

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

- Amendments to Children's (Detention Centre) Regulation 2005 (effective 2 March 2007)
- *Children (Criminal Proceedings) Act 1987*
- *Children (Community Service Orders) Act 1987*
- *Children (Detention Centres) Act 1987*
- *Children (Detention Centres) Amendment Act 2006* (enacted in July 2006)
- *Children (Interstate Transfer of Offenders) Act 1988*
- *Young Offenders Act 1997* (Part 5 and Schedule 1)

Victoria

- *Bail Act 1977*
- *Children and Young Persons Act 1989* (CYPA)
- *Children, Youth and Families Act 2005* (CYFA; enacted in April 2007)
- *Crimes Act 1958*
- *Sentencing Act 1991*

Queensland

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

Western Australia

- *Bail Act 1982*
- *Children's Court of Western Australia Act 1988*
- *Child Welfare Act 1947*
- *Court Security and Custodial Services Act 1999*

- *Inspector of Custodial Services Act 2003*
- *Sentence Administration Act 2003*
- *Young Offenders Act 1994*
- *Young Offenders Amendment Act 2004* (proclaimed on 1 January 2005)
- *Young Offenders Amendment Regulations 1995*

South Australia

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

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* (new bill being drafted)
- *Crimes (Restorative Justice) Act 2004*
- *Crimes (Sentencing) Act 2005*
- *Rehabilitation of Offenders (Interim) Act 2001*

Northern Territory

- *Youth Justice Act 2005*
- *Youth Justice Regulations 2005*

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.

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 starts 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 in a criminal justice context. In New South Wales, the Department of Juvenile Justice is considered both a justice and a human services agency.

The police

The detection and investigation of crime is the responsibility of the New South Wales Police Force. 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, the majority of juvenile charges brought by the police are dealt with by the Children's Court under the provisions of the *Young Offenders Act 1997* and the *Children (Criminal Proceedings) Act 1987*. Police charges for very 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 1987* 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 1987* 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.

Within the New South Wales juvenile justice system, young people who were under the age of 18 years at the time of their offence can serve all or part of their sentence in a juvenile justice centre.

Detainees 16 years or older who are of high classification are able to be administratively transferred from the Department of Juvenile Justice to the Department of Corrective Services (Karijong Juvenile Correctional Centre) with the consent of the Commissioner for Corrective

Services and pursuant to section 28(1) of the *Children (Detention Centres) Act 1987*. These transfers do not require reference to the courts.

The *Juvenile Offender Legislation Amendment Act 2004* commenced on 20 December 2004 and transferred the administration of Kariong Juvenile Justice Centre to the Department of Corrective Services as the Kariong Juvenile Correctional Centre. The Department of Corrective Services has managed Kariong since 10 November 2004.

The criteria for transfer to Kariong Juvenile Correctional Centre are that detainees must be over 16 years of age and be classified either A1(b) or A1(o) under the Department of Juvenile Justice's objective classification system. This means that a detainee has been charged with or convicted of a serious indictable offence, or the detainee's behaviour within the juvenile system warrants the highest level classification.

Thus, certain young people aged 16 years or older can be administratively transferred to a juvenile correctional centre.

Section 19 of the *Children (Criminal Proceedings) Act 1987* provides for the automatic transfer to adult custody of young people convicted of a serious children's indictable offence when they turn 18 years of age. This section also provides the court with the discretion to make an order for the young person to remain in juvenile detention up to the age of 21 years if there are special circumstances. However, not all young people over 18 years in the juvenile system are the subject of the findings of 'special circumstance'.

Young people aged 18 and over who commit an offence while in juvenile detention can also be transferred to adult prison, as can those young people whose court order stipulates that a transfer to prison is to take place at a particular time in their sentence.

Victoria

The Victorian Youth Justice Program sits within the Department of Human Services. The Youth Justice Program provides a state-wide service through three metropolitan and five rural community-based regional youth justice units and three custodial centres.

The age jurisdiction of the youth 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 youth justice system in Victoria takes a strong diversionary approach to managing children and young people who enter the criminal justice system. This is reflected in the new *Children, Youth and Families Act 2005* (CYFA) implemented in April 2007, 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 CYFA distinguish the developmental needs of children and adolescents as separate from adults' needs. Section 362 (1) of the CYFA 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 allowing the young person's education or employment to 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.

