

Appendix 4: State and territory youth justice systems, policies and programs 2021–22

Information in this document is provided by state and territory government departments responsible for youth justice supervision.

New South Wales

Policy directions

Key policy directions in Youth Justice¹ New South Wales include:

- through the creation of the Department of Communities and Justice, working more collaboratively to support shared clients in child protection, out of home care and youth justice, to improve their individual circumstances and life trajectory
- diverting young people under the *Young Offenders Act 1997*, through the use of warnings, cautions (administered by the New South Wales Police Force) and the Youth Justice Conferencing scheme (administered by Youth Justice NSW)
- intervening early in a young person's criminal trajectory with evidence-based programs such as the Youth on Track program and collaborating in whole-of-government initiatives including the Short-Term Remand Project
- providing bail support and accommodation through the Bail Accommodation Support Service, to reduce the number of young people on remand unnecessarily due to a lack of availability of suitable accommodation
- a deep commitment to delivering better outcomes for Aboriginal and Torres Strait Islander young people, their families and communities through delivery of the Youth Justice Aboriginal Strategic Plan 2018–2022 and support for whole of government work with Closing the Gap initiatives
- provision of culturally appropriate services for young people from culturally and linguistically diverse backgrounds, guided by a range of multicultural strategies
- identifying and supporting young people experiencing and/or using violence in the home to ensure they receive the specialist support that they need by implementing the Youth Justice Domestic and Family Violence Strategy 2019-2022
- provision of multi-agency approaches to managing young people with complex needs
- working in a way that protects young people from abuse, keeping them safe when they are in the care of Youth Justice, and empowering them to realise their full potential in line with the Child Safe Standards produced by the Royal Commission into Institutional Responses to Child Sexual Abuse
- strengthening pre- and post-release supports with individualised exit-planning for all young people leaving custody, and partnerships with non-government service providers to deliver programs designed to connect young people with supports in the community

¹ On 1 July 2019 Juvenile Justice NSW became Youth Justice NSW under machinery of government changes following the March 2019 state election

- improving the services and supports provided to young people with disability through the Youth Justice Disability Action Plan 2021-2024

Youth Justice NSW is focused on targets to contribute to NSW Government implementation plan under the National Agreement for Closing the Gap, specifically to deliver reductions in the numbers of Aboriginal young people in custody.

Agencies

Youth Justice NSW

The Department of Communities and Justice² is responsible for providing youth justice services in New South Wales. These services are provided by the agency Youth Justice NSW.

Youth Justice NSW is responsible for:

- supervising young people sentenced to community-based or custodial orders
- supporting young people to meet the conditions of bail
- supervising young people who are on conditional bail or remanded in custody
- preparing reports for the courts to consider in determining sentences
- managing the Youth on Track early intervention program
- administering Youth Justice Conferencing
- supporting young people who may have fines to register under the Work and Development Order scheme
- delivering interventions designed to reduce reoffending
- Specialised practice-based assessments and interventions for youth offenders that are at risk of or engaged in extremism including terrorism offenders
- funding non-government service partners to deliver complementary services to facilitate young people's reintegration into community.

Youth Justice NSW operates 34 community offices and 6 youth justice centres.

Youth Justice NSW shares responsibility for addressing the offending behaviour of young people with a number of other NSW agencies including the Justice Health and Forensic Mental Health Network (JHFMHN); the Department of Education; and other Department of Communities and Justice entities.

Police

Youth Justice works closely with police. Police may choose to use alternatives to court proceedings, such as warnings, cautions or referral to Youth Justice Conferences, as set out in the *Young Offenders Act 1997*, or may commence court proceedings under the *Children (Criminal Proceedings) Act 1987*. Police may also refer young people to the Youth on Track early intervention scheme.

Police also provide specialist support to young people through the Youth Crime Prevention Command, in collaboration with Police and Community Youth Clubs, and engage young people through a variety of recreational and social programs.

² Under the same machinery of government changes, following the state election in March 2019, the Department of Justice and the Department of Family and Community Services were merged to form the Department of Communities and Justice

Courts

Court proceedings against young people who are alleged to have committed an offence and are not eligible to be diverted under the *Young Offenders Act 1997* are governed principally by the *Children (Criminal Proceedings) Act 1987*.

Possible outcomes for young people appearing before the court include:

- diversion, dismissal or withdrawal of case: including under Section 32 of the *Mental-Health (Forensic Provisions) Act 1990* which gives the court the power to divert a defendant who is suffering from a mental health condition into the care and treatment of mental health professionals rather than dealing with them through the criminal justice system
- unsupervised options: cautions, fines, good behaviour bonds
- supervised community-based orders: good behaviour bond, probation, community service orders or clean up orders
- custodial orders
- youth justice conference.

Within seven Children's Court locations, young people also have access to the Children's Court Assistance Scheme where trained youth workers provide support to young people and their families while in court including referrals to support services following court.

Elements, programs and services

Diversion

The Young Offenders Act 1997 provides for warnings, cautions and Youth Justice Conferencing in New South Wales. Youth Justice Conferencing is a restorative justice process that facilitates a meeting between the young person, the victim and other support people. Not all young people are eligible for a Youth Justice Conference. Some categories of offence, such as sexual assault, serious drug offences, breaches of apprehended violence orders, traffic offences and offences causing death, can be dealt with only by a court.

Early intervention

Youth Justice NSW contracts non-government service providers to deliver the Youth on Track early intervention scheme in seven sites across New South Wales³. The scheme is designed to coordinate services for 10–17-year-olds who are at risk of long-term involvement with the justice system, and their families, to address the underlying causes of their offending. Young people can be referred to the scheme by NSW Police, school staff, solicitors, and other community and health services without requiring a court order. Youth Justice NSW can also refer eligible young people to this scheme.

Supported accommodation and bail programs

Youth Justice NSW provides bail support and remand interventions to help young people meet their bail conditions and avoid unnecessary placement in custodial remand.

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

³ The seventh Youth on Track site in Riverina commenced operations on 1 July 2019.

The Bail Accommodation Support Service (BASS), formerly Bail Assistance Line, provides an after-hours service for police who are considering granting conditional bail to a young person in their custody. The service also receives referrals from courts, Youth Justice centres and community offices. It aims to assist in the granting of conditional bail to divert young people from unnecessary short-term remand. The BASS also works to improve pathways into the broader Youth Specialist Homelessness Service system.

A multi-agency Short-Term Remand Project Steering Committee (with senior executive representatives from NSW Police, the Children's Court of NSW, the Department of Communities and Justice, NSW Education, Legal Aid NSW, The Advocate for Children and Young people, and Aboriginal Legal Service NSW/ACT) aims to identify the drivers of short-term remand and then develop and implement a suite of reforms, to address this issue.

With a focus on young people on remand, A Place to Go aims to provide support to young people at risk of not meeting their bail by provide case coordination, court liaison staff, cross agency panels, and dedicated short-term transitional accommodation for these young people in the pilot site in Sydney.

Case management and Practice Framework

Casework interventions aim to:

- assess a young person's risks, needs, responsivity issues, strengths and protective factors; using the Youth Level of Service Case Management Inventory—Australian Adaptation (YLS/CMI-AA)
- plan a specific, comprehensive, individualised case plan to address a young person's criminogenic needs, in collaboration with the young person
- deliver treatments, referral to necessary services and put support systems in place to assist young people to reduce re-offending and build their capacity to attain positive life outcomes
- review and monitor the young person's progress and advocate on their behalf
- use a standardised criminogenic risk, needs, responsivity model
- be evidence-based, using key theories and skills underpinned by 'What Works'
- be trauma-informed and use a strengths-based approach
- be informed by Aboriginal 8 ways learning techniques and processes
- use core effective practice skills, including role clarification, pro-social modelling, collaborative problem solving, and balanced relationships
- use motivational interviewing
- use cognitive behaviour techniques to target underlying pro-criminal attitudes and beliefs.

The Practice Framework outlines the key theories and fundamental skills which underpin the practice and function of all Youth Justice NSW staff in reducing the reoffending behaviour of young people. The Framework provides evidence-based guidance across the spectrum of engagement, assessment, case planning and intervention programs.

Offence-specific and therapeutic interventions

Youth Justice NSW delivers a range of programs and services within community and custodial environments in accordance with the individual needs of young people, their level of risk, and their ability to respond to program content. Offence-focused interventions incorporate a range of techniques designed to change negative patterns of behaviour and reduce recidivism rates. Some examples of programs offered include:

- the Changing Habits and Reaching Targets (CHART) program, a structured intervention designed specifically for caseworkers to engage and work with young people who require moderate to high intervention to reduce their risk of re-offending
- counselling and therapeutic interventions with a Youth Justice psychologist, particularly when there is complex trauma, more entrenched or violent offending requiring specialised assessment and therapeutic intervention
- Act Now Together Strong (ANTS), a collaborative family work program which connects families with tools to enable more effective parental guidance for young people
- X-Roads (pronounced 'crossroads'), an interactive cognitive-behavioural intervention designed for young people who have significant substance misuse issues.

Working with young people with a disability

Youth Justice has a broad range of strategies to identify and support the vulnerabilities of young people with disability, particularly for those within the youth detention environment including:

- Youth Justice psychologists based within the custodial and community settings, who undertake comprehensive psychological assessment and reports, and deliver trauma-focussed and culturally responsive therapeutic services for young people who offend.
- Building workforce capacity through training and specific resources to guide staff in their work with young people with a disability, including supporting referrals to the NDIS
- Improved data collection methods that more accurately records disability information for young people in contact with Youth Justice NSW
- Disability Champions across all NSW community offices and Youth Justice centres who can promote information and resources to colleagues in their work to support young people with disabilities
- Improving interagency collaborative response by regular consultation, systems for information sharing and reviews for cross service system improvements

Guiding this area of work in Youth Justice, the Youth Justice Disability Action Plan 2021-2024 was developed following extensive consultation with staff, young people and stakeholders to improve the services and supports Youth Justice provides young people with a disability.

Support for high-risk and high-needs detainees

In 2020, Youth Justice implemented a new Operating Model including the following key features:

- two High Risk Units, one located in Cobham and the other at Frank Baxter Youth Justice Centre, aimed to de-escalate high-risk behaviours of young people through focused intervention to reintegrate them back to the mainstream units
- an Enhanced Support Unit located in Frank Baxter Youth Justice Centre to provide therapeutic support, including a Speech Pathologist, Occupational Therapist and Clinical Manager, to young people with high risk and high needs
- a High-Risk Young Offender Review Panel (HRYORP) to provide oversight on the management of young people displaying high-risk behaviours across Youth Justice

Centres. The panel governs entry and exit decision for the High-Risk Units and the Enhanced Support Unit.

