

**Juvenile justice in Australia  
2005–06**

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# **Juvenile justice in Australia 2005–06**

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

# 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, including null cells
n.p.	not published

## 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 the 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 2005–06.

## Main findings of the report

While the number of young people under juvenile justice supervision declined between 2002–03 and 2004–05, there was an increase of 4% in 2005–06 compared with 2004–05 (excluding the Australian Capital Territory, for which data are not available for earlier years). The rate of 10–17 year olds under juvenile justice supervision in 2005–06 was 5.0 per 1,000. Over 60% 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 detention (remand), while *supervision periods* of medium or longer lengths were more likely to include *episodes* of community-based supervision. 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 2005–06, 13,254 young people in Australia experienced juvenile justice supervision, including 11,265 aged 10–17 years (the remainder being older). This represents an average of 5 per 1,000 young people aged 10–17 years in the population. Around 4 per 1,000 had community-based supervision, and around 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 83% in 2005–06.

## **Age of young people**

- Most young people under juvenile justice supervision were aged 16 years or older (64%), with fewer than 9% being aged 13 or younger in 2005–06.
- Almost 73% 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-eight per cent of young people under juvenile justice supervision identified/were identified as being of Aboriginal and Torres Strait Islander origin.
- About 44 per 1,000 Aboriginal and Torres Strait Islander young people aged 10–17 years were under juvenile justice supervision during 2005–06 compared with about 3 per 1,000 non-Indigenous young people.
- Over 60% of those aged 13 years or younger in 2005–06 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 2005–06, there was an average of 5,185 young people in community-based juvenile justice supervision each day in Australia. This represents an increase of 2% since 2004–05, compared with the 4% decrease from 2002–03 to 2004–05 (excluding the Australian Capital Territory for which 2002–03 data were unavailable).

### **Detention supervision**

- During 2005–06, there was an average of 816 young people in detention-based juvenile justice supervision each day in Australia. This represents an increase of 4% since 2004–05, compared with the 8% decrease from 2002–03 to 2004–05 (excluding the Australian Capital Territory for which 2002–03 data were unavailable).

## **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 (for example, detention or community-based).

### **Number of supervision periods**

- Of all the young people under juvenile justice supervision in 2005–06, over 80% completed only one *supervision period* during the year.
- Differences were found according to age in the number of *supervision periods* completed. Eighteen per cent of young people aged 12 years or under completed at least three *supervision periods* during 2005–06, compared to 3% of those aged 16 or older.
- The number of *supervision periods* completed each year also varied according to Indigenous status. About 23% of Indigenous young people completed at least two *supervision periods* in 2005–06, compared with around 15% of non-Indigenous young people.

### **Length of supervision**

- The length of *supervision periods* completed during 2005–06 varied greatly from fewer than 7 days (25%) to 12 months or longer (21%). The median length of completed *supervision periods* was 3 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 11% of young people completed one *supervision period* during 2005–06 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 147 days, compared with 83 days for *episodes* of sentenced detention.
- About 36% of *supervision periods* for females were less than 14 days in length, compared with about 29% for males.
- The relationship between the length of completed *supervision periods* and age is more complex. Between 42% and 49% of *supervision periods* completed by those aged 10–12 years lasted less than one month, compared with 21% for those aged 18 years and older. However, there was less variation between the different age groups for the *supervision periods* lasting for nine months or more.
- Although Indigenous young people completed relatively more *supervision periods* in a year than non-Indigenous young people, those *supervision periods* were shorter. Almost two-thirds (64%) of *supervision periods* completed by Indigenous young people were less than six months long, compared with 56% 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 2005–06.
- There is much variation among states and territories in relation to pre-sentence supervision, with legislative differences around supervised bail.
- Males were more likely than females to have *episodes* of sentenced detention in their *supervision periods* (11% and 5% of *supervision periods* respectively).
- Females tended to have both longer *episodes* of sentenced community-based supervision and longer *episodes* of sentenced detention than males but shorter *episodes* of pre-sentenced community supervision.
- A greater proportion of *supervision periods* by 10–14 year olds included *episodes* of pre-sentence detention (58–79%) than did those by young people aged 15 to 18+ (21–52%).
- 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 (56% compared with 50% in 2005–06). This pattern was also observed for sentenced detention (11% and 9%, respectively). For community-based supervision, the pattern was reversed with non-Indigenous young people more likely to have both pre-sentenced and sentenced community-based *episodes* than Indigenous young people.

## Exits from pre-sentence detention *episodes*

- Over 60% of pre-sentence detention *episodes* in 2005–06 ended with the young person being released on bail. Fewer than 10% ended with the young person being sentenced and immediately commencing an *episode* of sentenced detention.
- The proportion of pre-sentence (remand) *episodes* ending with the young person being sentenced and immediately commencing an *episode* of detention increased with age. Four per cent of pre-sentence detention *episodes* for young people aged 13 years or under ended this way, compared with 10% for those aged at least 15 years.
- The proportion of pre-sentence detention (remand) *episodes* that finished with release on bail was lower among Indigenous than non-Indigenous young people (56% compared with 68%) in 2005–06.

## 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-six per cent of those aged 14 years in 2001–02 had their first and last *supervision period* during that year, compared to around 20% of those aged 11 years.
- About 70% of young people who began their first ever supervision when aged 13 years had completed at least two *supervision periods* by the time they were 18, compared with 14% for those whose initial supervision did not begin until they were 17 years old.

- For those aged 12–17 years at their first *supervision period*, the likelihood of this *supervision period* containing detention decreased as age increased, from 55% for those aged 12 to 36% for those aged 17. This detention was usually pre-sentence, except for those aged 18 and over.
- Detention in the first *supervision period* was associated with having more *supervision periods* during subsequent years. For young people aged 10–14 years in 2001–02, 40% of those who experienced early detention had four or more *supervision periods*, compared to 16% of those who did not experience early detention.

*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).*



# 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, collected and published snapshot data on the numbers of juveniles in detention centres around Australia on the last day of each quarter during the year as part of the *Juveniles in detention in Australia* monitoring project. 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-based 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 third report of the Juvenile Justice NMDS and covers the period 2005–06. The first report, with data from 2000–01 to 2003–04, was published in February 2006, and the second report, with data for 2004–05, was published in March 2007.

### 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 before a young person is 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. This has led to increased numbers in both detention and community-based supervision in Victoria. 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 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 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.



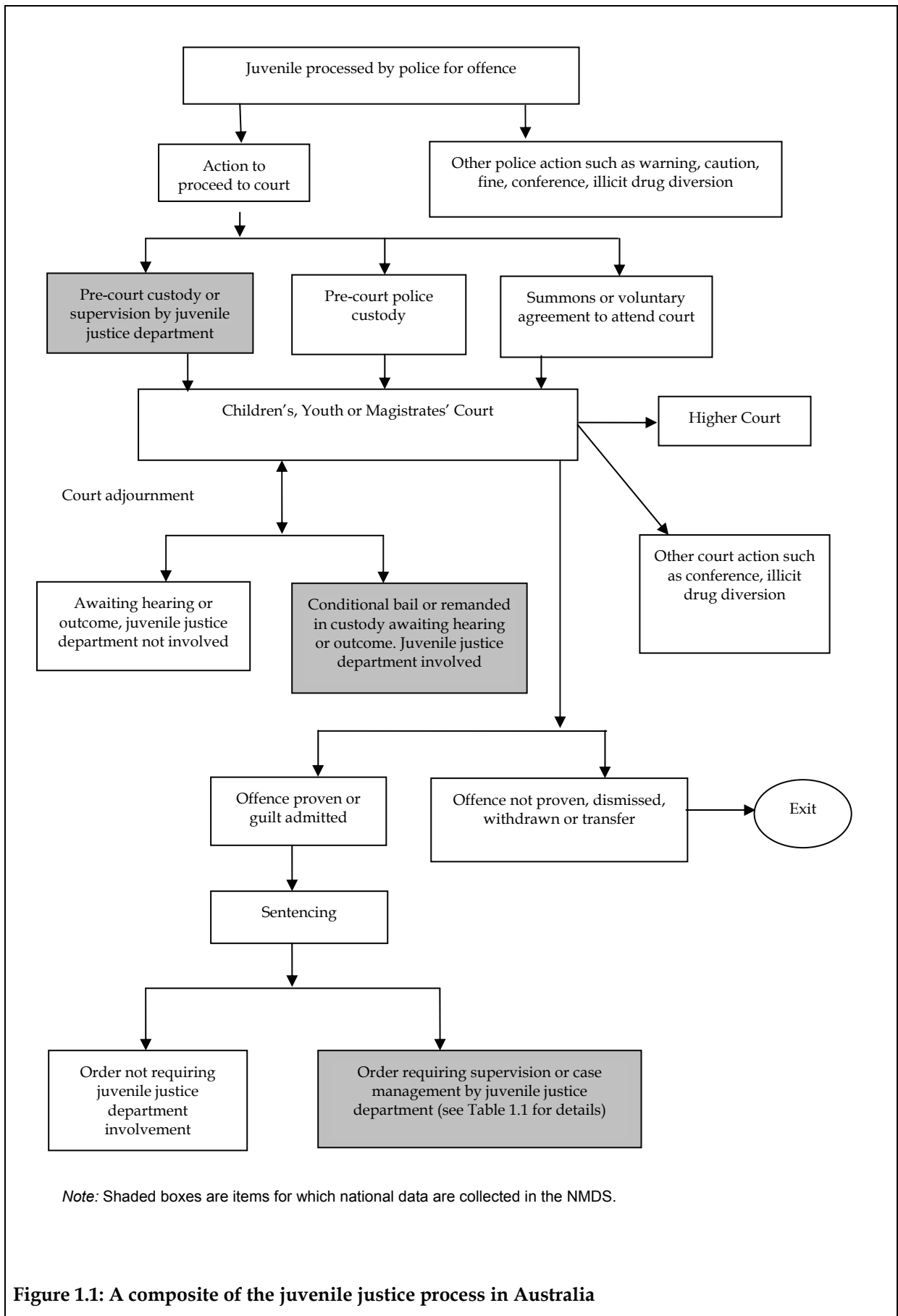


Figure 1.1: A composite of the juvenile justice process in Australia

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 government and non-government organisations. 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, or in detention (either awaiting court appearances or while serving a sentence).

**Table 1.1: Range of juvenile justice outcomes and services available, by states and territories, June 2006**

Juvenile justice outcomes and services	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Pre-court pre-sentence diversionary outcomes</b>								
Informal caution/warning	✓	✓	✓	✓	✓	✓	✓	✓
Formal caution	✓	✓	✓	✓	✓	✓	✓	✓
Conferencing	✓	✓	✓	✓	✓	✓	✓	✓
<b>Does not involve juvenile justice department</b>								
Discharge	✓	✓	✓	✓	✓	✓	✓	✓
Fine	✓	✓	✓	✓	✓	✓	✓	✓
Obligation without supervision	✓	✓	✓	✓	✓	✓	✓	✓
<b>May involve juvenile justice department</b>								
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 (parole)	✓	✓	✓	✓	✓	✓	—	✓

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 that are outside the scope of the NMDS. \* Indicates items that 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:

- Implementation of the effective practice model and quality assurance framework for community services staff.
- The development of an intensive supervision program (ISP) for high-risk juvenile offenders, which targets multiple factors linked to anti-social behaviour. The ISP provides the tools and opportunities for offenders and their families to make changes to their lives to reduce the risks of re-offending.
- Implementation of the Aboriginal Strategic Policy Framework to support, provide direction and ensure consistent approaches to decision making in relation to the department's Aboriginal service delivery.
- Development of a tool and processes to assess and support young people and victims with complex needs participating in youth justice conferences.

### **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 and post release 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 a quality audit framework; 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 FAMYJ 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.
- The review of the *Juvenile Justice Act 1992*.
- Development of an Aboriginal and Torres Strait Islander Youth Justice Strategy to guide the implementation of policy and programmatic responses to over-representation of Aboriginal and Torres Strait Islander young people in the justice system and the proportionate under-representation of Aboriginal and Torres Strait Islander young people in youth justice conferencing.

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.
- Implementing 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 for all uniformed detention staff at the Training 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.
- 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:

- Diversionary strategies involving community conferencing and community service orders.
- Safe and secure custodial care at Ashley Youth Detention Centre.
- Pre- and post-custodial release support and relapse prevention programs.
- Community-based statutory supervision, court support and case management, including integrated collaborative case management for clients with multiple and complex needs.
- Developing community capacity to assist with the rehabilitation of young people who have socially offended in the community and the restoration of the harm they may have caused.
- Improving communication with internal and external stakeholders.
- Continuing the progress commenced in 2006 on the recommendations contained in the Commissioner for Children's Review of Juvenile Remandees in Tasmania.
- Formalising the implementation of recommendations contained in the Review of Residents Safety at Ashley Youth Detention Centre.
- Quality management.
- Developing standard operating procedures for the new service delivery model and quality assurance framework.

### **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 focused 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 2005–2006 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 August 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 Youth Diversion Scheme (YDS) is to work with young offenders through formal assessment, restorative justice conferences and referral to a diversionary 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.

- Following the cessation of Australian Government funding in 2005 the NT Government approved the continuation of the YDS 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 Northern Territory Government to continue operation.
- Community Youth Development program funding is currently available to the communities of Borroloola, Galiwin'ku, Tiwi Islands, Groote Eylandt, Maningrida, Papunya, Mt Liebig, Kintore, Docker River, Mutitjulu, Imanpa and Gunbalanya. Large-scale funding was previously used to establish a Community Youth Development Unit in Wadeye and would be reconsidered for future projects, should additional funding become available. 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 has been 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 2005–06 financial year.

### 1.4.1 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 2005–06 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.

### **1.4.2 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 2005–06. 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.

### **1.4.3 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.



#### **1.4.4 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 first juvenile justice supervision**

These sections examine the relationships between the age at which a young person first had juvenile justice supervision and the subsequent time spent in supervision, the types of sentences received and the impact of being detained in the first *supervision period*.

#### **1.4.5 State and territory appendices**

Juvenile justice in Australia 2005–06 state and territory appendices are available online only at <<http://www.aihw.gov.au/publications/>>.

## 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* 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
- 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 Table 2.1), 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 before the start of the collection period. The data items in the young person collection are shown in Table 2.1.

**Table 2.1: Data items in the 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.

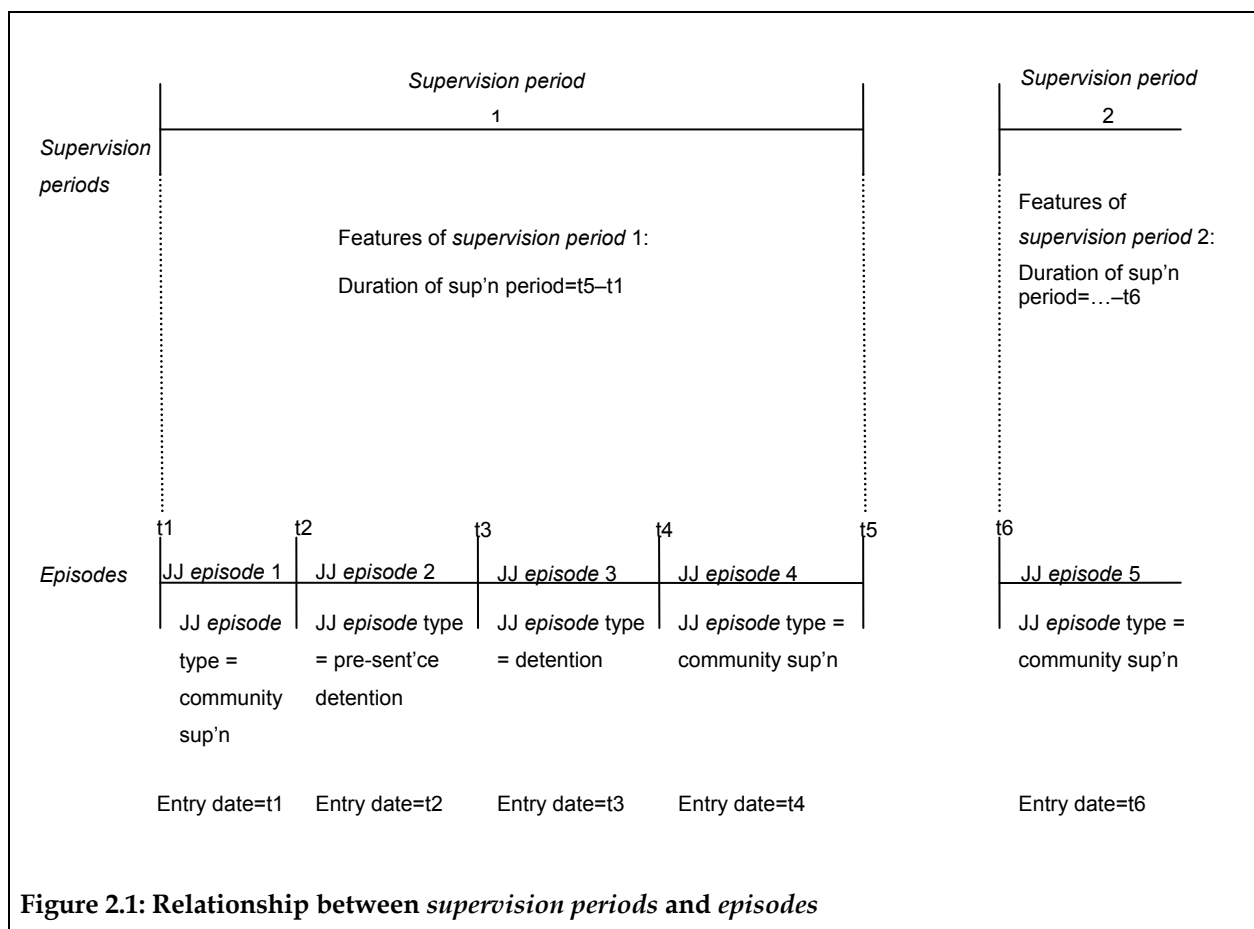
## 2.1.2 Episode collection

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.



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 pre-sentence detention (remand). An *episode* of sentenced detention at  $t_3$  followed this pre-sentence detention, 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  $t_5$ . Sometime later at  $t_6$ , 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 the *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 while 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.

**Table 2.3: Australian population aged 10–17 years, by Indigenous status, states and territories, 2006**

Population	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia <sup>(a)</sup>
<b>Indigenous</b>									
Aged 10–17	31,411	6,687	29,419	14,435	5,579	3,836	928	11,137	103,465
Total (all ages)	163,141	35,031	151,825	77,113	29,550	18,982	5,115	61,886	542,886
% of total aged 10–17	19.3%	19.1%	19.4%	18.7%	18.9%	20.2%	18.1%	18.0%	19.1%
<b>Non-Indigenous</b>									
Aged 10–17	700,384	530,142	428,998	215,395	157,064	51,157	34,054	14,497	2,132,084
Total (all ages)	6,664,553	5,056,635	3,901,619	1,973,771	1,525,106	469,966	323,702	144,802	20,062,602
% of total aged 10–17	10.5%	10.5%	11.0%	10.9%	10.3%	10.9%	10.5%	10.0%	10.6%
<b>Total</b>									
Aged 10–17	731,795	536,829	458,417	229,830	162,643	54,993	34,982	25,634	2,235,549
Total (all ages)	6,827,694	5,091,666	4,053,444	2,050,884	1,554,656	488,948	328,817	206,688	20,605,488
% of total aged 10–17	10.7%	10.5%	11.3%	11.2%	10.5%	11.2%	10.6%	12.4%	10.8%

(a) Australian figures include people living in other Territories not listed in the table.

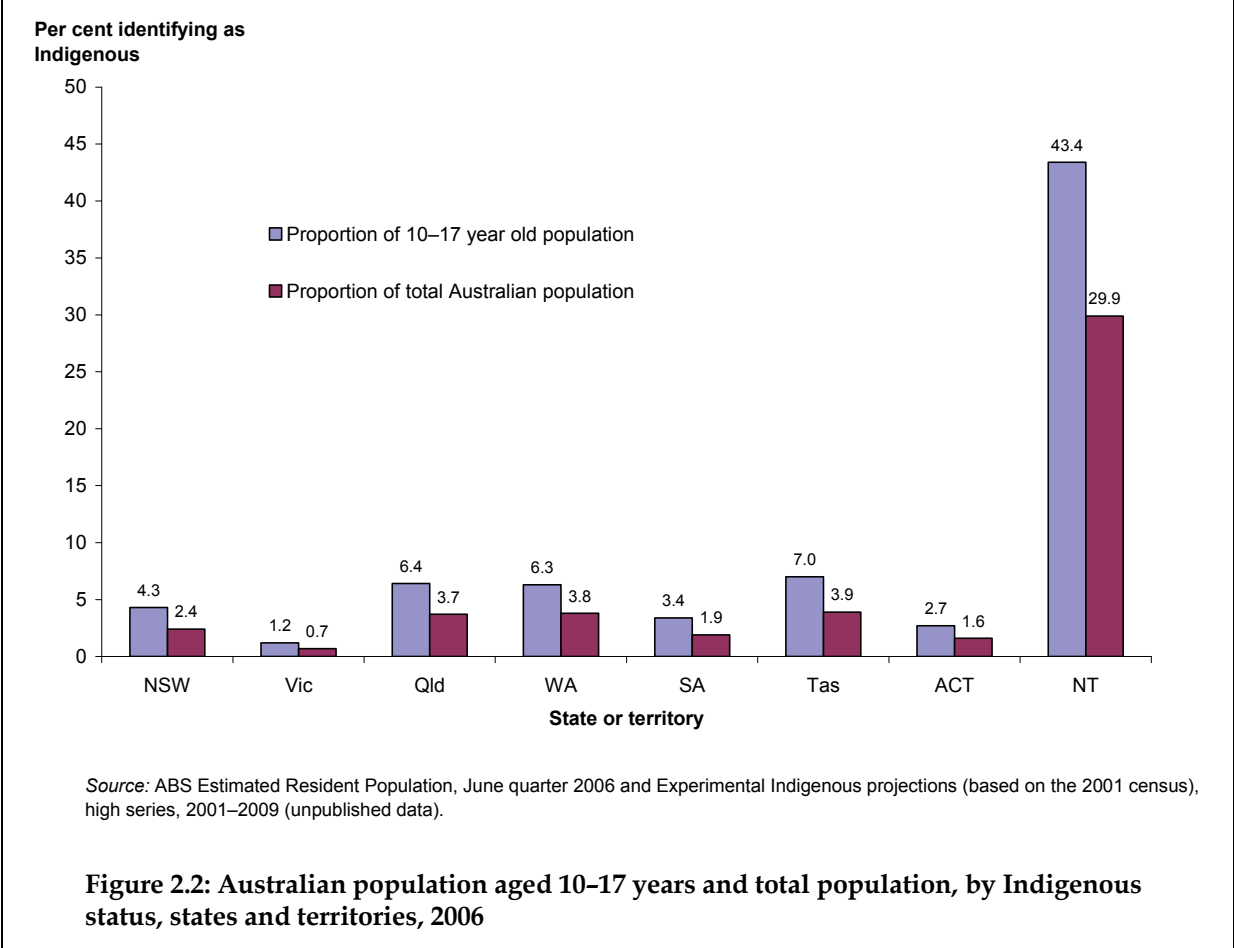
Note: Indigenous population figures are based on the ABS high series estimate from the 2001 Census.

Source: ABS Estimated Resident Population, June quarter 2006 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 2006, 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).



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 unknown/not recorded 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, both 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 2005–06, 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. 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.

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 (DCS) on 10 November 2004. It was renamed the Kariiong Juvenile Correctional Centre. Figures for young people in custody in Kariiong after 10 November 2004 will not be reported by DJJ and thus are not included in this report.

### **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 quality of data provided for the third report of this national collection was good and has improved since the first report. The amount of missing data is less than 0.1% for all variables except Aboriginal or Torres Strait Islander status, for which about 5% of young people had a status of 'unknown/not recorded'. The date of first contact is missing from Australian Capital Territory data. The coverage of data is complete for the period 2003–04 to 2005–06, with data for 2001–02 to 2002–03 missing only 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 the number of young people with an 'unknown/not recorded' Indigenous status in most jurisdictions.

Until February 2006, Tasmania did not use a central repository for data recorded in the custodial setting. Remedial action has been taken to improve the quality of data within this and subsequent reports.

## 3 Young person characteristics

This chapter presents information about young people in Australia under juvenile justice supervision at some time during 2005–06. 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 2002–03 to 2005–06. 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 2005–06, 13,254 young people experienced juvenile justice supervision in Australia. Of these 11,150 (84%) had community-based supervision, and 5,137 (39%) had detention-based supervision, which means that 3,033 (23%) experienced both community-based and detention supervision at some time during the year.

