



# Juvenile justice in Australia 2010–11: an overview

## Introduction

In Australia, juvenile justice is the responsibility of state and territory governments, and each has its own legislation, policies and practices. These systems share a number of characteristics, including the general process by which young people are charged and sentenced and the types of legal orders available.

This bulletin provides an overview of the report *Juvenile justice in Australia: 2010–11*, which focuses on young people who were supervised by the government departments responsible for juvenile justice during 2010–11, both in the community and in detention. More information can be found in that report.

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### Summary

On an average day in 2010–11, there were an estimated 7,265 young people under juvenile justice supervision in Australia. Most (86% or 6,250) were supervised in the community and the remainder (14% or 1,045) were in detention.

There were 2.6 young people aged 10–17 under supervision on an average day for every 1,000 in the population—2.2 per 1,000 under community-based supervision and 0.4 per 1,000 in detention. Over the 4-year period to 2010–11, rates of young people under community-based supervision and in detention remained relatively steady.

Among the states and territories for which data are available, rates of young people aged 10–17 under supervision on an average day ranged from 1.9 per 1,000 in Victoria to 4.7 per 1,000 in Tasmania.

Indigenous young people aged 10–17 were 15 times as likely to be under supervision on an average day as non-Indigenous young people. This level of over-representation decreased slightly over the 4 years to 2010–11.

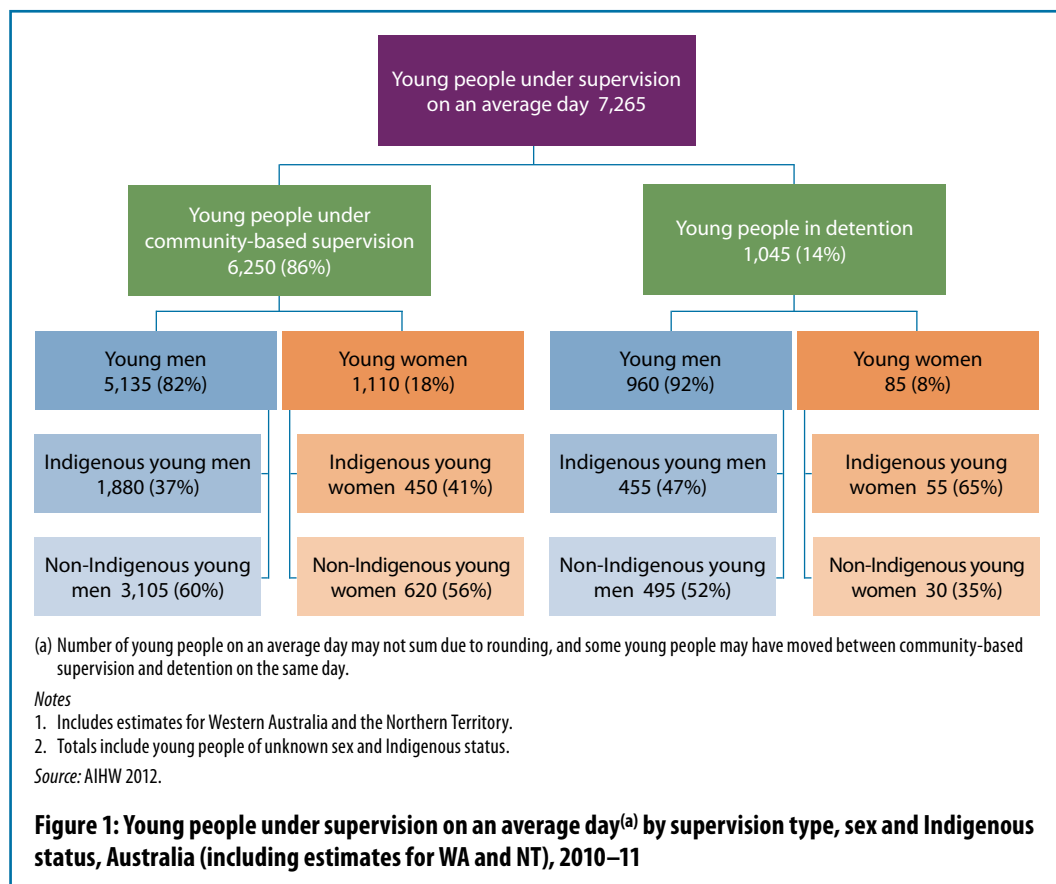
The over-representation of Indigenous young people in detention decreased over the 4-year period. In 2010–11, Indigenous young people aged 10–17 were 24 times as likely as non-Indigenous young people to be in detention on an average day, down from 28 times as likely in 2007–08.