Programs for Aboriginal and Torres Strait Islander young people

Youth Justice is focused on strategies to address the significant over-representation of Aboriginal young people in our system. To ensure a coordinated approach to addressing the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system, Youth Justice NSW developed the Aboriginal Strategic Plan. Alongside are a number of programs to address issues for Aboriginal and Torres Strait Islander young people in the youth justice system, including:

- Dthina Yuwali, a group work program for Aboriginal young people with substance-related offending.
- My Journey My Life, developed in 2000 in partnership with Gilgai Aboriginal Centre, is an intergenerational violence prevention program aimed at reducing the incidence of violence against others. A specific version of this program for young women has been developed, Yinnar.
- Ngudjoong Billa Reintegration and Transition Program is an intensive reintegration and transition support program for Aboriginal young people who are leaving custody or community supervision to build resilience and wellbeing and reduce the risk of reoffending, with a key focus on building cultural identity by strengthening connections to country and family.
- In 2020, Youth Justice implemented a new initiative, the Small Grants Aboriginal Engagement and Innovative Activities Program (AEIA). The AEIA program was developed to provide new avenues for Aboriginal employees to embed Aboriginal cultural practices into their day-to-day work with Youth Justice clients. A key aim of the AEIA Small Grants Program is to drive innovation in practice and responding to Aboriginal young people's needs by creating opportunities for Aboriginal culturally appropriate engagement.

Work and Development Orders

The Work and Development Order (WDO) scheme is jointly delivered by the Department of Communities and Justice, Revenue NSW and Legal Aid NSW. The voluntary scheme allowing young people to satisfy debt due to outstanding fines through unpaid work, approved courses or treatment. Youth Justice NSW is an approved sponsor for WDO and is one of the largest participating organisations in the scheme.

Pre- and post-release programs

Youth Justice NSW provides pre- and post-release casework in collaboration with other agencies, particularly the Department of Education, NSW Health, and other partners within the Department of Communities and Justice.

The Waratah pre-release unit at the Reiby Youth Justice Centre prepares young people in detention for their release back into the community.

Youth Justice NSW also funds non-government organisations to provide a range of services to young people. These include the delivery of education and health services within Youth Justice Centres, rural residential adolescent alcohol and other drug rehabilitation, post-release support and accommodation programs, health and mental health support, mentoring programs, cultural support, spiritual and religious support and legal services.

Program evaluation

Core programs and interventions are evaluated either internally by the Research and Information Unit, or by external organisations. Pre- and post-program assessments are used for offending-focused programs. Youth Justice NSW has also engaged the Bureau of Crime Statistics and Research to conduct a randomised controlled trial to measure Youth on Track's impact on reoffending compared to a brief intervention.

Victoria

The Department of Justice and Community Safety (DJCS) is responsible for the statutory supervision of young people in the criminal justice system. The department's Youth Justice Service provides programs and resources to assist young people to develop the knowledge, skills and attitudes to manage their lives effectively without further offending. Through supervision, offending-related programs and linkages to appropriate support services, the Youth Justice Service promotes opportunities for rehabilitation and contributes to the reduction of crime in the community.

Most young people sentenced to Youth Justice supervision are aged 10–17. However, 18–20 year old offenders can be sentenced to Youth Justice custodial supervision through Victoria's dual track system if the court believes the young person has reasonable prospects for rehabilitation, or the young person is particularly impressionable, immature, or likely to be subjected to undesirable influences in an adult prison. Young people aged 10–14 may be sentenced by a court to a Youth Residential Centre Order, and young people aged 15 or older may be sentenced to a Youth Justice Centre Order.

Policy directions

Youth Justice is responsible for:

- supporting the diversion of young people charged with an offence from involvement in the criminal justice system, where appropriate
- minimising the likelihood of re-offending and further progression into the criminal justice system through supervision that challenges offending behaviours and related attitudes and promotes pro-social behaviours
- providing supervision and rehabilitation through case management and other services to help young people address offending behaviour and support their successful reintegration into the community
- working with other services to strengthen community-based options for young people, enabling an integrated approach to the provision of support that extends beyond the court order
- engendering public support and confidence in youth justice.

On 17 February 2022, Victoria launched the *Wirkara Kulpa* – Victoria's first Aboriginal Youth Justice Strategy.

Aboriginal self-determination is the foundational principle that has shaped the development of *Wirkara Kulpa*. It has been led by the Aboriginal Justice Caucus, under the umbrella of the Aboriginal Justice Agreement, and is a key initiative of *Burra Lotjpa Dungaludja* (Aboriginal Justice Agreement no. 4), and the Youth Justice Strategic Plan 2020-2030.

A set of guiding principles has informed *Wirkara Kulpa*'s development and will help to achieve our vision – that Aboriginal children and young people are not in the youth justice system.

These principles are centred around:

- amplifying children and young people's voice and participation
- Aboriginal cultural values and connection
- valuing the strengths of Aboriginal children and young people
- supporting child and family centred approaches
- embedding trauma informed healing approaches
- promoting and protecting children and young people's rights

Agencies

Youth Justice Service

The DJCS has been responsible for providing the Youth Justice Service in Victoria since April 2017. Prior to this, the Victorian Department of Health and Human Services was the responsible agency.

The Youth Justice Service incorporates custodial and community services. The custodial service currently consists of the Parkville Youth Justice Centre and the Malmsbury Youth Justice Centre. The community service currently consists of regional teams across metropolitan and regional Victoria.

In response to the *Youth Justice Review and Strategy: Meeting needs and reducing offending* report, conducted by Penny Armytage and Professor James Ogloff, Victoria has implemented a new integrated case management framework across community and custodial youth justice operations. The new framework will ensure the risks and needs of every young person in youth justice are assessed and responded to with appropriate support and interventions.

All young people on a youth justice order are case-managed and supervised by a youth justice worker to address their offending, develop their motivation, and support them to lead pro-social lives.

Typically this involves the youth justice worker:

- meeting regularly with the young person
- supervising compliance with court-ordered conditions
- assessing the young person's risk and needs
- planning and facilitating access to targeted interventions such as offending behaviour programs
- collaborating with key statutory and non-statutory agencies to coordinate access to services such as education and housing.

The Youth Justice Community Support Service (YJCSS) provides case work support to complement the statutory case management undertaken by community youth justice teams. The program is managed by Youth Justice and delivered by community sector organisations. The YJCSS model recognises that young people have a range of complex needs that require an individualised response. The program aims to enhance rehabilitation, increase economic participation and improve social connectedness. YJCSS also incorporates transitional housing and support with 55 transitional properties across Victoria.

Police

Victoria Police is responsible for investigating crime in Victoria. In Victoria, police may use their discretionary power to caution young people and may refer them to appropriate support services.

One such service is the Youth Support Service (YSS), which aims to intervene early and divert young people away from the youth justice system by addressing the underlying causes of their offending behaviour. It is managed by Youth Justice and delivered by community sector organisations. The YSS works with young people aged between 10 and 17, following their first contact with Victoria Police.

Courts/Youth Parole Board

The Criminal Division of the Children's Court of Victoria has jurisdiction to hear and determine most charges against young people aged between 10 and 17 at the time they allegedly committed an offence. The Children's Court may deal with all charges except charges of murder, attempted murder, manslaughter, child homicide, arson causing death, and culpable driving causing death. If a young person has turned 19 by the time their court case commences in the Children's Court, the case is transferred to the Magistrates' Court.

The sentencing principles in the *Children, Youth and Families Act 2005* distinguish the developmental needs of children and adolescents as separate from the needs of adults. The Children's Court has a hierarchy of sentencing options for young people found guilty of criminal offences that recognise the distinct developmental needs of young people. These include unsupervised orders such as non-accountable undertakings, accountable undertakings, good behaviour bonds and fines as well as supervised orders including community-based supervision orders and custodial orders.

Victoria's unique dual track system allows adult courts (for example, the Magistrates' Court and County Court) to sentence young offenders aged between 18 and 20 to serve custodial sentences in youth detention instead of adult prison. For a young offender to qualify for youth detention under the dual track system, the court must believe that he or she has reasonable prospects of rehabilitation, or that he or she is particularly impressionable, immature, or likely to be subjected to undesirable influences in an adult prison.

Each young person ordered by a court to be detained in a custodial centre is subject to the jurisdiction of the Youth Parole Board, which is empowered to grant parole to young people subject to its jurisdiction. The Board aims to balance the rehabilitative needs of the young person with the safety of the community through supervision and support provided by the community youth justice officers.

Elements, programs and services

Youth Justice seeks to enhance community safety through diverting young people from entering or progressing further into the criminal justice system, providing rehabilitation services to young people at high risk of offending, and delivering pre-release, transition and post-release support programs to reduce their risk of reoffending. To complement its legislated obligations and to realise its service objectives, Youth Justice engages with a range of stakeholders. These include other government departments and agencies, community sector organisations and Aboriginal Community Controlled Organisations.

Diversion

The Children's Court Youth Diversion Service assists young people early in their contact with the Children's Court to address the underlying causes of their offending and prevent further progression into the criminal justice system. Legislation directs that successful completion of a diversion activity will see the court discharge the matter and the child avoid a disclosable criminal record for those offences.

In addition, YSS supports the diversion of young people away from the criminal justice system, as discussed above.

Bail

The Central After-Hours Assessment and Bail Placement Service assesses suitability for bail for young people aged 10 to 18 years old and provides advice to the Bail Justice regarding supports and services available to maintain the young person in the community.

Bail justices are volunteers, some of whom are not legally trained, who can make decisions about bail and remand after, or sometimes during, business hours. Victoria is the only jurisdiction in Australia to feature bail justices as part of its bail system.

The Youth Justice Bail Supervision Program is available, at the direction of the court, to support and manage young people at risk of being held in custody on remand. Two types of bail support programs are provided by Youth Justice:

- supervised bail—targets young people who are at moderate risk of non-compliance with their bail undertaking but whose risk can be mitigated through participation in bail support services. This is the primary bail service provided by Youth Justice
- intensive bail—targets young people who are at higher risk of non-compliance with their bail undertaking and would potentially not respond to lower levels of bail supervision, and as such, require more intensive and structured support.

In May 2017, Victoria also established a Fast Track Remand Court to actively case manage the criminal proceedings of children who are held on remand. The aim of the Fast Track Remand Court is to resolve those cases more quickly and to provide earlier access to education and rehabilitation programs.

Group Conferencing

A pre-sentence Youth Justice Group Conferencing program exists across Victoria. The program is available to the Children's Court where a young person has been found guilty of an offence and the court is considering sentencing the young person to youth justice supervision. The conference, chaired by a convener, must be attended by the young person, their legal representative and the police. Also in attendance may be the young person's family/carer and the victim or their representative. The aim of the conference is to increase the young person's understanding of the impact of their offending and reduce the likelihood of their reoffending. The outcome of the conference must be taken into consideration by the court when sentencing the young person.

Offence-specific and therapeutic programs

Victoria is currently reforming the provision of offence-specific and therapeutic programs with investment in new programs that directly address young people's offending behaviour.

