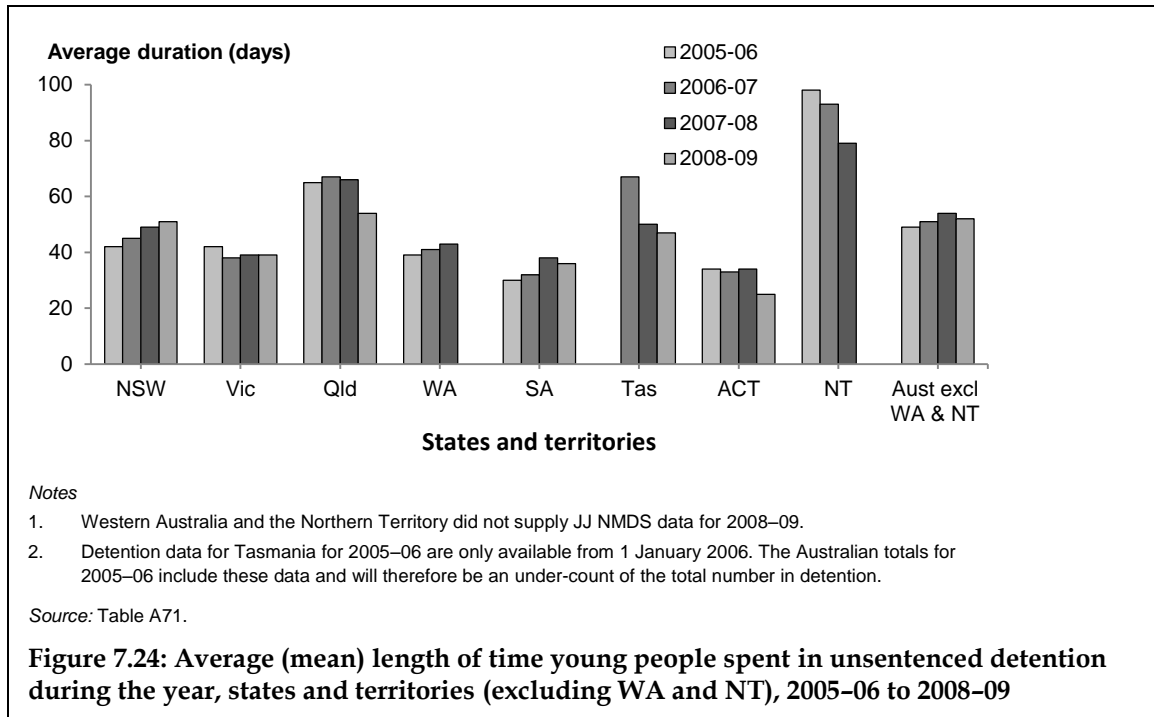
Nationally (excluding Western Australia and the Northern Territory), the median length of unsentenced detention periods completed in 2008–09 was 5 days (Figure 7.23). Unsentenced detention periods were shortest in the Australian Capital Territory (2 days) and the longest in Tasmania (17 days). Indigenous young people spent on average 5 days longer in unsentenced detention than non-Indigenous young people (8 days compared with 3), and this pattern occurred in most states and territories. The greatest difference between median lengths occurred in Tasmania, where periods of unsentenced detention completed by Indigenous young people were, on average, 17 days longer than those completed by non-Indigenous; they were 7 days longer in Queensland and 5 days longer in New South Wales and the Australian Capital Territory. However, there was no difference in South Australia and the median length was 2 days shorter for Indigenous young people than for non-Indigenous in Victoria.





In 2008–09, a young person spent, on average, a total of 52 days in unsentenced detention during the year (excluding Western Australia and the Northern Territory), which is 3 more days than in 2005–06 (Figure 7.24). Over the four years from 2005–06, the average length of time spent in unsentenced detention during the year increased in New South Wales (by 9 days) and South Australia (6 days), and decreased in Queensland (by 11 days), Victoria (3 days) and the Australian Capital Territory (9 days), although these changes typically did not occur in each of the four years (four-year trend data are not available for Tasmania).

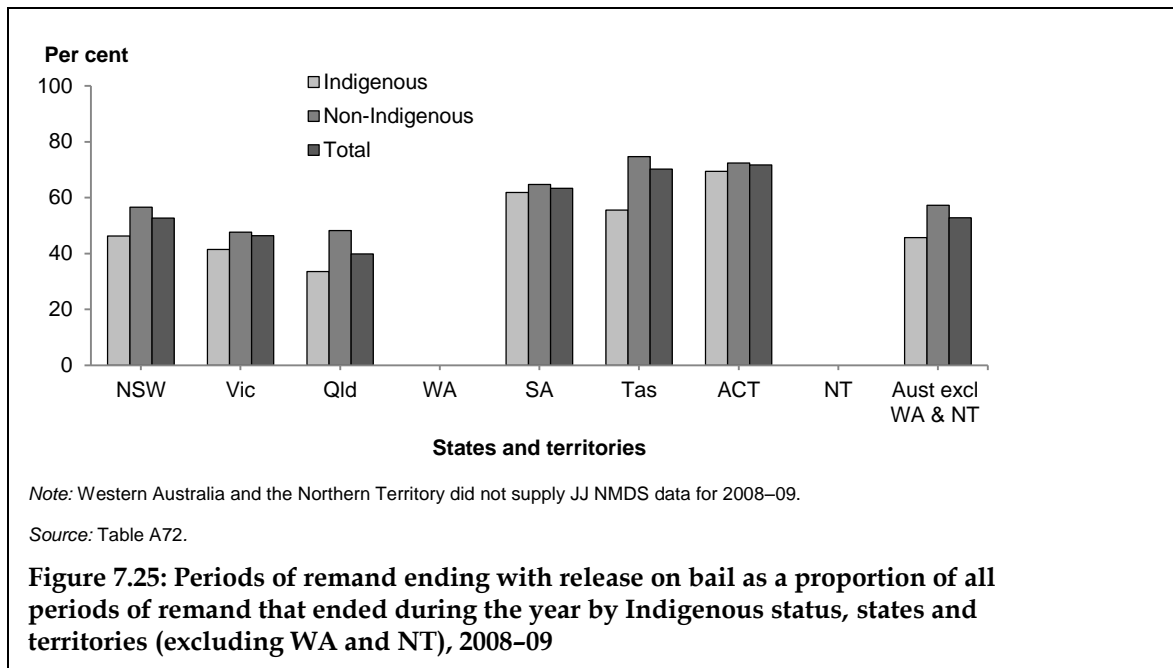
Indigenous young people spent 10 more days in unsentenced detention, on average, than non-Indigenous young people in 2008–09 (excluding Western Australia and the Northern Territory) (Table A71). This pattern occurred in every state and territory with available data, with differences ranging from 36 days in the Australian Capital Territory to 5 days in Victoria.



Around half (53%) of all remand periods that ended in 2008–09 (excluding Western Australia and the Northern Territory) ended with the young person being released on bail, while 29% ended with the remand order being completed (the remainder ended for other reasons) (Figure 7.25).

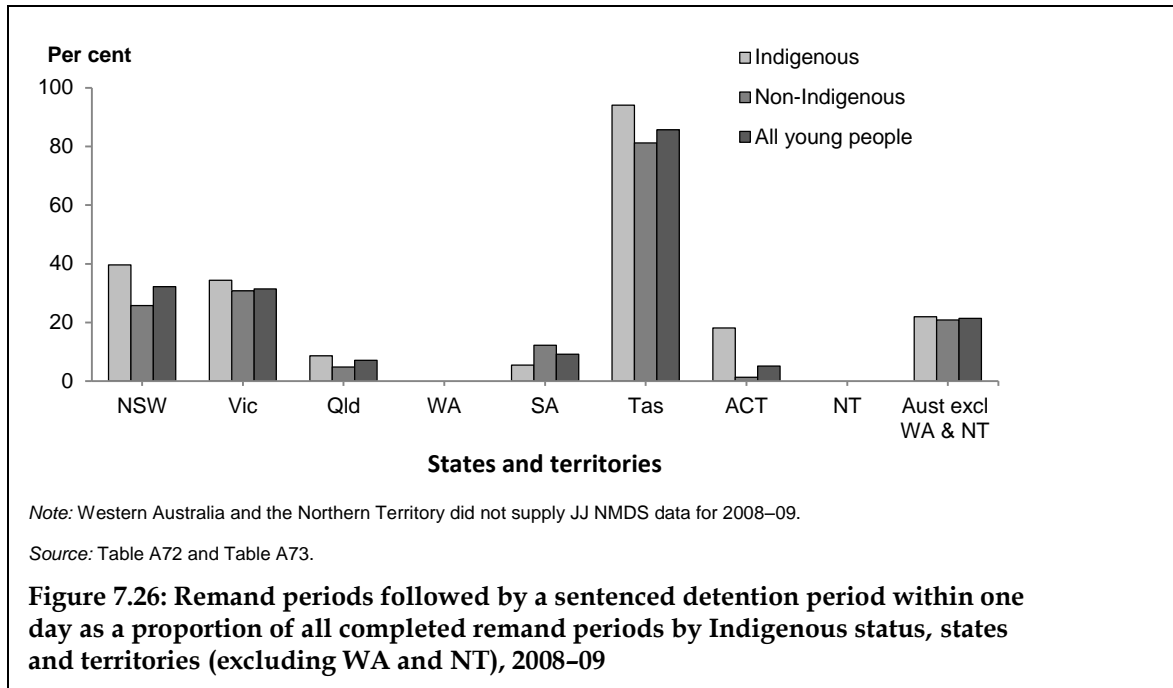
The proportion of remand periods that ended with the young person being released on bail ranged from 40% in Queensland to 72% in the Australian Capital Territory. In Queensland and Victoria over half of the remand periods ended with the order being completed (59% and 53% respectively), while only 16% of unsentenced detention periods in New South Wales ended with the order being completed.

Remand periods for non-Indigenous young people were more likely to end with the young person being released on bail than those of Indigenous young people (57% compared with 46%). This was consistent across all jurisdictions.



Remand, and detention in general, is typically used only when other options, such as releasing young people on supervised community-based orders, are not appropriate. However, most remand periods were not followed by periods of sentenced detention. Of the remand periods that were completed in 2008–09, less than one-quarter (21%) were followed by a period of sentenced detention on the same day or the day after the remand ended. This suggests that more than 75% of remand periods did not result in a sentence of detention (Figure 7.26). Proportions were low in most states and territories, from 5% in the Australian Capital Territory to 31% in Victoria and 32% in New South Wales. Only in Tasmania were most (86%) remand periods followed by a period of sentenced detention.

Nationally (excluding Western Australia and the Northern Territory) the proportion of completed remand periods followed by a period of sentenced detention were similar for Indigenous and non-Indigenous young people (22% and 21%, respectively), although remand periods completed by Indigenous young people were more likely than non-Indigenous young people to be followed by a period of sentenced detention, either on the same day or the following day. This was evident in most states and territories except South Australia, where completed remand periods for non-Indigenous young people were more likely to be followed by a period of sentenced detention, either on the same day or the following day.

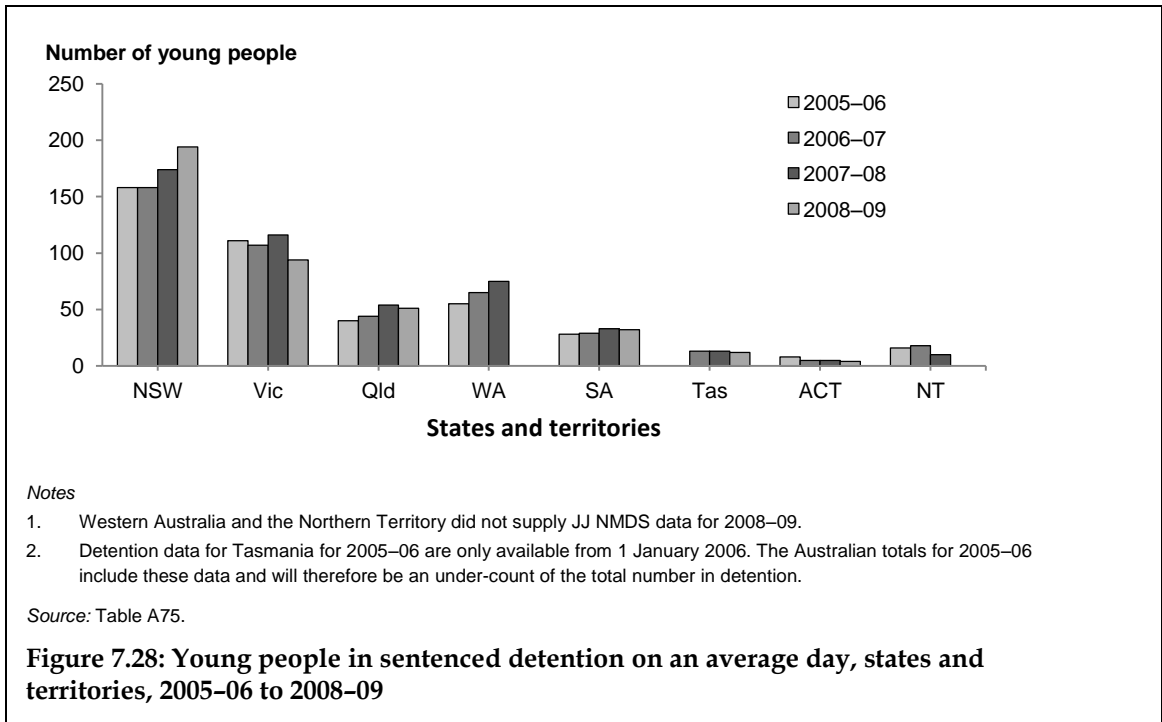
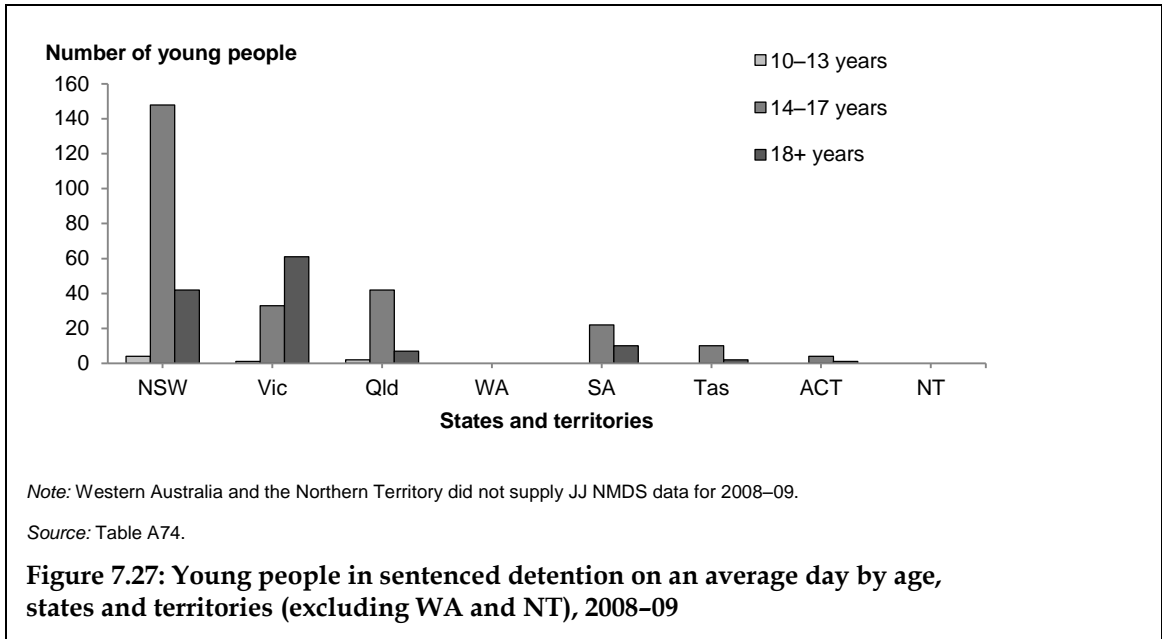


## 7.9 Sentenced detention

In 2008-09 (excluding Western Australia and the Northern Territory), 1,392 young people were in sentenced detention during the year, while there was an average of 387 young people in sentenced detention on an average day (Table A74). Overall, two-thirds (66%) of those in sentenced detention on an average day were aged 14-17 years and 43% were Indigenous. As with community-based supervision, those in younger age groups were more likely to be Indigenous. There were only 7 young people aged 10-13 years in sentenced detention on an average day, but 6 of these were Indigenous young people (86%), while only 51% of 14-17 year olds and 25% of those aged 18 years and older were Indigenous.

Half (50%) of those in sentenced detention on an average day in the states and territories that supplied data were in New South Wales, and one-quarter (24%) were in Victoria (Figure 7.27). On average, only 4 young people were in sentenced detention each day in the Australian Capital Territory. On an average day in Victoria, almost two-thirds (65%) were aged 18 years or older, and 50% of those in sentenced detention of this age in Australia (excluding Western Australia and the Northern Territory) were detained in Victoria. The relatively high number in this age group is likely due to the 'dual track' sentencing system available in that state.

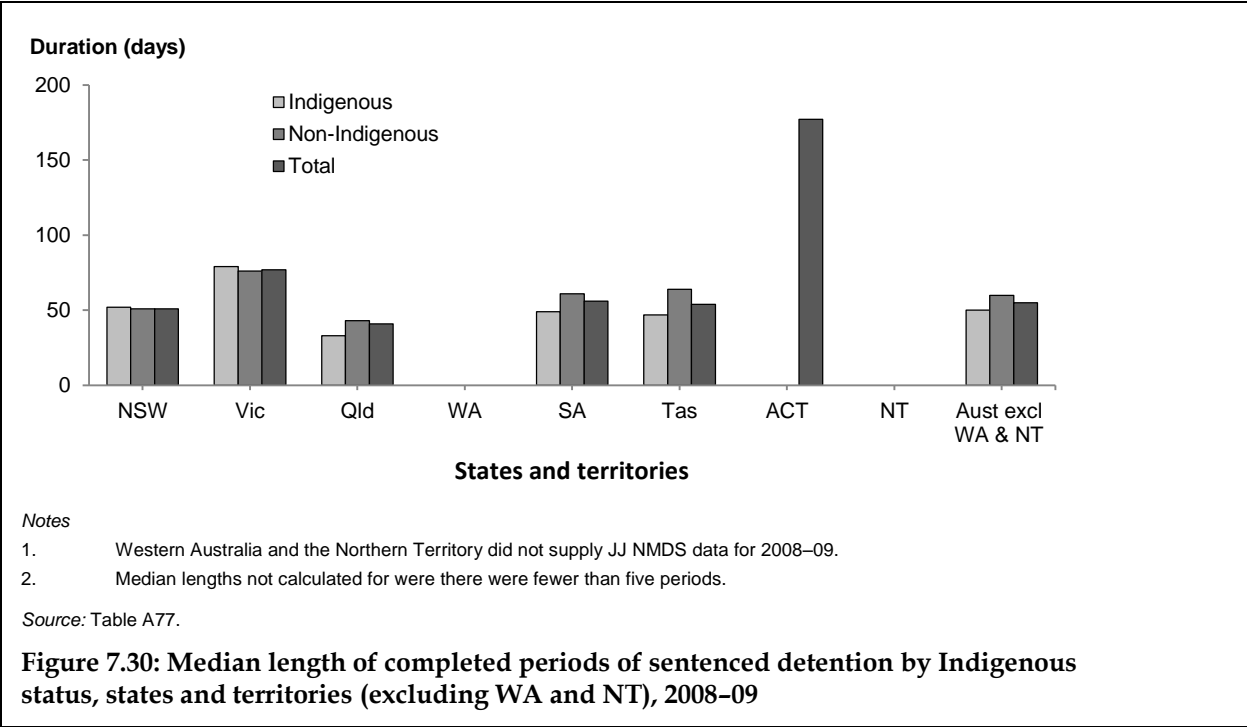
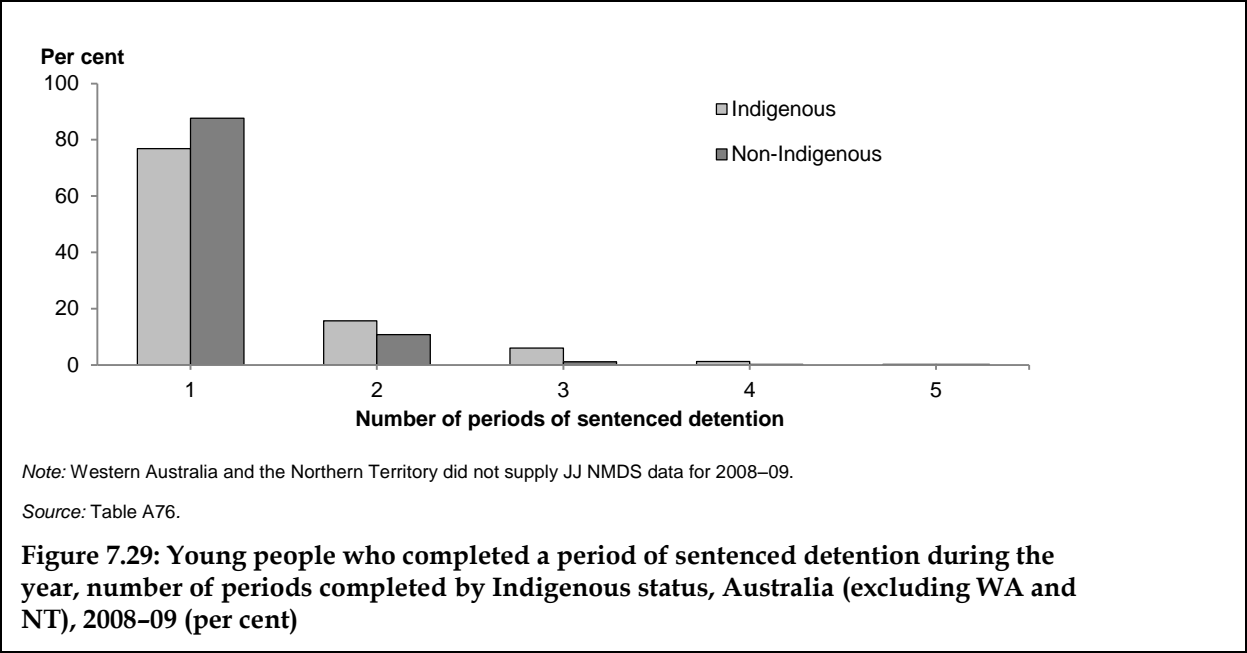
Between 2005-06 and 2008-09, the number of young people in sentenced detention increased, with the number of distinct young people during the year rising from 1,159 to 1,392 (an increase of 20%) and the number on an average day increasing from 351 to 387 (an increase of 10%) (excluding Western Australia and the Northern Territory) (Table A75). This increase in the number of sentenced young people in detention on an average day was largely driven by New South Wales, where numbers increased from 158 in 2005-06 to 194 in 2008-09 (an increase of 23%) (Figure 7.28). Numbers also increased over the four-year period in Queensland (28%) and South Australia (14%), although increases did not occur in each of the four years. Numbers fell in Victoria (a decrease of 15%) and the Australian Capital Territory (from 8 to 4), while in the three years of available data for Tasmania, numbers remained steady.



Over three-quarters (78%) of those in sentenced detention during the year (excluding Western Australia and the Northern Territory) completed at least one period of sentenced detention in 2008-09 (Table A74 and Table A76). Most (83%) of these young people completed only one sentenced detention period, but 4% completed 3 or more periods in 2008-09. Indigenous young people were more likely to complete multiple periods of sentenced detention; 16% completed two periods of sentenced detention, compared with 11% of non-Indigenous young people, while 8% completed three or more periods, compared with 2% of non-Indigenous young people (Figure 7.29).

The median length of these completed periods of sentenced detention was almost 8 weeks (55 days); on average, Indigenous young people completed shorter periods than

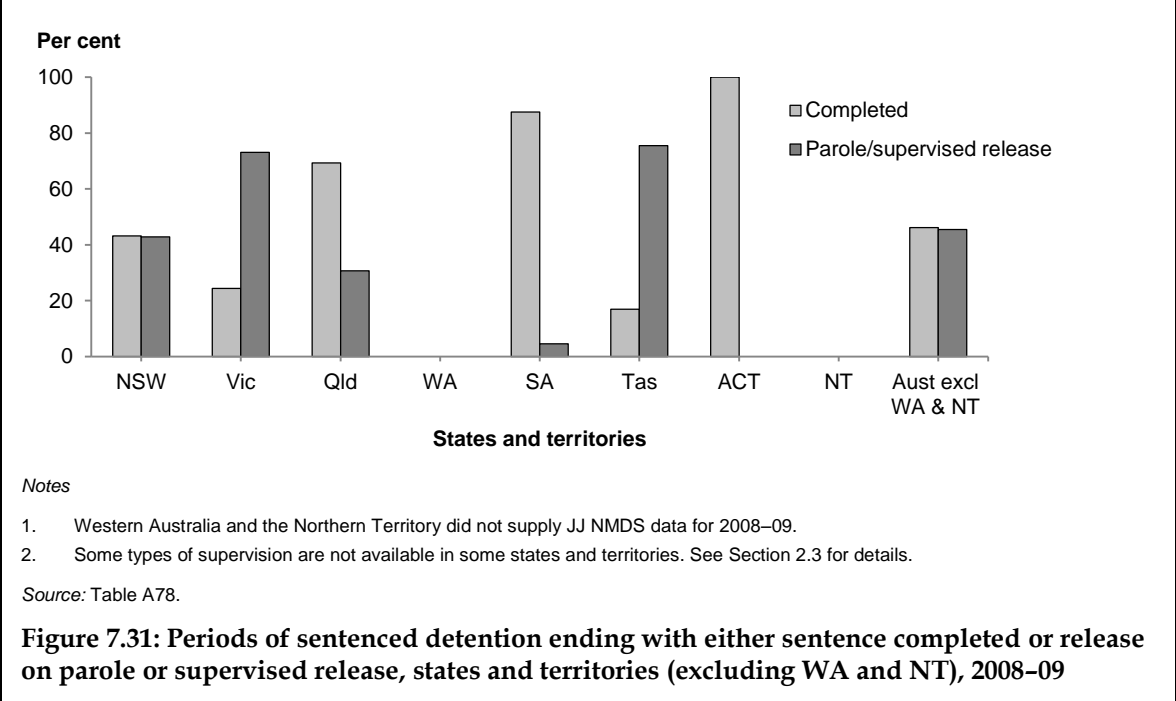
non-Indigenous young people (50 days compared with 60) (Figure 7.30). However, this pattern was not found in all states and territories (excluding Western Australia and the Northern Territory). The median length of sentenced detention periods completed by Indigenous young people was greater than that for non-Indigenous young people in both Victoria (by 3 days) and New South Wales (by 1 day). This was despite Indigenous young people completing more periods of sentenced detention, on average, than non-Indigenous young people in all states and territories except Tasmania and the Australian Capital Territory (excluding Western Australia and the Northern Territory) (Figure 7.30 and Table A77).