Dual track system

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

Court advice services

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

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

Group conferencing

The pre-sentence Group Conferencing Program was expanded across Victoria from October 2006. A legislative framework for the Group Conferencing Program has been incorporated into the Victorian *Children, Youth and Families Act 2005*, which was enacted in April 2007. The program is targeted at 10–17 year olds who have pleaded or been found guilty of an offence or offences serious enough to warrant a supervised order in the community.

Case management

The Youth Justice Program has responsibility for managing community-based and custodial sentencing orders imposed by the Children's Court and the Youth Justice Centre order imposed by an adult court. Case management and interventions are informed by a comprehensive client assessment (VONIY) and planning process. Offending-related and offence-specific needs are addressed through individual casework, group work and referral to specialist services and programs.

Koori programs and initiatives

Koori Youth Justice Program

The Koori Youth Justice Program was established in 1992 and has expanded over the years to all regions administered by the Department of Human Services. The program currently has 16 community Koori workers, three custodial Koori workers (one in each custodial centre) and a central Koori program adviser. The sixteen community-based workers are employed by community services organisations, which are mainly Aboriginal cooperatives.

The role of the Koori Youth Justice workers is both preventative and responsive. Clients include young people who are the subject of orders from the criminal division of the Children's Court, young adults in the dual track system and, as case loads permit, young Koories who are at risk of offending and those who have committed minor offences and received police diversion or caution.

Koori Youth Justice workers develop client Aboriginal cultural support plans (ACSPs), provide practical support to clients and their families and support other youth justice workers in assessing, planning and goal setting for Koori clients. Many of the workers also develop preventative programs such as organising sporting and recreational programs and taking an active role in coaching and transporting youth to these events.

Koori Intensive Bail Support Program

The Koori Intensive Bail Support Program is for young people from the adult system and the Children's Court (on deferral of sentence status) who are at high risk of breaching bail and/or re-offending and are deemed likely to be remanded in custody. There are three positions employed by youth justice offices in the N&W, Hume and Gippsland regions.

Youth Justice staff have responsibility for supervising and case managing the young people. Case management activities include assessing the range of youth and family needs and accessing appropriate services, as well as providing case and court reports and advice to the courts. The program provides intensive support for up to 6-8 young people at any one time.

Koori Early School Leavers and Youth Employment Program

The Koori Early School Leavers and Youth Employment Program is designed to divert young Koori people from the youth justice system by focusing on the key risk factors for young offenders, particularly lack of engagement with school or other learning opportunities.

The program also aims to divert young Koori people from the youth justice system, once they have entered it, by supporting the young person to re-engage with a learning institution, be that school, training, vocation or alternative education environment. The Department of Human Services is currently funded to establish two Koori-specific programs for young Koories aged 10-20 years and will receive referrals from youth justice units as well as from families, schools and other community organisations.

The Koori Pre and Post Release Program

The Koori Pre and Post Release Program is made up of three components: the Koori State-wide Coordinator, the Koori Intensive Post Release and the delivery of cultural programs in the three centres.

Koori State-wide Coordinator

The purpose of this position is to provide coordination across the Youth Justice Program to ensure that effective pre-and post-release services to young Koori people in custody are in place as part of pre-release planning, in reports to the Youth Parole Board, during Youth Parole Board hearings and post-release. This position will be physically located in the N&W region but will have a state-wide focus.

Koori Intensive Support Practitioner (Post Release)

The Koori Intensive Support Practitioner (Post Release) is a specialist role and will provide intensive and innovative culturally based case management support to Koori young people being released from Youth Justice custodial centres. The practitioner will provide direct outreach casework, information and reports to the Youth Parole Board and will be part of a team approach, having responsibility for time-limited intensive supervision and case management of a small caseload of young Koories with a focus on developing family support, community development and linkages to specialist services that target support to Koori communities. The practitioners will work closely with the Koori State-wide Coordinator.

There are three practitioners based in the N&W, Hume (Shepparton) and Gippsland (LaTrobe) regions.

Cultural programs

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

Yannabil Program

'Yannabil' is the Woiwurrung language word for 'visitor'. Yannabil is a visitors program for young Koori people in Victoria's youth justice custodial centres.