Although on an average day most young people under juvenile justice supervision were supervised in the community, about 2 in 5 (41%) were in detention at some time during the year (estimates are not available for Western Australia and the Northern Territory). Most (87%) of those who were in detention during 2010–11 experienced unsentenced detention at some time during the year.

On an average day in 2010–11, half (50%) of all young people in detention were unsentenced.

## Young people under supervision

In 2010–11, there were an estimated 7,265 young people under juvenile justice supervision in Australia on an average day and 14,555 at some time during the year (including estimates for Western Australia and the Northern Territory, for which standard data were not provided) (Figure 1 and Table 1). This equates to 2.6 young people aged 10–17 under supervision for every 1,000 in the population on an average day, and 5.4 per 1,000 at some time during the year (Table 1).



**Table 1: Young people under supervision by supervision type, states and territories, 2010–11**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust excl WA & NT	Aust incl WA & NT <sup>(a)</sup>
<b>Number—all ages</b>										
<b>Average day<sup>(b)</sup></b>										
Community-based supervision	1,654	1,358	1,371	n.a.	372	327	117	n.a.	5,199	6,250
Detention	400	175	136	n.a.	70	26	24	n.a.	832	1,045
All supervision	2,042	1,530	1,498	n.a.	440	353	140	n.a.	6,002	7,265
<b>During the year</b>										
Community-based supervision	3,399	2,974	2,518	n.a.	783	566	224	n.a.	10,464	12,620
Detention	2,537	737	815	n.a.	532	108	154	n.a.	4,883	6,120
All supervision	4,317	3,084	2,668	n.a.	1,062	580	269	n.a.	11,980	14,555
<b>Rate—age 10–17</b>										
<b>Average day</b>										
Community-based supervision	2.18	1.74	2.61	n.a.	1.87	4.20	3.17	n.a.	2.21	2.24
Detention	0.45	0.15	0.28	n.a.	0.36	0.44	0.65	n.a.	0.33	0.35
All supervision	2.63	1.91	2.87	n.a.	2.22	4.74	3.82	n.a.	2.53	2.59
<b>During the year</b>										
Community-based supervision	4.40	3.62	4.78	n.a.	3.96	7.09	6.00	n.a.	4.34	4.70
Detention	3.15	0.84	1.68	n.a.	2.97	1.80	4.27	n.a.	2.14	2.42
All supervision	5.40	3.72	5.09	n.a.	5.45	7.48	7.13	n.a.	4.96	5.42

(a) Totals for 2010–11 include estimates for Western Australia and the Northern Territory, where available. See Chapter 3 in AIHW (2012) for details.

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

*Notes*

1. Western Australia and the Northern Territory did not supply Juvenile Justice National Minimum Data Set (JJ NMDS) data for 2010–11.
2. Rates are numbers of young people per 1,000 relevant population.
3. Rates are not published where there were fewer than 5 young people.
4. Data for South Australia for 2010–11 should be interpreted with caution; see Section 3.3 in AIHW (2012) for details.

Source: AIHW 2012.

On an average day, most (6,250 or 86%) young people under supervision were supervised in the community, and the remainder (1,045 or 14%) were in detention (some young people moved between community-based supervision and detention on the same day). There were 2.2 young people aged 10–17 per 1,000 under community-based supervision on an average day and just under 0.4 per 1,000 in detention. This means that young people were around 6 times as likely to be under community-based supervision as in detention on an average day.

Most of those under juvenile justice supervision were young men. On an average day in 2010–11, young men accounted for more than 8 in 10 (82%) young people supervised in the community, and more than 9 in 10 (92%) in detention (Figure 1). Young men aged 10–17 were 4 times as likely as young women to be under community-based supervision on an average day, and almost 9 times as likely to be in detention.

