

Juvenile justice in Australia 2004–05

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- Department for Families and Communities, South Australia
- Department of Health and Human Services, Tasmania
- Office for Children, Youth and Family Support, Australian Capital Territory
- Department of Justice, Northern Territory

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Abbreviations

ABS	Australian Bureau of Statistics
AIC	Australian Institute of Criminology
AIHW	Australian Institute of Health and Welfare
AJJA	Australasian Juvenile Justice Administrators
DC	detention centre
DSC	Data Sub Committee
JDC	juvenile detention centre
JHC	juvenile holding centre
JJC	juvenile justice centre
JTC	juvenile training centre
NMDS	national minimum data set
RC	remand centre
TC	training centre
YDC	youth detention centre
YRC	youth residential centre

Symbols used in the tables

n.a.	not available
..	not applicable
–	nil or rounded to zero, including null cells
n.r.	not reported

Note

Percentages in tables may not add to 100 due to rounding.

Summary

Responsibility for juvenile justice rests at state and territory level and there is marked diversity in terms of legislation, policy and practices among jurisdictions. The age when young people are considered juveniles or adults by the justice system, key policy directions, diversionary options, possible court outcomes, and specific programs and services available to young people are all areas of variation throughout Australia. The Australian Institute of Health and Welfare (AIHW) has worked with the Australasian Juvenile Justice Administrators (AJJA) to develop nationally consistent data on one part of this system, juvenile justice supervision.

This report is based on two data collections of the Juvenile Justice National Minimum Data Set (NMDS):

- young people under juvenile justice supervision
- juvenile justice *episodes* (*supervision periods*).

These data, which include both community-based and detention-based supervision, are collected by the AIHW from the departments in each state and territory with particular responsibility for juvenile justice. The data in this report cover the period 2004–05.

The Juvenile Justice NMDS contains information on the movement of young people through supervision and the services received. The data are presented as *episodes* and *supervision periods* (for definitions see Section 2.1.2 *Episode* collection). Although a young person may be subject to a number of legal orders simultaneously, the NMDS does not attempt to provide comprehensive coverage of orders. Rather, the NMDS is based on the experience of the young person under juvenile justice supervision. It reports the highest known type of supervision a young person is subject to at any given point in time, according to a hierarchy (see 'Hierarchy of *episode* types', in Section 2.1.2).

Main findings of the report

The number of young people under juvenile justice supervision declined over the period 2001–02 to 2004–05 by 7% nationally (excluding Australian Capital Territory, for which data are not available for earlier years). The rate for 10–17 year olds under juvenile justice supervision declined from 5.1 per 1,000 to 4.8 per 1,000. Almost 65% of young people were at least 15 years old when they had their first ever juvenile justice supervision. Most young people completed one *supervision period* during a year, with community-based supervision being much more common than detention-based. Very short *supervision periods* were more likely to include *episodes* of pre-sentence remand. *Supervision periods* of medium or longer lengths were more likely to include *episodes* of sentenced detention or community-based supervision respectively. Differences were found according to demographics such as age, sex and Indigenous status in both the length and type of supervision.

Young people under juvenile justice supervision

Number of young people

- During 2004–05, 12,649 young people in Australia experienced juvenile justice supervision, including 10,830 aged 10–17 years (the remainder being older). This represents an average of fewer than 5 per 1,000 young people aged 10–17 years in the population. Around 4 per 1,000 had community-based supervision, and less than 2 per 1,000 had detention-based supervision at some time during the year. Some young people experienced both community-based and detention-based supervision.

Sex of young people

- Males represented the majority of young people under juvenile justice supervision at around 84% in 2004–05.

Age of young people

- Most young people under juvenile justice supervision were aged 16 years or older (63%), with fewer than 9% being aged 13 or younger in 2004–05.
- Over 74% of young people were aged 14–17 years when they had their first ever juvenile justice supervision.

Aboriginal and Torres Strait Islander young people

- Thirty-seven per cent of young people under juvenile justice supervision identified/were identified as being of Aboriginal and Torres Strait Islander origin.
- About 42 per 1,000 Aboriginal and Torres Strait Islander young people aged 10–17 years were under juvenile justice supervision during 2004–05 compared with about 3 per 1,000 non-Indigenous young people.
- Over 60% of those aged 13 years or younger in 2004–05 identified/were identified as being of Aboriginal and Torres Strait Islander origin.
- Proportionally more Aboriginal and Torres Strait Islander young people were female compared with non-Indigenous young people. They were also younger on average and younger when they had their first ever juvenile justice supervision.

Average daily numbers

Community-based supervision

- During 2004–05, there was an average of 5,047 young people in community-based juvenile justice supervision each day in Australia. This represents a decrease of 5% since 2000–01.
- In the three years 2002–03 to 2004–05, there were decreases in the average daily number of females in community-based supervision, and in the number of young people aged 15 years or older.

- The average daily number of Aboriginal and Torres Strait Islander young people in community-based supervision increased by 15% from 2000–01 to 2004–05.

Detention supervision

- During 2004–05, there was an average of 784 young people in detention-based juvenile justice supervision each day in Australia. This represents a decrease of 13% since 2000–01.
- In the five years 2000–01 to 2004–05, there were decreases in the average daily number of females in detention, and in the number of young people aged 18 years or older.

Supervision periods

Supervision periods are periods of continuous juvenile justice supervision and are made up of one or more *episodes*, which represent specific types of supervision (e.g. detention or community-based).

Number of supervision periods

- Of all the young people under juvenile justice supervision in 2004–05, 83% completed only one *supervision period* during the year.
- Differences were found according to age in the number of *supervision periods* completed. Thirteen per cent of young people aged 13 years or under completed at least three *supervision periods* during 2004–05, compared to 4% of those aged 16 or older.
- The number of *supervision periods* completed each year also varied according to Indigenous status. About 22% of Indigenous young people completed at least two *supervision periods* in 2004–05 compared with around 14% of non-Indigenous young people.

Length of supervision

- The length of *supervision periods* completed during 2004–05 varied greatly from fewer than 7 days (25%) to 12 months or longer (22%). The median length of completed *supervision periods* was 5 to 6 months.
- For a small minority of young people there was no break in their juvenile justice supervision, and as a result, no end to a *supervision period*. Approximately 13% of young people completed one *supervision period* during 2004–05 that lasted for 12 months or more and contained multiple discrete *episodes* or types of supervision rather than one long *episode*.
- *Episodes* of community-based supervision were consistently longer than *episodes* of detention-based supervision. The median length of sentenced community-based supervision *episodes* was 144 days compared with 80 days for *episodes* of sentenced detention.
- About 35% of *supervision periods* for females were less than 14 days in length compared with about 28% for males.

- The length of completed *supervision periods* increased with age. Between 37% and 59% of *supervision periods* completed by people aged 10–14 years were less than one month long compared with 20% for those aged 18 years or older.
- Although Indigenous young people completed relatively more *supervision periods* in a year than non-Indigenous young people, those *supervision periods* were shorter. Over 38% of *supervision periods* completed by Indigenous young people were less than one month long, compared with 33% for non-Indigenous young people.

Community supervision and detention

- The majority of juvenile justice sentenced supervision is community-based, with around 90% of time in sentenced supervision spent in the community rather than in detention during 2004–05.
- There is much variation among states and territories in relation to pre-sentence supervision, with legislative differences around supervised bail.
- The *supervision periods* of females were proportionally more likely than those of males to contain *episodes* of pre-sentence detention. The opposite was true of sentenced detention *episodes*.
- Females tended to have shorter *episodes* of remand and longer community-based sentenced supervision than males.
- A greater proportion of *supervision periods* by 11–13 year olds included *episodes* of pre-sentence detention (63–65%) than did those by young people aged 16 years or older (less than 42%).
- The proportion of Indigenous young people's *supervision periods* that included *episodes* of pre-sentence detention was greater than the proportion for non-Indigenous young people (52% compared with 43% in 2004–05). This pattern was observed for both pre-sentence and sentenced detention. For community-based supervision, the pattern was reversed with non-Indigenous young people more likely to have community-based *episodes* than Indigenous young people.

Exits from pre-sentence detention episodes

- Over 50% of remand *episodes* in 2004–05 ended with the young person being released on bail. Less than 5% ended with the young person being sentenced and immediately commencing an *episode* of sentenced detention.
- The proportion of remand *episodes* ending with the young person being sentenced and immediately commencing an *episode* of detention increased with age. Less than 2% of remand *episodes* for young people aged 13 years or under ended this way compared with over 5% for those aged at least 15 years.
- The proportion of *episodes* of remand that finished by release on bail was lower among Indigenous than non-Indigenous young people (43% compared with 58% in 2004–05).

Age at first contact

- The younger people were when they entered their first *supervision period*, the more likely they were to re-enter juvenile justice supervision during subsequent years. Forty-four

per cent of those aged 14 years in 2000–01 had their first and last *supervision period* during that year, compared to around 23% of those aged 10–12 years.

- Age was not so strongly related to the likelihood of having an early detention *episode*. Around 47% of young people aged 10–14 years at their first juvenile justice supervision had detention *episodes* in their first *supervision period*, compared to around 41% for those aged 16 or over.
- Early detention was associated with having more *supervision periods* during subsequent years. For young people aged 10–14 years in 2000–01, around 80% of those who experienced early detention had more than one *supervision period*, compared to 55% of other young people.

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1 Introduction

1.1 Background to the Juvenile Justice National Minimum Data Set

The involvement of juveniles in the criminal justice system is a matter of keen interest to many stakeholders. Governments, policy makers, community groups and researchers alike seek information about this group of young people – particularly about the extent of and reasons for their involvement with the criminal justice system, and their experiences within it. However, with responsibility for juvenile justice resting at the state and territory level in Australia, nationally comparable data have been scarce. The Australian Institute of Criminology (AIC) has, for a number of years, produced the *Statistics on juvenile detention* series, which provides snapshot data on the numbers of juveniles in detention centres around Australia on the last day of each quarter during the year. All data regarding community-based supervision have remained at jurisdictional level. The Juvenile Justice National Minimum Data Set (NMDS) fills this information gap by providing data on both community supervision and detention as well as the number and characteristics of young people under each type of supervision and their movement through juvenile justice supervision throughout the year.

This is the second report of the juvenile justice NMDS and covers the period 2004–05. The first report, with data from 2000–01 to 2003–04, was published in February 2006.

1.1.1 Purpose of the Juvenile Justice National Minimum Data Set

The Juvenile Justice NMDS is designed to provide nationally comparable information to inform policy makers, researchers and the community about the involvement of young people with juvenile justice supervision in Australia, and to provide a mechanism to contribute to national monitoring of juvenile justice policies and programs. The potential benefits include:

- providing a national picture of juvenile justice supervision in Australia
- determining the profile of young people with juvenile justice involvement
- examining national and state/territory trends over time
- informing the community about juvenile detention and community-based supervision
- building capacity for research.

There are three related components of the juvenile justice NMDS – a young person collection, an *episode* collection and a juvenile justice centre collection. Together, these components provide information about young people who are under juvenile justice supervision in Australia. Juvenile justice may include supervision prior to a young person being sentenced and/or supervision of an order following finalisation of the case, either within the community or in a custodial facility. A description of the NMDS and its component parts can be found in Chapter 2.

1.2 The juvenile justice process in Australia

When a young person in Australia reaches the age of 10 years they are deemed in all states and territories to have criminal responsibility. This means that 10 years is the youngest age at which a young person may enter the formal criminal justice system for having committed or allegedly committed an offence. In most states and territories, young people are considered to be juveniles until they reach the age of 18 years. In the Australian Capital Territory, the juvenile justice legislation applies to young people aged 10 to 18 years at the time of the alleged offence and in Queensland to young people aged 10 to 16 years. Victoria's juvenile justice legislation has previously been similar to Queensland, but as of July 2005, Victoria's legislation also applies to young people aged 10–17 years. Victoria also has a sentencing option for adult courts that allows for 18 to 20 year olds to be sentenced to detention in juvenile justice facilities where appropriate. Young people may remain under juvenile justice supervision for some time while they are older than 17 years, as the legislative age refers to the age at which the offence occurred rather than the age the young person is while under the supervision of the juvenile justice department.

The juvenile justice process in Australia involves the police, courts, juvenile justice departments, young people and their families, legal advocates and non-government organisations amongst others. Figure 1.1 illustrates the flow of the juvenile justice process. Juvenile justice departments may be involved in the supervision of young people at a number of stages within the juvenile justice process. Before a young person appears in court for an alleged offence they may be held in either police or juvenile justice department custody. Between court appearances, a young person may be given unsupervised bail, conditional bail (which may include supervision by a juvenile justice department), or they may be held on remand in a juvenile justice custodial facility. Following the finalisation of court proceedings, a young person may be given an order that involves the supervision or case management by a juvenile justice department.

A feature of the juvenile justice system in Australia is the diversion of young people away from the formal criminal justice system. Depending on the state or territory, this diversion may occur through the police, courts or the juvenile justice department. As shown in Figure 1.1, this means that not all young people who come into contact with the criminal justice authorities will end up under juvenile justice supervision, or they may have shortened contact with the formal juvenile justice system.

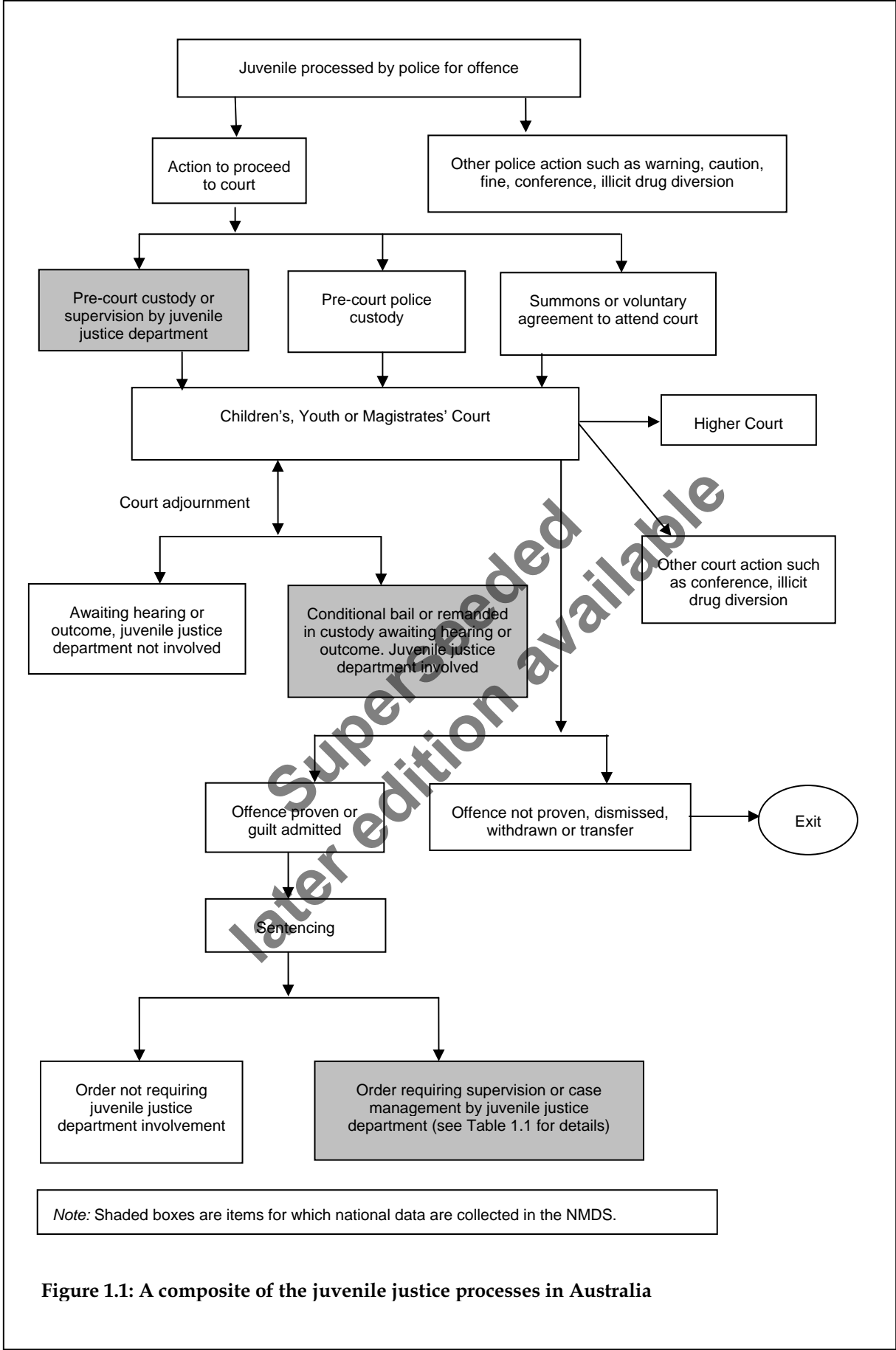


Figure 1.1: A composite of the juvenile justice processes in Australia

The court outcomes and services available in juvenile justice differ among states and territories. Those available in some form in most states and territories are shown in Table 1.1. Some court outcomes, such as discharge without penalty, or a fine, may not involve juvenile justice supervision of the young person, while others, such as community service, usually will.

Most states and territories now include 'victim-offender conferencing' as part of juvenile justice. Conferences typically involve both the victim and young person together with representatives from the criminal justice system. The aim is to develop a negotiated response to the crime with the young person taking responsibility for the offence, and the needs of both the victim and young person being heard and met. Conferences may be held at a number of stages of the juvenile justice process and are administered variously by the police, courts or juvenile justice department.

Juvenile justice departments may be responsible for the supervision of young people on bail, community service orders, community-based orders, remand (awaiting sentencing), or detention.

Table 1.1: Range of juvenile justice outcomes and services available, by state and territory, June 2006

Juvenile justice outcomes and services	NSW	Vic	Qld	WA	SA	Tas	NT	ACT
Pre-court pre-sentence diversionary outcomes								
Informal caution/warning	✓	✓	✓	✓	✓	✓	✓	✓
Formal caution	✓	✓	✓	✓	✓	✓	✓	✓
Conferencing	✓	✓	✓	✓	✓	✓	✓	✓
Does not involve juvenile justice department								
Discharge	✓	✓	✓	✓	✓	✓	✓	✓
Fine	✓	✓	✓	✓	✓	✓	✓	✓
Obligation without supervision	✓	✓	✓	✓	✓	✓	✓	✓
May involve juvenile justice department								
Good behaviour bond	✓	✓	✓	✓	—	—	✓	✓
Bail/pre-sentence support and supervision	✓	✓	✓	✓	✓	—	✓	✓
Conferencing	✓	—	✓	✓	—	✓	✓	✓
Community-based supervision (probation)	✓	✓	✓	✓	✓	✓	✓	✓
Community service	✓	✓	✓	✓	✓	✓	✓	✓
Suspended detention	✓	—	✓	✓	✓	✓	✓	—
Home detention	—	—	—	—	✓*	—	✓	—
Custodial remand	✓	✓	✓	✓	✓	✓	✓	✓
Detention	✓	✓	✓	✓	✓	✓	✓	✓
Supervised release from detention	✓	✓	✓	✓	✓	✓	✓	—

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

The legislation that each juvenile justice department is responsible for administering is listed in Appendix A. Details of key elements of the juvenile justice systems in each state and territory, including where juvenile justice is placed within the structure and the process (pre-court, court and juvenile justice department supervision), are outlined in Appendix B.

1.3 Key policy directions

The juvenile justice area is constantly evolving, with new policy initiatives and programs being formulated to address the offending behaviour of young people. The emergence of victim-offender conferencing as an integral part of juvenile justice services over recent years is an example of this. In this section, some of the key policy directions that the juvenile justice departments will be taking over the next couple of years are outlined.

1.3.1 New South Wales

For juvenile justice in New South Wales, key policy directions will include:

- Significant restructuring of the department's community services that consolidates the organisation's move towards evidence-based practice, including the development of the effective practice model, a quality assurance framework and the review of training for community services staff.
- The development of an Aboriginal Strategic Policy Framework to support, provide direction and ensure consistent approaches to decision making in relation to the department's Aboriginal service delivery.
- The development of improved cross-agency approaches to working with young offenders through stronger intersectoral relationships, including a focus on young offenders with disabilities.

1.3.2 Victoria

Key policy directions for juvenile justice in Victoria are:

- The continued diversion of young people from entering or progressing through the justice system including the legislative age change, the provision of court advice, group conferencing, and central after-hours assessment and bail placement service.
- The effective management of young people to reduce offending through the provision of effective assessment processes (Victorian Offender Needs Indicator for Youth – VONIY), targeted and evidence-based interventions and case management systems through the implementation of the rehabilitation review, and the provision of transitional support services to reintegrate young people into the community.
- Continued development of approaches aimed at addressing the over-representation of young Indigenous people in the justice system including the development of the Children's Koori Court and the further development of the Koori Juvenile Justice Program.

1.3.3 Queensland

Key policy directions for youth justice in Queensland include:

- The exploration of options for reducing offending, including more effective risk needs assessments for young people (matched to the criminogenic needs of the young person); the development of evidence-based programs that are informed by 'what works'; and post-detention programs to encourage reintegration into communities, which is vital for achieving long-term behavioural change.
- A service delivery review that includes the assessment of good practice models for case management and the development of a new needs-based assessment framework. This work is providing a framework for the new ICMS (Integrated Client Management System), which will replace the existing FAMJY database. This system will facilitate a continuum of care for young people in the youth justice system with case plans that follow a young person throughout the system.
- The ongoing development of Youth Justice Conferencing to ensure a continued focus on supporting the implementation of an enhanced service delivery structure including further development of procedural and practice guidelines that inform response in relation to complex and serious matters brought to conference.

These policy projects are aligned to the major funding commitment for the expansion of community-based youth justice service centres across the state, as well as responding to an increased demand for youth justice conferencing.

1.3.4 Western Australia

Key policy directions for juvenile justice in Western Australia include:

- A review of juvenile justice services and structures with a view to implementing integrated service delivery practices and models between Juvenile Custodial Services and Juvenile Community Justice Services.
- Exploring wider more cost effective local community-based options in Geraldton and Kalgoorlie including early intervention, diversion, reparation and intensive case management models.
- Implementing the Victorian Offender Needs Indicator for Youth (VONIY) tool, which will enhance case management practices and improve through-care for young people across custodial and community juvenile justice.
- Development of an annual training program of all uniformed detention staff at the Academy and a promotional pathway program.

1.3.5 South Australia

Families SA policy directions for youth justice in South Australia include:

- The development of a new manual of practice in preparation for adoption of the Victorian electronic case management system.
- The exploration of ways to reconfigure metropolitan Adelaide youth justice resources to ensure a sustainable service delivery model.

- The participation in an across-government initiative to establish an intensive supervision program for serious repeat juvenile offenders.
- The development of an improved through-care model for young people in detention, with specific focus on Aboriginal young people, as part of practice reform.

1.3.6 Tasmania

Key policy directions in Tasmania are:

- Pre-court diversion of young people from the criminal justice system under the Informal and Formal Cautioning and the Community Conferencing provisions of the *Youth Justice Act 1997*.
- Access for young people to programs within which they can learn new skills and also make reparation and restore any harm their social offending may have caused within the community, inclusive of community service order programs.
- Reduction of offending through effective case management of young people based on effective need and risk assessment and case management. A particular emphasis is placed on young people with multiple and complex needs whose behaviour is at risk of being criminalised and young people exiting custody.
- The development of individual resilience and community capacity by working in partnership with young people, their families, stakeholders across agencies, community-based organisations, the corporate sector and significant others to meet needs that underpin social offending.
- Reduction of time spent on remand and ensuring young people in custody are in a safe and secure environment that meets their needs.
- Improved Aboriginal and Torres Strait Islander data collection processes.

1.3.7 Australian Capital Territory

The ACT Young People's Plan 2004–2008 provides a flexible and responsive context for government agencies, community organisations, the ACT community and young people to support improved outcomes for young people and to address changing needs and emerging priorities until 2008. Under the plan the government has focussed on four key directions.

These are:

- participation
- access
- transition
- support.

Each of the four key directions above are relevant to all young people in the Australian Capital Territory, including young people involved with the justice system.

For example, developing approaches to 'increase the effectiveness of young people's participation in the development and evaluation of services and programs that are designed to meet their needs, and that affect their lives', is relevant to young people in youth justice settings. Similarly, under transitions 'equipping young people with necessary skills and supports to maximise opportunities and meet the challenges associated with transitions' and

again, under the direction of support, 'recognising and responding to the needs of young people involved with youth justice and child protection services'.

Specifically, the *Blueprint for young people 'at risk'* has the goal of enhancing support for young people 'at risk' through the provision of improved coordinated assistance and by strengthening the age-specific supports, some of which are specific to youth justice.

In addition, the *ACT Government Commitment to Young People* specifies key actions in relation to young people's completion of schooling and the provision of appropriate and effective training both on and off the job.

For 2004–2005 the focus is to:

- increase programs for clients under youth justice supervision
- broaden the diversionary and restorative justice programs, and the role of the Restorative Justice Unit
- continue to focus on exit planning and transitioning of young people leaving detention, particularly by supporting linkages to natural supports and community networks
- provide enhanced education and training options for young people under youth justice supervision through the Student Pathways and Training Pathways Guarantee programs
- continue to promote and consolidate a common case management approach across the youth sector
- introduce the Indigenous Liaison Officers for Aboriginal and Torres Strait Islander young people in custody
- strengthen the role of the Indigenous hostel to support young Aboriginal and Torres Strait Islander males on bail, community-based orders and those released from custodial sentences
- continue to develop the Turnaround Program to improve outcomes for young people with high and complex needs
- establish a new youth detention centre that will better support the case management and delivery of programs to children and young people.

1.3.8 Northern Territory

A major theme of policy direction in the Northern Territory is diversion:

- A new *Youth Justice Act* came into force in December 2006, replacing the *Juvenile Justice Act*. The new Act includes provisions for diversion, including a presumption for diversion and the capacity for courts to refer matters back to Juvenile Diversion.
- The major purpose of the Juvenile Diversion Scheme (JDS) is to work with young offenders through formal assessment, family and victim offender conferences and referral to a diversion program. In remote communities Community Youth Development Units (CYDUs) also work with large numbers of young people at risk. This risk abatement work is an essential aspect of the scheme.
- In March 2006, the Northern Territory Government approved the continuation of the JDS in its current form with NT Police managing and administering the scheme. Non-government case management service providers in Darwin, Katherine, Tennant Creek and Alice Springs have been fully funded on a recurrent basis by the government to continue operation.

- Community Youth Development program funding is available to the communities of Borroloola, Galiwin'ku, Tiwi Islands, Groote Eylandt, Maningrida, Papunya, Mt Liebig, Kintore, Docker River, Mutitjulu, Imanpa and Wadeye. The size and scope of current CYDU programs depends on community needs, governance structures and other partnership arrangements that have been negotiated with key stakeholders. Tangentyere Central Australian Youth Link Up Service provides invaluable support to the Southern Region CYDUs. Training to community employed staff is provided through the Batchelor Institute of Indigenous Tertiary Education 'Communities Supporting Youth' training program.

1.4 Structure of the data presented in this report

The results presented in this report are presented in two parts:

- the characteristics of the young people under juvenile justice supervision
- the characteristics of the *episodes* and *supervision periods* of that juvenile justice supervision.

The main focus is on data from the 2004–05 financial year.

Measures used

A number of different measures are used in the report to analyse various aspects of the data. These are described below.

Number of young people in supervision during the financial year

This is a count of the number of young people who were in juvenile justice supervision at any time during the 2004–05 financial year (or in a previous financial year). It can be analysed by state and territory or the characteristics of the young person, such as sex, age and Indigenous status, as is done in Chapter 3. Chapter 3 also presents separate counts of young people who were in community supervision (*c*) and young people who were in detention (*d*) during the year. Since a young person may be in both community supervision and detention at different times of the year the total number of people in supervision is less than the sum of *c* and *d*, with the difference being the number of people who experienced both detention and community supervision (*b*).

That is, where *S* is the total number of young people in supervision:

$$S = d + c - b$$

Population rates

The numbers of young people in juvenile justice supervision during the year can also be expressed as rates per 1,000 people in the general population of the same age group. Due to the differences among jurisdictions regarding the status of 18 year olds in the juvenile justice system (see Section 1.2), to ensure comparability among jurisdictions all population rates have been calculated for 10–17 year olds (see Chapter 3).