The purpose of the Yannabil program is to provide an additional level of cultural and personal support to young Koori people detained in youth justice centres. The program will ensure that young Koori people are safe in custody by providing support to the system and helping to ensure the wellbeing of young Koori people through providing feedback to the centre's management.

Aboriginal cultural support plans

The purpose of the ACSPs is to ensure that young Koori people in the youth justice system have access to Koori Youth Justice workers and other cultural supports. The ACSP is an integral part of the client assessment and planning process. It is the role of the Koori Youth Justice worker to develop the ACSP in consultation with the case manager.

Post-release support services

The Department of Human Services funds several community service organisations to provide a range of transitional and intensive post-release support services for young offenders leaving custody. These agencies have the expertise and commitment to work with

particularly difficult and disadvantaged young offenders. They develop relationships with young people while they are still in the youth justice centre, providing support as the young person prepares for release and on their return to the community. The level of intensity, frequency of contact and duration of support vary according to the individual needs of each young person. The funded agencies work closely with the youth justice custodial centres and community-based units to coordinate services to maximise their effectiveness.

Transitional Housing Management: Juvenile Justice Housing Pathways Initiative

This initiative assists young people at risk of homelessness on release from custody. The provision of additional support workers, housing referral services and accommodation has had a positive effect on meeting the housing needs of young offenders exiting custody.

Youth Residential Board and Youth Parole Board

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

Queensland

Youth justice overview

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

Youth justice statutory responsibilities are prescribed under the *Juvenile Justice Act 1992*, enabling work with young people who are aged 10–16 years at the time of the offence. The Act contains a Charter of Juvenile Justice Principles that guides officers in the operation and application of the Act.

Youth justice conferencing, 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 the over-representation of Aboriginal and Torres Strait Islander young people in the justice system.

Youth justice conferencing, 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.

Key functions include:

- carrying out court-related activities, including attending all court appearances by young people, administering the Conditional Bail Program and providing bail support services
- administering and supervising young people on community-based orders
- meeting the safety, wellbeing and rehabilitation needs of detained young people
- coordinating and operating youth justice conferencing
- providing youth detention.

Youth justice services and youth justice conferencing are generally co-located in youth justice service centres, with youth justice services providing supervisory, rehabilitative and re-integrative services to young people on community-based orders and young people leaving detention.

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

State-wide units provide policy, operational and strategic direction to support regional service delivery, in addition to funding program management that facilitates the delivery of related programs in the community sector to support youth justice outcomes.

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

- operational procedures
- quality assurance and quality control initiatives
- practice improvement
- operational advice and support
- program development
- research and evidence development
- review and evaluations.

Specific programs

Youth Bail Accommodation Support Service

This service is funded by the Department of Communities 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.

Griffith Youth Forensic Service

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.

Employment Project Officer program

This program is a joint initiative in five locations between the Department of Communities and the Department of Employment and Industrial Relations that provides specialist job search, career planning and employment-related activities to young people over 15 years of age who are subject to community-based orders and are receiving supervision from a youth justice service centre.

Mater FaceUp Counselling Service

The Mater FaceUp Counselling Service is a 2-year joint pilot initiative between the Department of Communities and Mater Health Services that provides preparatory support and therapeutic interventions for young people, families and victims who are referred to a youth justice conference in relation to a sexual offence.

Western Australia

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 or caregivers to be involved in determining, in conjunction with the young people concerned, 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 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; also, breach or re-offending while on the order can result in a custodial term being imposed at the magistrate's discretion)
- custodial sentence usually followed by supervised release (juvenile parole).

Juveniles cannot be sentenced without a written court report, which is usually prepared by a Juvenile Justice Officer. Verbal sentencing advice to the courts is also given when required. Whether the sentence granted is custodial or community-based, the role of the Juvenile Justice Officer 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 the Victim-Offender Mediation Unit (if there are victim issues that require intervention)
- the use of Youth Support officers or mentors
- referral to Department of Corrective Services 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. The bed capacity of the two detention centres has been modified to better provide for the needs of juveniles. Banksia Hill Detention Centre can now accommodate 104 males aged 10–18, while Rangeview Remand Centre can now accommodate 64 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, and 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 programs and health care. These are provided by both internal and external providers.