Youth Offending Programs consist of 4 different types of intervention, primarily delivered by clinicians. These include:

- offence-specific criminogenic programs to directly address criminogenic needs and reduce the risk of reoffending. Programs include the Adolescent Violence Intervention Program (AVIP-2) and the High Intensity Violence Intervention Program (HIVIP), the Male Adolescent Program for Positive Sexuality (MAPPS), a criminogenic motor vehicle-related offending program and a family violence program.
- offence-related programs to manage the risk of reoffending, such as alcohol and other drug (AOD) harm reduction programs
- psychosocial programs, which focus on improving personal skills and enhancing self-awareness, such as anger management and healthy relationships
- structured individual criminogenic interventions, which provide criminogenic supports for children and young people to prepare them for group treatment or when group treatment is not clinically recommended.

Aboriginal Youth Justice Program

Aboriginal-specific programs have been developed to address the over-representation of Aboriginal young people in youth justice and provide culturally safe and responsive services. They are delivered primarily by Aboriginal Community Controlled Organisations.

The programs are funded by the department under the auspices of the Aboriginal Justice Agreement phase 4, Burra Loptja Dunduludja, and in line with its guiding principles of self-determination.

The Koori Youth Justice Program facilitates culturally safe supports for Aboriginal young people at risk of, or subject to, youth justice involvement. A range of interventions are utilised including connecting to culture through individual and group programs, cultural planning, advocacy, case work and cultural consultation for non-Aboriginal service providers.

Education

Parkville College is a specialist Victorian Government school, operating in both youth justice custodial centres, which provides education to students under youth justice custodial supervision.

In addition to the Victorian Certificate of Education (VCE), Parkville College also offers alternatives such as:

- the Victorian Certificate of Applied Learning, for senior secondary students to obtain literacy and numeracy skills, practical work experience and a qualification recognised by TAFE institutes and employers
- Vocational Education and Training units for young people undertaking the VCE or those no longer of compulsory school age (17 years or over).

Health and mental health services

To complement the suite of youth offending programs, Youth Justice has recently reformed the provision of health and rehabilitation services delivered to young people. Primary health and mental health services provided to young people in custodial centres include general practitioner services, general and mental health nursing, mental health assessment and treatment, pharmacy, pharmacotherapy treatment, AOD assessment and treatment, pathology, radiology, dental, audiology, optometry, podiatry, physiotherapy, and health promotion activities.

In addition to primary mental health services, the Custodial Forensic Youth Mental Health Service, a specialist mental health service, is available to young people in custodial centres. This service comprises a multidisciplinary team that provides specialist mental health services for young people in custody, delivering clinical mental health assessment, treatment and support services.

The Community Forensic Youth Mental Health Service provides mental health services to young people who are exhibiting problem behaviours associated with emerging mental illness and who are at risk of offending. The Community Forensic Youth Mental Health Service provides early intervention support for community mental health services in the North West and Southern Metropolitan areas of Victoria, and secondary consultations to mental health services in other areas of Victoria.

Queensland

The youth justice system in Queensland generally applies to young people aged 10–17 years. Children and young people are provided with special protections that are not available to adults. These include: an increased ability to divert young people from the court system; reduced exposure to adult criminals; the provision of education and rehabilitation through access to mandated specialised programs; and more intensive staff support and supervision in custody. The *Youth Justice Act 1992* (Qld) has a focus on supporting the young person within the community wherever practicable and appropriate, with detention only as a last resort and for the shortest appropriate period.

Policy directions

Strategic direction for youth justice

The *Working Together, Changing the Story: Youth Justice Strategy 2019–23* (Youth Justice Strategy) outlines the strategic direction for youth justice in Queensland. The Youth Justice Strategy seeks to

- Intervene early through diversionary programs, along with education, training, employment, housing, health and domestic and family violence services that wrap around at-risk young people and their families.
- Work with other agencies to prevent youth offending by linking young people and their families to wellbeing, health, education, cultural and pro-social services.
- Focus on underlying issues that lead to offending behaviour and deliver evidence-based targeted interventions and programs for young people who are serious repeat offenders.
- Support young people to transition back into the community from detention by promoting service continuity and by connecting them to appropriate and relevant community organisations, education, programs, and services.
- Support young people to be accountable for their behaviour.
- Support victims of youth crime to participate in justice processes.
- Provide culturally responsive, community-led support to First Nations young people and their families.

Youth justice work is also guided by the *Supporting Families Changing Futures*, a 10-year child protection reform program, the *Our Way – A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037* (Our Way), and the Queensland Multicultural Policy - *Our story, our future*.

The *Working Together, Changing the Story: Youth Justice Strategy 2019–23* provides an evidence-based framework for all sectors and agencies that engage with children and young people to work together to prevent and respond to youth crime, and foremost tackle the causes and the consequences of youth crime. By addressing the drivers of youth crime and better supporting young people during the transition to adulthood, young people can avoid becoming entrenched in the criminal justice system. There is strong evidence that explains why young people offend and draw clear connections between offending behaviour and childhood trauma caused by exposure to violence and conflict. Many young offenders have been victims of crime themselves and have grown up experiencing family violence, contact

with the child protection system, have a parent who has been incarcerated and inconsistent schooling.

Over \$750 million has been invested in youth justice services and infrastructure since 2016, including a \$350 million investment package announced in 2018 to support the delivery of the Youth Justice Strategy and associated Action Plan for 2019 to 2021. The reform agenda expanded in 2020 to include new initiatives announced under the Queensland Government's Five Point Plan that primarily targeted the small proportion of persistent youth offenders who commit almost half of youth crime.

In 2021, amendments to the YJ Act were passed as part of the Youth Justice and Other Legislation Amendment Bill 2021 to target serious youth offending and strengthen bail laws, including a trial of electronic monitoring as a condition of bail. Implementation was supported by a further \$98 million in funding over four years for the following priority services to continue to tackle youth offending, target serious recidivist offenders and continue broader support programs:

- expanding the Youth Justice Five Point Plan, including the Co-responder model;
- recruiting additional frontline and frontline support positions in youth detention centres to strengthen safety, wellbeing and rehabilitation outcomes for young people, and to provide additional support for workforce safety, health and wellbeing;
- recruiting additional youth workers for the Conditional Bail program which aims to reduce the risk of young people offending or breaching conditions while on bail;
- developing the Integrated Case Management program to reduce offending and re-offending among high-risk recidivist offenders;
- the Family Led Decision Making trial, which gives families of Aboriginal and Torres Strait Islander young people in the youth justice system a stronger voice in decisions about their children;
- providing extra case workers in Indigenous community-controlled services in priority locations to help Aboriginal and Torres Strait Islander young people stay away from crime;
- expanding the provision of intensive support for families of children on bail;
- funding the Legal Advocacy and Bail Support program, which aims to reduce the pressure on youth detention centre and Queensland Police Service watchhouses by conducting bail reviews and providing bail support;
- delivering a trial of electronic monitoring, supervision and resources to manage serious recidivist young offenders on bail in certain locations;
- funding for a drug and alcohol residential treatment program for young people, with a view to reducing the incidence of youth offending, involving the establishment of a 10-bed residential facility, providing three-months' residential treatment followed by three to five years' follow-up treatment to assist participants to sustain their changed behaviour in the community and prevent relapse.

Agencies

Youth justice agency

The Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) is responsible for providing youth justice services in Queensland.⁴

The Department provides legislated, tertiary, offence-focused interventions and supervision to young people subject to a community-based or detention order by the court. The Department also has a key role in ensuring assessed needs of children and young people are responded to through the provision of related government, non-government and community interventions and supports. For the small group of young people who commit serious, repeat offences, the youth justice system delivers intensive responses and high levels of supervision to hold them to account; while working intensively with them to turn their lives around providing evidence-based programs and multi-agency supports to address factors that have contributed to their offending. All young people in contact with the youth justice system, regardless of age or risk, are connected with alternative pathways that create better lives, brighter futures and ultimately safer communities.

Police

The Queensland Police Service is responsible for investigating crime and is the first point of contact for young people entering the criminal justice system. Under the *Youth Justice Act 1992*, police are able to divert young people from the courts by taking no action, administering a caution, referral to a restorative justice conference, a diversionary graffiti removal program, or drug diversion. The Queensland Police Service partners with Government Agencies, non-government organisations, and community groups to link young people with support services and provide pathways to reduce youth offending.

Courts

Young people aged between 10 and 17 at the time they allegedly commit an offence and who are not diverted are dealt with by the Childrens Court, Childrens Court of Queensland, or the Supreme Court under the provisions of the *Youth Justice Act 1992, Childrens Court Act 1992 and Childrens Court Rules 2016*.

A person will be treated as a child if the offence was committed before they were 18 years old and a finding of guilt was made before they turned 19 years (s140 YJA). If the offence was committed as a child but proceedings commenced after the person turned 19 they must be dealt with as an adult s140(1) YJA.

There are two tiers of the Childrens Court of Queensland:

- The Childrens Court as constituted by a Childrens Court Magistrate or other Magistrate.
- The Childrens Court of Queensland as constituted by a Childrens Court Judge or a District Court Judge.

Childrens Court magistrates can hear all charges against young people other than serious offences and Supreme Court offences. The Childrens Court of Queensland (CCQ) can hear all indictable offences other than Supreme Court offences. The Supreme Court can hear indictable offences defined as a Supreme Court offence (schedule 4 *Youth Justice Act 1992*).

⁴ The Department of Youth Justice (DYJ) was responsible for providing youth justice services in Queensland. The DYJ assumed responsibility in May 2019, following a Machinery of Government change. Youth justice is now under the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) as a result of the latest Machinery of Government change that occurred in November 2020.

Proceedings in the Supreme Court are not Childrens Court proceedings. The provisions on restricted access to the hearings specified in the *Childrens Court Act 1992* (s 20) do not apply to such proceedings.

Depending on each case the possible outcomes for young people appearing in court include:

- Dismissal and caution
- Dismissal and refer to a restorative justice process
- Referral to a drug assessment and education session
- Court diversion referral
- Reprimand
- Good behaviour order
- Fine
- Probation order
- Community service order
- Restorative justice order
- Restorative justice agreement
- Graffiti removal order
- Intensive supervision order
- Conditional release order
- Detention order

Elements, programs and services

Youth Justice Framework for Practice

The Department has developed a new *Youth Justice Framework for Practice: Our Way of Working* (the Framework) to help guide our programs and services. The Framework outlines the required values, principles, knowledge and skills to support quality work with young people, families, partners and communities, and to achieve positive outcomes that drive reduced offending and reoffending. The Framework helps staff, stakeholders and those in contact with the youth justice system to better understand the nature of the work, how it connects to a bigger picture, and how the Department can be best placed to achieve significant outcomes through consistent and collaborative practice.

Diversion

The *Youth Justice Act 1992* provides police with the ability to divert a child who commits an offence from the courts' criminal justice system by administering a caution to the child. If the offence committed is a minor drug offence, the police may offer the young person an opportunity to attend a drug diversion assessment program. This consists of an education program arranged by Queensland Health.