Person days

In Chapter 5, the proportion of time spent by young people in different types of supervision is expressed as a percentage of the total duration spent under juvenile justice supervision during the year, as measured in person days. The number of person days in supervision is calculated simply by summing up the total number of days spent by all young people in juvenile justice supervision during the financial year. The number of person days is also used to calculate average daily numbers (see below). Note that a supervision that begins and ends on the same day is given a count of 1 person day.

Average daily number

The number of people in supervision during the financial year (see above) is not affected by the length of time spent by each person in supervision during the year. Thus, a person who spends one day in supervision and a person who is under supervision for all of the year each add one to the total count. The average daily number of people in supervision takes account of (in fact weights by) the length of time spent in supervision. It is calculated by dividing the number of person days by 365.25 (the length of an 'average' year). As for yearly numbers, average daily numbers can be analysed by jurisdiction and young person characteristics (see Chapter 4). Because the average daily number does account for length of time, it is possible for the two measures to show different patterns.

Number and length of supervision periods and episodes

Chapter 5 examines the experience of young people moving through juvenile justice supervision in more detail. To do this, analyses for some tables use the number of completed *supervision periods* during the year, or the length of *episodes* and *supervision periods*. *Episodes* and *supervision periods* are described in Section 2.1.2.

Young person characteristics

Chapter 3 contains data on the number, sex, age and Indigenous status of the young people supervised by juvenile justice departments in Australia during 2004–05. It includes information about the age at which young people first experienced juvenile justice supervision and detention, and how that relates to later contact with supervision.

Average daily numbers

Chapter 4 provides data on the average daily number of young people in juvenile justice supervision of various types. These rates are then examined by demographic characteristics of the young people.

Juvenile justice supervision

Chapter 5 provides details of the types of supervision provided, and differences based on young person characteristics such as age, sex, Indigenous status and previous contact with juvenile justice supervision.

Supervision periods

This section includes the number and length of *supervision periods* and the types of *episodes* contained within them.

Community supervision and detention

This section examines community-based and detention-based juvenile justice supervision. The type of supervision experienced when sentenced following time in remand is also analysed.

Sex, age and Indigenous status comparisons

These sections analyse differences among young people in terms of sex, age and Indigenous status in the types of supervision received, using data from the *supervision periods* and community versus detention sections.

Reasons for exit from *episodes*

The reasons for exit from various types of *episodes* of juvenile justice supervision are detailed in this section.

Age at initial juvenile justice supervision

This section examines the relationships between the age at which a young person first had juvenile justice supervision and subsequent time spent in detention.

State and territory appendices

Juvenile justice in Australia 2004–05 state and territory appendices are available online only at <http://www.aihw.gov.au/publications/>

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2 National juvenile justice data: scope, definitions and interpretational issues

2.1 The Juvenile Justice National Minimum Data Set (NMDS)

The focus of the Juvenile Justice NMDS is the experience of the young person under juvenile justice supervision. This makes the NMDS somewhat different to other criminal justice collections that focus on legal orders. The Juvenile Justice NMDS provides information about young people who are being supervised by juvenile justice departments in Australia. Pre-sentence and sentenced supervision both within the community and in detention fall within the scope of the NMDS, as shown in Figure 1.1, and are analysed in this report. Elements of the juvenile justice system that do not require juvenile justice department supervision (such as police and court actions) are not included in the scope of the NMDS.

The Juvenile Justice NMDS consists of two related information components: young person-based (see Section 2.1.1) and *episode*-based (see Section 2.1.2). The young person and *episode*-based collections are unit record data and are linked both in content and analysis. Unit record data provide detailed information at the level of, for example, individual *episodes*. The sophistication of unit record data allows for flexible and in-depth analysis.

The data in this report 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 AIHW. The relevant departments are:

- Department of Juvenile Justice, New South Wales
- Department of Human Services, Victoria
- Department of Communities, Queensland
- Department of Corrective Services, Western Australia (formerly Department of Justice)
- Department for Families and Communities, South Australia
- Department of Health and Human Services, Tasmania
- Office for Children, Youth and Family Support, Australian Capital Territory
- Department of Justice, Northern Territory.

2.1.1 Young person collection

The NMDS is designed to capture information on all young people involved under juvenile justice supervision throughout Australia. As outlined in Section 1.2, the ages of young people in the juvenile justice systems in Australia differ among jurisdictions. To allow for these variations, a young person for the purposes of inclusion in the NMDS is a person who is under the supervision or case management of the juvenile justice department as a result of:

- having committed or allegedly committed an offence between the ages of 10 and 17 years, or
- having committed or allegedly committed an offence at an age greater than 17 years, and who is treated as a juvenile due to his or her vulnerability or immaturity.

This definition means that there will be young people over the age of 17 who are in the NMDS for one of two reasons. Firstly, because the definition is about the age at which the offence was committed or allegedly committed, the young person may be older when they are actually under juvenile justice supervision than at the time of the offence. Secondly, the definition allows for some young people to be managed within the juvenile justice system when older than 17 at the time of the alleged offence.

The young person collection includes information on young people who have been subject to juvenile justice supervision throughout Australia. The collection includes a statistical linkage key (see below), which provides the capacity to link the records of young people across jurisdictions. These linkage possibilities are not explored in this report.

The *date of first contact* data item reports on the date at which the young person would have begun their first NMDS *episode*, even where this is prior to the beginning of the collection period. The data items in the young person collection are shown in Table 2.1.

Table 2.1: Data items in Juvenile Justice NMDS young person collection

Young person ID (a jurisdictionally based code)
Letters of name (specific combination of letters used for statistical linkage purposes)
Date of birth
Sex
Statistical linkage key (derived by AIHW from letters of name, sex and date of birth)
Indigenous status
Date of first contact

Once the statistical linkage key is derived and encrypted, the *letters of name* data item is deleted to ensure that no identifying information is retained.

2.1.2 Episode collection

The *episode* collection provides information about the length and type of contact between young people and juvenile justice departments. Data are recorded in *episodes*, and analysed in *supervision periods*. Neither of these equates directly to a court order. The NMDS does not record information on concurrent *episodes*; instead, it records information on only one *episode* at a time. The record that is created for the NMDS *episodes* is determined by a pre-defined hierarchy of *episode* types (see 'Hierarchy of *episode* types' below).

What is a *supervision period*?

A *supervision period* provides broad-level information on contacts between young people and juvenile justice departments, and *episodes* provide the detail regarding the length and type of that contact. *Supervision periods* may consist of one continuous or multiple contiguous *episodes*. Figure 2.1 illustrates the relationship between *episodes* and *supervision periods*. A *supervision period* ceases when for at least two days a young person is not subject to any juvenile justice department supervision.

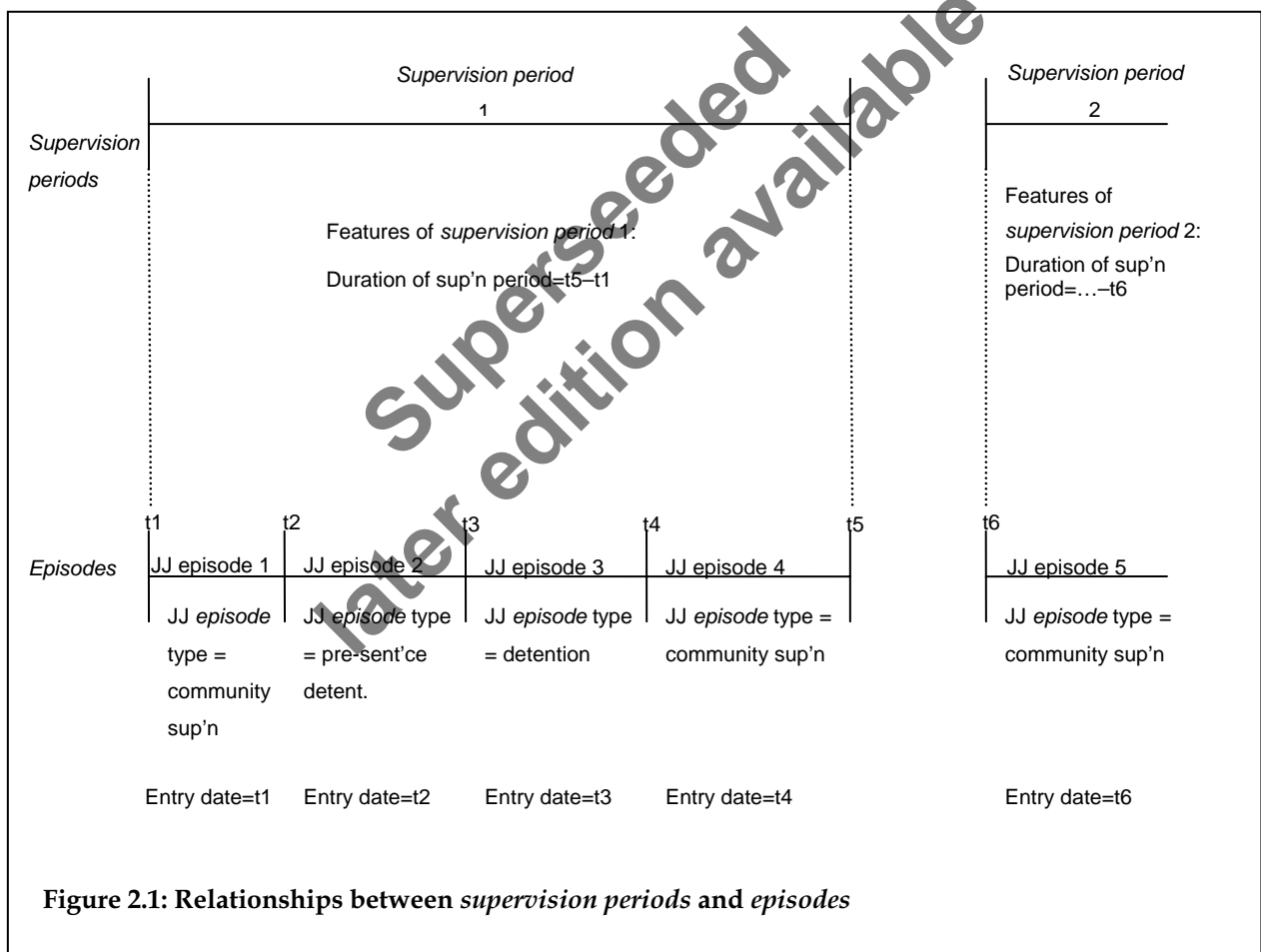


Figure 2.1: Relationships between *supervision periods* and *episodes*

In the example in Figure 2.1, a young person has completed one *supervision period*, and is currently in a second *supervision period*. The first completed *supervision period*, commenced at time 1 (t_1) with an *episode* of sentenced community-based supervision (JJ *episode* 1). This was followed at t_2 by JJ *episode* 2 of remand (pre-sentence detention). An *episode* of sentenced

detention at t3 followed this remand, and upon completion of the detention, the young person continued the community-based supervision in JJ *episode* 4. When this community-based supervision was completed, there was no further authority requiring juvenile justice supervision, and therefore the *supervision period* ended at t5. Sometime later at t6, a new community-based supervision *episode* began, which signalled the start of a second *supervision period*.

The *supervision periods* tell us that there have been two *periods* of supervision with a juvenile justice department, and the *episodes* describe the type and length of that supervision.

In the Juvenile Justice NMDS data dictionary, there are formal definitions for both a *supervision period* and an *episode*.

A *supervision period* is defined as:

A period of time during which a juvenile justice young person is under the supervision of, or is case managed by, a State or Territory juvenile justice department, as a result of having committed or allegedly committed an offence.

Supervision periods are a conceptual unit of analysis only – they are derived from *episode* data, rather than being specifically collected data elements themselves. A *supervision period* may contain one or more *episodes*. Juvenile justice *supervision periods* allow the analysis of returns to juvenile justice supervision. This is in contrast to juvenile justice *episodes*, which allow for the analysis of progression within juvenile justice *supervision periods*.

What is an *episode*?

An *episode* is defined as:

A period of time during which a juvenile justice young person is under the supervision of, or is case managed by, a State or Territory juvenile justice department, as a result of having committed or allegedly committed an offence, and *where there is no change in the type of supervision provided or the specific Juvenile Justice agency responsible*.

Episodes provide a view of the highest known (as dictated by the hierarchy) category of supervision, including both pre-sentence and sentenced community-based and detention-based supervision.

As shown in Figure 2.1, the NMDS will only record a young person as being on one *episode* at a time. If a young person is subject to more than one type of supervision simultaneously (for example, while undergoing a community sentence a young person is placed on remand for a new offence), the highest *episode* according to the hierarchy is recorded by the NMDS (see 'Hierarchy of *episode* types').

The data items reported on in the *episode* collection are shown in Table 2.2.

Table 2.2: Data items reported on in Juvenile Justice NMDS *episode* collection

Entry date
Juvenile justice <i>episode</i> type
Transferred from
Reason for exit (from <i>episode</i>)
Exit date

Hierarchy of *episode* types

A young person can be recorded as being on only one juvenile justice *episode* at any point in time (that is, they cannot have concurrent juvenile justice *episodes*). If a young person is subject to two or more types of supervision at a particular time in a jurisdiction, then the one that is highest in the NMDS hierarchy will be recorded in the Juvenile Justice NMDS. The hierarchy is presented below, with 1 being the highest possible *episode* type and 12 being the lowest possible *episode* type:

- 1 Sentenced – detention
- 2 Pre-sentence – court referred – remanded in juvenile justice facility
- 3 Pre-court – police referred – held in juvenile justice facility
- 4 Sentenced – home detention
- 5 Sentenced – immediate release or suspended detention
- 6 Sentenced – parole or supervised release
- 7 Sentenced – other community-based supervision and other mandated requirements (for example, work, attendance at a program)
- 8 Sentenced – community-based supervision without additional mandated requirements
- 9 Sentenced – other
- 10 Pre-sentence – court referred – other (for example, supervised bail)
- 11 Pre-court – police referred – other
- 12 Other.

As the highest possible *episode* type, all sentenced detention *episodes* will be recorded on the NMDS. *Episode* types lower on the hierarchy, however, may not always be recorded in the NMDS. For example, if a young person is subject to pre-sentence community supervision at the same time as a community-based sentence, the pre-sentence supervision will be hidden and not recorded by the NMDS. Similarly, *episode* types lower on the hierarchy may be broken up by the occurrence of higher level *episodes*. For example, if a young person is on a community-based sentence *episode* but is then remanded on other matters, the community-based sentence *episode* will end and the young person will be shown only as being on a pre-sentence detention (remand) *episode*. Should the young person be released from remand whilst the original community-based sentence is still in force, the NMDS will show that the pre-sentence detention *episode* has ended and a second community-based sentence *episode* has begun.

This is in keeping with the focus of the NMDS being on the experience of the young person under juvenile justice supervision, rather than a count of court orders. The NMDS will therefore report on *supervision periods* and *episodes*, and these should not be interpreted as being equivalent to orders.

2.2 Interpretation of the data

Some contextual information about the population of young people in Australia should be kept in mind when reading the results in this report. The following provides some information about the demographic context of the Australian population including significant differences among the states and territories.

2.2.1 Demographic context

The Indigenous and non-Indigenous populations have different age distributions, and the proportion of the population who are Indigenous varies with state and territory.

Aboriginal and Torres Strait Islander young people in Australia

The Aboriginal and Torres Strait Islander population is younger than the rest of the Australian population. As Table 2.3 shows, the proportion of Indigenous Australians who are aged 10–17 years (19%) is almost twice that of the non-Indigenous population (11%). This is consistent throughout Australia, with little difference among the states and territories.

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Table 2.3: Australian population aged 10–17 years, by Indigenous status, 2005

Population	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Indigenous									
Aged 10–17	30,331	6,467	28,307	14,091	5,505	3,847	878	10,922	100,381
Total (all ages)	157,046	33,469	146,344	74,753	28,710	18,644	4,856	60,896	524,959
% of total aged 10–17	19.3%	19.3%	19.3%	18.9%	19.2%	20.6%	18.1%	17.9%	19.1%
Non-Indigenous									
Aged 10–17	699,911	528,012	422,513	214,018	156,670	51,270	34,316	14,531	2,121,634
Total (all ages)	6,617,203	4,988,877	3,817,624	1,935,360	1,513,323	466,619	320,305	141,597	19,803,650
% of total aged 10–17	10.6%	10.6%	11.1%	11.1%	10.4%	11.0%	10.7%	10.3%	10.7%
Total									
Aged 10–17	730,242	534,479	450,820	228,109	162,175	55,117	35,194	25,453	2,222,015
Total (all ages)	6,774,249	5,022,346	3,963,968	2,010,113	1,542,033	485,263	325,161	202,493	20,328,609
% of total aged 10–17	10.8%	10.6%	11.4%	11.3%	10.5%	11.4%	10.8%	12.6%	10.9%

Note: Indigenous population figures are based on the ABS high series estimate from the 2001 Census.

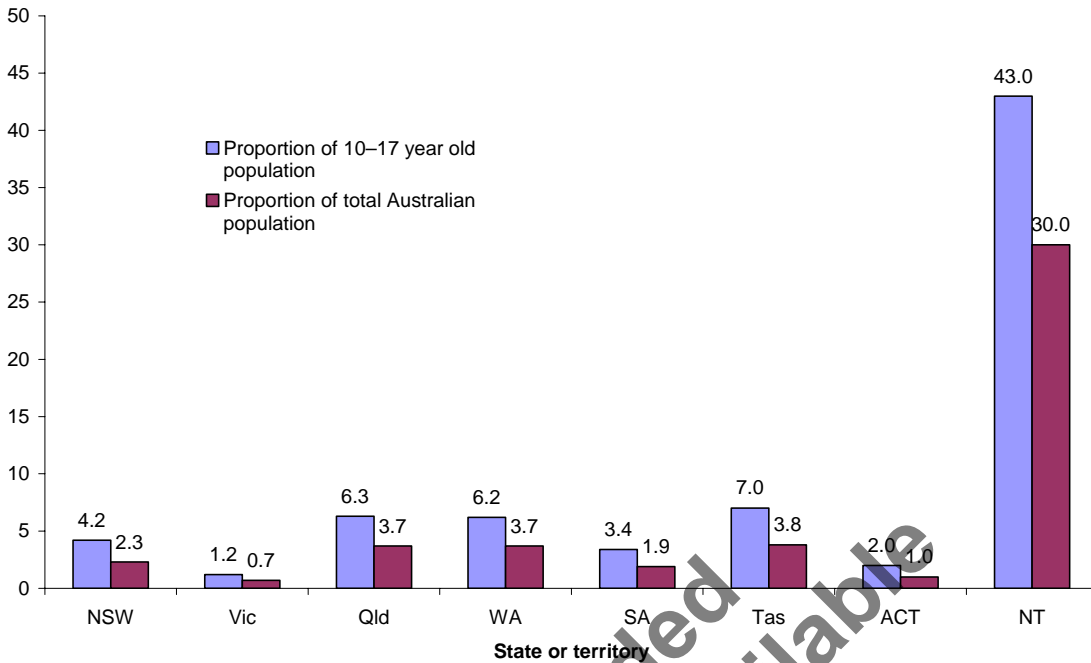
Source: ABS Estimated Resident Population, June quarter 2005 and Experimental Indigenous projections (based on the 2001 census), high series, 2001–2009 (unpublished data).

Age of the Aboriginal and Torres Strait Islander population

From the total Australian population in 2005, about 3% identified/were identified as being of Aboriginal or Torres Strait Islander origin. However, of the population aged 10–17 years, this proportion was 5%.

The Indigenous population in Australia is unevenly distributed throughout the country, with a particularly high proportion living in the Northern Territory. Of the population aged 10–17 years in the Northern Territory, 43% are Indigenous. Figure 2.2 shows that, except in the Northern Territory, Aboriginal and Torres Strait Islander people represent a small proportion of the population aged 10–17 years (1% in Victoria to 7% in Tasmania).

Per cent identifying as Indigenous



Source: ABS Estimated Resident Population, June quarter 2005 and Experimental Indigenous projections (based on the 2001 census), high series, 2001–2009 (unpublished data).

Figure 2.2: Australian population aged 10–17 years and total population, by Indigenous status and state and territory, 2005

These differences in the population distribution, particularly in the Northern Territory, should be kept in mind when interpreting the data. This is especially important for juvenile justice data – an area in which Indigenous young people are over-represented.

2.2.2 Data interpretation issues

Indigenous status data

The methods of obtaining and recording information for the data item *Indigenous status* differed among jurisdictions during the collection period. The aim of the Juvenile Justice NMDS is to report on Indigenous status according to the ABS standard, which differentiates among the following categories:

- Aboriginal but not Torres Strait Islander origin
- Torres Strait Islander but not Aboriginal origin
- both Aboriginal and Torres Strait Islander origin
- neither Aboriginal nor Torres Strait Islander origin.

Because of different standards of data quality for this item, the categories have been collapsed for the purposes of reporting and will be referred to as Indigenous and non-Indigenous in this report. Records for which Indigenous status is not stated/unknown are excluded from the calculation of rates.

Pre-court and pre-sentence *episode* types

In some of the states and territories, existing data recording systems and practices do not allow for a clear distinction to be made between pre-court and pre-sentence *episode* types. For the purposes of this report, all of these *episode* types are therefore reported as pre-sentence *episodes*.

Community-based supervision (sentenced)

In the data dictionary, an allowance is made to distinguish between community-based supervision with or without additional mandated requirements. Such requirements may include community work or program attendance. As with the pre-court and pre-sentence *episode* types, some states and territories are unable at this stage to clearly define whether or not additional mandated requirements exist on a community-based supervision *episode*. Therefore these *episode* types have been collapsed and are reported as community-based supervision.

Calculation of rates

The findings in this report include rates of 10–17 year olds under juvenile justice supervision. These have been calculated at per 1,000 relevant population, rather than per 100,000. This calculation method was chosen to ensure comparability between smaller and larger jurisdictions.

2.3 Development and data quality

A major challenge for any national data collection in Australia is to produce nationally comparable data, given a starting point of different legislation, counting rules, administrative data systems and recording practices in each jurisdiction. The Juvenile Justice NMDS has been able to achieve detailed and comparable data that enhance the available national information in this important area. All jurisdictions were able to provide data for 2004–05, contributing to a comprehensive picture of juvenile justice supervision in Australia. Data quality is an ongoing priority in the development of the NMDS, with continual improvements as each jurisdiction is able to alter or add to their own data practices to suit the NMDS requirements.

2.3.1 Data systems and recording practices

There are a number of differences in the data systems and recording practices of juvenile justice data within Australia because of variation in the administration of juvenile justice. The juvenile justice data system may stand alone (such as in New South Wales), while in some jurisdictions the child protection and juvenile justice data are recorded on one system (Victoria is moving to this system), and in others, juvenile justice is recorded within an integrated criminal justice recording system (such as the Northern Territory). In most cases this does not adversely affect the ability of the jurisdictions to extract NMDS compliant data, but there are some exceptions.

In Western Australia, information is recorded on separate database systems for community supervision and custodial supervision. These systems are not linked in any way, and therefore in order to obtain the data for the *episode* collection in this report, the two data extractions were matched and merged based on the statistical linkage key (SLK). While this linkage is sufficiently accurate for statistical purposes it is important to note that it is not 100% accurate as would be required for a system linking person records for case management or legal purposes.

The entry of detention orders within Tasmania are required to be back-dated to the commencement date for any existing remand period. The result is that pre-sentence data including remand data are not available under the episode hierarchy.

2.3.2 Data development

The development and refinement of data items in the Juvenile Justice NMDS is an ongoing process. It is anticipated that offence data will be included in future developments.

Key performance indicators are also being developed to assist in the monitoring of systemic aspects of juvenile justice supervision.

2.3.3 Data quality

The Juvenile Justice NMDS provides data not reported elsewhere. The inclusion of community-based supervision and the collection of data on a unit record level each represent substantial departures from previous reporting on juvenile justice in Australia. The report contains valuable new policy-relevant data in this field.

The quality of data provided for the second report of this national collection was good and has improved since the first report. The coverage of data is very high, with missing data confined to pre-sentence data in Tasmania and data from 2000–01 to 2002–03 from the Australian Capital Territory. In all other instances, it is believed that 100% of young people within scope of the collection were included in the data.

Differences in data collection methods, data recording systems within jurisdictions and an unwillingness of some young people to respond to questions around Indigenous status all impact on the quality of Indigenous data. As in the whole of the community services sector, there is a commitment to improving Indigenous status data in juvenile justice. Over the last few years there has been a general decline in Indigenous status unknown data in most jurisdictions.

Tasmania reports some concerns with the reliability of detention and Indigenous data in the last report. These concerns are based on the quality of detention data input. The data quality will improve over the next two report periods as remedial action is taken. The data extraction tool is being reviewed and improvements may lead to a lower and more accurate rate figure being reported in subsequent years.

Despite the particular difficulties found by Western Australia in providing JJ NMDS data, given its two separate systems to record information about the management of juvenile offenders in the community and in detention, it has made progress through the establishment of a purpose-built JJ NMDS database and the introduction of a coordinated approach to data collection, involving data owners and database administrators from both systems.

3 Young person characteristics

This chapter presents information about young people in Australia under juvenile justice supervision at some time during 2004–05. The numbers and rates of young people in supervision and the age at which they first had supervision, as well as broad demographic information such as age, sex and Indigenous status, are included.

3.1 Number of young people in supervision

Table 3.1 shows the number of young people under juvenile justice supervision in each state and territory for 2001–02 to 2004–05. The community figure includes all young people in community-based juvenile justice supervision at any time during that collection year. Similarly, the detention figure represents those young people who have experienced detention-based supervision at any time during the collection year. The numbers for community and detention will not add up to the 'all young people' figure, as some young people will have had both community and detention supervision during the collection year. Each year, around 13,000 young people experience some form of juvenile justice supervision. For most this is in the community rather than in a detention setting and some may experience both. In 2004–05, 12,649 young people experienced juvenile justice supervision in Australia. Of these 10,704 (85%) had community-based supervision, and 4,780 (38%) had detention-based supervision, which means that 2,835 (22%) experienced both community-based and detention supervision at some time during the year.

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Table 3.1: Young people under juvenile justice supervision, states and territories, 2001–02 to 2004–05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
Community									
2001–02	2,863	1,875	2,745	1,666	1,240	459	n.a.	191	(11,039)
2002–03	2,930	1,838	2,632	1,588	1,252	507	n.a.	218	(10,965)
2003–04	2,849	1,767	2,537	1,585	1,141	543	324	275	11,021 (10,697)
2004–05	2,760	1,572	2,538	1,668	1,066	512	279	309	10,704 (10,425)
Detention									
2001–02	1,939	645	881	784	644	126	n.a.	94	(5,113)
2002–03	1,950	597	912	775	673	105	n.a.	117	(5,129)
2003–04	1,902	500	961	907	579	101	134	122	5,206 (5,072)
2004–05	1,948	439	642	882	534	97	116	122	4,780 (4,664)
All young people									
2001–02	3,653	2,072	3,041	2,309	1,454	516	n.a.	228	(13,273)
2002–03	3,668	2,001	2,904	2,249	1,460	536	n.a.	257	(13,075)
2003–04	3,547	1,896	2,820	2,407	1,332	569	339	315	13,225 (12,886)
2004–05	3,484	1,699	2,637	2,448	1,211	542	289	339	12,649 (12,360)

Notes

1. This table includes young people who have had at least one day of juvenile justice supervision during the collection year. The numbers for community and detention will not add up to the 'all young people' figure, as some young people will have experienced both community and detention supervision during the collection year.
2. Victoria has special sentencing options for 18–20 year olds (see Section 1.2, The juvenile justice process in Australia).
3. In time series tables in this report, bracketed numbers exclude the Australian Capital Territory, for which data were unavailable for 2000–01 to 2002–03.

There has been a decline nationally since 2001–02 in the number of young people under juvenile justice supervision (Figure 3.1). Between 2001–02 and 2004–05 the number of young people under juvenile justice supervision decreased by 6.9% from 13,273 to 12,360 (excluding the Australian Capital Territory as data from 2001–02 and 2002–03 were unavailable).