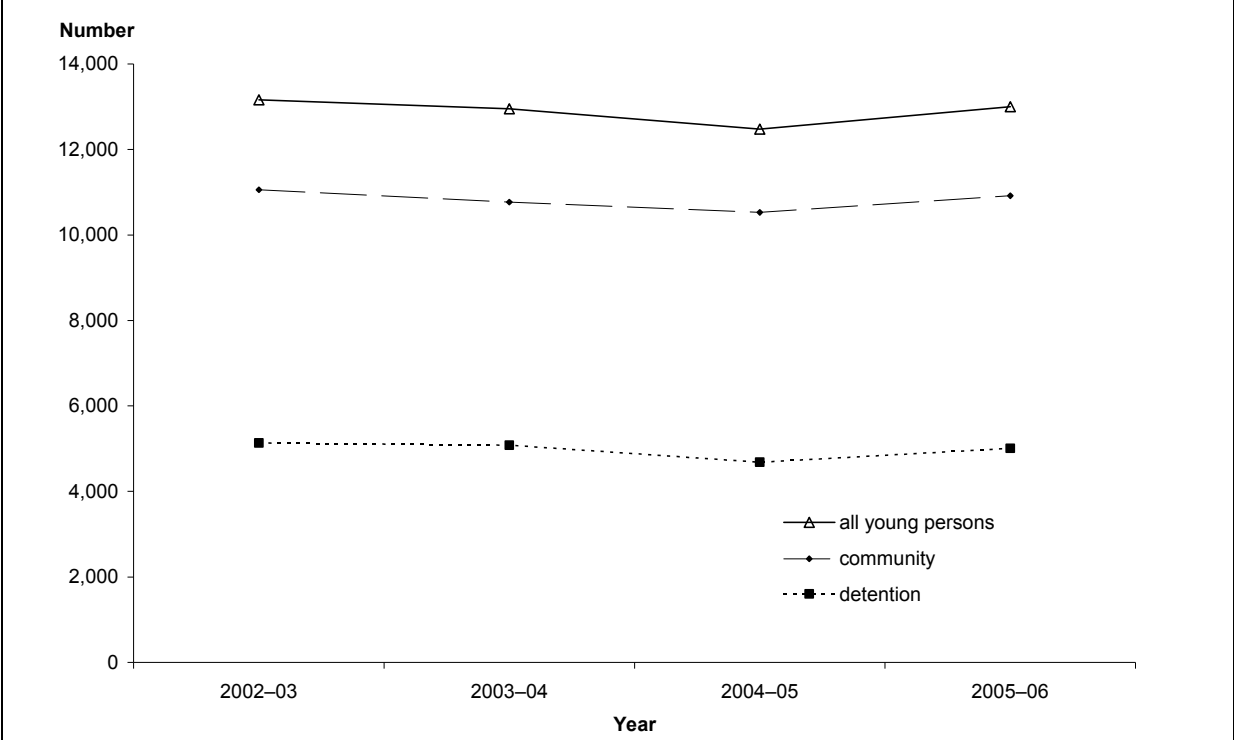
**Table 3.1: Young people under juvenile justice supervision, by type of supervision, states and territories, 2002–03 to 2005–06**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
<b>Community</b>									
2002–03	2,930	1,838	2,640	1,588	1,332	507	n.a.	221	<b>(11,056)</b>
2003–04	2,849	1,766	2,547	1,585	1,200	543	325	278	<b>11,093 (10,768)</b>
2004–05	2,760	1,610	2,550	1,668	1,118	512	279	310	<b>10,807 (10,528)</b>
2005–06	2,839	1,801	2,526	1,895	1,037	529	236	287	<b>11,150 (10,914)</b>
<b>Detention</b>									
2002–03	1,950	597	912	775	679	105	n.a.	117	<b>(5,135)</b>
2003–04	1,902	500	961	907	589	101	131	122	<b>5,213 (5,082)</b>
2004–05	1,948	444	642	882	549	96	117	122	<b>4,800 (4,683)</b>
2005–06	2,126	533	709	884	488	127	130	140	<b>5,137 (5,007)</b>
<b>All young people</b>									
2002–03	3,668	2,001	2,912	2,249	1,536	536	n.a.	260	<b>(13,162)</b>
2003–04	3,547	1,895	2,830	2,407	1,387	569	337	318	<b>13,290 (12,953)</b>
2004–05	3,484	1,736	2,648	2,448	1,277	542	290	340	<b>12,765 (12,475)</b>
2005–06	3,687	1,951	2,654	2,612	1,210	559	255	326	<b>13,254 (12,999)</b>

*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.

Following a decrease in the number of young people under juvenile justice supervision between 2002-03 and 2004-05, there was an increase of 4% in 2005-06 to 12,999 (Figure 3.1), from a low of 12,475 in 2004-05 (excluding the Australian Capital Territory as data for 2002-03 were unavailable). Nationally, there was a 7% increase in the number of young people in detention, compared with a 3% increase for those in community supervision.



Source: Table 3.1.

**Figure 3.1: Young people under juvenile justice supervision, by type of supervision, Australia (excluding Australian Capital Territory), 2002-03 to 2005-06**

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 day.<sup>1</sup>

There is variation in the rates of young people under community-based and detention-based supervision across jurisdictions. For Australia overall in 2005–06, 5.0 per 1,000 young people had juvenile justice supervision; 4.2 per 1,000 were in community-based supervision, and 2.0 per 1,000 were in detention-based supervision at some time during each year, with some young people in both. These national rates are higher than the previous year, and reverse the decline in rates that occurred between 2002–03 and 2004–05, although an increase in rates did not occur in every jurisdiction. In Victoria, from 1 July 2005 the upper limit of the age jurisdiction of the Children’s Court increased from 16 to 17 years. The inclusion of 17 year olds in the Victorian numbers for 2005–06 may account for the increase in these figures compared to 2004–05.

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, young people aged 10–16 in Queensland are recognised as juveniles under the *Juvenile Justice Act 1992*.

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<sup>1</sup> Data published by the Australian Institute of Criminology from the *Juveniles in detention in Australia* monitoring project provide 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, states and territories, 2002–03 to 2005–06**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
<b>Community</b>									
<b>(number of young people)</b>									
2002–03	2,530	1,484	2,396	1,468	1,065	310	n.a.	184	<b>(9,437)</b>
2003–04	2,441	1,454	2,310	1,486	944	332	269	244	<b>9,480 (9,211)</b>
2004–05	2,344	1,300	2,318	1,566	873	324	240	264	<b>9,229 (8,989)</b>
2005–06	2,454	1,326	2,325	1,772	808	360	198	248	<b>9,491 (9,293)</b>
<b>(rate per 1,000)</b>									
2002–03	3.5	2.8	5.5	6.5	6.6	5.7	n.a.	7.4	<b>4.3 (4.4)</b>
2003–04	3.3	2.7	5.2	6.5	5.8	6.0	7.6	9.7	<b>4.3 (4.2)</b>
2004–05	3.2	2.4	5.1	6.9	5.4	5.9	6.8	10.4	<b>4.2 (4.1)</b>
2005–06	3.4	2.5	5.1	7.7	5.0	6.5	5.7	9.7	<b>4.2 (4.2)</b>
<b>Detention</b>									
<b>(number of young people)</b>									
2002–03	1,762	305	889	763	622	82	n.a.	117	<b>(4,540)</b>
2003–04	1,699	285	946	889	525	76	127	122	<b>4,669 (4,542)</b>
2004–05	1,724	238	623	863	495	84	114	122	<b>4,263 (4,149)</b>
2005–06	1,906	279	703	872	441	110	127	140	<b>4,578 (4,451)</b>
<b>(rate per 1,000)</b>									
2002–03	2.4	0.6	2.0	3.4	3.8	1.5	n.a.	4.7	<b>2.1 (2.1)</b>
2003–04	2.3	0.5	2.1	3.9	3.2	1.4	3.6	4.9	<b>2.1 (2.1)</b>
2004–05	2.4	0.4	1.4	3.8	3.1	1.5	3.2	4.8	<b>1.9 (1.9)</b>
2005–06	2.6	0.5	1.5	3.8	2.7	2.0	3.6	5.5	<b>2.0 (2.0)</b>
<b>All young people</b>									
<b>(number of young people)</b>									
2002–03	3,124	1,527	2,651	2,117	1,232	329	n.a.	223	<b>(11,203)</b>
2003–04	2,998	1,501	2,582	2,290	1,089	346	279	284	<b>11,369 (11,090)</b>
2004–05	2,906	1,345	2,407	2,328	996	349	250	294	<b>10,875 (10,625)</b>
2005–06	3,133	1,371	2,450	2,477	950	381	216	287	<b>11,265 (11,049)</b>
<b>(rate per 1,000)</b>									
2002–03	4.3	2.9	6.1	9.4	7.6	6.0	n.a.	8.9	<b>5.1 (5.2)</b>
2003–04	4.1	2.8	5.8	10.1	6.7	6.3	7.9	11.3	<b>5.1 (5.1)</b>
2004–05	4.0	2.5	5.3	10.2	6.1	6.3	7.1	11.6	<b>4.9 (4.9)</b>
2005–06	4.3	2.6	5.3	10.8	5.8	6.9	6.2	11.2	<b>5.0 (5.0)</b>

Note: Age is calculated as at date of first 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 2005–06 were male (Table 3.3). Although there is some variation among states and territories, overall 83% 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 (75%).

**Table 3.3: Young people under juvenile justice supervision, by sex, states and territories, 2005–06**

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
Male	3,145	1,667	2,165	2,118	993	450	191	302	11,031
Female	542	284	489	491	217	109	64	24	2,220
Unknown	—	—	—	3	—	—	—	—	3
<b>Total</b>	<b>3,687</b>	<b>1,951</b>	<b>2,654</b>	<b>2,612</b>	<b>1,210</b>	<b>559</b>	<b>255</b>	<b>326</b>	<b>13,254</b>
(per cent of young people)									
Male	85.3	85.4	81.6	81.1	82.1	80.5	74.9	92.6	83.2
Female	14.7	14.6	18.4	18.8	17.9	19.5	25.1	7.4	16.7
Unknown	—	—	—	0.1	—	—	—	—	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 3.4 indicates that, during 2005–06, males aged 10–17 years were subject to juvenile justice supervision at a rate of 8.1 per 1,000, compared with females at 1.8 per 1,000. There were over four 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, states and territories, 2005–06**

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
Male	2,644	1,139	1,983	1,999	776	298	161	265	9,265
Female	489	232	467	475	174	83	55	22	1,997
Unknown	—	—	—	3	—	—	—	—	3
<b>Total</b>	<b>3,133</b>	<b>1,371</b>	<b>2,450</b>	<b>2,477</b>	<b>950</b>	<b>381</b>	<b>216</b>	<b>287</b>	<b>11,265</b>
(rate per 1,000 young people)									
Male	7.0	4.1	8.4	17.0	9.3	10.5	9.0	19.8	8.1
Female	1.4	0.9	2.1	4.2	2.2	3.1	3.2	1.8	1.8
Unknown	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>4.3</b>	<b>2.6</b>	<b>5.3</b>	<b>10.8</b>	<b>5.8</b>	<b>6.9</b>	<b>6.2</b>	<b>11.2</b>	<b>5.0</b>

### Notes

1. Australian rates do not include unknowns.
2. Age is calculated as at first date of supervision during 2005–06.



### **3.3 Age of young people in supervision**

About two-thirds of young people (64%) in supervision during 2005–06 were aged 16 years or older (Table 3.5). Fewer than 9% of young people were aged 13 years or less. The distribution was relatively consistent among states and territories for young people aged 10–17 years.

Across jurisdictions, the proportion of young people in juvenile justice supervision who were aged 18 years and over varied between 5% and 32%. 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.

**Table 3.5: Young people under juvenile justice supervision, by age, states and territories; 2005–06**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
10	4	1	11	6	4	—	2	—	28
11	24	2	19	31	12	9	4	—	101
12	53	15	52	75	24	8	3	6	236
13	169	63	188	190	60	32	13	14	729
14	387	144	374	341	123	31	26	30	1,456
15	630	260	543	473	178	74	39	71	2,268
16	824	428	752	650	240	115	55	75	3,139
17	1,042	458	511	711	309	112	74	91	3,308
18+	554	580	204	135	260	178	39	39	1,989
<b>Total</b>	<b>3,687</b>	<b>1,951</b>	<b>2,654</b>	<b>2,612</b>	<b>1,210</b>	<b>559</b>	<b>255</b>	<b>326</b>	<b>13,254</b>
(per cent of young people)									
10	0.1	0.1	0.4	0.2	0.3	—	0.8	—	0.2
11	0.7	0.1	0.7	1.2	1.0	1.6	1.6	—	0.8
12	1.4	0.8	2.0	2.9	2.0	1.4	1.2	1.8	1.8
13	4.6	3.2	7.1	7.3	5.0	5.7	5.1	4.3	5.5
14	10.5	7.4	14.1	13.1	10.2	5.5	10.2	9.2	11.0
15	17.1	13.3	20.5	18.1	14.7	13.2	15.3	21.8	17.1
16	22.3	21.9	28.3	24.9	19.8	20.6	21.6	23.0	23.7
17	28.3	23.5	19.3	27.2	25.5	20.0	29.0	27.9	25.0
18+	15.0	29.7	7.7	5.2	21.5	31.8	15.3	12.0	15.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: Age is calculated as at date of first supervision during 2005–06.

### 3.4 Aboriginal and Torres Strait Islander young people in supervision

Over one-third of young people under juvenile justice supervision during 2005–06 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, 2005–06**

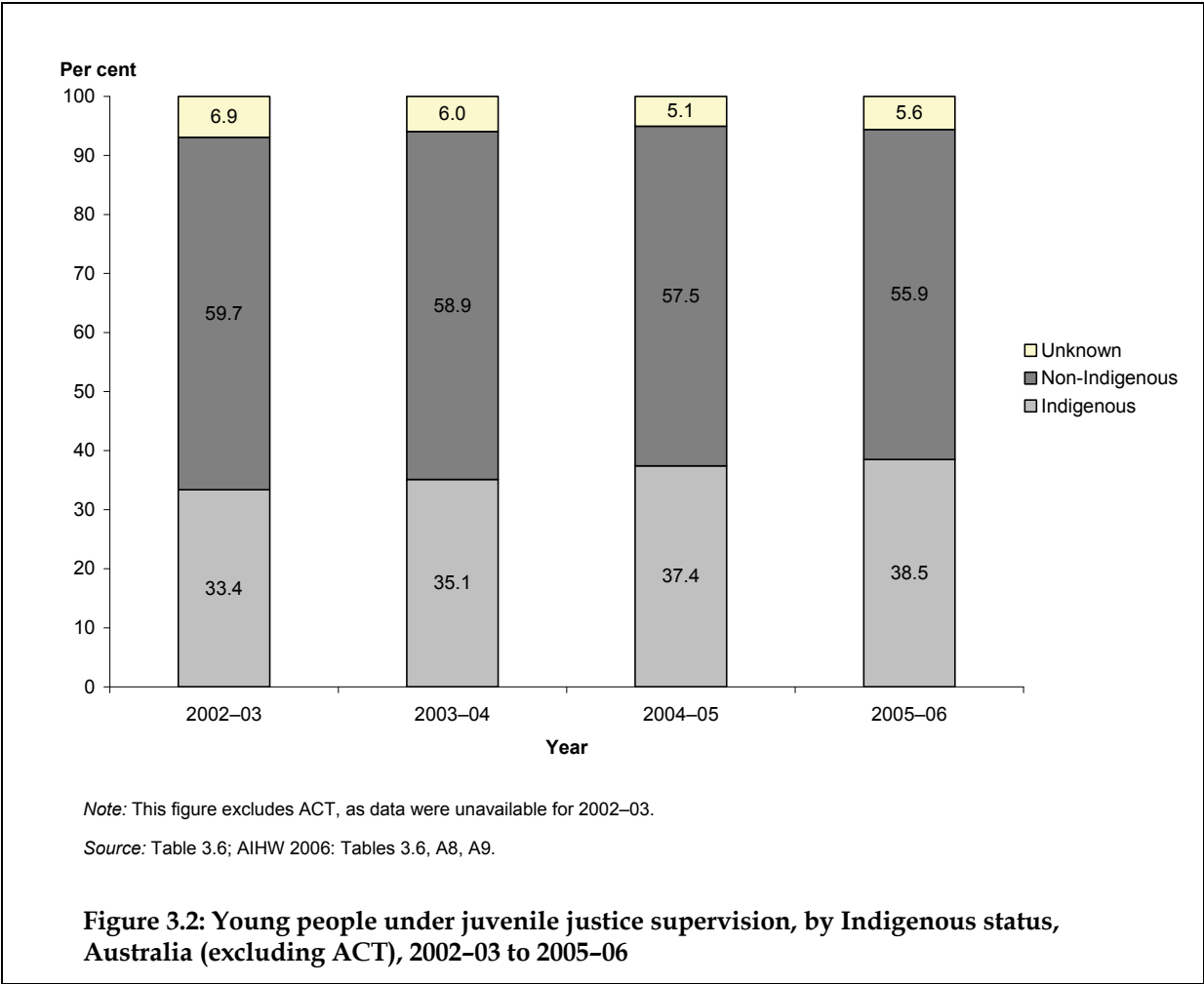
Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>(number of young people)</b>									
Indigenous	1,225	207	1,248	1,622	352	85	48	267	5,054
Non-Indigenous	2,154	1,555	1,404	943	782	366	207	59	7,470
Unknown/not recorded	308	189	2	47	76	108	—	—	730
<b>Total</b>	<b>3,687</b>	<b>1,951</b>	<b>2,654</b>	<b>2,612</b>	<b>1,210</b>	<b>559</b>	<b>255</b>	<b>326</b>	<b>13,254</b>
<b>(per cent of young people)</b>									
Indigenous	33.2	10.6	47.0	62.1	29.1	15.2	18.8	81.9	38.1
Non-Indigenous	58.4	79.7	52.9	36.1	64.6	65.5	81.2	18.1	56.4
Unknown/not recorded	8.4	9.7	0.1	1.8	6.3	19.3	—	—	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*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 2002-03 to 2005-06, there was a gradual increase from 33% to 38% 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 figure excludes the Australian Capital Territory as data for 2002-03 were unavailable, and thus the numbers for 2005-06 will be slightly different from the Australia totals in Table 3.6.

The increase 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 could also be partly due to improvements in data quality as the proportion of 'unknown' or 'not recorded' responses on this item has generally 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; AIHW 2006; AIHW: Loke & Johnston 2007). These results presented here 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 2005–06 (Table 3.7). Overall, Aboriginal and Torres Strait Islander young people were under juvenile justice supervision at a rate of 44 per 1,000, compared with 3 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, states and territories, 2005–06**

<b>Indigenous status</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>	<b>Australia</b>
<b>(number of young people)</b>									
Indigenous	1,091	159	1,171	1,539	287	68	41	236	4,592
Non-Indigenous	1,789	1,070	1,279	899	612	251	175	51	6,126
Unknown/not recorded	253	142	—	39	51	62	—	—	547
<b>Total</b>	<b>3,133</b>	<b>1,371</b>	<b>2,450</b>	<b>2,477</b>	<b>950</b>	<b>381</b>	<b>216</b>	<b>287</b>	<b>11,265</b>
<b>(rate per 1,000)</b>									
Indigenous	34.7	23.8	39.8	106.6	51.4	17.7	44.2	21.2	44.4
Non-Indigenous	2.6	2.0	3.0	4.2	3.9	4.9	5.1	3.5	2.9
Unknown/not recorded	..	..	..	..	..	..	..	..	..
<b>Total</b>	<b>4.3</b>	<b>2.6</b>	<b>5.3</b>	<b>10.8</b>	<b>5.8</b>	<b>6.9</b>	<b>6.2</b>	<b>11.2</b>	<b>5.0</b>

*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 date of first supervision during 2005–06.

While rates of juvenile justice supervision in Australia for Indigenous young people aged 10 to 17 years increased slightly in 2005–06 after decreasing in the previous three years, rates for both Indigenous and non-Indigenous young people decreased overall in most states and territories during the period 2002–03 to 2005–06 (Table 3.8). However, both Western Australia and the Northern Territory experienced increases in the rates of both Indigenous and non-Indigenous young people in juvenile justice supervision over the four-year period. Table 3.8 contains the rates of young people under supervision. The numbers of young people aged 10–17 years from which these rates were calculated are in Appendix D.

**Table 3.8: Rates of young people aged 10–17 years under juvenile justice supervision, per 1,000 young people, by Indigenous status, states and territories, 2002–03 to 2005–06**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
<b>2002–03<sup>(a)</sup></b>									
Indigenous	36.2	28.1	45.4	93.6	76.0	8.8	n.a.	16.8	(45.5)
Non-Indigenous	2.7	2.6	3.7	3.7	4.9	3.3	n.a.	3.3	(3.2)
<b>Total</b>	<b>4.3</b>	<b>2.9</b>	<b>6.1</b>	<b>9.4</b>	<b>7.6</b>	<b>6.0</b>	<b>n.a.</b>	<b>8.9</b>	<b>(5.2)</b>
<b>2003–04</b>									
Indigenous	35.8	26.5	41.6	99.6	63.0	11.9	56.7	21.6	45.1 (45.0)
Non-Indigenous	2.5	2.6	3.6	3.8	4.5	3.8	6.7	3.9	3.1 (3.1)
<b>Total</b>	<b>4.1</b>	<b>2.8</b>	<b>5.8</b>	<b>10.1</b>	<b>6.7</b>	<b>6.3</b>	<b>7.9</b>	<b>11.3</b>	<b>5.1 (5.1)</b>
<b>2004–05</b>									
Indigenous	33.8	23.9	39.7	103.4	58.0	14.4	59.3	23.0	44.3 (44.1)
Non-Indigenous	2.5	2.2	3.1	3.8	4.0	4.1	5.8	3.3	2.9 (2.8)
<b>Total</b>	<b>4.0</b>	<b>2.5</b>	<b>5.3</b>	<b>10.2</b>	<b>6.1</b>	<b>6.3</b>	<b>7.1</b>	<b>11.6</b>	<b>4.9 (4.9)</b>
<b>2005–06</b>									
Indigenous	34.7	23.8	39.8	106.6	51.4	17.7	44.2	21.2	44.4 (44.4)
Non-Indigenous	2.6	2.0	3.0	4.2	3.9	4.9	5.1	3.5	2.9 (2.8)
<b>Total</b>	<b>4.3</b>	<b>2.6</b>	<b>5.3</b>	<b>10.8</b>	<b>5.8</b>	<b>6.9</b>	<b>6.2</b>	<b>11.2</b>	<b>5.0 (5.0)</b>

(a) Rates for 2002–03 do not include the Australian Capital Territory as data were unavailable.

*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 date of first supervision during the relevant year.

### **3.5 Relationships between sex, age and Indigenous status**

In 2005–06, 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 3.9). 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 12 (72%) to age 18 years (23%).

Proportionally more females were aged 14 to 16 years than males (60% and 50% respectively), while proportionally fewer females were aged 17 or older (31%, compared with 42% for males).

**Table 3.9: Young people under juvenile justice supervision, by age, sex and Indigenous status, Australia, 2005–06**

<b>Sex</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>	<b>Total</b>
<b>(number of young people)</b>										
<b>Male</b>										
Indigenous	17	61	146	346	552	738	910	885	389	4,044
Non-Indigenous	8	28	55	218	543	967	1,561	1,789	1,216	6,385
Unknown/ not recorded	—	5	2	14	32	83	144	161	161	602
<b>Total</b>	<b>25</b>	<b>94</b>	<b>203</b>	<b>578</b>	<b>1,127</b>	<b>1,788</b>	<b>2,615</b>	<b>2,835</b>	<b>1,766</b>	<b>11,031</b>
<b>Female</b>										
Indigenous	3	4	24	84	184	209	219	209	73	1,009
Non-Indigenous	—	3	9	62	132	240	273	237	128	1,084
Unknown/ not recorded	—	—	—	5	13	29	31	27	22	127
<b>Total</b>	<b>3</b>	<b>7</b>	<b>33</b>	<b>151</b>	<b>329</b>	<b>478</b>	<b>523</b>	<b>473</b>	<b>223</b>	<b>2,220</b>
<b>All young people</b>										
Indigenous	20	65	170	430	736	<sup>(a)</sup> 948	1,129	1,094	462	5,054
Non-Indigenous	8	31	64	280	675	1,207	<sup>(b)</sup> 1,835	2,026	1,344	7,470
Unknown/ not recorded	—	5	2	19	45	<sup>(a)</sup> 113	175	188	183	730
<b>Total</b>	<b>28</b>	<b>101</b>	<b>236</b>	<b>729</b>	<b>1,456</b>	<b><sup>(a)</sup>2,268</b>	<b><sup>(b)</sup>3,139</b>	<b>3,308</b>	<b>1,989</b>	<b>13,254</b>
<b>(per cent of young people)</b>										
<b>Male</b>										
Indigenous	68.0	64.9	71.9	59.9	49.0	41.3	34.8	31.2	22.0	36.7
Non-Indigenous	32.0	29.8	27.1	37.7	48.2	54.1	59.7	63.1	68.9	57.9
Unknown/ not recorded	—	5.3	1.0	2.4	2.8	4.6	5.5	5.7	9.1	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Female</b>										
Indigenous	100.0	57.1	72.7	55.6	55.9	43.7	41.9	44.2	32.7	45.5
Non-Indigenous	—	42.9	27.3	41.1	40.1	50.2	52.2	50.1	57.4	48.8
Unknown/ not recorded	—	—	—	3.3	4.0	6.1	5.9	5.7	9.9	5.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>All young people</b>										
Indigenous	71.4	64.4	72.0	59.0	50.5	41.8	36.0	33.1	23.2	38.1
Non-Indigenous	28.6	30.7	27.1	38.4	46.4	53.2	58.5	61.2	67.6	56.4
Unknown/ not recorded	—	5.0	0.8	2.6	3.1	5.0	5.6	5.7	9.2	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Includes one Indigenous young person of unknown sex and one young person with unknown Indigenous status of unknown sex.