In 2008–09, sentenced detention periods were equally likely to end with the young person released on parole (also known as supervised release; 45%) as they were to end with the sentence completed (46%); the remainder ended for other reasons including transfer (Figure 7.31). However, this was not the case for most states and territories (excluding Western Australia and the Northern Territory). While release on parole was as equally likely as release due to sentence completion in New South Wales (43% each), in Queensland and South Australia, release due to sentence completion was more common (69% and 88%, respectively). Release on parole or supervised release was more common in Victoria (73%) and Tasmania (75%). Parole or supervised release was not available in the Australian Capital Territory.

Overall, Indigenous young people were less likely to be released on parole or supervised release than non-Indigenous young people (40% compared with 51%) (excluding Western Australia and the Northern Territory) (Table A78). This pattern was observed in Victoria (60% compared with 76%) and South Australia (0% compared with 8%). However, the pattern was reversed in Tasmania, where Indigenous young people were more likely to be released on parole or supervised release (80% compared with 71%), while in New South Wales and Queensland, Indigenous and non-Indigenous young people were equally likely to be released on parole or supervised release.

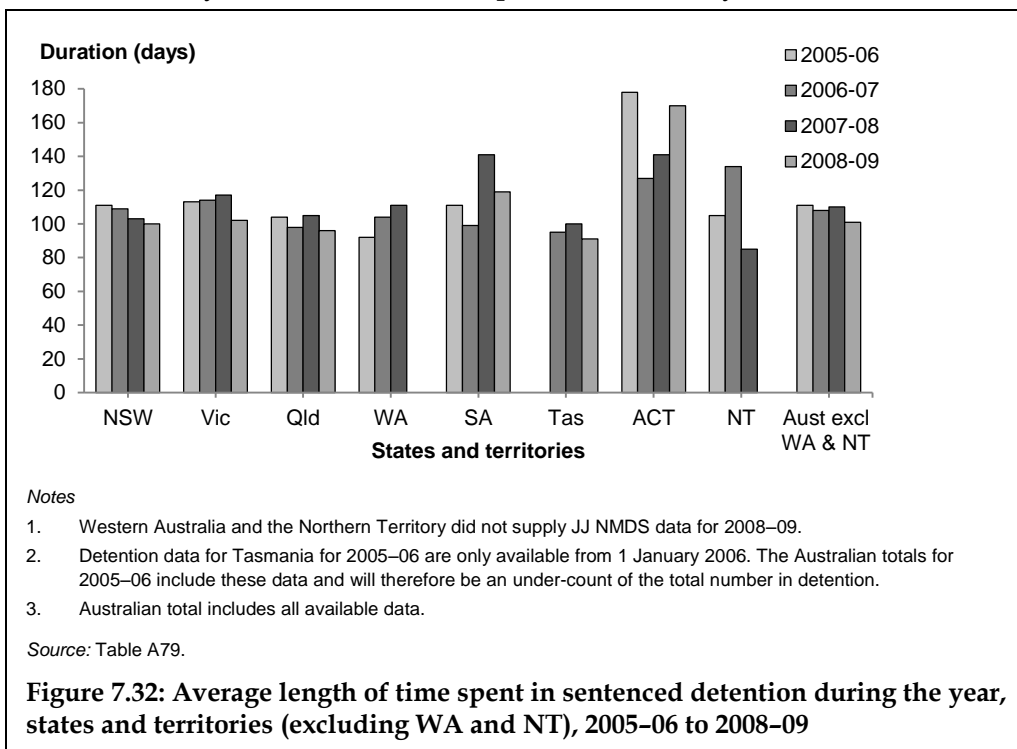


In 2008–09, the average young person who was in sentenced detention during the year spent over three months (101 days) in total sentenced detention (excluding Western Australia and the Northern Territory). On average, young people in the Australian Capital Territory spent the longest in sentenced detention during the year (170 days), while young people in Tasmania spent the shortest time in sentenced detention (91 days) (excluding Western Australia and the Northern Territory; Figure 7.32).

Indigenous young people spent, on average, 3 more days in sentenced detention during the year than non-Indigenous young people, although this pattern only occurred in South Australia (19 more days) and New South Wales (12 more days) (Table A79). In the remaining states and territories (excluding Western Australia and the Northern Territory), Indigenous young people spent less time in sentenced detention (26 fewer days in Queensland, 2 fewer

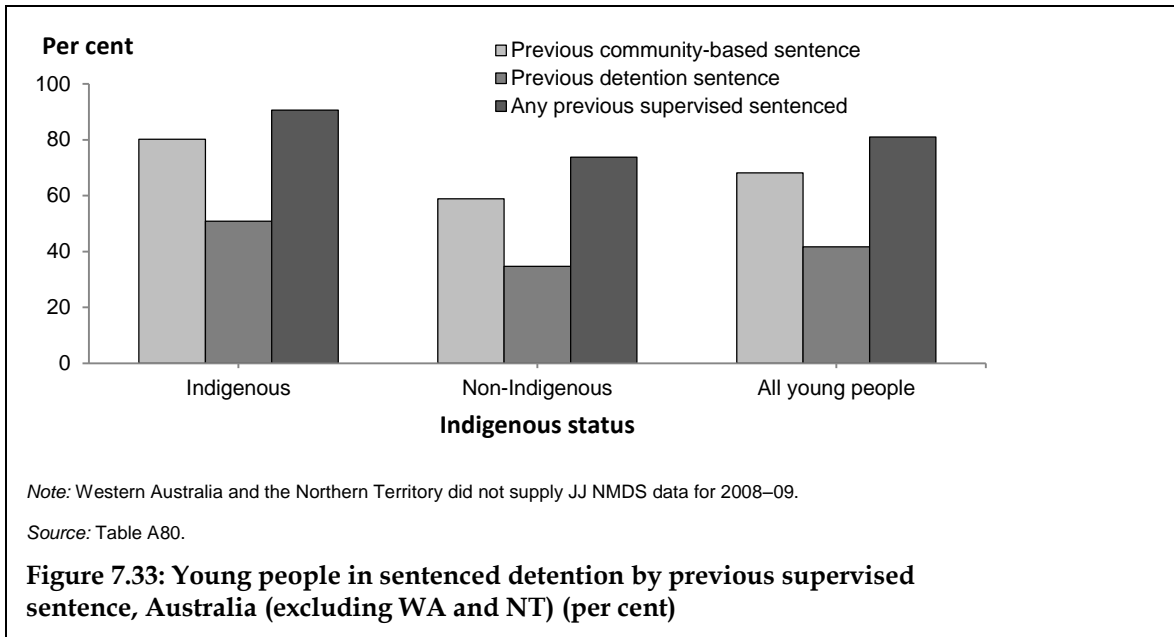
days in Tasmania) or there was no difference (Victoria). (Numbers for the Australian Capital Territory were too small to calculate averages for the two groups.)

Over the four years from 2005–06, the average length of time spent in sentenced detention during the year decreased by 10 days, although the length increased by 1 day for Indigenous young people, compared with a decrease of 17 days for non-Indigenous young people (Figure 7.32 and Table A79). This overall decrease occurred in all states and territories (excluding Western Australia and the Northern Territory, and Tasmania as 4-year trend data are not available) except South Australia, where the average length of time increased by 8 days. For the remaining jurisdictions, the decrease in time ranged from 8 days in Queensland and the Australian Capital Territory to 11 days in both New South Wales and Victoria. However, only New South Wales experienced a steady decrease in each of the four years.



**Figure 7.32: Average length of time spent in sentenced detention during the year, states and territories (excluding WA and NT), 2005–06 to 2008–09**

Many young people currently in sentenced detention have had multiple previous contacts with the juvenile justice system. Of the 1,392 young people who were in sentenced detention in 2008–09 (excluding Western Australia and the Northern Territory), 81% had already experienced a supervised sentence in a previous year – 68% had had a previous community-based sentence and 42% had had a previous detention sentence (some had both community-based sentences and detention sentences). Indigenous young people in sentenced detention were more likely to have had a previous supervised sentence than non-Indigenous young people. In 2008–09, 91% of Indigenous young people in sentenced detention had had a previous supervised sentence, compared with 74% of non-Indigenous young people. Half (51%) of Indigenous young people had had a previous detention sentence, compared with about one-third (35%) of non-Indigenous young people (Figure 7.33).



## 8 State and territory summary

### 8.1 New South Wales

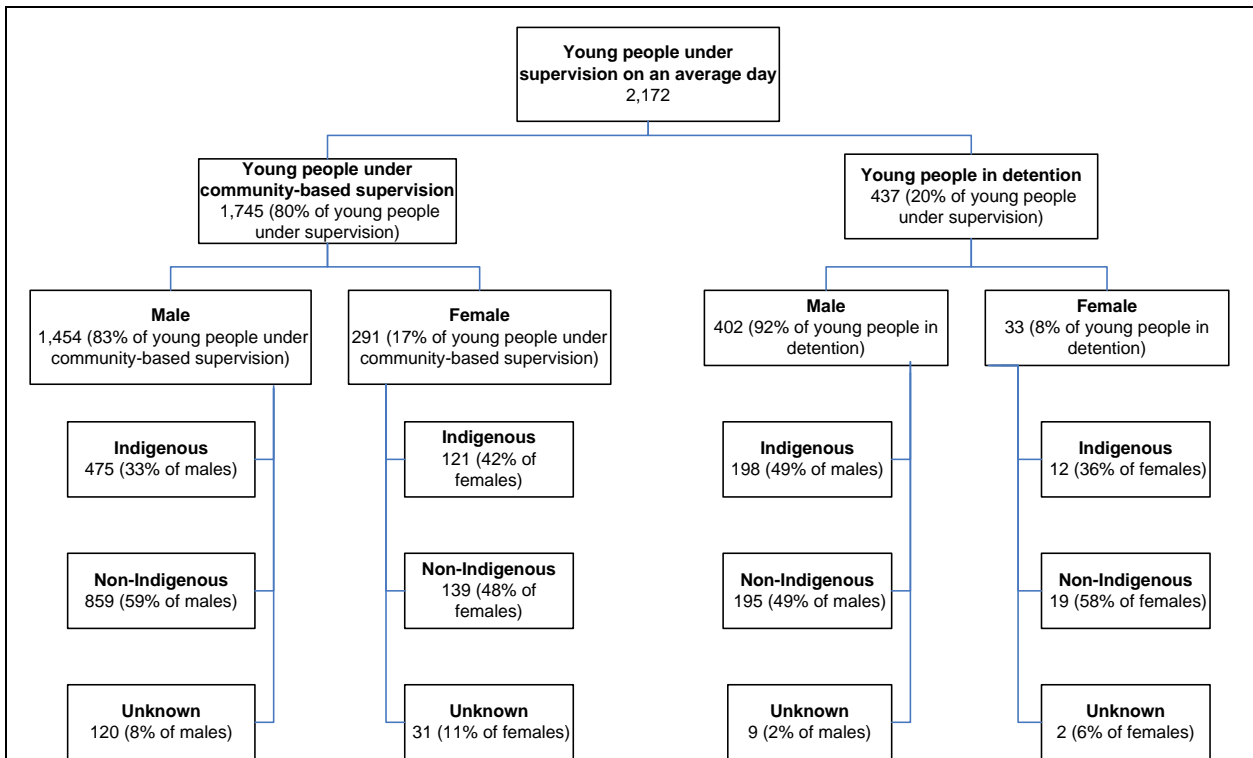
On an average day in 2008–09, there were 2,172 young people under supervision in New South Wales; four in five (80%) were under community-based supervision and one in five (20%) were in detention (Figure 8.1), which means on average, 10 young people moved between community-based supervision and detention on any given day. Around one-third (34%) of young people under community-based supervision were Aboriginal or Torres Strait Islander, along with almost half (48%) of those in detention (Table 8.1). Most young people under community-based supervision (89%) and in detention (88%) were aged 10–17 years.

There were 2.1 young people for every 1,000 in the population aged 10–17 years under community-based supervision on an average day, and 0.5 per 1,000 in detention. On an average day, Indigenous young people aged 10–17 years were around 14 times as likely as non-Indigenous young people to be under community-based supervision, and almost 24 times as likely to be in detention.

The number of young people in both community-based supervision and detention on an average day in New South Wales increased by more than one-third over the 4-year period to 2008–09 (Figure 8.4). Similarly, the rates of young people aged 10–17 years under community-based supervision and in detention both increased steadily over the period – from 1.5 young people per 1,000 to 2.1 for community-based supervision, and from 0.4 per 1,000 to 0.5 for detention (Figure 8.5).

The number of unsentenced young people in detention on an average day in New South Wales decreased by 19% over the 2008–09 financial year, while the number of sentenced young people increased by 25% (Figure 8.6). Over the 4-year period to 2008–09, there were large proportional increases in the unsentenced non-Indigenous population (up 64%) and the sentenced Indigenous population (up 49%) (Figure 8.7).

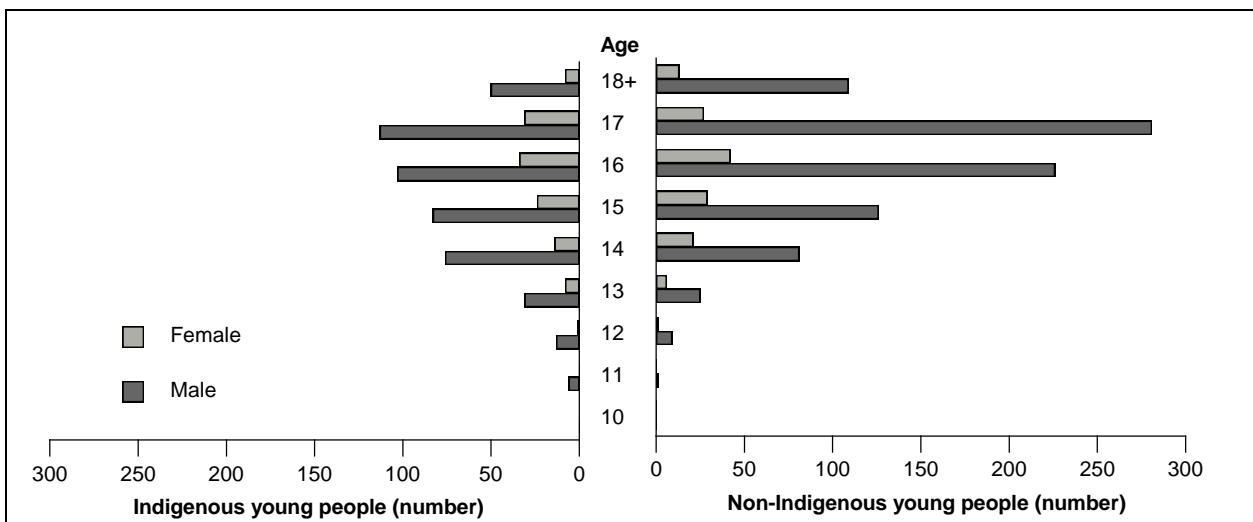
## Number and rate under supervision



(a) Number of young people on an average day may not sum due to rounding, and some young people may have moved between community-based supervision and detention on the same day.

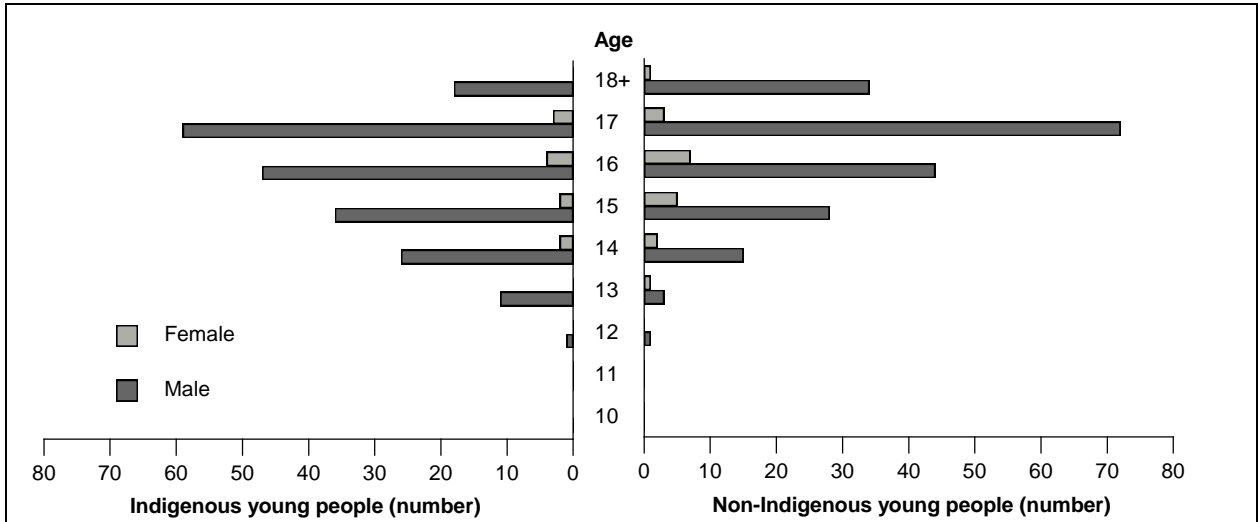
Source: Table 4.2, Table 6.2 and Table 7.2

**Figure 8.1: Summary characteristics of the average daily population<sup>(a)</sup> under supervision, New South Wales, 2008–09**



Source: Table A81.

**Figure 8.2: Young people under community-based supervision on an average day by age, sex and Indigenous status, New South Wales, 2008–09**



Source: Table A81.

**Figure 8.3: Young people in detention on an average day by age, sex and Indigenous status, New South Wales, 2008–09**

**Table 8.1: Young people under supervision on an average day<sup>(a)</sup> by age and Indigenous status, community-based supervision and detention, New South Wales, 2008–09 (number and rate)**

Indigenous status	10	11	12	13	14	15	16	17	10–17	18+	Total
<b>Number<sup>(b)</sup></b>											
<b>Community-based supervision</b>											
Indigenous	0	6	14	39	91	107	138	144	538	58	596
Non-Indigenous	0	1	10	31	102	156	267	308	876	123	998
Unknown	0	0	1	6	13	22	40	51	133	18	151
<b>Total</b>	<b>0</b>	<b>7</b>	<b>25</b>	<b>75</b>	<b>206</b>	<b>285</b>	<b>445</b>	<b>503</b>	<b>1,546</b>	<b>199</b>	<b>1,745</b>
<b>Detention</b>											
Indigenous	0	—	1	11	28	38	51	61	192	18	210
Non-Indigenous	0	—	1	3	17	33	51	75	181	36	217
Unknown	0	0	—	—	1	2	3	4	10	1	11
<b>Total</b>	<b>0</b>	<b>—</b>	<b>3</b>	<b>14</b>	<b>46</b>	<b>73</b>	<b>105</b>	<b>141</b>	<b>383</b>	<b>55</b>	<b>437</b>
<b>Rate</b>											
<b>Community-based supervision</b>											
Indigenous	n.p.	1.44	3.51	9.86	22.87	27.24	35.17	37.65	17.18	..	..
Non-Indigenous	n.p.	n.p.	0.12	0.35	1.16	1.76	2.97	3.36	1.25	..	..
Rate ratio	n.a.	n.a.	29.25	28.17	19.72	15.48	11.84	11.21	13.74	..	..
<b>Total</b>	<b>n.p.</b>	<b>0.08</b>	<b>0.27</b>	<b>0.83</b>	<b>2.23</b>	<b>3.07</b>	<b>4.74</b>	<b>5.27</b>	<b>2.11</b>	<b>..</b>	<b>..</b>
<b>Detention</b>											
Indigenous	n.p.	n.p.	n.p.	2.05	4.91	7.03	9.39	8.90	6.12	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	0.14	0.26	0.42	0.49	0.26	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	35.07	27.04	22.36	18.16	23.54	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.11</b>	<b>0.34</b>	<b>0.53</b>	<b>0.77</b>	<b>0.81</b>	<b>0.52</b>	<b>..</b>	<b>..</b>

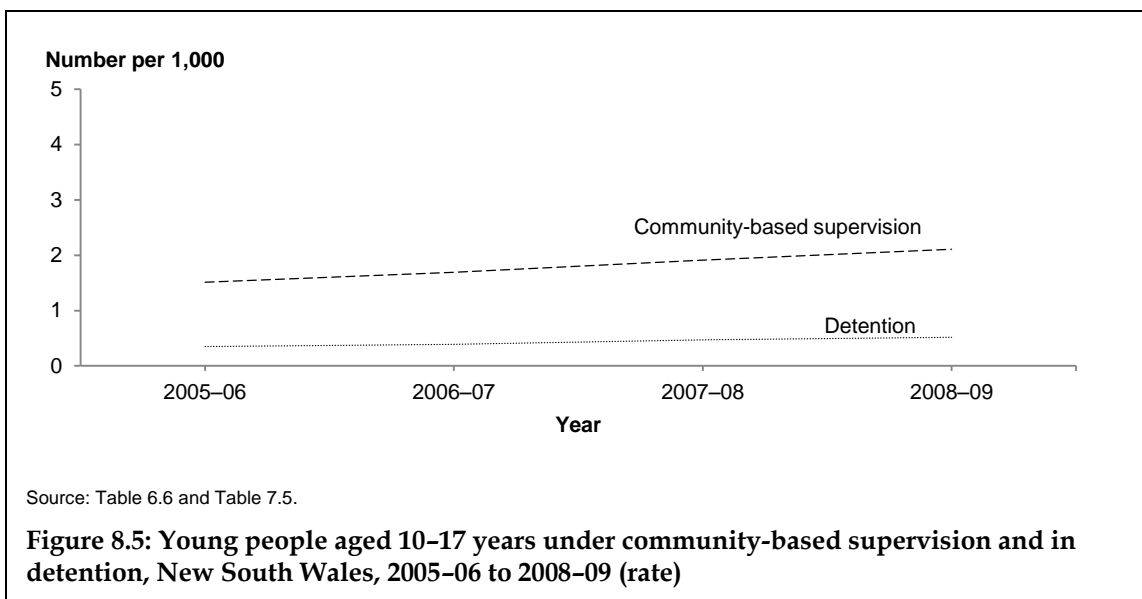
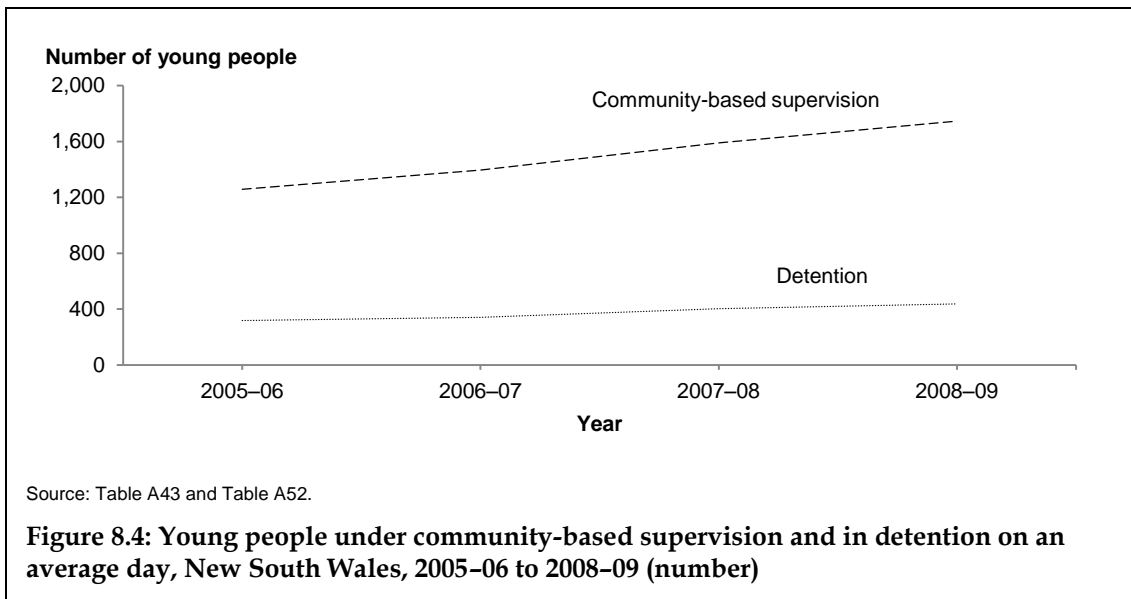
(a) Number of young people on an average day may not sum to total due to rounding.

(b) Number of young people under community-based supervision and in detention may not sum to total number under supervision as young people may be under community-based supervision and in detention on the same day and may be in different age groups. See Chapter 3 for more information.