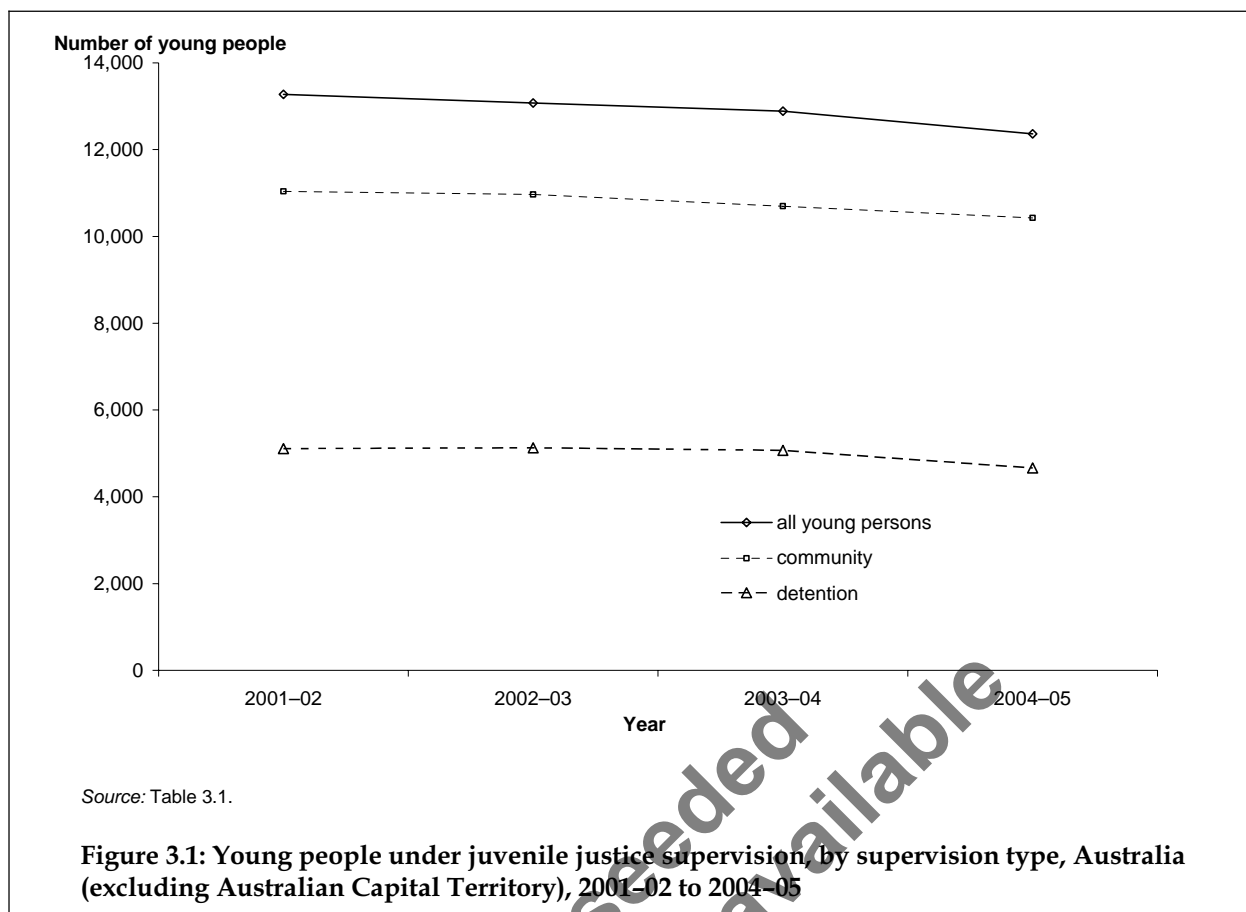


Table 3.2 presents the rates per 1,000 population for 10-17 year olds. Due to the differences among jurisdictions regarding the status of 18 year olds in the juvenile justice system (see Section 1.2), all population rates in this chapter have been calculated for the 10-17 age group. Again, the figures for community and detention represent the number of young people who were subject to that type of juvenile justice supervision at any time during the collection year. Note that these whole-year figures are different to average daily numbers as presented in Chapter 4 and to one-day snapshot figures that capture only those young people who are in supervision on that particular day¹.

There is variation in the rates of young people under community-based and detention-based supervision across jurisdictions. For Australia overall in 2004-05, 4.9 per 1,000 young people had juvenile justice supervision; 4.1 per 1,000 were in community-based supervision, and 1.9 per 1,000 were in detention-based supervision at some time during each year, with some young people in both. These rates are slightly lower than for each of the previous three years.

Legislative differences among the states and territories mean that there are varying numbers of young people over the age of 17 who have been excluded from Table 3.2. In Victoria, for example, legislation specifically allows for young people aged up to 21 to be detained in juvenile justice facilities rather than adult correctional facilities. In contrast, in Queensland, only young people aged 10-16 are recognised as juveniles under the Juvenile Justice Act 1992.

¹ The *Statistics on juvenile detention* series produced by the Australian Institute of Criminology provides one-day snapshot figures taken quarterly.

Table 3.2: Rates of young people under juvenile justice supervision, aged 10–17 years, per 1,000 young people, 2001–02 to 2004–05

Year	Community								
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
	(number of young people)								
2001–02	2,466	1,493	2,445	1,551	1,029	314	n.a.	165	(9,463)
2002–03	2,530	1,484	2,395	1,468	1,051	310	n.a.	183	(9,421)
2003–04	2,441	1,454	2,308	1,486	946	332	268	243	9,478 (9,210)
2004–05	2,344	1,266	2,316	1,566	872	324	239	266	9,193 (8,954)
	(rate per 1,000)								
2001–02	3.4	2.8	5.4	6.8	6.3	5.7	n.a.	6.5	(4.3)
2002–03	3.5	2.8	5.3	6.4	6.5	5.6	n.a.	7.2	(4.2)
2003–04	3.3	2.7	5.1	6.5	5.8	6.0	7.6	9.5	4.3 (4.1)
2004–05	3.2	2.4	5.1	6.9	5.4	5.9	6.8	10.5	4.1 (4.0)
	Detention								
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
	(number of young people)								
2001–02	1,709	300	855	768	576	102	n.a.	94	(4,404)
2002–03	1,762	305	889	763	616	82	n.a.	117	(4,534)
2003–04	1,699	285	946	889	514	76	129	122	4,660 (4,531)
2004–05	1,724	234	623	863	485	85	112	122	4,248 (4,136)
	(rate per 1,000)								
2001–02	2.3	0.6	1.9	3.4	3.6	1.9	n.a.	3.7	(2.0)
2002–03	2.4	0.6	2.0	3.3	3.8	1.5	n.a.	4.6	(2.0)
2003–04	2.3	0.5	2.1	3.9	3.2	1.4	3.7	4.8	2.1 (2.0)
2004–05	2.4	0.4	1.4	3.8	3.0	1.5	3.2	4.8	1.9 (1.9)
	All young people								
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
	(number)								
2001–02	3,073	1,547	2,725	2,179	1,193	363	n.a.	202	(11,282)
2002–03	3,124	1,527	2,650	2,117	1,216	329	n.a.	222	(11,185)
2003–04	2,998	1,501	2,580	2,290	1,089	346	281	283	11,368 (11,087)
2004–05	2,906	1,312	2,406	2,328	985	349	248	296	10,830 (10,582)
	(rate per 1,000)								
2001–02	4.2	2.9	6.0	9.6	7.4	6.6	n.a.	7.9	(5.1)
2002–03	4.3	2.9	5.9	9.3	7.5	6.0	n.a.	8.7	(5.0)
2003–04	4.1	2.8	5.7	10.0	6.7	6.3	8.0	11.1	5.1 (5.0)
2004–05	4.0	2.5	5.3	10.2	6.1	6.3	7.0	11.6	4.9 (4.8)

Note: Age is calculated as at first date of supervision during the relevant financial year.

3.2 Number of males and females in supervision

As is the case throughout the criminal justice system, most young people under juvenile justice supervision during 2004–05 were male (Table 3.3). Although there is some variation among states and territories, overall 84% of young people were male. The highest percentage of males was found in the Northern Territory (93%) and the lowest in the Australian Capital Territory (72%).

Table 3.3: Young people under juvenile justice supervision, by sex, states and territories, 2004–05

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
Male	2,957	1,468	2,183	1,992	988	444	208	314	10,554
Female	527	231	454	451	223	98	81	25	2,090
Unknown	—	—	—	5	—	—	—	—	5
Total	3,484	1,699	2,637	2,448	1,211	542	289	339	12,649
(per cent of young people)									
Male	84.9	86.4	82.8	81.4	81.6	81.9	72.0	92.6	83.5
Female	15.1	13.6	17.2	18.4	18.4	18.1	28.0	7.4	16.5
Unknown	—	—	—	0.2	—	—	—	—	—
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: Australian percentages do not include unknowns.

Table 3.4 indicates that, during 2004–05, males aged 10–17 years were subject to juvenile justice supervision at a rate of 7.9 per 1,000 compared with females at 1.7 per 1,000. There were almost five times as many males as females under supervision.

Table 3.4: Rates of young people aged 10–17 years under juvenile justice supervision, per 1,000 young people, by sex, 2004–05

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
Male	2,440	1,118	1,973	1,882	802	282	174	273	8,944
Female	466	194	433	442	183	67	74	23	1,882
Unknown	—	—	—	4	—	—	—	—	4
Total	2,906	1,312	2,406	2,328	985	349	248	296	10,830
(rate per 1,000 young people)									
Male	6.5	4.1	8.5	16.1	9.6	10.0	9.7	20.6	7.9
Female	1.3	0.7	2.0	4.0	2.3	2.5	4.3	1.9	1.7
Unknown	—	—	—	—	—	—	—	—	—
Total	4.0	2.5	5.3	10.2	6.1	6.3	7.0	11.6	4.9

Notes

1. Australian rates do not include unknowns.
2. Age is calculated as at first date of supervision during 2004–05.

3.3 Age of young people in supervision

Two-thirds of young people (63%) in 2004–05 were aged 16 years or older (Table 3.5). Less than 9% of young people were aged 13 years or less. The distribution of age was relatively consistent among states and territories.

Across jurisdictions the proportion of young people in juvenile justice supervision who were aged 18 years and over varied between 5% and 36%. There are several distinct reasons for this. Firstly, most jurisdictions continue to supervise some young people who commence their sentence when they are under 18 until after they turn 18. The reasons for this include the appropriateness of continued and consistent supervision, and the level of maturity of some young people.

Secondly, the legislative requirements of a number of jurisdictions require the age at the time of the offence to determine whether the juvenile courts have jurisdiction. As there may be delays between the date of the alleged offence and the court proceedings, this also contributes to the numbers under juvenile justice supervision who are over the age of 18.

Finally, Victoria has legislative provision that allows adult courts to sentence young people who are between the ages of 18 and 20 years to periods of detention in juvenile justice facilities. This allows the adult courts to take into account the maturity of the young person and the relative benefit of adult or juvenile supervision.

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Table 3.5: Young people under juvenile justice supervision, by age, states and territories, 2004–05

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
10	4	—	6	1	3	—	—	—	14
11	15	5	23	30	15	6	2	5	101
12	54	16	56	88	34	8	5	4	265
13	156	61	181	172	69	16	16	16	687
14	366	143	348	265	115	37	34	39	1,347
15	590	293	531	469	190	76	54	71	2,274
16	787	408	783	620	268	92	59	78	3,095
17	934	386	478	683	291	114	78	83	3,047
18+	578	387	231	120	225	193	41	43	1,818
Unknown	—	—	—	1	—	—	—	—	1
Total	3,484	1,699	2,637	2,448	1,210	542	289	339	12,649
(per cent of young people)									
10	0.1	—	0.2	0.0	0.2	—	—	—	0.1
11	0.4	0.3	0.9	1.2	1.2	1.1	0.7	1.5	0.8
12	1.5	0.9	2.1	3.6	2.8	1.5	1.7	1.2	2.1
13	4.5	3.6	6.9	7.0	5.7	3.0	5.5	4.7	5.4
14	10.5	8.4	13.2	10.8	9.5	6.8	11.8	11.5	10.6
15	16.9	17.2	20.1	19.2	15.7	14.0	18.7	20.9	18.0
16	22.6	24.0	29.7	25.3	22.1	17.0	20.4	23.0	24.5
17	26.8	22.7	18.1	27.9	24.0	21.0	27.0	24.5	24.1
18+	16.6	22.8	8.8	4.9	18.6	35.6	14.2	12.7	14.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Australian percentages do not include unknowns.
2. Age is calculated as at first date of supervision during 2004–05.

3.4 Aboriginal and Torres Strait Islander young people in supervision

Over one-third of young people under juvenile justice supervision during 2004–05 identified/were identified as being of Aboriginal and Torres Strait Islander origin (Table 3.6). There is much variation among states and territories, both in the proportion of young people who are of Aboriginal and Torres Strait Islander origin and in the proportion of young people whose Indigenous status is ‘unknown/not recorded’.

The jurisdictions with the highest proportions of Aboriginal and Torres Strait Islander young people under juvenile justice supervision (Northern Territory, Queensland and Western Australia) were jurisdictions with higher proportions of the population who were of Aboriginal and Torres Strait Islander origin (see Figure 2.2).

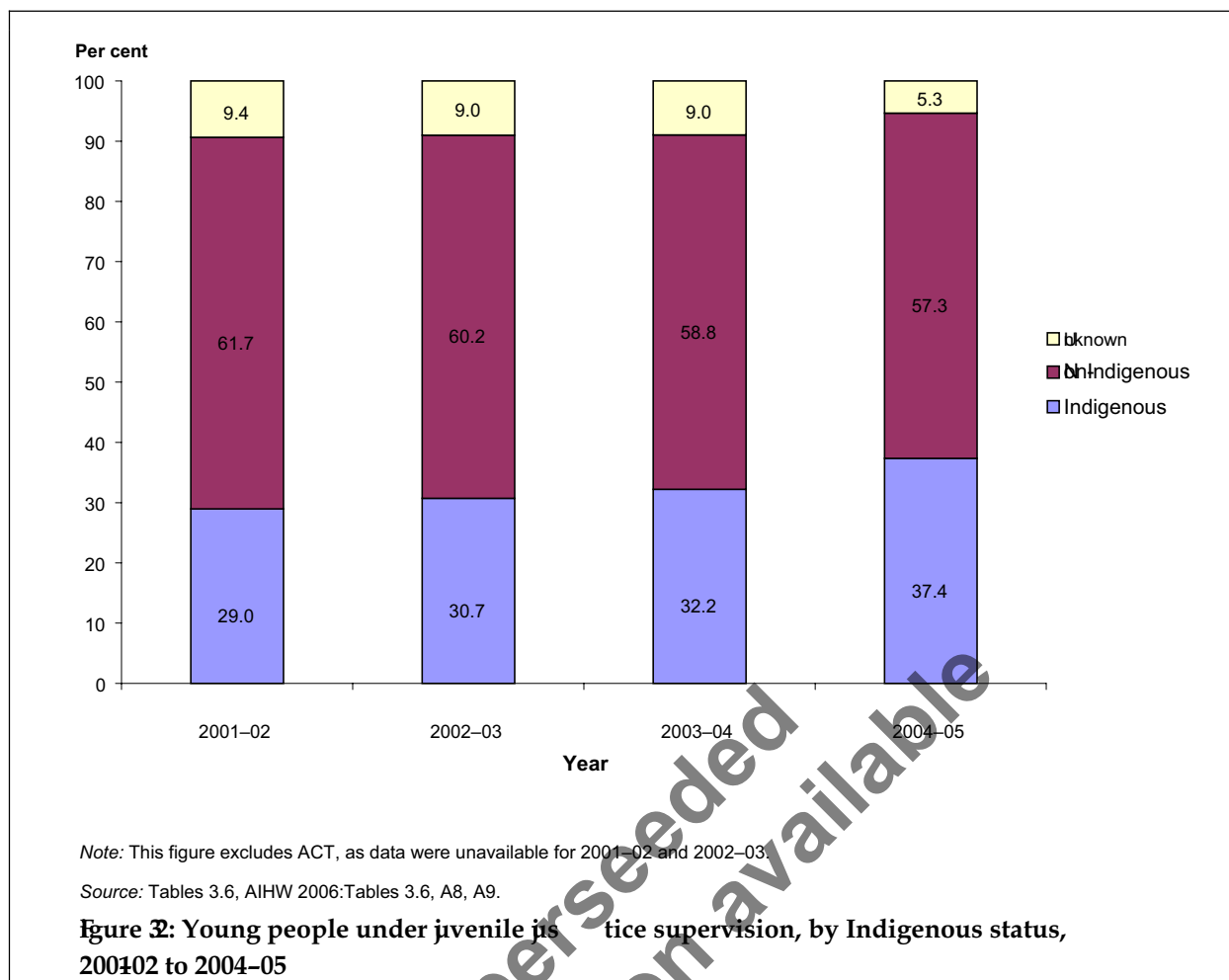
Table 3.6: Young people under juvenile justice supervision, by Indigenous status, states and territories, 2004–05

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
Indigenous	1,134	179	1,155	1,469	349	56	64	276	4,682
Non-Indigenous	2,092	1,520	1,482	854	786	288	225	63	7,310
Unknown/not recorded	258	—	—	125	76	198	—	—	657
Total	3,484	1,699	2,637	2,448	1,211	542	289	339	12,649
(per cent of young people)									
Indigenous	32.5	10.5	43.8	60.0	29.8	10.3	22.1	81.4	37.0
Non-Indigenous	60.0	89.5	56.2	34.9	64.9	53.1	77.9	18.6	57.8
Unknown/not recorded	7.4	—	—	5.1	6.3	36.5	—	—	5.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: The Department of Health and Human Services, Tasmania has reported that the Indigenous data for Tasmania may not be reliable due to limitations in the reporting capabilities of the information system.

During the period 2001–02 to 2004–05, there was a gradual increase from 29% to 37% in the proportion of young people under juvenile justice supervision who identified/were identified as being of Aboriginal and Torres Strait Islander origin (Figure 3.2). This may have been due to an actual increase in the proportion of young people under juvenile justice supervision who are Aboriginal and Torres Strait Islander, or to increased Aboriginal and Torres Strait Islander identification among this group. It is partly due to improvements in data quality as the proportion of ‘unknown’ or ‘not recorded’ responses on this item has decreased over the period.

The over-representation of young Aboriginal and Torres Strait Islander people in juvenile detention has been apparent for a number of years (AIC 2006). These results reflect this over-representation for both community and detention supervision.



The rates of juvenile justice supervision for all young people aged 10-17 years show high levels of over-representation of Indigenous youth, relative to their population distribution, throughout the states and territories during 2004-05 (Table 3.7). Overall, Aboriginal and Torres Strait Islander young people were under juvenile justice supervision at a rate of 42.3 per 1,000, compared with 2.9 per 1,000 for non-Indigenous young people. Western Australia, South Australia and the Australian Capital Territory had the highest rates of Aboriginal and Torres Strait Islander young people under juvenile justice supervision, while Victoria and the Northern Territory had the lowest (excluding Tasmania where there is a very high proportion of unknown/not recorded).

Table 3.7: Rates of young people aged 10–17 years under juvenile justice supervision, per 1,000 young people, by Indigenous status, 2004–05

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
Indigenous	981	146	1,067	1,414	300	40	57	245	4,250
Non-Indigenous	1,732	1,166	1,339	811	630	188	191	51	6,108
Unknown/not recorded	193	—	—	103	55	121	—	—	472
Total	2,906	1,312	2,406	2,328	985	349	248	296	10,830
(rate per 1,000)									
Indigenous	32.3	22.6	37.7	100.3	54.5	10.4	64.9	22.4	42.3
Non-Indigenous	2.5	2.2	3.2	3.8	4.0	3.7	5.6	3.5	2.9
Unknown/not recorded	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Total	4.0	2.5	5.3	10.2	6.1	6.3	7.0	11.6	4.9

Notes

1. The Department of Health and Human Services, Tasmania has reported that the Indigenous data for Tasmania may not be reliable due to limitations in the reporting capabilities of the information system.
2. Calculation of rates excludes unknown/not recorded.
3. Age is calculated as at first date of supervision during 2004–05.

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3.5 Relationships between sex, age and Indigenous status

In 2004–05, Aboriginal and Torres Strait Islander young people under juvenile justice supervision were younger on average than non-Indigenous young people under juvenile justice supervision (Table 3.8). For young people aged 10 to 17 years the median age of Indigenous young people under juvenile justice supervision was 15 years, compared with 16 years for non-Indigenous young people. The proportion who were Indigenous showed a steady decrease from age 11 (70%) to age 18 years (24%). The opposite was true for non-Indigenous young people.

Table 3.8: Young people under juvenile justice supervision, by age and Indigenous status, Australia, 2004–05

Indigenous status	10	11	12	13	14	15	16	17	18+	Unknown	Total
(number of young people)											
Indigenous	9	71	183	383	648	890	1,101	965	432	—	4,682
Non-Indigenous	5	26	78	289	662	1,293	1,870	1,885	1,201	1	7,309
Unknown/not recorded	—	4	4	15	37	91	124	197	185	—	657
Total	14	101	265	687	1,347	2,274	3,095	3,047	1,818	1	12,649
(per cent of young people)											
Indigenous	64.3	70.3	69.1	55.7	48.1	39.1	35.6	31.7	23.8	..	37.0
Non-Indigenous	35.7	25.7	29.4	42.1	49.1	56.9	60.4	61.9	66.1	..	57.8
Unknown/not recorded	—	4.0	1.5	2.2	2.7	4.0	4.0	6.5	10.2	..	5.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	..	100.0

Notes

1. Percentages in the total column are based on total minus unknowns.
2. Age is calculated as at first date of supervision during 2004–05.

The largest proportion of females was found in the middle of the age range (Table 3.9). Around 19% of 13–16 year olds were female, compared with around 13% of young people aged 17 or older and 15% of 10–12 year olds.

Table 3.9: Young people under juvenile justice supervision, by age and sex, Australia, 2004–05

Sex	10	11	12	13	14	15	16	17	18+	Total
(number of young people)										
Male	11	91	221	537	1,036	1,835	2,581	2,632	1,609	10,554
Female	3	10	44	150	311	439	512	413	208	2,090
Unknown	—	—	—	—	—	—	2	2	1	5
Total	14	101	265	687	1,347	2,274	3,095	3,047	1,818	12,649
(per cent of young people)										
Male	78.6	90.1	83.4	78.2	76.9	80.7	83.4	86.4	88.5	83.4
Female	21.4	9.9	16.6	21.8	23.1	19.3	16.5	13.6	11.4	16.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Percentages in the total column are based on total minus unknowns.
2. Age is calculated as at first date of supervision during 2004–05.
3. Total includes 1 male of unknown age.

Females under juvenile justice supervision included relatively more Indigenous young people than males (Table 3.10). During the 2004–05 year, 45% of females under juvenile justice supervision were Indigenous, compared with 36% of males. Most states and territories reflected this finding.

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Table 3.10: Young people under juvenile justice supervision, by sex and Indigenous status, states and territories, 2004–05

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Male									
(number of young people)									
Indigenous	929	144	927	1,130	267	46	49	253	3,745
Non-Indigenous	1,822	1,324	1,256	767	651	237	159	61	6,277
Unknown	206	—	—	95	70	161	—	—	532
Total	2,957	1,468	2,183	1,992	988	444	208	314	10,554
Female									
Indigenous	205	35	228	337	82	10	15	23	935
Non-Indigenous	270	196	226	86	135	51	66	2	1,032
Unknown	52	—	—	28	6	37	—	—	123
Total	527	231	454	451	223	98	81	25	2,090
All persons									
Indigenous	1,134	179	1,155	1,467	349	56	64	276	4,680
Non-Indigenous	2,092	1,520	1,482	853	786	288	225	63	7,309
Unknown	258	—	—	123	76	198	—	—	655
Total	3,484	1,699	2,637	2,443	1,211	542	289	339	12,644
Unknown	—	—	—	5	—	—	—	—	5
Total	3,484	1,699	2,637	2,448	1,211	542	289	339	12,649
Male									
(per cent of young people)									
Indigenous	31.4	9.8	42.5	56.7	27.0	10.4	23.6	80.6	35.5
Non-Indigenous	61.6	90.2	57.5	38.5	65.9	53.4	76.4	19.4	59.5
Unknown	7.0	—	—	4.8	7.1	36.3	—	—	5.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Female									
Indigenous	38.9	15.2	50.2	74.7	36.8	10.2	18.5	92.0	44.7
Non-Indigenous	51.2	84.8	49.8	19.1	60.5	52.0	81.5	8.0	49.4
Unknown	9.9	—	—	6.2	2.7	37.8	—	—	5.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
All persons									
Indigenous	32.5	10.5	43.8	60.0	28.8	10.3	22.1	81.4	37.0
Non-Indigenous	60.0	89.5	56.2	34.9	64.9	53.1	77.9	18.6	57.8
Unknown	7.4	0.0	0.0	5.0	6.3	36.5	0.0	0.0	5.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Australian percentages do not include unknowns.
2. The Department of Health and Human Services, Tasmania has reported that the Indigenous data for Tasmania may not be reliable due to limitations in the reporting capabilities of the information system.

3.6 Age of initial juvenile justice supervision

The Juvenile Justice NMDS includes information on the date each young person's first ever juvenile justice supervision began, even if this was prior to 2000-01.

The date of the beginning of the first supervision a young person had that would have constituted a juvenile justice *episode* in the NMDS was collected and used to calculate the age at first supervision. Diversions and other juvenile justice outcomes that are not collected in the NMDS are not included.

Table 3.11 includes all young people who experienced juvenile justice supervision at any time in the five years from 2000-01 to 2004-05 (thus percentages add to 100% of all young people in the NMDS from 2000-01 to 2004-05). Almost three-fifths (59%) of young people began their first ever juvenile justice supervision when they were aged 15-17 years and only 3.8% of young people were aged 10 or 11 when their first ever juvenile justice supervision began (see also Figure 3.3).

In Victoria, a higher proportion of young people were aged 18 or over during their first ever juvenile justice supervision than in other states and territories. This may be due to the legislation in Victoria which allows for some young people aged up to 21 to be supervised by juvenile justice (see Section 1.2). In Queensland, there were few young people who had their first juvenile justice supervision when aged 17 years or over, probably due to the legislation in Queensland that recognises 17 year olds as adults rather than juveniles.

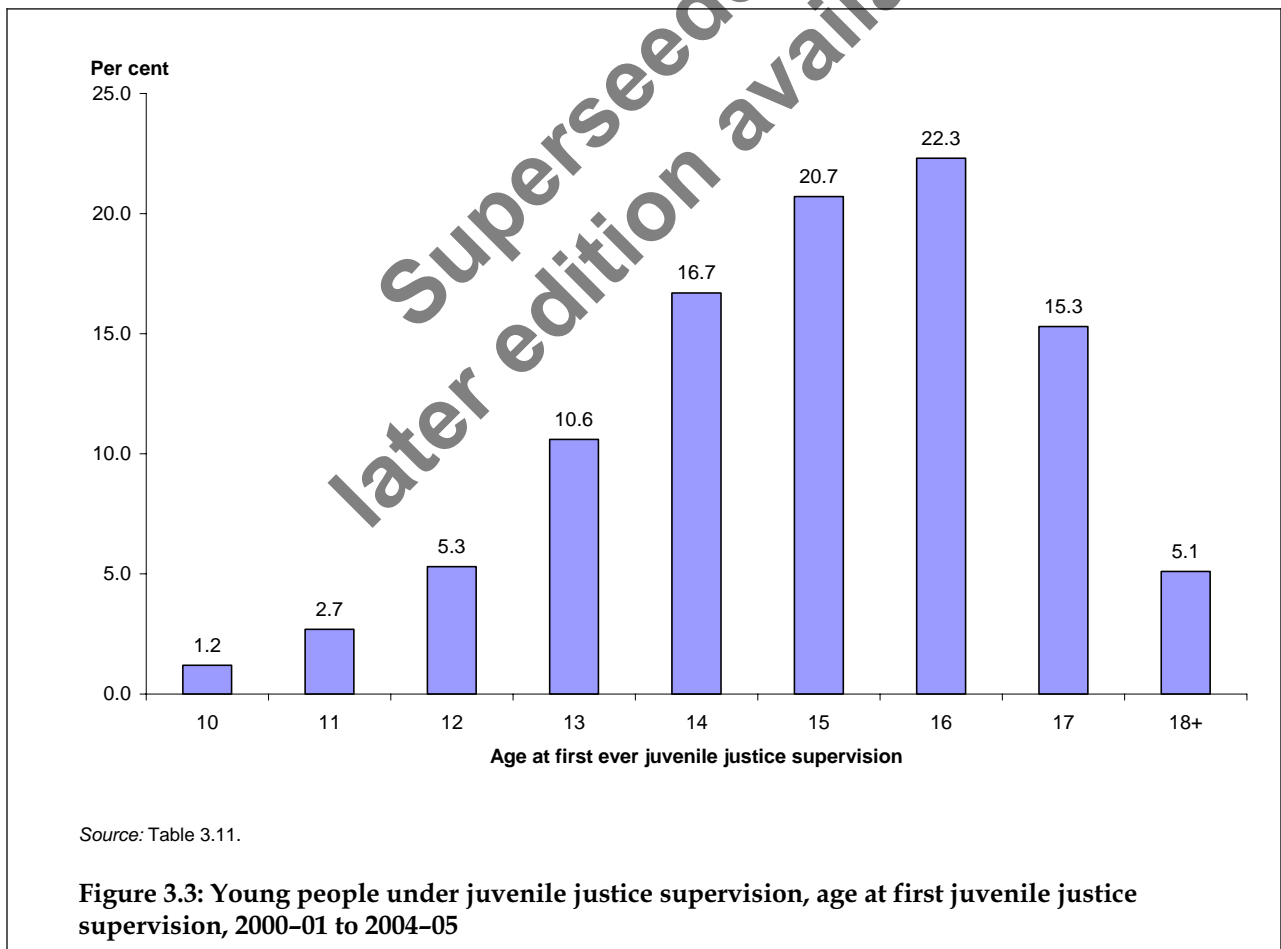
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Table 3.11: Young people, age at first juvenile justice supervision, states and territories, 2000–01 to 2004–05 (per cent)

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	0.5	0.2	0.8	3.7	0.8	0.8	0.5	0.5	1.2
11	1.4	0.8	2.1	6.9	2.4	2.3	0.7	1.7	2.7
12	3.7	2.4	4.6	11.7	4.4	3.4	5.3	4.4	5.3
13	8.9	6.4	11.7	16.6	9.0	7.2	11.2	11.4	10.6
14	15.7	14.6	18.6	19.2	15.1	12.1	17.2	17.2	16.7
15	20.8	21.8	24.7	16.8	18.7	18.4	21.3	21.3	20.7
16	22.5	25.7	28.8	13.5	20.8	21.2	22.0	22.6	22.3
17	20.9	14.7	8.2	11.1	20.0	21.8	18.4	20.7	15.3
18+	5.5	13.4	0.5	0.4	8.8	12.7	3.3	0.2	5.1
Total (per cent)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Unknown (number)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	75
Total (number)	9,673	5,269	7,285	6,714	3,560	1,141	429	819	34,890

Notes

1. Percentages are based on the total minus unknowns.
2. Australian Capital Territory data include only 2003–04 to 2004–05.