(b) Includes one non-Indigenous young person of unknown sex.

Note: Age is calculated as at date of first supervision during 2005–06.



Overall, proportionally more females were Aboriginal and Torres Strait Islanders than males (46% for females compared with 37% for males; Table 3.10). In only three jurisdictions (Tasmania, the Australian Capital Territory and Northern Territory) were males more likely to be Indigenous than females.

**Table 3.10: Young people under juvenile justice supervision, by sex and Indigenous status, states and territories, 2005–06**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
<b>Male</b>									
Indigenous	1,012	160	980	1,266	263	74	40	249	4,044
Non-Indigenous	1,879	1,344	1,183	819	664	292	151	53	6,385
Unknown/ not recorded	254	163	2	33	66	84	—	—	602
<b>Total</b>	<b>3,145</b>	<b>1,667</b>	<b>2,165</b>	<b>2,118</b>	<b>993</b>	<b>450</b>	<b>191</b>	<b>302</b>	<b>11,031</b>
<b>Female</b>									
Indigenous	213	47	268	355	89	11	8	18	1,009
Non-Indigenous	275	211	221	123	118	74	56	6	1,084
Unknown/ not recorded	54	26	—	13	10	24	—	—	127
<b>Total</b>	<b>542</b>	<b>284</b>	<b>489</b>	<b>491</b>	<b>217</b>	<b>109</b>	<b>64</b>	<b>24</b>	<b>2,220</b>
<b>All young people</b>									
Indigenous	1,225	207	1,248	1,622	352	85	48	267	5,054
Non-Indigenous	2,154	1,555	1,404	943	782	366	207	59	7,470
Unknown/ not recorded	308	189	2	47	76	108	—	—	730
<b>Total</b>	<b>3,687</b>	<b>1,951</b>	<b>2,654</b>	<b>2,612</b>	<b>1,210</b>	<b>559</b>	<b>255</b>	<b>326</b>	<b>13,254</b>
(per cent of young people)									
<b>Male</b>									
Indigenous	32.2	9.6	45.3	59.8	26.5	16.4	20.9	82.5	36.7
Non-Indigenous	59.7	80.6	54.6	38.7	66.9	64.9	79.1	17.5	57.9
Unknown/ not recorded	8.1	9.8	0.1	1.6	6.6	18.7	—	—	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Female</b>									
Indigenous	39.3	16.5	54.8	72.3	41.0	10.1	12.5	75.0	45.5
Non-Indigenous	50.7	74.3	45.2	25.1	54.4	67.9	87.5	25.0	48.8
Unknown/ not recorded	10.0	9.2	—	2.6	4.6	22.0	—	—	5.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>All young people</b>									
Indigenous	33.2	10.6	47.0	62.1	29.1	15.2	18.8	81.9	38.1
Non-Indigenous	58.4	79.7	52.9	36.1	64.6	65.5	81.2	18.1	56.4
Unknown/ not recorded	8.4	9.7	0.1	1.8	6.3	19.3	—	—	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Includes one Indigenous young person of unknown sex, one non-Indigenous young person of unknown sex, and one young person with unknown Indigenous status of unknown sex.

*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.

## 3.6 Age of initial juvenile justice supervision

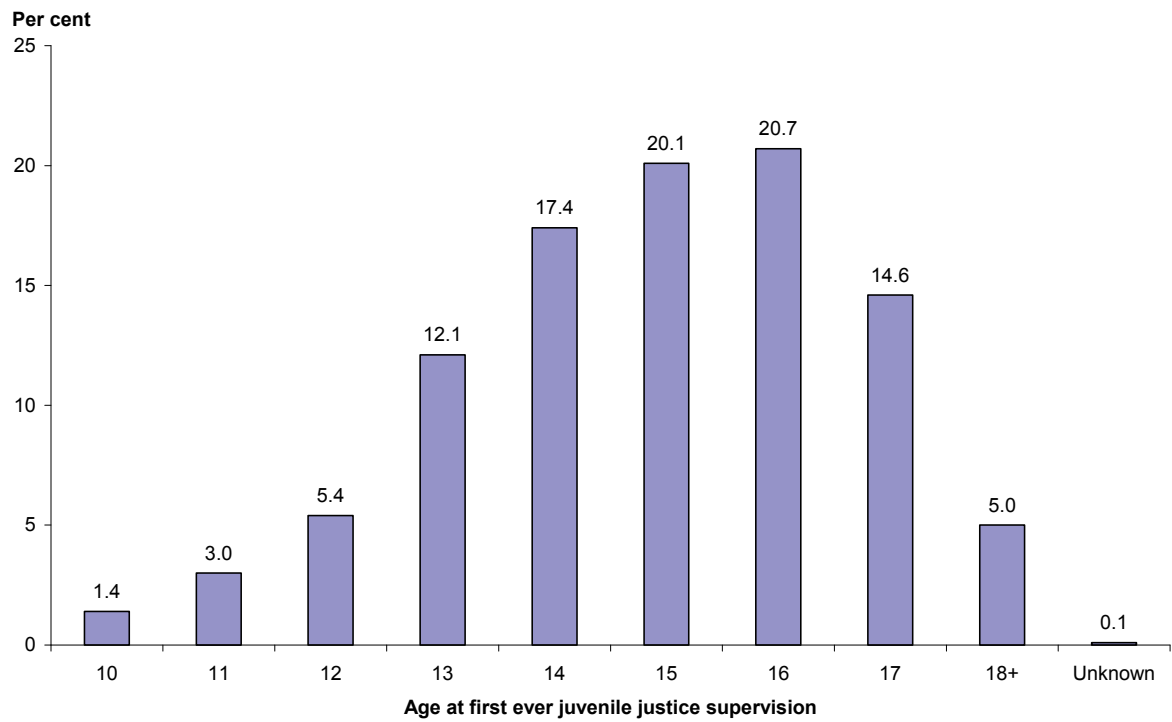
The Juvenile Justice NMDS includes information on the date each young person's first ever juvenile justice supervision began, even if this was before 2000-01. The date at which a young person began his/her first supervision that would have constituted a juvenile justice *episode* in the NMDS was collected 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.

Of the young people who had juvenile justice supervision in 2005-06, almost three-fifths (58%) were aged between 14 and 16 years at the start of their first juvenile justice supervision, which may have occurred in any year up to and including 2005-06 (Table 3.11, Figure 3.3). Fewer than 5% were aged 10 or 11 years at the start of their first supervision.

There was some variation between states and territories. The proportion of young people aged 17 and over at the time of their first supervision ranged from 15% to 34% for all jurisdictions except Queensland, where only 7% of young people were aged 17 or over at their first supervision. This is probably due to the legislation in Queensland that recognises 17 year olds as adults rather than juveniles. Victoria had the highest proportion of young people who began their first supervision aged at least 18 years. Legislation in Victoria allows for some young people aged up to 21 to be supervised by juvenile justice (see Section 1.2).

**Table 3.11: Young people, by age at first supervision, states and territories, 2005-06 (per cent)**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	0.6	0.2	1.5	3.5	2.0	0.4	1.2	—	1.4
11	2.2	0.9	3.4	5.1	4.2	3.8	2.7	1.5	3.0
12	4.5	3.0	5.7	8.0	6.6	4.8	4.3	3.4	5.4
13	10.9	7.9	16.5	13.4	11.6	10.2	11.4	10.7	12.1
14	17.1	14.2	21.6	17.6	16.4	12.0	16.9	19.0	17.4
15	20.9	19.2	22.0	18.7	18.3	19.0	18.0	24.8	20.1
16	22.0	20.8	22.2	18.3	19.2	18.1	22.4	20.9	20.7
17	17.6	16.5	6.5	14.4	16.1	19.0	22.0	19.0	14.6
18+	4.2	17.2	0.6	0.7	5.7	12.9	1.2	0.3	5.0
Unknown	—	—	0.0	0.4	—	—	—	0.3	0.1
<b>Total (per cent)</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Total (number)</b>	<b>3,687</b>	<b>1,951</b>	<b>2,654</b>	<b>2,612</b>	<b>1,210</b>	<b>559</b>	<b>255</b>	<b>326</b>	<b>13,254</b>



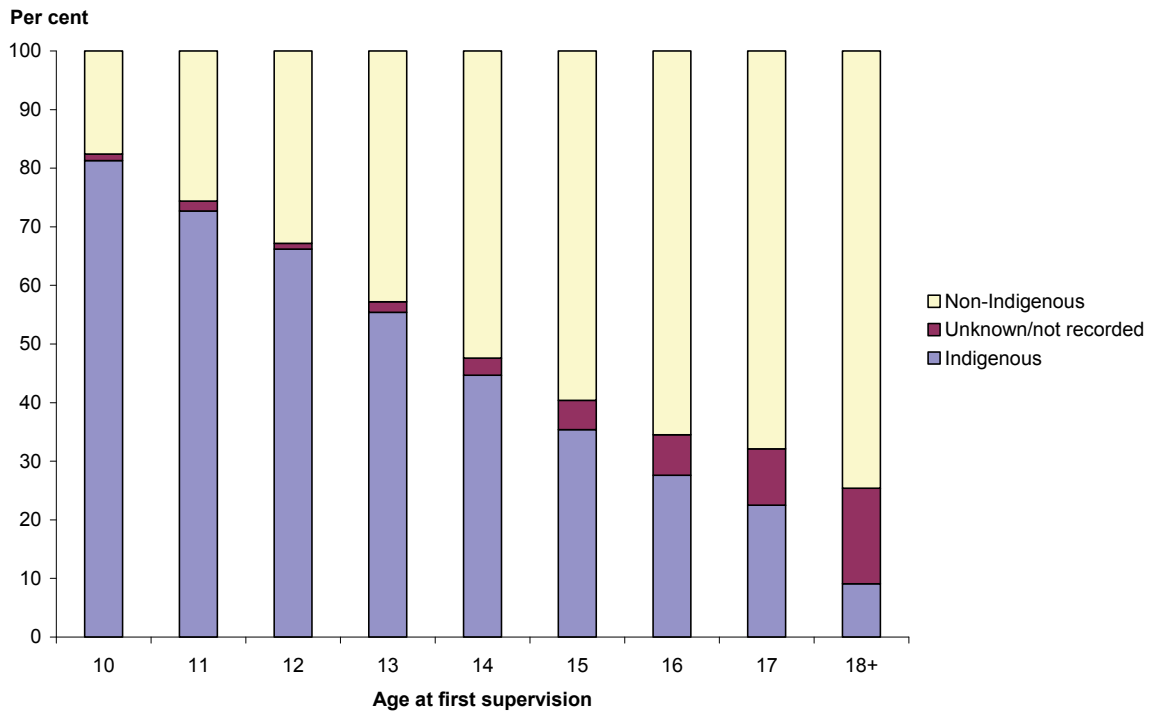
Source: Table 3.11.

**Figure 3.3: Young people, by age at first supervision, Australia, 2005-06**

For young people under juvenile justice supervision in 2005–06, 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 3.12). Of those aged 10, 11 or 12 years at their first ever juvenile justice supervision, 81%, 73% and 66%, respectively, 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 30% of non-Indigenous young people (see also Figure 3.4).

**Table 3.12: Young people, by age at first supervision and Indigenous status, Australia, 2005–06**

<b>Indigenous status</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>	<b>Unknown</b>	<b>Total</b>
<b>(number of young people)</b>											
Indigenous	152	293	474	891	1,032	945	757	437	61	12	5,054
Non-Indigenous	33	103	235	687	1,211	1,591	1,794	1,317	499	—	7,470
Unknown/not recorded	2	7	7	29	67	134	188	187	109	—	730
<b>Total</b>	<b>187</b>	<b>403</b>	<b>716</b>	<b>1,607</b>	<b>2,310</b>	<b>2,670</b>	<b>2,739</b>	<b>1,941</b>	<b>669</b>	<b>12</b>	<b>13,254</b>
<b>(column per cent)</b>											
Indigenous	81.3	72.7	66.2	55.4	44.7	35.4	27.6	22.5	9.1	100.0	38.1
Non-Indigenous	17.6	25.6	32.8	42.8	52.4	59.6	65.5	67.9	74.6	—	56.4
Unknown/not recorded	1.1	1.7	1.0	1.8	2.9	5.0	6.9	9.6	16.3	—	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>(row per cent)</b>											
Indigenous	3.0	5.8	9.4	17.6	20.4	18.7	15.0	8.6	1.2	0.2	<b>100.0</b>
Non-Indigenous	0.4	1.4	3.1	9.2	16.2	21.3	24.0	17.6	6.7	—	<b>100.0</b>
Unknown/not recorded	0.3	1.0	1.0	4.0	9.2	18.4	25.8	25.6	14.9	—	<b>100.0</b>



Source: Table 3.12.

**Figure 3.4: Young people, by age at first supervision and Indigenous status, Australia, 2005-06**

There were also differences in age at first supervision between males and females for young people who were under juvenile justice supervision in 2005–06. Females were more likely than males to have begun juvenile justice supervision when aged around 13–16 years and were less likely than males to have begun juvenile justice supervision for the first time when aged 10 or 11 years (Table 3.13).

**Table 3.13: Young people, by age at first supervision and sex, Australia, 2005–06**

Sex	10	11	12	13	14	15	16	17	18+	Unknown	Total
(number of young people)											
Male	168	371	612	1,308	1,818	2,174	2,293	1,671	605	11	11,031
Female	19	31	104	299	492	494	446	270	64	1	2,220
Unknown	—	1	—	—	—	2	—	—	—	—	3
<b>Total</b>	<b>187</b>	<b>403</b>	<b>716</b>	<b>1,607</b>	<b>2,310</b>	<b>2,670</b>	<b>2,739</b>	<b>1,941</b>	<b>669</b>	<b>12</b>	<b>13,254</b>
(per cent of young people)											
Male	89.8	92.1	85.5	81.4	78.7	81.4	83.7	86.1	90.4	91.7	83.2
Female	10.2	7.7	14.5	18.6	21.3	18.5	16.3	13.9	9.6	8.3	16.7
Unknown	—	0.2	—	—	—	0.1	—	—	—	—	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 3.14 shows young people's age at first supervision by the year in which that supervision began for all young people in the NMDS; for example, in 2000–01, 4,785 people began their first juvenile justice supervision, compared with 5,232 in 2005–06. This is in contrast with the previous tables, which showed the age at first supervision for all young people who were under juvenile justice supervision in 2005–06, regardless of the year in which they first began juvenile justice supervision.

The age at which young people begin juvenile justice supervision has remained relatively constant. In the six years, the majority of young people (67–68%) entered juvenile justice supervision for the first time aged between 15 and 17 years. In each year, only 4–5% of young people who began juvenile justice supervision in that year were aged between 10 and 12 years.

**Table 3.14: Young people, by age at first supervision and year of first supervision, Australia, 2000–01 to 2005–06 (per cent)**

Year of first supervision	10	11	12	13	14	15	16	17	18+	Total (per cent)	Total (number)
2000–01	0.4	1.0	2.6	6.8	14.8	19.9	27.1	20.0	7.4	100.0	4,785
2001–02	0.3	1.4	2.6	7.2	14.2	21.1	25.9	20.3	7.0	100.0	4,861
2002–03	0.3	1.0	2.9	7.6	14.5	22.5	26.1	19.2	5.8	100.0	5,082
2003–04	0.3	1.5	3.4	8.4	14.3	20.8	25.9	20.0	5.4	100.0	4,923
2004–05	0.2	1.3	3.3	7.9	14.0	20.9	25.4	20.4	6.6	100.0	4,721
2005–06	0.4	1.4	2.5	7.7	14.2	19.8	24.5	22.1	7.6	100.0	5,232

*Notes*

1. This table excludes young people with unknown age.
2. This table excludes the Australian Capital Territory as data were not available for 2000–01 to 2002–03.

## 3.7 Summary

In 2005–06, there were 13,254 young people in juvenile justice supervision at some time during the year. The rate of young people aged 10–17 years under juvenile justice supervision in Australia was 5.0 per 1,000. Compared with previous years, there was an increase in the number of young people in some form of juvenile justice supervision at some time during the year to 12,999, the highest number since 2002–03 (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 2005–06, 5.0 per 1,000 young people aged 10–17 years were subject to juvenile justice supervision; 4.2 per 1,000 had community-based supervision and 2.0 per 1,000 were in detention at some point during the year.

Most young people under juvenile justice supervision in 2005–06 were male (83%) and two-thirds of young people were aged at least 16 years. More than one-third of young people were of Aboriginal and Torres Strait Islander origin, and these young people were, on average, younger than non-Indigenous young people. Aboriginal and Torres Strait Islander young people were represented under juvenile justice supervision at a rate of 44.4 per 1,000, compared with 2.9 per 1,000 for non-Indigenous young people. Proportionally more females were Indigenous than males (46% and 37%, respectively).

Most young people under juvenile justice supervision in 2005–06 were aged between 14 and 16 years at the start of their first juvenile justice supervision. However, Aboriginal and Torres Strait Islander young people experienced their first supervision at a younger age than non-Indigenous young people. More than half of the Indigenous young people entered their first supervision aged less than 15 years.



## 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 number of young people of each age in community-based supervision each day during 2005–06 is presented in Table 4.1 by jurisdiction. There were 5,185 young people in community-based supervision on an average day during 2005–06, including 4,734 aged 10–17 years. 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 4.1: Average daily number of young people in community supervision, by age, states and territories, 2005–06**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	0	0	5	1	0	—	0	—	7
11	7	1	11	8	5	8	1	—	40
12	20	11	32	27	12	9	3	2	116
13	66	38	108	66	26	23	5	6	339
14	154	77	208	111	50	27	12	22	662
15	261	144	310	152	77	51	19	36	1,049
16	318	194	429	201	107	62	27	47	1,385
17	339	165	202	182	116	65	28	40	1,136
<i>10–17 subtotal</i>	<i>1,165</i>	<i>630</i>	<i>1,305</i>	<i>748</i>	<i>393</i>	<i>245</i>	<i>95</i>	<i>153</i>	<i>4,734</i>
18+	99	158	32	20	70	61	8	2	450
<b>Total</b>	<b>1,265</b>	<b>788</b>	<b>1,337</b>	<b>768</b>	<b>464</b>	<b>305</b>	<b>104</b>	<b>155</b>	<b>5,185</b>

#### Notes

1. Age is calculated as at date of first community supervision in the year.
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 2005–06 were non-Indigenous (Table 4.2). The exceptions (Western Australia, Northern Territory) were the jurisdictions where a higher proportion of the general population was Indigenous (see Figure 2.2). Overall, 38% of young people on an average day in community supervision identified/were identified as Aboriginal or Torres Strait Islander. The average daily numbers for males and females show similar patterns, although in Queensland there are more Indigenous females than non-Indigenous and there are nearly as many Indigenous females as non-Indigenous females in South Australia.

**Table 4.2: Average daily number of young people in community supervision, by sex and Indigenous status, states and territories, 2005–06**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Male</b>									
Indigenous	343	62	505	402	115	37	17	116	1,598
Non-Indigenous	639	558	597	236	250	155	62	24	2,521
Unknown/ not recorded	88	50	1	5	26	49	—	—	218
<b>Total</b>	<b>1,070</b>	<b>669</b>	<b>1,103</b>	<b>643</b>	<b>391</b>	<b>241</b>	<b>78</b>	<b>140</b>	<b>4,337</b>
<b>Female</b>									
Indigenous	79	20	135	96	33	4	3	12	383
Non-Indigenous	92	93	99	24	37	45	22	3	415
Unknown/ not recorded	23	5	—	3	3	14	—	—	48
<b>Total</b>	<b>194</b>	<b>119</b>	<b>234</b>	<b>123</b>	<b>72</b>	<b>64</b>	<b>25</b>	<b>15</b>	<b>847</b>
<b>Total young people</b>									
Indigenous	422	82	640	499	148	42	20	129	1,981
Non-Indigenous	732	651	696	<sup>(a)</sup> 261	287	200	84	27	2,937
Unknown/ not recorded	110	55	1	9	28	63	—	—	266
<b>Total</b>	<b>1,265</b>	<b>788</b>	<b>1,337</b>	<sup>(a)</sup> <b>768</b>	<b>464</b>	<b>305</b>	<b>104</b>	<b>155</b>	<b>5,185</b>

(a) Includes contribution of one average day by young person with unknown sex.

Note: Totals may not sum due to rounding.

For the 2005–06 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 4.3. The average daily numbers of males and females show similar patterns with age.

The proportions of young people who are Aboriginal or Torres Strait Islander are higher for younger ages than for older ones, and a greater proportion of females are Indigenous for all age groups compared with males. For young people aged 10 to 13, more than 50% of each age group are Indigenous (see also Table 3.9).

**Table 4.3: Average daily number of young people in community supervision, by age, sex and Indigenous status, Australia, 2005–06**

Indigenous status	10	11	12	13	14	15	16	17	18+	Total
<b>Male</b>										
Indigenous	6	24	67	153	244	340	407	286	70	1,598
Non-Indigenous	1	9	33	122	266	473	693	630	295	2,521
Unknown/ not recorded	—	3	1	6	14	36	58	65	34	218
<b>Total</b>	<b>7</b>	<b>36</b>	<b>101</b>	<b>281</b>	<b>524</b>	<b>849</b>	<b>1,158</b>	<b>982</b>	<b>399</b>	<b>4,337</b>
<b>Female</b>										
Indigenous	—	4	12	34	78	82	94	66	15	383
Non-Indigenous	—	1	4	21	57	105	118	75	34	415
Unknown/ not recorded	—	—	—	3	3	13	15	13	3	48
<b>Total</b>	<b>—</b>	<b>5</b>	<b>15</b>	<b>57</b>	<b>138</b>	<b>200</b>	<b>226</b>	<b>154</b>	<b>52</b>	<b>847</b>
<b>Total young people</b>										
Indigenous	6	27	79	187	321	423	500	353	85	1,981
Non-Indigenous	1	10	36	143	324	578	<sup>(a)</sup> 811	706	329	2,937
Unknown/ not recorded	—	3	1	9	17	49	73	78	37	266
<b>Total</b>	<b>7</b>	<b>40</b>	<b>116</b>	<b>339</b>	<b>662</b>	<b>1,049</b>	<sup>(a)</sup> <b>1,385</b>	<b>1,136</b>	<b>450</b>	<b>5,185</b>

(a) Includes contribution of one average day by young person with unknown sex.

*Notes*

1. Age is calculated as at date of first community supervision in 2005–06.
2. Totals may not sum due to rounding.

## 4.2 Average daily numbers in detention

The figures presented in this section may differ in several ways from other published figures on the number of young people in detention.<sup>2</sup> 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 watch-houses rather than only those held in a juvenile detention facility.

The average daily number of young people in detention during 2005–06 is presented in Table 4.4 by age for each state and territory. There were 816 young people in detention on an average day during 2005–06, including 688 aged 10–17 years. In all states and territories, the majority (64% for Australia) were aged between 15 and 17 years.

During 2005–06 there were, on average, 20 young people (2% of the total average daily population in detention) aged 10–12 in detention each day in Australia. The proportion of young people aged 10–12 varied between states and territories, from 0% for Victoria and the Australian Capital Territory to 5% for the Northern Territory.