Intensive Supervision Program

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

The ISP operates under licence from the highly successful Multi-Systemic Therapy model, which is currently used in 25 American states, as well as in Canada, Denmark, England, France, New Zealand, Northern Ireland and Norway. 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 ISP 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 resumed responsibility for the holding rooms at Perth Children's Court and the transportation of young people across the metropolitan area in August 2004. In August 2005, Juvenile Custodial Services also accepted responsibility for the management of adult prisoners at the Perth Children's Court Custody Centre who are appearing on outstanding juvenile charges or for care and protection hearings.

The 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 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.

Following extensive community consultation in the regional areas, the Minister for Corrective Services advised in May 2007 that the state government would look at a wider range of options for young offenders at risk.

Funding has now been directed at:

- 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
- the use of community bail accommodation options.

South Australia

The youth justice system is primarily established under the *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 gatekeepers 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 or formal caution, a young person may be directed to attend a family conference. The young person has to admit to carrying out the offence(s). If the charge is denied then the matter is referred to the Youth Court. 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 in the Department for Families and Communities. The responsibilities of Families SA are to:

- assist young people at risk from becoming involved in offending
- reduce reoffending through the provision of appropriate services and programs
- provide the Youth Court with viable alternatives to detention
- protect the community by providing appropriate detention facilities.

Families SA has the statutory responsibility to manage orders made by the Youth Court.

In metropolitan Adelaide Families SA provides case management services through the Northern and Southern Youth Justice Case Management Teams.

In country South Australia youth justice services are provided by Families SA district centres located across the state.

Country-based district centres are direct providers of a range of both child protection and youth justice services.

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.

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.

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 reducing offending, building skills and developing the young person's capacity to integrate into the community.

Tasmania

Jurisdictional location

Youth justice in Tasmania is administered through the Department of Health and Human Services by the Youth Justice Services unit, which is part of the Human Services Group.

Youth Justice Services provides a state-wide Community Youth Justice Service from three regional units and one custodial centre. The Custodial Service is located in the north of Tasmania near the town of Deloraine while the community-based services are located in Hobart, Launceston and Burnie-Devonport. The Directorate and the Service and System Development unit are located in Hobart.

Legislation

The *Youth Justice Act 1997* underpins the provision of services in Tasmania through 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 offences 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 help young people 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. Cultural, community and

religious diversity must be considered when decisions are being made. Tasmania Police's Community Policing Services works closely with Youth Justice Services, which is also a member of the Crime Prevention and Community Safety Council, chaired by the Commissioner of Police. The service participates in a number of police diversionary program steering committees including U-Turn, a program for young people aged 15–20 who have been involved in, or who are at risk of becoming involved in, motor vehicle theft.

The courts

The Magistrate's Court (Youth Justice Division) hears all matters brought to its attention under the Act. While young people may elect to have their case adjudicated by the Supreme Court, the court generally hears matters related to serious prescribed offences.

Undertakings 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 Magistrate's 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 a community service order, and must order a conviction if a detention order is made.

Youth Justice Services

The two components of Youth Justice Services, the Community Youth Justice Service and the Custodial Service, work closely to ensure coordinated and integrated assessment and case management practices are 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 a community service undertaking to perform that was agreed to during a community conference. The role of the Community Youth Justice Service is to provide:

- community (court diversionary) conferencing
- pre-sentence advice and after-hours support for the courts
- needs and risk assessment, case management and supervision for those on statutory orders
- community engagement processes that develop community partnerships which support the supervision of community services orders and the attainment of case management objectives for young people
- collaborative case conferencing services for young people who have multiple and complex needs.

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 that 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. Program designs in the centre are sensitive to the cultural diversity of residents. An independent resident advocacy position is attached to the Office of the Commissioner for Children. The centre's staff 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 in the Department of Disability, Housing and Community Services.

The youth justice system is primarily administered under the *Children and Young People Act 1999*, 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 *Children and Young People Act 1999* 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 Children and Young People Bill 2008 ('the Bill') was introduced in the ACT Legislative Assembly on 6 March 2008. The Bill will replace the *Children and Young People Act 1999* when it is passed and commenced in 2008.

The Bill proposes significant reform to the area of youth justice in the Territory. These proposed changes include the application of criminal justice law to children and young people, within the context of human rights legislation, through the *Human Rights Act 2004*.