There were relatively high proportions of Aboriginal and Torres Strait Islander young people under supervision. Although only around 5% of young Australians were Indigenous, almost 2 in 5 (39%) young people under juvenile justice supervision on an

average day in 2010–11 were Indigenous. This proportion was higher among young people in detention, where almost half (48%) were Indigenous.

Most of those under supervision were in the older age groups—nearly 4 in 5 (79%) were aged 14–17, 15% were aged 18 and over, and only 6% were aged 10–13 (excluding Western Australia and the Northern Territory, for which data are not available).

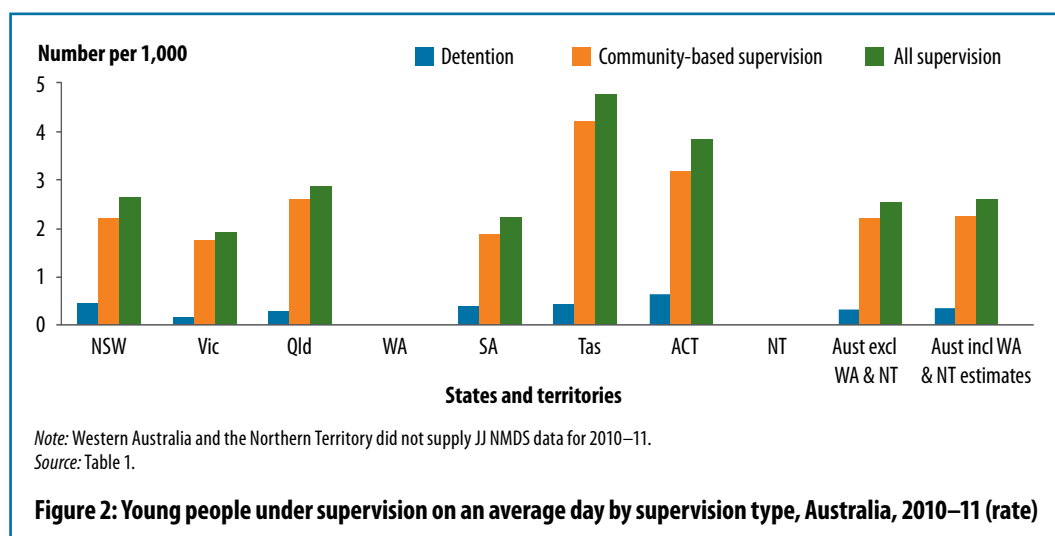
One-third (33%) of young people under supervision in 2010–11 were new entrants to supervision, and the remaining two-thirds had been supervised in a previous year (excluding Western Australia and the Northern Territory as data are not available). Probation and similar was the first type of supervision experienced by almost half (47%) of those under supervision, followed by remand (26%).

## States and territories

There was notable variation among the states and territories in the rates of young people under juvenile justice supervision, which in part reflects differences in legislation, policy and practice. On an average day in 2010–11, the rate of young people aged 10–17 under supervision was lowest in Victoria, at 1.9 per 1,000, and highest in Tasmania, at 4.7 per 1,000 (excluding Western Australia and the Northern Territory, as comparable data were not provided) (Figure 2).

Similarly, rates of young people aged 10–17 under community-based supervision ranged from 1.7 per 1,000 in Victoria to 4.2 per 1,000 in Tasmania, while those of young people in detention ranged from less than 0.2 per 1,000 in Victoria to almost 0.7 per 1,000 in the Australian Capital Territory.

Although young people in all states and territories were more likely to be under community-based supervision than in detention, the likelihood varied across jurisdictions. Young people aged 10–17 were almost 12 times as likely to be under community-based supervision as in detention on an average day in Victoria, 9–10 times as likely in Tasmania and Queensland, and around 5 times as likely in the remaining states and territories.



There were also differences in the age profiles of young people under supervision. Most of those under supervision on an average day in each state and territory were aged 14–17, although the proportions varied. The proportion of young people under supervision who were aged 10–13 ranged from less than 4% in Victoria and the Australian Capital Territory to 10% in Queensland, while the proportion aged 18 and over ranged from 5% in the Australian Capital Territory to 32% in Victoria.