*Notes*

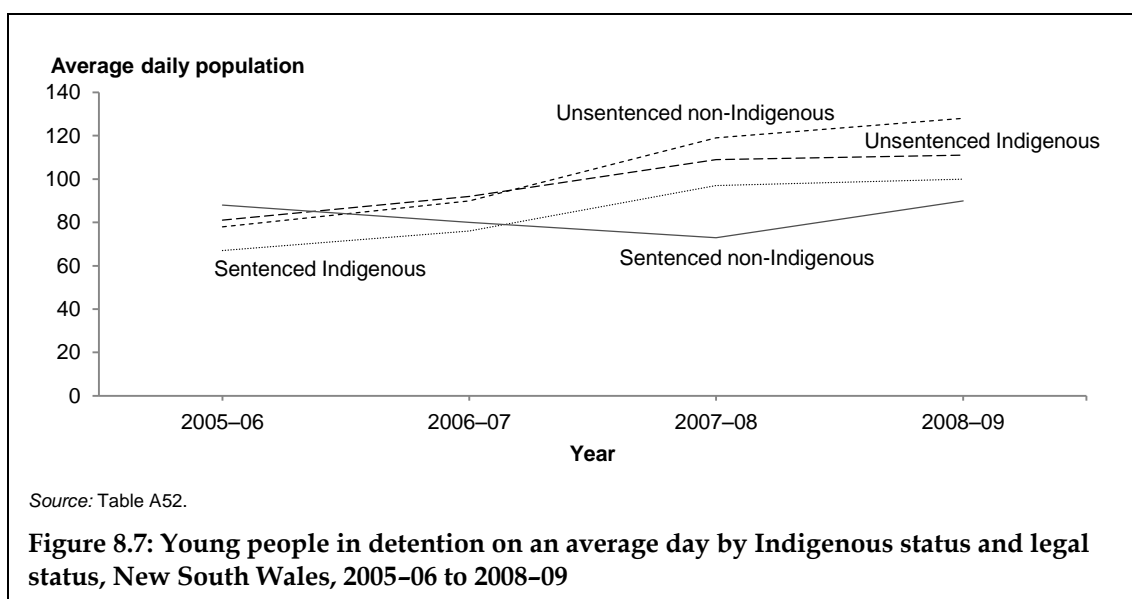
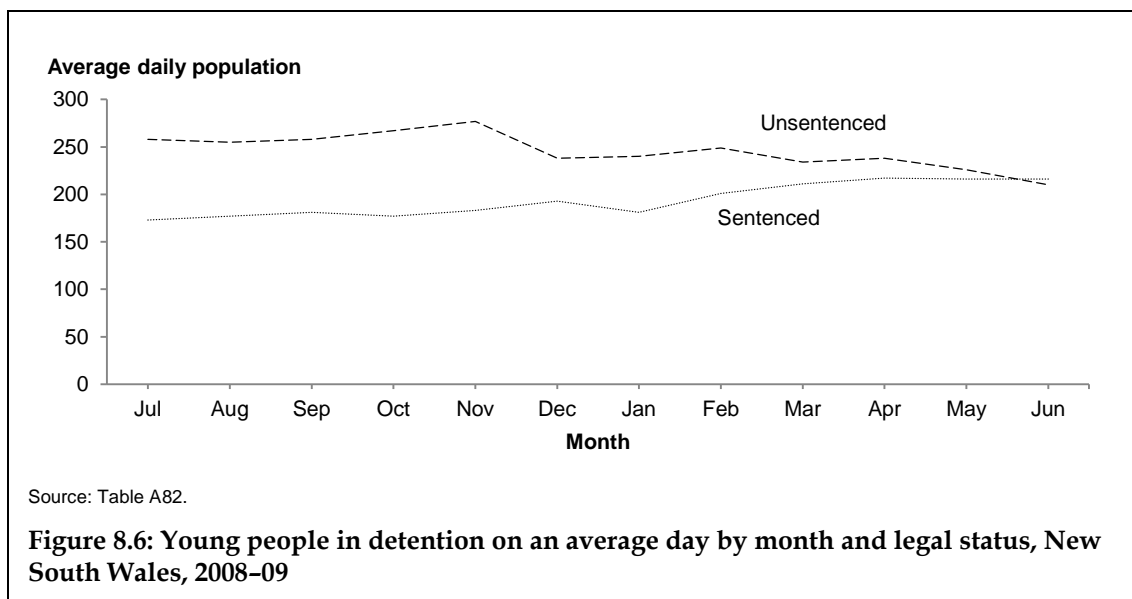
1. Age calculated as at start of financial year if first period of community-based supervision or detention began before the start of the financial year, otherwise age calculated as at start of first period of community-based supervision or detention.
2. Totals include young people of unknown Indigenous status.
3. Rates are number of young people per 1,000 relevant population.
4. Rates are not published where there were fewer than five young people.
5. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

## Trends





## Detention



## 8.2 Victoria

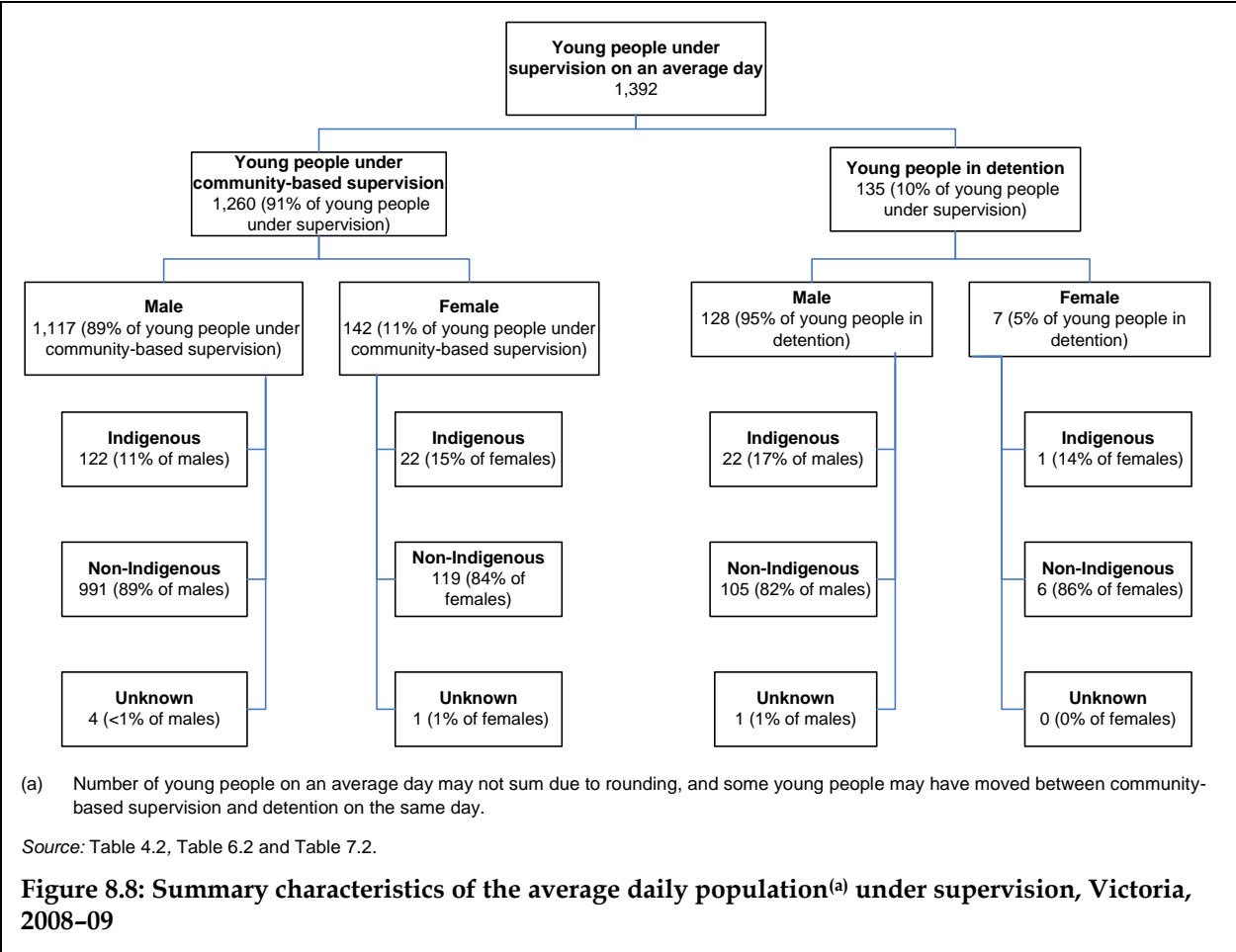
Of the 1,392 young people under supervision on an average day in Victoria in 2008-09, around nine in ten (91%) were under community-based supervision and one in ten (10%) were in detention (Figure 8.8). As a result of the dual track sentencing system in Victoria, a relatively high proportion of young people under juvenile justice supervision were aged 18 years and older – one-third (33%) of those under community-based supervision on an average day and just under half (46%) of those in detention (Table 8.2). Around 12% of young people under community-based supervision were Indigenous, along with 18% of those in detention.

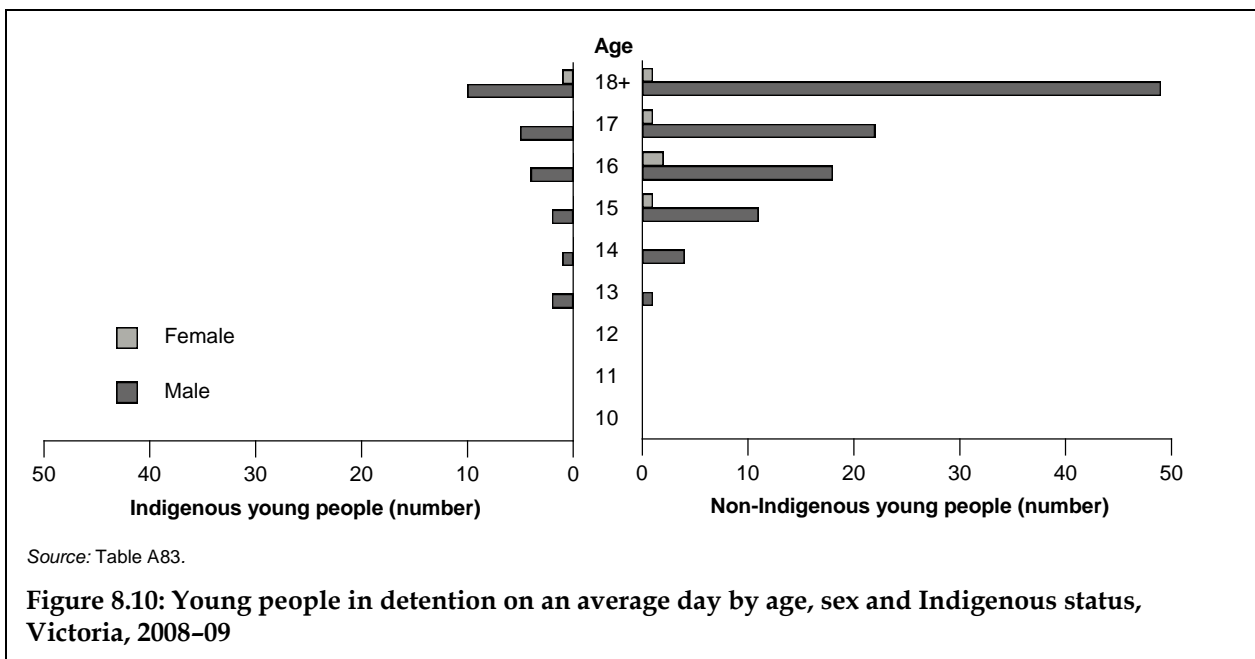
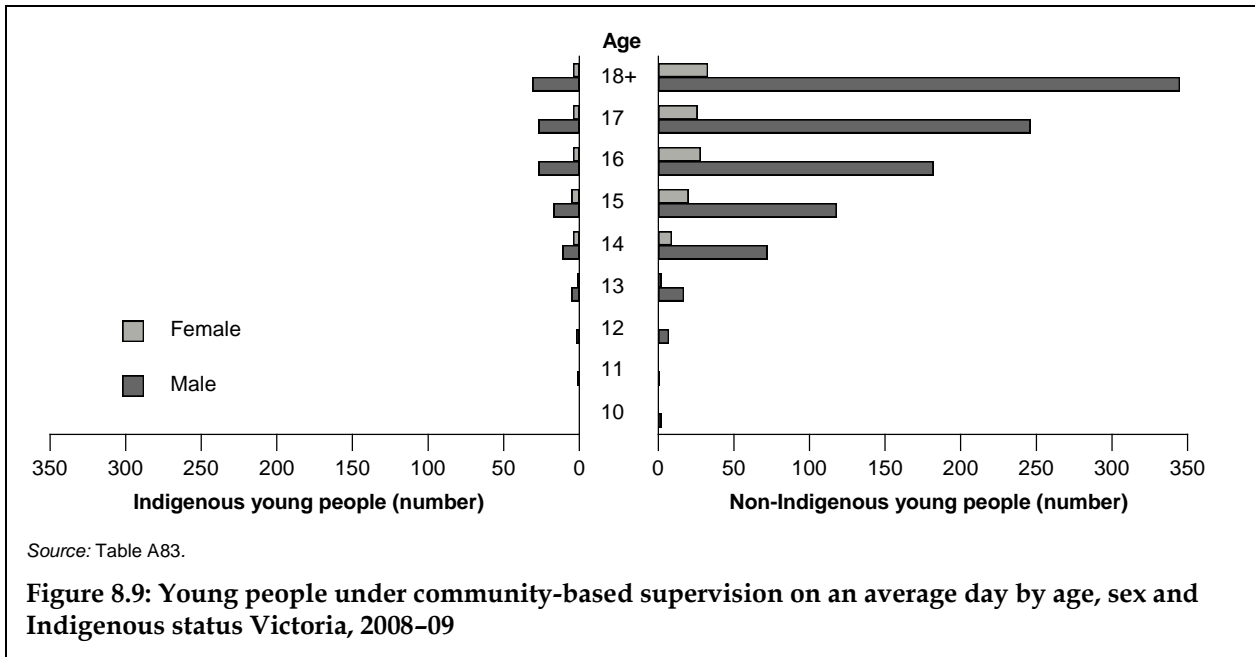
In 2008–09, there were 1.5 young people aged 10–17 years under community-based supervision in Victoria on an average day for every 1,000 in the population, and 0.1 per 1,000 in detention. Indigenous young people were around 12 times as likely as non-Indigenous young people to be under community-based supervision on an average day, and 17 times as likely to be in detention.

Between 2005–06 and 2008–09, the number of young people under community-based supervision on an average day increased by 60%; in contrast, the number in detention remained relatively steady with an overall decrease of 2% (Figure 8.11). Similarly, the rate of young people aged 10–17 years under community-based supervision increased each year, from 1.1 per 1,000 in 2005–06 to 1.5 per 1,000 in 2008–09, while the rate in detention remained around 0.1 per 1,000 over the period (Figure 8.12).

While the average daily numbers of sentenced and unsentenced young people in detention fluctuated during the 2008–09 year, there was an overall net decrease (down 22%) in unsentenced young people and an increase (up 13%) in sentenced young people (Figure 8.13). Between 2005–06 and 2008–09, there were increases in the numbers of unsentenced Indigenous (up 100%) and non-Indigenous (up 43%) young people in detention on an average day, and small decreases in the numbers of sentenced Indigenous (down 11%) and non-Indigenous (down 14%) young people (Figure 8.14).

### Number and rate under supervision





**Table 8.2: Young people under supervision on an average day<sup>(a)</sup> by age and Indigenous status, community-based supervision and detention, Victoria, 2008–09 (number and rate)**

Indigenous status	10	11	12	13	14	15	16	17	10–17	18+	Total
<b>Number<sup>(b)</sup></b>											
<b>Community-based supervision</b>											
Indigenous	0	1	2	7	15	23	31	31	110	35	145
Non-Indigenous	2	1	7	20	81	139	210	272	732	379	1,111
Unknown	0	0	0	0	1	—	1	1	3	2	5
<b>Total</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>26</b>	<b>97</b>	<b>162</b>	<b>242</b>	<b>304</b>	<b>844</b>	<b>416</b>	<b>1,260</b>
<b>Detention</b>											
Indigenous	0	0	0	2	1	2	4	5	13	11	24
Non-Indigenous	—	0	—	1	4	12	21	23	61	50	111
Unknown	0	0	0	0	0	0	—	0	—	1	1
<b>Total</b>	<b>—</b>	<b>0</b>	<b>—</b>	<b>2</b>	<b>5</b>	<b>14</b>	<b>24</b>	<b>28</b>	<b>73</b>	<b>62</b>	<b>135</b>
<b>Rate</b>											
<b>Community-based supervision</b>											
Indigenous	n.p.	n.p.	n.p.	8.07	17.82	27.31	36.35	35.9	16.43	..	..
Non-Indigenous	n.p.	n.p.	0.11	0.29	1.18	2.02	3.04	3.85	1.35	..	..
Rate ratio	n.a.	n.a.	n.a.	27.83	15.10	13.52	11.96	9.32	12.17	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.14</b>	<b>0.39</b>	<b>1.40</b>	<b>2.33</b>	<b>3.45</b>	<b>4.25</b>	<b>1.54</b>	<b>..</b>	<b>..</b>
<b>Detention</b>											
Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	8.90	1.91	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	0.26	0.42	0.49	0.11	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	18.16	17.36	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.34</b>	<b>0.53</b>	<b>0.77</b>	<b>0.81</b>	<b>0.13</b>	<b>..</b>	<b>..</b>

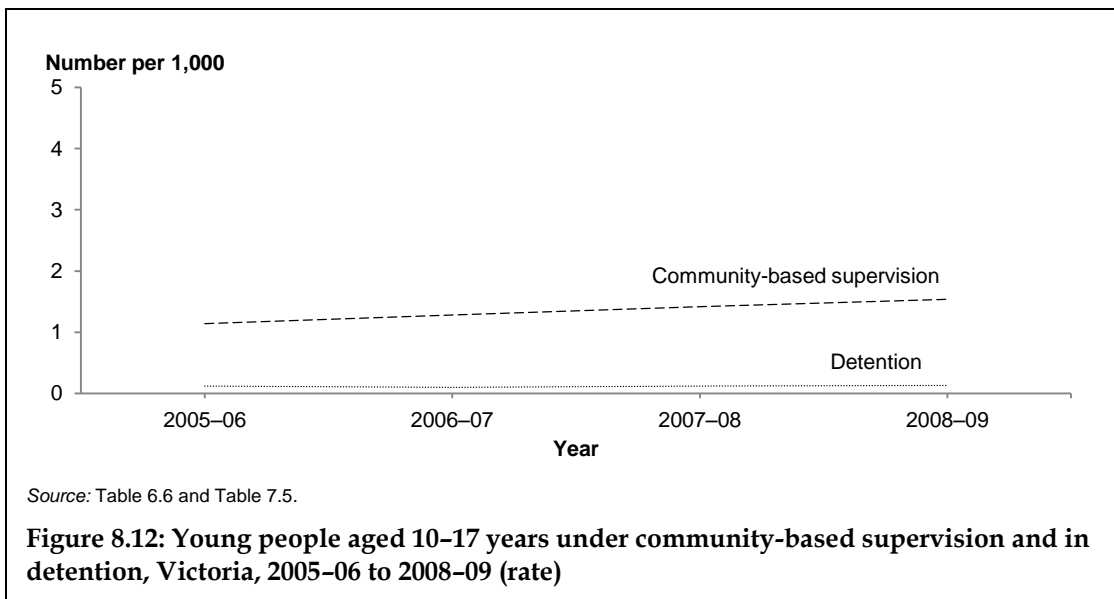
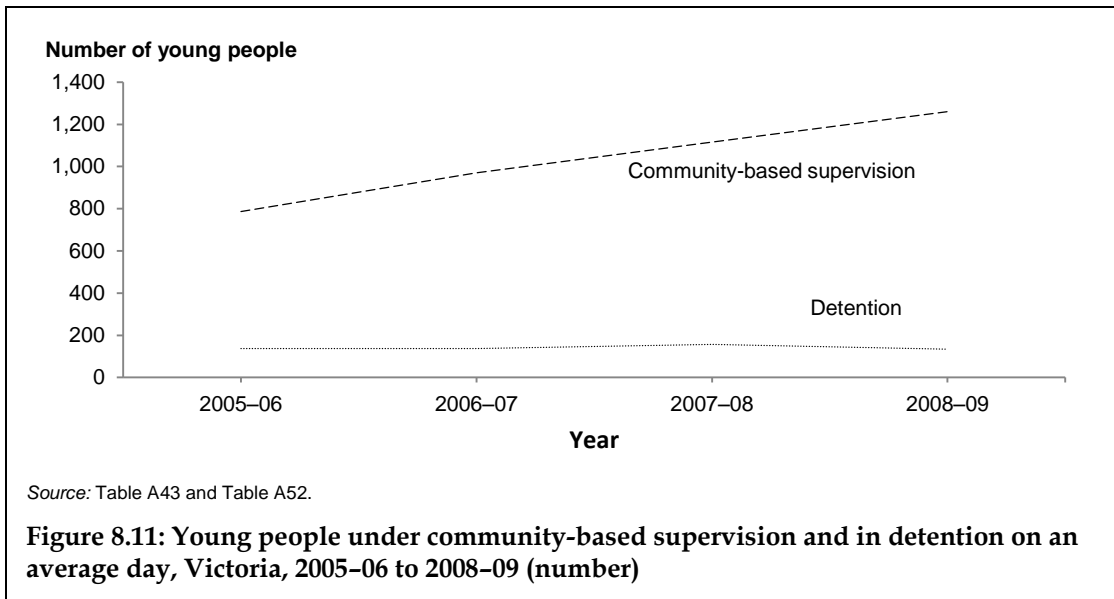
(a) Number of young people on an average day may not sum to total due to rounding.

(b) Number of young people under community-based supervision and in detention may not sum to total number under supervision as young people may be under community-based supervision and in detention on the same day and may be in different age groups. See Chapter 3 for more information.

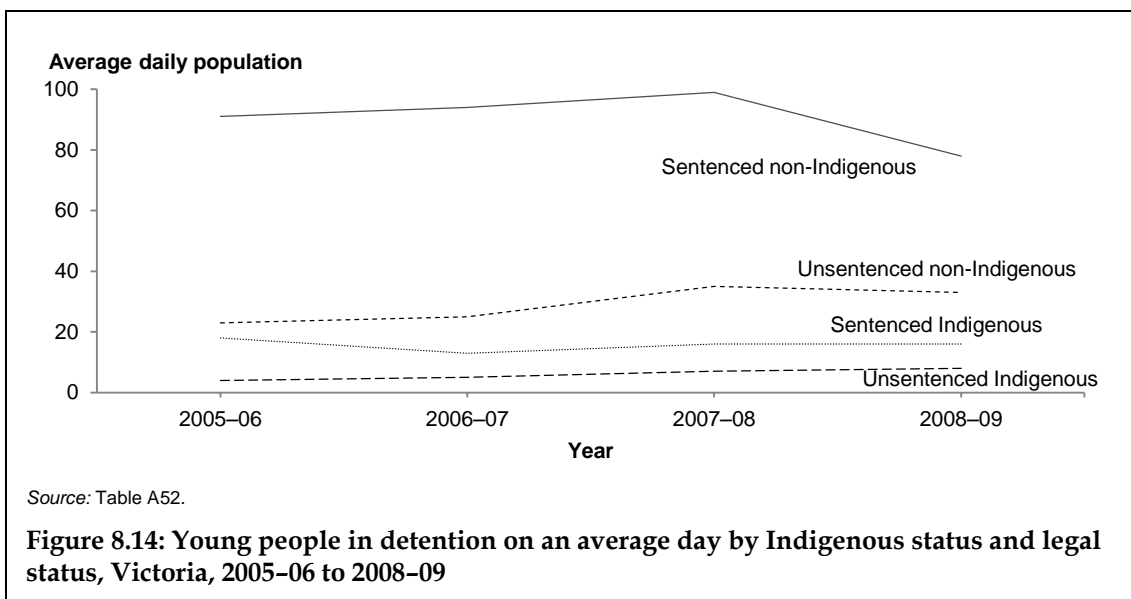
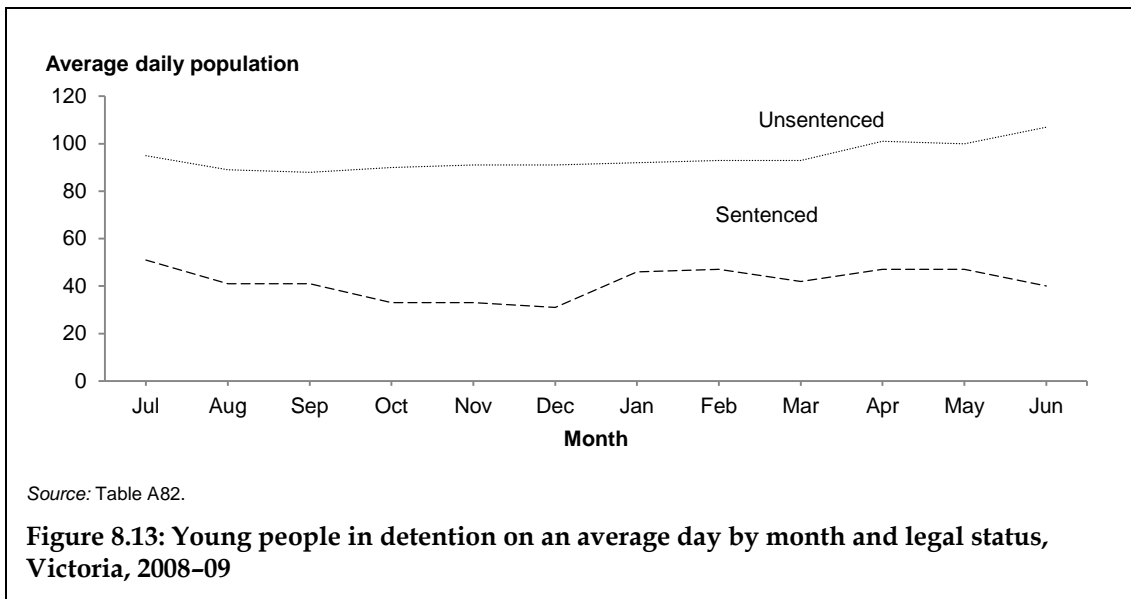
*Notes*

1. Age calculated as at start of financial year if first period of community-based supervision or detention began before the start of the financial year, otherwise age calculated as at start of first period of community-based supervision or detention.
2. Totals include young people of unknown Indigenous status.
3. Rates are number of young people per 1,000 relevant population.
4. Rates are not published where there were fewer than five young people.
5. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

## Trends



## Detention



## 8.3 Queensland

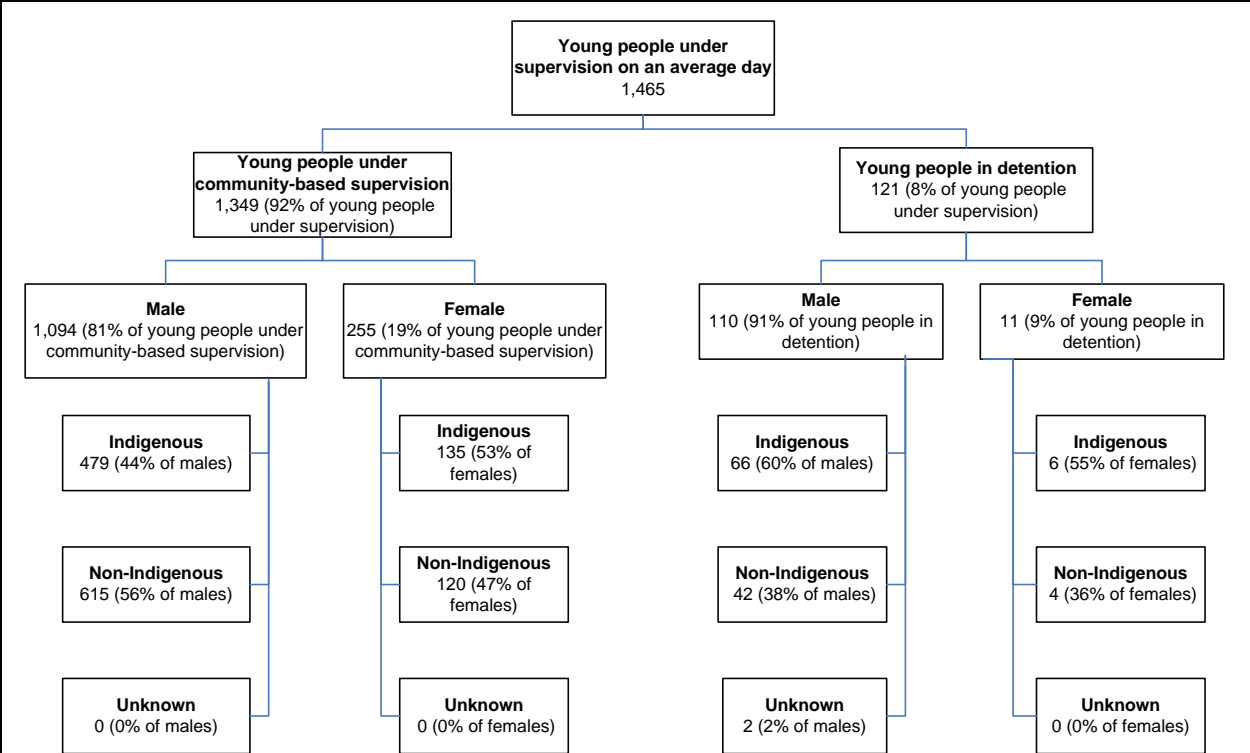
More than nine in ten (92%) of the 1,465 young people who were under juvenile justice supervision in Queensland on an average day were under community-based supervision, and 8% were in detention (Figure 8.15). Most young people (91% for community-based supervision and 95% for detention) were aged 10–17 years (Table 8.3). A relatively high proportion was Indigenous: around 45% of young people under community-based supervision on an average day and 60% of those in detention.