The amendments provide a sentencing methodology consistent with the United Nations Convention on the Rights of the Child and Australian common law that applies to all people under the age of 18, where the primary focus is rehabilitation. The amendments empower all ACT Courts to use Court procedures and practices appropriate for young offenders, again consistent with the United Nations Convention on the Rights of the Child. The changes will also enable sentencing courts to tailor sentences to the specific rehabilitative needs of young offenders.

The Bill requires a sentencing Court, in deciding to impose a sentence of imprisonment for a child or young person, to consider making a combination sentence that also imposes a good behaviour order with a supervision condition following the period of imprisonment. The Bill

also prohibits the imposition of a life sentence upon a person who committed an offence when they were under 18 years old.

The Bill introduces a maximum upper limit of 12 hours for the detention of young detainees in police and court cells. New custodial obligations are introduced for the Chief Police Officer in relation to young detainees while detained in police cells. These obligations are derived from international human rights jurisprudence on the treatment of young people in detention, such as the Beijing Rules.

In the area of youth detention, the Bill introduces a comprehensive framework regarding the Chief Executive's powers and responsibilities in administering a place for detention for young detainees. The Bill addresses important recommendations of the 2005 Human Rights Audit of Quamby Youth Detention Centre by the ACT Human Rights Commissioner. It also elevates administrative powers relating to youth detention from their current existence in standing orders to legislation.

The Bill includes minimum standards and entitlements for young detainees, in addition to necessary measures to ensure safety, security and good order at the detention place, such as the use of force, segregation (including safe room segregation directions) and monitoring certain communications within the detention place. The Bill also introduces new offences in the youth detention place for a young detainee to possess a prohibited thing and for a person to take a prohibited thing into a detention place. In addition, the Bill requires that adults who work or provide services in the detention place must report to the Chief Executive any significant threats to security or good order.

The Bill also includes a framework for responding to behaviour breaches by young detainees in the detention place. The Bill creates a distinction between low-level breaches (minor behaviour breaches) and breaches that are of a persistent or serious nature (behaviour breaches). Minor behaviour breaches may be dealt with through the behaviour management framework and this could lead to the imposition of behaviour management consequences prescribed by the Bill. Behaviour breaches may be dealt with through the discipline process of administrative charging and hearing, leading to the imposition of behaviour management consequences. The Bill also contemplates a behaviour management framework being established to promote positive behaviour in reflection of the age and developmental maturity of young detainees.

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, the 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. It is being introduced in two phases. At present, the first phase of the Act applies only to young people who have been cautioned, charged or convicted of a criminal offence.

The Restorative Justice Unit was established within the Department of Justice and Community Safety to administer the Act and to convene and manage the conference processes. The Restorative Justice Unit is responsible for all restorative justice activities in the ACT and incorporates the diversionary conferencing formerly delivered by the Australian Federal Police.

To be eligible to be referred to restorative justice, young people must accept responsibility for their offences. Some offences are excluded from the process. They are those offences that do not have an identified victim (traffic and drug related offences) and serious offences, including domestic violence and sexual assault 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.

Children's Court

The ACT Chief Magistrate appoints a magistrate to the position of Children's Court Magistrate for a term of up to 2 years. The facilities within the Magistrate's Court building allows for the physical separation of matters in the children's and adult's 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 *Children and Young People Act 1999* provides specific principles that must be considered when making decisions on sentencing in relation to children and young people. The principles focus is 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 Australian Capital Territory or to another state institution).

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 manages children and young people who are placed on bail supervision or other supervised community-based orders and provides a comprehensive assessment of the factors that contributed to a young person's offending behaviour and work with the young person, within a case management model, to address these factors. Community Youth Justice also provides regular advice and information to the court on the young person's compliance with the conditions of their orders and progress in addressing their offending behaviours.

Northern Territory

Juvenile justice is the responsibility of the Correctional Services of the Department of Justice and the Northern Territory Police through the Youth Diversion Scheme.

Pre-court

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

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

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

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 before the court hearing.