Where a young person admits to committing a graffiti offence, a police officer may refer them to a graffiti removal program instead of bringing the matter before a court. Graffiti removal

programs, arranged by the Department, hold young offenders accountable by requiring the them to perform unpaid work to remove graffiti. Additional programs include:

- Community Youth Response and Diversion is a multi-faceted approach made up of diversion services with afterhours support, Aboriginal and Torres Strait Islander cultural mentoring, bridging to education programs, and intensive case management for young people aged 10–15 years at high risk of offending or re-offending.
- Protected Admissions and Police Cautioning ensure young offenders who admit responsibility for certain offences can be provided with diversionary options such as a caution or referral to restorative justice conferencing.

Restorative justice

A young person may be referred to a restorative justice conference by the police or the court. Meetings are facilitated between the young person and the victim to discuss what happened, the effects of the crime and how the harm caused can be repaired. The conference involves the young person and the people most affected by the offence including victims, parents, community representatives, Aboriginal and Torres Strait Islander Elders and on occasions, the police. Each conference allows participants to talk about what happened, the effects of the offence and for agreement to be reached about how the young person can make reparation.

Restorative justice conferencing has had a positive impact on reducing reoffending rates. Young people are also highly compliant in completing agreements made at a conference. Conferences have also resulted in positive outcomes for victims and communities, including apologies, volunteer work for victims or communities and young people producing items for victims (for example, sorry paintings or poems).

Alternative Diversion Programs (ADP) were enhanced operationally in 2019 as an alternative restorative justice process to allow young people to remain diverted in circumstances where it was not possible to progress a restorative justice conference. ADP are targeted at addressing the causal factors of a young person's offending and provide an opportunity for young people to take responsibility for their actions. In 2021-22, ADPs were used 765 times as a diversionary alternative to a sentenced outcome for young people coming into contact with the youth justice system.

Early Intervention

Prevention and early intervention are shared community and government responsibilities. A range of government agencies and community stakeholders are working together to prevent youth crime in ways that suit their local communities:

- Family and Child Connect and Intensive Family Support provide information, advice and referrals to vulnerable families, assessing needs and connecting to local services that best meet their needs. Intensive Family Support services are consent-based and provide case management services to vulnerable families with children and young people (unborn to 18) at risk of involvement in the statutory child protection system.
- Aboriginal and Torres Strait Islander Family Wellbeing Services based in high need locations provide culturally responsive, community-led support to First Nations young people and their families each year, including access to specialist Indigenous Youth and Family Workers to work with young people at risk of entering the youth justice system.
- Project Booyah is a Queensland Police youth mentoring program that uses adventure-based learning, leadership skills, decision-making/problem-solving exercises, resilience training and family-inclusive principles to help young people aged 14–17 years make

better life choices. Framing the Future provides post-program mentoring and support to Project Booyah graduates.

- Queensland Youth Partnerships Initiative is a partnership with the retail sector to prevent crime and improve the relationship between young people and the community.

Bail and support programs

Conditional Bail Programs support at-risk young people assisting them to remain in the community while their matters are before the courts. Programs address educational and vocational needs, mental health issues, family intervention and accommodation. Programs give the court confidence that children will receive individualised and intensive supervision while they are on bail. Recent enhancements allow the program to deliver additional hours of supervision on weekends and at night for young people under a conditional bail program.

In 2021, amendments to the *Youth Justice Act 1992* introduced changes to the bail conditions as follows:

allow courts to use electronic monitoring as a bail condition for young people over 16, in some locations and certain circumstances;

say that in certain circumstances, a young person charged with certain offences while on bail for an indictable offence may have to show cause (give good reason) why they should not be held in custody;

allow police and courts making a bail decision to consider whether a parent, guardian, or other person has indicated willingness to provide support to a young person to comply with bail conditions.

These changes resulted in electronic monitoring being offered as an option to courts through a trial in five locations. Electronic monitoring devices (EMDs), which are GPS enabled, may be fitted to suitable young people as a component of bail conditions. The provisions are designed to protect community safety and are only imposed on repeat youth offenders charged with 'prescribed indictable offences', who would benefit from more intensive bail conditions. The EMDs are monitored by Queensland Corrective Services, with Queensland Police Service responsible for fitting and compliance, and the Department of Children, Youth Justice and Multicultural Affairs providing support and supervision to young people fitted with the devices through co-responder and intensive bail support programs.

The Department also funds non-government agencies to deliver support services to young people to improve their compliance with bail, in high demand locations:

Bail Support Services deliver practical, individualised support aimed at supporting compliance with bail conditions as well as addressing the risks that may lead to decisions to remand children in custody. This occurs through a mix of case management and outreach activities and flexible brokerage to assist young people to connect / reconnect to housing, education, health, family and culture.

Intensive Bail Initiative, provides intensive support to high-risk young people on bail and their families and provides practical assistance to aid young people's compliance with bail. Tailored support is delivered by community organisations who address young people's basic needs and connect them to housing, education, health and family support to reduce offending.

Court and Legal Advocacy resources ensure courts and legal aid can assist young people appearing before the courts. These additional resources speed up bail applications, decision making and other court processes to keep children out of court and reduce the use of custody. Legal Advocacy Services represent children, make timely applications for bail, and provide a point of expertise for local legal representatives.

Case management

Young people under the statutory supervision of youth justice service centres and youth detention centres are actively case-managed throughout their contact with the youth justice system and ensure risk factors linked to a young person's offending behaviour are addressed at an intensity that reflects the criminogenic needs and risk level of the young person. Case management service responses are informed by a comprehensive risk/needs assessment tool and a case-planning process which engages the young person, their family, other government departments and community stakeholders. Young people are monitored, and case plans are reviewed on a regular basis to ensure that service responses remain relevant to their risks and needs.

Collaborative case coordination panels have also been adopted across the state to deliver coordinated service responses, involving government and non-government agencies, to young people with complex needs, and their families.

Where a young person is offending they may be referred to a Young Offender Support Service which provide culturally safe, client centred, evidence-based services, including intensive family support aligned with the young persons assessed needs. Young Offender Support Services are non-government organisations funded by the Department of Children, Youth Justice and Multicultural Affairs. These services integrate with the local community service system, and use traditional cultural methods such as connection to country and cultural activities. The program assists young people to develop skills in the areas of obtaining stable accommodation, relationships, health, decision-making, interpersonal skills, and goal setting.

Offence-specific and therapeutic programs

A number of intervention programs and services designed to address young people's criminogenic needs are delivered to young offenders by departmental staff in youth justice services and youth detention centres. Some examples of programs young people have access to through case management include:

Aggression Replacement Training (ART[®]), is an evidence-based, cognitive-behavioural, group program aimed to work on cognitive restructuring and moral development targeting young people with violent or aggressive behaviours. The program addresses key risk factors through three components: social skill development (behavioural), anger control techniques (affective) and moral reasoning (cognitive/values).

Changing Habits and Reaching Targets (CHART), is a structured, modular, cognitive-behavioural program delivered individually to young people at moderate to high risk of re-offending. CHART provides a framework for Youth Justice practitioners to understand and intervene in patterns of offending thinking and behaviour with young people in order to mitigate their risk factors. CHART is adapted locally to meet the cultural needs of Aboriginal and Torres Strait Islander young people.

Emotional Regulation and Impulse Control (ERIC), is a modular intervention targeting substance use, mental health, and offending behaviour and addresses underlying mechanisms of emotional regulation and impulse control. ERIC offers skills and processes to manage emotions, urges and decision making.

The Department also administers two programs, delivered by non-government organisations for young people who have committed sexual offences:

- Bravehearts Foundation is a specialist counselling service which provides therapeutic intervention for adolescents who have committed sexual

offences, their families, and persons harmed and their families and/or significant others where appropriate, who have been referred to restorative justice conferencing processes in the south east corner of the state. The organisation also provides a telehealth service outside of the south east corner.

- The Griffith Youth Forensic Service (GYFS) provides evidence-based specialist psychological assessments and treatment services to young people who have sexually offended, their families and communities, including young people held in youth detention centres.
- ROAD (Re-thinking Our Attitudes to Driving) is a program, where young people convicted of motor vehicle offences, and those who have motor vehicle-related matters before the courts, are provided with a six-week cognitive based intervention program. The project aims to educate young people on the impact motor vehicle offences have on communities and families. The program targets peer relations, personality/behaviour and attitudes/orientation - risk factors for re-offending. It also assists young people in developing positive strategies for avoiding future offending.
- Integrated Case Management (ICM) program is an evidence-informed framework that supports collaborative practice, integrated and intensive case management with both young people and their families/carers/kinship members. The ICM Program operates as a 6-month targeted intervention to address the multiple factors that impact on chronic youth offending. It combines adapted elements of Multi-Systemic Therapy (MST), Good Lives Model (GLM), Collaborative Family Work and offence profiling to address the factors that contribute to chronic offending and anti-social behaviour.
- Multi-Agency Collaborative Panels (formerly SMART) are a mechanism to provide intensive collaborative case management of young people considered to be serious repeat offenders.

Programs for Aboriginal and Torres Strait Islander young people

- The First Nations Council (FNC) was established to provide cultural advice to the executive leadership of the department to ensure policies, programs and services are culturally responsive and meet the needs of Aboriginal and Torres Strait Islander peoples. Members of the FNC represent Aboriginal and Torres Strait Islander perspectives from both Child Safety and Youth Justice.
- **The Youth Justice First Nations Action Board (FNAB), Cultural Units and cultural staff have been embedded within the central office and youth detention centres.** They ensure all youth justice policies, programs and processes appropriately address the disproportionate representation of Aboriginal and Torres Strait Islander people in contact with the youth justice system. In recognition of individual communities requiring individual and localised responses, members from each region are represented on the Board.

Youth detention cultural units and cultural staff provide essential frontline support to ensure service delivery respects and promotes young people's cultural identity. These staff work directly with young people, detention and community-based staff and other stakeholders including families, communities and Elders to promote and provide:

- regular opportunities for young people to participate in culturally specific programs
- community-led cultural healing-based initiatives and services that support cultural wellbeing
- holistic culturally specific therapeutic, intervention and cultural programs

- localised cultural awareness training for all staff members and key stakeholders to ensure that professional conduct and services are culturally appropriate
 - culturally competent case management and transition processes (this can include kinship mapping, engaging Elder and community members, restorative practices etc)
 - regular opportunities for Aboriginal and Torres Strait Islander Elders and/or respected persons to participate in advisory groups to provide cultural leadership, mentoring and advice on policies, procedures and processes.
- Young Black & Proud (YBP) is a culturally specific program delivered by Youth Justice in collaboration with culturally identified community representatives (such as, but not limited to, local elders). The 12-session program aims to strengthen Cultural knowledge and understanding, develop positive Cultural identity and challenge stereotypes and misconceptions.
 - Black Chicks Talking (BCT) is an adapted program delivered to young Aboriginal and Torres Strait Islander women by Cultural women. The 5-session program supports cultural connections to community and identity and explores cultural histories and building future stories through storytelling, yarning circles and adventure-based activities.
 - Murri Watch Aboriginal and Torres Strait Islander Corporation provides cultural support to Aboriginal and/or Torres Strait Islander young people detained in watch-houses across Brisbane City, Townsville, Palm Island and Mackay to help meet their welfare and emotional support needs and keep them connected with their family.
 - Family-led decision making trials in youth justice empowers First Nations families to make positive decisions to achieve change in their children's behaviour and meet their ongoing cultural and practical support needs. The young person and family members work together with an independent Aboriginal or Torres Strait Islander community-based facilitator to address concerns of police, courts and youth justice about the young person's offending.