Young people aged 18 and over accounted for 16% of the average daily detention population in Australia, although this proportion also varied between states and territories. Victoria accounted for nearly 60% of young people aged 18 and over, and this age group represented 51% of the state’s average daily population, reflecting Victoria’s special sentencing option for people aged 18–20 and diversionary policies (see Sections 1.2 and 1.3).

**Table 4.4: Average daily number of young people in detention, by age, states and territories, 2005–06**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
10	0	—	0	0	0	—	0	—	1
11	2	—	1	1	0	0	0	—	4
12	5	0	3	3	2	2	0	1	15
13	14	2	11	8	6	2	2	1	46
14	37	4	27	17	8	5	4	2	103
15	46	9	33	18	6	9	4	6	131
16	73	24	48	32	12	10	4	4	206
17	86	32	7	21	15	10	5	6	182
<i>10–17 subtotal</i>	<i>263</i>	<i>71</i>	<i>130</i>	<i>100</i>	<i>49</i>	<i>38</i>	<i>19</i>	<i>20</i>	<i>688</i>
18+	48	74	0	0	2	4	0	—	127
<b>Total</b>	<b>309</b>	<b>145</b>	<b>130</b>	<b>101</b>	<b>51</b>	<b>42</b>	<b>18</b>	<b>19</b>	<b>816</b>

### Notes

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

<sup>2</sup> The Australian Institute of Criminology publishes statistics on detention as part of the *Juveniles in detention in Australia* monitoring project.

During 2005–06, there was an average of 365 Indigenous young people and 436 non-Indigenous young people in detention each day in Australia (Table 4.5). As was the case for community-based supervision, the Northern Territory, Western Australia and Queensland had higher proportions of Indigenous young people both in the general population and in detention (see Figure 2.2).

**Table 4.5: Average daily number of young people in detention, by sex and Indigenous status, states and territories, 2005–06**

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Male</b>									
Indigenous	134	18	70	62	18	10	6	18	336
Non-Indigenous	149	112	49	29	28	27	10	1	405
Unknown/ not recorded	6	4	—	—	0	3	—	—	13
<b>Total</b>	<b>290</b>	<b>133</b>	<b>120</b>	<b>91</b>	<b>45</b>	<b>39</b>	<b>16</b>	<b>19</b>	<b>753</b>
<b>Female</b>									
Indigenous	8	4	6	8	1	1	1	0	30
Non-Indigenous	10	8	5	2	4	1	1	0	31
Unknown/ not recorded	1	1	—	—	0	0	—	—	2
<b>Total</b>	<b>20</b>	<b>12</b>	<b>11</b>	<b>10</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>63</b>
<b>Total young people</b>									
Indigenous	143	22	76	70	19	11	8	18	365
Non-Indigenous	160	119	54	31	32	28	11	1	436
Unknown/ not recorded	7	4	—	—	0	3	—	—	15
<b>Total</b>	<b>309</b>	<b>145</b>	<b>130</b>	<b>101</b>	<b>51</b>	<b>42</b>	<b>18</b>	<b>19</b>	<b>816</b>

*Note:* Totals may not sum due to rounding.

For the 2005–06 year, the relationships between age, sex and Indigenous status in the average daily number of young people in detention are presented in Table 4.6. As with average daily numbers for community supervision, the proportion of Aboriginal or Torres Strait Islander young people in detention decreased with age. For young people aged 10 to 15, over 50% of the average daily population in detention for these age groups were Indigenous. For young people aged 18 and over, the proportion decreased to 17%.

**Table 4.6: Average daily number of young people in detention, by age, sex and Indigenous status, Australia, 2005–06**

<b>Indigenous status</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>	<b>Australia</b>
<b>Male</b>										
Indigenous	0	3	11	28	56	67	92	57	21	336
Non-Indigenous	0	1	2	12	34	52	97	113	93	405
Unknown/ not recorded	—	0	0	0	1	1	4	3	5	13
<b>Total</b>	<b>0</b>	<b>4</b>	<b>14</b>	<b>41</b>	<b>91</b>	<b>120</b>	<b>192</b>	<b>173</b>	<b>119</b>	<b>753</b>
<b>Female</b>										
Indigenous	0	0	1	3	7	6	7	4	1	30
Non-Indigenous	—	0	0	3	5	5	7	5	6	31
Unknown/ not recorded	—	—	—	0	0	0	0	0	1	2
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>12</b>	<b>12</b>	<b>14</b>	<b>9</b>	<b>8</b>	<b>63</b>
<b>Total young people</b>										
Indigenous	1	3	12	31	63	74	99	61	22	365
Non-Indigenous	0	1	3	15	40	56	104	118	99	436
Unknown/ not recorded	—	0	0	0	1	1	4	3	6	15
<b>Total</b>	<b>1</b>	<b>4</b>	<b>15</b>	<b>46</b>	<b>103</b>	<b>131</b>	<b>206</b>	<b>182</b>	<b>127</b>	<b>816</b>

*Notes*

1. Age is calculated as at date of first detention supervision in 2005–06.
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 is calculated by adding the average daily number on community-based supervision with the average daily number in detention supervision. Table 4.7 shows that while there was a steady decline of 5% in the average number of young people in juvenile justice supervision each day for the three years 2002–03 to 2004–05, there was a slight increase in 2005–06 from the previous year of 2%.

This pattern is reflected in both the average daily numbers for community and detention supervision, although the percentage change is greater for the average daily numbers in detention. In the three years 2002–03 to 2004–05, average daily numbers in community supervision decreased by 4% but increased by 2% in 2005–06 compared to 2004–05. For detention, average daily numbers decreased by 8% in the three years 2002–03 to 2004–05 but increased by 4% in 2005–06 compared to 2004–05. While average daily numbers in detention increased from 2004–05 to 2005–06 in all states and territories except Western Australia and South Australia, only three jurisdictions (New South Wales, Victoria and Western Australia) had an increase in average daily community numbers over the same period.

Table 4.7 shows that on an average day in 2005–06, there were over 6 times as many young people in community-based supervision as in detention (for the total number of supervision days, see Appendix D).

**Table 4.7: Average daily number of young people in supervision, by type of supervision, states and territories, 2002–03 to 2005–06**

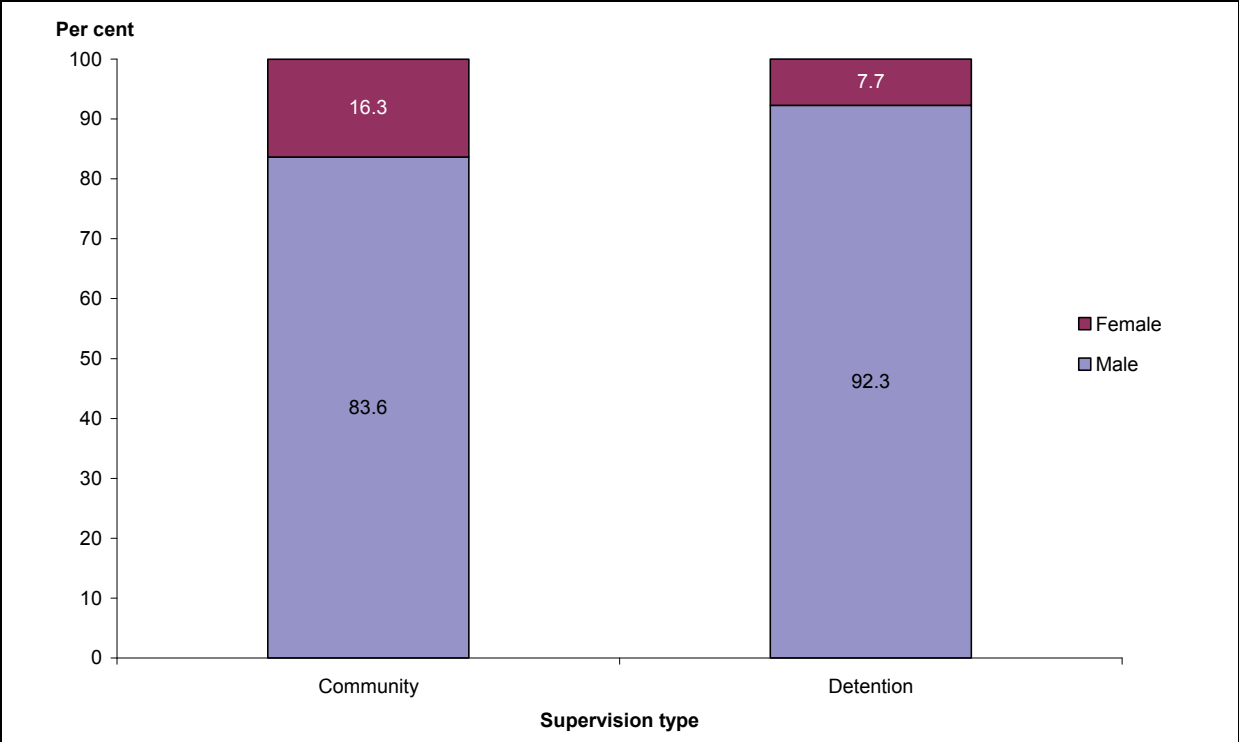
Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
<b>(average daily number in community)</b>									
2002–03	1,328	749	1,428	639	662	312	n.a.	95	<b>(5,212)</b>
2003–04	1,286	735	1,411	646	625	315	164	136	<b>5,318 (5,154)</b>
2004–05	1,240	710	1,394	636	549	308	148	160	<b>5,145 (4,997)</b>
2005–06	1,265	788	1,337	768	464	305	104	155	<b>5,185 (5,081)</b>
<b>(average daily number in detention)</b>									
2002–03	304	157	136	93	68	52	n.a.	26	<b>(836)</b>
2003–04	315	140	121	119	63	42	21	17	<b>838 (817)</b>
2004–05	288	138	105	113	68	39	17	19	<b>785 (768)</b>
2005–06	309	145	130	101	51	42	18	19	<b>816 (798)</b>
<b>(average daily number in supervision)</b>									
2002–03	1,632	906	1,563	732	730	363	n.a.	121	<b>(6,049)</b>
2003–04	1,601	876	1,532	765	689	356	185	152	<b>6,156 (5,971)</b>
2004–05	1,528	847	1,499	749	616	347	165	179	<b>5,930 (5,766)</b>
2005–06	1,574	933	1,467	868	514	347	122	175	<b>6,001 (5,879)</b>

Note: Totals may not sum due to rounding.

Of the 11,150 young people in community-based supervision during 2005-06 (see Table 3.1), 47% (5,185) were under supervision on an average day. However, of the 5,137 young people in detention in 2005-06, only 16% (816) 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.

The following series of graphs depict the proportions of young people in community-based and detention supervision on an average day. Differences are highlighted by sex, Indigenous status, among states and territories, and over time.

On an average day in 2005-06, more males and females were supervised in the community than in detention (Tables 4.2 and 4.5); 16% of young people in community-based supervision were female, compared with 8% of those in detention (Figure 4.1).

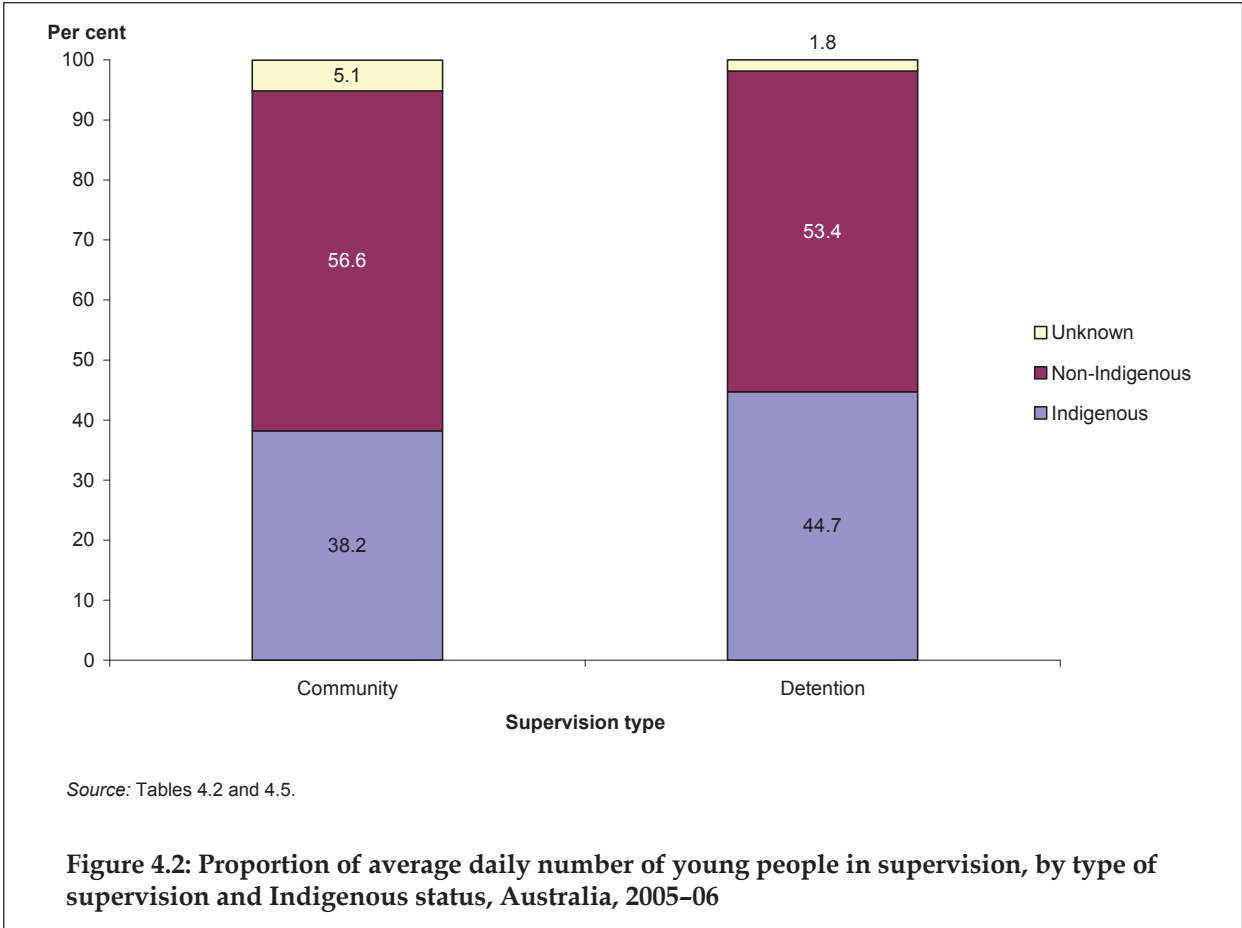


Source: Tables 4.2 and 4.5.

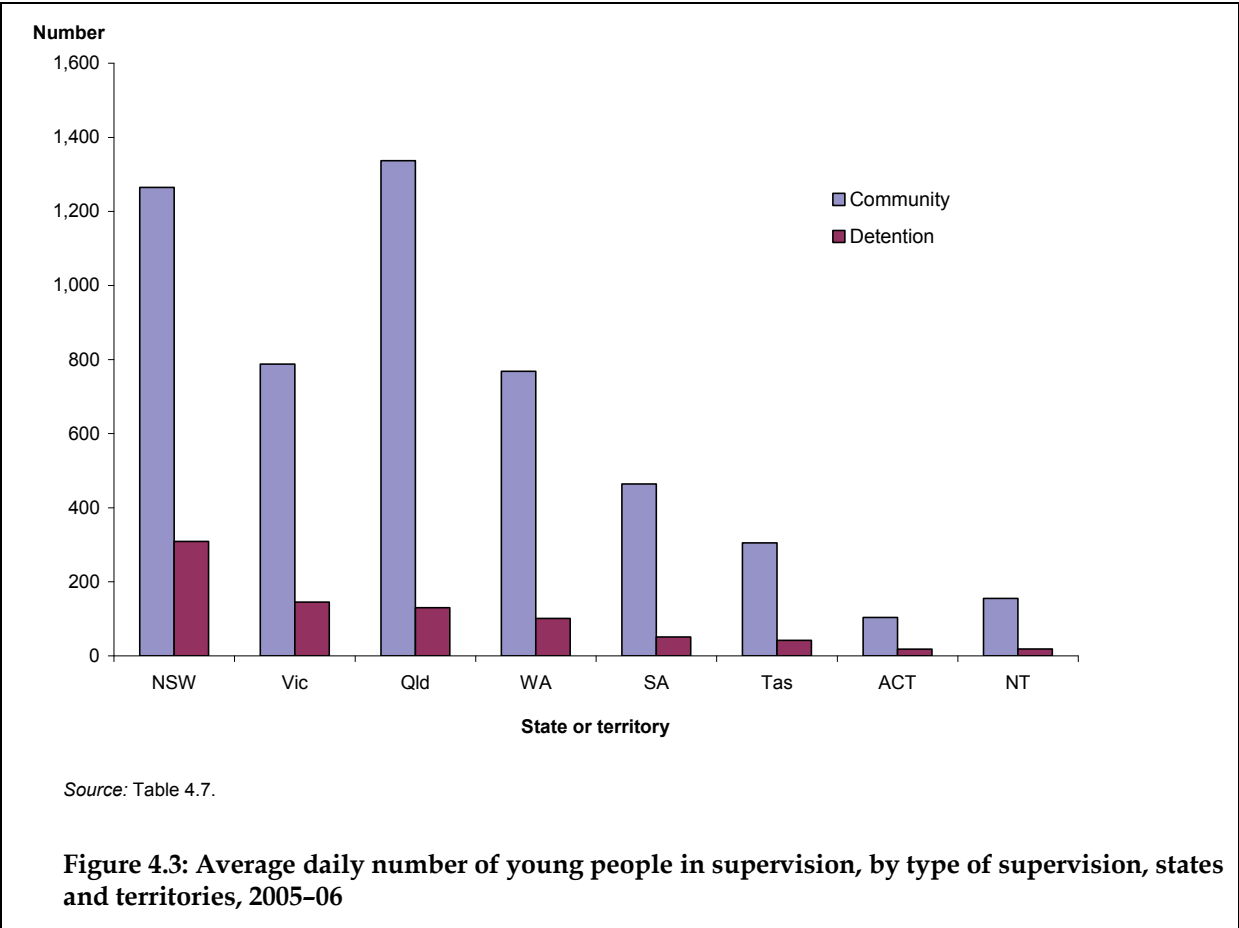
**Figure 4.1: Proportion of average daily number of young people in supervision, by type of supervision and sex, Australia, 2005-06**

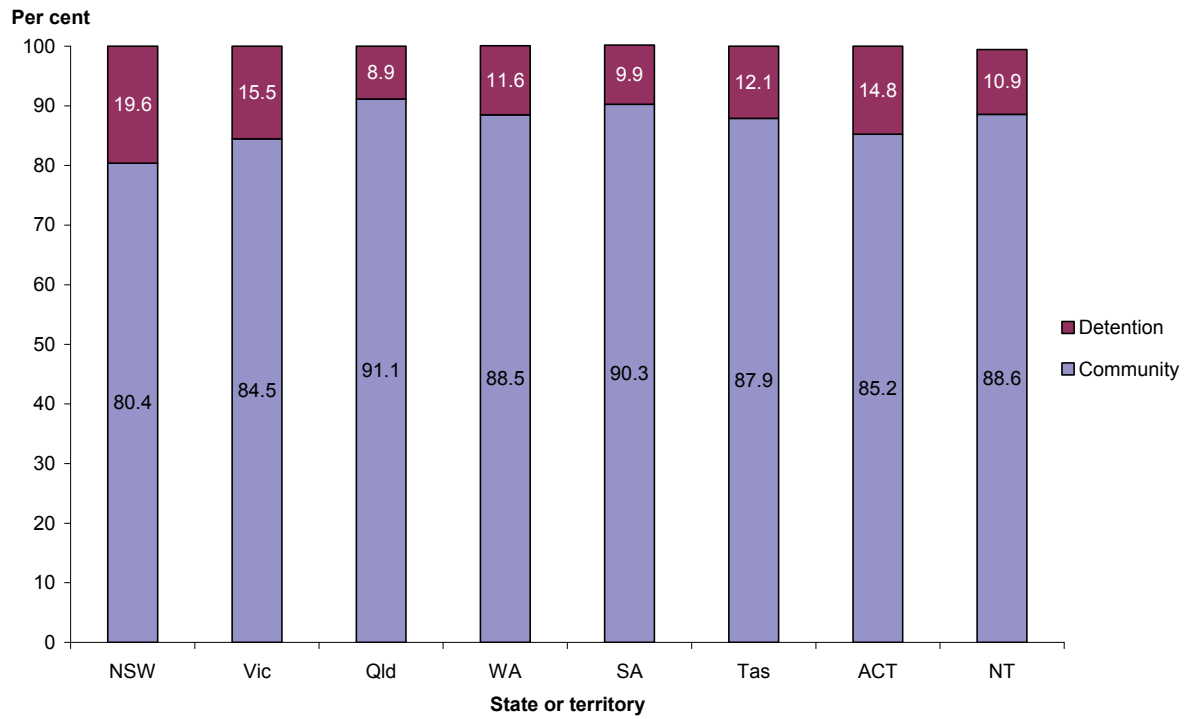


Again, more Indigenous and non-Indigenous young people were in community-based supervision than detention on an average day in 2005–06 (Tables 4.2 and 4.5). However, of the young people in detention, a greater proportion were Indigenous (45%), compared with those in community-based supervision (38% Indigenous; Figure 4.2).



The number and proportion of young people in community-based and detention supervision on an average day during 2005-06 varied among jurisdictions (Figures 4.3 and 4.4). Queensland had the highest number of young people on community-based supervision and New South Wales had the greatest proportion of young people in detention.

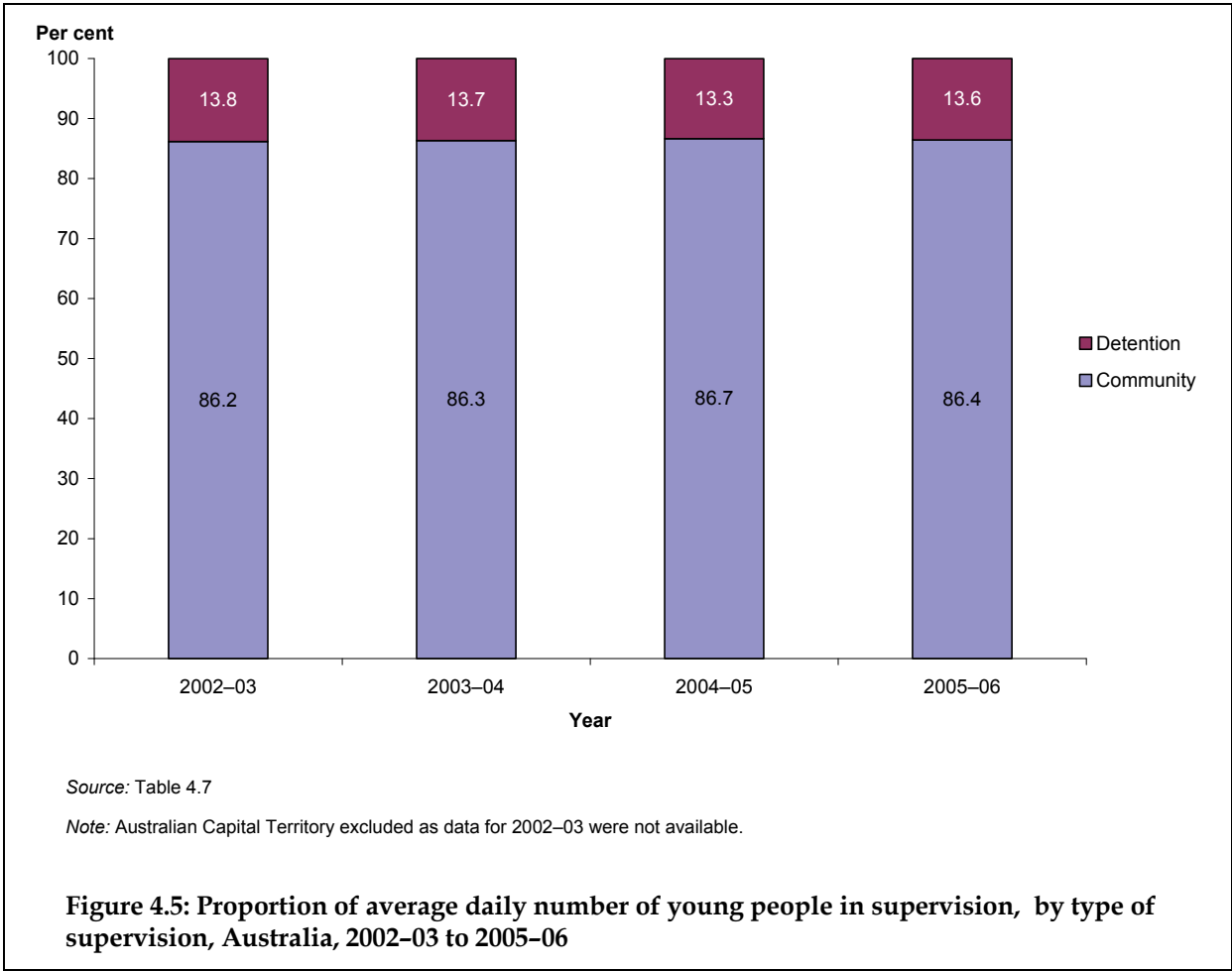




Source: Table 4.7.