There were 2.6 young people per 1,000 aged 10–17 years in Queensland under community-based supervision on an average day in 2008–09, and 0.2 per 1,000 in detention (Table 8.3). Indigenous young people aged 10–17 years were around 13 times as likely as non-Indigenous young people to be under community-based supervision, and around 27 times as likely to be in detention on an average day.

The numbers of young people under both community-based supervision and detention on an average day increased between 2005–06 and 2007–08, but decreased in 2008–09, resulting in little net change over the 4-year period (Figure 8.18). Similarly, the rates of young people aged 10–17 years under supervision and in detention in Queensland on an average day increased slightly between 2005–06 and 2007–08, but decreased in 2008–09 to just below 2005–06 levels (Figure 8.19).

While the sentenced and unsentenced populations in detention on an average day fluctuated over the 2008–09 year, there was an overall decline in the number of sentenced young people in detention on an average day (down 26%) and an increase in the number of unsentenced young people (up 14%) (Figure 8.20). Over the 4-year period to 2008–09, there was a net decline in both the Indigenous and non-Indigenous unsentenced populations in detention on an average day (down 9% and 19%), despite increases in 2006–07 and 2007–08. Growth in the numbers of sentenced young people in detention was driven by an increase in the sentenced Indigenous population (up 41%) (Figure 8.21).

# Number and rate under supervision

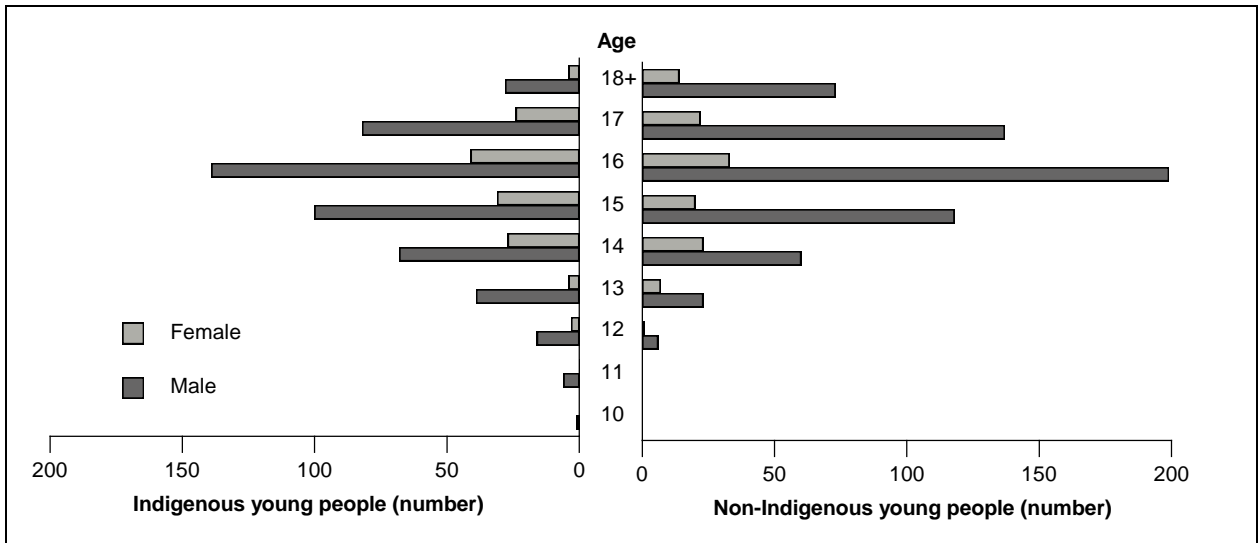


(a) Number of young people on an average day may not sum due to rounding, and some young people may have moved between community-based supervision and detention on the same day.

Source: Table 4.2, Table 6.2 and Table 7.2.

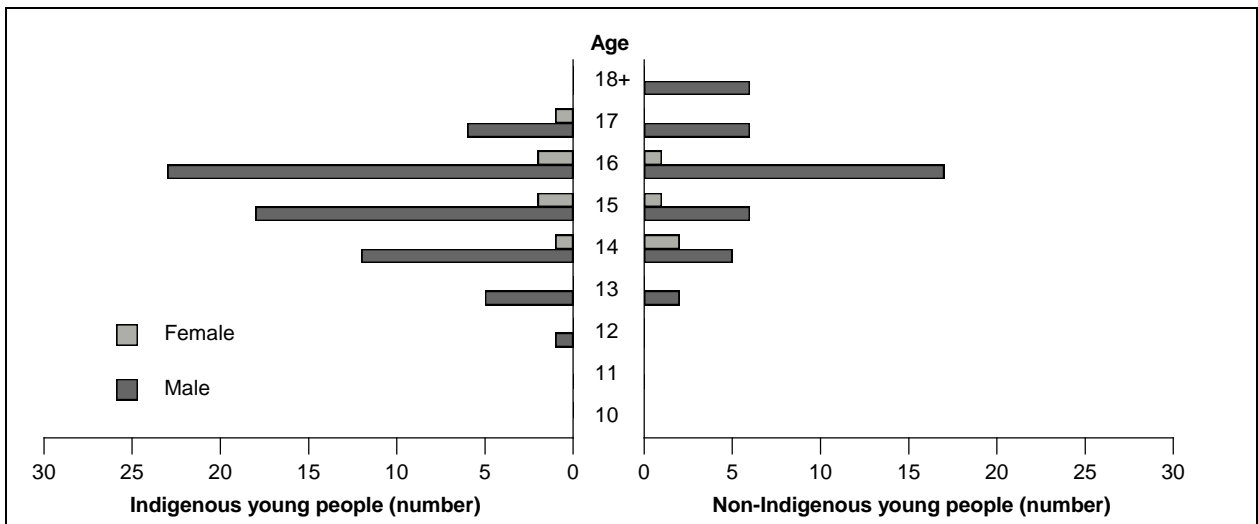
**Figure 8.15: Summary characteristics of the average daily population<sup>(a)</sup> under supervision, Queensland, 2008–09**





Source: Table A84.

**Figure 8.16: Young people under community-based supervision on an average day by age, sex and Indigenous status, Queensland, 2008-09**



Source: Table A84.

**Figure 8.17: Young people in detention on an average day by age, sex and Indigenous status, Queensland, 2008-09**

**Table 8.3: Young people under supervision on an average day<sup>(a)</sup> by age and Indigenous status, community-based supervision and detention, Queensland, 2008–09 (number and rate)**

Indigenous status	10	11	12	13	14	15	16	17	10–17	18+	Total
<b>Number<sup>(b)</sup></b>											
<b>Community-based supervision</b>											
Indigenous	1	6	19	43	95	132	180	106	582	32	613
Non-Indigenous	0	—	7	30	82	138	232	159	649	87	736
Unknown	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>6</b>	<b>26</b>	<b>73</b>	<b>178</b>	<b>269</b>	<b>412</b>	<b>265</b>	<b>1,231</b>	<b>118</b>	<b>1,349</b>
<b>Detention</b>											
Indigenous	—	—	1	6	13	20	26	7	72	—	72
Non-Indigenous	0	—	—	2	6	7	18	6	40	6	46
Unknown	0	0	0	0	1	1	1	0	2	0	2
<b>Total</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>8</b>	<b>20</b>	<b>28</b>	<b>44</b>	<b>13</b>	<b>115</b>	<b>6</b>	<b>121</b>
<b>Rate</b>											
<b>Community-based supervision</b>											
Indigenous	n.p.	1.65	4.97	11.41	25.47	34.87	48.76	29.7	19.46	..	..
Non-Indigenous	n.p.	n.p.	0.13	0.54	1.45	2.42	4.04	2.75	1.45	..	..
Rate ratio	n.a.	n.a.	38.23	21.13	17.57	14.41	12.07	10.80	13.42	..	..
<b>Total</b>	<b>n.p.</b>	<b>0.11</b>	<b>0.44</b>	<b>1.22</b>	<b>2.93</b>	<b>4.44</b>	<b>6.74</b>	<b>4.32</b>	<b>2.57</b>	<b>..</b>	<b>..</b>
<b>Detention</b>											
Indigenous	n.p.	n.p.	n.p.	2.05	4.91	7.03	9.39	8.9	2.42	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	0.14	0.26	0.42	0.49	0.09	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	35.07	27.04	22.36	18.16	26.89	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.11</b>	<b>0.34</b>	<b>0.53</b>	<b>0.77</b>	<b>0.81</b>	<b>0.24</b>	<b>..</b>	<b>..</b>

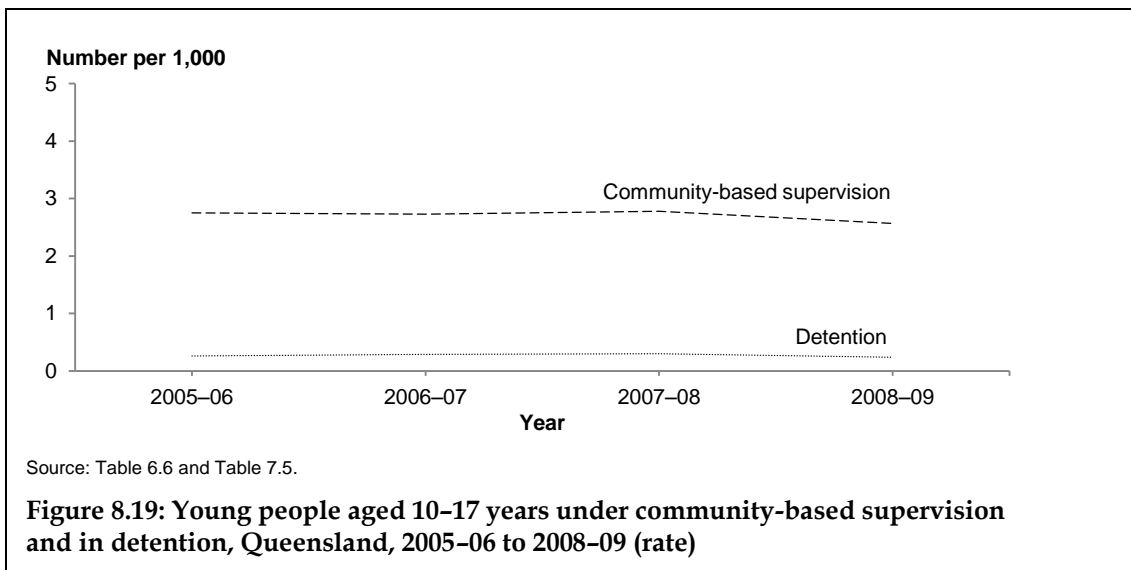
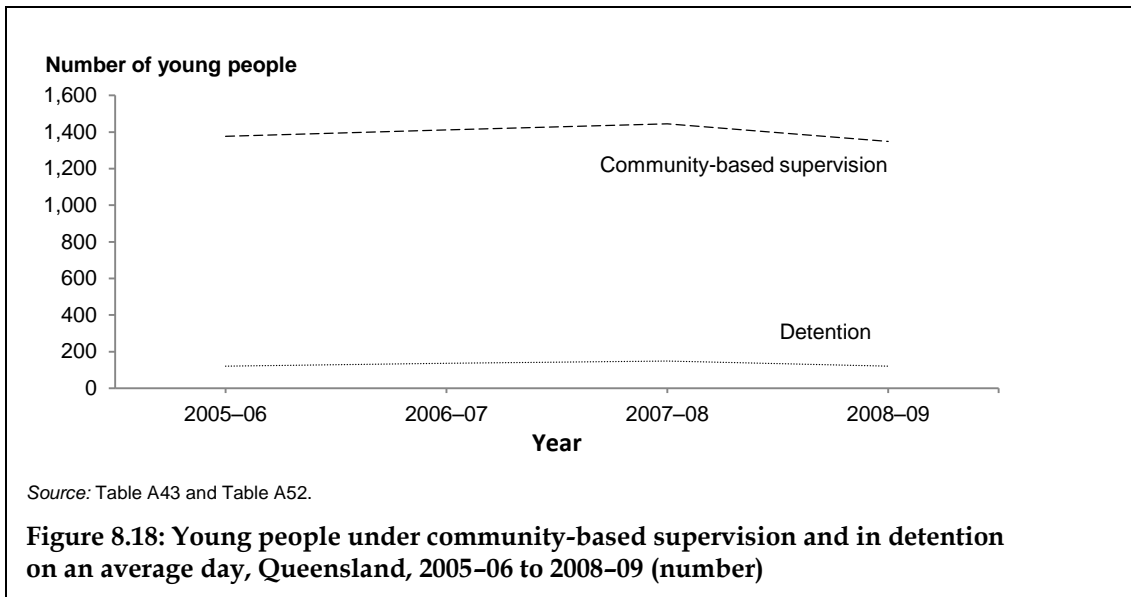
(a) Number of young people on an average day may not sum to total due to rounding.

(b) Number of young people under community-based supervision and in detention may not sum to total number under supervision as young people may be under community-based supervision and in detention on the same day and may be in different age groups. See Chapter 3 for more information.

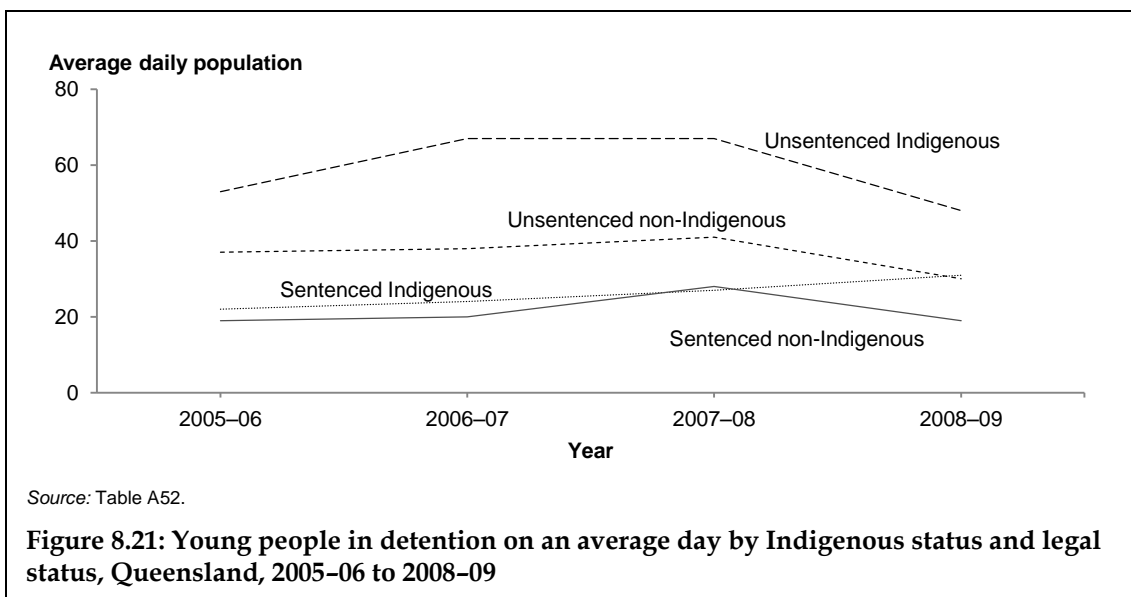
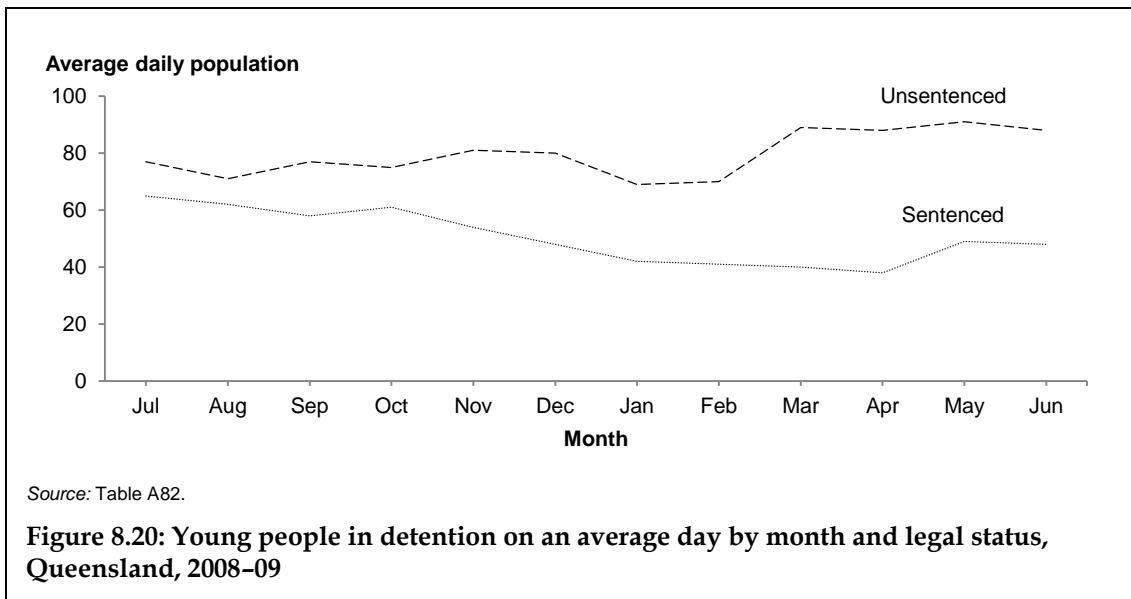
*Notes*

1. Age calculated as at start of financial year if first period of community-based supervision or detention began before the start of the financial year, otherwise age calculated as at start of first period of community-based supervision or detention.
2. Totals include young people of unknown Indigenous status.
3. Rates are number of young people per 1,000 relevant population.
4. Rates are not published where there were fewer than five young people.
5. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

## Trends



## Detention



## 8.4 Western Australia

Western Australia did not supply JJ NMDS data for 2008–09.

## 8.5 South Australia

On an average day in 2008–09, there were 582 young people under juvenile justice supervision in South Australia; most (89%) were under supervision in the community with only 12% in detention (Figure 8.22). Close to one in five were aged 18 years and over – 20% of those under community-based supervision and 18% of those in detention (Table 8.4). Around one-third (34%) of those under community-based supervision and just under half (43%) of those in detention were Indigenous.

During 2008–09, there were 2.5 young people under community-based supervision in South Australia on an average day for every 1,000 in the population aged 10–17 years, and 0.3 per 1,000 in detention (Table 8.4). Indigenous young people were over-represented in both community-based supervision and detention, and the level of over-representation was greater at younger ages. Overall, Indigenous young people aged 10–17 years were around 17 times as likely as non-Indigenous young people to be under community-based supervision, and 22 times as likely to be in detention on an average day.

While the number of young people in detention in South Australia on an average day increased by one-third (33%) between 2005–06 and 2008–09, the number under community-based supervision decreased in 2006–07, but then increased to result in little net change (3% increase) over the period (Figure 8.25). In terms of the rates of young people aged 10–17 years under supervision on an average day, there were small increases in community-based supervision (from 2.3 to 2.5 young people per 1,000) while the rate remained the same for detention over the 4-year period (Figure 8.26).

Throughout the 2008–09 year, the number of young people in detention on an average day in South Australia fluctuated; overall, there were decreases between July 2008 and June 2009 in the numbers of both sentenced (down 22%) and unsentenced (down 6%) young people in detention (Figure 8.27). Over the 4-year period, the numbers of sentenced and unsentenced Indigenous and non-Indigenous young people in detention on an average day all increased, with the largest proportional increase for unsentenced Indigenous young people (up 67%) (Figure 8.28).

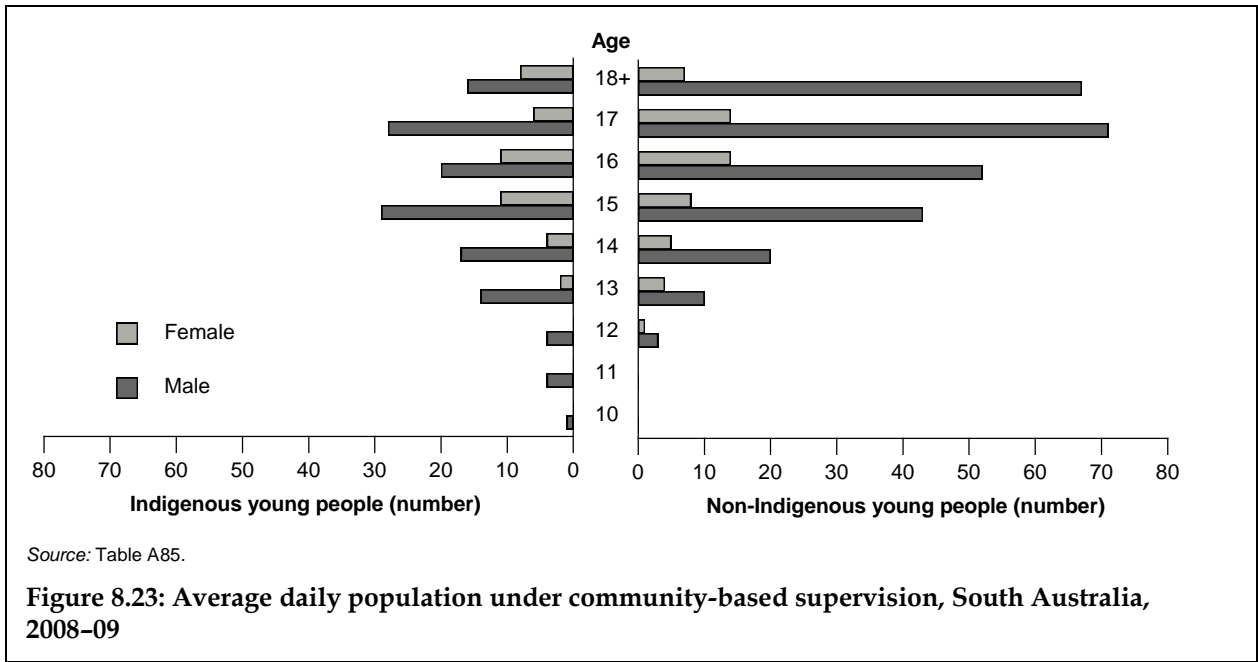
# Number and rate under supervision



(a) Number of young people on an average day may not sum due to rounding, and some young people may have moved between community-based supervision and detention on the same day.

Source: Table 4.2, Table 6.2 and Table 7.2.

**Figure 8.22: Summary characteristics of the average daily population<sup>(a)</sup> under supervision, South Australia, 2008–09**



**Table 8.4: Young people under supervision on an average day<sup>(a)</sup> by age and Indigenous status, community-based supervision and detention, South Australia, 2008–09 (number and rate)**

Indigenous status	10	11	12	13	14	15	16	17	10–17	18+	Total
<b>Number<sup>(b)</sup></b>											
<b>Community-based supervision</b>											
Indigenous	2	4	4	16	20	39	31	34	150	24	174
Non-Indigenous	—	—	4	14	26	50	66	86	248	74	322
Unknown	0	0	1	1	2	4	3	6	17	4	22
<b>Total</b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>31</b>	<b>48</b>	<b>94</b>	<b>100</b>	<b>126</b>	<b>415</b>	<b>102</b>	<b>518</b>
<b>Detention</b>											
Indigenous	—	—	—	1	2	6	6	7	24	5	29
Non-Indigenous	—	0	1	1	5	6	8	11	31	7	38
Unknown	0	0	0	—	0	0	0	—	—	0	—
<b>Total</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>12</b>	<b>14</b>	<b>18</b>	<b>55</b>	<b>12</b>	<b>68</b>
<b>Rate</b>											
<b>Community-based supervision</b>											
Indigenous	n.p.	n.p.	n.p.	23.04	29.17	56.9	44.76	48.73	27.01	..	..
Non-Indigenous	n.p.	n.p.	n.p.	0.73	1.32	2.52	3.23	4.13	1.56	..	..
Rate ratio	n.a.	n.a.	n.a.	31.56	22.10	22.58	13.86	11.80	17.31	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.48</b>	<b>1.52</b>	<b>2.33</b>	<b>4.52</b>	<b>4.71</b>	<b>5.86</b>	<b>2.53</b>	<b>..</b>	<b>..</b>
<b>Detention</b>											
Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	7.03	9.39	8.9	4.36	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	0.14	0.26	0.42	0.49	0.2	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	n.a.	27.04	22.36	18.16	21.80	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.34</b>	<b>0.53</b>	<b>0.77</b>	<b>0.81</b>	<b>0.34</b>	<b>..</b>	<b>..</b>

(a) Number of young people on an average day may not sum to total due to rounding.

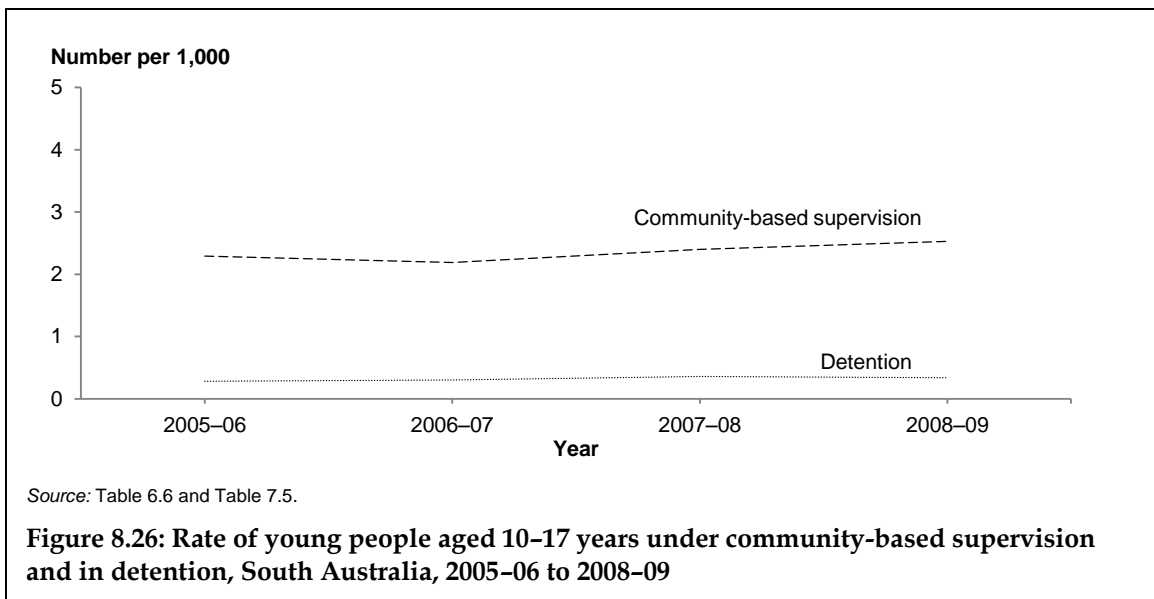
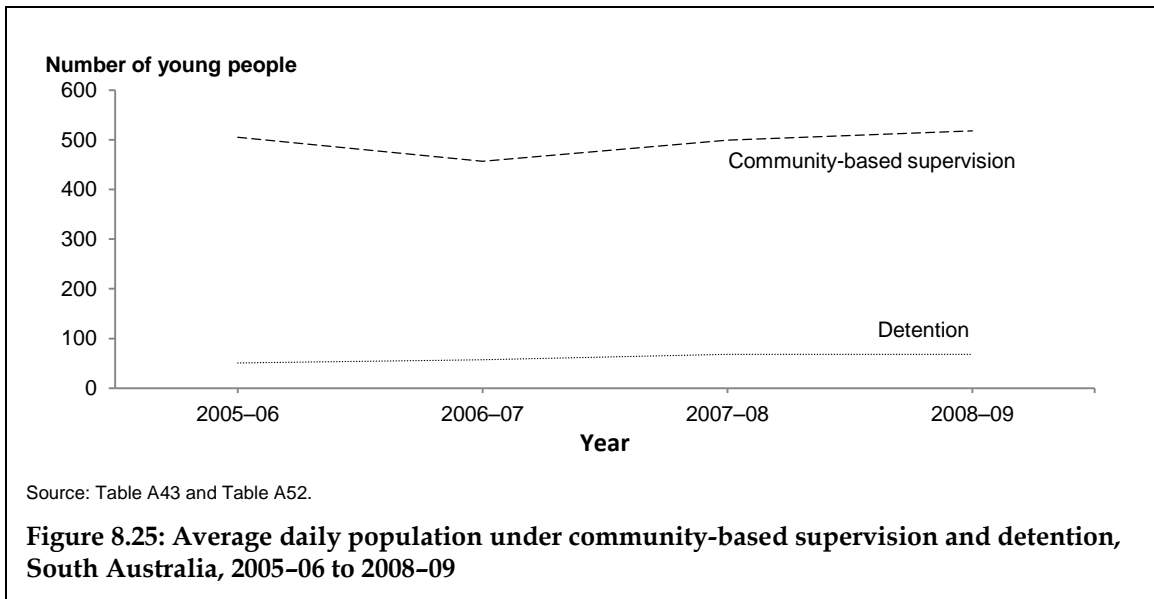
(b) Number of young people under community-based supervision and in detention may not sum to total number under supervision as young people may be under community-based supervision and in detention on the same day and may be in different age groups. See Chapter 3 for more information.