Services that address developmental and support needs

Transition to Success (T2S) is an evidence-based, voluntary, vocational training and therapeutic program to prevent at-risk young people from entering the criminal justice system and reduce re-offending for young people involved in the system. The service builds partnerships with local community organisations to aid in delivery of the service and flexibly tailor the service to its community. The program is delivered in a community setting to young people aged 15 and above. T2S helps young people address risk factors that are associated with becoming disengaged from education, training, and employment and gives young people the opportunity to:

- learn and achieve nationally recognised certificate qualifications
- set goals for their future
- participate in challenge-based activities
- identify and access a number of alternative pathways that divert them from the justice system and keep them out of custody
- build the social, cognitive, and behavioural skills they need to attain and maintain further education and employment.

Navigate Your Health helps young people look after their health by connecting them with a Nurse Navigator to work with them and their families about their health needs.

Education Justice Initiative delivered by Department of Education Court Liaison Officers who support young people who appear before the Childrens Court to re-engage in education and training. The initiative provides specialised referral and advocacy services to ensure young people receive support to connect with education or training pathways.

Place-based initiatives

Several place-based initiatives have been implemented across Queensland to assist young people in areas that experience higher rates of youth crime:

- Townsville Community Youth Response (TCYR) targets high-risk repeat offenders in the Townsville area to address the drivers of offending and prevent crime from occurring. The initiative provides comprehensive diversion, bail, and sentencing responses to young offenders and other at-risk young people. It delivers a suite of programs including High Risk Youth Court, after hours diversion service, intensive case management, cultural mentoring and bridging to education programs.
- Community Youth Response and Diversion is a multi-faceted approach made up of diversion services with afterhours support, Aboriginal and Torres Strait Islander cultural mentoring, bridging to education programs, and intensive case management for young people aged 10–15 years at high risk of offending or re-offending.
- Youth Transitional Hub in Mount Isa provides out of business hours, community integrated and culturally safe diversion response for young people who are at risk of offending and entering the youth justice system.
- The Townsville Stronger Communities Early Action Group is made up of senior representatives of key government agencies. The group provides an integrated, whole-of government response to youth crime issues in Townsville and coordinates services for young people at high risk of entering the youth justice system and their families.
- Community-Based Crime Action Committees allocate funds for the delivery of crime prevention initiatives to meet specific local community needs. This police-led initiative, in 12 locations, empowers local communities to provide joint action to prevent and respond to youth crime.
- Community Partnerships Innovation Grants are being offered in local communities to identify, develop, and deliver short-term, place-based responses to youth justice issues. The grants foster community-led innovations and partnerships, engaging local communities and industry in trialling new ideas that address youth offending and related issues.

Youth detention centres

Youth detention centres continue to focus on the safety, wellbeing, and rehabilitation of young people. State-wide, three sites (Brisbane, West Moreton and Cleveland youth detention centre in Townsville) provide secure places to detain young people to protect the safety of the community and provide consequences for offending.

By partnering with agencies such as Health and Education, the centres focus on causes of offending and deliver integrated case management, therapeutic and cultural support; utilising innovative services find ways to help young people reintegrate and live productively in

community. Youth detention centre staff work collaboratively with a range of stakeholders to provide on-site services to young people.

Department of Education Youth Education and Training Centres operate as educational units akin to mainstream schools and provide on-site education and training programs and services for young people 48 weeks per year (an additional 8 weeks to the community-based school year).

Queensland Health operates a 24/7 health centre, staffed by registered nurses. Mental health services are also available onsite during business hours, with on-call arrangements in place for any urgent or high-risk matters. Education and health staff work closely with their community-based counterparts to support a young person's transition.

All young people admitted to a youth detention centre are assessed by youth detention and other agencies' staff to promote safety and wellbeing while in custody:

- primary and mental health assessments are completed by Queensland Health registered nurses and mental health professionals. These assessments identify any immediate health concerns and ongoing support needs;
- case management, therapeutic, safety and risk assessments including identification of any suicide or self-harm risk are conducted by departmental multi-disciplinary teams that include caseworkers, psychologists and speech-language pathologists;
- educational assessments, including numeracy, literacy and comprehension testing and identification of learning difficulties are completed by Department of Education teaching staff.

These assessments inform tailored interventions, custodial management plans and integrated case planning and promote service continuity upon a young person's release.

In accordance with their assessed needs, young people in detention are involved in a variety of programs including therapeutic, educational, vocational, behavioural, life skills, cultural, and recreational programs. These programs are regularly reviewed to ensure that they continue to meet the needs of those presently in custody.

Positive behaviour support models in youth detention centres are designed to incentivise well-adjusted social behaviour, are underpinned by Trauma Informed Practice and aim to be culturally safe for all participants. Restorative practices assist young people to resolve conflict, repair harm and take accountability for their actions.

Pre- and post-release support

- The Intensive Support program delivers additional hours of youth justice supervision on weekends and at night for young people in the critical first 72 hours after release from youth detention.
- Transition officers and case management officers, in partnership with Queensland Health and the Department of Education, support young people exiting detention (noting the youth detention centres have onsite schools that operate 48 weeks per year and 24/7 health centres). As part of the transition planning process, each young person is referred to local community services to continue programs they may have been undertaking in detention, as well as to access necessary therapeutic interventions.

Western Australia

Policy directions

Key policy directions in youth justice in Western Australia include:

- providing mandated services in accordance with the *Young Offenders Act 1994*
- the Strategic Framework 2017–2020 outlines how the Department of Justice, Corrective Services (the Department) will work with the mission of a fair, just and safe community for all Western Australians
- programs help to achieve a reduction in reoffending, with a particular focus on programs designed for Aboriginal young people
- reducing the over-representation of Aboriginal young people in the justice system, with a particular focus on collaborative partnerships and innovative service delivery in regional areas.

Agencies

Youth Justice Agencies

Department of Justice, Corrective Services, Women and Young People (W&YP) is informed by the principles and functions outlined in the *Young Offenders Act 1994* (YOA) and the Department's Strategic Framework 2017–2020.

The YOA provides for the administration of youth justice in Western Australia. The YOA sets out the provisions for dealing with young persons who have, or are alleged to have, committed offences and to ensure that the legal rights of young people involved with the criminal justice system are observed.

Youth Justice (YJ) is responsible for the safety, security and rehabilitation of young people both in community and in custody. The core objective is to reduce reoffending among young people through:

- programs and services to divert young people away from the criminal justice system
- programs and services for young people on orders in the community
- programs and services in custody.

YJ work holistically with young people and their families to improve outcomes for young people in contact with the justice system.

YJ will always:

- prioritise the safety of the young person and the community
- consider what is in the best interests of the young person and their family
- deliver services to young people that recognise vulnerability, developmental levels, gender, and cultural and religious beliefs and practices
- be informed by evidenced-based practice
- deliver a comprehensive model of practice that is informed by:
 - the needs of each young person and is age, gender, culturally and linguistically appropriate
 - recognition and understanding that many young people in the justice system have experienced multiple traumas and that rehabilitation and care will need to address the trauma's causes and symptoms

- the identification of protective and risk factors
- communicate clearly and in a timely manner with all key stakeholders
- partner with other agencies and organisations to address complex issues contributing to youth offending in the planning and delivery of services
- engage with Aboriginal people to seek, promote and support culturally competent and Aboriginal designed and led initiatives that reduce reoffending.

Police

Young people who come into contact with the justice system do so through contact with the police. The police have the option of issuing a caution, referring the matter to the Juvenile Justice Team (JJT), or referring the matter to court.

Courts

The Children's Court of Western Australia deals with offences alleged to have been committed by young people aged 10 to under the age of 18.

The court may impose one of the following penalties:

- no punishment and no conditions
- no punishment but with conditions
- fines, costs, restitution and compensation
- responsible adult bond
- good behaviour bond
- referral to a juvenile justice team
- Youth Community Based Order
- Intensive Youth Supervision Order (with or without detention)
- Adult Community Based Order or Adult Intensive Supervision Order
- custodial sentence (imprisonment or detention).

Young people in the Perth metropolitan area whose offending behaviour is linked to drug use can apply to participate in the Children's Drug Court.

Elements, programs and services

Diversion

Juvenile Justice Teams

Juvenile Justice Teams (JJT) provide alternative ways of dealing with minor offending behaviour by diverting young people away from the criminal justice system. JJT referrals are generated by police or the Children's Court. The JJT process offers the opportunity for victims and responsible adults to be involved in the development of an action plan that encourages the young person to take responsibility for their actions and address their offending behaviour. If the young person successfully completes the action plan, they do not receive a criminal record.

Metropolitan Youth Bail Services

Metropolitan Youth Bail Services is accountable for Youth Bail Services which aims at diverting young people from custody and ensuring they make all reasonable efforts to ensure they attend court.

Metropolitan Youth Bail Services staff have a duty of care to ensure that young people being bailed have access to a safe, secure and supportive living environment. In practice this allows coordinators to support and monitor community and family placements or to assist young people with hostel and supported accommodation options.

Metropolitan Youth Bail Services facilitate Supervised Bail arrangements where YJ takes responsibility for the young person and arranges an accommodation placement with the bail accommodation service.

Bail accommodation services are also provided in the East and West Kimberley, Pilbara (South Hedland), Mid-West Gascoyne (Geraldton), and Goldfields (Kalgoorlie).

Case management

The YJ in the community deliver pre-release, transition and post-release support programs, to assist young people in developing skills to manage their lives without further offending.

YJ case management is the day-to-day management of young people subject to community-based orders. It provides the framework for the planning and coordination of activities and services directed towards the young person with the objective of meeting statutory and policy requirements. Case management provides the structure in which interventions are provided to the young person. YJ develops and maintains productive and collaborative relationships with stakeholders, and works to support across-agency approaches to address the complex issues and needs of young people.

YJ use the risk/needs assessments tools:

- Youth Level of Service/Case Management Inventory 2.0
- Youth Level Services/Case Management Inventory: Screener Research Version
- Level of Services/Risk Needs and Responsivity.

Risk/needs assessment tools identify the young person's criminogenic needs and are used to inform the level and types of interventions to ensure that the court report plan and case planning activities are focused in the appropriate areas of need.

Changing Habits and Reaching Targets (CHART) is the principal casework intervention used by YJ.

CHART is a structured casework intervention program and provides a way of working with young people subject to Supervised Release Orders, community-based orders with supervision, detention sentences and long-term remand. CHART provides a consistent practical tool to address the young person's criminogenic needs.

Youth Justice Programs

YJ provides a range of services to young people subject to statutory conditions in the community and in custody across Western Australia. These programs seek to address health, rehabilitative, recreational, cultural and educational needs and are delivered by either Departmental staff or externally contracted service providers.