**Figure 4.4: Proportion of average daily number of young people in supervision, by type of supervision, states and territories, 2005-06**

During the period 2002-03 to 2005-06, there was no change in the proportion of young people in community-based and detention supervision during an average day each year for Australia overall (Figure 4.5).



## 4.4 Summary

During 2005–06 there were on average 6,001 young people in juvenile justice supervision each day. Of these, 86% (5,185) were in community-based supervision, and 14% (816) were in detention, either on pre-sentence or sentenced detention.

Indigenous young people represented 38% of young people in community-based supervision and 45% of those in detention on an average day in 2005–06.

There was a slight increase of 2% in 2005–06 on the previous year in the average daily number of young people in juvenile justice supervision in Australia, although for the previous three years there was a steady decline of 5%. Community-based supervision increased by 2% in the past year, with a larger increase of 4% in detention. The increase in the average daily number of young people in detention occurred in most states and territories. The increase in average daily numbers (2%) is less than the increase in the yearly number of young people (4%, see Table 3.1), reflecting the rise in the number of young people in detention, as periods of detention tend to be shorter than periods of community supervision.

## 5 Juvenile justice supervision

Chapter 5 looks at the juvenile justice supervision of young people during 2000–01 to 2005–06. 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*, which are contained within the *supervision periods*, 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.

### 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.

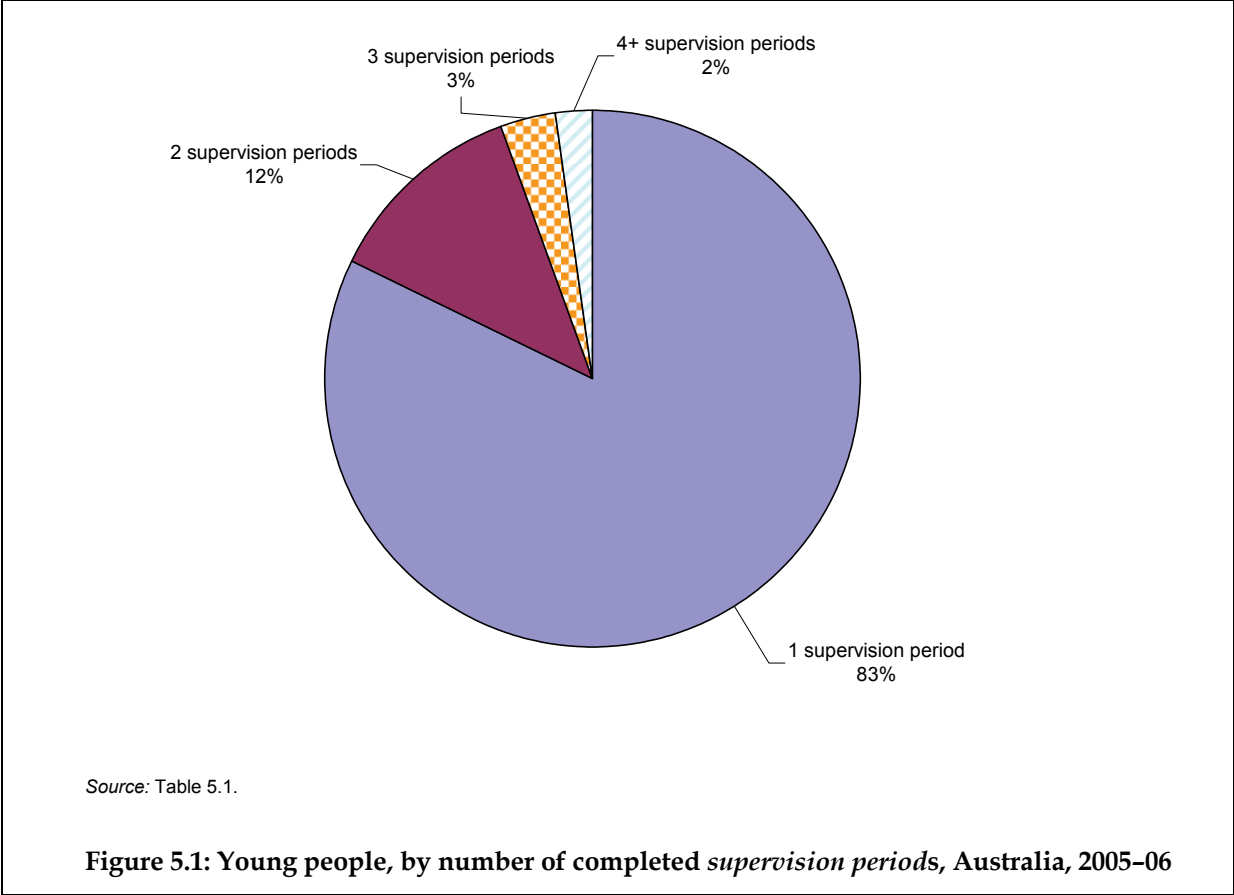
#### 5.1.1 Number of supervision periods completed

Of all young people under juvenile justice supervision in 2005–06, 82% completed only one *supervision period* during the year (Table 5.1).

**Table 5.1: Young people, by number of completed supervision periods, states and territories, 2005–06**

Number of supervision periods	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(number of young people)									
1	2,107	1,020	1,322	1,489	717	261	152	154	7,222
2	390	70	63	400	104	9	16	30	1,082
3	130	5	15	97	37	—	5	5	294
4+	77	—	1	86	21	—	2	3	190
<b>Total</b>	<b>2,704</b>	<b>1,095</b>	<b>1,401</b>	<b>2,072</b>	<b>879</b>	<b>270</b>	<b>175</b>	<b>192</b>	<b>8,788</b>
(per cent of young people)									
1	77.9	93.2	94.4	71.9	81.6	96.7	86.9	80.2	82.2
2	14.4	6.4	4.5	19.3	11.8	3.3	9.1	15.6	12.3
3	4.8	0.5	1.1	4.7	4.2	—	2.9	2.6	3.3
4+	2.8	—	0.1	4.2	2.4	—	1.1	1.6	2.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

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 2005-06 (Figure 5.1).



## 5.1.2 Length of supervision periods

Duration was calculated for all *supervision periods* that began on or after 1 July 2000 and ended in 2005–06. For example, a *supervision period* that began on 3 May 2003 and ended on 31 July 2005 appears in the category '24 months and over' in the following table.

*Supervision periods* completed during 2005–06 varied in length from fewer than 7 days (26%) to 12 months or more (21%) (Table 5.2). The vast majority of *supervision periods* that lasted for fewer than 7 days contained pre-sentence detention *episodes* (97%, see Table 5.6).

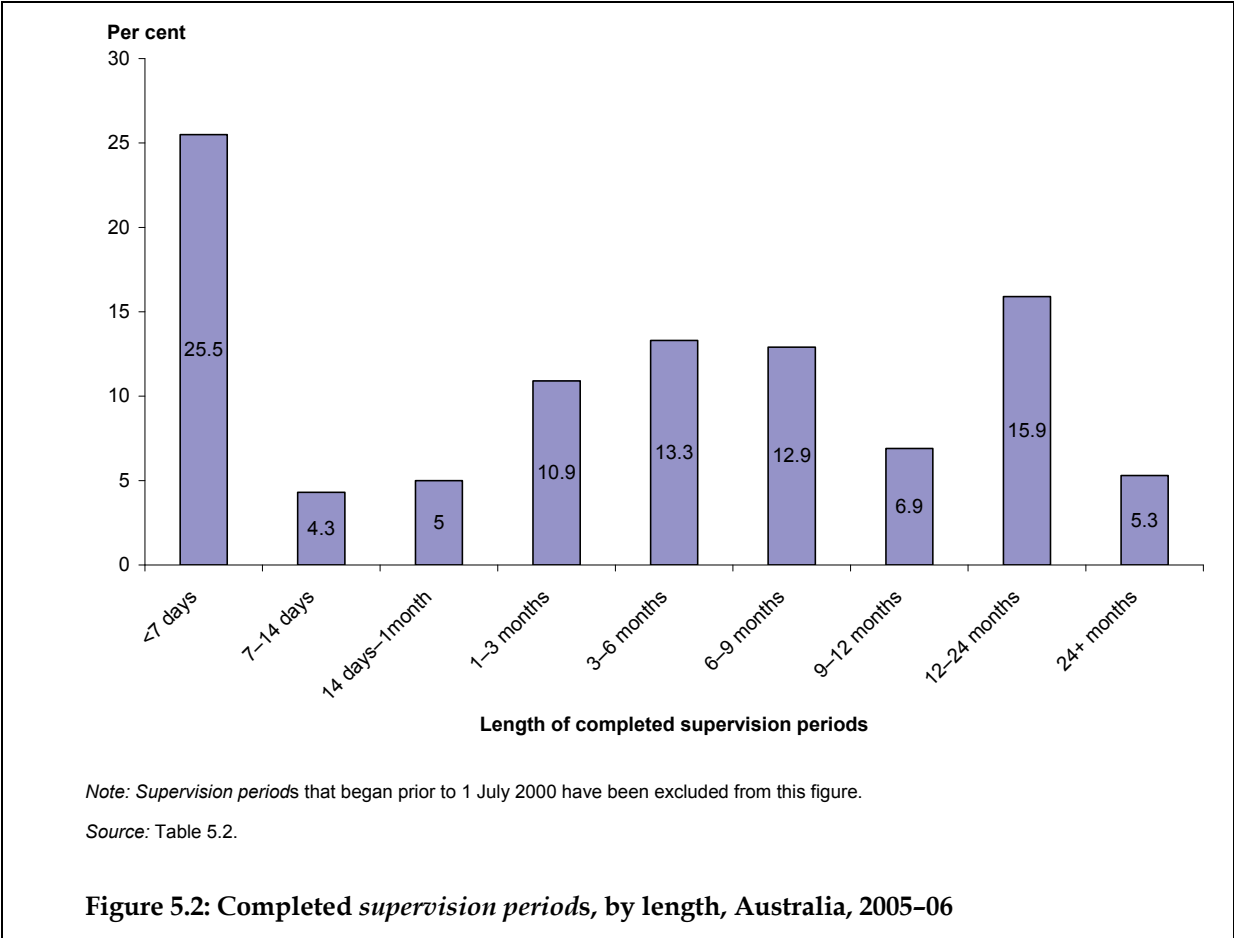
**Table 5.2: Completed supervision periods, by length, states and territories, 2005–06**

Length of completed supervision periods	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<i>(number of supervision periods)</i>									
Less than 7 days	1,490	39	158	786	304	10	23	48	2,858
7 to less than 14 days	155	14	19	225	41	3	7	13	477
14 days to less than 1 month	141	30	33	231	82	6	18	16	557
1 to less than 3 months	271	155	79	503	151	10	24	31	1,224
3 to less than 6 months	371	179	141	612	111	21	28	26	1,489
6 to less than 9 months	384	261	246	383	91	30	23	20	1,438
9 to less than 12 months	275	133	129	130	64	18	6	17	772
12 to less than 24 months	435	319	468	128	201	104	62	56	1,773
24 months+	121	45	224	8	93	77	16	14	598
<b>Total</b>	<b>3,643</b>	<b>1,175</b>	<b>1,497</b>	<b>3,006</b>	<b>1,138</b>	<b>279</b>	<b>207</b>	<b>241</b>	<b>11,186</b>
<i>(per cent of supervision periods)</i>									
Less than 7 days	40.9	3.3	10.6	26.1	26.7	3.6	11.1	19.9	25.5
7 to less than 14 days	4.3	1.2	1.3	7.5	3.6	1.1	3.4	5.4	4.3
14 days to less than 1 month	3.9	2.6	2.2	7.7	7.2	2.2	8.7	6.6	5.0
1 to less than 3 months	7.4	13.2	5.3	16.7	13.3	3.6	11.6	12.9	10.9
3 to less than 6 months	10.2	15.2	9.4	20.4	9.8	7.5	13.5	10.8	13.3
6 to less than 9 months	10.5	22.2	16.4	12.7	8.0	10.8	11.1	8.3	12.9
9 to less than 12 months	7.5	11.3	8.6	4.3	5.6	6.5	2.9	7.1	6.9
12 to less than 24 months	11.9	27.1	31.3	4.3	17.7	37.3	30.0	23.2	15.9
24 months+	3.3	3.8	15.0	0.3	8.2	27.6	7.7	5.8	5.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

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



The variation in the average length of *supervision periods* completed during 2005-06 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, 3-9 months and 12-24 months.



The relationship between the number and length of *supervision periods* completed in 2005–06 shows that the more *supervision periods* completed, the shorter they were likely to be (Table 5.3). When young people completed four or more *supervision periods* within a year, over 75% of those *supervision periods* lasted for less than 1 month. The majority of young people (82%) completed one *supervision period* during the year. While almost 30% of these lasted for fewer than 3 months, 30% lasted for 12 months or longer.

There were 2,201 young people who completed a single *supervision period* that lasted 12 months or longer (Table 5.3). Further analysis revealed that 1,235 (56%) of these long *supervision periods* contained *episodes* of sentenced community-based supervision of over 12 months in length. The remainder of these long *supervision periods* comprised several shorter *episodes* of various types. This means that 966 young people (11% of all young people) who completed a *supervision period* in 2005–06 remained in supervision for over 12 months and completed multiple short *episodes* during that time.

**Table 5.3: Young people, by number and average length of completed *supervision periods*, Australia, 2005–06**

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	1,156	154	207	602	1,043	1,173	686	1,635	566	7,222
2	237	52	82	227	269	129	47	38	1	1,082
3	84	31	42	85	36	12	3	1	—	294
4+	80	32	34	36	8	—	—	—	—	190
<b>Total</b>	<b>1,557</b>	<b>269</b>	<b>365</b>	<b>950</b>	<b>1,356</b>	<b>1,314</b>	<b>736</b>	<b>1,674</b>	<b>567</b>	<b>8,788</b>
(per cent of young people)										
1	16.0	2.1	2.9	8.3	14.4	16.2	9.5	22.6	7.8	<b>100.0</b>
2	21.9	4.8	7.6	21.0	24.9	11.9	4.3	3.5	0.1	<b>100.0</b>
3	28.6	10.5	14.3	28.9	12.2	4.1	1.0	0.3	—	<b>100.0</b>
4+	42.1	16.8	17.9	18.9	4.2	—	—	—	—	<b>100.0</b>

*Notes*

- Supervision periods that began prior to 1 July 2000 have been excluded from this table.
- 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 before appearing in court for trial or sentencing, and this is not reflected in the NMDS data. The relatively common occurrence of bail is apparent in the reasons for exit from pre-sentence detention (remand) (see Table 5.9).

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*. In this table, the proportion of time spent by young people in either community-based supervision or detention is expressed as the percentage of the total duration spent under juvenile justice supervision, measured in person days. Person days are calculated simply by summing the total number of days spent by all people in either detention or community supervision (see Section 1.4). Due to jurisdictional differences in legislation, Table 5.4 is restricted to sentenced community-based supervision and sentenced detention *episode* types only.

On average, young people spent most of their time in sentenced supervision in the community rather than in detention. Overall for Australia, 90% of the sentenced time was spent in community-based supervision and only 10% in detention. Victoria (19%) 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, 2005–06**

Sentenced <i>episode</i> type	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
(per cent of person days in sentenced supervision)									
Community	85.0	81.4	96.9	90.1	91.8	84.9	90.5	91.0	89.6
Detention	15.0	18.6	3.1	9.9	8.2	15.1	9.5	9.0	10.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

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

At both pre-sentence and sentenced stages, 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 47 days for community-based (that is, *episodes* of supervised bail). For sentenced *episodes*, community supervision was almost two times longer than detention (median lengths 147 days and 83 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: Median length of completed *episodes* (in days), by *episode* type, states and territories, 2005–06**

<i>Episode</i> type	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Pre-sentence</b>									
Community	40	83	35	67 <sup>(a)</sup>	31	83 <sup>(a)</sup>	38	30 <sup>(a)</sup>	<b>47</b>
Detention	2	16	5	5	2	30	3	3	<b>3</b>
<b>Sentenced</b>									
Community	126	214	163	125	105	365	177	124	<b>147</b>
Detention	59	104	84	63	79	167	184	38	<b>83</b>
Parole or supervised release	69	124	45	85	—	57	—	—	<b>88</b>

(a) The number of observations contributing to this cell is fewer than ten.

*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. *Episodes* that began prior to 1 July 2000 are excluded from this table.

Table 5.6 examines the proportion of time spent in particular types of *episodes* that ended in 2005–06 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 fewer than 7 days in 2005–06. Of this time, about 3,900 days (97%) were served in pre-sentence detention.

Shorter *supervision periods* of fewer than 14 days mostly comprised pre-sentence detention *episodes*. For longer *supervision periods* of between 6 and 24 months, around 70% of the total *supervision period* duration consisted of sentenced community *episodes*.

Overall, 67% of the total duration of *supervision periods* completed in 2005–06 was spent in sentenced community *episodes*.

**Table 5.6: Proportion of person days in supervision, by *episode* type and length of completed *supervision period*, Australia, 2005–06 (row per cent)**

Length of <i>supervision period</i>	Episode type					Total	Total number of days ('000)
	Pre-sentence community	Pre-sentence detention	Sentenced community	Sentenced detention	Sentenced other <sup>(a)</sup>		
	(per cent of person days)						
Less than 7 days	0.6	97.1	0.8	1.1	0.5	100.0	4
7 to less than 14 days	4.0	88.0	3.6	2.6	1.8	100.0	4
14 days to less than 1 month	13.5	57.7	16.3	5.4	7.1	100.0	11
1 to 3 months	22.2	21.1	32.4	9.0	15.4	100.0	70
3 to 6 months	11.1	5.3	62.1	7.9	13.6	100.0	190
6 to 9 months	5.5	3.1	73.1	6.3	12.1	100.0	298
9 to 12 months	5.7	3.4	68.9	6.8	15.2	100.0	235
12 to less than 24 months	3.8	3.7	72.4	5.7	14.5	100.0	825
24 months+	2.6	6.3	63.5	11.8	15.8	100.0	610
<b>Total</b>	<b>5.1</b>	<b>5.6</b>	<b>67.0</b>	<b>7.8</b>	<b>14.4</b>	<b>100.0</b>	<b>2,247</b>

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

A young person's *supervision period* may contain several *episode* types, and Table 5.7 examines the relative frequency with which different types of *episodes* occur in *supervision periods*. 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).

Where a young person was subject to pre-sentence supervision (which does not include unsupervised bail), the supervision was more likely to be detention-based than community-based (52% of all completed *supervision periods* contained *episodes* of pre-sentence detention, and only 11% contained *episodes* of pre-sentence community supervision).

The opposite was found for sentenced *episodes*. Community-based sentenced *episodes* occurred almost five times as often as detention-based.

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: Completed *supervision periods*, by *episode* type, states and territories, 2005–06 (per cent)**

<i>Episode type</i>	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Pre-sentence</b>									
Community	10.4	30.8	6.3	0.3	21.8	0.7	56.0	1.2	10.8
Detention	70.5	16.0	37.4	49.6	57.2	21.5	63.8	59.3	51.8
<b>Sentenced</b>									
Community	35.5	54.3	81.0	36.9	45.8	73.8	52.7	54.8	46.7
Detention	11.1	22.6	6.3	5.5	7.2	15.4	10.1	18.7	10.0
Other	10.4	15.3	11.4	22.1	10.6	30.8	0.5	21.2	14.8
<b>Total</b>	<b>3,643</b>	<b>1,175</b>	<b>1,497</b>	<b>3,006</b>	<b>1,138</b>	<b>279</b>	<b>207</b>	<b>241</b>	<b>11,186</b>

*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/supervised release, home detention, other sentenced *episode* type.

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 2005–06.

The two most common types of *supervision periods* were those containing only community-based sentenced *episodes* (35%), and those containing only pre-sentence detention *episodes* (33%).

**Table 5.8: Completed supervision periods, by sentenced and pre-sentenced episode type, Australia, 2005–06**

Pre-sentenced episodes included in supervision periods	Sentenced episodes included in supervision periods					Total
	Community <sup>(a)</sup>	Detention <sup>(a)</sup>	Community and detention <sup>(a)</sup> (number of supervision periods)	Other only <sup>(b)</sup>	No sentenced episodes	
Community only	146	15	6	6	392	565
Detention only	640	325	221	219	3,741	5,146
Community and detention	231	37	57	21	301	647
No pre-sentence episodes	3,860	399	59	510	—	4,828
<b>Total</b>	<b>4,877</b>	<b>776</b>	<b>343</b>	<b>756</b>	<b>4,434</b>	<b>11,186</b>
			(per cent of supervision periods)			
Community only	1.3	0.1	0.1	0.1	3.5	5.1
Detention only	5.7	2.9	2.0	2.0	33.4	46.0
Community and detention	2.1	0.3	0.5	0.2	2.7	5.8
No pre-sentence episodes	34.5	3.6	0.5	4.6	—	43.2
<b>Total</b>	<b>43.6</b>	<b>6.9</b>	<b>3.1</b>	<b>6.8</b>	<b>39.6</b>	<b>100.0</b>

(a) With or without other.

(b) Other includes immediate release or suspended detention, parole/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.

Both the number of young people in pre-sentence detention (remand) and the outcome of this detention are of concern for many states and territories in Australia. Policy and legislative differences among jurisdictions on issues such as diversion and supported bail are likely to impact on the use and outcome of pre-sentence detention.

The incidences and outcomes of pre-sentence detention *episodes* are presented by jurisdiction in Table 5.9. Overall, over 60% of all pre-sentence detention *episodes* completed in 2005–06 ended with the young person being released on bail. A further 27% (1,641) of pre-sentence detention *episodes* ended with the young person being sentenced; however, only 9% of all pre-sentence detention *episodes* were ended by ‘sentenced’ with an *episode* of detention immediately following. There is some variation among states and territories in the outcomes of pre-sentence detention *episodes*.

**Table 5.9: Pre-sentence detention *episodes*, by reason for exit, states and territories, 2005–06**

Reason for exit from pre-sentence detention	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>(number of pre-sentence detention episodes)</b>									
Released on bail	2,866	24	120	210	449	34	131	55	3,889
Matters proven/charges dismissed	47	0	0	11	6	34	0	16	114
Sentenced	580	203	583	22	74	4	97	78	1,641
<i>Next episode type: detention</i>	323	77	90	10	1	4	16	37	558
Other	103	87	142	145	52	8	11	3	551
<b>Total</b>	<b>3,596</b>	<b>314</b>	<b>845</b>	<b>388</b>	<b>581</b>	<b>80</b>	<b>239</b>	<b>152</b>	<b>6,195</b>
<b>(per cent of pre-sentence detention episodes)</b>									
Released on bail	79.7	7.6	14.2	54.1	77.3	42.5	54.8	36.2	62.8
Matters proven/charges dismissed	1.3	—	—	2.8	1.0	42.5	—	10.5	1.8
Sentenced	16.1	64.6	69.0	5.7	12.7	5.0	40.6	51.3	26.5
<i>Next episode type: detention</i>	9.0	24.5	10.7	2.6	0.2	5.0	6.7	24.3	9.0
Other	2.9	27.7	16.8	37.4	9.0	10.0	4.6	2.0	8.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

1. Other includes more serious order begun, escaped/absconded, died and other reasons for exit.
2. This table excludes pre-court *episodes*.
3. Queensland JJ NMDs data records ‘Released on bail’ as a reason for exit only for pre-sentence *episodes* that are followed by a period of conditional bail. For this reason, frequencies for ‘Released on bail’ for Queensland should be considered a significant underestimate of actual exits to periods of bail.



## 5.3 Sex comparisons

This section compares the *supervision periods* of males and females in terms of the number and length of *supervision periods*, length of *episodes* within the *supervision periods*, *episode* types and exits from pre-sentence detention (remand) *episodes*.

Proportionally, there were no marked differences between males and females in the number of *supervision periods* completed in 2005–06 (Table 5.10). The proportion of young people who completed four or more *supervision periods* during the year was slightly higher for females (3%) than males (2%).