*Notes*

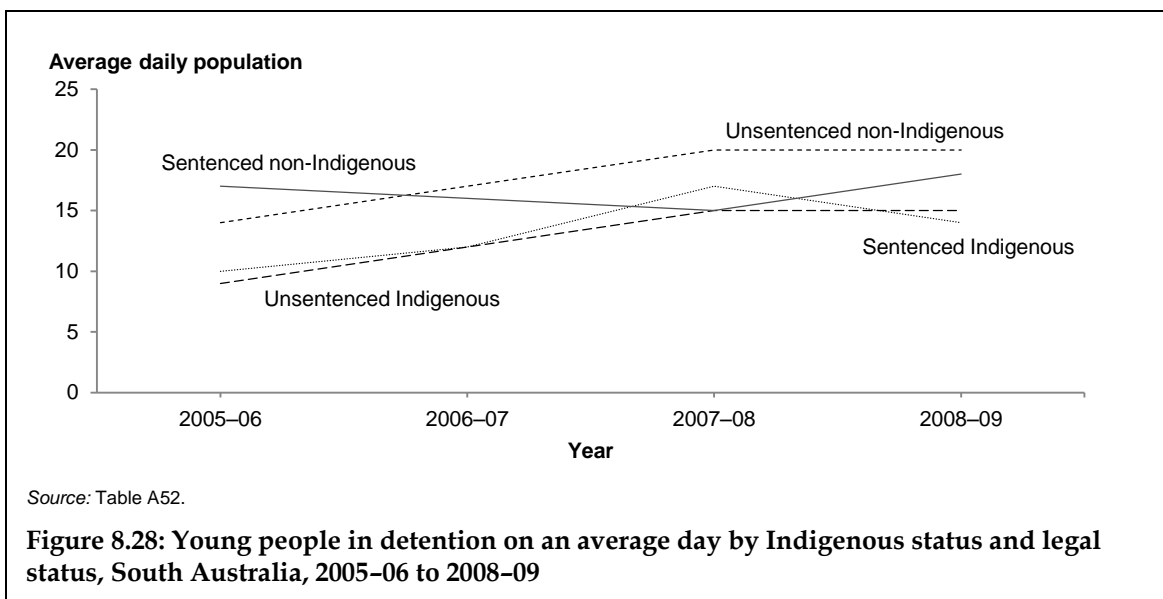
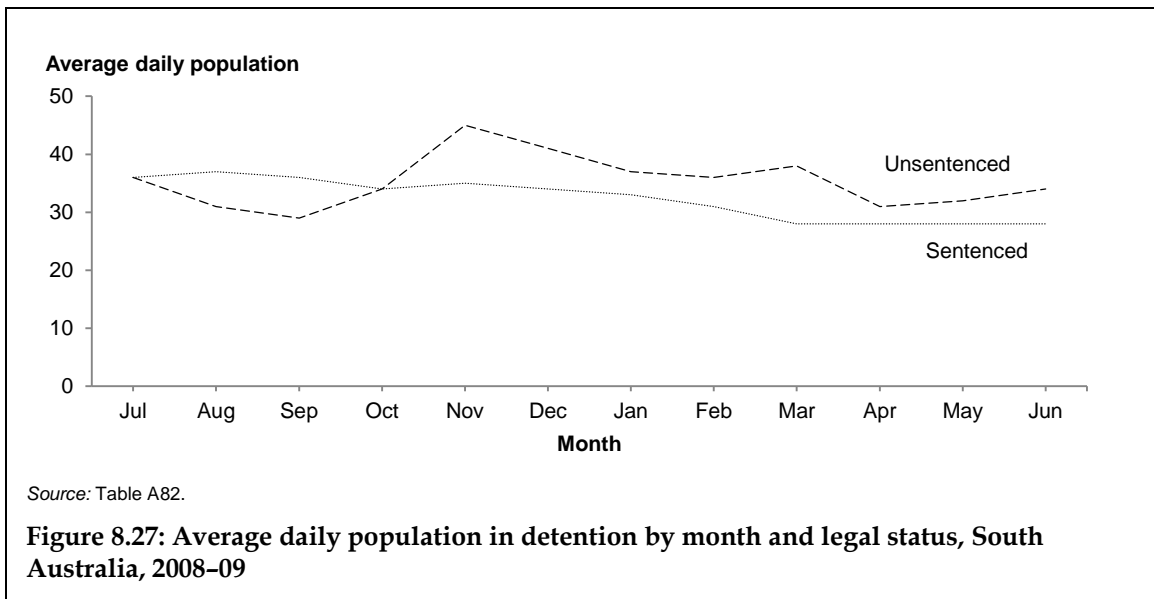
1. Age calculated as at start of financial year if first period of supervision began before the start of the financial year, otherwise age calculated as at start of first period of supervision.
2. Totals include young people of unknown Indigenous status.
3. Rates are number of young people per 1,000 relevant population.
4. Rates are not published where there were fewer than five young people.
5. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.



## Trends



## Detention



## 8.6 Tasmania

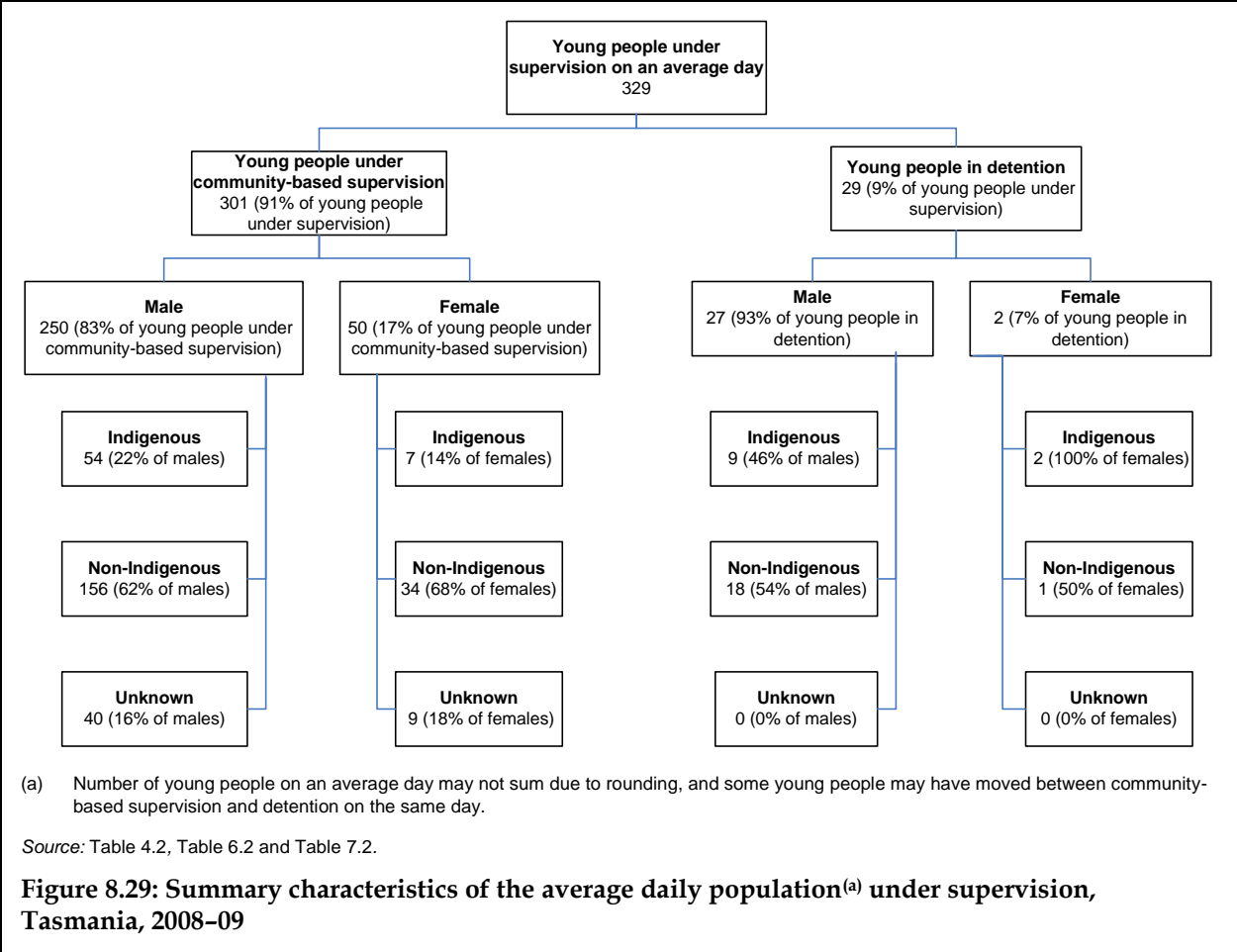
In 2008-09, there were 329 young people under juvenile justice supervision in Tasmania on an average day, most (91%) of whom were under community-based supervision (Figure 8.29). Almost one-quarter (24%) of those under community-based supervision on an average day were aged 18 years and over, along with just 7% of those in detention (Table 8.5). Around one in five (21%) young people under community-based supervision were Indigenous, and two in five (38%) young people in detention were Indigenous.

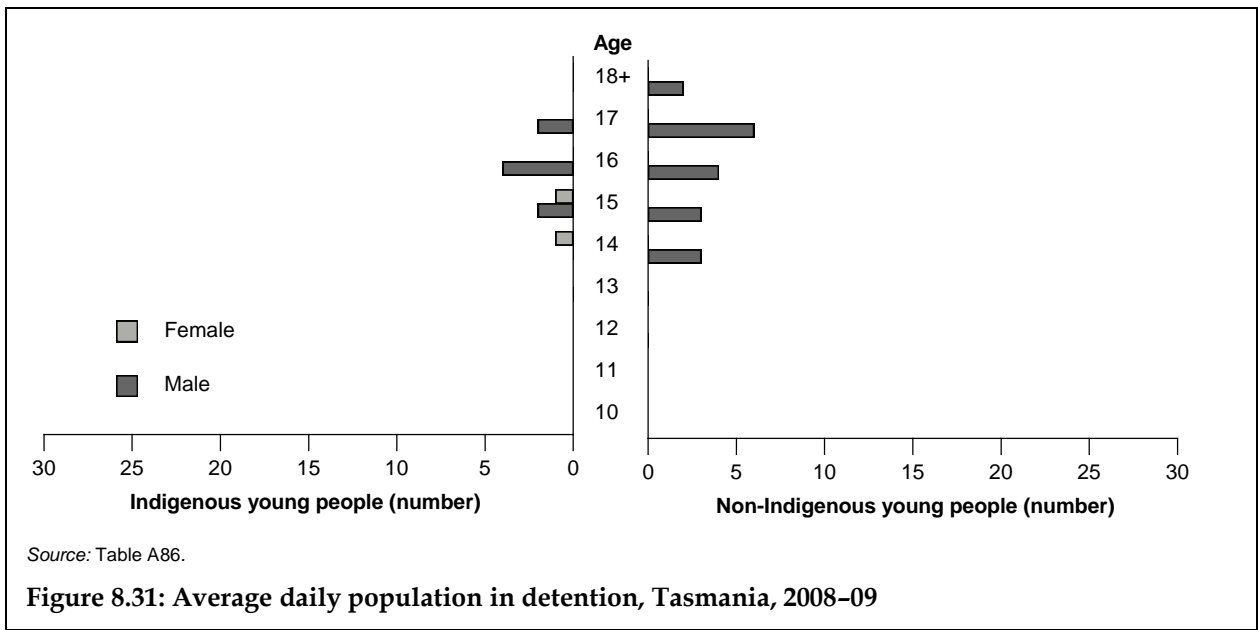
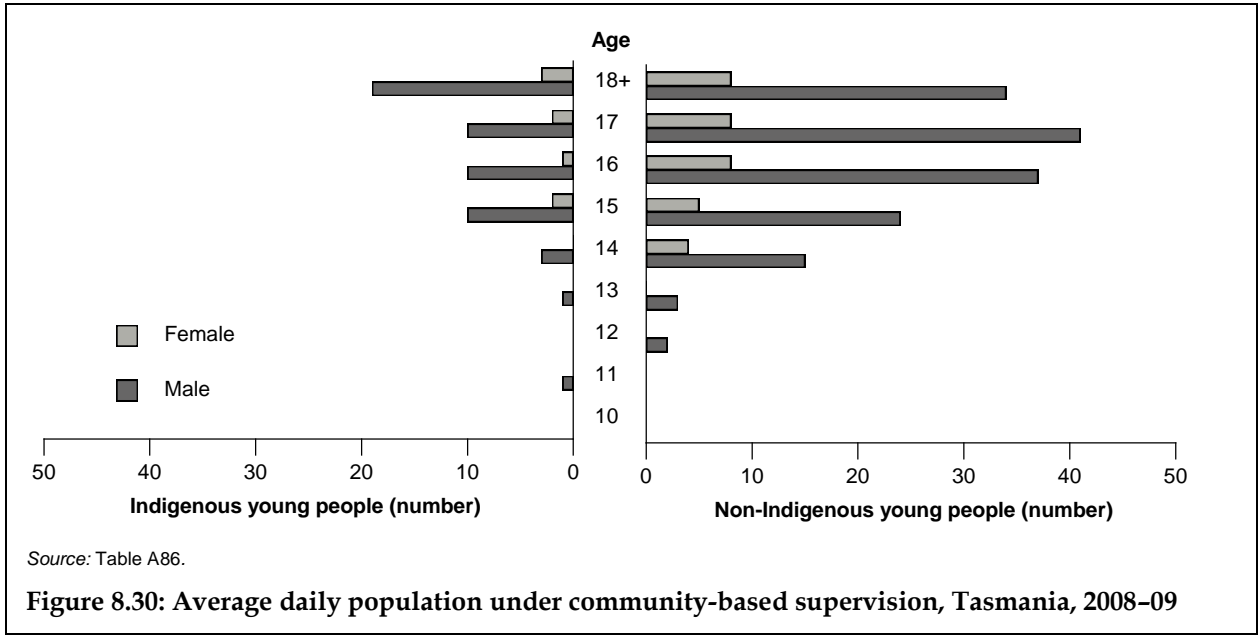
Among the states and territories that supplied data for the JJ NMDS, Tasmania had the highest rates of young people aged 10-17 years who were under community-based

supervision (4.2 per 1,000) and in detention (0.5 per 1,000) on an average day in 2008–09 (Table 8.5). Tasmania also had the lowest rate ratios for Indigenous and non-Indigenous young people under supervision – Indigenous young people aged 10–17 years were almost 4 times as likely as non-Indigenous young people to be under community-based supervision on an average day, and 9 times as likely to be in detention.

The numbers and rates of young people under community-based supervision in Tasmania increased over the 3-year period to 2008–09, while there was little change in the numbers and rates in detention (Figure 8.32 and Figure 8.33). Most of the increase in community-based supervision occurred between 2007–08 and 2008–09, when the rate increased from 3.1 to 4.2 per 1,000. Both the unsentenced and sentenced detention populations on an average day fluctuated over the year (Figure 8.34), and between 2006–07 and 2008–09 (Figure 8.35).

### Number and rate under supervision





**Table 8.5: Young people under supervision on an average day<sup>(a)</sup> by age and Indigenous status, community-based supervision and detention, Tasmania, 2008–09 (number and rate)**

Indigenous status	10	11	12	13	14	15	16	17	10–17	18+	Total
<b>Number<sup>(b)</sup></b>											
<b>Community-based supervision</b>											
Indigenous	0	1	0	1	4	12	11	12	40	21	62
Non-Indigenous	0	0	2	4	19	29	45	48	149	42	191
Unknown	0	—	2	1	6	7	8	15	38	10	48
<b>Total</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>29</b>	<b>49</b>	<b>65</b>	<b>75</b>	<b>228</b>	<b>73</b>	<b>301</b>
<b>Detention</b>											
Indigenous	0	0	0	—	2	3	4	2	11	—	11
Non-Indigenous	0	0	—	—	3	3	4	7	17	2	18
Unknown	0	0	0	0	—	0	0	—	—	0	—
<b>Total</b>	<b>0</b>	<b>0</b>	<b>—</b>	<b>—</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>9</b>	<b>28</b>	<b>2</b>	<b>29</b>
<b>Rate</b>											
<b>Community-based supervision</b>											
Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	23.61	23.85	24.09	10.72	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	2.96	4.58	7.06	7.4	2.93	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	n.a.	5.16	3.38	3.26	3.66	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.79</b>	<b>4.1</b>	<b>7.01</b>	<b>9.39</b>	<b>10.64</b>	<b>4.17</b>	<b>..</b>	<b>..</b>
<b>Detention</b>											
Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	2.82	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	0.49	0.33	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	8.55	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.34</b>	<b>0.53</b>	<b>0.77</b>	<b>0.81</b>	<b>0.51</b>	<b>..</b>	<b>..</b>

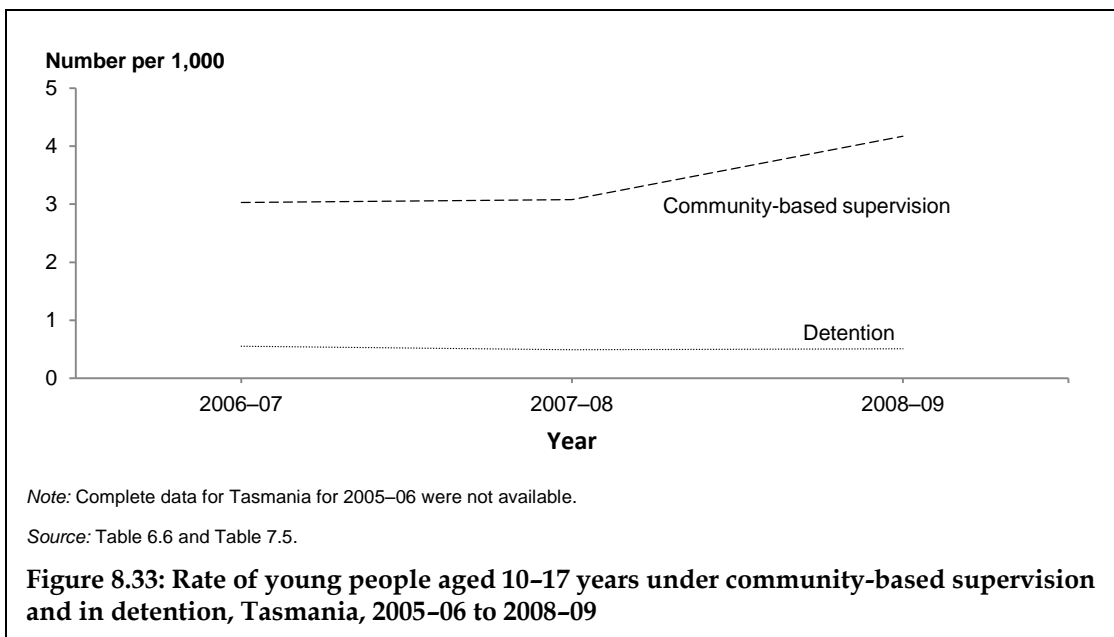
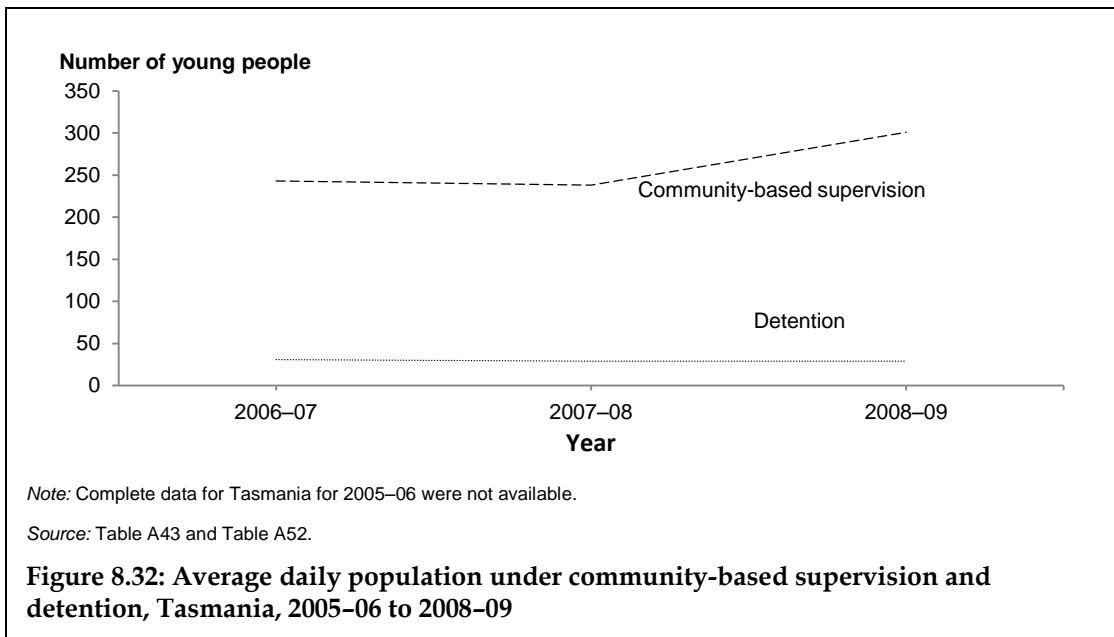
(a) Number of young people on an average day may not sum to total due to rounding.

(b) Number of young people under community-based supervision and in detention may not sum to total number under supervision as young people may be under community-based supervision and in detention on the same day and may be in different age groups. See Chapter 3 for more information.