In most jurisdictions, young people aged 10–17 who commit an offence are processed in the juvenile system. However, in Victoria, some young people aged 18–20 may be sentenced to detention in a juvenile facility (under the ‘dual track’ system), which results in an older population, on average, under juvenile justice supervision. In Queensland, young people aged 17 or over at the time that they allegedly commit offences are processed in the adult criminal justice system, which results in a younger population, on average, under juvenile justice supervision (see Section 2.1 in AIHW 2012).

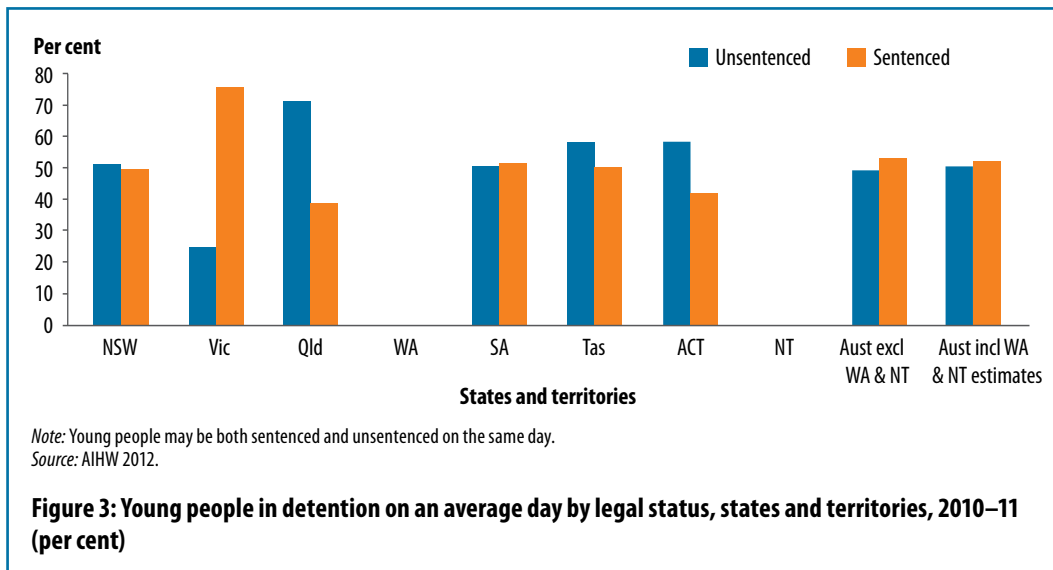
### Detention

One of the principles upon which Australia’s juvenile justice system is based is that young people should be placed in detention only as a last resort. This principle can be found in juvenile justice legislation in each state and territory, and is consistent with the *United Nations Convention on the Rights of the Child* and the *Standard Minimum Rules for the Administration of Juvenile Justice* (‘The Beijing Rules’) (Office of the United Nations High Commissioner for Human Rights 1985, 1989).

Consistent with this principle, most young people under supervision were supervised in the community rather than in detention in all states and territories; on an average day, the proportion of young people under supervision who were in detention ranged from 7% in Tasmania to 20% in New South Wales (excluding Western Australia and the Northern Territory, as comparable data were not provided) (Table 1).

However, many young people under supervision experienced detention at some time during the year. Around 2 in 5 (41%) young people under supervision during 2010–11 were in detention at some time during the year, and most (87%) of those who were in detention had been detained while they were unsentenced—that is, while awaiting the outcome of their court matter or sentencing (excluding Western Australia and the Northern Territory).

On an average day, 1 in every 2 (50%) young people in detention was unsentenced, which equates to an estimated 525 young people (including estimates for Western Australia and the Northern Territory) (Figure 3). At least half of all young people in detention on an average day were unsentenced in all states and territories for which data were available except Victoria (25%), with the highest proportion in Queensland (71%). The lower proportion in Victoria may be due in part to the ‘dual track’ sentencing system operating in that state: among young people aged 10–17 in detention in Victoria on an average day, around half (51%) were unsentenced.