Young people entering the NMDS for the first time during 2004–05 showed a similar pattern of age at initial juvenile justice supervision to that seen over the last five years (Table 3.12). These young people were either entering juvenile justice supervision for the first time or were re-entering supervision but had not previously been recorded on the NMDS, which means that they have not had supervision for at least the last five years.

Table 3.12: Young people new to national minimum data set, age at first supervision, states and territories, 2004–05 (per cent)

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	0.2	–	0.5	0.1	0.5	–	–	–	0.2
11	0.6	0.3	1.7	1.9	2.7	2.8	1.1	1.5	1.3
12	2.8	1.9	3.1	5.4	3.1	1.7	3.3	0.8	3.3
13	6.7	5.0	12.2	8.8	6.5	5.6	11.1	5.4	7.9
14	14.3	10.3	18.3	14.2	11.6	8.3	14.4	13.1	14
15	21.0	20.3	23.5	19.7	19.6	16.7	18.9	27.7	20.9
16	23.5	26.2	30.8	24.7	23.4	21.7	20.0	26.2	25.4
17	23.6	18.0	9.4	23.9	22.5	26.1	27.8	24.6	20.5
18+	7.3	18.0	0.5	1.3	10.1	17.2	3.3	0.8	6.5
Total (per cent)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Unknown	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	7
Total (number)	1,406	644	863	1,070	414	180	90	130	4,797

There were differences between Aboriginal and Torres Strait Islander and non-Indigenous young people with regard to the age at their first ever juvenile justice supervision. Aboriginal and Torres Strait Islander young people were younger on average at the time of first ever supervision than non-Indigenous young people (Table 3.13). Of those aged 10, 11 or 12 years at their first ever juvenile justice supervision 63–77% were Indigenous compared with 9% of those whose first supervision occurred at age 18 or older. Indeed, 56% of Indigenous young people were aged 14 years or less during their initial supervision compared with 29% of non-Indigenous young people.

Table 3.13: Young people, age at first juvenile justice supervision, by Indigenous status, 2000–01 to 2004–05

Indigenous status	10	11	12	13	14	15	16	17	18+	Unknown	Total
(number of young people)											
Indigenous	309	629	1,156	1,730	2,058	1,871	1,630	873	163	37	10,456
Non-Indigenous	82	271	634	1,788	3,338	4,756	5,434	3,648	1,337	26	21,314
Unknown/not recorded	11	23	69	183	416	596	717	815	278	12	3,120
Total	402	923	1,859	3,701	5,812	7,223	7,781	5,336	1,778	75	34,890
(column per cent)											
Indigenous	76.9	68.1	62.2	46.7	35.4	25.9	20.9	16.4	9.2	49.3	30.0
Non-Indigenous	20.4	29.4	34.1	48.3	57.4	65.8	69.8	68.4	75.2	34.7	61.1
Unknown/not recorded	2.7	2.5	3.7	4.9	7.2	8.3	9.2	15.3	15.6	16.0	8.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(row per cent)											
Indigenous	3.0	6.0	11.1	16.6	19.7	17.9	15.6	8.4	1.6	0.4	100.0
Non-Indigenous	0.4	1.3	3.0	8.4	15.7	22.3	25.5	17.1	6.3	0.1	100.0
Unknown/not recorded	0.4	0.7	2.2	5.9	13.3	19.1	23.0	26.1	8.9	0.4	100.0

Note: Australian Capital Territory data include only 2003–04 to 2004–05.

The pattern of age at first ever juvenile justice supervision by sex closely follows that of the age at current supervision during 2004–05. Females were most likely to have begun juvenile justice supervision when aged around 13–15 years (Table 3.14). Females were less likely than males to have begun juvenile justice supervision for the first time when aged 10 or 11 years.

Table 3.14: Young people, age at first juvenile justice supervision, by sex, Australia, 2000–01 to 2004–05

Sex	10	11	12	13	14	15	16	17	18+	Unknown	Total
(number of young people)											
Male	362	831	1,550	2,958	4,585	5,835	6,401	4,544	1,503	64	28,633
Female	39	91	306	737	1,221	1,379	1,377	786	274	9	6,219
Unknown	1	1	3	6	6	9	3	6	1	2	38
Total	402	923	1,859	3,701	5,812	7,223	7,781	5,336	1,778	75	34,890
(per cent of young people)											
Male	90.1	90.0	83.4	79.9	78.9	80.8	82.3	85.2	84.5	85.3	82.1
Female	9.7	9.9	16.5	19.9	21.0	19.1	17.7	14.7	15.4	12.0	17.8
Unknown	0.3	0.1	0.2	0.2	0.1	0.1	0.0	0.1	0.1	2.7	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: Australian Capital Territory data include only 2003–04 to 2004–05.

Summary

During 2004–05 the rate of young people aged 10–17 years under juvenile justice supervision in Australia was 4.9 per 1,000. During the years 2001–02 to 2004–05, the number of young people in some form of juvenile justice supervision at some time during each year declined from over 13,000 to under 12,500 (these trends data exclude the Australian Capital Territory).

The majority of young people under juvenile justice supervision were in community-based supervision only. Some young people had both community-based and detention supervision within a year. In 2004–05, 4.9 per 1,000 young people aged 10–17 years were subject to juvenile justice supervision; 4.1 per 1,000 had community-based supervision and 1.9 per 1,000 were in detention at some point during the year.

The majority of young people under juvenile justice supervision each year were male (84%). The proportion of females was highest among young people aged 13–17 years. Females were most likely to have experienced their first ever juvenile justice supervision at around the same ages.

The most common age for young people to experience juvenile justice supervision was 16 years or older (63%), with less than 9% being aged 13 or younger. This is in keeping with the finding that 75% of young people experienced their first ever juvenile justice supervision aged 14–17 years.

Overall 37% of young people under juvenile justice supervision identified/were identified as of Aboriginal and Torres Strait Islander origin. Aboriginal and Torres Strait Islander young people were represented under juvenile justice supervision at a rate of 42.3 per 1,000, compared with 2.9 per 1,000 for non-Indigenous young people.

4 Average daily numbers

This chapter presents information on the average daily number of young people in juvenile justice supervision, both community-based and detention. The total number of supervision days is obtained by adding the duration of all *episodes* during each year. This total is divided by 365.25 to get an average daily number. These data are the average number of young people in supervision each day. They do not represent caseload figures. For example, if during one year there were 10 young people who each had a supervision lasting for 90 days, the total number of supervision days would be 900, with an average of 2.5 young people in supervision each day.

The average daily numbers are presented by age, sex and Indigenous status.

4.1 Average daily numbers in community supervision

The average daily number of young people on some form of community-based juvenile justice supervision, for each year from 2000–01 to 2004–05 is presented in Table 4.1. In most states and territories there was a decrease over the five years, with the average daily number across Australia decreasing from 5,172 in 2000–01 to 4,905 in 2004–05 (excluding the Australian Capital Territory for which data for 2000–01 to 2002–03 were unavailable).

Table 4.1: Young people, average daily number in community supervision, states and territories, 2000–01 to 2004–05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
(average daily number of young people)									
2000–01	1,278	733	1,685	630	493	210	n.a.	144	(5,172)
2001–02	1,296	731	1,466	614	539	281	n.a.	89	(5,017)
2002–03	1,328	749	1,421	639	567	312	n.a.	92	(5,107)
2003–04	1,286	736	1,408	646	545	314	163	135	5,233 (5,070)
2004–05	1,240	697	1,380	636	481	308	142	162	5,047 (4,905)
(total number of supervision days)									
2000–01	466,776	267,760	615,337	229,984	180,023	76,610	n.a.	52,660	(1,889,150)
2001–02	473,239	267,149	535,487	224,355	196,936	102,708	n.a.	32,613	(1,832,487)
2002–03	485,090	273,616	519,047	233,487	206,940	113,796	n.a.	33,481	(1,865,457)
2003–04	469,795	268,677	514,367	235,892	199,064	114,822	59,528	49,147	1,911,292 (1,851,764)
2004–05	453,060	254,631	504,026	232,342	175,841	112,395	51,967	59,188	1,843,450 (1,791,483)

Note: Totals may not sum due to rounding.

In the period 2000–01 to 2004–05, the average daily number of females in community supervision decreased by 6.2% from 802 to 752. During this time, the decrease for males was 4.8% from 4,363 to 4,152 (Table 4.2).

Table 4.2: Young people, average daily number in community supervision, by sex, Australia, 2000–01 to 2004–05

Year	Male	Female	Unknown	Total
2000–01	4,363	802	7	5,172
2001–02	4,213	795	9	5,017
2002–03	4,280	821	7	5,107
2003–04	4,292	773	5	5,070
2004–05	4,152	752	1	4,905

Notes

1. Australian Capital Territory excluded as data for 2000–01, 2001–02 and 2002–03 were unavailable.
2. Totals may not sum due to rounding.

The overall decrease in average daily numbers of young people in community supervision is largely attributable to a 35% decrease in the number aged 18+ years (Table 4.3). The younger age groups fluctuated during the period 2000–01 to 2004–05.

Table 4.3: Young people, average daily number in community supervision, by age, Australia, 2000–01 to 2004–05

Year	10	11	12	13	14	15	16	17	18+	Total
2000–01	9	36	93	300	657	1,038	1,409	1,033	596	5,172
2001–02	9	43	100	282	663	1,027	1,434	1,045	414	5,017
2002–03	7	43	104	303	658	1,051	1,427	1,074	441	5,107
2003–04	8	40	120	308	684	1,044	1,369	1,108	390	5,070
2004–05	6	48	106	321	620	1,027	1,341	1,048	389	4,905

Notes

1. Age is calculated as at first date of community supervision in the year.
2. Australian Capital Territory is excluded as data for 2000–01, 2001–02 and 2002–03 were unavailable.
3. Totals may not sum due to rounding.

The average number of young people of each age in community-based supervision each day during 2004–05 is presented in Table 4.4 by jurisdiction. In each state and territory, most young people in community-based supervision were aged 15–17 years. For Australia, almost 70% of young people in community supervision on an average day were in this age group.

Table 4.4: Young people, average daily number in community supervision, by age, states and territories, 2004–05

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	—	—	5	—	—	—	—	—	6
11	6	3	16	11	5	4	2	2	50
12	16	8	29	24	16	10	1	3	107
13	66	35	111	50	31	16	8	13	330
14	150	82	204	77	53	26	18	27	638
15	243	158	320	137	76	56	35	37	1,062
16	325	190	449	163	122	52	31	39	1,372
17	330	122	215	154	115	73	37	41	1,085
18+	104	99	30	19	64	71	10	1	399
Total	1,240	697	1,380	636	481	308	142	162	5,047

Notes

1. Age is calculated as at first date of community supervision in the year.
2. Totals may not sum due to rounding.

During 2000–01 to 2004–05, the average daily number of Aboriginal and Torres Strait Islander young people in community supervision increased by 15% from 1,579 to 1,814. This compares to a 5% decrease from 2,980 to 2,833 for non-Indigenous young people (Table 4.5). Part of the increase in Aboriginal and Torres Strait Islander numbers is likely to be due to a decrease in the number of young people whose Indigenous status was unknown, from 613 to 258.

Table 4.5: Young people, average daily number in community supervision, by Indigenous status, Australia, 2000–01 to 2004–05

Year	Indigenous	Non-Indigenous	Unknown	Total
2000–01	1,579	2,980	613	5,172
2001–02	1,543	3,026	448	5,017
2002–03	1,674	3,026	407	5,107
2003–04	1,757	2,969	344	5,070
2004–05	1,814	2,833	258	4,905

Notes

1. Australian Capital Territory is excluded as data for 2000–01, 2001–02 and 2002–03 were unavailable.
2. Totals may not sum due to rounding.

In most states and territories, the majority of young people in community-based supervision on an average day during 2004–05 were non-Indigenous (Table 4.6). The exceptions (Western Australia, Northern Territory) were the jurisdictions where a higher proportion of the general population was Indigenous (see Figure 2.2). Overall, 37% of young people on an average day in community supervision identified/were identified as Aboriginal or Torres Strait Islander.

Table 4.6: Young people, average daily number in community supervision, by Indigenous status, states and territories, 2004–05

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Indigenous	419	71	629	395	139	31	31	130	1,845
Non-Indigenous	731	626	751	205	311	176	111	32	2,943
Unknown	90	—	—	37	31	100	—	—	258
Total	1,240	697	1,380	636	481	308	142	162	5,047

Note: Totals may not sum due to rounding.

For the 2004–05 year, the relationships between age, sex and Indigenous status in the average daily number of young people in community-based supervision are presented in Table 4.7. The average daily numbers of males and females show similar patterns with age. Indigenous representation is highest for young males aged 10–13 years (see also Table 3.8).

Table 4.7: Young people, average daily number in community supervision, by age, sex and Indigenous status, Australia, 2004–05

Indigenous status	Male									Total
	10	11	12	13	14	15	16	17	18+	
Indigenous	5	31	60	146	229	315	367	278	68	1,500
Non-Indigenous	—	11	30	118	256	529	745	605	245	2,540
Unknown	—	3	1	6	17	37	47	64	41	215
Total	5	46	92	269	501	881	1,160	947	354	4,255
Indigenous status	Female									Total
	10	11	12	13	14	15	16	17	18+	
Indigenous	—	2	10	35	74	68	87	59	8	345
Non-Indigenous	—	1	5	24	58	105	111	70	29	404
Unknown	—	—	—	2	4	8	13	9	7	43
Total	—	4	15	61	136	181	212	138	44	791
Indigenous status	Total									Total
	10	11	12	13	14	15	16	17	18+	
Indigenous	5	34	70	180	303	384	455	337	76	1,845
Non-Indigenous	—	13	35	142	314	634	857	675	274	2,944
Unknown	—	3	1	8	20	45	60	72	48	258
Total	6	50	107	330	638	1,062	1,372	1,085	399	5,047

Notes

1. Age is calculated as at first date of community supervision during 2004–05.
2. Totals may not sum due to rounding.

4.2 Average daily numbers in detention

The average daily number of young people on either remand or sentenced detention for each year 2000–01 to 2004–05 is presented in Table 4.8. In most states and territories there has been a decrease, with the Australian average declining 13% from 881 in 2000–01 to 766 in 2004–05.

The figures presented here may differ in several ways from other published figures on the number of young people in detention². Firstly, these tables include young people of all ages, and are not restricted to young people aged 10–17 years. Secondly, they are averages calculated from an entire year of unit record data, rather than a snapshot taken on one particular day. Thirdly, supervisions that begin and end on the same day are counted as one day, which may differ from jurisdictional practice. Finally, these data include some young people held in police watchhouses rather than in a juvenile detention facility.

Table 4.8: Young people, average daily number in detention, all ages, states and territories, 2000–01 to 2004–05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
(average daily number of young people)									
2000–01	324	190	143	87	72	49	n.a.	17	881
2001–02	313	186	135	99	69	65	n.a.	19	886
2002–03	304	157	136	93	65	52	n.a.	26	833
2003–04	315	140	121	119	60	42	22	17	836 (814)
2004–05	288	138	105	113	65	39	18	19	784 (766)
(total number of supervision days)									
2000–01	118,344	69,254	52,291	31,776	26,130	17,873	n.a.	6,217	321,885
2001–02	114,240	67,992	49,191	36,185	25,363	23,712	n.a.	6,847	323,530
2002–03	111,142	57,332	49,584	34,009	23,730	18,918	n.a.	9,537	304,252
2003–04	115,014	51,275	44,269	43,529	22,037	15,159	7,889	6,054	305,226 (297,337)
2004–05	105,023	50,379	38,233	41,252	23,796	14,311	6,435	6,805	286,234 (279,799)

Notes

1. An average daily number of 10–17 year olds in detention is presented as a subtotal in Table 4.10)
2. Totals may not sum due to rounding.
3. A list of detention centres included in the data is in Appendix C.
4. The Australian Capital Territory figures presented here vary from those published elsewhere due to differences in counting rules between collections and identified issues in the current manual statistical collection process.

² Other statistics on juvenile detention are published in the Australian Institute of Criminology series *Statistics on juvenile detention*.

Between 2000–01 and 2004–05, there was a marked decrease of 35% in the average daily number of female young people in detention in Australia, from 89 to 58. During this time, the decrease for males was 11% from 792 to 708 (Table 4.9).

Table 4.9: Young people, average daily number in detention, by sex, Australia, 2000–01 to 2004–05

Year	Male	Female	Total
2000–01	792	89	881
2001–02	799	87	886
2002–03	762	71	833
2003–04	757	58	814
2004–05	708	58	766

Notes

1. Australian Capital Territory is excluded as data for 2000–01, 2001–02 and 2002–03 were unavailable.
2. Totals may not sum due to rounding.

The most substantial decrease in the average daily number of young people in detention occurred for those aged 18 years or over (Table 4.10). This number dropped by 33% from 190 in 2000–01 to 127 in 2004–05. For other ages the average daily number of young people in detention fluctuated over the period; however, for those aged 14 to 17 years there was a decrease between 2003–04 and 2004–05. Overall for young people aged 10–17, the average daily number in detention peaked in 2001–02 with a decline of 11% between 2001–02 and 2004–05.

Table 4.10: Young people, average daily number in detention, by age, Australia, 2000–01 to 2004–05

Year	10	11	12	13	14	15	16	17	10–17 subtotal	18+	Total
2000–01	—	3	14	38	75	150	209	203	691	190	881
2001–02	—	3	11	38	80	153	220	211	715	170	886
2002–03	—	3	7	37	89	153	221	188	697	136	833
2003–04	1	4	14	28	82	155	203	200	686	128	814
2004–05	1	6	15	40	72	145	187	173	639	127	766

Notes

1. Age is calculated as at first date of detention supervision that year.
2. Australian Capital Territory is excluded as data for 2000–01, 2001–02 and 2002–03 were unavailable.
3. Totals may not sum due to rounding.

The average daily number of young people in detention during 2004–05 is presented in Table 4.11 by age for each state and territory. In all states and territories, the majority (66% for Australia) were aged between 15 and 17 years.

During 2004–05 there were, on average, 22 young people aged 10–12 in detention each day in Australia. Victoria’s special sentencing option for detention is reflected in their higher number of young people aged at least 18 in detention each day (see Section 1.2).

Table 4.11: Young people, average daily number in detention, by age, states and territories, 2004–05

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	—	—	—	—	—	—	—	—	1
11	2	—	2	1	1	1	—	—	6
12	5	—	3	3	2	1	—	—	15
13	14	2	9	8	6	1	1	1	41
14	27	5	18	12	4	4	3	2	75
15	49	12	29	24	12	14	4	5	149
16	63	23	33	35	21	7	4	5	191
17	81	25	10	29	14	8	5	6	178
18+	46	72	1	—	4	3	1	—	128
Total	288	138	105	113	65	39	18	19	784

Notes

1. Age is calculated as at first date of detention supervision in the year.
2. Totals may not sum due to rounding.

During 2000–01 to 2004–05, the average daily number of Aboriginal and Torres Strait Islander young people in detention supervision increased from 321 in 2000–01 to 341 in 2004–05 (excluding the Australian Capital Territory for which data from 2000–01 to 2002–03 were unavailable). This compares to a 19% decrease from 501 to 406 for non-Indigenous young people (Table 4.12). Part of this trend is from improved data quality; during this time the average daily number of young people in detention whose Indigenous status was unknown decreased from 59 to 19.

Table 4.12: Young people, average daily number in detention, by Indigenous status, Australia, 2000–01 to 2004–05

Year	Indigenous	Non-Indigenous	Unknown	Total
2000–01	321	501	59	881
2001–02	340	501	44	886
2002–03	333	465	35	833
2003–04	346	438	29	814
2004–05	341	406	19	766

Notes

1. Australian Capital Territory is excluded as data for 2000–01, 2001–02 and 2002–03 were unavailable.
2. Totals may not sum due to rounding.

Including the Australian Capital Territory, during 2004–05, there was an average of 348 Indigenous young people and 417 non-Indigenous young people in detention each day in

Australia (Table 4.13). As was the case for community-based supervision, the Northern Territory, Western Australia and Queensland were the jurisdictions with higher proportions of Indigenous young people both in the general population and in detention (see Figure 2.2).

Table 4.13: Young people, average daily number in detention, by Indigenous status, states and territories, 2004–05

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Indigenous	126	17	62	87	26	8	7	16	348
Non-Indigenous	153	121	43	26	39	20	10	3	417
Unknown	8	—	—	—	—	11	—	—	19
Total	288	138	105	113	65	39	18	19	784

Note: Totals may not sum due to rounding.

For the 2004–05 year, the relationships between age, sex and Indigenous status in the average daily number of young people in detention are presented in Table 4.14. For ages 10 to 15 years, there were more Indigenous than non-Indigenous young people in detention on an average day, while the reverse was true for those aged 16 to 18 years.

Table 4.14: Young people, average daily number in detention, by age, sex and Indigenous status, Australia, 2004–05

Indigenous status	Male									Australia
	10	11	12	13	14	15	16	17	18+	
Indigenous	—	5	10	25	39	76	86	61	17	318
Non-Indigenous	—	1	3	11	25	59	90	103	96	388
Unknown	—	—	—	1	2	3	1	3	7	17
Total	—	6	13	37	66	138	177	167	120	723
Indigenous status	Female									Australia
	10	11	12	13	14	15	16	17	18+	
Indigenous	—	—	1	3	6	7	7	5	1	30
Non-Indigenous	—	—	1	1	4	4	7	5	6	29
Unknown	—	—	—	—	—	—	—	1	—	2
Total	—	—	2	5	9	11	15	11	7	60
Indigenous status	Total									Australia
	10	11	12	13	14	15	16	17	18+	
Indigenous	—	5	11	28	44	83	93	65	18	348
Non-Indigenous	—	1	4	12	29	63	97	108	103	417
Unknown	—	—	—	1	2	3	2	4	7	19
Total	1	6	15	41	75	149	191	178	128	784

Notes

1. Age is calculated as at first date of detention supervision during 2004–05.
2. Totals may not sum due to rounding.

4.3 Average daily numbers in juvenile justice supervision

The average daily number of young people in supervision was calculated by adding together the average daily number on community-based supervision with the average daily number in detention supervision. During 2000–01 to 2004–05, there was a decline of around 6.3% in the average number of young people in juvenile justice supervision each day (Table 4.15).

Table 4.15 shows that on an average day there were over 6 times as many young people in community-based supervision as in detention.

Table 4.15: Young people, average daily number in supervision, states and territories, 2000–01 to 2004–05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
(average daily number in community)									
2000–01	1,278	733	1,685	630	493	210	n.a.	144	5,172
2001–02	1,296	731	1,466	614	539	281	n.a.	89	5,017
2002–03	1,328	749	1,421	639	567	312	n.a.	92	5,107
2003–04	1,286	736	1,408	646	545	314	163	135	5,233 (5,070)
2004–05	1,240	697	1,380	636	481	308	142	162	5,047 (4,905)
(average daily number in detention)									
2000–01	324	190	143	87	72	49	n.a.	17	881
2001–02	313	186	135	99	69	65	n.a.	19	886
2002–03	304	157	136	93	65	52	n.a.	26	833
2003–04	315	140	121	119	60	42	22	17	836 (814)
2004–05	288	138	105	113	65	39	18	19	784 (766)
(average daily number in supervision)									
2000–01	1,602	923	1,828	717	564	259	n.a.	161	6,053
2001–02	1,608	918	1,601	713	609	346	n.a.	108	5,903
2002–03	1,632	906	1,557	732	632	363	n.a.	118	5,940
2003–04	1,601	876	1,529	765	605	356	185	151	6,068 (5,884)
2004–05	1,528	835	1,485	749	547	347	160	181	5,831 (5,671)

Note: Totals may not sum due to rounding.

Of the 10,704 young people in community-based supervision during 2004–05 (see Table 3.1), 47% (5,047) were under supervision on an average day. However, of the 4,788 young people in detention in 2004–05, only 16% (784) were in detention on an average day. This difference reflects the fact that periods of detention are on average shorter than periods of community supervision.

Summary

During 2004–05 there were on average 5,831 young people in juvenile justice supervision each day. Of these, 87% (5,047) were in community-based supervision, and 13% (784) were in detention, either on remand or in sentenced detention.

Indigenous young people represented over one-third of young people in community-based supervision and 44% of those in detention on an average day in 2004–05.

Overall there has been a decrease of about 6% since 2000–01 in the average daily number of young people in juvenile justice supervision in Australia. Community-based supervision has decreased by over 5%, with a larger decline of 13% in detention. The decrease in the average daily number of young people in detention occurred in most states and territories.

Proportionally, the largest decreases occurred for females (35% from 89 to 58) and for young people aged 18 years and over (33% from 190 to 127).

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5 Juvenile justice supervision

Chapter 5 looks at the juvenile justice supervision of young people during 2000–01 to 2004–05. The first data presented are the amount and type of supervision, followed by comparisons by sex, age and Indigenous status. As outlined in Section 2.1.2 (*episode* collection), *supervision periods* are the main unit of analysis of contacts with juvenile justice supervision. *Episodes* then provide details on the highest level of supervision experienced by a young person at any given time, based on the hierarchy as outlined in Section 2.1.2. These *episodes* are contained within the *supervision periods*.

5.1 Supervision periods

Supervision periods represent periods of continuous contact with juvenile justice supervision. A *supervision period* ends when there are two or more consecutive days with no current supervision. A new *supervision period* begins when the young person is next under juvenile justice supervision as a result of having committed or allegedly committed an offence. The data in this section centre on completed *supervision periods*. Some young people may be still in a *supervision period* at the end of the collection year (30 June). These *supervision periods* are considered 'open' and are not included in these results.