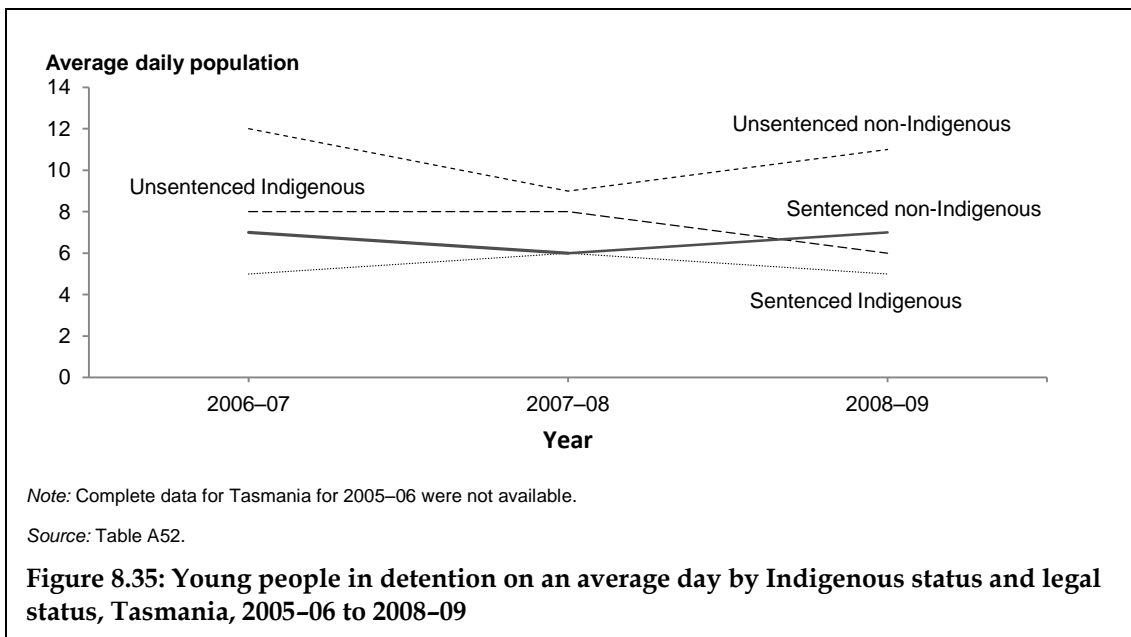
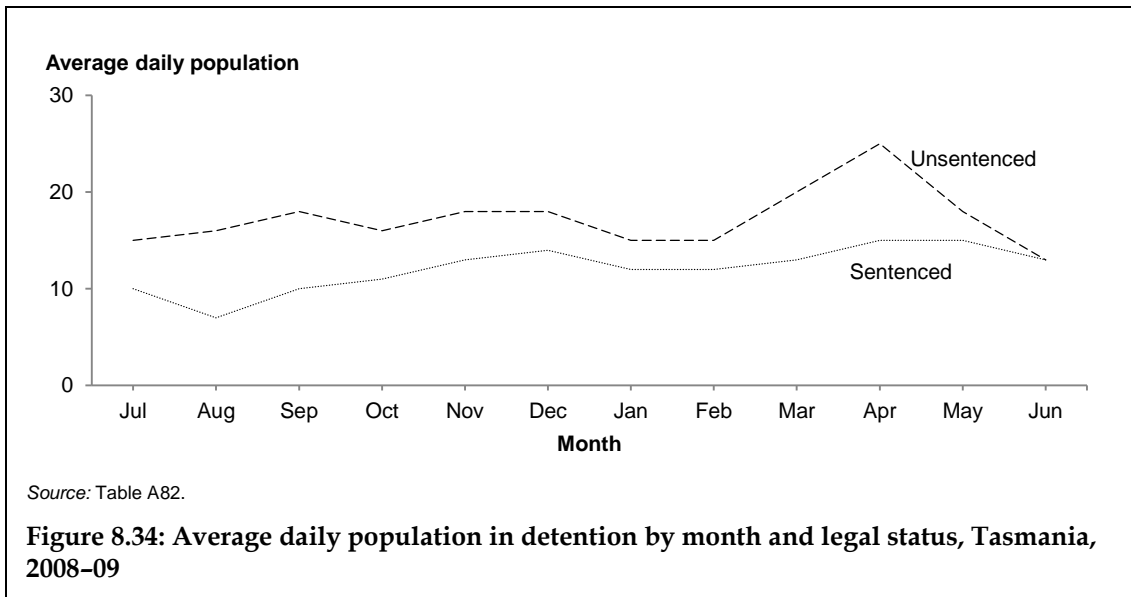
*Notes*

1. Age calculated as at start of financial year if first period of supervision began before the start of the financial year, otherwise age calculated as at start of first period of supervision.
2. Totals include young people of unknown Indigenous status.
3. Rates are number of young people per 1,000 relevant population.
4. Rates are not published where there were fewer than five young people.
5. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

## Trends



## Detention



## 8.7 Australian Capital Territory

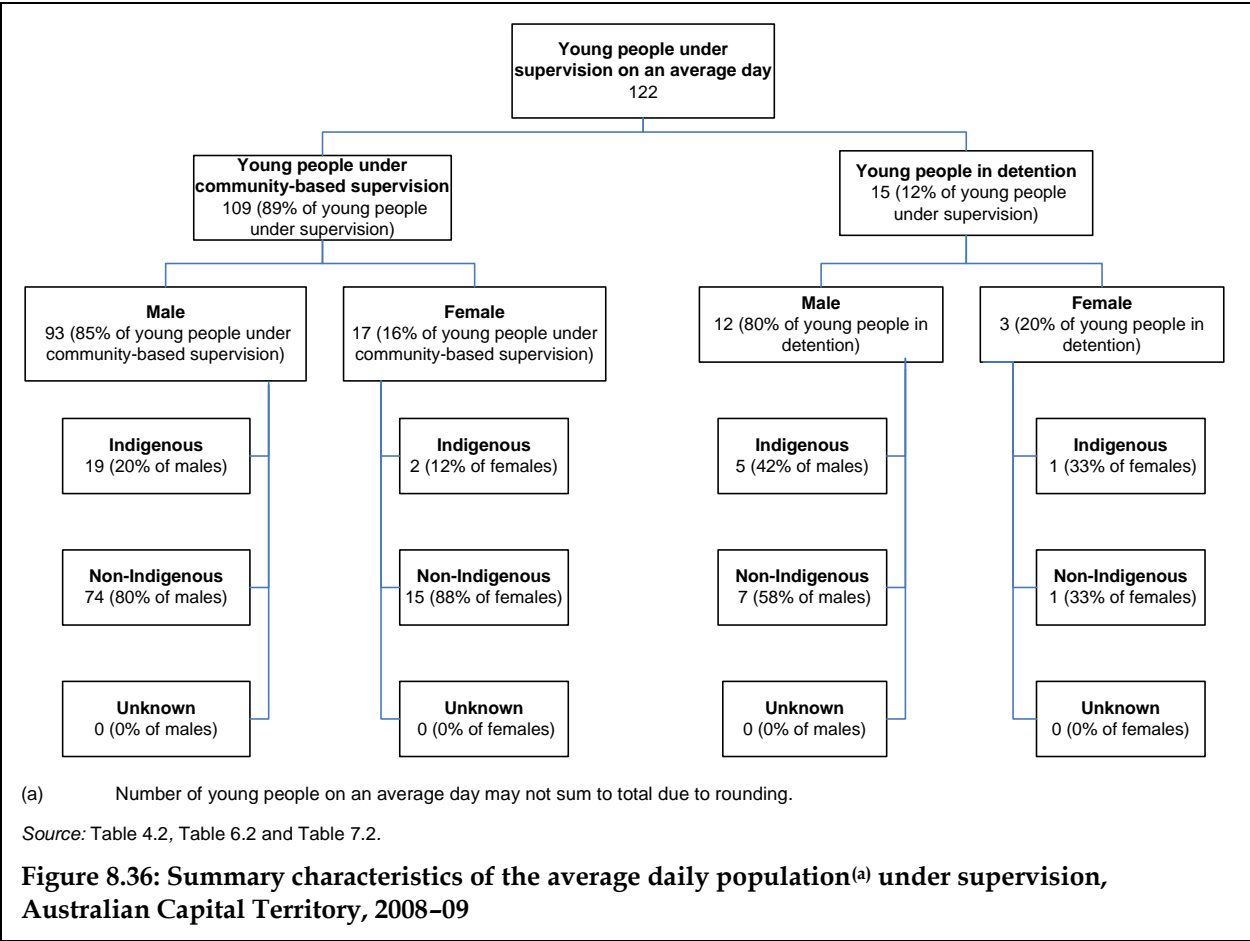
On an average day in 2008-09, there were 122 young people under supervision in the Australian Capital Territory; of these, 89% were under community-based supervision and 12% were in detention (Figure 8.36). Most of those under community-based supervision (84%) and in detention (93%) on an average day were aged 10-17 years (Table 8.6). Around one-fifth (19%) of those under community-based supervision and almost half (47%) of those in detention were Aboriginal or Torres Strait Islander.

There were 2.6 young people per 1,000 in the population under community-based supervision in the Australian Capital Territory on an average day, and 0.4 per 1,000 in detention. Indigenous young people aged 10–17 years were around 10 times as likely as non-Indigenous young people to be under community-based supervision on an average day, and around 35 times as likely to be in detention.

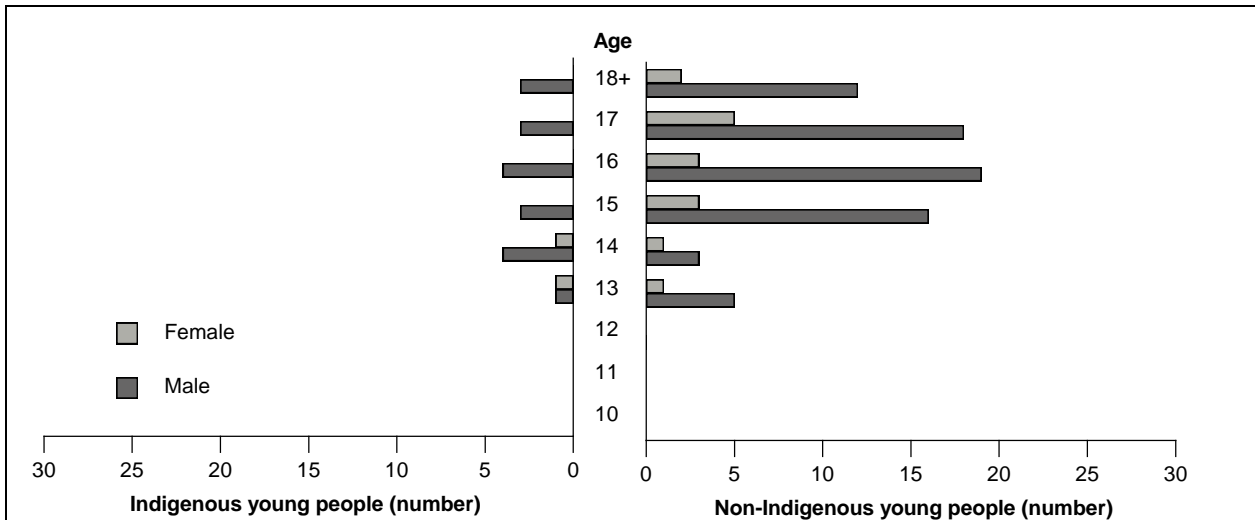
Between 2005–06 and 2008–09, there was an increase in the number of young people under community-based supervision on an average day in the Australian Capital Territory, and a slight decrease in the number in detention (Figure 8.39). There was a net decrease in the rate of young people aged 10–17 years under community-based supervision on an average day, from 3.0 young people per 1,000 in 2005–06 to 2.6 per 1,000 in 2008–09, and also a net decrease in rate of detention, from 0.5 to 0.4 per 1,000 (Figure 8.40).

While the number of young people in detention on an average day who were sentenced remained quite stable during 2008–09, the number who were unsentenced showed greater variability (Figure 8.41). Over the 4-year period to 2008–09, the number of sentenced Indigenous and non-Indigenous young people in detention on an average day decreased, along with unsentenced non-Indigenous young people, while the number of unsentenced Indigenous young people increased (Figure 8.42).

### Number and rate under supervision

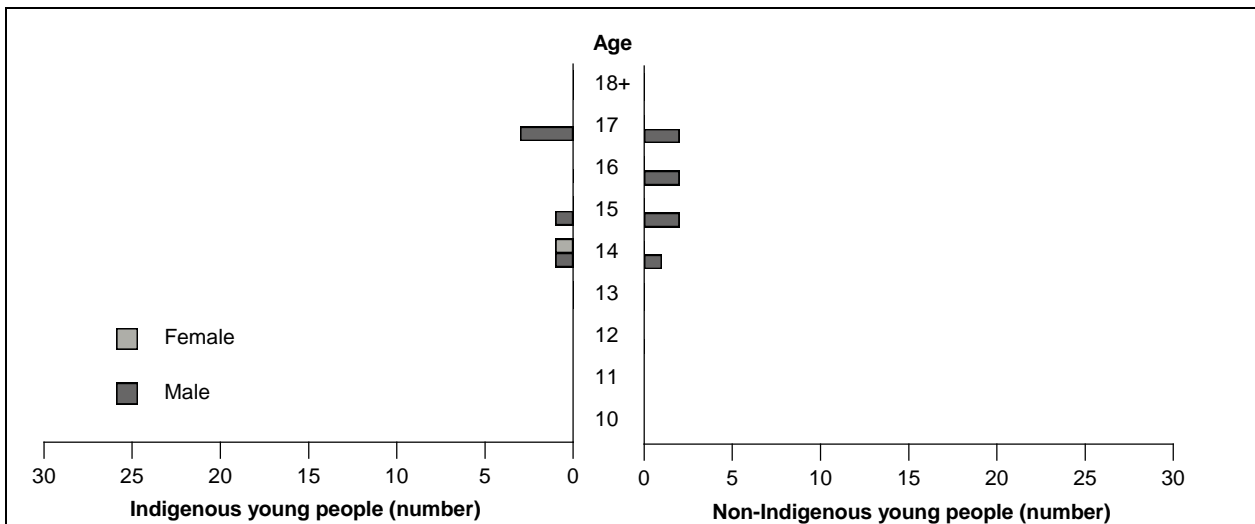






Source: Table A87.

**Figure 8.37: Average daily population under community-based supervision, Australian Capital Territory, 2008-09**



Source: Table A87.

**Figure 8.38: Average daily population in detention, Australian Capital Territory, 2008-09**

**Table 8.6: Young people under supervision on an average day<sup>(a)</sup> by age and Indigenous status, community-based supervision and detention, Australian Capital Territory, 2008–09 (number and rate)**

Indigenous status	10	11	12	13	14	15	16	17	10–17	18+	Total
<b>Number<sup>(b)</sup></b>											
<b>Community-based supervision</b>											
Indigenous	0	0	0	2	5	3	5	3	18	3	21
Non-Indigenous	0	0	—	6	4	19	23	22	74	14	88
Unknown	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>—</b>	<b>8</b>	<b>9</b>	<b>22</b>	<b>27</b>	<b>26</b>	<b>92</b>	<b>17</b>	<b>109</b>
<b>Detention</b>											
Indigenous	0	0	0	—	2	1	—	3	6	—	7
Non-Indigenous	0	0	—	—	1	2	2	2	8	—	8
Unknown	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>—</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>14</b>	<b>1</b>	<b>15</b>
<b>Rate</b>											
<b>Community-based supervision</b>											
Indigenous	n.p.	n.p.	n.p.	n.p.	1.06	n.p.	1.03	n.p.	21.46	..	..
Non-Indigenous	n.p.	n.p.	n.p.	2.29	n.p.	7.52	9.35	9.79	2.18	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	0.11	n.a.	9.84	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>1.18</b>	<b>1.25</b>	<b>3.19</b>	<b>3.94</b>	<b>3.66</b>	<b>2.64</b>	<b>..</b>	<b>..</b>
<b>Detention</b>											
Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	7.60	..	..
Non-Indigenous	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	0.22	..	..
Rate ratio	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	34.55	..	..
<b>Total</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>n.p.</b>	<b>0.81</b>	<b>0.40</b>	<b>..</b>	<b>..</b>

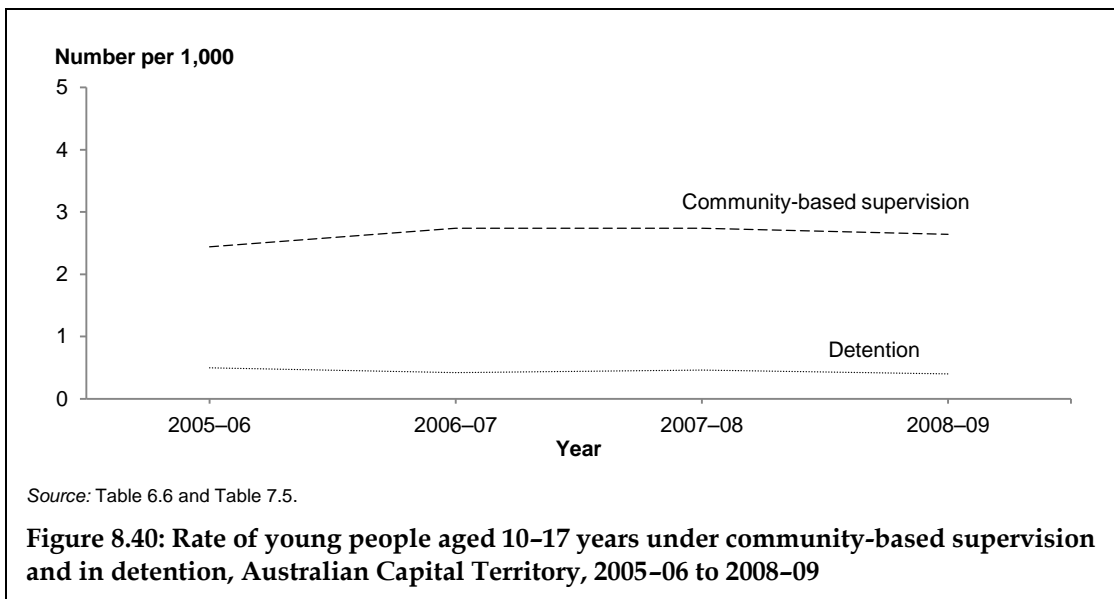
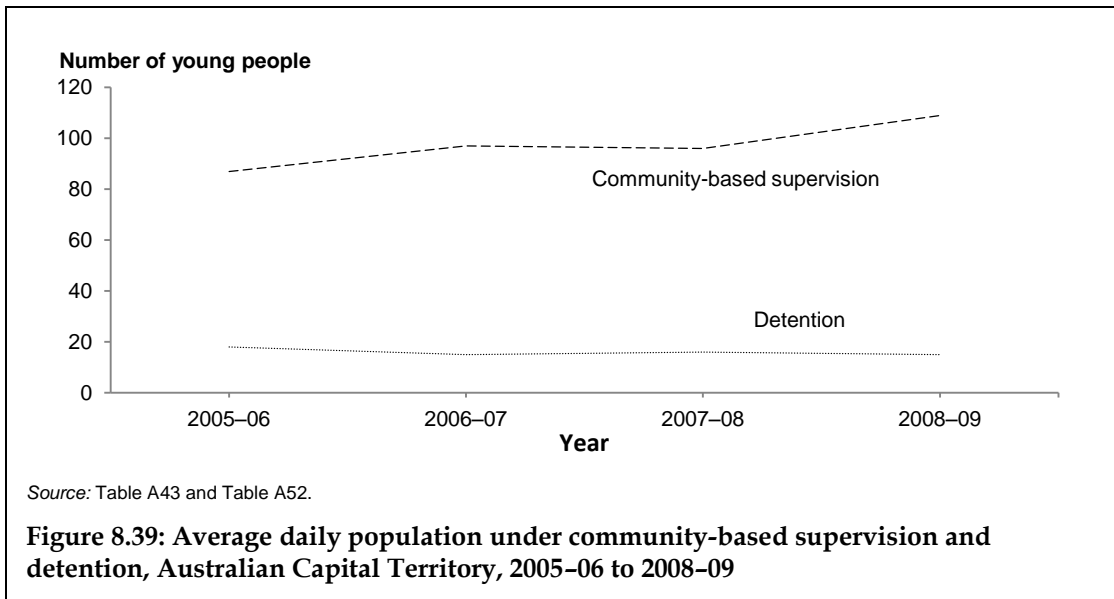
(a) Number of young people on an average day may not sum to total due to rounding.

(b) Number of young people under community-based supervision and in detention may not sum to total number under supervision as young people may be under community-based supervision and in detention on the same day and may be in different age groups. See Chapter 3 for more information.

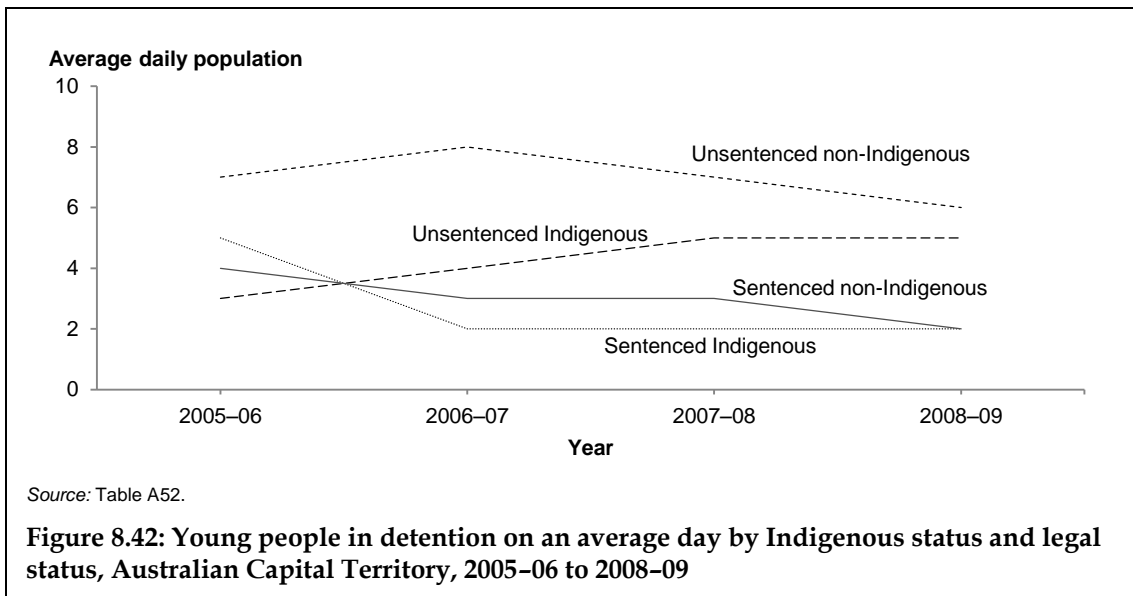
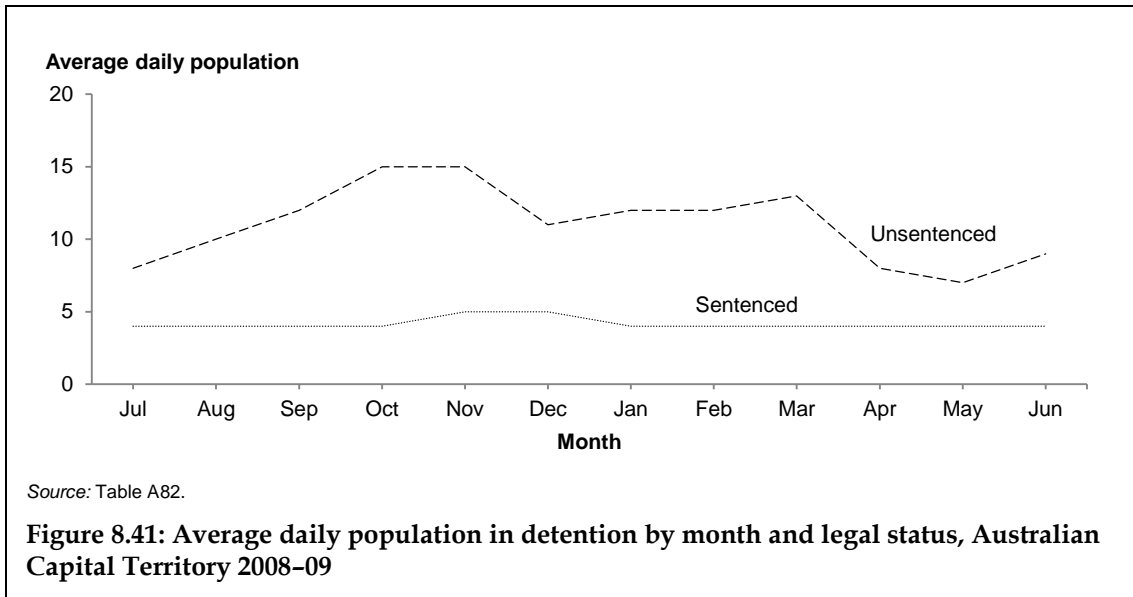
*Notes*

1. Age calculated as at start of financial year if first period of supervision began before the start of the financial year, otherwise age calculated as at start of first period of supervision.
2. Totals include young people of unknown Indigenous status.
3. Rates are number of young people per 1,000 relevant population.
4. Rates are not published where there were fewer than five young people.
5. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

## Trends



## Detention



## 8.8 Northern Territory

The Northern Territory did not supply JJ NMDS data for 2008-09.

# Appendix State and territory juvenile justice systems, programs and services

In Australia, the state and territory governments are responsible for juvenile justice. This appendix provides information on key elements of the juvenile justice systems, programs and services in each state and territory and lists the juvenile justice legislation and juvenile justice centres in each state and territory.

## New South Wales

In New South Wales, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years.

The term 'juvenile justice' is used in New South Wales.

### Key policy directions

- Diversion through the provisions of the *Young Offenders Act 1997*, including warnings, cautions (administered by the New South Wales Police Force) and the Youth Justice Conferencing scheme (administered by the Juvenile Justice agency).
- Developing models of family-based community intervention such as the Intensive Supervision Program (ISP) being piloted in Western Sydney and Newcastle.
- Bail support and the Bail Assistance Line to reduce the number of young people in detention on remand when conditional bail could be granted.
- Multi-agency approaches to managing complex needs.
- Expanding pre- and post-release support, including the establishment of the Pre-Release Unit at Reify Juvenile Justice Centre.

### Key agencies

#### Juvenile justice agency

The Department of Human Services is responsible for providing juvenile justice services in New South Wales. The Department of Juvenile Justice was amalgamated with a number of other agencies to form the Department of Human Services in June 2009.

The Juvenile Justice agency (referred to as Juvenile Justice) within the Department of Human Services is responsible for:

- the supervision of young people sentenced to community-based or custodial orders
- supporting young offenders to meet the conditions of bail
- supervision of young offenders who are on conditional bail or remanded in custody pending finalisation of their court matters
- the preparation of reports for the consideration of the courts in determining sentences.

Juvenile Justice also administers the Youth Justice Conferencing scheme and operates 36 community offices and nine juvenile justice centres.

Juvenile Justice shares responsibility for addressing the offending behaviour of young people in New South Wales with Justice Health, Ageing, Disability and Home Care, Community Services, the Department of Education and Training, Centrelink, and the Australian Government Department of Education, Employment and Workplace Relations. Juvenile Justice also provides funding to a number of community agencies to give assistance to young people involved in the juvenile justice system and their families.

## **Police**

The New South Wales Police Force is responsible for the detection and investigation of crime in New South Wales. Police may choose to use alternatives to the commencement of court proceedings such as warnings, cautions or referral to youth justice conferences, as set out in the *Young Offenders Act 1997*, or may commence court proceedings under the provisions of the *Children (Criminal Proceedings) Act 1987*.

Juvenile Justice works closely with the New South Wales Police Force, particularly in relation to the transportation of young people and incident management within juvenile justice centres. The New South Wales Police Force also provides specialist support to young people through Police and Community Youth Clubs and engages young people through a variety of recreational and social programs.

## **Courts**

The commencement, conduct and outcome of court proceedings against young people alleged to have committed an offence and who are not eligible to be dealt with under the *Young Offenders Act 1997* are governed principally by the *Children (Criminal Proceedings) Act 1987*. Section 6 of the *Children (Criminal Proceedings) Act* sets out the principles applicable to all courts exercising criminal jurisdiction with respect to children, while Section 33 details the penalties that the Children's Court may impose on children found guilty of an offence.

Possible outcomes for young people appearing before the court include:

- unsupervised options – cautions, fines, recognisance
- community-based orders – recognisance, probation or community service orders
- custodial orders.

## **Key elements**

### **Diversion**

The *Young Offenders Act 1997* provides for warnings, cautions and youth justice conferencing. Juvenile Justice is responsible for the administration of youth justice conferences (see 'Glossary' for definition) under Part 5 of the *Young Offenders Act 1997*. Not all young people are eligible for a youth justice conference. Some categories of offence, such as sexual assault, serious drug offences, breaches of apprehended violence orders, traffic offences and offences causing death, can only be dealt with by a court.

The Youth Conduct Order Pilot Scheme, which commenced in 2008-09, targets young people aged 14–18 years who have been charged with or convicted of antisocial offences and aims to reduce their antisocial behaviour. Juvenile Justice works in partnership with key justice and human services agencies to provide intensive case management, aimed at addressing the cause of the offenders' antisocial behaviour. Youth Conduct Orders (YCOs) have the capacity to direct young people to perform certain tasks or activities identified as helpful in reducing

the young person's risk of offending, such as the participation in education or employment, or involvement in a range of programs, such as alcohol and drug counselling or anger management. YCOs also have a component where the young person is restricted from visiting specified places, being in the company of a particular person and engaging in behaviour that may cause harassment, alarm or distress.

### **Case management**

Casework interventions aim to address the specific needs of young people under supervision. Community and custodial staff work closely together to provide services to ensure that a young person's period in custody is used to address their offending behaviour. Services are focused on maximising the capacity and opportunity of the young person to choose positive alternatives when they return to their community.

### **Offence-specific and therapeutic programs**

Juvenile Justice provides a range of programs and interventions within the community and custodial environments that are designed to address the needs of young people. These include counselling and group-work programs that focus on alcohol and other drug issues, programs for sex offenders and violent offenders.

The Community/Custodial Services Intervention Framework and Framework for Programming helps staff in juvenile justice centres and the community to develop and deliver programs to tackle offending behaviour such as violent and aggressive behaviour, alcohol and drug misuse.

The Targets for Effective Change program is an offending behaviour program that focuses on issues such as relationship skills, handling conflict, accommodation and employment.

The Changing Habits and Reaching Targets (CHART) program is a cognitively based intervention designed specifically for caseworkers to engage and work with young people who require moderate to high intervention to reduce their risk of reoffending.