Court sentencing options

Court orders

If the court finds a charge proven against a youth it may, whether or not it proceeds to conviction, do one or more of the following:

- (a) dismiss the charge for the offence

- (b) discharge the youth without penalty
- (c) adjourn the matter for a period not exceeding 6 months and if, during that period, the youth does not commit a further offence, discharge the youth without penalty
- (d) adjourn the matter to a specified date not more than 12 months from the date of the finding of guilt, and grant bail to the youth in accordance with the *Bail Act*
 - (i) for the purpose of assessing the youth's capacity and prospects for rehabilitation, or
 - (ii) for the purpose of allowing the youth to demonstrate that rehabilitation has taken place, or
 - (iii) for any other purpose the court considers appropriate in the circumstances
- (e) order the youth to participate in a program approved by the Minister, as specified in the order, and adjourn the matter for that purpose
- (f) order that the youth be released on his or her giving such security as the court considers appropriate that he or she will
 - (i) appear before the court if called on to do so during the period, not exceeding 2 years, specified in the order
 - (ii) be of good behaviour for the period of the order
 - (iii) observe any conditions imposed by the court
- (g) fine the youth not more than the maximum penalty that may be imposed under the relevant law in relation to the offence
- (h) make a community work order that the youth participate in an approved project for the number of hours, not exceeding 480 hours, specified in the order
- (i) order that the youth serve a term of detention or imprisonment that is suspended wholly or partly
- (j) order that the youth serve a term of detention or imprisonment that is suspended on the youth entering into an alternative detention order
- (k) order that the youth serve a term of detention or imprisonment that is to be served periodically under a periodic detention order
- (l) order that the youth serve a term of detention or imprisonment
- (m) make any other order in respect of the youth that another court could make if the youth were an adult convicted of that offence.

If the court orders that the youth serve a term of detention or imprisonment, the term must not exceed the lesser of:

- (a) the maximum period that may be imposed under the relevant law in relation to the offence, or
- (b) for a youth who is
 - (i) 15 years of age or more – 2 years, or
 - (ii) less than 15 years of age – 12 months.

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

If the Supreme Court remits a case to the Youth Justice Court, the Youth Justice Court must deal with the youth as if the youth had been found guilty of the offence in that court.

This section does not limit the power of the Supreme Court to impose on a youth a sentence it could otherwise impose on him or her.

Pre-sentencing conference

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

A pre-sentencing conference may be with any of the victims of the offence the youth is charged with, community representatives, members of the youth's family or any other persons as the court considers appropriate.

The court may:

- (a) direct that the conference be convened at a specified time and place
- (b) appoint a person who is appropriately qualified as the convenor of the conference.

The convenor must report to the court as to the outcome of the conference.

Non-parole period

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

If the sentence is in respect of more than one offence, the non-parole period is for the aggregate period of detention or imprisonment that the youth is liable to serve under all the sentences imposed. 'Non-parole period' means a period during which the youth is not eligible to be released on parole.

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.

Appendix C: List of remand and detention centres

Data are collected for the following remand and detention centres.

New South Wales

Acmena Juvenile Justice Centre (Grafton), Broken Hill Juvenile Justice Centre, Cobham Juvenile Justice Centre (St Marys), Frank Baxter Juvenile Justice Centre (Kariiong), 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 Kariiong Juvenile Justice Centre was transferred from the NSW Department of Juvenile Justice (DJJ) to the NSW Department of Corrective Services on 10 November 2004. It was re-named the Kariiong 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 the Department of Corrective Services enables smooth transfer between the two systems.

Young people continue to be transferred from DJJ centres to Kariiong based upon DJJ's classification system. To be transferred to Kariiong young men must be 16 years old or older and have a serious classification. Figures for young people in custody in Kariiong 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

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)

Appendix D: Tables

Table D1: Young people aged 10–17 years under juvenile justice supervision by Indigenous status, states and territories, 2003–04 to 2005–06

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus
2003–04									
Indigenous	992	153	1,075	959	332	42	44	227	3,824
Non-Indigenous	1,792	1,348	1,506	617	699	192	234	56	6,444
Unknown	216	—	3	156	62	102	1	1	541
Total	3,000	1,501	2,584	1,732	1,093	336	279	284	10,809
2004–05									
Indigenous	982	147	1,079	1,038	318	55	49	249	3,917
Non-Indigenous	1,731	1,192	1,329	642	635	211	201	45	5,986
Unknown	192	7	—	95	48	75	—	—	417
Total	2,905	1,346	2,408	1,775	1,001	341	250	294	10,320
2005–06									
Indigenous	1,097	165	1,176	1,156	292	75	41	243	4,245
Non-Indigenous	1,827	1,120	1,273	723	613	248	175	45	6,024
Unknown	224	95	—	35	46	49	—	—	449
Total	3,148	1,380	2,449	1,914	951	372	216	288	10,718