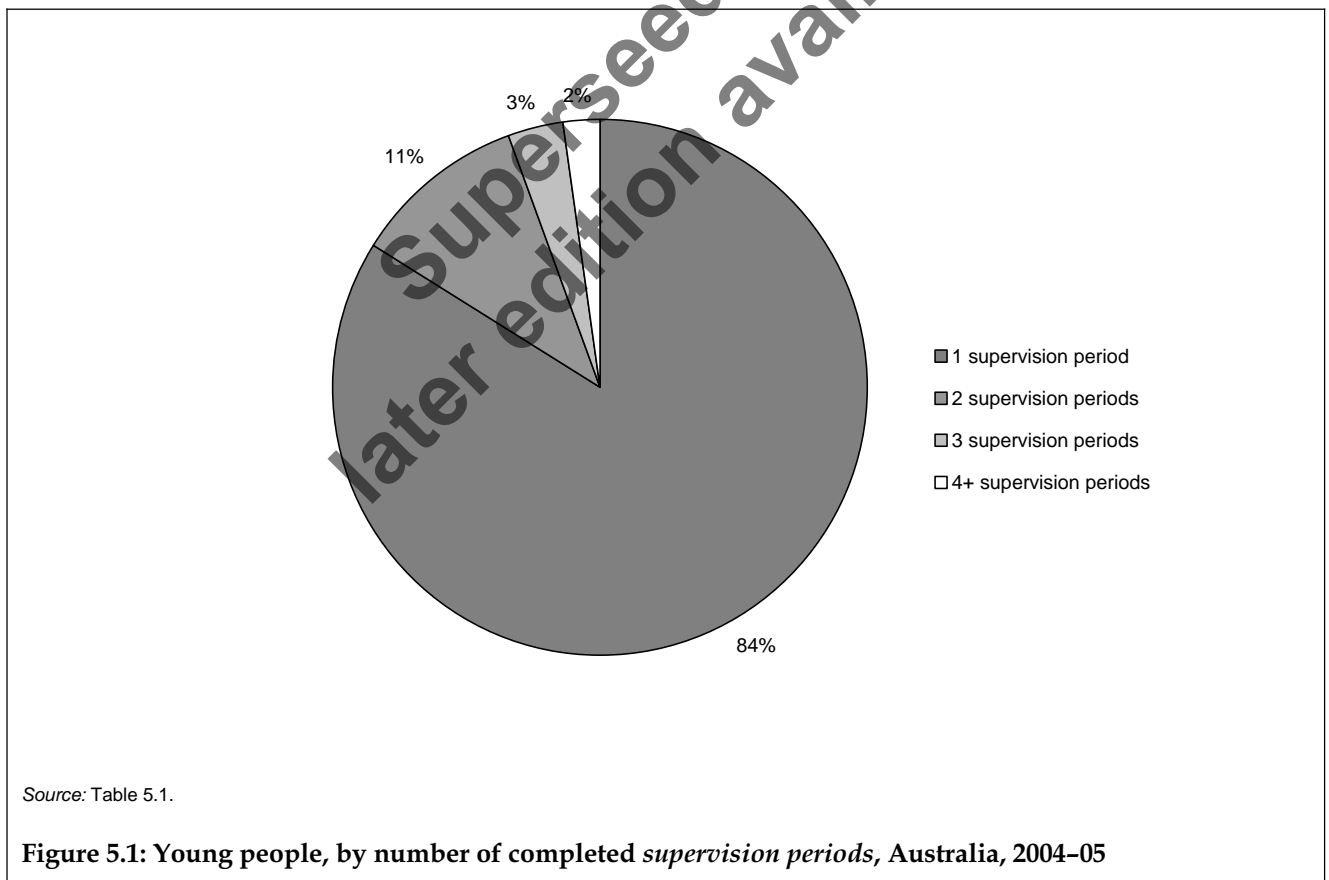
Number of *supervision periods* completed

Of all young people under juvenile justice supervision in 2004–05, 83% had completed only one *supervision period* (Table 5.1).

Table 5.1: Young people, by number of completed *supervision periods*, states and territories, 2004–05

Number of completed <i>supervision periods</i> per young person	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
1	1,989	987	1,258	1,441	712	193	187	166	6,933
2	372	64	61	308	114	1	14	20	954
3	139	6	4	106	32	—	4	2	293
4+	83	1	2	61	21	—	2	5	175
Total	2,583	1,058	1,325	1,916	879	194	207	193	8,355
(per cent of young people)									
1	77.0	93.3	94.9	75.2	81.0	99.5	90.3	86.0	83.0
2	14.4	6.0	4.6	16.1	13.0	0.5	6.8	10.4	11.4
3	5.4	0.6	0.3	5.5	3.6	—	1.9	1.0	3.5
4+	3.2	0.1	0.2	3.2	2.4	—	1.0	2.6	2.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

The totals for Australia indicate that only a small proportion of young people had more than one or two completed *supervision periods* during the year 2004–05 (Figure 5.1).



Length of *supervision periods*

Duration was calculated for all *supervision periods* that began on or after 1 July 2000 and completed in 2004–05. For example, a *supervision period* that began on 3 May 2001 and ended on 31 July 2004 was completed during 2004–05 in the category '24 months and over'.

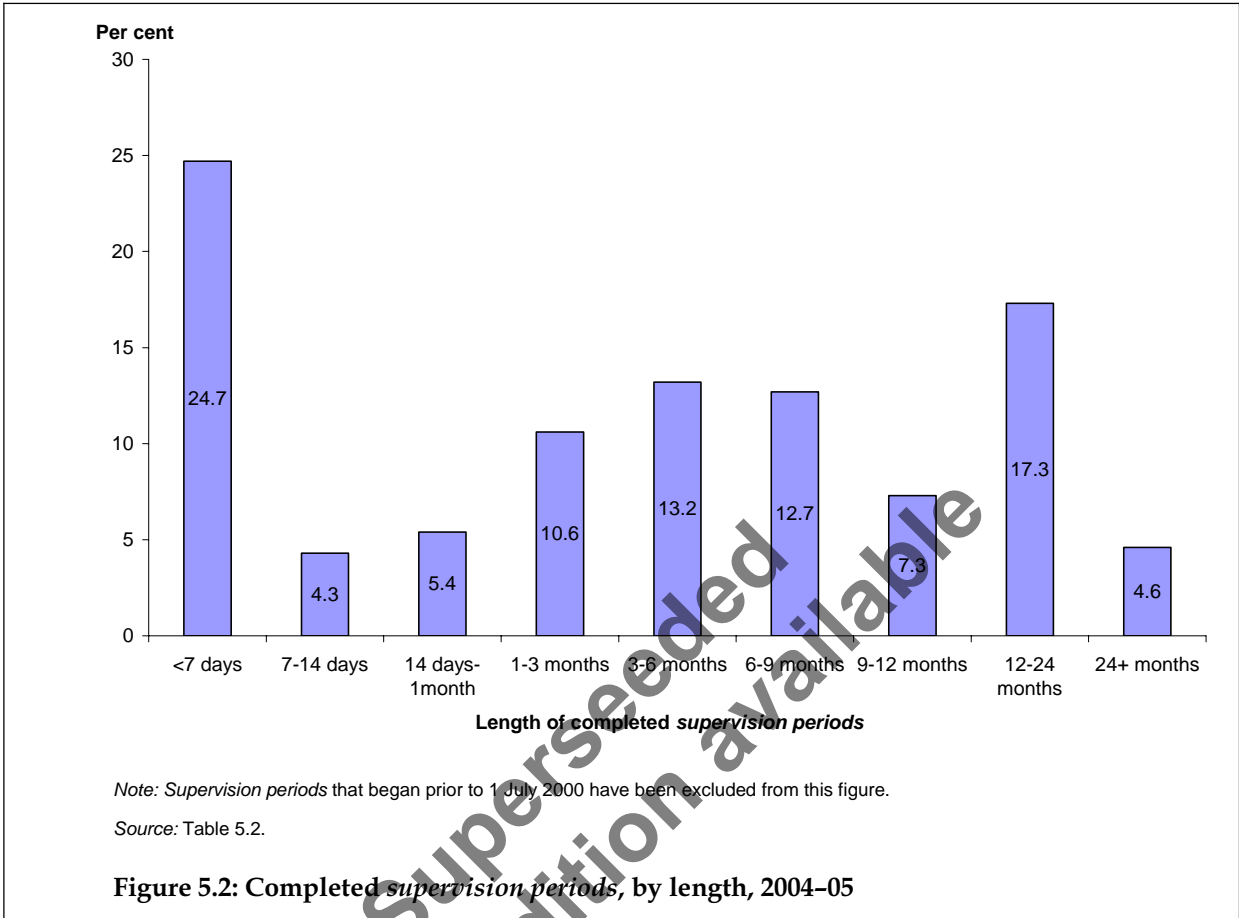
Supervision periods completed during 2004–05 varied in length from less than 7 days (25%) to 12 months or more (22%) (Table 5.2). The vast majority of *supervision periods* that lasted for less than 7 days contained pre-sentence detention *episodes* (96%, see Table 5.6).

Table 5.2: Completed *supervision periods*, by length, states and territories, 2004–05

Length	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of <i>supervision periods</i>)									
Less than 7 days	1,385	41	133	716	274	2	15	46	2,612
7 to less than 14 days	124	7	22	239	43	—	9	10	454
14 days to less than 1 month	149	21	29	251	91	—	21	7	569
1 to less than 3 months	304	121	83	377	164	5	28	35	1,117
3 to less than 6 months	373	180	140	527	109	9	23	29	1,390
6 to less than 9 months	390	247	217	324	112	16	21	19	1,346
9 to less than 12 months	279	162	110	119	62	6	13	16	767
12 to less than 24 months	452	331	444	112	226	111	93	63	1,832
24 months+	107	27	222	6	51	46	12	12	483
Total	3,563	1,137	1,400	2,671	1,132	195	235	237	10,570
(per cent of <i>supervision periods</i>)									
Less than 7 days	38.9	3.6	9.5	26.8	24.2	1.0	6.4	19.4	24.7
7 to less than 14 days	3.5	0.6	1.6	8.9	3.8	—	3.8	4.2	4.3
14 days to less than 1 month	4.2	1.8	2.1	9.4	8.0	—	8.9	3.0	5.4
1 to less than 3 months	8.5	10.6	5.9	14.1	14.5	2.6	11.9	14.8	10.6
3 to less than 6 months	10.5	15.8	10.0	19.7	9.6	4.6	9.8	12.2	13.2
6 to less than 9 months	10.9	21.7	15.5	12.1	9.9	8.2	8.9	8.0	12.7
9 to less than 12 months	7.8	14.2	7.9	4.5	5.5	3.1	5.5	6.8	7.3
12 to less than 24 months	12.7	29.1	31.7	4.2	20.0	56.9	39.6	26.6	17.3
24 months+	3.0	2.4	15.9	0.2	4.5	23.6	5.1	5.1	4.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: *Supervision periods* that began prior to 1 July 2000 have been excluded from this table.

The variation in the average length of *supervision periods* completed during 2004–05 is illustrated in Figure 5.2. Data are presented for each length as the percentage of all *supervision periods*. Peaks can be seen at less than 7 days, 3–6 months and 12–24 months.



The relationship between the number and length of *supervision periods* completed in 2004–05 shows that the more *supervision periods* completed, the shorter they were likely to be (Table 5.3). When young people completed three or more *supervision periods* within a year, over 60% of those *supervision periods* lasted for less than 1 month. The majority of young people (84%) completed one *supervision period* during the year. While almost half (43%) of these lasted for less than 6 months, 31% were over 12 months long.

Further analysis revealed that approximately half of these long *supervision periods* contained *episodes* of sentenced community-based supervision of over 12 months in length. The other half of these long *supervision periods* were made up of several shorter *episodes*. This meant that 13% of young people remained in supervision for over 12 months, completing multiple short *episodes* during that time.

Table 5.3: Young people, completed supervision periods, by number and average length, Australia, 2004–05

Number	<7 days	7 to <14 days	14 days to <1 month	1 to <3 months	3 to <6 months	6 to <9 months	9 to <12 months	12 to <24 months	24 months+	Total
(number of young people)										
1	1,015	140	235	600	982	1,114	689	1,703	455	6,933
2	236	46	77	169	247	104	43	32	—	954
3	80	33	46	77	42	11	4	—	—	293
4+	57	47	33	29	7	1	1	—	—	175
Total	1,388	266	391	875	1,278	1,230	737	1,735	455	8,355
(per cent of young people)										
1	14.6	2.0	3.4	8.7	14.2	16.1	9.9	24.6	6.6	100.0
2	24.7	4.8	8.1	17.7	25.9	10.9	4.5	3.4	—	100.0
3	27.3	11.3	15.7	26.3	14.3	3.8	1.4	—	—	100.0
4+	32.6	26.9	18.9	16.6	4.0	0.6	0.6	—	—	100.0

Notes

1. Supervision periods that began prior to 1 July 2000 have been excluded from this table.
2. Where a young person has completed more than one supervision period during the year, the lengths have been averaged so that each young person is represented in this table once.

5.2 Community supervision and detention

This section examines community-based and detention-based supervision. It is important to remember when reading this section that the NMDS captures information only on young people subject to juvenile justice supervision. Many young people are given unsupervised bail pre-sentence, and this is not reflected in the NMDS data. The relatively common occurrence of bail is apparent in the reasons for exit from remand (see Table 5.9).

The proportion of time spent by young people in either community-based supervision or detention can be expressed as the percentage of the total duration spent under juvenile justice supervision, measured in person days. Person days is calculated simply by summing up the total number of days spent by all people in either detention or community supervision (as used in calculating average daily numbers, see Chapter 4). Due to jurisdictional differences in legislation and practice it is not appropriate to examine pre-sentence supervision in this way and the analysis is restricted to sentenced community supervision and detention. Other sentenced *episode* types are also excluded due to jurisdictional differences.

Table 5.4 shows the proportion of time within a *supervision period* that is spent in sentenced community and detention-based supervision, regardless of the length of the *supervision period*.

On average, young people spent most of their time in sentenced supervision in community-based supervision rather than in detention. In fact, overall for Australia, 90% of the sentenced time was spent in community-based supervision and only 10% in detention. Western Australia (16%) had the highest proportion of days in detention-based supervision.

Table 5.4: Proportion of person days in supervision, by sentenced *episode* type, states and territories, 2004–05 (per cent)

Sentenced supervision type	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(per cent of person days in sentenced supervision)									
Community	86.0	85.1	97.1	84.4	93.0	86.2	93.0	93.0	90.1
Detention	14.0	14.9	2.9	15.6	7.0	13.8	7.0	7.0	9.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: The denominator for the proportions is the total time in sentenced supervision across the entire jurisdiction, with the numerator being either the total time in sentenced community or detention across the entire jurisdiction.

At both pre-sentence and sentenced stage, detention-based *episodes* were generally much shorter than community-based *episodes* (Table 5.5). Pre-sentence *episodes* had a median length of 3 days when detention-based (that is *episodes* of remand), compared with 43 days for community-based (that is *episodes* of supervised bail). For sentenced *episodes*, community supervision was almost two times longer than detention (median lengths 144 days and 82 days respectively).

It should be remembered that where a young person may have multiple potential *episodes* concurrently, the *episode* that will be counted here is the highest according to the hierarchy (see 'Hierarchy of *episode* types', Section 2.1.2). Therefore if a young person has both detention and community supervision simultaneously, it is the detention *episode* that will be counted in the collection. This is in keeping with the focus of the NMDS being on the actual experience of supervision.

Table 5.5: *Episodes*, median length in days, by *episode* type, states and territories, 2004–05

Episode type	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Pre-sentence									
Community	40	84	55	12	28	n.a.	26	25	43
Detention	2	15	7	6	2	n.a.	4	3	3
Sentenced									
Community	110	226	153	119	121	382	181	130	144
Detention	53	117	84	86	58	186	133	38	82
Parole or supervised release	69	123	49	97	..	n.r.	89

Notes

1. The use of the *episode* hierarchy may shorten or hide *episodes* that are lower on the hierarchy.
2. In this table, contiguous detention *episodes* of the same type that are separated by a transfer within detention are considered to be one *episode* and their length summed.
3. Victoria has special sentencing options for 18–20 year olds (see Section 1.2, The juvenile justice process in Australia).
4. Cells are not reported (n.r.) where the number of *episodes* is less than 5.
5. *Episodes* that began prior to 1 July 2000 are excluded from this table.
6. Pre-sentence data in Tasmania were unavailable.

Table 5.6 examines the proportion of time spent in particular types of *episodes* that ended in 2004–05 by the length of the *supervision period*. In this table, proportions are based on the total duration of all *supervision periods* of a particular length.

For example, for the first row of the table, there were approximately 4,000 days (4 x 1,000) served by young people in supervision periods of less than 7 days in 2004–05. Of this time about 3,800 days (96.1%) were served in pre-sentence detention. Table 5.6 shows that shorter *supervision periods* of less than 14 days mostly comprised pre-sentence detention *episodes*. For longer *supervision periods* of between 6 and 24 months, more than 78% of the total *supervision period* duration consists of sentenced community *episodes*.

Overall, 69% of the total duration of *supervision periods* finished in 2004–05 were spent in sentenced community *episodes*.

Table 5.6: Proportion of person days in supervision, by supervision period length and episode type, Australia, 2004-05 (row per cent)

Length of supervision period	Episode type					Total	Total number of days ('000)
	Pre-sentence community	Pre-sentence detention	Sentenced community	Sentenced detention	Sentenced other		
	(per cent of person days)						
Less than 7 days	1.1	96.1	0.3	1.8	0.7	100.0	4
7 to less than 14 days	6.9	82.9	4.7	4.2	1.3	100.0	4
14 days to less than 1 month	18.9	53.9	17.9	5.1	4.3	100.0	12
1 to 3 months	24.9	16.8	37.3	7.7	13.3	100.0	63
3 to 6 months	12.5	5.1	61.0	8.0	13.4	100.0	178
6 to 9 months	4.7	2.7	73.8	6.1	12.7	100.0	278
9 to 12 months	4.7	3.0	72.0	7.0	13.3	100.0	233
12 to less than 24 months	3.2	4.2	72.7	6.4	13.5	100.0	845
24 months+	1.8	7.1	66.7	10.7	13.7	100.0	469
Total	4.8	5.6	68.8	7.6	13.3	100.0	2,085

Supervision periods may contain several *episode* types, and it is also possible for a young person to move from sentenced to pre-sentence *episodes* within the one *supervision period*. Each cell in Table 5.7 indicates the number of *supervision periods* containing at least one *episode* of the *episode* type (row) expressed as a percentage of all *supervision periods* completed in that jurisdiction (column). Percentages do not add to 100% because each *supervision period* may contain more than one type of *episode*. For example, one *supervision period* may consist of an *episode* of sentenced community supervision, then an *episode* of pre-sentence detention, and another *episode* of sentenced community supervision. This *supervision period* would be represented in the table as containing both sentenced community supervision and pre-sentence detention *episode* types.

Table 5.7 examines the relative frequency with which different types of *episodes* occur in *supervision periods*. Where a young person was subject to pre-sentence supervision (which does not include unsupervised bail), detention-based supervision occurred more frequently than community-based. For sentenced *episodes* the opposite was found. Community-based sentenced *episodes* occurred four times as often as detention-based.

Table 5.7: Supervision periods, by episode type, states and territories, 2004–05 (per cent)

<i>Episode type</i>	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Pre-sentence									
Community	12.0	28.2	5.6	0.3	24.2	n.a.	47.4	0.0	10.3
Detention	68.3	13.4	35.9	42.0	57.7	n.a.	52.8	47.9	46.0
Sentenced									
Community	37.1	62.9	89.1	40.4	43.9	80.7	72.4	61.8	55.1
Detention	11.5	20.5	7.6	7.7	6.9	16.6	11.1	15.1	10.2
Other	9.7	14.2	13.5	22.4	10.3	29.8	0.9	14.3	14.8

Notes

1. Data on unsupervised bail are not collected in the NMDS and hence are not included in the pre-sentence figures.
2. Column percentages will not add to 100% because each *supervision period* may contain more than one type of *episode*.
3. Other includes immediate release or suspended detention, parole or supervised released, home detention, other sentenced *episode* type.
4. Pre-sentence data in Tasmania were unavailable.

Table 5.8 provides an overview of the frequency of particular combinations of pre-sentence and sentenced *episode* types, which form *supervision periods*. Each *supervision period* is counted once with the total accounting for all of the *supervision periods* ended in 2004–05.

The two most common types of *supervision periods* were those containing only community-based sentenced episodes (36%), and those containing only pre-sentence detention episodes (32%).

Table 5.8: *Supervision periods, by type, Australia, 2004-05*

Pre-sentence episodes included in supervision periods	Sentenced episodes included in supervision periods						Total
	Community ^(a)	Detention ^(a)	Community and detention ^(a)	Other only ^(b)	No sentenced episodes		
Community only	174	8	7	6	360	555	
Detention only	629	322	247	104	3,396	4,698	
Community and detention	1,456	30	50	12	383	631	
No pre-sentenced episodes	3,762	396	56	472	..	4,686	
Total	4,721	756	360	594	4,139	10,570	
	(number of supervision periods)						
Community only	1.6	0.1	0.1	0.1	3.4	5.3	
Detention only	6	3	2.3	1	32.1	44.4	
Community and detention	1.5	0.3	0.5	0.1	3.6	6	
No pre-sentenced episodes	35.6	3.7	0.5	4.5	..	44.3	
Total	44.7	7.2	3.4	5.6	39.2	100	
	(per cent of supervision periods)						

(a) With or without other.

(b) Other includes immediate release or suspended detention, parole or supervised release, home detention, other sentenced episode type.

Notes

1. Data on unsupervised bail are not collected in the NMDS and hence are not included in the pre-sentence figures.
2. The use of the episode hierarchy may shorten or hide episodes that are lower on the hierarchy.

The number of young people in detention on pre-sentence detention (remand) is an area of concern for many states and territories in Australia. It is of interest to examine the outcome of sentencing following this remand. This is an area in which policy differences among jurisdictions may be particularly relevant. For example, diversion and supported bail may impact on pre-sentence detention.

The 'reason for exit from remand *episodes*' is shown by jurisdiction in Table 5.9. Overall, it can be seen that about half (51%) of all remand *episodes* ended with the young person being released on bail during 2004–05. A further 18% (1,676) of remand *episodes* ended with the young person being sentenced; however, only 5% of all remand *episodes* were ended by 'sentenced' with an *episode* of detention immediately following. There is some variation among states and territories in the outcomes of remand *episodes*.

Table 5.9: Reason for exit from remand *episodes*, states and territories, 2004–05

Reason for exit from remand	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of remand <i>episodes</i>)									
Released on bail	2,846	17	111	735	794	n.a.	76	71	4,650
Matters proven/charges dismissed	46	—	—	14	20	n.a.	—	14	108
Sentenced	516	107	649	74	132	n.a.	105	92	1,675
<i>Next episode type: detention</i>	277	53	61	32	—	n.a.	10	35	468
Other	860	80	1,043	521	165	n.a.	7	93	2,773
Total	4,268	204	1,803	1,344	1,111	n.a.	188	270	9,206
(per cent of remand <i>episodes</i>)									
Released on bail	66.7	8.3	6.2	54.7	71.5	n.a.	40.4	26.3	50.5
Matters proven/charges dismissed	1.1	—	—	1.0	1.8	n.a.	—	5.2	1.2
Sentenced	12.1	52.5	36.0	5.5	11.9	n.a.	55.9	34.1	18.2
<i>Next episode type: detention</i>	6.5	26.0	3.3	2.4	—	n.a.	5.4	13.0	5.1
Other	20.1	39.2	57.8	38.8	14.9	n.a.	3.7	34.4	30.1
Total	100.0	100.0	100.0	100.0	100.0	n.a.	100.0	100.0	100.0

Notes

1. Other includes breached, transferred, more serious order begun, escaped/absconded, died and other reasons for exit.
2. Pre-sentence data in Tasmania were unavailable.

5.3 Sex comparisons

Proportionally there were no marked differences between males and females in the number of *supervision periods* completed in 2004–05 (Table 5.10). The proportion of young people who completed four or more *supervision periods* during the year was slightly higher for females (3.2%) than males (1.9%).

Table 5.10: Young people, by number of completed *supervision periods* and sex, 2004–05

Number of completed <i>supervision periods</i>	Male	Female	Unknown	Total
(number of young people)				
1	5,766	1,163	4	6,933
2	798	156	—	954
3	247	46	—	293
4+	130	45	—	175
Total	6,941	1,410	4	8,355
(per cent of young people)				
1	83.1	82.5	..	83.0
2	11.5	11.1	..	11.4
3	3.6	3.3	..	3.5
4+	1.9	3.2	..	2.1
Total	100.0	100.0	..	100.0

Superseded
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There was a slight tendency for females to have shorter *supervision periods* than males during 2004–05 (Table 5.11). About 34% of *supervision periods* completed by females were less than 14 days in length compared with 28% for males.

The results of Tables 5.10 and 5.11 combine to show that females had a higher proportion of short *supervision periods* during 2004–05 than males.

Table 5.11: Completed *supervision periods*, by length and sex, Australia, 2004–05

Length of completed <i>supervision periods</i>	Male	Female	Unknown	Total
(number of <i>supervision periods</i>)				
Less than 7 days	2,074	537	1	2,612
7 to less than 14 days	358	96	—	454
14 days to less than 1 month	454	115	—	569
1 to less than 3 months	933	183	1	1,117
3 to less than 6 months	1,166	223	1	1,390
6 to less than 9 months	1,124	222	—	1,346
9 to less than 12 months	639	127	1	767
12 to less than 24 months	1,563	269	—	1,832
24 months+	415	66	—	483
Total	8,726	1,840	4	10,570
(per cent of <i>supervision periods</i>)				
Less than 7 days	23.8	29.2	..	24.7
7 to less than 14 days	4.1	5.2	..	4.3
14 days to less than 1 month	5.2	6.3	..	5.4
1 to less than 3 months	10.7	9.9	..	10.6
3 to less than 6 months	13.4	12.1	..	13.2
6 to less than 9 months	12.9	12.1	..	12.7
9 to less than 12 months	7.3	6.9	..	7.3
12 to less than 24 months	17.9	14.6	..	17.3
24 months+	4.8	3.7	..	4.6
Total	100.0	100.0	..	100.0

Notes

1. *Supervision periods* that began prior to 1 July 2000 have been excluded from this table.
2. Percentages in the total column are based on the total minus unknowns.

The median length of sentenced community-based episodes for females was 174 days, compared to 139 days for males during 2004–05 (Table 5.12). For sentenced detention, the opposite was found, with the median length for females (67 days) shorter than for males (83 days).

Table 5.12: Episodes, median length in days, by episode type and sex, Australia, 2004–05

<i>Episode type</i>	Male	Female	Total
Pre-sentence			
Community	48	35	43
Detention	3	2	3
Sentenced			
Community	139	174	144
Detention	83	67	82
Parole or supervised release	89	64	89

Notes

1. In this table, contiguous detention *episodes* of the same type that are separated by a transfer within detention are considered to be one *episode* and their length summed.
2. The use of the *episode* hierarchy may shorten or hide *episodes* that are lower on the hierarchy.
3. Tasmania excluded from pre-sentence as pre-sentence data were unavailable.

Supervision periods may contain several *episode* types in different sequences. During 2004–05 there were few differences between males and females in the pre-sentence *episode* types occurring within *supervision periods* (Table 5.13).

The most pronounced difference was for sentenced detention *episodes*, which appeared in 11% of the *supervision periods* of males and 5% for females during 2004–05. For both males and females around 55% of *supervision periods* in 2004–05 contained *episodes* of sentenced community-based supervision.

Table 5.13: Supervision periods, by episode type and sex, Australia, 2004–05 (per cent)

Episode type	Male	Female	Total
Pre-sentence			
Community	10.1	11.2	10.3
Detention	45.7	47.2	46.0
Sentenced			
Community	55.1	55.2	55.1
Detention	11.4	4.8	10.2
Other	15.8	9.8	14.8

Notes

1. Data on unsupervised bail are not collected in the NMDS.
2. Percentages will not add to 100% because each *supervision period* may contain more than one type of *episode*.
3. Other includes: immediate release or suspended detention, parole or supervised released, home detention, other sentenced *episode* type.
4. Tasmania excluded from pre-sentenced as pre-sentence data were unavailable.

Superseeded
later edition available

Females were more often released on bail from remand than males. In 2004–05, bail was the exit for 50% of remand *episodes* of males and 56% for females (Table 5.14). Ending a remand *episode* by being sentenced was less common among females than males (19% for males and 15% for females in 2004–05). Where the reason for exit was sentenced, it was more common for males than females that the immediately following *episode* would be detention-based. Around 6% of sentenced *episodes* immediately following remand were detention-based for males and 2% for females.

Table 5.14: Reason for exit from remand *episodes*, by sex, 2004–05

Reasons for exit from remand	Male	Female	Total
(number of remand <i>episodes</i>)			
Released on bail	3,832	818	4,650
Matters proven/charges dismissed	82	26	108
Sentenced	1,462	213	1,675
<i>Next episode type: detention</i>	445	23	468
Other	2,365	408	2,773
Total	7,741	1,465	9,206
(per cent of remand <i>episodes</i>)			
Released on bail	49.5	55.8	50.5
Matters proven/charges dismissed	1.1	1.8	1.2
Sentenced	18.9	14.5	18.2
<i>Next episode type: detention</i>	5.7	1.5	5.1
Other	30.6	27.8	30.1
Total	100.0	100.0	100.0

Notes

1. Other includes breached, transferred, more serious order begun, escaped/absconded, died and other reasons for exit.
2. Tasmania is excluded as pre-sentence data were unavailable.