In addition to the programs and interventions delivered by agency staff, Juvenile Justice has developed a range of partnerships to assist young offenders. These include the delivery of education within juvenile justice centres, post-release support and employment skilling programs, disability support, health and mental health support, and legal services.

### **Programs for Aboriginal and Torres Strait Islander young people**

To ensure a co-ordinated approach to addressing the over-representation of Indigenous young people in the juvenile justice system, Juvenile Justice has developed the Aboriginal Strategic Plan 2007–2011 and implemented a number of programs to address issues for Indigenous young people in the juvenile justice system, including the Intensive Supervision Program (ISP), Dthina Yuwali and Our Journey to Respect.

The ISP is a family-focused approach that has proven to be successful in working with young people from all backgrounds including Indigenous populations both overseas and in Western Australia. Indigenous young people are a focus of the program. The program is established in teams of specially trained staff, including an Aboriginal team advisor who facilitates the engagement of Indigenous families in the program.

Dthina Yuwali is a targeted drug and alcohol program focusing on Indigenous young people. The program uses a culturally appropriate approach that improves the likelihood of

breaking the cycle of reoffending. This program has been evaluated and is being prepared for state-wide implementation.

Our Journey to Respect is a group session program for Indigenous boys and young men that aims to reduce the incidence of family and inter-generational violence.

### **Supported accommodation and bail programs**

Juvenile Justice provides bail support and remand interventions to help young people meet their bail conditions and reduce the numbers in custody on remand.

Brokerage funds are used to buy services that help young people meet their bail conditions and stay out of detention such as accommodation, support services, clothing and health care. Resources are also allocated to help young people access mental health and alcohol and other drug services.

Community-based staff work with young people, court officials and other service providers to ensure that, where appropriate, young people are able to remain in the community while being supervised for compliance with bail conditions.

Juvenile Justice is establishing a Bail Assistance Line in collaboration with the New South Wales Police Force. The Bail Assistance Line aims to divert young people from remand to conditional bail. One focus of the service is to assist where difficulties with securing accommodation is the primary reason for being remanded into custody.

### **Pre- and post- release programs**

Juvenile Justice provides pre- and post-release casework in collaboration with other agencies, particularly the Department of Education and Training, NSW Health, Community Services and Ageing, Disability and Home Care.

Juvenile Justice is establishing a pre-release unit at the Reiby Juvenile Justice Centre for young people who are preparing for their release back into the community.

The Post Release Support Program (PRSP) supports clients released from custody by comprehensively addressing barriers to reintegration and facilitating their successful reintegration into their communities. Juvenile Justice provides funding to non-government organisations to provide post-release support in a range of areas including accommodation, employment, training and education, income, recreation, and issues around family or relationships and peer association.

### **Other programs**

Other programs include:

- Youth Pathways to Education, Employment and Training – an education-based program for young offenders in the community who have disengaged from the mainstream educational system
- Shoalhaven Safe Community Aboriginal Partnership – provides a single point of contact and consultation for Aboriginal people accessing government agencies in the Shoalhaven area
- Targeted Youth Support Program – provides young people with a range of relevant educational, vocational, recreational and cultural programs



- Community Intervention Team (Northern Region) – links young people to health services in the community. Consists of a Justice Health Nurse (Clinician) attached to the Juvenile Justice Community Services office
- Collaborative Family Work Model (Western Region) – works with parents and guardians to enhance parenting skills and develop solutions to problems within the family
- Alcohol and Other Drug Program Treatment Pathway
- Sex Offender Program (SOP).

## Legislation

Amendments to Children (Detention Centres) Regulation 2005 (effective 2 March 2007)

*Children (Community Service Orders) Act 1987*

*Children (Criminal Proceedings) Act 1987*

*Children (Detention Centres) Act 1987*

*Children (Detention Centres) Amendment Act 2006* (enacted in July 2006)

*Children (Interstate Transfer of Offenders) Act 1988*

*Young Offenders Act 1997* (Part 5 and Schedule 1)

## Juvenile justice remand and detention centres

Acmena Juvenile Justice Centre (Grafton)

Broken Hill Juvenile Justice Centre

Cobham Juvenile Justice Centre (St Marys)

Keelong Juvenile Justice Centre (Unanderra)

Orana Juvenile Justice Centre (Dubbo)

Reiby Juvenile Justice Centre (Airds)

Riverina Juvenile Justice Centre (Wagga Wagga)

Juniperina Juvenile Justice Centre (Lidcombe)

Emu Plains Juvenile Justice Centre (Penrith)

## Victoria

In Victoria, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years. Additionally, young people aged 18–20 years may be sentenced to detention in a juvenile detention centre (rather than an adult prison) where the court deems appropriate.

The term 'youth justice' is used in Victoria. Juvenile justice remand and detention centres are referred to as youth justice centres and youth residential centres.

## Key policy directions

- Implementing the Youth Justice Community Support Service for integrated provision of intensive support and services, which will complement the statutory case management

undertaken by Youth Justice regional units and reduce the likelihood of further offending by Youth Justice clients.

- Continuing the diversion of young people from entering or progressing through the justice system by providing court advice, group conferencing and a central after-hours assessment and bail placement service.
- Providing effective assessment processes, targeted and evidence-based interventions and case management systems.
- Improving rehabilitation programs for young people through the 'What Works' evidence base for effective programs and practice.
- Developing and expanding ways of reducing the over-representation of young Indigenous people in the justice system, including through the Children's Koori Court and the further development of the Koori Youth Justice Program.

## Key agencies

### Juvenile justice agency

The Department of Human Services is responsible for providing youth justice services in Victoria. The Youth Justice section works with young people aged 10–20 years to ensure care, custody and supervision through the provision of programs that will assist them to develop the knowledge, skills and attitudes to manage their lives effectively without further offending. It also aims to provide the mechanisms, resources and direction to achieve this.

The Youth Justice section provides a state-wide service through three metropolitan and five rural regional youth justice units and three detention centres.

### Police

In Victoria, police are able to use their discretionary power to caution young people.

### Courts

The sentencing principles framed in the *Children, Youth and Families Act 2005* distinguish the developmental needs of children and adolescents as separate from adults' needs. Section 362(1) of the Act contains the matters the court must take into account in determining a sentence.

The criminal division of the Children's Court has a range of options available to it when dealing with children and young people, and a clear sentencing hierarchy is established through the legislation.

The Youth Justice Program provides an advisory service to both the Children's Court and the adult court system that includes assessment and advice to the courts to help in the sentencing process, and to facilitate diversionary options where appropriate. There are a number of aspects to this service, including:

- a central after-hours bail assessment and placement service that has been effective in reducing inappropriate remands in custodial centres
- an adult court assessment and support service to adult courts for young people aged 18–20 years, to provide youth justice centre suitability assessments, bail support and advice, and referral services.

## Key elements

### Diversion

The youth justice system in Victoria takes a strong diversionary approach to managing children and young people who enter the criminal justice system. This is reflected in the *Children, Youth and Families Act 2005* and in the manner in which children and young people are dealt with from the initial point of contact with the police through to completion of any order imposed by the court.

As part of the diversionary approach, Victoria has a unique sentencing option known as the 'dual track' system. The *Sentencing Act 1991* provides for the adult courts to sentence a young person aged 18–20 years to a youth justice centre as a direct alternative to a sentence of imprisonment.

The pre-sentence Group Conferencing Program was expanded across Victoria from October 2006. A legislative framework for the Group Conferencing Program has been incorporated into the *Children, Youth and Families Act 2005*. The program is targeted at young people aged 10–17 years who have pleaded or been found guilty of an offence or offences serious enough to warrant a supervised order in the community.

### Case management

The Youth Justice Program is responsible for managing community-based and custodial sentencing orders imposed by the Children's Court, and the youth justice centre order imposed by an adult court. Case management and interventions are backed up by a comprehensive client assessment and planning process. Offending-related and offence-specific needs are addressed through individual casework, group work and referral to specialist services and programs.

In 2008–09, Youth Justice re-focused its post-release support services through the establishment and funding of the Youth Justice Community Support Service (YJCSS). This gives an integrated approach to the provision of intensive support and services to Youth Justice clients to complement the statutory case management undertaken by regional Youth Justice units. The YJCSS commenced operations in metropolitan regions in October 2008 and rural regions from February 2009.

The model has been developed in recognition that young people in the youth justice system present with a range of complex and varied needs that require an individualised service response. This includes support to young people on community-based orders and post-release support services for young people leaving custody. Individualised packages of services are targeted to enhance rehabilitation, increase economic participation and improve social connectedness in the community.

Within each region, the YJCSS is delivered by a group of agencies. Each group has a lead agency and a number of partners who provide a single intake point for a suite of services that are flexible and individually tailored to meet the needs of young people in their local area and a referral pathway to the broader youth service system. The YJCSS includes the following services:

- intensive case management support – support to assist young people to lead non-offending lives and to connect with family, education, training, employment and community

- integrated access and supported referrals – access and referrals to a wide range of services both within the YJCSS and the broader service system, including drug and alcohol, mental health and health services, housing, education, training, culturally and linguistically diverse and Indigenous-specific services
- transitional housing and support (Transitional Housing Management, Youth Justice Housing Pathways Initiative) – transitional housing properties and assistance and housing outreach support for young people who are homeless or at risk of homelessness to maintain stable accommodation and enhance capacity for independent living.

## **Offence-specific and therapeutic programs**

### **Programs for Aboriginal and Torres Strait Islander young people**

Indigenous-specific programs have been extensively developed and expanded in Victoria to address the over-representation of Indigenous young people and make connections with appropriate culturally specific organisations.

The Koori Youth Justice Program employs Koori Youth Justice Workers to provide access for Indigenous young people to appropriate role models and culturally sensitive support, advocacy and casework. The Koori Youth Justice Program operates in three metropolitan Melbourne and eleven rural locations and the three Youth Justice Centres. Clients include young people who are the subject of orders from the criminal division of the Children's Court, young adults in the dual track system and, as caseloads permit, young Indigenous people who are at risk of offending, and those who have committed minor offences and received police diversion or cautions.

Koori Youth Justice Workers develop Aboriginal cultural support plans for clients; provide practical support to clients and their families; support other youth justice workers in assessing, planning and setting goals for young Indigenous clients; and develop preventive programs such as organising sporting and recreational programs, coaching and transporting young people to these events.

The Koori Early School Leavers and Youth Employment Program is designed to divert young Koori people from the youth justice system by focusing on the key risk factors for young offenders, particularly lack of engagement with school or other learning opportunities and supporting the young person to re-engage with a learning institution. The program targets young Indigenous people who have disengaged or are at risk of disengaging from education, training or employment. Two Koori-specific programs are currently operating, one in the North and West Metropolitan region and the other in the Loddon Mallee region (Mildura).

### **Supported accommodation and bail programs**

The Koori Intensive Bail Support Program is a diversionary program aimed at reducing the likelihood of more serious contact with the criminal justice system by providing a supervised bail or deferred sentencing option for young Indigenous people who are at immediate risk of remand or who are likely to receive a custodial sentence. The program provides culturally specific support to young Indigenous people to assist the courts in determining the most appropriate sentencing option. The practitioners work with the young person, their families and other agencies to support the young person's compliance with the conditions attached to bail. Koori Intensive Bail Support practitioners are employed in five of the eight regions

across the state in North and West Metropolitan region, Southern Metropolitan Region, Gippsland Region, Hume Region and Barwon South West Region.

### **Pre- and post-release programs**

The Koori Intensive Pre and Post Release Program is made up of three components: the Koori State-wide Coordinator, the Koori Intensive Pre/Post Release practitioners, and the delivery of cultural programs in the three youth justice centres. The Koori State-wide Coordinator provides coordination across the Youth Justice Program to ensure effective pre- and post-release services to young Koori people in custody are in place as part of pre-release planning, in reports to the Youth Parole Board, during Youth Parole Board hearings and post-release.

The Koori Intensive Pre/Post Release Practitioners provide intensive and innovative culturally based case-management support to young Koori people being released from the three youth justice custodial centres. The practitioner provides direct outreach casework, with a focus on developing family support, community development and linkages to specialist services that target support to Aboriginal communities. There are five positions employed by Youth Justice Units in the North and West Metropolitan Region, Hume Region, Gippsland Region, Southern Metropolitan Region and Barwon South West Regions.

Koori cultural programs are regularly offered in the three youth justice centres. The programs are tailored to meet the requirements of the demographics of each centre. The programs, facilitated by Indigenous people, are provided to Indigenous custodial clients and other clients who wish to enhance their understanding of the Indigenous culture. The programs include educational, cultural identity and wellbeing components.

The Youth Residential Board and Youth Parole Board exercise jurisdiction over all young people sentenced by the courts to a period of detention in a youth justice custodial centre and over young people transferred by the Adult Parole Board from imprisonment to a youth justice custodial centre. The boards make decisions within a framework that balances the needs of the young person with community safety considerations. The boards work closely with custodial staff and community-based parole officers to help young offenders resolve their problems, successfully transition into the community and adopt appropriate, non-offending behaviours.

### **Legislation**

*Bail Act 1977*

*Children, Youth and Families Act 2005* (enacted in April 2007)

*Crimes Act 1958*

*Sentencing Act 1991*

### **Juvenile justice remand and detention centres**

Malmsbury Youth Justice Centre

Melbourne Youth Justice Centre

Parkville Youth Residential Centre

## Queensland

In Queensland, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 16 years.

The term 'youth justice' is used in Queensland. Juvenile justice remand and detention centres are referred to as youth detention centres.

### Key policy directions

- Continued emphasis on providing evidence-based programs to address reoffending behaviour among young people under statutory supervision, including ongoing training and supervision to youth justice staff to deliver the Aggression Replacement Training (ART) program and Changing Habits and Reaching Targets (CHART) program.
- Improvements to specialist counselling services for young sex offenders, including providing recurrent and enhanced funding to the non-government organisations that provide these services, and training and support for youth justice staff to improve their skills in working with this group.
- Completing the review of the *Youth Justice Act 1992* and introducing the Juvenile Justice and other Acts Amendment Bill 2009 to Parliament on 19 May 2009. The new Act will ensure that Queensland has a robust youth justice system that is based on evidence and community feedback, will support victims of crime, meet community expectations of the justice system and address the underlying causes of crime.
- Continued focus on improving youth justice conferencing practices, including delivering specialist convenor training programs and improving procedural and practice guidelines, particularly in relation to complex and serious matters brought to a conference.
- Continued focus on improving programs and services to Aboriginal and Torres Strait Islander young people to reduce their over-representation in the criminal justice system.

### Key agencies

#### Juvenile justice agency

The Department of Communities is responsible for providing youth justice services in Queensland. Youth Justice provides statutory youth justice services, youth justice conferencing and youth detention services.

#### Police

Police are the first point of contact for young people entering the criminal justice system. In Queensland, the police have the option of either diverting young people by way of a warning, caution or a youth justice conference, or referring them directly to the courts.

#### Courts

In Queensland, young people who are alleged to have committed an offence and who are not diverted are dealt with by the Childrens Court of Queensland or the Supreme Court under the provision of the *Juvenile Justice Act 1992*.

## **Key elements**

### **Diversion**

There are 13 youth justice conference services located throughout Queensland. These offer a specialist model of service delivery that aims to divert young people from further offending. The model provides a restorative justice approach to working with victims, young people and their families. Youth justice conferencing is available as a pre-sentence option or as an alternative to court.

### **Case management**

Young people under the supervision of youth justice service centres and youth detention centres are actively case managed. A case management framework is applied to each young person in the youth justice system, to identify and implement interventions to divert the young person from reoffending and, where needed, refer them to specialist services and programs. Case management and interventions are informed by a comprehensive client assessment and case-planning process. Young people are monitored and case plans are reviewed on a regular basis to ensure that interventions are tailored to the young people's changing rehabilitative and support needs.

### **Offence-specific and therapeutic programs**

The ART program is an intensive 10-week program that targets medium- to high-risk young people who express anger and aggression, and aims to reduce their risk of committing violent offences by teaching them social skills, anger management techniques and moral reasoning. Youth Justice began providing training in March 2008 to all youth justice service centres and the two youth detention centres.

The CHART program consists of 12 modules, with six core modules and six discretionary modules selected on the basis of the young person's assessed needs. Training of case workers and other relevant staff began during 2008 with the aim of having CHART integrated into case worker training as a core case management skill.

The Mater Family and Youth Counselling Service is a specialist service for young people who commit offences of a sexual nature. This service is a joint initiative between the Youth Justice and Mater Misericordiae Health Services. This service provides preparatory support and therapeutic interventions for young people, families and victims who are referred to a youth justice conference by police or a court in relation to offences of a sexual nature.

The Griffith Youth Forensic Service of the Griffith University Schools of Criminology and Criminal Justice and Applied Psychology is funded to provide clinical intervention services for young people who are found guilty of sexual offences by the Queensland courts. The Griffith Youth Forensic Service works with departmental case managers to provide specialised assessment and treatment programs for young sexual offenders; pre-sentence reports to facilitate court decisions; and treatment planning, consultancy and training services.

### **Programs for Aboriginal and Torres Strait Islander young people**

Indigenous Service Support Officers were first introduced into youth justice service centres in 2007–08 and were expanded in 2008–09. These positions are located where there is a high proportion of Aboriginal and Torres Strait Islander young people under supervision. These positions were created to provide more culturally appropriate support and intervention for

Aboriginal and Torres Strait Islander young people subject to youth justice intervention, and to better support their families and caregivers. Indigenous Service Support Officers play a key role in facilitating communication between youth justice staff and Aboriginal and Torres Strait Islander communities to ensure programs and services provided to Indigenous peoples are culturally appropriate. Indigenous Service Support Officers contribute to case planning and consult with families, elders, other key community members, community agencies and government departments to ensure Indigenous young people are effectively supported.

Indigenous Conferencing Support Officers provide culturally responsive and appropriate youth justice conferencing services to Aboriginal and Torres Strait Islander young people, victims, families and communities. Indigenous Conferencing Support Officers also play a key role in helping to increase Indigenous participation in the youth justice conferencing process, thereby improving outcomes and adherence to conference agreements.

### **Supported accommodation and bail programs**

Youth Justice provides two bail support programs – the Conditional Bail and Bail Support programs.

The Conditional Bail Program provides the courts with alternatives to remanding young people in custody and targets those at risk of remand in custody by engaging them in activities for the duration of their bail period.

The Bail Support Program provides support to young people in existing accommodation arrangements, and facilitates new placements for those who have been granted bail by the courts and who require additional assistance to meet bail conditions.

Non-government organisations in selected locations are funded to provide bail support programs in the community. These programs provide the courts and police with a viable alternative to remanding young people in custody.

The Youth Bail Accommodation Support Service located in Brisbane provides accommodation and support services to young people who are remanded in custody, or are at risk of being remanded in custody, because of a lack of stable accommodation. The program aims to:

- reduce the number of young people held in detention on remand
- facilitate culturally appropriate placement and intervention for young people released from detention on bail
- provide courts with a legitimate supported accommodation option to remanding young people in custody.

The Far North Queensland Bail Support Service is part of the Youth Opportunity Program that was funded in 2008. The service provides a holistic therapeutic approach to addressing the developmental needs of young people at risk of being remanded in custody. The program coordinates emergency accommodation and provides other support specifically to help young offenders meet their bail conditions. This service provides a much-needed alternative to the courts for young people who might otherwise be remanded in custody.

Dedicated bail support funding is also provided to non-government organisations in other areas of need including Mt Isa, Atherton Tablelands (Far North Queensland) and Townsville. This funding allows young people and their care givers to be supported to stay in stable accommodation and meet their bail conditions.



## **Pre- and post-release programs**

Youth Justice Service Centres provide post-detention support and provide follow-up of any program commenced while in detention. This ensures that young people are connected with appropriate services and support networks to minimise the likelihood of reoffending at the time when the risk of offending is highest.

Both youth detention centres employ two transition officers to support young people exiting detention to assist with their reintegration into the community. While in detention, young people are involved in a variety of programs including therapeutic, educational, vocational, cultural and recreational programs aimed at providing them with the skills to enable rehabilitation in the community upon their release.

## **Legislation**

*Child Protection (Offender Prohibition Order) Act 2008*

*Child Protection (Offender Reporting) Act 2004*

*Childrens Court Act 1992*

*Youth Justice Act 1992 (including Juvenile Justice Amendment Act 1996, Juvenile Justice Amendment Act 1998, Juvenile Justice Amendment Act 2002)*

Youth Justice Regulation 2003

*Young Offenders (Interstate Transfer) Act 1987*

In 2010, the *Juvenile Justice Act 1992* was renamed the *Youth Justice Act 1992*; and the *Juvenile Justice Regulation 2003* was renamed the *Youth Justice Regulation 2003*.

## **Juvenile justice remand and detention centres**

Brisbane Youth Detention Centre

Cleveland Youth Detention Centre

## **Western Australia**

In Western Australia, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years.

The term 'youth justice' is used in Western Australia.

## **Key policy directions**

- Continued improvement and expansion of youth justice services and procedures to ensure that the intent of the *Young Offenders Act 1994* is followed and detention is used as a last resort.
- Exploring options for reducing offending and increasing the diversion of young people from entering or progressing through the justice system.
- Investigating graduated release and through-care options for young people in custody.
- Redeveloping Banksia Hill Detention Centre to cater for all young people in custody. This redevelopment has provided an opportunity to review and develop best practice and contemporary models of service that meet the diverse needs of all young people in

care, while balancing the safety, security and integrity of the centre. The redevelopment is the result of the planned conversion of Rangeview Remand Centre to a young adult prison.

## **Key agencies**

### **Juvenile justice agency**

Youth justice services are the responsibility of the Department of Corrective Services. The Department of Corrective Services is responsible for providing offender management services, supporting offenders to become responsible citizens and promoting crime prevention.

Youth Justice is responsible for young people on supervised bail, which is used when no responsible adult is available for a bail undertaking. In a supervised bail arrangement, the Department develops a behavioural contract for the young person that may include conditions such as avoiding certain locations or looking for work. Youth Justice is also responsible for supervising young people on community-based sentences and provides a number of services, including:

- generic case management
- psychological counselling
- referral to external statutory authorities and local service providers
- Youth Support Officers who provide advice and support.

Youth Custodial Services provides a safe and secure environment for young people remanded in custody or sentenced to a period of detention. The centres are staffed by a range of experienced professionals, including juvenile custodial officers, education and training staff, program facilitators, psychologists, and case planning, supervised bail and medical staff. Programs provided to young people in custody include drug counselling, abuse prevention programs, personal development programs, healthy relationships programs, conflict resolution, life skills programs and health care.

### **Police**

Young people charged with offences or arrested by police may either be given a notice by a police officer to appear in court, be arrested and released on bail, or be arrested and transferred to Rangeview Remand Centre until they appear in court. Four types of bail are available to young people: surety, which requires the young person or their parents to pay a sum of money as security that the young person will appear in court; personal bail, which is only available to those aged 17 years or older who hold a full-time job and do not have a history of offending; bail undertaking by a responsible person, where a responsible adult takes responsibility for the young person; and supervised bail.

### **Courts**

The Children's Court of Western Australia deals with offences alleged to have been committed by young people aged 10–17 years. If a young person is found guilty of an offence, a number of penalties are available, including:

- Fines

- Good Behaviour Bonds – these are normally given to young people who have committed minor offences. A monetary bond is set and must be forfeited if the young person re-offends
- Community Work Order – this is used where a young person has not paid their fine, has forfeited a bail undertaking, or has failed to abide by a Good Behaviour Bond. The court determines how many hours of community work the young person must do. If the young person does not obey the order, they may be detained
- Community-based sentences – these include Youth Community-Based Order, Intensive Youth Supervision Order (without detention), Intensive Youth Supervision Order (detention – conditional release order)
- Detention.

Young people whose offending behaviour is linked to drug use can apply to be a participant in the Children’s Drug Court. If the young person is deemed suitable, a youth justice officer then assists the young person to receive treatment and provides ongoing support.

## Key elements

### Diversion

Youth Justice provides a number of prevention and diversionary services.

- Killara Youth Support Service – this provides support to the families of young people in contact with the police.
- Juvenile Justice Teams – these teams arrange meetings with the young person, their families, victims and police to determine an action plan. If the young person successfully completes the action plan, they do not receive a criminal record. Both the police and the courts can refer young people to a Juvenile Justice Team.
- Regional Community Conferencing – this operates in regional and remote Aboriginal communities for those who have offended for the first time or have committed minor offences. Youth Justice Services train local community members to hold family group conferences based on the principles of the Juvenile Justice Teams approach.

### Legislation

*Bail Act 1982*

*Children’s Court of Western Australia Act 1988*

*Court Security and Custodial Services Act 1999*

*Inspector of Custodial Services Act 2003*

*Sentence Administration Act 2003*

*Young Offenders Act 1994*

Young Offenders Amendment Regulations 1995

### Juvenile justice remand and detention centres

Banksia Hill Detention Centre

Rangeview Remand Centre

## South Australia

In South Australia, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years.

The term 'youth justice' is used in South Australia. Juvenile justice remand and detention centres are referred to as training centres.

### Key policy directions

- Implementing consistent state-wide standards, policies and procedures.
- Implementing the connected client case management system.
- Implementing new program initiatives for young people under community-based orders and in detention.
- Designing and developing a new youth training centre.
- Strengthening through-care of young people leaving custody.

### Key agencies

#### Juvenile justice agency

The Department for Families and Communities (DFC) is responsible for providing tertiary juvenile justice services in South Australia. The department's main responsibilities are to reduce reoffending through the provision of appropriate services and programs; provide the Youth Court with viable alternatives to detention; and support community safety and promote rehabilitation by providing appropriate detention facilities.

In metropolitan Adelaide, Families SA, a division of the DFC, provides case management services (including intensive supervision and home detention), restitution services and court services through the Community Youth Justice Program. Families SA provides remand management to young people who have been released on bail or remanded in custody, and sentence management to young people whose sentence involves a period of supervision. Remand management aims to ensure that the young person appears in court and complies with the conditions of the bail agreement, when on bail. Sentence management includes assessment and sentence planning, service delivery and review and transition planning, and includes supervision and intervention.

In country South Australia, Families SA regional offices provide youth justice services across the state.

#### Police

In South Australia, the police either direct young people through the tiered diversionary system or to the Youth Court. The police have the power to issue cautions (either informal or formal) to a child or young person who has committed an offence. Informal cautions are issued 'on the spot' by police officers for minor offences, while formal cautions are issued for offences that are deemed by the police to be more serious.

#### Courts

In South Australia, children and young people who are alleged to have committed an offence and who are not diverted are dealt with by the Youth Court under the provisions of the *Youth Court Act 1993*. The Youth Court is presided over by a judge of the District Court.

Children and young people may be referred to a higher court depending on the seriousness of the offence or if there is a pattern of repeat offending. The Supreme Court deals with all charges of homicide regardless of the age of the offender.

## **Key elements**

### **Diversion**

Children or young people who commit offences that are considered too serious for an informal or formal caution may be directed to attend a family conference. To be eligible for a family conference, the young person has to admit to carrying out the offence(s). If the charge is denied then the matter is referred to the Youth Court. Family conferences are run by the Courts Administration Authority within the Department of Justice.