Table D2: Young people by age at first supervision and Indigenous status, Australia, 2006–07

Indigenous status	10	11	12	13	14	15	16	17	18+	Total
Number of young people										
Indigenous	113	258	442	827	959	878	707	376	75	4,635
Non-Indigenous	25	97	221	635	1,227	1,566	1,729	1,399	541	7,440
Unknown	1	4	9	29	56	134	145	200	112	690
Total	139	359	672	1,491	2,242	2,578	2,581	1,975	728	12,765
Column per cent										
Indigenous	81.3	71.9	65.8	55.5	42.8	34.1	27.4	19.0	10.3	36.3
Non-Indigenous	18.0	27.0	32.9	42.6	54.7	60.7	67.0	70.8	74.3	58.3
Unknown	0.7	1.1	1.3	1.9	2.5	5.2	5.6	10.1	15.4	5.4
Total	100.0									
Row per cent										
Indigenous	2.4	5.6	9.5	17.8	20.7	18.9	15.3	8.1	1.6	100.0
Non-Indigenous	0.3	1.3	3.0	8.5	16.5	21.0	23.2	18.8	7.3	100.0
Unknown	0.1	0.6	1.3	4.2	8.1	19.4	21.0	29.0	16.2	100.0
Total	1.1	2.8	5.3	11.7	17.6	20.2	20.2	15.5	5.7	100.0

Note: Age (in years) was calculated as at entry to first *supervision period* in 2006–07. If the *supervision period* began before 2006–07, age was calculated as at 1 July 2006.

Related table: State and territory appendixes 2006–07, Table 2.

Table D3: Number of supervision days by type of supervision and year, states and territories, 2002-03 to 2005-06

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus
Number of community supervision days									
2003-04	467,757	268,558	517,251	203,786	229,902	113,285	59,882	49,520	1,909,941
2004-05	450,321	259,207	511,447	207,681	204,214	112,800	53,997	58,564	1,858,231
2005-06	458,853	289,594	493,895	247,541	176,639	113,734	38,873	57,680	1,876,809
2006-07	415,963	348,873	505,204	223,228	150,958	112,727	43,861	48,029	1,848,843
Number of detention supervision days									
2003-04	115,179	51,275	44,266	43,924	23,135	14,861	7,647	5,980	306,267
2004-05	120,044	50,300	38,284	41,156	24,735	14,474	6,193	6,806	301,992
2005-06	132,527	53,840	47,839	36,925	18,724	17,148	6,855	7,100	320,958
2006-07	140,878	57,256	53,004	42,792	19,014	14,130	6,189	10,517	343,780
Total number of supervision days									
2003-04	582,936	319,833	561,517	247,710	253,037	128,146	67,529	55,500	2,216,208
2004-05	570,365	309,507	549,731	248,837	228,949	127,274	60,190	65,370	2,160,223
2005-06	591,380	343,434	541,734	284,466	195,363	130,882	45,728	64,780	2,197,767
2006-07	556,841	406,129	558,208	266,020	169,972	126,857	50,050	58,546	2,192,623

Note: Totals may not sum due to rounding.

Table D4: Number of person days spent in sentenced *episodes* for young people with first supervision in 2000–01 by year, age at first supervision and type of *episode*, Australia, 2000–01 to 2006–07