5.4 Age comparisons

It may be expected that the experiences of people who are younger during juvenile justice supervision may be different from those who are older at that time. The following section compares older and younger people in terms of the number and length of *supervision periods*, and the types of supervision they experienced during 2004–05.

There was a tendency for young people aged 13 or under to have completed more *supervision periods* during 2004–05 (Table 5.15). Of young people aged 13 or under, 13% completed at least 3 supervision periods during 2004–05, compared to 4% of those aged 16 or older. A more complete picture of these differences is found when looking at these results in combination with the results in Table 5.16 regarding the length of completed *supervision periods*.

Table 5.15: Young people, by number of completed *supervision periods* and age, Australia, 2004–05

Number of completed <i>supervision periods</i>	10	11	12	13	14	15	16	17	18+	Unknown	Total
	(number of young people)										
1	8	47	121	296	639	1,127	1,614	1,882	1,198	1	6,933
2	—	16	27	79	119	186	247	221	59	—	954
3	1	2	14	26	37	69	79	54	11	—	293
4+	2	3	13	25	32	35	37	25	3	—	175
Total	11	68	175	426	827	1,417	1,977	2,182	1,271	1	8,355
(per cent of young people)											
1	72.7	69.1	69.1	69.5	77.3	79.5	81.6	86.3	94.3	..	83.0
2	—	23.5	15.4	18.5	14.4	13.1	12.5	10.1	4.6	..	11.4
3	9.1	2.9	8.0	6.1	4.5	4.9	4.0	2.5	0.9	..	3.5
4+	18.2	4.4	7.4	5.9	3.9	2.5	1.9	1.1	0.2	..	2.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	..	100.0

Note: Age is calculated as at first date of supervision during 2004–05.

On average, the younger a person was at the start of juvenile justice supervision, the shorter the *supervision period* completed during 2004–05 (Table 5.16). One-third (32%) of *supervision periods* of young people aged 10–12 years were less than 7 days in length, compared with 23% for 17 year olds and 16% for those aged 18 years or over during 2004–05. There was less difference for longer *supervision periods*: 18% of *supervision periods* completed by young people who were aged 10–12 years upon entry were more than 12 months long, compared with 19% for those aged 17 years or older.

Young people aged 11–14 years were most likely to have completed a higher number of relatively short *supervision periods*.

Table 5.16: Completed *supervision periods*, by length and age, Australia, 2004–05

Length of completed <i>supervision periods</i>	10	11	12	13	14	15	16	17	18+	Unknown	Total
	(number of completed <i>supervision periods</i>)										
Less than 7 days	21	55	133	294	438	555	579	455	82	—	2,612
7 to less than 14 days	1	13	29	58	89	93	91	73	7	—	454
14 days to less than 1 month	4	6	38	72	86	133	112	101	17	—	569
1 to less than 3 months	5	22	50	115	163	213	242	239	68	—	1,117
3 to less than 6 months	2	16	47	119	190	274	333	313	96	—	1,390
6 to less than 9 months	6	21	37	105	213	294	316	289	65	—	1,346
9 to less than 12 months	—	9	22	53	114	177	209	137	45	1	767
12 to less than 24 months	2	22	70	164	263	414	482	303	112	—	1,832
24 months+	3	4	19	54	103	118	92	54	36	—	483
Total	44	168	445	1,034	1,659	2,271	2,456	1,964	528	1	10,570
	(per cent of completed <i>supervision periods</i>)										
Less than 7 days	47.7	32.7	29.9	28.4	26.4	24.4	23.6	23.2	15.5	..	24.7
7 to less than 14 days	2.3	7.7	6.5	5.6	5.4	4.1	3.7	3.7	1.3	..	4.3
14 days to less than 1 month	9.1	3.6	8.5	7.0	5.2	5.9	4.6	5.1	3.2	..	5.4
1 to less than 3 months	11.4	13.1	11.2	11.1	9.8	9.4	9.9	12.2	12.9	..	10.6
3 to less than 6 months	4.5	9.5	10.6	11.5	11.5	12.1	13.6	15.9	18.2	..	13.2
6 to less than 9 months	13.6	12.5	8.3	10.2	12.8	12.9	12.9	14.7	12.3	..	12.7
9 to less than 12 months	—	5.4	4.9	5.1	6.9	7.8	8.5	7.0	8.5	..	7.3
12 to less than 24 months	4.5	13.1	15.7	15.9	15.9	18.2	19.6	15.4	21.2	..	17.3
24 months+	6.8	2.4	4.3	5.2	6.2	5.2	3.7	2.7	6.8	..	4.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	..	100.0

Notes

1. Age is calculated as at entry to the *supervision period*.
2. *Supervision periods* that began prior to 1 July 2000 have been excluded from this table.

After ages 13 and 14 years, there is a pattern of increasing median *episode* lengths with increasing age (Table 5.17). For young people aged less than 13 years, it is more difficult to discern trends in the median length of *episodes* of various types of juvenile justice supervision, especially with low numbers of 10, 11 and 12 year olds during 2004–05.

Table 5.17: Episodes, median length in days, by episode type and age, Australia, 2004–05

<i>Episode type</i>	10	11	12	13	14	15	16	17	18+
Pre-sentence									
Community	n.r.	27.0	31.0	29.0	32.0	42.5	43.0	56.0	65.0
Detention	2.0	2.0	4.0	4.0	3.0	3.0	3.0	3.0	2.0
Sentenced									
Community	n.r.	133.0	102.0	117.0	127.0	136.0	152.0	157.0	181.0
Detention	—	n.r.	55.0	58.0	50.0	76.0	771.0	84.0	120.0
Parole or supervised release	—	—	n.r.	63.0	44.0	70.0	63.0	88.0	141.0

Notes

1. In this table, contiguous detention *episodes* of the same type which are separated by a transfer within detention are considered to be one *episode* and their length summed.
2. The use of the *episode* hierarchy may shorten or hide *episodes* which are lower on the hierarchy.
3. Age is calculated as at entry to the *episode*.
4. Tasmania excluded from pre-sentence as pre-sentence data were unavailable.
5. Cells are not reported (n.r.) where N<5.

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Table 5.18 shows the per cent of *supervision periods* that contain various types of *episodes*. Some patterns were apparent in the proportion of *supervision periods* containing community and detention *episodes* experienced by young people of different ages (Table 5.18). The *supervision periods* of 11–13 year olds more often included *episodes* of pre-sentence and sentenced detention than those of young people aged 15–17 years. Sentenced detention was most often seen for those aged 18 years or over, with 26% of *supervision periods* for young people in this age group, containing sentenced detention *episodes*.

For community-based supervision, a more complicated pattern emerges. The supervision periods of 11–13 year olds more often included episodes of pre-sentence community-based supervision than those of young people aged 15 years or older. However, for sentenced community supervision, the reverse was found. Percentages will not add to 100% because each *supervision period* may contain more than one type of *episode*.

Table 5.18: Supervision periods, by episode type and age, Australia, 2004–05 (per cent)

Episode type	10	11	12	13	14	15	16	17	18+
Pre-sentence									
Community	22.4	11.7	13.7	13.8	12.2	9.9	8.6	8.0	12.1
Detention	79.6	64.4	64.6	63.3	54.5	47.4	41.2	34.9	17.7
Sentenced									
Community	32.7	47.3	47.9	51.1	56.7	58.2	59.3	54.3	36.1
Detention	6.1	12.7	12.5	13.9	10.3	9.4	8.0	7.4	26.3
Other	4.1	12.7	15	15.7	14.1	13.9	12.6	14.4	33.1

Notes

1. Data on unsupervised bail are not collected in the NMDS.
2. Percentages will not add to 100% because each *supervision period* may contain more than one type of *episode*.
3. Other includes immediate release or suspended detention, parole or supervised released, home detention, other sentenced *episode* type.
4. Age is calculated as at entry to the *supervision period*.

The frequency of reasons for exit from remand varied with age, with 'sentenced' becoming relatively more common with increasing age (Table 5.19). Around 20% of remand *episodes* for those aged 15 years or over ended with 'sentenced' and 6% (or about one-third of those sentences) led to an immediately following *episode* of detention for those young people. The ending of a remand *episode* by being released on bail was least common for those young people aged 14–16 years.

Table 5.19: Reason for exit from remand *episodes*, by age, Australia, 2004–05

Reason for exit from remand	10	11	12	13	14	15	16	17	18+	Total
(number of remand <i>episodes</i>)										
Released on bail	10	60	173	420	689	931	1,067	1,100	200	4,650
Matters proven/charges dismissed	—	2	10	13	13	18	21	16	15	108
Sentenced	1	14	51	129	264	418	447	277	74	1,675
<i>Next episode type: detention</i>	—	1	7	19	48	111	125	127	30	468
Other	6	39	118	278	480	628	665	467	92	2,773
Total	17	115	352	840	1,446	1,995	2,200	1,860	381	9,206
(per cent of remand <i>episodes</i>)										
Released on bail	58.8	52.2	49.1	50.0	47.6	46.7	48.5	59.2	52.6	50.5
Matters proven/charges dismissed	—	1.7	2.8	1.5	0.9	0.9	1.0	0.9	3.9	1.2
Sentenced	5.9	12.2	14.5	15.4	18.3	21.0	20.3	14.9	19.5	18.2
<i>Next episode type: detention</i>	—	0.9	2.0	2.3	3.3	5.6	5.7	6.8	7.9	5.1
Other	35.3	33.9	33.5	33.1	33.2	31.5	30.2	25.1	24.1	30.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Other includes breached, transferred, more serious order begun, escaped/absconded, died and other reasons for exit.
2. Tasmania is excluded as pre-sentence data were unavailable.
3. Age is calculated as at entry to the *episode*.

5.5 Aboriginal and Torres Strait Islander young people

In this section, comparisons are made between Aboriginal and Torres Strait Islander and non-Indigenous young people, including the number and length of *supervision periods* and the types of supervision.

In 2004–05 Aboriginal and Torres Strait Islander young people had a higher proportion of two or more *supervision periods* during the year than non-Indigenous young people (Table 5.20). Around 22% of Aboriginal and Torres Strait Islander young people completed two or more *supervision periods* during the year, compared with around 15% of non-Indigenous young people.

Table 5.20: Young people, by number of completed *supervision periods* and Indigenous status, Australia, 2004–05

Number of <i>supervision periods</i> completed	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
(number of young people)				
1	2,442	4,101	390	6,933
2	461	476	17	954
3	149	139	5	293
4+	88	85	2	175
Total	3,140	4,801	414	8,355
(per cent of young people)				
1	77.8	85.4	94.2	83.0
2	14.7	9.9	4.1	11.4
3	4.7	2.9	1.2	3.5
4+	2.8	1.8	0.5	2.1
Total	100.0	100.0	100.0	100.0

Aboriginal and Torres Strait Islander young people on average completed shorter *supervision periods* during 2004–05 than non-Indigenous young people (Table 5.21). Over 38% of *supervision periods* completed by Indigenous young people during 2004–05 were less than 1 month long, compared with 33% of those completed by non-Indigenous young people. Non-Indigenous young people completed relatively more *supervision periods* of 6–24 months in length than Indigenous young people. This may be due to Indigenous young people having generally shorter *episodes* of supervision (see Table 5.22) or to the types of *episodes* contained in their *supervision periods* (see Table 5.23).

Table 5.21: Completed *supervision periods*, by length and Indigenous status, Australia, 2004–05

Length of completed <i>supervision periods</i>	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
(number of completed <i>supervision periods</i>)				
Less than 7 days	1,078	1,473	61	2,612
7 to less than 14 days	254	196	4	454
14 days to less than 1 month	291	261	17	569
1 to less than 3 months	521	558	38	1,117
3 to less than 6 months	572	732	86	1,390
6 to less than 9 months	483	795	68	1,346
9 to less than 12 months	268	457	42	767
12 to less than 24 months	589	1,146	97	1,832
24+ months	174	275	34	483
Total	4,230	5,893	447	10,570
(per cent of completed <i>supervision periods</i>)				
Less than 7 days	25.5	25.0	13.6	24.7
7 to less than 14 days	6.0	3.3	0.9	4.3
14 days to less than 1 month	6.9	4.4	3.8	5.4
1 to less than 3 months	12.3	9.5	8.5	10.6
3 to less than 6 months	13.5	12.4	19.2	13.2
6 to less than 9 months	11.4	13.5	15.2	12.7
9 to less than 12 months	6.3	7.8	9.4	7.3
12 to less than 24 months	13.9	19.4	21.7	17.3
24+ months	4.1	4.7	7.6	4.6
Total	100.0	100.0	100.0	100.0

Note: *Supervision periods* that began prior to 1 July 2000 are excluded from this table.

Consistent with the finding that Aboriginal and Torres Strait Islander young people tended to complete shorter *supervision periods*, the median length of *episodes* of most types of juvenile justice supervision was also shorter than those of non-Indigenous young people (Table 5.22). Aboriginal and Torres Strait Islander young people had shorter median *episode* lengths in community-based pre-sentence supervision and in all types of sentenced supervision. Remand *episodes* were the only type in which Indigenous young people had a greater median length than non-Indigenous young people (5 and 2 days respectively).

Table 5.22: Episodes, median length in days, by episode type and Indigenous status, Australia, 2004–05

<i>Episode type</i>	Indigenous	Non-Indigenous	Unknown/not recorded	Total
Pre-sentence				
Community	38	49	57	43
Detention	5	2	1	3
Sentenced				
Community	114	173	183	144
Detention	68	94	202	82
Parole or supervised release	74	96	126	89

Notes

1. In this table, contiguous detention *episodes* of the same type that are separated by a transfer within detention are considered to be one *episode* and their length summed.
2. *Episodes* that began prior to 1 July 2000 are excluded from this table.
3. The use of the *episode* hierarchy may shorten or hide *episodes* which are lower on the hierarchy.
4. Tasmania excluded from pre-sentence as data were unavailable.

In 2004–05 a lower proportion of the *supervision periods* of Aboriginal and Torres Strait Islander young people contained *episodes* of community-based supervision, and a higher proportion contained *episodes* of detention, than comparable *supervision periods* of non-Indigenous young people (Table 5.23). This pattern was found for both pre-sentence and sentenced *episodes*.

In 2004–05, 52% of *supervision periods* experienced by Aboriginal and Torres Strait Islander young people contained *episodes* of pre-sentence detention (remand), compared with 43% for non-Indigenous young people. While pre-sentence community supervision was relatively uncommon for all young people (10%), almost twice as many *supervision periods* of non-Indigenous young people contained such *episodes* compared with those of Indigenous young people.

Supervision periods of Aboriginal and Torres Strait Islander young people were more likely than those of non-Indigenous young people to contain sentenced detention. The proportion of *supervision periods* containing sentenced detention for Indigenous young people was 12% in 2004–05. For non-Indigenous young people the proportion was 9% in 2004–05. The likelihood of *supervision periods* to contain *episodes* of sentenced community-based supervision was consistently greater for non-Indigenous than Indigenous young people. In 2004–05, 51% of *supervision periods* of Indigenous young people contained sentenced community-based supervision compared with around 57% for non-Indigenous young people. Percentages will not add to 100% because each *supervision period* may contain more than one type of *episode*.

Table 5.23: Supervision periods, by episode type and Indigenous status, Australia, 2004–05 (per cent)

<i>Episode type</i>	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
Pre-sentence				
Community	7.3	13.1	4.7	10.3
Detention	51.9	43.4	20.5	46.0
Sentenced				
Community	51.5	56.5	72.6	55.1
Detention	12.3	8.9	7.2	10.2
Other	18.7	11.7	15.1	14.8

Notes

1. Data on unsupervised bail are not collected in the NMDS.
2. Column percentages will not add to 100% because each *supervision period* may contain more than one *episode* type.
3. Tasmania excluded from pre-sentence as data were unavailable.
4. Other includes: immediate release or suspended detention, parole or supervised released, home detention, other sentenced *episode* type.

Differences were found between Aboriginal and Torres Strait Islander and non-Indigenous young people for reasons for exiting remand *episodes*, both in the proportion released on bail and the proportion having an immediate detention *episode* after being sentenced (Table 5.24).

In 2004–05, the proportion of remand *episodes* of Indigenous young people ending by being released on bail was less than the proportion for non-Indigenous young people (43% for Indigenous and 58% for non-Indigenous). A higher proportion of Aboriginal and Torres Strait Islander young people had a detention *episode* immediately following a remand episode ending with 'sentenced' than non-Indigenous young people.

Table 5.24: Reason for exit from remand *episodes*, by Indigenous status, 2004–05

Reason for exit from remand	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
(number of remand episodes)				
Released on bail	1,977	2,587	85	4,649
Matters proven/charges dismissed	49	51	8	108
Sentenced	909	754	13	1,676
<i>Next episode type: sentenced detention</i>	252	213	3	468
Other	1,696	1,058	17	2,771
Total	4,631	4,450	123	9,204
(per cent of remand episodes)				
Released on bail	42.7	58.1	69.1	50.5
Matters proven/charges dismissed	1.1	1.1	6.5	1.2
Sentenced	19.6	16.9	10.6	18.2
<i>Next episode type: sentenced detention</i>	5.4	4.8	2.4	5.1
Other	36.6	23.8	13.5	30.1
Total	100.0	100.0	100.0	100.0

Notes

1. Other includes breached, transferred, more serious order begun, escaped/absconded, died and other reasons for exit.
2. Tasmania is excluded as pre-sentence data were unavailable.

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5.6 Reasons for exit from *episodes*

The relationship among the various types of juvenile justice supervision, as represented by *episode* types, and the reasons why those *episodes* ended provides information about the flow of young people through supervision. This section looks at different types of supervision such as community-based and detention-based, and various possible outcomes including conditions of sentence met, breach and more serious order begun. When reading Table 5.25, it should be remembered that the NMDs can count only one *episode* occurring at any one time. Therefore where more than one *episode* is current, the most serious type according to the *episode* hierarchy is counted. This may hide the outcomes of some *episode* types, as indicated by the use of reason for exit 'more serious order begun'.

Just under 60% of community supervision *episodes* ended with 'conditions of sentence met'. Detention *episodes* were likely to end with either 'conditions of sentence met' (30%) or 'released on parole/supervised release' (41%). The *episode* type with the highest record of 'breached' was parole or supervised release (27%).

The proportion of community-based *episodes* ending with a reason for exit of 'more serious order begun' was relatively high, ranging from 18% to 37%. Further analysis revealed that over two-thirds (68%) of *episodes* following this reason for exit were of pre-sentence detention.

Table 5.25: Completed *episodes*, by *episode* type and reason for exit, Australia, 2004–05 (per cent)

Reason for exit	Pre-sentence community	Pre-sentence detention	Community supervision	Detention	Immediate release or suspended detention	Parole or supervised release	Other
Released on bail	—	63.3	—	1.8	—	—	9.9
Sentenced	7.9	22.8	—	0.8	—	—	0.6
Transferred	—	0.9	0.3	9.0	0.2	—	—
Breached	11.2	—	7.8	0.0	16.3	26.6	2.5
More serious order begun	36.8	0.2	26.1	0.0	17.9	18.4	3.7
Conditions of sentence met	0.2	0.1	59.1	29.8	51.4	52.7	17.4
Released on parole/supervised release	—	0.2	—	41.3	—	—	—
Matters proven/charges dismissed	—	1.5	—	0.3	—	—	—
Other	43.9	11	6.7	17.2	14.2	2.2	65.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Transferred does not include transfers from one detention centre to another within a jurisdiction in the same *supervision period*.
2. Pre-sentence excludes Tasmania for which reason for exit data were unavailable.
3. Some reasons for exit may be due to the result of an appeal.

5.7 Age at first supervision

This section examines the relationship between contact with juvenile justice supervision at an early age and subsequent experience of supervision in later years. The population of interest for the tables and figures includes young people whose first ever contact with juvenile justice supervision occurred during 2000–2001, and who were aged between 10 and 14 years at that time. The supervision periods of these young people are followed from their initial contact during 2000–01 through until 2004–05. Young people in this age group in 2000–01 are within the age range for having further contact with the juvenile justice system over the entire 2000–01 to 2004–05 period. People who were aged 15 or older in 2000–01 are not included in this analysis as they would be aged over 18 by 2004–05. For example, those aged 16 in 2000–01 would be less likely to be under juvenile justice supervision in 2004–05 as they would be aged 19 or 20 years and as seen in Section 3.3, young people are much less likely to be in juvenile justice supervision when aged 18 or over because of the legislative definition of juveniles.

Many young people who experience juvenile justice supervision appear once and do not return to juvenile justice supervision. One of the factors associated with returning to juvenile justice supervision is the age of first contact.

Tables 5.26 and 5.27 represent two ways of examining the subsequent supervision experience of this group of young people (aged 10–14 years) who had their first ever juvenile justice supervision during 2000–01. Table 5.26 shows the number who had their last *supervision period* in each of the five years. For example, of the 31 young people aged 11 in 2000–01, 7 had their last *supervision period* in that year.

The younger people were when they entered their first *supervision period*, the more likely they were to re-enter juvenile justice supervision during subsequent years; 44% of those aged 14 years in 2000–01 had their first and last *supervision period* during that year, compared to around 20% (29 of 146) of those aged 10–12 years. Over one-third of this latter age group (52 of 146 or 36%) were under juvenile justice supervision four years later in 2004–05.

Table 5.26: Young people with first ever juvenile justice supervision in 2000–01, year of entry to last supervision period, by age at first supervision, 2000–01 to 2004–05

Age at first supervision in 2000–01	2000–01	2001–02	2002–03	2003–04	2004–05	Total
(number of young people)						
10	3	1	—	4	4	12
11	7	4	3	6	11	31
12	19	7	21	19	37	103
13	105	33	49	48	54	289
14	277	99	107	106	39	628
(per cent of young people)						
10	25.0	8.3	—	33.3	33.3	100.0
11	22.6	12.9	9.7	19.4	35.5	100.0
12	18.4	6.8	20.4	18.4	35.9	100.0
13	36.3	11.4	17.0	16.6	18.7	100.0
14	44.1	15.8	17.0	16.9	6.2	100.0

Notes

1. May not represent the young person's last ever supervision period. Data are subject to change as data for later years become available. For example, the proportion of those aged 10 years in 2000–01 and who entered their last recorded supervision period that year (25%) would decrease if at least one of these young people had a supervision period in 2005–06.
2. Caution should be taken in interpreting these results as those aged 14 years in 2000–01 would turn 18 years old in 2004–05, and many jurisdictions do not encompass 18 year olds in their juvenile justice legislation (see AIHW 2006 Appendix B).
3. Australian Capital Territory excluded as data from 2000–01 to 2002–03 were unavailable.

Table 5.27 shows the number of young people who have begun a new supervision period during each year from 2000–01 to 2004–05. For example, of the 31 people aged 11 who had their first ever supervision period in 2000–01, 10 also began a supervision period in 2001–02, 10 in 2002–03 and so on. The number does not necessarily decrease from year to year as a person may have, for example, no supervision period in 2001–02, but begin one in 2002–03.

There was a generally decreasing proportion of young people returning to juvenile justice supervision each year. Those aged 10–12 in 2000–01 were likely to remain in the NMDS for longer than those who were older during that initial juvenile justice supervision. Around 35% of young people aged 10–12 during 2000–01 were still in supervision during 2004–05 (Table 5.27). This drops to 19% for those who began supervision when aged 13 years, and to 6% for those who began when aged 14 years.

Table 5.27: Young people with first ever juvenile justice supervision in 2000–01, number in new supervision period each year, by age at first supervision, 2000–01 to 2004–05

Age at first supervision in 2000–01	2000–01	2001–02	2002–03	2003–04	2004–05
(number of young people)					
10	12	6	4	5	4
11	31	10	10	10	11
12	103	39	44	36	37
13	289	103	100	71	54
14	628	218	177	127	39
15	877	216	150	43	16
16	1,182	217	74	27	8
17	880	81	23	2	2
18	219	12	2	—	—
(per cent of young people)					
10	100.0	50.0	33.3	41.7	33.3
11	100.0	32.3	32.3	32.3	35.5
12	100.0	37.9	42.7	35.0	35.9
13	100.0	35.6	34.6	24.6	18.7
14	100.0	34.7	28.2	20.2	6.2
15	100.0	24.6	17.1	4.9	1.8
16	100.0	18.4	6.3	2.3	0.7
17	100.0	9.2	2.6	0.2	0.2
18	100.0	5.5	0.9	—	—

Notes

1. This table shows young people who had their first ever juvenile justice supervision in 2000–01 and who began a new supervision period at some point in subsequent years. Young people are entering and leaving juvenile justice supervision on a regular basis so it should not be assumed those under juvenile justice supervision in a particular year are the same young people who were under juvenile justice supervision during the previous year.
2. Some young people may be in supervision during subsequent years but not appear in the figures because they are continuing one long supervision period rather than beginning a new one. For the relationship between age and length of supervision period, see Table 5.16.
3. Caution should be taken in interpreting these results as those aged 14 years in 2000–01 would turn 18 years old in 2004–05, and many jurisdictions do not encompass 18 year olds in their juvenile justice legislation (see AIHW 2006 Appendix B).
4. Australian Capital Territory excluded as data from 2000–01 to 2002–03 were unavailable.

Table 5.28 shows the total number of supervision periods per young person during 2000–01 to 2004–05 for young people aged 10–14 years at first contact in 2000–01. From age 12, young people experienced fewer supervision periods as the age of first contact increased: 45% of 10–12 years olds at first contact experienced at least 4 supervision periods during the five years compared to 27% of those aged 13 or 14 years at first contact.

Table 5.28: Young people with first juvenile justice supervision in 2000–01, total number of completed supervision periods, by age at first supervision, 2000–01 to 2004–05

Total number of completed supervision periods	Age at first supervision in 2000–01					Total
	10	11	12	13	14	
	(number of young people)					
1	3	6	14	79	238	340
2	—	8	29	57	142	236
3	3	8	9	53	98	171
4+	6	9	51	100	150	316
Total	12	31	103	289	628	1,063
	(per cent of young people)					
1	25.0	19.4	13.6	27.3	37.9	32.0
2	—	25.8	28.2	19.7	22.6	22.2
3	25.0	25.8	8.7	18.3	15.6	16.1
4+	50.0	29.0	49.5	34.6	23.9	29.7
Total	100.0	100.0	100.0	100.0	100.0	100.0

Note: Australian Capital Territory excluded as data from 2000–01 to 2002–03 were unavailable.

Table 5.29 shows the total number of *supervision periods* per person for the period 2000–01 to 2004–05 for young people aged 10–14 years at first contact in 2000–01, by Indigenous status. The relationship found in Table 5.28 between the age of first contact and the overall number of supervision periods completed is stronger for Indigenous than non-Indigenous young people. For non-Indigenous young people, 41% of those aged 10–12 in 2000–01 had at least 4 supervision periods, compared to 50% of Indigenous 10–12 year olds.

Table 5.29: Young people with first juvenile justice supervision in 2000–01, total number of supervision periods, by age at first supervision and Indigenous status, 2000–01 to 2004–05

Total number of supervision periods	Age at first supervision in 2000–01					Total
	10	11	12	13	14	
(number of young people)						
Indigenous						
1	—	—	6	20	45	71
2	—	6	13	17	36	72
3	2	4	7	22	34	69
4+	4	4	30	50	63	151
Total	6	14	56	109	178	363
Non-Indigenous						
1	3	5	8	51	176	243
2	—	2	15	39	103	159
3	1	4	2	31	63	101
4+	2	5	21	50	86	164
Total	6	16	46	171	428	667
(per cent of young people)						
Indigenous						
1	—	—	10.7	18.3	25.3	19.6
2	—	42.9	23.2	15.6	20.2	19.8
3	33.3	28.6	12.5	20.2	19.1	19.0
4+	66.7	28.6	53.6	45.9	35.4	41.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
Non-Indigenous						
1	50.0	31.3	17.4	29.8	41.1	36.4
2	—	12.5	32.6	22.8	24.1	23.8
3	16.7	25.0	4.3	18.1	14.7	15.1
4+	33.3	31.3	45.7	29.2	20.1	24.6
Total	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Caution should be taken in interpreting these results, as those aged 14 years in 2000–01 would be 18 years old in 2004–05, and many jurisdictions do not encompass 18 year olds in their juvenile justice legislation (see AIHW 2006 Appendix B).
2. Australian Capital Territory excluded as data for age at first contact were unavailable.
3. 33 young people whose Indigenous status was unknown or not recorded were excluded.