**Table 5.10: Young people, by sex and number of completed *supervision periods*, Australia, 2005–06**

<b>Number of <i>supervision periods</i></b>	<b>Male</b>	<b>Female</b>	<b>Unknown</b>	<b>Total</b>
<b>(number of young people)</b>				
1	5,954	1,266	2	7,222
2	924	158	—	1,082
3	244	50	—	294
4+	145	45	—	190
<b>Total</b>	<b>7,267</b>	<b>1,519</b>	<b>2</b>	<b>8,788</b>
<b>(per cent of young people)</b>				
1	81.9	83.3	100.0	82.2
2	12.7	10.4	—	12.3
3	3.4	3.3	—	3.3
4+	2.0	3.0	—	2.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

There was a slight tendency for females to have shorter *supervision periods* than males during 2005–06 (Table 5.11); 36% of *supervision periods* completed by females were less than 14 days in length, compared with 29% for males. The reverse occurs for longer *supervision periods*, with 22% of the *supervision periods* completed by males lasting 12 months or longer, compared with 17% for females.

The results of Tables 5.10 and 5.11 combine to show that females had a higher proportion of short *supervision periods* during 2005–06 than males.

**Table 5.11: Completed *supervision periods*, by sex and length of *supervision periods*, Australia, 2005–06**

<b>Length of <i>supervision periods</i></b>	<b>Male</b>	<b>Female</b>	<b>Unknown</b>	<b>Total</b>
<b>(number of <i>supervision periods</i>)</b>				
Less than 7 days	2,236	622	—	2,858
7 to less than 14 days	394	83	—	477
14 days to less than 1 month	462	95	—	557
1 to less than 3 months	1,061	162	1	1,224
3 to less than 6 months	1,242	247	—	1,489
6 to less than 9 months	1,165	273	—	1,438
9 to less than 12 months	636	135	1	772
12 to less than 24 months	1,510	263	—	1,773
24 months+	521	77	—	598
<b>Total</b>	<b>9,227</b>	<b>1,957</b>	<b>2</b>	<b>11,186</b>
<b>(per cent of <i>supervision periods</i>)</b>				
Less than 7 days	24.2	31.8	—	25.5
7 to less than 14 days	4.3	4.2	—	4.3
14 days to less than 1 month	5.0	4.9	—	5.0
1 to less than 3 months	11.5	8.3	50.0	10.9
3 to less than 6 months	13.5	12.6	—	13.3
6 to less than 9 months	12.6	13.9	—	12.9
9 to less than 12 months	6.9	6.9	50.0	6.9
12 to less than 24 months	16.4	13.4	—	15.9
24 months+	5.6	3.9	—	5.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>..</b>	<b>100.0</b>

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

The median length of sentenced episodes was generally longer for females than for males (Table 5.12). Sentenced community-based *episodes* for females were a median of 170 days, compared to 142 days for males during 2005–06. For sentenced detention, the median length for females was 84 days and for males 83 days.

**Table 5.12: Median length of *episodes* (days), by sex and *episode* type, Australia, 2005–06**

<i>Episode</i> type	Male	Female	Total
<b>Pre-sentence</b>			
Community	49	37	<b>47</b>
Detention	4	2	<b>3</b>
<b>Sentenced</b>			
Community	142	170	<b>147</b>
Detention	83	84	<b>83</b>
Parole or supervised release	89	77	<b>88</b>

*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.

*Supervision periods* may contain several *episode* types in different sequences. During 2005–06 there were few differences between males and females in the proportion of *supervision periods* containing pre-sentence *episode* types (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 2005–06. For both males and females, around 47% of *supervision periods* in 2005–06 contained *episodes* of sentenced community-based supervision.

**Table 5.13: Completed *supervision periods*, by sex and *episode* type, Australia, 2005–06 (per cent)**

<i>Episode</i> type	Male	Female	Total
<b>Pre-sentence</b>			
Community	10.9	10.5	<b>10.8</b>
Detention	51.6	52.9	<b>51.8</b>
<b>Sentenced</b>			
Community	46.5	47.4	<b>46.7</b>
Detention	11.2	4.6	<b>10.0</b>
Other	16.2	8.0	<b>14.8</b>
Total number of <i>supervision periods</i>	9,227	1,957	<b>11,186</b>

*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/supervised release, home detention, other sentenced *episode* type.

Females were more often released on bail from pre-sentence detention *episodes* than males. In 2005–06, bail was the reason for exit for 70% of pre-sentence detention *episodes* of females and 62% for males (Table 5.14). Ending a pre-sentence detention *episodes* with being sentenced was less common among females than males (20% and 28%, respectively) and being sentenced to detention following pre-sentence detention was also less common for females than males (4% and 10%, respectively).

**Table 5.14: Pre-sentence detention *episodes*, by sex and reason for exit, Australia, 2005–06**

<b>Reasons for exit from pre-sentence detention <i>episodes</i></b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>(number of pre-sentence detention <i>episodes</i>)</b>			
Released on bail	3,233	656	3,889
Matters proven/charges dismissed	86	28	114
Sentenced	1,455	186	1,641
<i>Next episode type: detention</i>	520	38	558
Other	478	73	551
<b>Total</b>	<b>5,252</b>	<b>943</b>	<b>6,195</b>
<b>(per cent of pre-sentence detention <i>episodes</i>)</b>			
Released on bail	61.6	69.6	62.8
Matters proven/charges dismissed	1.6	3.0	1.8
Sentenced	27.7	19.7	26.5
<i>Next episode type: detention</i>	9.9	4.0	9.0
Other	9.1	7.7	8.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

1. Other includes more serious order begun, escaped/absconded, died and other reasons for exit.
2. This table excludes pre-court *episodes*.
3. Queensland JJ NMDS data records 'Released on bail' as a reason for exit only for pre-sentence *episodes* that are followed by a period of conditional bail. For this reason, frequencies for 'Released on bail' may be an underestimate of actual exits to periods of bail.

## 5.4 Age comparisons

This section compares older and younger people in terms of the number and length of *supervision periods* and the types of supervision they experienced during 2005–06 to examine whether the experiences of people who are younger during juvenile justice supervision may be different from those who are older at that time.

There was a tendency for younger people to have completed more *supervision periods* during 2005–06 than older people in juvenile justice supervision (Table 5.15). Of young people aged 12 years or under, 18% completed at least three *supervision periods* during 2005–06, compared to 3% of those aged 16 years 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 age and number of completed *supervision periods*, Australia, 2005–06**

<b>Number of <i>supervision periods</i></b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>	<b>Total</b>
<b>(number of young people)</b>										
1	11	40	93	307	665	1,104	1,657	1,975	1,370	7,222
2	2	10	28	84	134	226	280	260	58	1,082
3	1	5	13	28	59	66	63	56	3	294
4+	3	8	10	20	47	46	37	18	1	190
<b>Total</b>	<b>17</b>	<b>63</b>	<b>144</b>	<b>439</b>	<b>905</b>	<b>1,442</b>	<b>2,037</b>	<b>2,309</b>	<b>1,432</b>	<b>8,788</b>
<b>(per cent of young people)</b>										
1	64.7	63.5	64.6	69.9	73.5	76.6	81.3	85.5	95.7	82.2
2	11.8	15.9	19.4	19.1	14.8	15.7	13.7	11.3	4.1	12.3
3	5.9	7.9	9.0	6.4	6.5	4.6	3.1	2.4	0.2	3.3
4+	17.6	12.7	6.9	4.6	5.2	3.2	1.8	0.8	0.1	2.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: Age is calculated as at date of first supervision during 2005–06.

On average, the younger a person was at the start of juvenile justice supervision, the shorter the *supervision period* completed during 2005–06 (Table 5.16). Just under one-third (31%) of *supervision periods* of young people aged 10–12 years were less than 7 days in length, compared with 28% for 17 year olds and 16% for those aged 18 years or over during 2005–06. There was less difference for longer *supervision periods*: 21% of *supervision periods* completed by young people who were aged 10–12 years upon entry were 12 months or longer, compared with 23% for those aged 18 years or older.

Young people aged 10–12 years were most likely to have completed a higher number of relatively short *supervision periods*, compared with other age groups.

**Table 5.16: Completed *supervision periods*, by age and length of *supervision periods*, Australia, 2005–06**

<b>Length of <i>supervision periods</i></b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>	<b>Total</b>
<b>(number of <i>supervision periods</i>)</b>										
Less than 7 days	20	70	139	259	487	623	585	583	92	2,858
7 to less than 14 days	1	6	26	68	76	105	90	98	7	477
14 days to less than 1 month	2	19	34	62	90	111	121	93	25	557
1 to less than 3 months	5	22	47	121	190	245	252	262	80	1,224
3 to less than 6 months	5	19	53	136	199	303	360	299	115	1,489
6 to less than 9 months	1	25	47	129	210	280	371	294	81	1,438
9 to less than 12 months	4	9	29	78	121	132	199	156	44	772
12 to less than 24 months	5	29	63	202	324	387	411	251	101	1,773
24 months+	4	17	40	90	119	141	101	52	34	598
<b>Total</b>	<b>47</b>	<b>216</b>	<b>478</b>	<b>1,145</b>	<b>1,816</b>	<b>2,327</b>	<b>2,490</b>	<b>2,088</b>	<b>579</b>	<b>11,186</b>
<b>(per cent of <i>supervision periods</i>)</b>										
Less than 7 days	42.6	32.4	29.1	22.6	26.8	26.8	23.5	27.9	15.9	25.5
7 to less than 14 days	2.1	2.8	5.4	5.9	4.2	4.5	3.6	4.7	1.2	4.3
14 days to less than 1 month	4.3	8.8	7.1	5.4	5.0	4.8	4.9	4.5	4.3	5.0
1 to less than 3 months	10.6	10.2	9.8	10.6	10.5	10.5	10.1	12.5	13.8	10.9
3 to less than 6 months	10.6	8.8	11.1	11.9	11.0	13.0	14.5	14.3	19.9	13.3
6 to less than 9 months	2.1	11.6	9.8	11.3	11.6	12.0	14.9	14.1	14.0	12.9
9 to less than 12 months	8.5	4.2	6.1	6.8	6.7	5.7	8.0	7.5	7.6	6.9
12 to less than 24 months	10.6	13.4	13.2	17.6	17.8	16.6	16.5	12.0	17.4	15.9
24 months+	8.5	7.9	8.4	7.9	6.6	6.1	4.1	2.5	5.9	5.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*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.

The median length of *episodes* was related to age for *episodes* completed during 2005–06. 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, while there is variation among this age group in the median length of *episodes*, they were generally shorter than those of young people aged 16 years or older.

**Table 5.17: Median length of *episodes* (days), by age and *episode* type, Australia, 2005–06**

<i>Episode</i> type	10	11	12	13	14	15	16	17	18+	Total
<b>Pre-sentence</b>										
Community	<sup>(a)</sup> 27	22	34	44	29	43	49	54	83	<b>47</b>
Detention	1	2	3	4	3	3	3	3	3	<b>3</b>
<b>Sentenced</b>										
Community	<sup>(a)</sup> 92	111	118	128	117	143	160	159	173	<b>147</b>
Detention	—	<sup>(a)</sup> 45	53	51	79	53	76	87	106	<b>83</b>
Parole or supervised release	—	—	21	48	49	69	62	80	144	<b>88</b>

(a) The number of observations contributing to this cell is fewer than ten.

*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. Age is calculated as at entry to the *episode*.

Table 5.18 shows the percentage of *supervision periods* that contain various types of *episodes*. In this table, a *supervision period* will be represented more than once if it contains more than one type of *episode*. Some patterns were apparent in the proportion of *supervision periods* containing detention *episodes* experienced by young people of different ages (Table 5.18). The *supervision periods* of 10–14 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 17% of *supervision periods* for young people in this age group containing sentenced detention *episodes*.

For community-based supervision, a more complicated pattern is seen. Pre-sentence community *episodes* were more likely for young people aged 10-11 years and those aged 18 years and over than for young people of other ages. However, sentenced community was more likely for those aged 13 to 16, compared with other ages. Percentages will not add to 100% because each *supervision period* may contain more than one type of *episode*.

**Table 5.18: Completed *supervision periods*, by age and *episode* type, Australia, 2005–06 (per cent)**

<b>Episode type</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>	<b>Total</b>
<b>Pre-sentence</b>										
Community	14.9	13.9	10.7	11.8	10.6	11.1	8.7	9.6	20.6	<b>10.8</b>
Detention	78.7	68.1	68.6	60.7	58.3	51.5	47.9	48.5	21.4	<b>51.8</b>
<b>Sentenced</b>										
Community	38.3	42.6	41.6	48.8	48.1	48.0	50.5	42.8	36.4	<b>46.7</b>
Detention	12.8	14.4	16.5	15.3	11.3	8.1	8.1	6.5	16.9	<b>10.0</b>
Other	8.5	14.4	16.9	17.9	13.6	12.9	14.2	14.4	22.6	<b>14.8</b>
Number of <i>supervision periods</i>	47	216	478	1,145	1,816	2,327	2,490	2,088	579	<b>11,186</b>

*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 pre-sentence detention varied somewhat with age. For those aged over 11, there was no clear relationship between age and being sentenced following pre-sentence detention, but the likelihood of having detention as the next *episode* after being sentenced increased with age. For those aged 15 and older, 27% of the pre-sentence *episodes* ended in the young person being sentenced and 11% ended with an *episode* of detention following (Table 5.19). However, for those aged 13 or younger, while 23% of the pre-sentence *episodes* ended with the young person being sentenced, only 4% of them ended with the young person being sentenced and having a next *episode* type of detention. Bail was the most common reason for exit from a pre-sentenced *episode* for all age groups, with those aged 10–12 being most likely to be released on bail, compared with other age groups.

**Table 5.19: Pre-sentence detention *episodes*, by age and reason for exit, Australia, 2005–06**

Reason for exit from pre-sentence detention	10	11	12	13	14	15	16	17	18+	Total
<b>(number of pre-sentence detention <i>episodes</i>)</b>										
Released on bail	15	75	129	289	604	811	842	944	180	3,889
Matters proven/charges dismissed	0	1	4	7	15	22	20	32	13	114
Sentenced	2	13	41	122	280	345	442	315	81	1,641
<i>Next episode type: detention</i>	0	1	8	22	66	112	152	149	48	558
Other	0	6	10	52	79	115	134	121	34	551
<b>Total</b>	<b>17</b>	<b>95</b>	<b>184</b>	<b>470</b>	<b>978</b>	<b>1,293</b>	<b>1,438</b>	<b>1,412</b>	<b>308</b>	<b>6,195</b>
<b>(per cent of pre-sentence detention <i>episodes</i>)</b>										
Released on bail	88.2	78.9	70.1	61.5	61.8	62.7	58.6	66.9	58.4	62.8
Matters proven/charges dismissed	—	1.1	2.2	1.5	1.5	1.7	1.4	2.3	4.2	1.8
Sentenced	11.8	13.7	22.3	26.0	28.6	26.7	30.7	22.3	26.3	26.5
<i>Next episode type: detention</i>	—	1.1	4.3	4.7	6.7	8.7	10.6	10.6	15.6	9.0
Other	—	6.3	5.4	11.1	8.1	8.9	9.3	8.6	11.0	8.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

1. Other includes more serious order begun, escaped/absconded, died and other reasons for exit.
2. This table excludes pre-court *episodes*.
3. Age is calculated as at entry to the *episode*.
4. Queensland JJ NMDS data records 'Released on bail' as a reason for exit only for pre-sentence *episodes* that are followed by a period of conditional (supervised) bail. For this reason, frequencies for 'Released on bail' may be an underestimate of actual exits to periods of bail.

## 5.5 Aboriginal and Torres Strait Islander young people

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

In 2005–06, 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 23% 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 Indigenous status and number of completed *supervision periods*, Australia, 2005–06**

Number of <i>supervision periods</i>	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
(number of young people)				
1	2,647	4,196	379	7,222
2	557	506	19	1,082
3	149	142	3	294
4+	97	92	1	190
<b>Total</b>	<b>3,450</b>	<b>4,936</b>	<b>402</b>	<b>8,788</b>
(per cent of young people)				
1	76.7	85.0	94.3	82.2
2	16.1	10.3	4.7	12.3
3	4.3	2.9	0.7	3.3
4+	2.8	1.9	0.2	2.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

On average, Aboriginal and Torres Strait Islander young people completed shorter *supervision periods* during 2005–06 than non-Indigenous young people (Table 5.21). Almost two-thirds (64%) of *supervision periods* completed by Indigenous young people during 2005–06 were less than 6 months long, compared with 56% of those completed by non-Indigenous young people.

Non-Indigenous young people completed relatively more *supervision periods* lasting 12 months or longer than Indigenous young people (24% and 18%, respectively). 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 Indigenous status and length of *supervision periods*, Australia, 2005–06**

<b>Length of <i>supervision periods</i></b>	<b>Indigenous</b>	<b>Non-Indigenous</b>	<b>Unknown/ not recorded</b>	<b>Total</b>
<b>(number of <i>supervision periods</i>)</b>				
Less than 7 days	1,181	1,610	67	2,858
7 to less than 14 days	235	233	9	477
14 days to less than 1 month	290	248	19	557
1 to less than 3 months	604	575	45	1,224
3 to less than 6 months	674	739	76	1,489
6 to less than 9 months	553	799	86	1,438
9 to less than 12 months	300	442	30	772
12 to less than 24 months	599	1,107	67	1,773
24+ months	240	326	32	598
<b>Total</b>	<b>4,676</b>	<b>6,079</b>	<b>431</b>	<b>11,186</b>
<b>(per cent of <i>supervision periods</i>)</b>				
Less than 7 days	25.3	26.5	15.5	25.5
7 to less than 14 days	5.0	3.8	2.1	4.3
14 days to less than 1 month	6.2	4.1	4.4	5.0
1 to less than 3 months	12.9	9.5	10.4	10.9
3 to less than 6 months	14.4	12.2	17.6	13.3
6 to less than 9 months	11.8	13.1	20.0	12.9
9 to less than 12 months	6.4	7.3	7.0	6.9
12 to less than 24 months	12.8	18.2	15.5	15.9
24+ months	5.1	5.4	7.4	5.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*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. Pre-sentence detention *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: Median length of *episodes* (days), by Indigenous status and *episode* type, Australia, 2005–06**

<i>Episode type</i>	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
<b>Pre-sentence</b>				
Community	35	54	51	<b>47</b>
Detention	5	2	1	<b>3</b>
<b>Sentenced</b>				
Community	124	169	182	<b>147</b>
Detention	67	96	71	<b>83</b>
Parole or supervised release	70	98	<sup>(a)</sup> 84	<b>88</b>

(a) The number of observations contributing to this cell is fewer than ten.

*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* that are lower on the hierarchy.

Table 5.23 presents *supervision periods* completed by Indigenous and non-Indigenous young people by examining the proportion of *supervision periods* containing different *episode* types. As *supervision periods* may contain more than one type of *episode*, percentages will not add to 100%.

In 2005–06 a smaller proportion of the *supervision periods* of Aboriginal and Torres Strait Islander young people contained *episodes* of community-based supervision, and a larger 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*.

Fifty-six per cent of *supervision periods* experienced by Aboriginal and Torres Strait Islander young people contained *episodes* of pre-sentence detention (remand), compared with 50% for non-Indigenous young people. While pre-sentence community supervision was relatively uncommon for all young people (11%), 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 slightly more likely than those of non-Indigenous young people to contain *episodes* of sentenced detention (11% and 9%, respectively) but less likely to contain *episodes* of sentenced community supervision (44% and 48%, respectively).

**Table 5.23: Completed *supervision periods*, by Indigenous status and *episode* type, Australia, 2005–06 (per cent)**

<i>Episode type</i>	Indigenous	Non-Indigenous	Unknown/ not recorded	Total
<b>Pre-sentence</b>				
Community	7.5	13.3	12.3	<b>10.8</b>
Detention	56.4	50.1	25.5	<b>51.8</b>
<b>Sentenced</b>				
Community	43.5	48.0	62.9	<b>46.7</b>
Detention	11.4	9.4	4.2	<b>10.0</b>
Other <sup>(a)</sup>	18.8	12.0	10.2	<b>14.8</b>

(a) Other includes: immediate release or suspended detention, parole/supervised release, home detention, other sentenced *episode* type.

*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.

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

In 2005–06, the proportion of pre-sentence detention *episodes* of Indigenous young people ending with release on bail was less than the proportion for non-Indigenous young people (56% and 68%, respectively). A higher proportion of Aboriginal and Torres Strait Islander young people had a detention *episode* immediately following a pre-sentence detention *episode* ending with ‘sentenced’ than non-Indigenous young people (11% and 8%, respectively).

**Table 5.24: Pre-sentence detention *episodes*, by Indigenous status and reason for exit, Australia, 2005–06**

Reason for exit from pre-sentence detention	Indigenous	Non-Indigenous	Unknown/not recorded	Total
<b>(number of pre-sentence detention <i>episodes</i>)</b>				
Released on bail	1,533	2,246	110	3,889
Matters proven/charges dismissed	48	60	6	114
Sentenced	884	738	19	1,641
<i>Next episode type: sentenced detention</i>	307	246	5	558
Other	289	251	11	551
<b>Total</b>	<b>2,754</b>	<b>3,295</b>	<b>146</b>	<b>6,195</b>
<b>(per cent of pre-sentence detention <i>episodes</i>)</b>				
Released on bail	55.7	68.2	75.3	62.8
Matters proven/charges dismissed	1.7	1.8	4.1	1.8
Sentenced	32.1	22.4	13.0	26.5
<i>Next episode type: sentenced detention</i>	11.1	7.5	3.4	9.0
Other	10.5	7.6	7.5	8.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

1. Other includes more serious order begun, escaped/absconded, died and other reasons for exit.
2. This table excludes pre-court *episodes*.
3. Queensland JJ NMDS data records ‘Released on bail’ as a reason for exit only for pre-sentence *episodes* that are followed by a period of conditional (supervised) bail. For this reason, frequencies for ‘Released on bail’ may be an underestimate of actual exits to periods of bail.

## 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 over 60% of sentenced community supervision *episodes* ended with 'conditions of sentence met'. Sentenced detention *episodes* were likely to end with either 'conditions of sentence met' (36%) or 'released on parole/supervised release' (41%). The *episode* type with the highest record of 'breached' was parole or supervised release (23%).

The proportion of community-based *episodes* (pre-sentence community, sentenced community, immediate release or suspended detention, parole or supervised release) ending with a reason for exit of 'more serious order begun' varied from 20% for parole or supervised release to 33% for pre-sentence community. Further analysis revealed that almost three-quarters (70%) of *episodes* following this reason for exit were pre-sentence detention.

**Table 5.25: Completed *episodes*, by *episode* type and reason for exit, Australia, 2005–06 (per cent)**

Reason for exit	Pre-sentence community	Pre-sentence detention	Sentenced community	Sentenced detention	Immediate release or suspended detention	Parole or supervised release	Other
Released on bail	0.2	61.4	0.0	1.1	—	—	20.6
Sentenced	10.9	22.6	—	1.6	—	—	—
Transferred	—	1.0	0.1	7.2	0.4	—	—
Breached	12.6	—	8.9	—	20.3	22.9	2.2
More serious order begun	32.5	0.0	25.4	—	21.3	19.9	2.2
Conditions of sentence met	—	0.1	61.0	35.5	54.4	55.2	7.6
Released on parole/supervised release	—	0.2	—	40.8	—	—	—
Matters proven/charges dismissed	0.2	1.6	—	—	0.1	—	—
Other	43.6	13.1	4.5	13.7	3.4	2.0	67.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

### Notes

1. Transferred does not include transfers from one detention centre to another within a jurisdiction in the same *supervision period*.
2. Some reasons for exit may be due to the result of an appeal.
3. Queensland JJ NMDS data records 'Released on bail' as a reason for exit only for pre-sentence *episodes* that are followed by a period of conditional (supervised) bail. For this reason, frequencies for 'Released on bail' may be an underestimate of actual exits to periods of bail.

## 5.7 Age at first supervision and number of supervision periods

Many young people who experience juvenile justice supervision appear once and do not return to juvenile justice supervision. However, some young people return multiple times. One of the factors associated with returning to juvenile justice supervision is the age of the young person when he/she first experiences supervision.

In this section, the relationship between age at the first juvenile justice supervision and subsequent number and type of *supervision periods* in later years is examined in several ways. The first two tables examine the supervision history of young people who have completed all possible juvenile justice supervision; that is, due to their ages, they are unlikely to experience any future contact with the juvenile justice system. The final set of tables uses a population consisting of young people who, due to their ages, were eligible to have juvenile justice supervision for the years 2001–02 to 2005–06.