The current externally contracted services include:

- mentoring and case management support services in each major region across the state for young people subject to community based supervision orders or early release orders,
- vocational training program for Aboriginal young people in the metropolitan region subject to community based supervision order or early release orders,

- Youth Bail Services (24/7 supervised accommodation in a facility) in each major region across the state,
- transitional accommodation services (24/7 supervised accommodation in a facility) in the metropolitan region for young people being released from custody with no suitable accommodation,
- specialist Alcohol and Other Drugs (AOD) counselling in the metropolitan region for young people in custody and/or subject to community based supervision orders or early release orders,
- psycho-social programs and support services to young people in custody.

W&YP also fund the Aboriginal Legal Service of Western Australia (ALSWA) to deliver a metropolitan-based Youth Engagement Program (YEP) to engage Aboriginal young people appearing in the Perth Children's Court to support them through bail and court processes. YEP provides case management, court support and mentoring to young people, as well as referrals to a range of culturally appropriate external services and supports with a focus on diverting young people at the earliest opportunity.

The Department will be tendering for new services in 2022-2023 under the Delivering Community Services in Partnership Policy. As part of that process a full co-design process will be initiated to enable the community services sector including Aboriginal service providers feedback to be implemented into the final specifications. Procurement planning will also explore if there are alternative ways to engage and fund regional and remote service providers to better respond to local community youth offending trends.

Supported accommodation and bail programs

The Youth Bail Services (YBS) is a diversion option from custody and provides temporary and short-term accommodation placements for young people remanded on bail where no responsible adult or appropriate placement can be located. Bail services require 24-hour, 7 days a week supervision and include the provision of day programs and transport to appointments for young people and opportunities to increase their pro-social behaviours prior to their next court appearance. YBS diverts regional and remote Aboriginal young people from custody and enables them to remain on country and in contact with their family and community.

The Youth Transitional Accommodation Program (YTAP) is an accommodation service for young people between 13 years and 17 years and nine months providing 24-hour, 7 days a week supervision and includes the provision of day program and transport to appointments for young people. This service is designed to provide young people opportunities to gain independent or long term supported accommodation upon release from custody on an early release order or community-based supervision order.

Pre- and post-release support

All educational and vocational programs that a young person engages in while in custody are aimed to be compatible with the young person's abilities and areas of interest. A young person can be referred to a variety of personal development and treatment programs such as:

- drug and alcohol intervention
- emotional management programs
- personal development programs: cultural, employability and life skills courses, and recreational activities
- Youth and Family Support teams (metropolitan only)

- individual psychological counselling Step Up (violent offending group program)
- sex offender treatment (individual counselling with centre psychologist).

Youth Justice Officers provide support to young people exiting detention on Supervised Release Orders. As part of their release plan young people are referred to a range of services including the YJ programs service providers to assist with their rehabilitation in the community.

Psychological services

Youth Justice Psychological Services is a state-wide team responsible for providing psychological services to young people managed by YJ. Psychologists are based in Banksia Hill, metropolitan youth justice centres, and some regional youth justice centres.

Psychologists also provide outreach services on a needs basis to regional/remote areas.

Youth Justice Psychological Services delivers comprehensive, specialist assessments and interventions to young people and provides support in accordance with their identified needs and release plans.

YJ psychologists provide individual face-to-face counselling to young people and their families, both to young people in custody and those in the community (both metropolitan and regional areas). Services are offered to custodial and community-based centres in the following areas:

- forensic and clinical psychology
- child development
- behavioural management
- management, family and community interventions
- counselling to address criminogenic needs
- risk issues and managing vulnerable young people.

Regional services for young people

Youth Justice is located in six regional areas across the state and provide:

- the management of young people on bail, juvenile justice teams, community-based orders or supervised release orders
- emergency short-stay accommodation for young people who have been remanded on bail where no responsible adult or appropriate placement can be located.

South Australia

Policy directions

Policy directions

Youth Justice Services provides statutory supervision for children and young people under the *Youth Justice Administration Act 2016* and has oversight of supervised orders determined by courts under the *Young Offenders Act 1993*.

As outlined in the *Young People Connected, Communities Protected: South Australia's Youth Justice State Plan 2020–2023*, our vision is to provide young people in the youth justice system, and their families, with connected supports, programs and services. We also

have a strong focus on addressing the over-representation of Aboriginal children and young people in the youth justice system.

Within the legislative framework, Youth Justice Services aims for best practice standards in Youth Justice administration, to improve rehabilitation outcomes for young people and reduce re-offending, while contributing toward community safety and upholding victims' rights.

Key policy directions include:

- comprehensive and evidence-based criminogenic case management underpins all Youth Justice case planning and service delivery
- design and deliver programs/services to ensure that children and young people with high risk offending, complex and/or specialist needs receive a tailored response
- build partnerships to contribute to transition for children and young people out of Youth Justice back into their communities
- victim and community safety goals underpin security and behavioural management, case management, youth justice planning and service delivery
- children and young people who commit crime are provided with opportunity for restoration/restitution to victims of crime and the community
- connections will be strengthened to support family and carer capacity for children and young people during detention and while under orders in the community
- sector and community partnerships are fostered to achieve effective and positive outcomes for children and young people
- Youth Justice programs and services are culturally safe and responsive to the diverse needs of clients.

Agencies

Youth Justice agency

In South Australia, Youth Justice Services are provided by the Department of Human Services (DHS). Youth Justice Services is responsible for providing statutory youth justice services, both custodial and community-based, which aim to reduce re-offending and support children and young people to make positive life choices. The Department provides children and young people with support that is individualised and caters for specific developmental needs that reflects the diversity of cultures and communities in which they live. The department works with key partner agencies and community partners to connect children, young people and their families with supports, programs and services to improve outcomes and contribute to community safety.

Police

In South Australia, the police are the first point of contact for young people entering the justice system. The police may issue cautions (either informal or formal) to a child or young person who has admitted to an offence. They may also divert young people who admit an offence to a Family Conference, which is provided by the Courts Administration Authority.

Courts

In South Australia, children and young people who are alleged to have committed an offence and who are not diverted to a Family Conference are primarily dealt with by the Youth Court under the provisions of the *Young Offenders Act 1993*. The Youth Court is established under

the *Youth Court Act 1993* and presided over by a District Court judge who is designated by proclamation as the Judge of the Youth Court.

A young person may also have their matters referred to a higher court subject to the seriousness of the offence (for trial as an adult) or if there is a pattern of serious repeat offending.

Elements, programs and services

Diversion

Young people who commit offences that are considered too serious for an informal or formal caution may be directed to attend a Family Conference. To be eligible for a Family Conference, the young person has to admit to carrying out the offence. If the charge is denied, the matter is referred to the Youth Court.

Supervision

Client supervision involves the use of statutory authority as the means of working with Youth Justice clients to meet their mandate requirements and, where necessary, provide interventions to promote their desistance from offending. Supervision tasks may include monitoring, compliance management, electronic surveillance, case management and program participation. Supervision occurs in the community and in the Kurlana Tapa Youth Justice Centre.

Case management

Case management is a flexible, planned and individualised approach to service delivery that provides the client with choices and maximises the efficient use of formal and informal resources in service provision. Case management focuses on engagement, dynamic worker–client relationships, goal setting and goal achievement. Case management promotes desistance from offending and places substantial emphasis on a rehabilitative approach.

South Australia uses a continuum of care approach in the application of case management for those exiting custody into the community, with a particular focus on re-integration and reconnecting to the community. Case conferencing with relevant stakeholders, including young people and their families, is an integral component of our case management approach.

Research has demonstrated reductions in recidivism and improved client outcomes when workers display a higher level of core effective practice skills during supervision with their clients. A reflective practice model is part of the ongoing supervision requirements for staff and prioritises effective practice skills and approaches in all staff interactions with young people and their families.

Offence-specific and therapeutic programs

Youth Justice Services, together with its sector partners, delivers or facilitates delivery of a range of offence-specific and rehabilitation programs for young people. These include therapeutic interventions, life skill development and social integration that build engagement back to community. Examples of rehabilitation programs offered include:

- CHART (Changing Habits and Reaching Targets), which is a structured, individualised intervention program used as part of case management/statutory supervision. It uses a skills-oriented, cognitive behavioural focus to challenge offending behaviour for young people who require a moderate to high level of intervention to reduce their risk of

reoffending. The focus for delivery is to use participatory learning methods and to be responsive to client needs, motivations and learning styles

- Ignition, which focuses on improving social and independent living skills. This program has a link to the Integrated Housing Exits Program in the community. Modules completed can also be used in applications to other types of supportive housing.

Youth Justice Assessment and Intervention Services (YJAIS)

The YJAIS team is a multi-disciplinary team consisting of psychology, speech pathology and occupational therapy. The team provides consultation, assessment and individual intervention services for young people and staff.

Services include:

- clinical/forensic psychological assessments to assist case planning and case management—assessments cover background history, patterns of offending, and include analysis of risk and recommendations for interventions to reduce the likelihood of further offending by a young person
- Communication and Social Skills
- Functional Life skills
- Interpersonal Violence
- Reports for the Youth Court
- consultation services to management and staff regarding behaviour support for children and young people at Kurlana Tapa.

Child Diversion Program

Established in 2021, the Child Diversion Program aims to divert Aboriginal children aged 10-13 away from a high security custodial facility when they are refused police bail due to lack of suitable or safe accommodation. The program provides the option of alternative supervised bail accommodation for these children in a community setting.

Programs for Aboriginal children and young people

DHS acknowledges the important role culture plays in the positive growth and development of Aboriginal children and young people within their family, cultural community and wider community. Aboriginal children and young people and their families are provided with access to a range of cultural support services. Aboriginal children and young people in Kurlana Tapa and the community receive specialist Aboriginal programs that focus on problem solving and the positive aspects of their cultural identity.

Aboriginal children and young people at Kurlana Tapa are supported by a Senior Aboriginal Cultural Advisor who works with children, young people and their families and communities to meet their individual cultural needs.

The Circles of Trust engagement tool assists case managers to gather information about Aboriginal clients, their family, cultural group and community supports. The information gathered through this tool promotes an understanding of the young person's kinship and family structure. It can assist to identify strengths and issues within this structure, the young person's connection to culture and community, and the impact of any grief and loss.

Youth Justice Services works collaboratively with partner agencies such as Child and Adolescent Mental Health Service to provide programs to young people, such as the Journey to Respect Aboriginal and Torres Strait Islander specific intergenerational violence prevention program and the Respect Sista Girls 2 program, for Aboriginal girls in custody. Yarning Circles are run for Aboriginal girls and boys within Kurlana Tapa. Yarning Circles create a safe space for Aboriginal young people to speak about culture, and men's and women's business with significant Aboriginal role models.

Metropolitan Aboriginal Youth and Family Services (MAYFS) takes a holistic approach in its service provision, working with Aboriginal families within a restorative and family inclusive practice framework and service model.