Table 5.30 examines the supervision experience of young people in the year they turned 14, which may be any time in the period 2000–01 to 2004–05. For this group the table shows the proportion of sentenced *episode* types following remand (pre-sentence detention) by their age at first contact with juvenile justice supervision in 2000–01.

People who were older at first contact tended to receive more community supervision following remand than did those who were younger at first contact (Table 5.30). When aged 14, just over one-third (35%) of sentenced *episode* types following remand were community supervision for those aged 10 years at first contact, compared to 76% for those aged 14 years at first contact.

Conversely, those who were older at first contact tended to receive sentenced detention less often than those who were younger at first contact. Those aged 10 or 11 years at first contact experienced sentenced detention at least 40% of the time after remand, compared to 13% for those aged 14 years at first contact.

Table 5.30: Sentenced *episode* types following remand, young people aged 14 years, by age at first juvenile justice supervision, 2000–01 to 2004–05

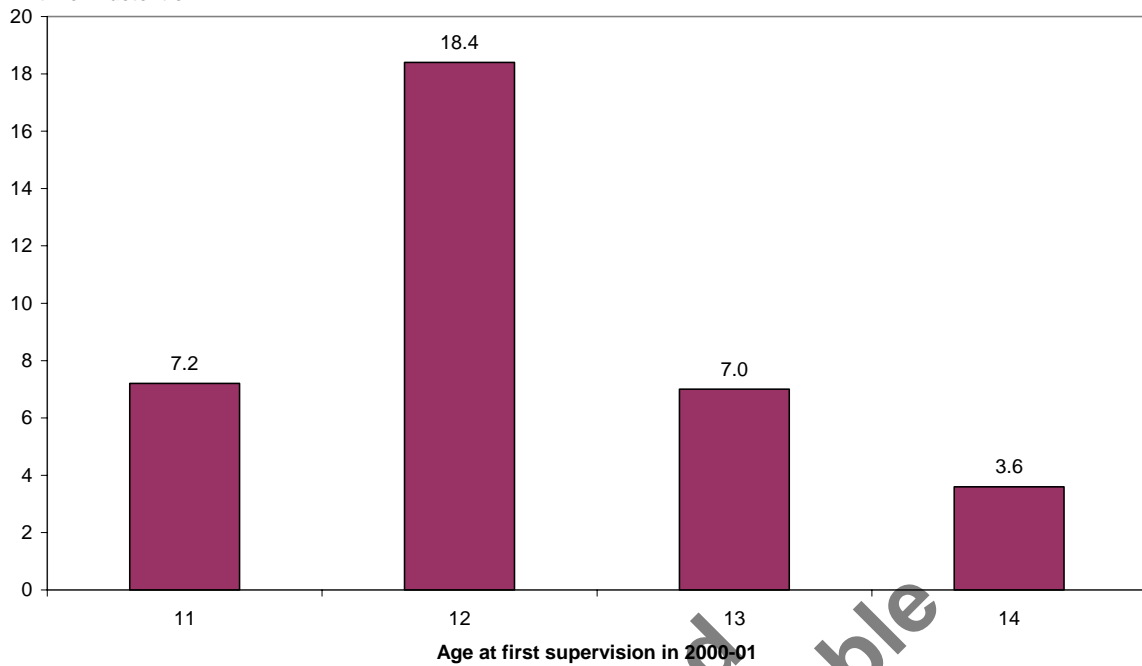
Sentenced <i>episode</i> type	Age at first supervision in 2000–01				
	10	11	12	13	14
	(number of episodes)				
Community	31	47	183	353	2,154
Detention	43	50	87	127	363
Other	15	28	55	84	325
Total	89	125	325	564	2,842
	(per cent of episodes)				
Community	35.0	38.0	56.0	63.0	76.0
Detention	48.0	40.0	27.0	23.0	13.0
Other	17.0	22.0	17.0	15.0	11.0
Total	100.0	100.0	100.0	100.0	100.0

Notes

1. Totals will not equal number of young people as some young people had more than one sentenced *episode*.
2. Only *supervision periods* where the age of the young person was 14 years at the beginning of the *supervision period* contribute to this table.
3. Other includes: immediate release or suspended detention, parole or supervised released, home detention, other sentenced *episode* type.

Regardless of the age at first contact, the proportion of time in sentenced detention increased over the five years. Those who had first contact at a younger age tended to spend a higher proportion of time in sentenced detention than those who had first contact at an older age. Figure 5.3 shows that those who were aged 12 years at first contact in 2000–01 spent, on average, 18% of their time in sentenced detention when they were aged 14 years in 2002–03. In comparison, those who were aged 14 years at first contact in 2000–01 spent, on average, only 4% of their time in sentenced detention that year.

Average proportion of time in detention



Source: Table 5.32.

Figure 5.3: Average proportion of time in sentenced detention from all sentenced *episodes* when aged 14 years, by age at first juvenile justice supervision in 2000-01

Tables 5.31 and 5.32 give the underlying figures used to calculate the proportion of sentenced person days spent in detention.

Table 5.31: Young people aged 10 to 14 years at first ever juvenile justice supervision in 2000–01, number of person days spent in *episodes*, by age at first contact, 2000–01 to 2004–05

Age at first supervision in 2000–01	Episode type	2000–01	2001–02	2002–03	2003–04	2004–05
		(number of person days)				
10	Sentenced detention	—	43	—	—	183
	Sentenced community	2,583	3,076	1,337	412	—
	Sentenced other	—	622	39	87	49
	Total	2,583	3,741	1,376	499	232
11	Sentenced detention	552	164	260	103	3
	Sentenced community	6,148	1,718	2,050	1,270	354
	Sentenced other	210	140	—	65	232
	Total	6,910	2,022	2,310	1,438	589
12	Sentenced detention	1,729	1,448	1,752	1,192	248
	Sentenced community	23,369	10,356	6,671	3,249	819
	Sentenced other	2,250	849	1,089	1,336	337
	Total	27,348	12,653	9,512	5,777	1,404
13	Sentenced detention	4,299	1,865	3,618	2,225	848
	Sentenced community	68,981	21,621	15,447	7,286	1,018
	Sentenced other	3,866	3,305	3,722	1,191	417
	Total	77,146	26,791	22,787	10,702	2,283
14	Sentenced detention	5,814	5,232	5,491	3,926	415
	Sentenced community	144,851	53,266	32,235	12,557	756
	Sentenced other	10,039	5,168	7,004	3,680	765
	Total	160,704	63,666	44,730	20,163	1,936

Table 5.32: Young people aged 10 to 14 years at first ever juvenile justice supervision in 2000–01, per cent of person days spent in *episodes*, by age at first contact, 2000–01 to 2004–05

Age at first supervision in 2000–01	Episode type	2000–01	2001–02	2002–03	2003–04	2004–05
		(per cent of person days)				
10	Sentenced detention	—	1.1	—	—	78.9
	Sentenced community	100.0	82.2	97.2	82.6	—
	Sentenced other	—	16.6	2.8	17.4	21.1
	Total	100.0	100.0	100.0	100.0	100.0
11	Sentenced detention	8.0	8.1	11.3	7.2	0.5
	Sentenced community	89.0	85.0	88.7	88.3	60.1
	Sentenced other	3.0	6.9	—	4.5	39.4
	Total	100.0	100.0	100.0	100.0	100.0
12	Sentenced detention	6.3	11.4	18.4	20.6	17.7
	Sentenced community	85.5	81.8	70.1	56.2	58.3
	Sentenced other	8.2	6.7	11.4	23.1	24.0
	Total	100.0	100.0	100.0	100.0	100.0
13	Sentenced detention	5.6	7.0	15.9	20.8	37.1
	Sentenced community	89.4	80.7	67.8	68.1	44.6
	Sentenced other	5.0	12.3	16.3	11.1	18.3
	Total	100.0	100.0	100.0	100.0	100.0
14	Sentenced detention	3.6	8.2	12.3	19.5	21.4
	Sentenced community	90.1	83.7	72.1	62.3	39.0
	Sentenced other	6.2	8.1	15.7	18.3	39.5
	Total	100.0	100.0	100.0	100.0	100.0

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5.8 Age at first detention

This section examines the age at which young people first experience detention (either pre-sentence or sentenced) and the relationship between this and their age at initial juvenile justice supervision as well as the overall number of *supervision periods* completed during 2000–01 to 2004–05.

Table 5.33 shows that overall 43% of young people experienced pre-sentence or sentenced detention in their first *supervision period*. Some young people experienced both. From age 12, the proportion of young people experiencing detention during their first *supervision period* decreased as the age at first contact increased. In the younger age groups, detention in a first *supervision period* was most often pre-sentence remand. Sentenced detention *episodes* in a first *supervision period* were unusual, except for those aged 18 years or over.

Table 5.33: Age at first juvenile justice supervision, by presence or absence of detention episodes in the first supervision period, 2000–01 to 2004–05

	Age at first supervision									Total
	10	11	12	13	14	15	16	17	18+	
(number of young people)										
First supervision period contained detention	86	210	482	1,011	1,693	2,250	2,526	1,760	711	10,729
Pre-sentence detention	84	202	466	994	1,666	2,189	2,469	1,668	272	10,010
Sentenced detention	4	18	35	76	106	159	176	185	466	1,225
First supervision period did not contain detention	107	257	454	1,102	2,012	2,962	3,644	2,797	838	14,173
Total	193	467	936	2,113	3,705	5,212	6,170	4,557	1,549	24,902
(per cent of young people)										
First supervision period contained detention	44.6	45.0	51.5	47.8	45.7	43.2	40.9	38.6	45.9	43.1
Pre-sentence detention	43.5	43.3	49.8	47.0	45.0	42.0	40.0	36.6	17.6	40.2
Sentenced detention	2.1	3.9	3.7	3.6	2.9	3.1	2.9	4.1	30.1	4.9
First supervision period did not contain detention	55.4	55.0	48.5	52.2	54.3	56.8	59.1	61.4	54.1	56.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Excludes ACT as data on date of first contact were unavailable.
2. The first supervision period for some young people contained both pre-sentence detention and sentenced detention

Table 5.34 compares the total number of *supervision periods* per young person for those who experienced detention in their first *supervision period* and those who did not. The population for this table is young people aged 10 to 14 years in 2000–01. In Australia overall, 80% of young people who experienced early detention had more than one *supervision period*, compared to 55% for other young people. This pattern was consistent across the jurisdictions.

Table 5.34: Young people aged 10 to 14 years at first supervision period in 2000–01, detention in first supervision period by total number of supervision periods, states and territories, 2000–01 to 2004–05

First supervision period contained JJ detention?	NSW		Vic		Qld		WA		SA		Tas		NT		Australia	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Total number of supervision periods per young person	(number of young people)															
1	36	38	5	71	41	80	13	8	9	24	3	3	3	6	110	230
2	28	18	8	40	47	54	9	1	19	9	—	—	3	—	114	122
3	41	12	5	17	31	34	2	3	12	12	1	—	1	—	93	78
4+	125	17	17	28	24	23	21	6	30	18	—	—	7	—	224	92
Total	230	85	35	156	143	191	45	18	70	63	4	3	14	6	541	522
	(percent of young people)															
1	15.7	44.7	14.3	45.5	28.7	41.9	28.9	44.4	12.9	38.1	75.0	100.0	21.4	100.0	20.3	44.1
2	12.2	21.2	22.9	25.6	32.9	28.3	20.0	5.6	27.1	14.3	—	—	21.4	—	21.1	23.4
3	17.8	14.1	14.3	10.9	21.7	17.8	4.4	16.7	17.1	19.0	25.0	—	7.1	—	17.2	14.9
4+	54.3	20.0	48.6	17.9	16.8	12.0	46.7	33.3	42.9	28.6	—	—	50.0	—	41.4	17.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. ACT excluded as data from 2000–01 to 2002–03 were unavailable.
2. The population of this table is young people who first had juvenile justice supervision during 2000–01 whilst aged 10–14 years. The number of supervision periods experienced per young person is affected by how old each client was at the start of the collection period. For example young people aged 17 in 2000–01 could only accumulate supervision periods in 2000–01 and 2001–02 (in most jurisdictions). Young people aged 10 to 14 years in 2000–01 can accumulate supervision periods in all five years in most jurisdictions.

Overall, 41% of those who had detention in their first supervision period in 2000–01 while aged 10 to 14 years had 4 or more supervision periods compared to 18% of those who did not have detention in their first supervision period in 2000–01 while aged 10 to 14 years (Figure 5.4).

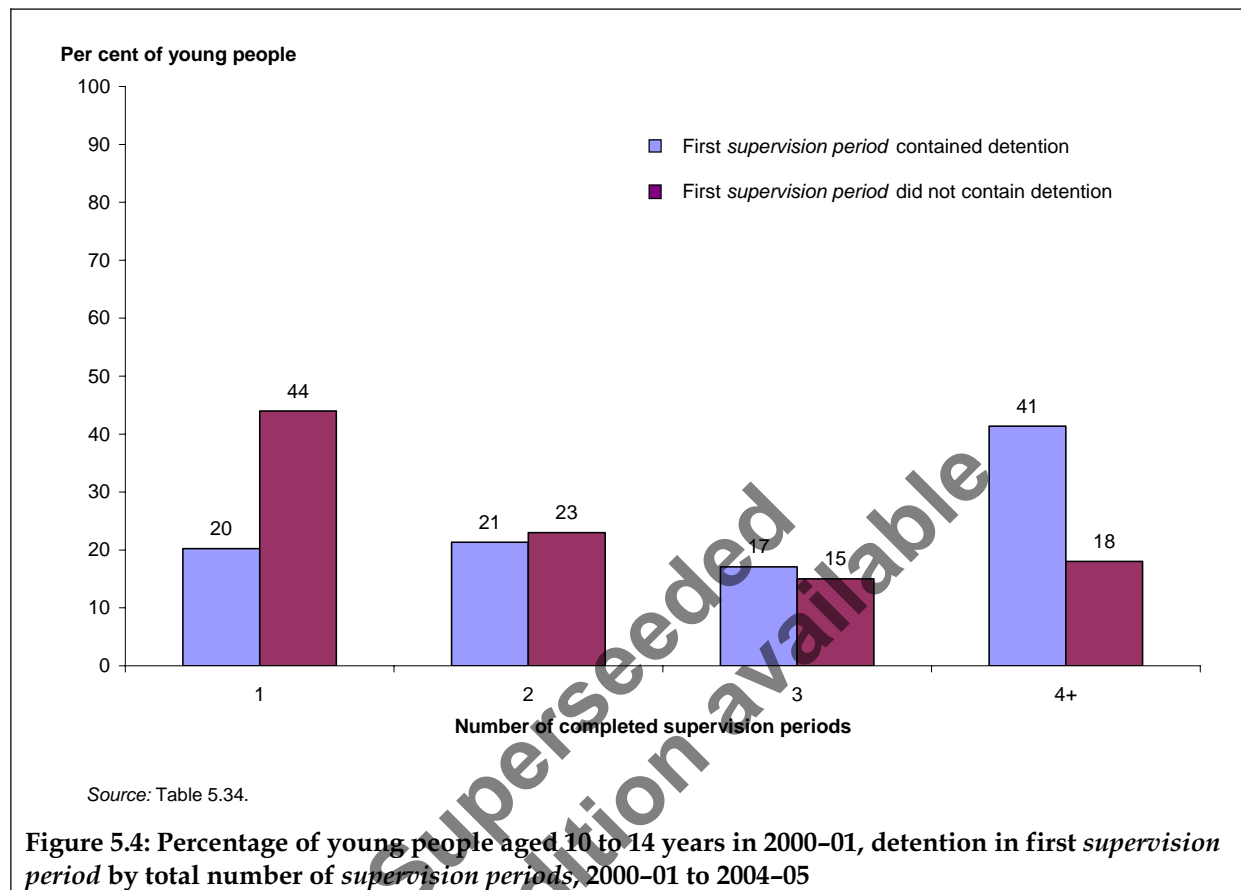


Table 5.35 examines the relationship between experiencing detention in the first *supervision period*, and the total number of *supervision periods* for the young person, by age at first contact. The table shows young people aged 10 to 14 years at their first *supervision period* in 2000–01 who either did or did not have a detention *episode* during that first *supervision period*. The association between early detention and a higher overall number of *supervision periods* is more evident the younger the age at first contact with juvenile justice supervision. Over two-thirds (68%) of young people who experienced early detention when aged 12 or under at the time completed at least 3 supervision periods. This compares to 55% for those whose first contact, including detention, occurred at 14 years of age.

Table 5.35: Young people aged 10 to 14 years in 2000–01 at first supervision period, detention in first supervision period by total number of supervision periods per young person, by age at first contact, 2000–01 to 2004–05

First supervision period contained JJ detention?	Age at first contact														Total	
	10		11		12		13		14		14		14		Total	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Total number of supervision periods per young person	(number of young people)															
1	—	3	1	5	6	8	27	52	76	162	110	230				
2	—	—	5	3	14	15	34	23	61	81	114	122				
3	2	1	3	3	3	6	28	25	55	43	93	78				
4+	3	3	4	5	38	13	69	31	110	40	224	92				
Total	5	7	15	16	61	42	158	131	302	326	541	522				
	(per cent of young people)															
1	—	42.9	6.7	31.3	9.8	19.0	17.1	39.7	25.2	49.7	20.3	44.1				
2	—	—	33.3	18.8	23.0	35.7	21.5	17.6	20.2	24.8	21.1	23.4				
3	40.0	14.3	33.3	18.8	4.9	14.3	17.7	19.1	18.2	13.2	17.2	14.9				
4+	60.0	42.9	26.7	31.3	62.3	31.0	43.7	23.7	36.4	12.3	41.4	17.6				
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0				

Notes

1. Australian Capital Territory excluded as data from 2000–01 to 2002–03 were unavailable.
2. The population of this table is young people who first had juvenile justice supervision during 2000–01 whilst aged 10–14 years. The number of supervision periods experienced per young person is affected by how old each client was at the start of the collection period. For example young people aged 17 in 2000–01 could only accumulate supervision periods in 2000–01 and 2001–02 (in most jurisdictions). Young people aged 10 to 14 years in 2000–01 can accumulate supervision periods in all four years in most jurisdictions

Summary

Supervision periods

Over 80% of young people completed one period of continuous juvenile justice supervision during 2004–05. A further 11% completed two *supervision periods*, leaving around 6% returning to the system frequently enough to complete 3 or more *supervision periods* within a year. Some young people may have also had a *supervision period* that was not completed by 30 June 2005.

The length of *supervision periods* completed during 2004–05 varied greatly from less than 7 days (25%) to 12 months or longer (22%). These represent very different types of experiences, with very short *supervision periods* likely to contain *episodes* of pre-sentence detention (remand). *Supervision periods* of medium length were more likely to contain *episodes* of sentenced detention, whereas *supervision periods* of longer length were more likely to contain *episodes* of community-based supervision.

For about 31% of those young people completing one *supervision period* during 2004–05, that *supervision period* lasted for over 12 months. About half of these young people were likely to have one long sentenced community-based *episode*. However, for about 13% of all young people, that one long *supervision period* contained multiple discrete *episodes* rather than one long *episode*.

Community supervision and detention

The majority of juvenile justice supervision was community-based rather than detention-based. Detention usually occurred less frequently and was shorter in length than community supervision. The median length of sentenced community-based supervision *episodes* was 153 days compared with 82 days for *episodes* of sentenced detention. For pre-sentence *episodes*, the median length of remand was 3 days. Overall, almost 70% of the total durations of *supervision periods* finished in 2004–05 were spent in sentenced community *episodes*.

The two most common *supervision periods* were those containing community-based sentenced *episodes* with no pre-sentence *episodes* (36%), and those with pre-sentence detention *episodes* and no sentenced *episodes* (32%).

Sex comparisons

The relationship between the sex of the young person and the experience of juvenile justice supervision is complex. The proportion completing a high number of short *supervision periods* within a year was higher for females than males during 2004–05. There was a small difference seen in the proportion of males (1.9%) and females (3.2%) completing 4 or more *supervision periods* during the year. *Supervision periods* were likely to be shorter for females (34% were less than 14 days) than males (28% were less than 14 days).

The *supervision periods* experienced by females were less likely than those of males to contain sentenced detention *episodes* (5% and 11% respectively during 2004–05). When sentenced *episodes* did occur though, they had a longer median length than those of males. *Episodes* of sentenced community-based supervision of females during 2004–05 were 35 days longer

than those of males. For sentenced detention *episodes*, however, males had a median *episode* length 16 days longer than females.

Release on bail as an exit from a remand *episode* was more common among females than males.

Age comparisons

The experience of juvenile justice supervision varies considerably with the age of the young person. These differences are apparent in the number and length of *supervision periods*, as well as in the likelihood of experiencing community and detention *episode* types, and the length of that community or detention-based supervision.

The youngest people completed fewer and shorter *supervision periods*, while those aged 15 years or older also completed fewer but longer *supervision periods*. Young people aged 11–14 were the most likely to have completed a high number of short *supervision periods*.

Supervision periods experienced by 11–13 year olds were more likely to have included *episodes* of pre-sentence and sentenced detention than those of young people aged 15–17 years. Sentenced detention was most likely to be included in *supervision periods* of those aged 18 years or over.

The likelihood of remand *episodes* ending with being sentenced and an immediately following *episode* of detention increased with age.

Aboriginal and Torres Strait Islander young people

Aboriginal and Torres Strait Islander young people were over-represented within juvenile justice supervision and also experienced differences in supervision compared with non-Indigenous young people. Indigenous young people under juvenile justice supervision tended to be younger than non-Indigenous young people, and also younger when they experienced their first ever juvenile justice supervision. Indigenous young people under juvenile justice supervision included a greater proportion of females than non-Indigenous young people.

Aboriginal and Torres Strait Islander young people were more likely to complete a high number of short *supervision periods* in a year. During 2004–05, 38% of *supervision periods* completed by Indigenous young people were less than 1 month long compared with 33% for non-Indigenous young people.

Around 22% of Aboriginal and Torres Strait Islander young people under juvenile justice supervision completed two or more *supervision periods* in 2004–05, compared with around 15% of non-Indigenous young people.

Supervision periods experienced by Indigenous young people were more likely to contain *episodes* of detention and less likely to contain *episodes* of community-based supervision than those of non-Indigenous young people.

The proportion of Indigenous young people to exit *episodes* of remand by being released on bail was less than the proportion for non-Indigenous young people in 2004–05.

Reasons for exit from *episodes*

Just under 60% of sentenced community-based *episodes* ended with 'conditions of sentence met'. For pre-sentence detention *episodes* (remand), over 60% ended with the young person being released on bail. Sentenced detention was often followed by parole or supervised release (41%).

Age at first supervision

For young people aged 10–14 years during their first ever supervision, the younger people were when they entered that supervision, the more likely they were to re-enter juvenile justice supervision during subsequent years. Around 35% of young people who were aged 10–12 years during 2000–01 were also in supervision in 2004–05, compared to 19% for those who started aged 13 years, and 6% for 14 year olds.

The experience of juvenile justice supervision at an early age was also related to the likelihood of experiencing detention later on. For young people aged 14 years in remand, the likelihood of sentenced detention following remand varied with the age of the young person at their initial contact with juvenile justice supervision. For young people who were 10 or 11 at their first contact, the sentenced *episode* following a remand was detention at least 40% of the time when they were aged 14 years. This compares to 13% for those who were aged 14 years at first contact.

Age at first detention

Overall, 43% of young people experienced detention during their first ever juvenile justice supervision. This was usually pre-sentence detention, although of young people aged 18 years or over, 30% experienced sentenced detention in their initial juvenile justice supervisions.

Young people who had an early experience of detention were more likely to be in juvenile justice supervision in subsequent years. For 10–14 year olds who began supervision during 2000–01, of those who had early detention, 80% then had more than one *supervision period*, compared to 55% of young people who did not have detention during their initial juvenile justice supervision.

Appendix A: Juvenile justice legislation in Australia

Juvenile justice in Australia is governed by state and territory legislation. The Acts specifying the responsibilities of the juvenile justice departments that are relevant to this collection are listed below.

New South Wales

- *Young Offenders Act 1997* (Part 5 and Schedule 1)
- *Children (Community Service Orders) Act 1987*
- *Children (Detention Centres) Act 1987*
- *Children (Interstate Transfer of Offenders) Act 1988*

Victoria

- *Children and Young Persons Act 1989* (CYPA)
- *Sentencing Act 1991*
- *Crimes Act 1958*
- *Bail Act 1977*

(Note: NEW – ‘Children, Youth and Families Act 2005’ (CYFA) is anticipated to be enacted in 2007)

Queensland

- *Juvenile Justice Act 1992* (including *Juvenile Justice Amendment Act 1996*, *Juvenile Justice Amendment Act 1998*, *Juvenile Justice Amendment Act 2002*)
- *Juvenile Justice Regulations 2003*
- *Child Protection (Offender Reporting) Act 2004*
- *Young Offenders (Interstate Transfer) Act 1987*
- *Childrens Court Act 1992*

Western Australia

- *Young Offenders Act 1994*
- *Young Offenders Amendment Act 2004* (proclaimed on 1 January 2005)
- *Young Offenders Amendment Regulations 1995*
- *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*

- *Child Welfare Act 1947*
- *Bail Act 1982*

South Australia

- *Family and Community Services Act 1972*
- *Young Offenders Act 1993*
- *Criminal Law (Sentencing Act 1988)*
- *Bail Act 1985*

Tasmania

- *Youth Justice Act 1997*
- *Youth Justice Amendment Act 2003*
- *Youth Justice Regulations 1999*

Australian Capital Territory

- *Bail Act 1992*
- *Children and Young People Act 1999* (currently under review)
- *Crimes (Restorative Justice) Act 2004*
- *Rehabilitation of Offenders (Interim) Act 2001*

Northern Territory

- *Juvenile Justice Act* (until 1 August 2006)
- *Youth Justice Act 2005* (from 1 August 2006)
- *Youth Justice Regulations 2005* (from 1 August 2006)
- *Police Administration Act* (Division 2B of Part VII)

Appendix B: Key elements of juvenile justice systems in each state and territory

With the responsibility for juvenile justice in Australia resting at jurisdictional level, there are many differences in the systems among the states and territories. This appendix provides an overview of the key elements of juvenile justice in each state and territory, and highlights some of the differences.

New South Wales

The term *juvenile justice* is generally used to refer to a state's criminal justice responses to children who have allegedly committed an offence or have been found to have committed an offence. Different aspects of these criminal justice responses are administered in New South Wales by various government agencies.

In New South Wales the age of criminal responsibility commences at 10 years. Under criminal law a child is a person under 18 years.

In some jurisdictions the function of juvenile justice resides within human services agencies and is not viewed purely within a criminal justice context. In New South Wales the Department of Juvenile Justice is considered both a justice and human services agency.

The police

The detection and investigation of crime is the responsibility of New South Wales police. For eligible and entitled young offenders, the police may use the alternatives to court of warnings, cautions or referrals to youth justice conferences that are set out in the *Young Offenders Act 1997*. In court proceedings, less serious juvenile charges brought by the police are dealt with by the Children's Court under the provisions of the *Children (Criminal Proceedings) Act 1987*. Police charges for serious offences are dealt with by the District and Supreme Courts.

Legal representation

All children in New South Wales against whom criminal proceedings are commenced are entitled to free legal representation.

Under the *Young Offenders Act 1997* young people must be informed of their right to speak to a lawyer before making any admission or statement to the police, and be told how they can exercise this right. The Children's Legal Service of Legal Aid New South Wales provides free telephone legal advice for all children in police custody in New South Wales. Aboriginal and Torres Strait Islander children who are taken into police custody are legally entitled to speak immediately to a solicitor from the Aboriginal Legal Service.

Lawyers from the Children's Legal Service represent children in criminal matters in the specialist Children's Courts in metropolitan Sydney (including the Youth Drug and Alcohol Court). Legal Aid pays private solicitors to represent children at local courts sitting as Children's Courts outside Sydney.

The Department of Juvenile Justice funds the Children's Visiting Legal Service (Legal Aid Commission of New South Wales) to give free legal advice and assistance to young offenders in the department's eight Juvenile Justice Centres.

The courts

The commencement, conduct and outcome of court proceedings against children alleged to have committed an offence and who are not diverted under the *Young Offenders Act 1997* are governed principally by the *Children (Criminal Proceedings) Act 1987*.