### **Case management**

Case management is a flexible, planned and individualised approach to service delivery that provides the client with choices and maximises the efficient use of formal and informal resources in service provision. Case management focuses on engagement, consistent face-to-face contact, dynamic worker/client relationships, goal setting and goal achievement. Case management in a criminal justice context promotes desistance from offending and compliance with court-mandated conditions, and places significant emphasis on a rehabilitative approach.

### **Offence-specific and therapeutic programs**

A range of rehabilitation and support programs are offered to children and young people who are under the supervision of either the Community or Custodial Youth Justice Program. Examples of programs currently offered include Challenging Offending Behaviours, Victim Awareness, Anger Reduction, Moral Reasoning, Drug and Alcohol Use and Behaviour Management.

### **Programs for Aboriginal and Torres Strait Islander young people**

DFC acknowledges the significance culture plays in the positive growth and development of Aboriginal and Torres Strait Islander young people within their family, cultural community and wider community. Indigenous young people in detention and their families are provided with a range of cultural support services including access to programs with the Metropolitan Aboriginal Youth and Family Service (MAYFS) and with support from an Aboriginal Case Management Consultant or the Client Services Manager. Where possible the centres seek to recognise and promote the right for Aboriginal and Torres Strait Islander young people to their cultural identities and practice. Additionally, DFC provides programs that focus on problem solving and creating new patterns of behaviour within the context of increasing Indigenous children and young people's awareness of the positive aspects of their cultural identity.

### **Supported accommodation and bail programs**

The Remand Intensive Neighbourhood Care Program provides supported family-based-care accommodation for children and young people on remand. Marni Wodli provides supported cluster and group accommodation for Indigenous children and young people between the ages of 16-18 years who are on youth justice mandates and guardianship orders.

Children and young people who enter into a supervised bail agreement (including home detention bail) must comply with structured, regular supervision, which is provided through staff of the Community Youth Justice Program. The primary objective of supervising bail is to ensure the child or young person's return to court and to support community safety. Bail supervision also ensures that the child or young person is adequately supported, particularly through referral to and liaison with professional staff at supported accommodation, health, education and vocational training agencies.

### **Pre-and post-release programs**

Pre- and post-release programs for children and young people detained in training centres focus on providing a range of education, training and vocational opportunities, with a strong through-care approach with community linkages. Education programs, both in training centres and in the community, have a particular emphasis on literacy and numeracy as base skills, but also include a balanced curriculum offering art, life skills, health, physical education, woodwork and metalwork. Vocational courses, accredited by the South Australian Certificate of Education, are also offered in the training centres and include hospitality, dry wall construction and music.

A large number of case-managed Innovative Community Action Networks courses and programs are also offered to children and young people released from training centres, all of which foster engagement, capacity and pathways to employment.

### **Other programs**

In addition to rehabilitation and therapeutic programs, a range of recreational and personal development programs are offered to children and young people in training centres. These include a variety of recreation and health programs, road safety, self-awareness and mentoring programs.

## **Legislation**

*Bail Act 1985*

*Criminal Law (Sentencing) Act 1988*

*Family and Community Services Act 1972*

*Young Offenders Act 1993*

*Youth Court Act 1993*

## **Juvenile justice remand and detention centres**

Cavan Training Centre

Magill Training Centre

## **Tasmania**

In Tasmania, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years.

The term 'youth justice' is used in Tasmania. Juvenile justice remand and detention centres are referred to as youth detention centres.

## Key policy directions

- Ongoing review, development and implementation of improved coordinated, collaborative and integrated case management policy and guidelines.
- Continuing the *Youth Justice Act 1997* review project.
- Improving education, training and employment opportunities for disengaged young people who are in custody, exiting custody or at high risk of entering custody.
- Providing pre-and post-custodial release support.
- Providing court diversionary community conferencing and community based statutory supervision, court support and case management.
- Developing community capacity to help rehabilitate young people who have socially offended in the community and restore the harm they may have caused.

## Key agencies

### Juvenile justice agency

Youth Justice Services within the Department of Health and Human Services (DHHS) is responsible for providing juvenile justice services in Tasmania. The main responsibilities of Youth Justice Services are:

- court diversionary community conferencing involving the victim and significant others
- community-based statutory supervision of young people placed on orders by the courts and support for court processes through the provision of pre-sentence reports and attendance at bail hearings
- safe and secure custodial services and pre- and post-release support
- integrated case management of young people on legal orders with a view to rehabilitation, reduced youth offending and promotion of sustainable pro-social pathways
- a community service order program to assist young people to make good the harm they may have caused in the community and to assist young people to access services that will help them to reduce offending
- integrated case management services for young people.

### Police

Police are the first point of contact for young people entering the criminal justice system. In Tasmania, the police are responsible for the clearance of reported youth crime and deciding whether to divert or to prosecute matters in the courts. Police Early Intervention Units are responsible for diversionary pre-court and informal and formal cautioning services. Police may refer a young person to Youth Justice Services for a non- court-based, community conference.

Tasmania Police works closely with Youth Justice Services, and Youth Justice Services participates in a number of steering committees for police diversionary programs, including U-Turn, a program for young people aged 15–20 years who have been involved in, or who are at risk of becoming involved in, motor vehicle theft.

## Courts

In Tasmania, young people who are alleged to have committed an offence, and who are not diverted, are dealt with by the Magistrate's Court (Youth Justice Division) under the provisions of the *Youth Justice Act 1997*. Prescribed offences under the Act may be heard by the Supreme Court. The Court has a range of sentencing options, including dismissing the charges, releasing and adjourning the proceedings on conditions, fines, community conference, probation, rehabilitation orders for a family violence offence, community service orders, suspended detention with conditions and detention.

Before using more serious sentencing options, the court must obtain a pre-sentence report from Youth Justice Services. A magistrate may order a conviction to be recorded for a probation order and a community service order, and must order a conviction if a detention order is made.

## Key elements

### Diversion

In Tasmania, the juvenile justice system is based on the *Youth Justice Act 1997*, which provides a comprehensive framework for restorative justice, including the restoration or reparation of harm done in the community. The Act also places an emphasis on diversion.

Young people may be diverted from the criminal justice system through a non-court-based community conferencing program. The program brings young people face to face with their victims to decide how best to make good the harm caused by offending.

Diversion from the criminal justice system is the primary outcome sought for all young people who are placed on legal supervision orders and case managed. Detention is a sentencing option of last resort.

### Case management

In Tasmania case management is central to the work that is undertaken with young people. Case management identifies:

- the requirements of the court order and strategies to fulfil these
- the services and strategies required to address needs as determined in the assessment
- the relevant people and services to help identify strategies and goals
- the level of agreement among those involved, including the young person, Community and/or Custodial Youth Justice, on the goals and strategies to achieve these goals, and the associated level of commitment
- the point at which involvement with the young person will diminish.

### Offence-specific and therapeutic programs

All young people at the Ashley Youth Detention Centre participate in a range of rehabilitative programs. The programs offered and techniques applied take place within a case management context, are evidence-based and understood to be effective for offender rehabilitation. The program framework is designed to provide cognitive-based therapeutic programs for persistent and serious offenders and address specific criminogenic and social needs. Basic interventions that address issues that may affect community integration, such as employment, education, accommodation and leisure, are also included.



The case management approach in place at the Ashley Youth Detention Centre takes account of the needs of the individual child or young person, any court-ordered obligations, as well as community expectations. It is informed by a comprehensive assessment process undertaken upon admission and is continuous throughout the young person's period of detention. Community-based Youth Justice Workers also provide case management services within a restorative and rehabilitative framework. These workers do not provide discrete therapeutic programs. Instead, the needs of young people are assessed and, where appropriate, they are referred to a variety of services, which may be internal to the DHHS, offered by professionals in private practice or provided by community service organisations.

## **Programs for Aboriginal and Torres Strait Islander young people**

### **Lungtalanana**

The Lungtalanana program is a residency program where Indigenous young people live on Lungtalanana (also known as Clarke Island) and participate in culturally appropriate activities. Young people who are on remand or serving a sentence of detention are eligible, and are assessed by staff at the Centre and the Tasmanian Aboriginal Corporation (TAC) for suitability.

### **Indigenous partnerships**

Youth Justice has a number of partnerships with Indigenous organisations. These include partnerships with:

- the TAC, which have supervised a number of young people on community service orders and involved them in health and wellbeing programs, as well as tasks such as land care
- the Circular Head Aboriginal Corporation, which provides preparation for work programs and linkages to employment for Indigenous and non-Indigenous Youth Justice clients
- the meenah mienne (My Dream), which is a government-assisted Tasmanian Aboriginal arts community organisation that provides art and mentoring programs.

### **Supported accommodation and bail programs**

The Tasmanian Government is investigating supported accommodation and bail programs through its Youth at Risk Strategy.

### **Pre-and post-release programs**

The Department of Education operates a school on site at the Ashley Youth Detention Centre, for young people of compulsory and non-compulsory school age. The educational focus for detainees of compulsory school age at the Centre reflects the curriculum used in schools in the community.

The DHHS funds other programs in areas such as the arts, physical education, and technologies that are run on site. Courses include an in-house espresso coffee course, grade 10 equivalent short courses in mathematics, English and information communication and technology (ICT) and reading and writing recovery programs. The school currently offers Certificate 1 in Workplace Skills and units in Certificate I and II in Hospitality will be introduced in the future.

## Other programs

The development of the Gateway Services and Integrated Family Support Services began in 2008–09. These services aim to support children and families in need through a single point of access within each of the four service delivery areas across Tasmania. This major reform is underpinned by legislative changes that facilitate greater integration of services and improve the exchange of information.

Additional legislative amendments have improved community and statutory services' response to prenatal concerns, and enhanced stability through increased options for permanent care arrangements.

A Youth at Risk Strategy is being developed and will involve:

- identifying young people at risk of entering the youth justice system at the time a police caution is delivered, to prevent future offending
- integrated case management for young people who are statutory clients of both Child Protection and Youth Justice Services. These young people move in and out of the Ashley Youth Detention Centre and the focus is to provide for continuity in their management when they move between the community and custody
- linking services for assessment and support of young people at risk through a Targeted Youth Support Service to the community-based Gateway Services and Integrated Family Support Services
- working on 'wrap around' comprehensive homelessness services for young people as part of the state's homelessness plan.

Improvements made at the Ashley Youth Detention Centre include:

- Appointing a Resident Advocate to work on issues and concerns raised by residents and ensure that the residents have a voice. The Advocate is attached to the Tasmanian Commissioner for Children's Office.
- Increasing the amount of time available for residents to access school, with the school now operating 48 weeks of the year.
- Reviewing the behaviour management system with help from Victorian Youth Justice Services.
- Providing additional staff training relating to adolescent development and the effects of poverty and disadvantage.
- Appointing a visiting Adolescent Forensic Psychiatrist.

## Legislation

*Bail Act 1994*

*Children, Young Persons and Their Families Act 1997*

*Police Offences Act 1935*

*Sentencing Act 1997*

*Youth Justice Act 1997*

*Youth Justice Amendment Act 2003*

*Youth Justice Regulations 1999*

## Juvenile justice remand and detention centres

Ashley Youth Detention Centre

## Australian Capital Territory

In Australian Capital Territory, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years.

The term 'youth justice' is used in the Australian Capital Territory.

### Key policy directions

- Commencing operations at the Bimberi Youth Justice Centre and implementing a programs and services model to address the needs of young people.
- Implementing the *ACT Children and Young People Act 2008* and associated legislative changes, including the Youth Justice Victims Register.
- Reviewing available risk assessment tools for future implementation.
- Ongoing implementation of the Changing Habits and Reaching Targets program (CHART)
- Developing youth justice data systems to support current and future data reporting requirements.

### Key agencies

#### Juvenile justice agency

The Office for Children, Youth and Family Support within the Department of Disability, Housing and Community Services (DHCS) is responsible for providing youth justice services in the Australian Capital Territory.

Community Youth Justice within the Office for Children, Youth and Family Services, DHCS is responsible for the supervision of young people subject to bail and supervised community sentencing orders made by the ACT Children's Court and the ACT Supreme Court.

The Restorative Justice Unit within the Department of Justice and Community Safety is responsible for managing all restorative justice conferences in the Australian Capital Territory.

The Bimberi Youth Justice Centre is the Australian Capital Territory's secure youth justice centre for the custody of children and young people remanded in custody or subject to orders of imprisonment. The Bimberi Youth Justice Centre replaced the Quamby Youth Detention Centre and was officially opened in September 2008. It is the first youth custodial facility in Australia to be designed, built and operated under Human Rights legislation. Community Youth Justice and the Bimberi Youth Justice Centre provide supervision through a case management model which supports the best interests of its clients, while ensuring a balance between community protection, restitution and rehabilitation. They are also responsible for providing reports upon the request of the Courts.

To facilitate the effective and efficient management of detention services for young detainees, policies and procedures are notified under the *Children and Young People Act 2008* and are available at <<http://www.legislation.act.gov.au/a/2008-19/ni.asp>>.

## **Police**

Police are the first point of contact for young people entering the criminal justice system. In the Australian Capital Territory, the police have discretionary powers to divert young people who have committed minor offences by using a warning and diversionary system. When considering diversion as an option, police will consider criteria such as the young person's offending history, maturity and mental capacity, and parental input. If a decision is taken to prosecute, the police may proceed by issuing a summons for the young person to attend court, or by detaining them until the next sitting of the Children's Court.

## **Courts**

In the Australian Capital Territory, the Children's Court deals with young people who are alleged to have committed an offence, and who are not diverted, under the provisions of the *ACT Crimes (Sentencing) Act 2005* and other legislation. Children and young people convicted of indictable offences in the Children's Court may be committed to the Supreme Court for sentencing. Conversely, young people convicted by the Supreme Court may be remitted to the Children's Court for sentencing. A specialist court officer within the department attends all court matters relating to a child or young person to provide reports on current youth justice clients and advice on the custodial and community-based services available to children and young people.

## **Key elements**

### **Diversion**

Restorative justice conferencing is legislated by the *ACT Crimes (Restorative Justice) Act 2004*. The Restorative Justice Unit within the Department of Justice and Community Safety administers the Act through convening and managing the conference processes. The Restorative Justice Unit incorporates the diversionary conferencing system formally delivered by ACT Policing.

ACT Policing has discretionary powers to divert young people (aged 10–17 years) who have committed offences by way of caution or restorative justice conferencing. Restorative justice conferencing is used for a variety of less serious offences and the key criterion for referral is that the young person accepts responsibility for the offence. Other factors taken into account include seriousness of the offence, prior offending behaviour, level of remorse and maturity.

Restorative justice conferencing can also occur in conjunction with a prosecution. ACT Policing, the Office of the Director of Public Prosecutions, the ACT Children's Court, the Office for Children, Youth and Family Support and the Restorative Justice Unit can refer young people at various stages of the criminal justice continuum from caution through to post-sentence; however, the young person must voluntarily agree to participate.

### **Case management**

Community Youth Justice and the Bimberi Youth Justice Centre provide case management and service coordination for all young people supervised on a community-based order or detained at the Centre and transition planning for all young people serving periods of detention. The case managers deliver the CHART program to all young people who have entered guilty pleas or who have been sentenced. Case managers work in close partnership with a range of stakeholders to ensure supervised young people are given the best opportunities to meet their legal obligations and make positive changes in their lives.

## **Offence-specific and therapeutic programs**

Community and custodial facilities implemented the CHART program in 2008. With its implementation, Youth Justice aims to provide clients with rehabilitative-focused supervision sessions and engagement based on evidence-based practice.

The Responsible, Respectful Relationships (Triple R) program, administered by the ACT Department of Justice and Community Safety provides therapeutic counselling services to young people who exhibit unlawful and inappropriate sexual behaviours.

Community Youth Justice is currently working with non-government organisations to develop and deliver an anger management program specifically designed for young people being supervised on a community-based order.

## **Programs for Aboriginal and Torres Strait Islander young people**

Aboriginal and Torres Strait Islander programs delivered by Aboriginal and Torres Strait Islander community service providers include numeracy and literacy tutoring, Aboriginal and Torres Strait Islander art, and counselling and family support programs. An Aboriginal and Torres Strait Islander case manager and Aboriginal and Torres Strait Islander liaison officer also provide programs and services for Aboriginal and Torres Strait Islander young people detained in the Centre and work with Aboriginal and Torres Strait Islander community service providers to ensure young people transitioning from custody are supported within their community.

## **Supported accommodation and bail programs**

The DHCS funds a number of non-government organisations to deliver accommodation and supported independent living services to young people transitioning from custody.

## **Pre- and post-release programs**

The Bimberi Youth Justice Centre offers a number of programs that aim to provide young people with the skills to help them successfully transition back into the community.

The DHCS funds a number of non-government organisations to deliver post-release programs, including case management services for young people transitioning from custody.

## **Other programs**

The One Stop Shop initiative assists Community Youth Justice case managers to address the needs of young people that contribute to offending behaviour. From a centralised location, young people are able to access multiple services while attending Community Youth Justice for court-ordered supervision. Government and non-government service providers to the One Stop Shop include drug and alcohol services, educational and vocational services, Aboriginal and Torres Strait Islander services and offence-specific programs.

## **Legislation**

*Bail Act 1992*

*Children and Young People Act 2008*

*Crimes (Restorative Justice) Act 2004*

*Crimes (Sentence Administration) Act 2005*

## *Crimes (Sentencing) Act 2005*

Significant legislative changes occurred through the ACT *Children and Young People Act 2008*, which replaced the ACT *Children and Young People Act 1999*. The *Children and Young People Act 2008* commenced in stages in late 2008 and early 2009. Sentencing options and provisions for the administration of sentences imposed on young offenders are now included in the *Crimes (Sentencing) Act 2005* and the *Crimes (Sentence Administration) Act 2005*. In the area of youth detention, the *Children and Young People Act 2008* introduced a comprehensive framework regarding the Chief Executive's powers and responsibilities in administering a place for detention for young detainees.

## **Juvenile justice remand and detention centres**

Bimberi Youth Justice Centre (opened 3 September 2008)

## **Northern Territory**

In the Northern Territory, criminal responsibility commences at the age of 10 years. The maximum age for appearance in a children's court is 17 years.

The term 'youth justice' is used in the Northern Territory.

## **Key policy directions**

- Implementing the new Youth Justice Act that came into force in August 2006, which includes provisions for diversion, including a presumption for diversion and the capacity for courts to refer matters back to Youth Diversion.
- Continuing the Youth Diversion Scheme (YDS), whose major purpose is to work with young offenders through formal assessment, restorative justice conferences and referral to a diversionary program.
- Providing funding under the Community Youth Development Unit (CYDU) program to the communities of Borroloola, Galiwin'ku, Tiwi Islands, Groote Eylandt, Docker River, Imanpa and Gunbalanya, as well as to Tangentyere Central Australian Youth Link Up Service, which provides invaluable support to the Southern Region CYDUs and other youth programs in the region.
- Providing one-off capital funding and other support to the communities of Maningrida, Papunya, Mt Liebig, Kintore and Mutitjulu.
- Providing ongoing training for the YDS and restorative justice conference facilitation.

## **Key agencies**

### **Juvenile justice agency**

Correctional Services in the Department of Justice is responsible for young people in detention. The Department of Health and Families is responsible for young people on community-based orders.

If the young person is bailed the court can place the young person under the supervision of Correctional Services with conditions such as residence, curfew and attendance at specific appointments (for example, alcohol and drug assessments).

All young people placed on orders undergo case management, whether they are on a community-based order or serving a term of detention. Case management goals vary significantly depending on the young person, their family or significant other supports, and the services available in their community.

## **Police**

Alleged young offenders in the Northern Territory are dealt with in one of three ways:

- referred to the Northern Territory Police Youth Diversion Scheme
- released on bail
- remanded in custody.

The Youth Diversion Scheme may take the form of verbal and written warnings, or family and victim-offender conferencing. Conference outcomes may be informal and formal programs, and conditions (for example an apology to the victim). Programs can include but are not limited to substance abuse, training and education, and community work.

Young people may be released on bail with or without supervision conditions.

If the alleged crime is serious, the accused young person may be remanded in detention before the court hearing.

## **Courts**

If the court finds a charge proven against a young person, it may do one or more of the following:

- dismiss the charge for the offence or discharge the young person without penalty
- adjourn the matter for up to 6 months and, if the young person does not commit a further offence during that period, discharge them without penalty
- adjourn the matter to a specified date within 12 months of the finding of guilt, and grant bail to the young person under the *Bail Act*, to assess the young person's capacity and prospects for rehabilitation, or allow them to demonstrate that rehabilitation has taken place, or for any other appropriate purpose
- order the young person to participate in a specified program
- order that the young person be released, as long as they give security that they will appear before the court if called on to do so, be of good behaviour for the period of the order, and observe any conditions imposed by the court
- fine the young person not more than the maximum penalty that may be imposed under the relevant law for the offence
- make a community work order that the young person participate in an approved project for a specified number of hours
- order that the young person serve a term of detention or imprisonment that is suspended, or is suspended as long as the young person enters into an alternative detention order or a periodic detention order
- order that the young person serve a term of detention or imprisonment
- make any other order that another court could make if the young person were an adult convicted of that offence.

If the court orders that the young person serve a term of detention or imprisonment, the term must not exceed the lesser of the maximum period that may be imposed under the relevant law for the offence, or:

- for a young person who is 15 years of age or more – 2 years
- for a young person who is less than 15 years of age – 12 months.

The court must not order the imprisonment of a young person who is less than 15 years of age.

### **Pre-sentencing conference**

The court may, when determining the appropriate sentence for a young person who has been found guilty of an offence, adjourn the proceedings and order the young person to participate in a pre-sentencing conference.

A pre-sentencing conference may include any of the victims of the offence, community representatives, members of the young person's family or any other persons who the court considers appropriate.

### **Non-parole period**

If the court sentences a young person to a term of detention or imprisonment longer than 12 months that is not suspended, the court must fix a non-parole period unless the court considers that the nature of the offence, the past history of the young person or the circumstances of the particular case make this inappropriate.

## **Legislation**

*Youth Justice Act 2006*

Youth Justice Regulations 2005

## **Juvenile justice remand and detention centres**

Alice Springs Juvenile Holding Centre

Don Dale Juvenile Detention Centre

Wildman River Wilderness Work Camp (closed 14 October 2003)



# Glossary

## **Age**

In all age-related tables, age is reported in years.

## **Breach**

Breaches are due to reoffending or non-compliance with the conditions of the order.

## **Case management**

Case management is a process of assessment, identification of needs, planning and review. It requires staff to assess the patterns and situational factors that directly relate to the young person's offending behaviour. Case planning also acknowledges the importance of the young person's cultural and developmental needs. Staff collaborate with the young person's family and community services to ensure interventions are sustainable once they have completed their court order.

## **Changing Habits and Reaching Targets (CHART) program**

The CHART program is a cognitively based intervention designed specifically for caseworkers to engage and work with young offenders who require moderate to high intervention to reduce their risk of reoffending. The CHART model was designed by the Department of Human Services, Victoria.

## **Conditions of sentence met**

Where the young person has fulfilled the obligations of their sentence and is released from supervision (without a period of supervised release or parole to immediately follow).

## **Criminogenic**

Producing or tending to produce crime or criminality.

## **Dual track system**

Legislation in Victoria allows young people aged 18–20 years to be sentenced to a juvenile detention centre. This is known as the 'dual track' sentencing system.

## **Griffith remand**

A sentencing option where the court grants an adjournment to assess the young person's rehabilitation prospects or progress. The young person is usually placed under strict conditions, such as completing a residential drug rehabilitation program.

## **Group conferencing**

Also known as youth justice conferences.

These are a community-based approach to dealing with young people who have committed a crime. Conferences are a formal legal process based on the principles of restorative justice. They bring young people, their families and supporters face to face with victims and their support people. Together, they agree on a suitable outcome that may include an apology, reasonable reparation to victims, and steps to reconnect the young person with their community in order to help them desist from further offending.

**Immediate release or suspended detention**

Includes immediate release orders, suspended detention orders and intensive supervision of young people with detention orders. Usually involves a period of intensive supervision in the community with the possibility of detention if the young person breaches the community supervision.

**Juvenile justice centre**

A place administered and operated by a juvenile justice agency where young people are detained while under the supervision of the relevant juvenile justice agency. See Appendix for lists of each state's and territory's juvenile justice centres included in this collection.

**Juvenile justice agency**

Refers to those agencies in each state and territory that are responsible for juvenile justice matters. See Acknowledgments for a list of the relevant agencies and departments.

**Parole or supervised release**

After serving a proportion of a sentence of detention, a young person may be released into the community under supervision. A breach of the parole or supervised release order usually results in the young person returning to detention to serve the remainder of the sentence.

**Probation or similar**

Includes probation, recognisance and community service orders that are supervised or case managed by the juvenile justice agency. May be supervision with or without additional mandated requirements, requiring some form of obligation or additional element that the young person is required to meet. This obligation could be community work, such as in a community service order, a developmental activity or program attendance. The juvenile justice agency may or may not directly supervise any additional mandated requirements, but remains responsible for the overall case management of the young person.

**Reception**

When a young person first enters a detention centre (whether sentenced or unsentenced), they are 'received' into detention. Neither a transfer to a new detention facility nor a change in legal status constitutes a reception; however, if a young person is released from detention and then re-enters at a later date, this is a new reception.

**Released on bail**

Following a period of remand, a court may order a young person to be released into the community pending the outcome of the trial. Bail may be either unsupervised or supervised.

**Remand**

The act of placing in custody a young person who is accused of an offence to await trial or the continuation of the trial.

**Supervised bail or similar**

The act of allowing a young person who is accused of an offence to await trial or the continuation of the trial in the community under the supervision of a juvenile justice agency.

**Transferred**

Transfers may include young people being transferred to an adult correctional facility in the same state or territory, supervision or case management of young people being transferred to the adult justice system, or where young people are transferred interstate.

**Young person**

A person who is under supervision by a juvenile justice agency as a result of having committed or allegedly committed an offence.

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## Related publications

This report, *Juvenile justice in Australia 2008–09*, is part of an annual series. Earlier editions and any published subsequently can be downloaded free from the AIHW website <<http://www.aihw.gov.au/publications/index.cfm/series/405>>. The website also includes information on ordering printed copies.

Interim tables relating to this report were published separately online as *Juvenile justice in Australia 2008–09: Interim report – main tables*. See <<http://www.aihw.gov.au/publications/index.cfm/title/12624>>.

The following AIHW publications relating to children, youth and families might also be of interest:

- AIHW 2011. Educational outcomes of children under guardianship or custody orders: a pilot study, stage 2. Child welfare series no. 49. Cat. no. CWS 37. Canberra: AIHW.
- AIHW 2011. Child protection Australia 2009–10. Child welfare series no. 51. Cat. no. CWS 39. Canberra: AIHW.
- AIHW 2010. Health and wellbeing of young Australians: indicator framework and key national indicators. Bulletin no. 77. Cat. no. AUS 123. Canberra: AIHW.
- AIHW 2010. The health of Australia's prisoners 2009. Cat. no. PHE 123. Canberra: AIHW.
- AIHW 2008. Linking SAAP, child protection and juvenile justice data collections: a feasibility study. Data linkage series no. 5. Cat. no. CSI 5. Canberra: AIHW.