In the first table (Table 5.26), the number of completed *supervision periods* is presented for young people who first began juvenile justice supervision in 2000–01, which is the first year of data in the NMDS. The population of this table is restricted to young people who were aged between 12 and 17 at the start of the year of their first supervision so that the table will contain their complete juvenile supervision history, as those who were 12 in 2000–01 will have turned 17 in 2005–06 (the most recent year of data) and therefore it is unlikely they will experience any further juvenile justice supervision in future years, as they will be aged 18 and over. This enables us to examine the relationship between age at first supervision and the number of completed *supervision periods* for young people who began supervision in a common year.

Table 5.27 uses a different population to examine the same relationship. In this table, the number of completed *supervision periods* is presented for young people who were 17 at the start of 2005–06, meaning they turned 18 during 2005–06 and therefore will be unlikely to experience juvenile justice supervision in future years. However, the population of this table experienced their first supervision not only at different ages but also in different years, allowing us to examine whether a relationship between age at first supervision and the number of completed *supervision periods* exists regardless of the year in which supervision began.

In the remaining tables (Tables 5.28, 5.29, 5.30 and 5.31), the relationship between age at first supervision and subsequent contact with the juvenile justice supervision system is explored using the histories of young people who experienced their first supervision during 2001–02 and who were aged between 10 and 14 years at that time. This group is chosen because young people in this age group in 2001–02 are within the age range for having further contact with the juvenile justice system over the five years (2001–02 to 2005–06), while young people aged 15 or older in 2001–02 would be over 18 by 2005–06. 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. For this population, the number of *supervision periods* completed as of 30 June 2006 (Tables 5.28 and 5.29) and the number of young people entering or leaving juvenile justice supervision over time (Tables 5.30, 5.31, 5.32) are presented by age at first supervision.



Table 5.26 presents the number of *supervision periods* for young people who experienced their first juvenile justice supervision in 2000–01 and who were aged between 12 and 17 at the start of 2000–01. Young people in this age range will all be aged at least 17 at the start of 2005–06. As they will be aged 18 or over in 2006–07 and will be unlikely to experience any further juvenile justice supervision once they are 18, the period 2000–01 to 2005–06 is likely to contain the complete juvenile justice supervision history for this group of young people.

Table 5.26 shows that of this group of young people, the majority (60%) completed only one *supervision period*, while 12% completed four or more *supervision periods*. However, the younger you were at initial supervision, the more likely you were to complete more *supervision periods*: 41% of those aged 12 completed at least four supervision periods during the years to 2005–06, compared with less than 10% of those who were aged at least 15 years.

**Table 5.26: Young people with first supervision in 2000–01, by number of completed supervision periods and age at first supervision, Australia, 2000–01 to 2005–06**

Age at and year of first supervision		Number of completed supervision periods				Total
		1	2	3	4+	
(number of young people)						
12	2000–01	51	46	31	90	<b>218</b>
13	2000–01	175	109	77	146	<b>507</b>
14	2000–01	396	181	118	135	<b>830</b>
15	2000–01	670	254	125	94	<b>1,143</b>
16	2000–01	867	175	71	41	<b>1,154</b>
17	2000–01	515	75	14	8	<b>612</b>
Total		2,674	840	436	514	<b>4,464</b>
(per cent of young people)						
12	2000–01	23.4	21.1	14.2	41.3	<b>100.0</b>
13	2000–01	34.5	21.5	15.2	28.8	<b>100.0</b>
14	2000–01	47.7	21.8	14.2	16.3	<b>100.0</b>
15	2000–01	58.6	22.2	10.9	8.2	<b>100.0</b>
16	2000–01	75.1	15.2	6.2	3.6	<b>100.0</b>
17	2000–01	84.2	12.3	2.3	1.3	<b>100.0</b>
Total		59.9	18.8	9.8	11.5	<b>100.0</b>

*Notes*

1. Australian Capital Territory excluded as data for 2000–01 were unavailable.
2. Age is calculated as at the first of July of the relevant financial year.

The number of *supervision periods* completed by young people who turned 18 during the most recent year of data, 2005–06, is examined retrospectively in Table 5.27. As these young people turned 18 during 2005–06, they are unlikely to have juvenile justice supervision in future years and may be considered to have completed all possible *supervision periods*.

The number of completed *supervision periods* for these young people is compared based on the year of their initial supervision. The supervision relevant to this table may have occurred at any time during the available NMDS data. These young people will not necessarily be in supervision during 2005–06, and indeed most were not. For example, there were 1,147 young people who turned 18 in 2005–06 and began their first ever juvenile justice supervision during 2003–04. Of these 1,147 young people, 661 completed only one *supervision period* and 113 completed at least four *supervision periods* during their time in the juvenile justice system.

Of the young people who turned 18 in 2005–06 and had their first *supervision period* during or after 2000–01, 58% completed only one *supervision period* while 12% completed at least four. However, as in Table 5.26, the younger a person was at their first supervision, the more *supervision periods* they are likely to have completed. Of the 218 young people who began supervision in 2000–01 and turned 18 in 2005–06, 41% completed four or more *supervision periods*, compared with only 1% of those who had their first supervision in 2005–06, when aged 17 years.

**Table 5.27: Young people who turned 18 years old in 2005–06, by number of completed supervision periods, and age at first supervision, Australia, 2000–01 to 2005–06**

Age at and year of first supervision	Number of completed supervision periods				Total
	1	2	3	4+	
(number of young people)					
12 2000–01	51	46	31	90	<b>218</b>
13 2001–02	163	112	91	162	<b>528</b>
14 2002–03	390	221	137	170	<b>918</b>
15 2003–04	661	262	111	113	<b>1,147</b>
16 2004–05	802	210	68	32	<b>1,112</b>
17 2005–06	610	82	10	8	<b>710</b>
Total	2,677	933	448	575	<b>4,633</b>
(per cent of young people)					
12 2000–01	23.4	21.1	14.2	41.3	<b>100.0</b>
13 2001–02	30.9	21.2	17.2	30.7	<b>100.0</b>
14 2002–03	42.5	24.1	14.9	18.5	<b>100.0</b>
15 2003–04	57.6	22.8	9.7	9.9	<b>100.0</b>
16 2004–05	72.1	18.9	6.1	2.9	<b>100.0</b>
17 2005–06	85.9	11.5	1.4	1.1	<b>100.0</b>
Total	57.8	20.1	9.7	12.4	<b>100.0</b>

*Notes*

1. Australian Capital Territory excluded as data for 2000–01 to 2002–03 were unavailable.
2. Age is calculated as at the first of July of the relevant financial year.

Table 5.28 shows the total number of *supervision periods* per young person during 2001–02 to 2005–06 for young people aged 10–14 years at first contact in 2001–02. These young people were within the age range for juvenile justice supervision for the entire period 2001–02 to 2005–06.

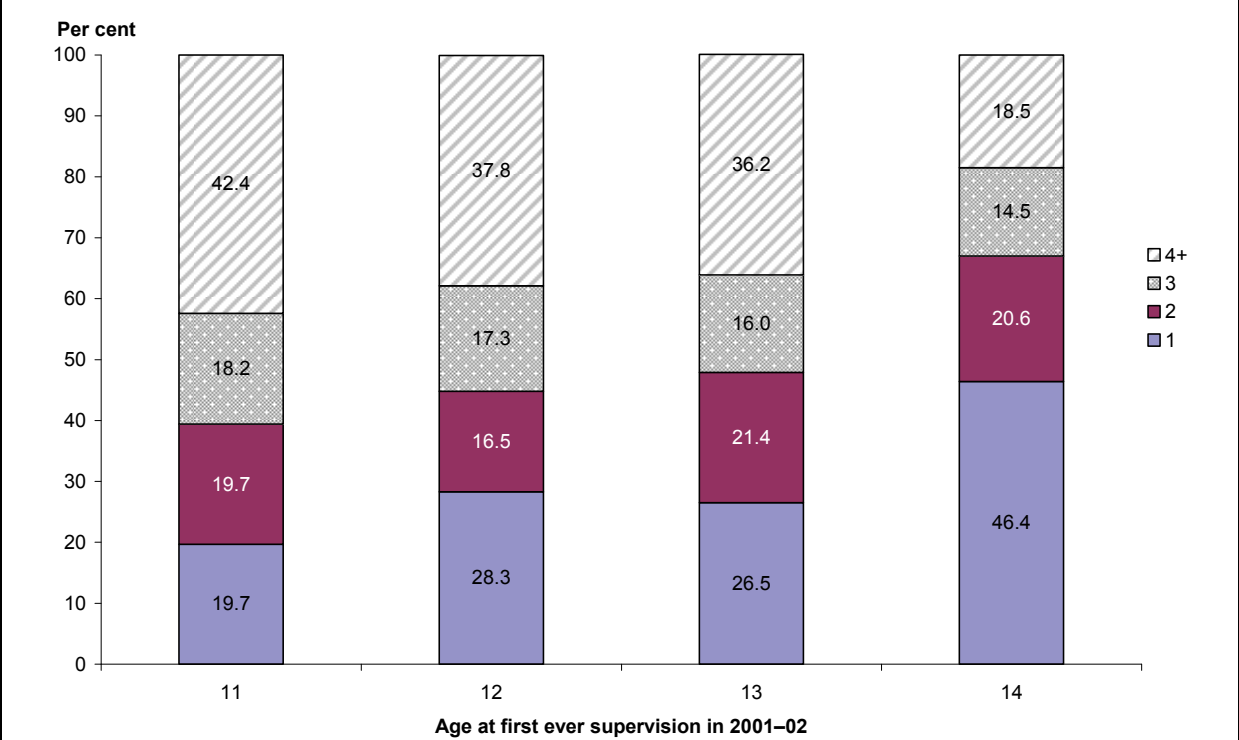
From age 12, young people experienced fewer *supervision periods* as the age of first contact increased: 24% of the young people aged 10–12 years old at first contact experienced only one *supervision period* during the five years compared with 46% of those who were aged 14 years at first contact. Conversely, 41% of 10–12 years olds at first contact experienced at least four *supervision periods* during the five years, compared to 19% of those aged 14 years at first contact.

**Table 5.28: Young people with first supervision in 2001–02, by age at first supervision and number of completed *supervision periods*, Australia, 2001–02 to 2005–06**

Number of <i>supervision periods</i>	Age at first supervision in 2001–02					Total
	10	11	12	13	14	
	(number of young people)					
1	1	13	36	93	319	462
2	4	13	21	75	142	255
3	1	12	22	56	100	191
4+	9	28	48	127	127	339
<b>Total</b>	<b>15</b>	<b>66</b>	<b>127</b>	<b>351</b>	<b>688</b>	<b>1,247</b>
	(per cent of young people)					
1	6.7	19.7	28.3	26.5	46.4	37.0
2	26.7	19.7	16.5	21.4	20.6	20.4
3	6.7	18.2	17.3	16.0	14.5	15.3
4+	60.0	42.4	37.8	36.2	18.5	27.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: Australian Capital Territory excluded as data for 2000–01 were unavailable.

In general, beginning juvenile justice supervision for the first time at a younger age was associated with completing a higher number of *supervision periods* in the five years to 2005–06 (Figure 5.3). Almost two-fifths (38%) of those young people who were aged 12 when they had their first supervision went on to complete at least four *supervision periods*, compared with less than one-fifth (19%) of those who were aged 14 years when they began.



Source: Table 5.28.

**Figure 5.3: Young people with first supervision in 2001–02, by age at first supervision and number of completed *supervision periods*, Australia, 2001–02 to 2005–06**

Table 5.29 shows the same information as the previous table but by Indigenous status. The relationship found in the previous table between the age at first supervision and the overall number of *supervision periods* completed is stronger for Indigenous than non-Indigenous young people. For non-Indigenous young people, 33% of those aged 10–12 in 2001–02 had at least four supervision periods, compared to 48% of Indigenous 10–12 year olds.

**Table 5.29: Young people with first supervision in 2001–02, by age at first supervision, number of completed *supervision periods* and Indigenous status, Australia, 2001–02 to 2005–06**

Number of <i>supervision periods</i>	Age at first supervision in 2001–02					Total
	10	11	12	13	14	
(number of young people)						
Indigenous						
1	—	6	11	30	78	125
2	3	8	11	34	49	105
3	1	9	17	27	39	93
4+	6	21	33	79	65	204
<b>Total</b>	<b>10</b>	<b>44</b>	<b>72</b>	<b>170</b>	<b>231</b>	<b>527</b>
Non-Indigenous						
1	1	7	21	57	198	284
2	1	5	9	40	91	146
3	—	3	4	28	59	94
4+	3	7	15	48	61	134
<b>Total</b>	<b>5</b>	<b>22</b>	<b>49</b>	<b>173</b>	<b>409</b>	<b>658</b>
(per cent of young people)						
Indigenous						
1	—	13.6	15.3	17.6	33.8	23.7
2	30.0	18.2	15.3	20.0	21.2	19.9
3	10.0	20.5	23.6	15.9	16.9	17.6
4+	60.0	47.7	45.8	46.5	28.1	38.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Non-Indigenous						
1	20.0	31.8	42.9	32.9	48.4	43.2
2	20.0	22.7	18.4	23.1	22.2	22.2
3	—	13.6	8.2	16.2	14.4	14.3
4+	60.0	31.8	30.6	27.7	14.9	20.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

1. Caution should be taken in interpreting these results, as those aged 14 years in 2001–02 will be 18 years old in 2005–06, 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 2000–01 were unavailable.
3. 62 young people whose Indigenous status was unknown or not recorded were excluded.

Tables 5.30 and 5.31 represent two ways of examining the subsequent supervision experience of the group of young people (aged 10–14 years) who had their first ever juvenile justice supervision during 2001–02.

Table 5.30 shows the number of young people who completed their most recent *supervision period* in each of the five years. For example, of the 66 young people aged 11 in 2001–02, 13 have not completed any more *supervision periods* since that year, 7 entered their most recent *supervision period* in 2003–04 and 31 in 2005–06.

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; of the 688 young people who had their first supervision in 2001–02 and were aged 14, 46% had their first and most recent *supervision period* during that year, compared to 20% of those aged 11 years. Thirty-five per cent of those who began supervision aged 10–12 years were under juvenile justice supervision four years later in 2005–06, compared with 8% of those aged 14 in 2001–02.

**Table 5.30: Young people with first supervision in 2001–02, by year of entry to most recent *supervision period* and age at first supervision, Australia, 2001–02 to 2005–06**

Age at and year of first supervision		Year of entry to most recent <i>supervision period</i>					Total
		2001–02	2002–03	2003–04	2004–05	2005–06	
(number of young people)							
10	2001–02	1	2	2	4	6	<b>15</b>
11	2001–02	13	5	7	10	31	<b>66</b>
12	2001–02	36	11	20	24	36	<b>127</b>
13	2001–02	93	49	48	66	95	<b>351</b>
14	2001–02	319	98	104	111	56	<b>688</b>
(per cent of young people)							
10	2001–02	6.7	13.3	13.3	26.7	40.0	<b>100.0</b>
11	2001–02	19.7	7.6	10.6	15.2	47.0	<b>100.0</b>
12	2001–02	28.3	8.7	15.7	18.9	28.3	<b>100.0</b>
13	2001–02	26.5	14.0	13.7	18.8	27.1	<b>100.0</b>
14	2001–02	46.4	14.2	15.1	16.1	8.1	<b>100.0</b>

*Notes*

1. This table may not represent the young person's last ever *supervision period* — data are subject to change as data for future years become available. For example, the proportion of those aged 10 years in 2001–02 and who entered their last recorded *supervision period* that year (6.7%) would decrease if at least one of these young people had a *supervision period* in 2006–07.
2. Note that young people aged 18 years and over may be supervised by the adult corrections system, and that data are not available in this report.
3. Australian Capital Territory excluded as data for 2000–01 were unavailable.

Table 5.31 again follows young people who began supervision for the first time ever during 2001–02. It shows the number of young people who began a new *supervision period* during each year from 2000–01 to 2005–06. For example, of the 66 young people aged 11 who had their first ever *supervision period* in 2001–02, 31 also began a *supervision period* in 2002–03, 29 in 2003–04, and so on. The number does not necessarily decrease from year to year as a person may have, for example, no *supervision period* in 2002–03, but begin one in 2003–04.

To provide additional information regarding the experience of young people aged 18 and over in the juvenile justice system, this table and the next include young people who were aged between 15 and 17 years at their first supervision in 2001–02. These young people will have turned 18 sometime during 2002–03 to 2005–06 and in this and subsequent years will be less likely to experience juvenile justice supervision compared with young people aged under 18. In the table, the data relating to young people aged 18 and over are italicised. A significantly diminished return is expected in these cells as young people of this age are less likely to be in juvenile justice supervision than young people who are under 18.

There was a generally decreasing proportion of young people returning to juvenile justice supervision each successive year. As seen in the previous table, the younger a young person was upon entry to initial juvenile justice supervision, the more likely he/she was to be in the NMDS in subsequent years (Table 5.31).

**Table 5.31: Young people with first supervision in 2001–02, by year of entry to new supervision periods and age at first supervision, Australia, 2001–02 to 2005–06**

Age at and year of first supervision		Year of entry to new supervision periods				
		2001–02	2002–03	2003–04	2004–05	2005–06
<b>(number of young people)</b>						
10	2001–02	15	9	8	7	6
11	2001–02	66	31	29	29	31
12	2001–02	127	59	54	43	36
13	2001–02	351	160	133	122	95
14	2001–02	688	232	184	141	56
15	2001–02	1,025	284	203	75	22
16	2001–02	1,259	243	88	10	4
17	2001–02	988	93	27	8	—
<b>(per cent of young people)</b>						
10	2001–02	100.0	60.0	53.3	46.7	40.0
11	2001–02	100.0	47.0	43.9	43.9	47.0
12	2001–02	100.0	46.5	42.5	33.9	28.3
13	2001–02	100.0	45.6	37.9	34.8	27.4
14	2001–02	100.0	33.7	26.7	20.5	8.1
15	2001–02	100.0	27.7	19.8	7.3	2.1
16	2001–02	100.0	19.3	7.0	0.8	0.3
17	2001–02	100.0	9.4	2.7	0.8	—

*Notes*

1. This table shows young people who had their first ever juvenile justice supervision in 2001–02 and who began a new *supervision period* at some point in subsequent years. Young people are entering and leaving supervision on a regular basis so it should not be assumed those under 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. Italics indicate young people aged 18 years and over. Note that young people aged 18 years and over may be supervised by the adult corrections system, and such data are not available in this report.
4. Australian Capital Territory excluded as data for 2001–02 were unavailable.



The relationship in Table 5.31 between age of initial juvenile justice supervision and returns to supervision has been fairly consistent over the period 2002–03 to 2005–06 (Table 5.32).

**Table 5.32: Young people with first supervision in 2002–03 to 2004–05, by year of entry to new supervision periods and age at first supervision, Australia, 2002–03 to 2005–06 (per cent)**

Age at and year of first supervision		Year of entry to new supervision periods			
		2002–03	2003–04	2004–05	2005–06
(per cent of young people)					
10	2002–03	100.0	43.8	43.8	43.8
11	2002–03	100.0	35.8	49.1	45.3
12	2002–03	100.0	44.1	39.3	34.5
13	2002–03	100.0	42.8	40.2	37.4
14	2002–03	100.0	35.0	26.4	24.7
15	2002–03	100.0	28.5	17.5	6.7
16	2002–03	100.0	18.9	6.8	2.0
17	2002–03	100.0	8.9	2.0	0.6
10	2003–04	—	100.0	40.0	46.7
11	2003–04	—	100.0	44.0	45.3
12	2003–04	—	100.0	46.7	42.6
13	2003–04	—	100.0	40.2	33.3
14	2003–04	—	100.0	32.7	29.4
15	2003–04	—	100.0	27.3	21.1
16	2003–04	—	100.0	19.7	8.6
17	2003–04	—	100.0	9.9	2.4
10	2004–05	—	—	100.0	50.0
11	2004–05	—	—	100.0	36.5
12	2004–05	—	—	100.0	51.0
13	2004–05	—	—	100.0	40.1
14	2004–05	—	—	100.0	30.7
15	2004–05	—	—	100.0	26.9
16	2004–05	—	—	100.0	20.3
17	2004–05	—	—	100.0	10.4

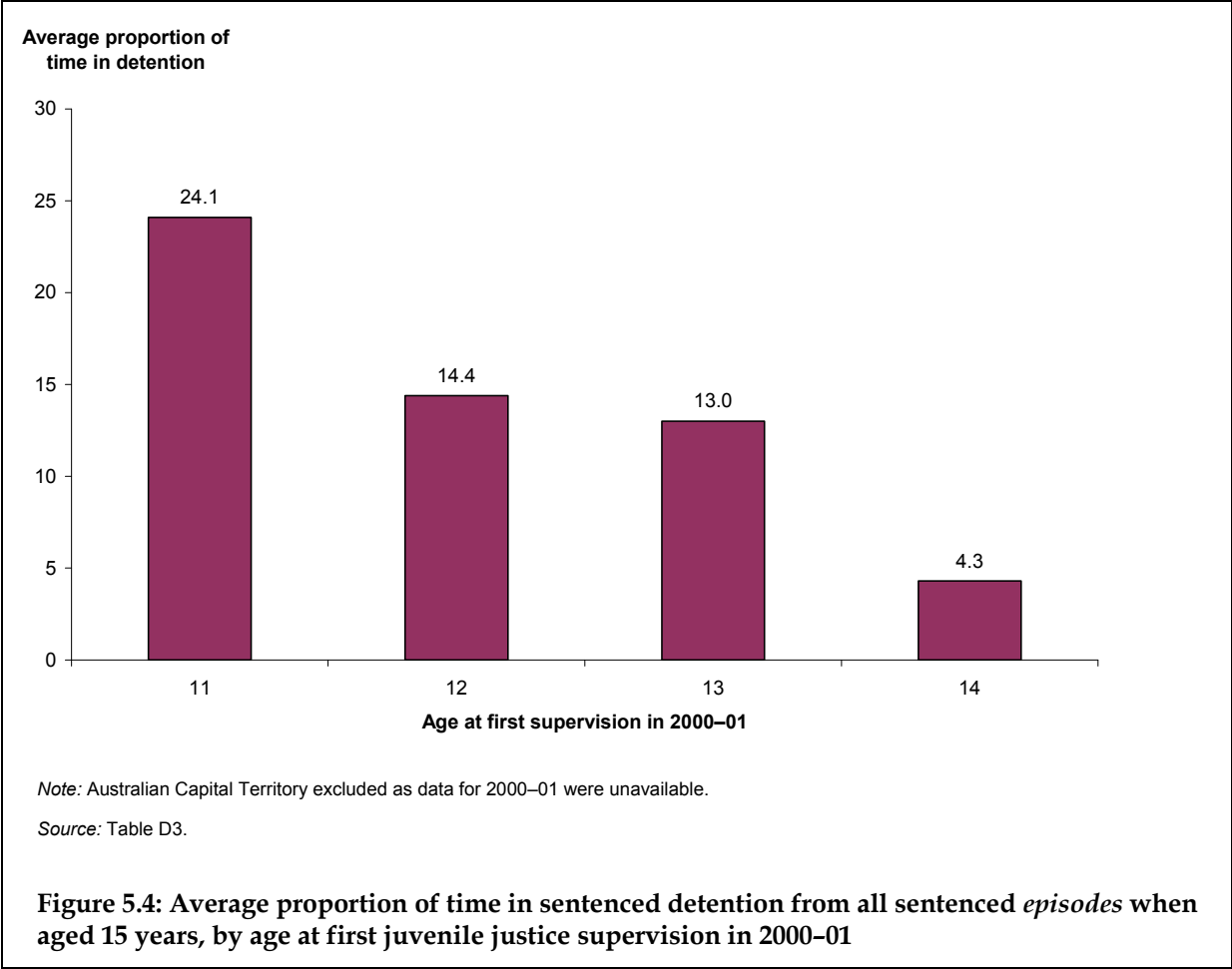
*Notes*

1. This table shows young people who had their first ever juvenile justice supervision in a particular year and who began a new *supervision period* at some point in subsequent years. Young people are entering and leaving supervision on a regular basis so it should not be assumed those under supervision in a particular year are the same young people who were under 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. Italics indicate young people aged 18 years and over. Note that young people aged 18 years and over may be supervised by the adult corrections system, and such data are not available in this report.
4. Australian Capital Territory excluded as data for 2002–03 were unavailable.

# 5.8 Age at first supervision and types of sentences

The previous section showed that the earlier a young person begins juvenile justice supervision, the more likely they are to return to supervision in subsequent years. This section examines that subsequent supervision. Is there a relationship between the age at first supervision and the type of sentenced supervision later experienced? Figure 5.4 examines whether or not having begun juvenile justice supervision at an early age distinguishes one 15 year old from another in terms of the type of sentenced supervision they experienced while they were 15. The age 15 is chosen because the youngest people in the NMDS (those who began supervision aged 10 years old during the first year of data in 2000-01) were aged 15 years during 2005-06, which is the latest year of data.