Age at first supervision in 2000–01	Episode type	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07
Number of person days								
10	Sentenced detention	—	16	—	8	332	347	298
	Sentenced community	2,108	2,937	2,593	2,417	2,274	1,789	1,063
	Sentenced other	—	21	426	279	780	1,037	594
	Total	2,108	2,974	3,019	2,704	3,386	3,173	1,955
11	Sentenced detention	360	805	913	1,580	2,012	1,787	1,253
	Sentenced community	3,864	6,669	4,686	5,152	4,142	3,366	978
	Sentenced other	—	148	514	1,014	1,555	1,538	1,178
	Total	4,224	7,622	6,113	7,746	7,709	6,691	3,409
12	Sentenced detention	216	779	2,258	2,954	2,780	3,314	620
	Sentenced community	11,882	15,610	11,866	12,069	8,514	4,760	1,338
	Sentenced other	307	1,445	3,334	3,490	3,941	2,096	1,081
	Total	12,405	17,834	17,458	18,513	15,235	10,170	3,039
13	Sentenced detention	338	2,394	6,117	5,500	6,123	4,775	1,176
	Sentenced community	31,603	45,424	30,412	24,093	17,584	8,212	1,474
	Sentenced other	564	3,892	6,771	6,501	5,606	2,035	1,107
	Total	32,505	51,710	43,300	36,094	29,313	15,022	3,757
14	Sentenced detention	1,208	4,277	7,254	7,179	4,944	2,002	476
	Sentenced community	69,016	102,009	63,747	38,585	15,976	2,746	423
	Sentenced other	2,411	7,245	9,460	9,565	5,389	2,265	414
	Total	72,635	113,531	80,461	55,329	26,309	7,013	1,313
15	Sentenced detention	2,186	7,516	9,310	4,941	2,414	1,326	73
	Sentenced community	95,246	113,489	52,865	22,480	4,692	1,277	62
	Sentenced other	2,253	9,610	11,631	7,199	3,469	2,066	412
	Total	99,685	130,615	73,806	34,620	10,575	4,669	547

Note: This table excludes the Australian Capital Territory as data for 2000–01 to 2002–03 were unavailable.

Table D5: Proportion of person days spent in sentenced *episodes* for young people with first supervision in 2000–01 by year, age at first supervision and type of *episode*, Australia, 2000–01 to 2006–07

Age at first supervision in 2000–01	Episode type	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07
Per cent of person days								
10	Sentenced detention	—	0.5	—	0.3	9.8	10.9	15.2
	Sentenced community	100.0	98.8	85.9	89.4	67.2	56.4	54.4
	Sentenced other	—	0.7	14.1	10.3	23.0	32.7	30.4
	Total	100.0						
11	Sentenced detention	8.5	10.6	14.9	20.4	26.1	26.7	36.8
	Sentenced community	91.5	87.5	76.7	66.5	53.7	50.3	28.7
	Sentenced other	—	1.9	8.4	13.1	20.2	23.0	34.6
	Total	100.0						
12	Sentenced detention	1.7	4.4	12.9	16.0	18.2	32.6	20.4
	Sentenced community	95.8	87.5	68.0	65.2	55.9	46.8	44.0
	Sentenced other	2.5	8.1	19.1	18.9	25.9	20.6	35.6
	Total	100.0						
13	Sentenced detention	1.0	4.6	14.1	15.2	20.9	31.8	31.3
	Sentenced community	97.2	87.8	70.2	66.8	60.0	54.7	39.2
	Sentenced other	1.7	7.5	15.6	18.0	19.1	13.5	29.5
	Total	100.0						
14	Sentenced detention	1.7	3.8	9.0	13.0	18.8	28.5	36.3
	Sentenced community	95.0	89.9	79.2	69.7	60.7	39.2	32.2
	Sentenced other	3.3	6.4	11.8	17.3	20.5	32.3	31.5
	Total	100.0						
15	Sentenced detention	2.2	5.8	12.6	14.3	22.8	28.4	13.3
	Sentenced community	95.5	86.9	71.6	64.9	44.4	27.4	11.3
	Sentenced other	2.3	7.4	15.8	20.8	32.8	44.2	75.3
	Total	100.0						

Note: This table excludes the Australian Capital Territory as data for 2000–01 to 2002–03 were unavailable.

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 while under the supervision of the relevant juvenile justice department on a pre-sentence 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* consists 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 detention

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

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 while in the community).

Sentenced community-based supervision

Includes probation, recognisance and community service orders that 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.

Immediate release/suspended detention

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

Parole/supervised release

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

Reasons for exit from *episodes*

Released on bail

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

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*.

Breached

Breaches are due to re-offending, non-compliance with 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).

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. For example, a young person is being supervised for an order that constitutes an *episode* of parole. The young person then receives an order that requires pre-sentence detention. Because pre-sentence detention is ranked higher on the hierarchy than parole, according to the *episode* construct the young person is now deemed to be supervised for an *episode* of parole. As a young person can only be in one *episode* at a time, the *episode* of parole ends and, because the order underlying the new *episode* is unrelated to the order underlying the *episode* of parole, the reason for exit is 'more serious order begun'.

Transferred

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

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