Tasmania

Policy directions

The key policy directions in youth justice in Tasmania include:

- On 9 September 2021 the Premier announced the closure of the Ashley Youth Detention Centre (AYDC) in three years' time, to be replaced by smaller purpose built facilities as part of the broader youth justice reform.
- In December 2021 the *Reforming Tasmania's Youth Justice System: Discussion Paper* was released, providing the foundation for the consultation process to inform the development of the 10 year Blueprint outlining the strategic direction for Youth Justice in Tasmania.
- The intent of the reform is to enhance responses across the entire youth justice service system and includes focusing on:
 - engaging and intervening with children, young people, and their families at risk of offending early to prevent escalation to offending;
 - positively influencing the wellbeing of young Tasmanians through therapeutic, diversionary, and restorative approaches to reduce reoffending by children and young people;
 - delivering a therapeutic approach that provides effective interventions for young people engaging in offending behaviours to support behaviour change and reduce recidivism;
 - utilising a whole of government and whole of community approach to invest in our vulnerable young people, making the community safer and changing perceptions of youth offenders, thereby reducing long term costs to the community; and
 - providing the youth justice workforce with access to the necessary training and supports to enable them to deliver a contemporary and therapeutic youth justice system.
- As part of this reform, the Government has also announced the intention to raise the minimum age of detention from 10 to 14 years.

Agencies

Youth justice agency

The Department for Education, Children and Young People (DECYP) is responsible for providing the following youth justice services:

- coordinating diversionary community conferencing
- providing statutory community-based supervision of young people on court orders
- providing support for court processes
- providing safe and secure custodial services and pre- and post-release support
- providing integrated case management of young people on legal orders
- managing the community service order program.

Police

Tasmania Police (within the Department of Police, Fire and Emergency Management) are the first point of contact for young people entering the criminal justice system, and are responsible for:

- dealing with reported youth crime and deciding whether to divert or to prosecute matters in the courts
- providing diversionary pre-court and informal and formal cautioning services
- referring a young person to Community Youth Justice for a non-court-based community conference.

Courts

In Tasmania, young people alleged to have committed an offence who are not diverted are dealt with by the Magistrates Court (Youth Justice Division) through a magistrate, under the provisions of the *Youth Justice Act 1997*. The Supreme Court may hear offences prescribed under the Act.

The Magistrates Court uses specialist lists to improve timeliness to finalisation, consistency in court decisions, coordination of youth justice services to the court and collaboration between relevant agencies. These lists have a nominated magistrate which provides continuity.

Elements, programs and services

Early Intervention

The Strong Families Safe Kids Advice and Referral Line provides the single front door for young people experiencing vulnerabilities and can assist with targeted and coordinated support.

Diversion

The *Youth Justice Act 1997* provides a comprehensive framework for restorative justice, including the restoration or reparation of harm done in the community. Under the Act, diversion from the criminal justice system is the principal outcome sought for all young people. Detention is considered a sentencing option of last resort.

There are 2 primary levels of non-court-based diversion in Tasmania:

- Police have the power to informally or formally caution young people who have admitted to committing an offence.
- If the matter is considered more serious, police may request Community Youth Justice to conduct a community conference, which is convened by an independent facilitator.

A formal caution or a community conference can bring young people face to face with their victims to decide how best to rectify the harm caused by their offending.

Case management

Case management in Community Youth Justice identifies:

- the requirements of the court order and strategies to fulfil these
- the services and strategies required to address needs as determined by the Youth Level of Service/Case Management Inventory risk assessment tools and general assessment process, including other professional assessments as required
- the relevant people and services to help identify strategies and goals
- the level of agreement among those involved, including the young person and Community and/or Custodial Youth Justice, on the goals and strategies to achieve these goals, and the associated level of commitment
- the process of assessing and monitoring progress, and the point at which involvement with the young person will diminish.

The case management approach in place at the Ashley Youth Detention Centre (AYDC) takes account of the needs of the individual young person and any court-ordered obligations, as well as community expectations. A comprehensive assessment process undertaken upon admission informs this approach and continues throughout the period of detention.

Offence-specific and therapeutic programs

Targeted Youth Support Service

The Targeted Youth Support Service is a state-wide community-based program funded by the Department for Education, Children and Young People (DECYP) to provide intensive case management and therapeutic interventions for young people aged 10–17. The target group are young people with substantial or multiple-risk issues who, without intensive support, would be at risk of notification to the Child Safety Service or entry into, or escalation within, the youth justice system.

Changing Habits and Reaching Targets (CHART)

CHART is an offending behaviour program that addresses the offending needs of high-risk young people on supervised orders. The program uses active, participatory learning methods and employs a skills-oriented, cognitive-behavioural approach to casework with young offenders.

Juvenile Fire Lighting Intervention Program

The Juvenile Fire Lighting Intervention Program (JFLIP) is a state-wide behaviour change program designed for children aged 4–14 who engage in unsafe fire-setting. It is a family-based program delivered in the home by trained JFLIP fire-fighters. JFLIP practitioners also participate in community conferences and formal cautions for young people who have committed fire-related offences.

Health services at AYDC

AYDC offers an onsite health centre in conjunction with Correctional Primary Health Services and Forensic Mental Health Services. It functions 7 days a week, 12 hours a day with an on-call service extending this to 24-hour coverage. Health services provided include general practitioner, general and mental health nursing, mental health assessment and treatment, pharmacy, pharmacotherapy treatment, alcohol or other drug use and dental. The centre also facilitates access to community-based health and assessment services.

Rehabilitative programs at the AYDC

AYDC has a comprehensive Practice Framework based on evidence and best practice therapeutic strategies. All young people at the AYDC participate in a range of rehabilitative programs aligned with this framework. The programs offered and techniques applied take place within a case management context, are evidence-based and focus on offender rehabilitation. The program framework is designed to provide cognitive-based therapeutic programs for persistent and serious offenders and address specific criminogenic and social needs. Basic interventions that address issues that may affect community integration, such as employment, education, accommodation and leisure, are also included.

Transition from Ashley Youth Detention Centre

This program, delivered by 54 reasons (Save the Children), works with young people aged 12–18 who are in detention and/or remand in AYDC, assisting them to reintegrate into the community. Youth workers support young people both in AYDC and when they transition back into the community to support young people to identify and meet their recreational, educational and vocational and/or employment goals and aspirations.

Supporting Young People on Bail

54 reasons works in partnership with Community Youth Justice, the Magistrates Court, Early Intervention Units, Tasmania Police and other community agencies to support children and young people aged 12–18 who have been placed on bail. Youth workers work with young people to identify their recreational, educational and vocational/employment goals and aspirations. These goals form the young person's Bail Support Plan. Support is provided to the young person during their bail period to help them meet their goals.

Education

DECYP operates a school on site at the AYDC for young people of compulsory and non-compulsory school age. The educational focus for detainees reflects the curriculum used in schools and training facilities in the community.

Programs for Aboriginal and Torres Strait Islander young people

Youth Justice has a number of partnerships with Indigenous organisations, including:

- Tasmanian Aboriginal Corporation (TAC), which has supervised a number of young people on community service orders and involved them in health and wellbeing programs, as well as tasks such as land care. A TAC youth worker meets with young people at AYDC and staff as required, often on a weekly basis. TAC also attends mediation conferences when an Aboriginal young person is involved. AYDC consults with TAC as part of exit planning and the youth worker will provide mentoring to young people on return to the community
- Circular Head Aboriginal Corporation provides programs including vocational support, reintegration with schooling, programs for young mothers and activities such as outdoor education, health and wellbeing. They also support young people through the court process
- A representative from an Aboriginal organisation is often involved in the Care Team process and Community Conferencing for a young person who identifies.

Other programs and services

Tasmania's Commissioner for Children and Young People (CCYP) acts as an advocate for all young people detained at AYDC. As advocate for young people at AYDC, the commissioner is concerned with the overall physical and emotional wellbeing of each young person. In fulfilling this role the commissioner listens to and gives voice to concerns and grievances, educates young people on their rights, and facilitates resolution of issues and access to support services as appropriate. From March 2022, the CCYP has had a dedicated full time Advocate for Young People in Detention working two days onsite at AYDC.

AYDC is also subject to the oversight of the Custodial Inspector. The purpose of the Custodial Inspector is to provide independent, proactive, preventative and systemic oversight of custodial centres. In particular, the Custodial Inspector provides external scrutiny through an independent statutory office and the publication of reports and recommendations. The focus of the Inspector is on systemic issues relating to the management, control and security of the state's prisons and youth detention centre and the care and welfare of prisoners and detainees.

Australian Capital Territory

Policy directions

The ACT Government has focused over the last decade on building a youth justice system that ensures young people, their families and the community are safe, strong and supported. The *Blueprint for Youth Justice in the ACT 2012-2022* Taskforce Final Report in 2019 showed strong progress in diverting young people from the youth justice system.

The ACT's child protection and youth justice system operates within a trauma-informed and therapeutic practice approach, based on an understanding of the neurological, biological, psychological and social effects of trauma on a young person. This approach seeks to prevent escalation of anti-social or offending behaviour and is respectful of young people's histories, experience, needs, culture and aspirations.

A number of ACT Government strategies support the policy direction of the youth justice system, including:

- *A Step Up for Our Kids: One step can make a lifetime of difference (Out of Home Care strategy 2015-2020)*, which provided enhanced understanding of and response to long-term trauma through exposure to childhood abuse and neglect. The post-strategy evaluation for *A Step Up for Our Kids* was released in early 2022 and is available on the ACT Community Services Directorate website at www.communityservices.act.gov.au
- In June 2022, *Next Steps for our Kids 2022-2030: ACT Strategy to Strengthen Families and Keep Children and Young People Safe* (Next Steps) was launched. Next Steps sets out an ambitious 8-year reform strategy that builds on the positive outcomes of *A Step Up for Our Kids* and addresses the ongoing challenges of the child and youth protection system. Next Steps includes an integration of earlier family support, prevention services, child protection, out of home care and youth justice and seeks to strengthen families who interact with these systems.
- The *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028*, including an Action Plan to achieve the outcome of Aboriginal and Torres Strait Islander peoples, families and communities thriving in a safe environment and having equitable access to justice and culturally safe restorative justice, prevention and diversion programs.
- The *Disability Justice Strategy 2019-2029*, which aims to achieve equity and inclusion for people with disability in the justice system.
- The response to the *Healthy Centre Review of Bimberi Youth Justice Centre 2020*, which provides recommendations to ensure custodial services are safe, ensure young people are respected and have dignity, facilitate purposeful activity and lead rehabilitation and preparation for release.

Building on these strategies, the ACT has commenced planning for a new youth justice strategy, which will have a focus on through care and embedding therapeutic approaches across the system. This strategy will complement work underway in the ACT to raise the minimum age of criminal responsibility in response to an election commitment.

Agencies

Youth justice agency

The Community Services Directorate is responsible for providing youth justice services in the ACT. These services include the Bimberi Youth Justice Centre (Bimberi); youth justice case management; and the After-Hours Crisis Service.