Figure 5.4 depicts the proportion of sentenced time that was spent in detention as opposed to in community-based supervision. Those who had first supervision at a younger age tended to spend a higher proportion of time in sentenced detention when they were 15 than those who had first supervision at an older age. Figure 5.4 shows that those who were aged 11 years at first supervision in 2000-01 spent, on average, 24% of their supervised time in sentenced detention when they were aged 15 (during 2004-05). In comparison, those who were aged 14 years at first supervision in 2000-01 spent, on average, only 4% of their supervised time in sentenced detention when aged 15 (during 2001-02).



## 5.9 Age at first supervision and detention at first supervision

This section examines the relationship between age at first supervision, the presence or absence of detention in the first supervision, and the number of *supervision periods* subsequently completed during 2000–01 to 2005–06.

Table 5.33 looks at all young people in the NMDS who have experienced juvenile justice supervision at some time during 2000–01 to 2005–06. It shows that overall 44% of young people experienced pre-sentence and/or sentenced detention in their first *supervision period*. For those aged 12 to 17, the proportion of young people experiencing detention during their first *supervision period* decreased as the age at first contact increased, from 57% to 38%. In all age groups except those aged 18 and over, detention in a first *supervision period* was most often pre-sentence detention. Sentenced detention *episodes* in a first *supervision period* were unusual, except for those aged 18 years or over.

**Table 5.33: Young people, by age at first supervision and presence or absence of detention episodes in the first supervision period, Australia, 2000–01 to 2005–06**

	Age at first supervision									Total
	10	11	12	13	14	15	16	17	18+	
(number of young people)										
First supervision period contained detention	54	204	481	1,160	2,050	2,751	3,178	2,278	826	12,982
<i>Pre-sentence detention</i>	54	197	470	1,146	2,026	2,684	3,100	2,165	318	12,160
<i>Sentenced detention</i>	1	17	40	97	127	201	216	219	535	1,453
First supervision period did not contain detention	43	172	367	1,095	2,188	3,414	4,460	3,742	1,141	16,622
<b>Total</b>	<b>97</b>	<b>376</b>	<b>848</b>	<b>2,255</b>	<b>4,238</b>	<b>6,165</b>	<b>7,638</b>	<b>6,020</b>	<b>1,967</b>	<b>29,604</b>
(per cent of young people)										
First supervision period contained detention	55.7	54.3	56.7	51.4	48.4	44.6	41.6	37.8	42.0	43.9
<i>Pre-sentence detention</i>	55.7	52.4	55.4	50.8	47.8	43.5	40.6	36.0	16.2	41.1
<i>Sentenced detention</i>	1.0	4.5	4.7	4.3	3.0	3.3	2.8	3.6	27.2	4.9
First supervision period did not contain detention	44.3	45.7	43.3	48.6	51.6	55.4	58.4	62.2	58.0	56.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

### Notes

1. Australian Capital Territory excluded as data for 2000–01 to 2002–03 were unavailable
2. This table excludes four young people whose age at first supervision is unknown
3. The first *supervision period* for some young people contained both pre-sentence detention and sentenced detention

The following two tables examine the relationship between experiencing detention in the first *supervision period* and the number of completed *supervision periods*. The population for these tables is restricted to young people who had their first supervision in 2001–02 and were aged 10 to 14 years at the start of this supervision. These young people are still within the age for juvenile justice supervision during the most recent year, 2005–06.

Table 5.34, which presents the relationship between the number of completed *supervision periods* and the presence or absence of detention in the first supervision by the age at first supervision, shows that 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 three *supervision periods*. This compares to 46% for those who were aged 14 at their first *supervision period* and were detained during this *supervision period*.

Table 5.35 also examines the relationship between experiencing detention in the first *supervision period* and the number of completed *supervision periods* for the young person, but presents the information by states and territories. In Australia overall, 40% of young people who experienced early detention had four or more *supervision periods*, compared to 16% for young people who did not have early detention. This pattern was consistent across the jurisdictions.

**Table 5.34: Young people with first supervision in 2001–02, by age at first supervision, presence or absence of detention during first supervision period and number of completed supervision periods, Australia, 2001–02 to 2005–06**

First supervision period contained JJ detention?	Age at first supervision												Total	
	10		11		12		13		14		15		Yes	No
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No		
<b>Number of supervision periods</b>	<b>(number of young people)</b>													
1	1	—	4	9	7	29	33	60	106	213	151	311		
2	4	—	7	6	12	9	27	48	55	87	105	150		
3	1	—	5	7	13	9	24	32	49	51	92	99		
4+	6	3	20	8	29	19	87	40	87	40	229	110		
<b>Total</b>	<b>12</b>	<b>3</b>	<b>36</b>	<b>30</b>	<b>61</b>	<b>66</b>	<b>171</b>	<b>180</b>	<b>297</b>	<b>391</b>	<b>577</b>	<b>670</b>		
	<b>(per cent of young people)</b>													
1	8.3	—	11.1	30.0	11.5	43.9	19.3	33.3	35.7	54.5	26.2	46.4		
2	33.3	—	19.4	20.0	19.7	13.6	15.8	26.7	18.5	22.3	18.2	22.4		
3	8.3	—	13.9	23.3	21.3	13.6	14.0	17.8	16.5	13.0	15.9	14.8		
4+	50.0	100.0	55.6	26.7	47.5	28.8	50.9	22.2	29.3	10.2	39.7	16.4		
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

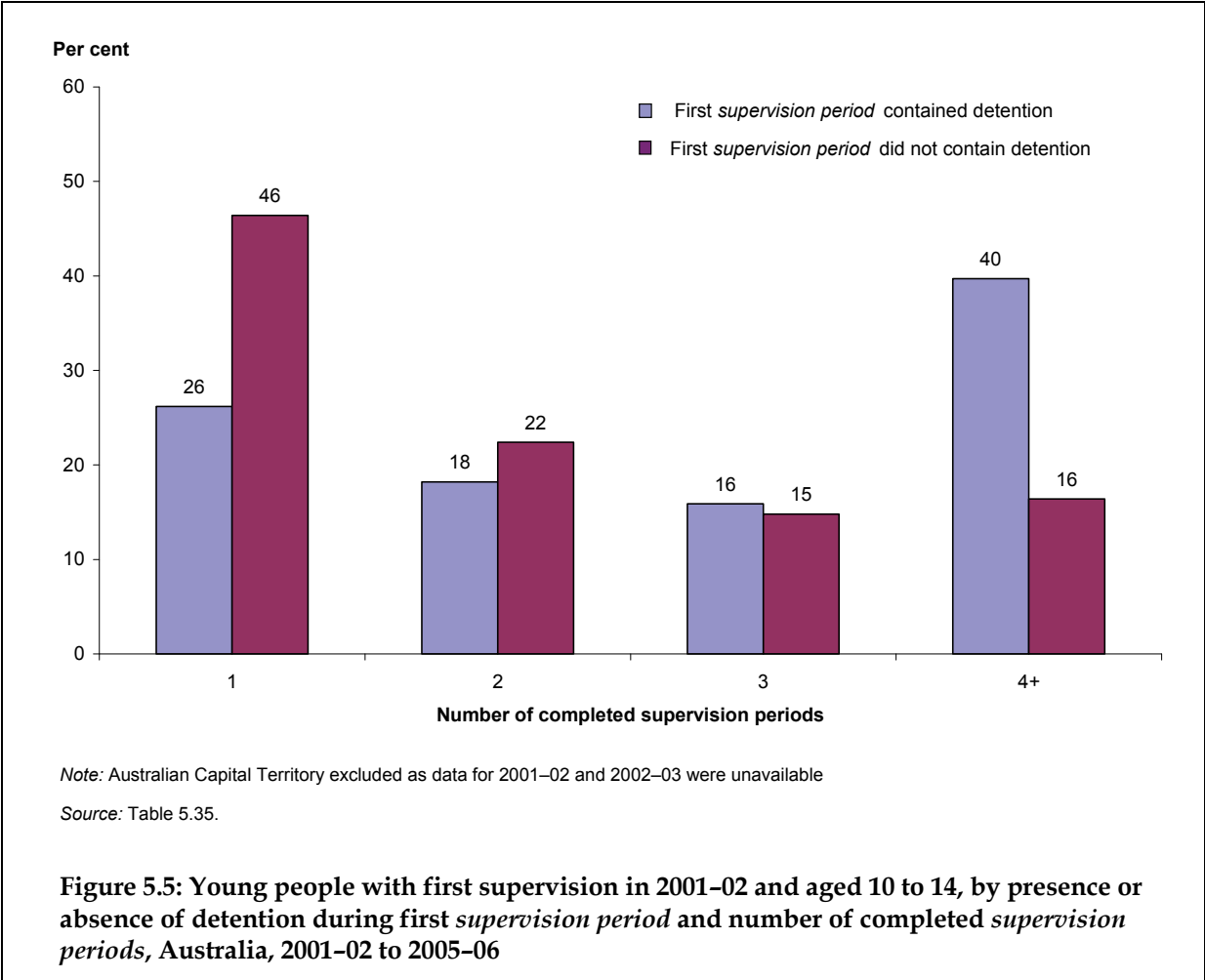
Note: Australian Capital Territory excluded as data for 2001–02 and 2002–03 were unavailable.

**Table 5.35: Young people with first supervision in 2001–02, by age at first supervision, presence or absence of detention during first supervision period and number of completed supervision periods, states and territories, 2001–02 to 2005–06**

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
<b>Number of supervision periods</b>	(number of young people)															
1	44	57	4	62	44	98	27	39	28	36	4	18	—	1	151	311
2	23	17	4	37	39	61	9	22	23	9	3	3	4	1	105	150
3	32	14	11	24	24	34	7	18	17	8	—	1	1	—	92	99
4+	101	16	17	20	31	13	47	51	32	7	—	1	1	2	229	110
<b>Total</b>	<b>200</b>	<b>104</b>	<b>36</b>	<b>143</b>	<b>138</b>	<b>206</b>	<b>90</b>	<b>130</b>	<b>100</b>	<b>60</b>	<b>7</b>	<b>23</b>	<b>6</b>	<b>4</b>	<b>577</b>	<b>670</b>
	(per cent of young people)															
1	22.0	54.8	11.1	43.4	31.9	47.6	30.0	30.0	28.0	60.0	57.1	78.3	—	25.0	26.2	46.4
2	11.5	16.3	11.1	25.9	28.3	29.6	10.0	16.9	23.0	15.0	42.9	13.0	66.7	25.0	18.2	22.4
3	16.0	13.5	30.6	16.8	17.4	16.5	7.8	13.8	17.0	13.3	—	4.3	16.7	—	15.9	14.8
4+	50.5	15.4	47.2	14.0	22.5	6.3	52.2	39.2	32.0	11.7	—	4.3	16.7	50.0	39.7	16.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: Australian Capital Territory excluded as data for 2001–02 and 2002–03 were unavailable.

Young people who experienced detention in their first ever juvenile justice supervision were more likely to return to subsequent supervision than those who did not experience detention initially. Overall, 46% of those who did not have detention in their first *supervision period* in 2001–02 while aged 10 to 14 years had only one *supervision period*, compared to 26% of those who did have detention in their first *supervision period* in 2001–02 while aged 10 to 14 years (Figure 5.5).



## 5.10 Summary

### ***Supervision periods***

Over 80% of young people completed one period of continuous juvenile justice supervision during 2005–06. A further 12% completed two *supervision periods*, leaving around 6% returning to the system frequently enough to complete three or more *supervision periods* within a year. Some young people may have also had a *supervision period* that was not completed by 30 June 2006.

The length of *supervision periods* completed during 2005–06 varied greatly from less than 7 days (26%) to 12 months or longer (21%). 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 30% of those young people completing one *supervision period* during 2005–06, that *supervision period* lasted for 12 months or more. About half of these young people were likely to have one long sentenced community-based *episode*. However, for about 11% 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 147 days, compared with 83 days for *episodes* of sentenced detention. For pre-sentence *episodes*, the median length of detention was 3 days. Overall, over two-thirds of the total durations of *supervision periods* finished in 2005–06 were spent in sentenced community *episodes*.

The two most common *supervision periods* were those containing community-based sentenced *episodes* with no pre-sentence *episodes* (35%), and those with pre-sentence detention *episodes* and no sentenced *episodes* (33%).

### **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 2005–06. There was a small difference seen in the proportion of males (2%) and females (3%) completing four or more *supervision periods* during the year. *Supervision periods* were likely to be shorter for females (36% were less than 14 days) than males (29% 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 2005–06). When sentenced detention *episodes* did occur though, there was no difference in their median length for males



and females. *Episodes* of sentenced community-based supervision of females during 2005–06 were, on average, 28 days longer than those of males.

Release on bail as an exit from a pre-sentenced detention *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 11–14 years old were the most likely to have completed a high number of short *supervision periods*. Young people aged 15 years or older completed fewer but longer *supervision periods*.

*Supervision periods* experienced by 10–14 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 pre-sentence *episodes* ending with being sentenced and an immediately following *episode* of detention generally increased with age.

## Aboriginal and Torres Strait Islander young people

Chapter 3 showed that 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 also 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, compared with non-Indigenous young people.

Chapter 5 shows that Aboriginal and Torres Strait Islander young people were more likely to complete a high number of short *supervision periods* in a year. During 2005–06, 64% of *supervision periods* completed by Indigenous young people were less than six months long, compared with 56% for non-Indigenous young people.

Around 23% of Aboriginal and Torres Strait Islander young people under juvenile justice supervision completed two or more *supervision periods* in 2005–06, 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 pre-sentence by being released on bail was less than the proportion for non-Indigenous young people in 2005–06.

## Reasons for exit from *episodes*

Just over 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 2001–02 were also in supervision in 2005–06, compared to 8% for those who started aged 14 years.

Almost 40% of young people who began their first supervision when aged 12 years in 2000–01 had completed at least four *supervision periods* by the time they turned 18 years old. This compares with 1% for those whose initial supervision did not occur until they were aged 17 years.

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 15 years in pre-sentence detention (remand), the likelihood of sentenced detention following pre-sentence detention varied with the age of the young person at their initial contact with juvenile justice supervision. For young people who were 11 years old at their first contact, the sentenced *episode* following a remand was detention 42% of the time when they were aged 15 years. This compares to 14% for those who were aged 15 years at first contact.

## Age at first detention

Overall, 44% 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, 27% 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 2001–02, 40% of those who had detention in their first supervision period had at least four completed *supervision periods*, compared with 16% 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*
- *Children, Youth and Families Act 2005 (CYFA) (enacted in April 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*
- *Children's 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, 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* 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.

Within the NSW 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 and over, who are of high classification, are able to be administratively transferred from the Department of Juvenile Justice to the Department of Corrective Services (Kariong 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* (JOLA) 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 objective classification system. This means 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 and over 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 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.

## 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 Training Centre (YTC) Order as a direct alternative to a sentence of imprisonment.

## Court advice services

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:

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

## 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(s) serious enough to warrant a low tariff supervised order.

## Case management

The Juvenile Justice Program has responsibility for managing community-based and custodial sentencing orders imposed by the Children's Court and the YTC order imposed by an adult court. Case management and interventions are informed by a comprehensive client assessment (Victorian Offender Needs Indicator for Youth – VONIY) and planning (CAP)



process. Offending-related and offence-specific needs are addressed through individual casework, group work and referral to specialist services and programs.

## **Post-release support services**

The Department of Human Services funds several non-government community service organisations to provide a range of voluntary transitional and intensive post-release support services for young offenders leaving custody. These agencies have expertise and commitment to working with particularly difficult and disadvantaged young offenders. They develop relationships with young people while they are still in the YTC, 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 Juvenile Justice custodial centres and community-based units to coordinate services to maximise their effectiveness.

## **Transitional Housing Management: Juvenile Justice (THM–JJ) Housing Pathways Initiative**

The THM–JJ Housing Pathways Initiative was established to assist 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 impact in addressing the housing needs of young offenders exiting custody.

## **Youth Residential and Youth Parole Boards**

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. 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 assist young offenders to address problems, successfully transition into the community and adopt appropriate, non-offending behaviours.

# **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 who are aged 10 to 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, 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 state-wide 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 state-wide 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, and youth justice conferencing, 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
- program development.

## **Specific programs**

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

- The Youth Bail Accommodation Support Service, which 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, which 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.
- The Employment Project Officer program, which is a joint initiative 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.

## 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. 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, 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 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 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. Cultural, community and religious diversity must be considered when decisions are being made.



## 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

The two components to Youth Justice Services, Community Youth Justice and Custodial 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**

### **Orders Court may make**

- 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 (*see* Division 3);
  - (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; and
    - (ii) be of good behaviour for the period of the order; and
    - (iii) observe any conditions imposed by the Court (*see* Division 4);
  - (g) fine the youth not more than the maximum penalty that may be imposed under the relevant law in relation to the offence (*see* Division 5);
  - (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 (*see* Division 6);
  - (i) order that the youth serve a term of detention or imprisonment that is suspended wholly or partly (*see* Division 7);
  - (j) order that the youth serve a term of detention or imprisonment that is suspended on the youth entering into an alternative detention order (*see* Division 8);
  - (k) order that the youth serve a term of detention or imprisonment that is to be served periodically under a periodic detention order (*see* Division 9);
  - (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 under section 82(1)(c), 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.

#### **Court may order 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; and
  - (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 fixed under subsection (1) is in respect of the aggregate period of detention or imprisonment that the youth is liable to serve under all the sentences imposed.
- In this section –
  - ‘non-parole period’ means a period fixed under subsection (1) 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

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 men 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.
- 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, 2002–03 to 2004–05

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia (excl ACT)
<b>2002–03</b>									
Indigenous	955	154	1,109	1,197	380	32	n.a.	172	(3,999)
Non-Indigenous	1,882	1,373	1,535	790	768	167	n.a.	49	6,726 (6,564)
Unknown/not reported	287	—	7	130	84	130	n.a.	2	641 (640)
<b>Total</b>	<b>3,124</b>	<b>1,527</b>	<b>2,651</b>	<b>2,117</b>	<b>1,232</b>	<b>329</b>	<b>n.a.</b>	<b>223</b>	<b>11,392 (11,203)</b>
<b>2003–04</b>									
Indigenous	994	154	1,075	1,321	327	44	44	225	4,184 (4,140)
Non-Indigenous	1,787	1,347	1,504	807	699	193	234	58	6,629 (6,395)
Unknown/not reported	217	—	3	162	63	109	1	1	556 (555)
<b>Total</b>	<b>2,998</b>	<b>1,501</b>	<b>2,582</b>	<b>2,290</b>	<b>1,089</b>	<b>346</b>	<b>279</b>	<b>284</b>	<b>11,369 (11,090)</b>
<b>2004–05</b>									
Indigenous	981	147	1,075	1,414	311	54	49	246	4,277 (4,228)
Non-Indigenous	1,732	1,188	1,332	811	635	212	201	48	6,159 (5,958)
Unknown/not reported	193	10	—	103	50	83	—	—	439 (439)
<b>Total</b>	<b>2,906</b>	<b>1,345</b>	<b>2,407</b>	<b>2,328</b>	<b>996</b>	<b>349</b>	<b>250</b>	<b>294</b>	<b>10,875 (10,625)</b>



**Table D2: Number of supervision days, by type of supervision and year, states and territories, 2002-03 to 2005-06**

<b>Year</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>	<b>Australia (excl ACT)</b>
<b>(number of community supervision days)</b>									
2002-03	485,090	273,616	521,441	233,487	241,790	113,796	n.a.	34,576	(1,903,796)
									1,942,512
2003-04	469,795	268,558	515,421	235,892	228,408	114,979	59,882	49,577	(1,882,630)
									1,879,270
2004-05	453,060	259,207	509,327	232,342	200,399	112,398	53,997	58,540	(1,825,273)
									1,893,839
2005-06	461,898	287,851	488,318	280,396	169,312	111,493	37,847	56,724	(1,855,992)
<b>(number of detention supervision days)</b>									
2002-03	111,142	57,332	49,584	34,009	24,959	18,918	n.a.	9,537	(305,481)
									306,079
2003-04	115,014	51,275	44,266	43,529	23,135	15,159	7,647	6,054	(298,432)
									286,830
2004-05	105,023	50,300	38,284	41,252	24,735	14,237	6,193	6,806	(280,637)
									298,121
2005-06	113,041	53,076	47,654	36,731	18,520	15,325	6,704	7,070	(291,417)
<b>(total number of supervision days)</b>									
									2,209,277
2002-03	596,232	330,948	571,025	267,496	266,749	132,714	n.a.	44,113	(2,209,277)
									2,248,591
2003-04	584,809	319,833	559,687	279,421	251,543	130,138	67,529	55,631	(2,181,062)
									2,166,100
2004-05	558,083	309,507	547,611	273,594	225,134	126,635	60,190	65,346	(2,105,910)
									2,191,960
2005-06	574,939	340,927	535,972	317,127	187,832	126,818	44,551	63,794	(2,147,409)

Note: Totals may not sum due to rounding.

**Table D3: 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 2005–06**

Age at first supervision in 2000–01	Episode type	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06
		(number of person days)					
<b>10</b>	Sentenced detention	—	37	—	8	228	80
	Sentenced community	2,102	2,833	2,465	2,073	1,758	866
	Sentenced other	—	20	426	279	807	426
	<b>Total</b>	<b>2,102</b>	<b>2,890</b>	<b>2,891</b>	<b>2,360</b>	<b>2,793</b>	<b>1,372</b>
<b>11</b>	Sentenced detention	360	803	913	1,499	1,755	1,301
	Sentenced community	3,846	6,292	4,554	5,156	3,831	2,554
	Sentenced other	—	117	505	874	1,706	1,196
	<b>Total</b>	<b>4,206</b>	<b>7,212</b>	<b>5,972</b>	<b>7,529</b>	<b>7,292</b>	<b>5,051</b>
<b>12</b>	Sentenced detention	230	926	2,341	2,812	2,586	2,067
	Sentenced community	12,363	17,546	12,627	13,252	9,508	4,033
	Sentenced other	308	1,444	3,451	3,402	3,962	2,202
	<b>Total</b>	<b>12,901</b>	<b>19,916</b>	<b>18,419</b>	<b>19,466</b>	<b>16,056</b>	<b>8,302</b>
<b>13</b>	Sentenced detention	385	2,523	5,717	5,550	4,738	3,318
	Sentenced community	32,335	46,657	31,162	24,055	16,371	5,406
	Sentenced other	608	3,630	7,076	6,975	6,099	1,427
	<b>Total</b>	<b>33,328</b>	<b>52,810</b>	<b>43,955</b>	<b>36,580</b>	<b>27,208</b>	<b>10,151</b>
<b>14</b>	Sentenced detention	1,287	4,998	7,524	7,241	4,316	1,465
	Sentenced community	70,419	103,927	64,930	38,669	15,502	2,223
	Sentenced other	2,397	6,832	9,211	9,474	5,532	2,226
	<b>Total</b>	<b>74,103</b>	<b>115,757</b>	<b>81,665</b>	<b>55,384</b>	<b>25,350</b>	<b>5,914</b>

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

**Table D4: 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 2005–06**

Age at first supervision in 2000–01	<i>Episode type</i>	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06
		(per cent of person days)					
<b>10</b>	Sentenced detention	—	1.3	—	0.3	8.2	5.8
	Sentenced community	100.0	98.0	85.3	87.8	62.9	63.1
	Sentenced other	—	0.7	14.7	11.8	28.9	31.0
	<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>11</b>	Sentenced detention	8.6	11.1	15.3	19.9	24.1	25.8
	Sentenced community	91.4	87.2	76.3	68.5	52.5	50.6
	Sentenced other	—	1.6	8.5	11.6	23.4	23.7
	<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>12</b>	Sentenced detention	1.8	4.6	12.7	14.4	16.1	24.9
	Sentenced community	95.8	88.1	68.6	68.1	59.2	48.6
	Sentenced other	2.4	7.3	18.7	17.5	24.7	26.5
	<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>13</b>	Sentenced detention	1.2	4.8	13.0	15.2	17.4	32.7
	Sentenced community	97.0	88.3	70.9	65.8	60.2	53.3
	Sentenced other	1.8	6.9	16.1	19.1	22.4	14.1
	<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>14</b>	Sentenced detention	1.7	4.3	9.2	13.1	17.0	24.8
	Sentenced community	95.0	89.8	79.5	69.8	61.2	37.6
	Sentenced other	3.2	5.9	11.3	17.1	21.8	37.6
	<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*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 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 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).

### **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.

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