The *Children (Criminal Proceedings) Act* sets out the principles applicable to all courts exercising criminal jurisdiction with respect to children. These are (section 6):

- That children have rights and freedoms before the law equal to those enjoyed by adults and, in particular, a right to be heard, and a right to participate, in the processes that lead to decisions that affect them.
- That children who commit offences bear responsibility for their actions but, because of their state of dependency and immaturity, require guidance and assistance.
- That it is desirable, wherever possible, to allow the education or employment of a child to proceed without interruption.
- That it is desirable, wherever possible, to allow a child to reside in his or her own home.
- That the penalty imposed on a child for an offence should be no greater than that imposed on an adult who commits an offence of the same kind.

Section 33 of the *Children (Criminal Proceedings) Act* permits the courts to make any of the following orders: a dismissal and/or caution, a good behaviour bond with or without supervision, a fine, referral to a youth justice conference, conditional or unconditional probation, a community service order, or an order that confines a young person to a period to detention.

The Department of Juvenile Justice

The main responsibilities of the department are the administration of youth justice conferences and the supervision of young offenders on community-based or custodial orders made by the courts.

The department's work also includes: support for young offenders making applications for bail, supervision of young offenders who are on conditional bail, supervision of young people remanded in custody pending finalisation of their court matters, and the preparation of reports for the consideration of the courts in determining whether to make a control order.

The department also provides funding to a number of community agencies to assist young people who have offended and their families.

Victoria

The Victorian Juvenile Justice Program sits within the Department of Human Services. The Juvenile Justice Program provides a statewide service through three metropolitan and five rural community-based regional Juvenile Justice Units and three custodial centres.

The age jurisdiction of the Juvenile Justice system in Victoria is from 10 years to 17 years inclusive. The inclusion of 17 year olds came into effect on 1 July 2005.

The Juvenile 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 and Young Persons Act 1989 (CYPA)*, 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.

The sentencing principles framed in the CYPA distinguish the developmental needs of children and adolescents as separate to adults. Section 139 (1) of the CYPA contains the matters the court must take into account in determining a sentence:

- the need to strengthen and preserve the relationship between the young person and their family
- the desirability of allowing the young person to live at home
- the desirability of ensuring the young person's education or employment can continue without interruption or disturbance
- the need to minimise the stigma of receiving a court order
- the suitability of the sentence to the young person
- the need to ensure that young people are aware and accountable for their behaviour for any unlawful action
- the need to protect the community or any person from the violent or other wrongful act of the young person.

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.

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 court to sentence a young person aged 18 to 20 years to a juvenile justice administered Youth Training Centre (YTC) Order as a direct alternative to a sentence of imprisonment.

The Juvenile Justice Program provides a court advice service to both the Children's Court and adult court system to provide assessment and advice to the courts to assist in the sentencing process. There are a number of aspects to this service, including:

- advice on bail options and supervised bail service, including a central after hours bail assessment and bail placement service (CAHBAPS)
- advice to the courts through pre-sentence reports and youth training centre suitability assessments
- pre-sentence group conferencing: a legislative framework for the Group Conferencing Program has now been incorporated into the Victorian Children, Youth and Families Act (CYFA) 2005, and the program has been expanded across Victoria from October 2006.

The Juvenile Justice Program has responsibility for managing supervised sentencing orders imposed by the Children's Court and the YTC order imposed by the adult court. Case management and interventions are informed by a comprehensive client assessment and planning (CAP) process. Offending-related and offence-specific needs are addressed through individual casework and referral to specialist services and programs.

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 juvenile justice custodial centre and over young people transferred by the Adult Parole Board from imprisonment to a juvenile justice custodial centre.

Queensland

Youth justice services overview

The Department of Communities has responsibility for the provision of youth justice conferencing, youth justice services and programs within Queensland.

Youth justice statutory responsibilities are prescribed under the *Juvenile Justice Act 1992*, enabling work with young people aged 10 to 17 that have been charged with a criminal offence. The Act contains a Charter of Juvenile Justice Principles that guides officers in the operation and application of the Act.

Youth justice conferencing, youth justice services and programs offer a specialist model of service delivery that aims to:

- divert young people from further offending
- take a restorative justice approach to working with young people
- address and reduce over-representation of Aboriginal and Torres Strait Islander young people in the justice system.

Youth justice conferencing, youth justice services and programs are delivered from 32 locations including:

- youth justice service centres
- youth justice conferencing services and outpost services
- a court services unit
- two youth detention centres
- a statewide quality service team – youth justice.

Key functions include:

- court-related activities including attending all court appearances by young people, administration of the Conditional Bail Program and bail support services
- administration and supervision of young people on community-based orders
- meeting the safety, wellbeing and rehabilitation needs of detained young people
- coordination and operation of youth justice conferencing.

The youth justice service centres provide supervisory, rehabilitative and re-integrative services to young people on community-based orders and young people leaving detention.

The detention centres provide secure care to young people while assisting with their planned re-integration into the community.

The statewide units provide policy and strategic direction and support direct service delivery. Additionally, the Office for Youth administers Youth Justice Program Management.

Key services delivered by these units include provision of service support and program and policy development to youth justice service centres, youth detention centres, youth justice conferencing, and court services, including implementation of:

- operational procedures
- quality assurance and quality control initiatives
- practice standardisation
- operational advice, support and critical incidents management
- youth justice-related executive correspondence and client relations management (complaints) support
- line management of court services.

Specific programs

Other targeted programs offered through youth justice services and programs include:

- The Youth Bail Support Service is funded by the department to provide 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 aims of the program are 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 Griffith Youth Forensic Service is a joint initiative of the Griffith University Schools of Criminology and Criminal Justice and Applied Psychology and the Department of Communities. The service is funded by the department and provides clinical intervention services for young people dealt with by Queensland Courts who are guilty of sexual offences. The Griffith Youth Forensic service:
 - provides specialised assessment and treatment programs for young sexual offenders
 - provides pre-sentence reports to facilitate court decisions and treatment planning
 - provides consultancy and training services for departmental and other allied workers who work with the target group.

Western Australia

Legislation

Juvenile justice operations in Western Australia are primarily governed by the *Young Offenders Act 1994*, the *Young Offenders Amendment Act 2004* (proclaimed on 1 January 2005), the *Young Offenders Amendment Regulations 1995* and the *Children's Court of Western Australia Act 1988*.

Jurisdictional placement

Juvenile justice services in Western Australia fall under the Community and Juvenile Justice Division of the Department of Corrective Services. This division covers adult community corrections and juvenile justice within the Community Justice Services Directorate and juvenile remand and detention services in the Juvenile Custodial Services Directorate.

Diversion

Community Justice Services has a community funding program that aims to reduce re-offending by funding local community agencies to provide preventative services and activities for juveniles up to 18 years old who have offended, or are at risk of offending.

Western Australia also offers young people charged with minor offences early alternatives to the formal introduction into the criminal justice system by allowing them to engage in therapeutic services and mediation with victims and other relevant stakeholders. Killara Youth Support Service is a departmental program for at-risk juveniles and young people who may have just started offending and links in with the police cautioning system. Killara offers counselling and support to young people and their families to help them resolve the problems that may be contributing to the offending behaviour. Juvenile Justice Teams also aim to divert minor offenders from the formal court system and to heighten the opportunity for police, mediators, victims and parents/caregivers to be involved in determining, in conjunction with the young person(s), the penalties applied to offenders. Court conferencing is an added function of the Juvenile Justice Teams and provides an opportunity for victims of scheduled offences not able to be referred to Juvenile Justice Teams to engage in a restorative justice.

Court

Should a juvenile offender be convicted and formally sentenced by the Children's Court a number of sentencing options are available: no punishment, no punishment with conditions, no punishment with recognisance, fine, youth community-based order (with possible conditions of community work and therapeutic programs), intensive youth supervision order without detention (with possible conditions as above), intensive youth supervision order with detention/conditional release order (with possible conditions as above and breach or re-offending whilst on the order can result in a custodial term being imposed at the magistrate's discretion), or custodial sentence usually followed by supervised release (juvenile parole).

Juveniles cannot be sentenced without being assigned a Juvenile Justice Officer (JJO). JJOs can be used to provide written and verbal sentencing advice to the courts when required. Whether the sentence granted is custodial or community-based, the role of the JJO becomes primary case management.

Juvenile justice supervision

Depending on the nature of the offence, the age and developmental stage of the young person, the apparent personal issues and the requirements of the disposition, the services can include: generic case management by a Juvenile Justice Officer, psychological counselling, referral to external statutory agencies and local service providers, referral to Victim-Offender Mediation Unit (if there are victim issues that require intervention), the use of Youth Support Officers or mentors, and referral to Department of Justice Education Advisory Officers.

Juvenile Custodial Services

Juvenile Custodial Services provides a safe and secure environment to the young people remanded in custody or sentenced to a period of detention. There are two Juvenile Custodial Facilities in Western Australia, both in Metropolitan Perth: Banksia Hill Detention Centre, which can accommodate 120 males aged 10-18, and Rangeview Remand Centre, which can accommodate 72 males and females aged 10-18. The two centres are staffed by a range of experienced professionals, including Juvenile Custodial Officers, Education and Training staff, Program Facilitators, Psychologists, Case Planning, Supervised Bail and Medical staff.

The wide range of programs provided to the young people in custody includes: Drug Counselling, Abuse Prevention Programs, Personal Development Programs, Healthy Relationships Programs, Conflict Resolution, Life Skills and Healthcare. These are only a small portion of the range provided by both internal and external providers.

Intensive Supervision Program

Aimed at the state's most serious repeat young offenders, the Intensive Supervision Program is the first of its kind in Australia. Intensive Supervision Program (ISP) teams work with young people who have extensive offending histories and complex social circumstances that contribute to their anti-social behaviour.

The Intensive Supervision Programs operate under license from the highly successful Multi-Systemic Therapy (MST) model, which is currently used in 25 American states, as well as in Canada, England, Northern Ireland, Norway, Denmark, France and New Zealand. Evaluations of the model over the past 30 years have shown a 25-70% reduction in long-term rates of re-arrest of juveniles.

The start-up Intensive Supervision Program team began operating on 1 November 2004; there are now three ISP teams established in the Perth metropolitan area and plans to expand the program to regional areas are underway.

Many of the young people who are referred to ISP have already participated in a range of diversionary programs or have been subject to court orders and detention, which have only been marginally successful at rehabilitation. Therefore, for many families ISP is their 'last

shot' at helping their young people remain out of the justice system. The program finds ways to engage with families and young offenders who might be ambivalent or resistant. Team members work with some of the state's most marginalised and challenging families, often in difficult environments. Interventions used will depend on how the offending behaviours 'fit' or make sense with each family's situation. The main philosophy behind the program is that the best way to help young offenders is by helping their families use their existing strengths, skills and resources.

Perth Children's Court

Juvenile Custodial Services (JCS) resumed responsibility for the holding rooms at Perth Children's Court (PCC) and the transportation of young people across the metropolitan area in August 2004. In August 2005, JCS also accepted responsibility for the management of adult prisoners at the PCC Custody Centre who are appearing on outstanding juvenile charges or for care and protection hearings.

The JCS/PCC philosophy of stimulating interaction and genuine interest in procedures and people has proved successful in dealing with persons in custody, both young people and adults.

Regional Juvenile Remand Centres

In February 2005, as part of its election platform, the state government committed \$24 million to constructing two 12-bed juvenile remand centres in regional areas of Western Australia.

The centres were not designed to replace the function of the Banksia Hill Detention Centre for sentenced detainees. Banksia Hill was purpose-built for sentenced offenders, who usually stay longer in detention centres than young people on remand. While detained at Banksia Hill, young people are supported by the custom-design services and supports that a metropolitan, purpose-built facility can provide.

Following extensive community consultation in the regional areas, the Minister for Corrective Services recently advised that the state government will look at a wider range of options for young offenders at risk.

While the option of building a remand centre remains a possibility, other alternatives will be examined for the \$12 million funding. These could include:

- intensive, one-on-one and group support for families with difficult adolescents
- an outreach program for young people at risk and their families
- agreements with other government and non-government agencies to house young people on bail with individuals or groups, rather than in police lock-ups.

South Australia

The youth justice system is primarily established under the South Australian *Young Offenders Act 1993*, which operates within the context of the general laws of the state and spells out the relevant adaptations and modifications of these laws for the processing and treatment of young people. The youth justice system deals with 10-17 year olds who commit an offence

or are alleged to have done so, although some older youth may be involved in the system for crimes committed as a young person.

Police

Police are the primary gate keepers of the youth justice system and direct offenders either through the tiered diversionary structure or to the Youth Court. The police have the power to issue a young person either an informal or formal caution. Informal cautions are issued 'on the spot' by police officers for 'minor offences'. Formal cautions are issued to a young person who has committed an offence and where the police have determined the offence to be more serious than one warranting an informal caution.

Family conference

For those offences considered too serious for an informal/formal caution, a young person may be directed to attend a family conference. The young person has to admit to the commission of the offence(s). If the charge is denied then the matter is referred to the Youth Court. An outcome of the conference may include a range of different undertakings. The Family Conference Team is situated in the Courts Administration Authority within the justice portfolio.

Youth Court

The composition and function of the Youth Court is determined by the *Youth Court Act 1993*. The Youth Court is presided over by a Judge of the District Court. Young people may be referred to a higher court depending on the seriousness of the offence or the pattern of repeated behaviour. The Supreme Court deals with all charges of homicide regardless of the age of the offender.

Families SA

Families SA is positioned within the Department for Families and Communities. The Department for Families and Communities is additionally responsible for the provision of a range of housing, disability, aged care and general youth services. Families SA has the statutory responsibility to manage orders made by the Youth Court. Families SA's service delivery responsibilities are shown below.

Sentence management

This involves the management of youth justice sentences ordered by the court. Sentence management involves allocation, assessment and sentence planning, implementation and review, and discharge planning. It involves elements of supervision and intervention. Orders include:

- secure detention
- home detention
- conditional release

- suspended detention
- supervised obligation
- community service order
- fines payment community service order.

Remand management

Remand management is the management of young people on detention remand and community bail. Remand management aims to ensure the young person's return to court and compliance with conditions of the order. It involves elements of supervision. Orders include:

- custodial remand
- home detention bail
- conditional bail.

Programs

Programs and activities form part of a case management response aimed at impacting on offending, the building of skills and the development of the young person's capacity to integrate into the community.

Other system responses

- Pre-court and court advocacy functions, including court reports.
- Post-release transition and support services.
- Work with families and communities.

District centres are direct service providers who provide a range of both youth justice and care and protection services. Families SA has 19 district centres located throughout the state. There are two youth secure care facilities in South Australia, Magill and Cavan, both of which are managed by Families SA. Additionally, Families SA provides social welfare services including poverty prevention and intervention services, family and child support and alternative care responses.

Tasmania

Jurisdictional location

Youth Justice in Tasmania is administered through the Department of Health and Human Services (DHHS) by the Youth Justice Services, Business Unit, which is part of the Human Services Group.

Youth Justice Services provides a statewide service from three regional units and one custodial centre. The custodial service is located in the north of Tasmania near the town of Deloraine. The directorate and program support are provided centrally from Hobart.

Legislation

The *Youth Justice Act 1997* underpins the provision of services in Tasmania via restorative justice principles and objectives for the age cohort 10–17 years. The Act provides a comprehensive framework for a restorative justice 'what works' practice base. Some young people are over 17 years of age because they committed their offence before reaching the age of 18 years. A major emphasis of the Act is pre-court diversion and restoration or reparation of harm done in the community. Involvement of victims, parents, guardians and the community is encouraged in order to improve individual resilience and community capacity to take responsibility and work in partnership to assist young people to rehabilitate in the community.

Police

Tasmania Police is responsible for the clearance of reported youth crime and deciding whether to divert or to prosecute matters in the courts. Police are responsible for the diversionary pre-court, informal and formal cautioning service. Police may refer a young person to Youth Justice Services for a community conference. When making decisions, cultural, community and religious diversity must be considered.

The courts

The Magistrates Court (Youth Justice Division) hears all matters brought to its attention under the Act. The Supreme Court hears matters related to serious prescribed offences. Obligations entered into at a community conference are registered with the Court Registrar and if the young person chooses not to comply the matter may be referred back to police to determine if they will proceed with a prosecution of the matter in the courts.

The Magistrates Court (Youth Justice Division) has a range of sentencing options including fines, community conference, probation, community service orders, suspended detention and detention. Before using more serious sentencing options, a pre-sentence report must be obtained from Youth Justice Services. A Magistrate may order a conviction to be recorded for a probation order and community service order and must order a conviction if a detention order is made.

Youth Justice Services

There are two components to the Service, Community Youth Justice and Custodial Services. These Services work closely to ensure a coordinated and integrated assessment and case management practice is used across Youth Justice Services.

The Community Youth Justice Service has a supervision and management role for young offenders who either have a statutory order resulting from a court appearance or an obligation to perform that was agreed to during a community conference. The role of the Community Youth Justice Service is to provide:

- advice to the Magistrates Court (Youth Justice Division) and the Supreme Court prior to sentencing
- assessment and case management service for young people who are the subject of non-custodial statutory orders

- assessment and case management of young people released from detention to serve the latter portion of their order in the community
- referral of young people to appropriate services based on needs assessment
- management of the community conference program
- management of the community service order program
- the development of community partnerships to support young people to be included into the community and take pro-social pathways.

The Custodial Service provides safe and secure custodial services at Ashley Youth Detention Centre. There is only one such centre in Tasmania, which can accommodate up to 51 young people. The centre services both females and males and works closely with the Community Youth Justice Service to ensure assessments that underpin pre- and post-release planning and case management are comprehensive and contemporary.

Ashley Youth Detention Centre ensures educational and training services are provided along with other appropriate health and wellbeing services that are essential for young people in custodial environments. Reviews of client safety and remand levels have been conducted in order to continually review the adequacy of the service for young people in custody. The centre has a dedicated Programs Officer and a number of programs have been developed for residents including drug and alcohol, employment and life coaching programs. Ashley Youth Detention Centre is in a rural setting and has worked hard to ensure it is part of the Tasmanian community. The centre has developed strong links with external service providers in order that support and programs for young people are in place in the community upon release from custody.

Australian Capital Territory

Responsibility for youth justice services in the Australian Capital Territory sits with the Office for Children Youth and Family Support within the Department of Disability, Housing and Community Services.

The youth justice system is primarily administered under the *Children and Young People Act 1999* (C&YP Act), which outlines the specific requirements for dealing with children and young people who offend. However, there is some provision for the sentencing of young people under the *Crimes (Sentencing) Act 2005*, which is primarily designed for the sentencing of adult offenders. Bail decisions for young people are made under the *Bail Act 1992*. The C&YP Act is currently under review.

The youth justice system deals with children and young people aged between 10 and 18 years who enter the justice system (with some capacity to supervise older people whose matters have been dealt with as though they were a young person).

Legislation and policy

The ACT *Human Rights Act 2004* (HR Act) came into force on 1 July 2004 and is Australia's first human rights legislation. The Human Rights Commissioner has a mandate under section 41 of the HR Act to review and report to the Attorney General on compliance with the Act. Under this power, a review of the C&YP Act, which governs the operations of Quamby Youth Detention Centre, was undertaken in 2005. The purpose of this review was

to ensure that the delivery of services to young detainees in the Australian Capital Territory is consistent with internationally agreed human rights standards enshrined in the HR Act.

The human rights review has informed a number of changes to practice, the ongoing review of the C&YP Act and will also inform the development of the new youth detention centre.

Police

Police have discretionary powers to divert young people who have committed offences by using a warning and diversionary system. This diversionary process is utilised for minor offences and is based on criteria that consider a range of factors, including prior offending history, maturity and mental capacity and parental input. If a decision is taken to prosecute, Police may proceed by issuing a summons for the child or young person to attend court, or by detaining them until the next sitting of the Children's Court.

Restorative justice

The *Crimes (Restorative Justice) Act 2004* was passed on 31 January 2005. At present, the Act applies only to young offenders who have committed minor offences. In the second phase the Act will be extended to cover both young people and adults, and will apply to all offences involving a victim. A Restorative Justice Unit (RJU) was established within the Department of Justice and Community Safety to administer the Act and to convene and manage the conference processes. The RJU is responsible for all restorative justice activities in the Australian Capital Territory and incorporates the Diversionary Conferencing formerly delivered by the Australian Federal Police. Restorative Justice processes are available to children and young people who have been cautioned, charged or convicted of a criminal offence.

Children's Court

The ACT Chief Magistrate appoints a Magistrate to the position of 'Children's Court Magistrate' for a term of up to two years. The facilities within the Magistrates Court building allows for the physical separation of matters in the children's and adult courts.

Children and young people convicted of indictable offences in the Children's Court may be committed to the Supreme Court for sentence. Conversely, young people convicted by the Supreme Court may be remitted to the Children's Court for sentence. Also, preliminary examination of indictable offences involving both young offenders and adult offenders may, with the approval of the Chief Magistrate, be conducted together.

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.

Dispositions

The C&YP Act provides specific principles that must be considered when making decisions on sentencing in relation to children and young people. The principles focus on having the child or young person accept responsibility for the offence and be held accountable, while

providing them with the maximum opportunity to re-enter the community and to develop in socially responsible ways.

Dispositions available to the court include:

- dismissal of charge
- reprimand
- conditional discharge
- fine, reparation or compensation order
- probation order
- community service order
- attendance centre order
- residential order
- committal order (within the ACT or to another state institution)
- good behaviour orders.

Remand in custody and custodial management

Quamby Youth Detention Centre currently manages children and young people who have been remanded in custody or sentenced to a custodial term. Within the facility there are case management services and therapeutic services, including mental health and general education programs and specific programs to address offence-related issues. The ACT Government has commenced the development of a new youth detention centre. The new facility is scheduled for completion in 2008.

Community-based management

Community Youth Justice (CYJ) manages children and young people who are placed on bail supervision or other supervised community-based orders. CYJ provides a comprehensive assessment and case management service to clients as well as regular advice and reports to the court on the progress that young people make in meeting the conditions of their orders.

Northern Territory

Juvenile justice is the responsibility of the Northern Territory Police through the Pre-court Diversion Scheme and the Department of Justice, Correctional Services.

Pre-court

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

- referred to a Juvenile Pre-court Diversion Scheme
- released on bail
- remanded in custody.

The Juvenile Pre-court Diversion Scheme may take the form of verbal and written warnings, family conferences, formal cautions, victim–offender conferencing, substance or drug abuse programs and community service programs.

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

If the alleged crime is serious, the accused young person may be remanded in custody prior to court hearing.

Court sentencing options

- Discharge the young person without penalty.
- No further trouble order – matter is adjourned for six months. If the young person does not commit a further offence during that period the court may discharge the young person without penalty.
- The court may fine the young person.
- Order the young person to be of good behaviour for a period not exceeding two years. Good behaviour bond may be subject to a range of conditions including restrictions on where the young person can live or supervision by Correctional Services, and general conditions such as reporting, employment and/or education and participation in rehabilitation programs.
- Order the young person to undertake community work not exceeding 480 hours.
- Order a suspended sentence of detention with the young person placed on probation for a period not exceeding two years. In most cases supervision by Correctional Services is a condition of such orders.
- Order the young person to serve a term of detention but suspend part of the sentence (that is, six months detention order to serve three months, then released on a probation order).
- Sentence the young person to a term of detention. Under the *Juvenile Justice Act* the young person and/or Correctional Services can apply for reconsideration of the sentence. If the young person has responded well to case management and he/she has support in the community, the court will usually release him/her on a supervised order.
- Order the young person to participate in an approved program such as Victim Offender Conferencing (VOC), counselling or skills-based program. Correctional Services undertakes an assessment of the young person’s suitability to participate in a VOC or other program for the court. If found suitable, the matter is adjourned until the program is completed. The young person then returns to court and is sentenced, taking into account his/her level of participation in the program.

Juvenile justice supervision

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 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.

**Superseded
later edition available**

Appendix C: List of remand and detention centres

The remand or detention centres throughout Australia for which data are collected are:

- New South Wales – Acmena Juvenile Justice Centre (Grafton), Broken Hill Juvenile Justice Centre, Cobham Juvenile Justice Centre (St Marys), Frank Baxter Juvenile Justice Centre (Kariong), 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).

In New South Wales the Kariong Juvenile Justice Centre was transferred from the NSW Department of Juvenile Justice (DJJ) to the NSW Department of Corrective Services (DCS) on 10 November 2004. It was re-named the Kariong Juvenile Correctional Centre.

The facility continues to accommodate young people on remand, those serving sentences for very serious offences, or who have exhibited behavioural problems. A Memorandum of Understanding between DJJ and DCS enables smooth transfer between the two systems.

Young people continue to be transferred from DJJ centres to Kariong based upon DJJ's classification system. To be transferred to Kariong young people must be 16 years old or over and have a serious classification.

Figures for young people in custody in Kariong after 10 November 2004 will not be reported by DJJ.

- Victoria – Malmsbury Juvenile Justice Centre, Melbourne Juvenile Justice Centre, Parkville Youth Residential Centre.
- Queensland – Brisbane Youth Detention Centre, Cleveland Youth Detention Centre, John Oxley Youth Detention Centre (closed 14 March 2001), Sir Leslie Wilson Youth Detention Centre (decommissioned 7 February 2001).
- Western Australia – Banksia Hill Detention Centre, Rangeview Remand Centre.
- South Australia – Cavan Training Centre, Magill Training Centre.
- Tasmania – Ashley Youth Detention Centre.
- Australian Capital Territory – Quamby Youth Detention Centre.
- Northern Territory – Alice Springs Juvenile Holding Centre, Don Dale Juvenile Detention Centre, Wildman River Wilderness Work Camp (closed 14 October 2003).

Glossary

General definitions

Age

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

Criminogenic

Producing or tending to produce crime or criminality (Houghton Mifflin Company 2000).

Episode

A distinct period of time during which a young person is under a specific type of supervision by a juvenile justice department. See Section 2.1.2 for a complete definition.

Juvenile justice centre

A place administered and operated by a juvenile justice department, where young people are detained whilst under the supervision of the relevant juvenile justice department on a remand or sentenced detention *episode*. See Appendix C for a list of the juvenile justice centres included in this collection.

Juvenile justice department

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

Supervision period

A period of time during which a young person is continuously under juvenile justice supervision of one type or another. A *supervision period* is made up of one or more contiguous *episodes*. See Section 2.1.2 for a complete definition.

Young person

A young person in the national collection is any young person who is under supervision by a juvenile justice department as a result of having committed or allegedly committed an offence. See Section 2.1.1 for a complete definition.

Juvenile justice *episode* types

Pre-sentence community

Other pre-sentence arrangements where the juvenile justice department is responsible for the case management or supervision of the young person (such as supervised or conditional bail where the juvenile justice department is involved with monitoring or supervising the young person).

Pre-sentence detention

Remanded or held in a juvenile justice centre or police watch house prior to appearing in court or to being sentenced.

Sentenced community-based supervision

Includes probation, recognisance and community service orders which are supervised or case managed by the juvenile justice department. 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 department may or may not directly supervise any additional mandated requirements, but remains responsible for the overall case management of the young person.

Reasons for exit from *episodes*

Breached

Breaches are due to re-offending, non-compliance to the conditions of the order, or otherwise, resulting in the ending of an *episode* and/or a change in *episode* type.

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).

Matters proven/charges dismissed

Where the young person exits a pre-sentence *episode* and does not return to juvenile justice supervision because the results of legal proceedings do not invoke a new *episode*.

More serious order begun

Where an *episode* ends because the young person receives another order that is more highly ranked on the *episode* type hierarchy than the original *episode*, but no breach has been recorded. See Section 2.1.2 for details of the *episode* type hierarchy.

Transferred

Transfers may include young people being transferred from one detention centre to another in the same state or territory, a young person being transferred to an adult correctional facility in the same state or territory, supervision or case management of a young person being transferred to the adult justice system, or where young people are transferred interstate.

References

- AIC (Australian Institute of Criminology) 2006. Juvenile detention rates 1981–2005. Crime Technical and Background Paper no. 22. Canberra: AIC.
- AIHW (Australian Institute of Health and Welfare) 2004. Juvenile justice: a new national collection. Bulletin no. 19. AIHW cat. no. AUS 52. Canberra: AIHW.
- AIHW 2006. Juvenile justice in Australia 2000–01 to 2003–04. AIHW cat. no. JUV1. Canberra: AIHW.
- AIHW: Broadbent A 2001. Report on the development of a Juvenile Justice National Minimum Data Set. AIHW cat. no. CWS 14. Canberra: AIHW.
- Houghton Mifflin Company 2000. The American heritage dictionary of the English language, 2nd edn. Viewed 3 January 2006, <<http://www.thefreedictionary.com/criminogenic>>.

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