Services related to youth justice and care and protection are integrated and are collectively known as Child and Youth Protection Services (CYPS). This integrated system enables better service coordination to prevent children and young people who experience trauma, neglect and abuse from escalating to the youth justice system. CYPS provides a trauma-informed response that focuses on diversion, protection, restoration, transition and permanency.

CYPS is responsible for the assessment, supervision and support of children and young people subject to bail or justice orders, either in the community or in custody. CYPS also provides pre-sentence reports on young people to the courts and is the lead service supporting young people accessing the After-Hours Crisis Service.

Police

ACT Policing is the first point of contact for young people entering the criminal justice system in the ACT. Police officers have discretionary powers to divert young people who have committed minor offences using a warning and diversionary system. If a decision is made to prosecute, ACT Policing may issue a summons for the young person to attend court or detain them until the next sitting of the Childrens Court.

ACT Policing, along with the ACT Childrens Court, is a primary referral source linking young people to a restorative justice response. The Restorative Justice Unit within the Justice and Community Safety Directorate is responsible for managing all restorative justice conferences.

Courts

The ACT Childrens Court deals with young people who are alleged to have committed an offence while aged 10 to 17 years, and who are not diverted from the criminal justice system. Young people convicted of indictable offences in the Childrens Court may be committed to the Supreme Court for sentencing. Young people who are convicted by the Supreme Court may be remitted to the Childrens Court for sentencing.

The Warrumbul Children's Circle Sentencing Court is an alternative model of sentencing for Aboriginal and Torres Strait Islander young people attending the ACT Children's Court. It is a type of restorative practice that aims to provide culturally relevant and effective sentencing options for young Aboriginal and Torres Strait Islander people

ACT legislation enables a young person's criminal matters to be dismissed if a Court considers the young person is in need of care and protection. The Court may take this action on its own accord or following receipt of a report prepared by CYPS.

Elements, programs and services

Diversion

Diversionary programs provide a targeted response for young offenders, many of whom are first-time offenders and may be at risk of becoming persistent offenders. These programs divert young people from entering or continuing in the youth justice system in the ACT:

- The After-Hours Crisis Service aims to keep young people out of custody by providing community-based options as an alternative to being remanded in Bimberi and assists young people on justice orders to comply with the conditions of their orders.
- The Restorative Justice Unit (RJU) provides a safe process for people harmed by crime and those responsible to discuss what happened, who has been impacted and how, as well as what can be done to try to address the harm caused. The RJU is committed to providing a culturally safe and trauma-informed space to support and guide that communication. An Indigenous Guidance Partner and Indigenous Convenor are available to support Aboriginal and Torres Strait Islander clients through the restorative justice process.
- Youth Alcohol and Drug Diversion Programs aim to divert young people away from the youth justice system, referring them to assessment and education programs:
 - The Youth Alcohol Diversion Program provides intervention and education to young people who engage in underage drinking.
 - The Illicit Drug Diversion Program provides intervention and education to people who engage in drug taking.
 - These programs, delivered through a partnership between ACT Policing and Canberra Health Services, also collect data on young people and their use of alcohol and other drugs, with a view to reducing harm, binge drinking and associated social and health problems in the community.

Functional Family Therapy-Youth Justice pilot

In early 2021, a pilot program was established to strengthen family supports and community connections to decrease young people's involvement in criminal activity and reduce their risk of engagement with the youth justice system. The pilot ended in July 2022 and an independent evaluation of the pilot is underway to understand the impacts, outcomes and processes of the program. The evaluation will also consider improvements that may support the program to run more effectively in the ACT.

Yarrabi Bamirr

Yarrabi Bamirr (meaning 'walk tall' in the Ngunnawal language) was officially launched as a trial in mid-2017 at Winnunga Nimmityjah Aboriginal Health and Community Services under the name 'Justice Reinvestment Program'. This approach targets families with children and uses a family-centric model of service support with Aboriginal and Torres Strait Islander families, to improve life outcomes and reduce or prevent contact with the criminal justice system. In 2020, the program ceased being a trial, was expanded, and continues to be delivered by program is delivered by Winnunga Nimmityjah and other Aboriginal and Torres Strait Islander community organisations in the ACT.

Yarrabi Bamirr is designed to address complex needs using a comprehensive approach that is co-designed with the client and their family. A range of agencies work collaboratively to support the issues clients are experiencing. This involves intensive support that gradually builds the clients' own capacity to navigate issues and self-manage their affairs.

Offence-specific and therapeutic programs

A range of programs and interventions are delivered within the community and custodial environments to address the needs of young people. These include programs that focus on alcohol and other drug issues, relationship issues and educational needs. The Changing Habits and Reaching Targets (CHART) program, a cognitively based intervention designed to

help young people to change their thinking and decision-making processes, is delivered in the community and Bimberi.

Young people at Bimberi are provided with tailored case plans that recognise the importance of recovery from trauma, consider a disability assessment and strengthen life skills. A full-time Principal Practitioner is employed at Bimberi to strengthen trauma-informed therapeutic treatment and case management support for young people with complex and challenging presentations. A range of partnerships also operate to assist young people through a focus on education; employment skills programs; post-release support; disability support; and health and mental health support. A recent time-limited allied health pilot in Bimberi in 2021 used a team of multidisciplinary professionals to support young people with speech and language impairments and psychological issues.

Programs for Aboriginal and Torres Strait Islander young people

CYPS has a dedicated cultural services team, which assists case managers to provide culturally appropriate support and supervision to Aboriginal and Torres Strait Islander young people.

Bimberi employs a designated Family Engagement Officer, who supports engagement between young people and families, and works with case managers and Aboriginal and Torres Strait Islander community service providers to ensure young people transitioning from custody are supported within their community.

The Murrumbidgee School at Bimberi also has an Aboriginal and Torres Strait Islander Transition Officer, who facilitates the transition of Aboriginal and Torres Strait Islander young people into appropriate training, education or employment options.

Aboriginal and Torres Strait Islander community service providers run various programs at Bimberi, including counselling, family support and Aboriginal and Torres Strait Islander art.

Supported accommodation and bail programs

The After-Hours Crisis Service aims to keep young people out of custody by providing community-based options as an alternative to being remanded in Bimberi and assisting young people on justice orders to comply with the conditions of their orders. Staff work with young people, court officials and other service providers to ensure that, where appropriate, young people are able to remain in the community while being supervised for compliance with bail conditions.

The Narrabundah House Indigenous Supported Residential Facility provides crisis, short- to medium-term accommodation options and intensive case management, primarily for Aboriginal and Torres Strait Islander young men aged 15–18 who are on community-based justice orders. The facility provides supported accommodation and culturally based residential programs focused on community participation and integration.

Other programs and services

Oversight mechanisms

The ACT youth justice system operates within a human rights framework, governed by the *Human Rights Act 2004* (ACT), and is committed to delivering transparent and accountable services. Existing oversight mechanisms and agencies include:

- an Official Visitor for Children and Young People and an Official Visitor who identifies as an Aboriginal and Torres Strait Islander person supports young people in detention or in out of home care to raise concerns and complaints.

- the ACT Human Rights Commission and Public Advocate provides external oversight of Bimberi and the broader youth justice system. CYPS works with these agencies to promote continuous practice improvement.
- a Charter of Rights for Young People in Bimberi Youth Justice Centre to strengthen the protection of young people in Bimberi.
- the Inspector of Correctional Services, established under the *Inspector of Correctional Services Act 2017* to oversee and examine the operations of the adult and youth detention systems in the ACT from December 2019.

Northern Territory

Policy directions

Territory Families is responsible for leading the youth justice policy in the Northern Territory and strategic direction is established in Territory Families' Strategic Plan Refresh 2021–2025. Policies focus on early intervention and re-engagement, alternatives to detention, and reform of youth detention. Reforms to youth justice in the Northern Territory are ongoing and are informed by the Royal Commission into the Protection and Detention of Children in the Northern Territory.

Agencies

Department of Territory Families, Housing and Communities

TFHC brings together a range of policy, advocacy and frontline service delivery functions to support the delivery of youth justice services that provide alternative pathways to break the cycle of reoffending.

TFHC is responsible for the supervision of youth in detention within the Alice Springs Youth Detention Centre and the Don Dale Youth Detention Centre based in Darwin. In addition, TFHC's Youth Outreach and Re-engagement Teams are based across the Territory and focus on building strong relationships and identifying gaps across services that support young people and their families to navigate the youth justice system.

Youth Outreach and Re-engagement Officers within these teams act in the best interests of young people, focusing on early intervention and prevention, taking a proactive outreach to reduce antisocial and offending behaviours.

The recently released *Northern Territory Youth Detention Centres Model of Care* informs how youth detention centres will work to rehabilitate young offenders and keep the community safe.

This document is the result of a more than 18-month consultation process with youth and their families, health and education providers, youth detention staff, advocates, police and sector experts.

The document sets out the steps the TFHC will take to improve the way care is provided for young people in detention. These changes will be from the moment a young person enters detention to well after they have returned to the community.

Police

Youth offenders in the Northern Territory who are dealt with by Northern Territory Police may be referred to the NT Police Youth Pre-Court Diversion Scheme (YDS) under either section 39 or 64 of the *Youth Justice Act 2005*. Depending on the nature of the offending, a young person may also be released on bail, or remanded in custody.

Courts

If the court finds a charge proven against a young person, the decision may be made to:

- dismiss the charge or discharge the young person without penalty
- adjourn the matter for up to 6 months and, if the young person does not commit a further offence during that period, discharge them without penalty

- adjourn the matter to a specified date within 12 months of the finding of guilt, and grant bail to the young person for the purposes of assessing prospects for rehabilitation, allowing the youth to demonstrate they have rehabilitated or for any other purpose the court considers appropriate
- order the young person to participate in a specified program that has been approved by the Minister
- order that the young person be released, subject to conditions including to observe any specified conditions, be of good behaviour for a specified period or appear before the court if called to do so
- impose a fine
- make a community work order
- order that the young person serve a term of detention or imprisonment that is suspended
- order that the young person serve a term of detention or imprisonment
- make any other order that another court could make if the young person were an adult.

Elements, programs and services

Youth pre-court diversion

The YDS operated by Northern Territory Police operates within a Restorative Justice framework and includes verbal and written warnings, Drug Diversion and Youth Justice Conferencing (with either family or victim–offender). Conference outcomes can include referral to formal programs to assist with the issues behind offending. These can include alcohol and other drugs or anger management counselling, and conditions such as an apology to the victim, community work and engagement with school.

NT Police provide ongoing training on the YDS and restorative justice conference facilitation to both police and non-government service providers who work with youth offenders.

Case management

All YDS clients who are formally diverted are case managed through the diversion process. Non-government services, funded under the Youth Diversion Grants Program managed by the Department of Correctional Services, provide specific case management services in urban and remote areas. In remote communities they also work under a community development model with young people at risk and those undergoing reintegration from detention.

Offence-specific and therapeutic programs

NT Police work closely with all community-based services so that young people may access programs relevant to their needs. Programs used by the YDS can include substance abuse, anger management, training and education, and community work.

Drug Diversion is also offered for first-time low-level offending. This is generally referral for education-based services.