Periods of unsentenced detention were substantially shorter, on average, than periods of sentenced detention. In 2010–11, the median duration of completed periods of unsentenced detention was 3 days, while the median duration of periods of sentenced detention was 58 days, or almost 2 months (excluding Western Australia and the Northern Territory). There were substantial differences in the duration of detention periods among the states and territories—for example, completed sentenced detention periods were shortest, on average, in Queensland (median duration 39 days) and longest in Victoria (82 days).

When all time spent in detention during the year is considered, young people in detention during 2010–11 spent around 2 months (62 days) on average in detention.

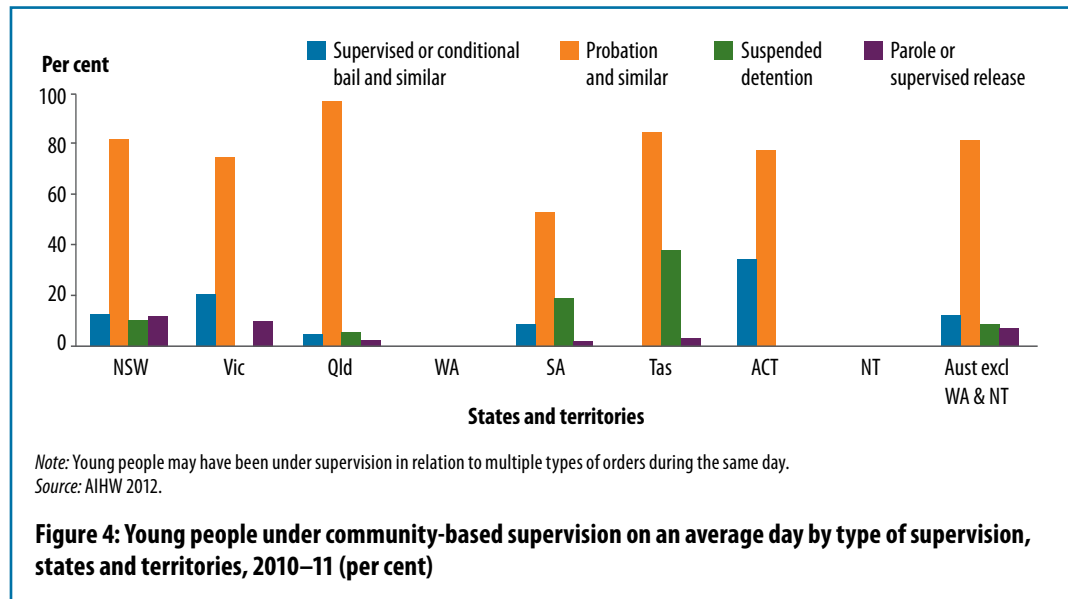
## Community-based supervision

Community-based supervision is an alternative to detention and includes both unsentenced orders, such as supervised or conditional bail and home detention bail, and sentenced orders such as probation and similar orders, suspended detention, and parole or supervised release (see tables 2.1 and 2.2 in AIHW 2012).

Most young people under community-based supervision were serving a sentence. On an average day in 2010–11, only around 1 in 9 (11%) young people under community-based supervision were on supervised or conditional bail or other unsentenced orders (excluding Western Australia and the Northern Territory, for which data were not provided) (Figure 4). Supervised or conditional bail and similar was most common in Victoria (20% of young people supervised in the community) and the Australian Capital Territory (33%).

Probation and similar was the most common type of community-based supervision in all states and territories. On an average day in 2010–11, 81% of young people under community-based supervision were on probation and similar orders; proportions were

lowest in South Australia (53%) and highest in Queensland (96%). Tasmania had the highest proportion of young people under community-based supervision who were on suspended detention (37%), and New South Wales had the highest proportion on parole or supervised release (11%).



Nationally, the median duration of periods of community-based supervision that were completed during 2010–11 was 85 days, or almost 3 months (excluding Western Australia and the Northern Territory). Some young people experienced more than one period of community-based supervision. When all periods during the year are considered, those who were under community-based supervision during 2010–11 spent an average of 6 months in total (181 days) under community-based supervision during the year.

## Aboriginal and Torres Strait Islander young people

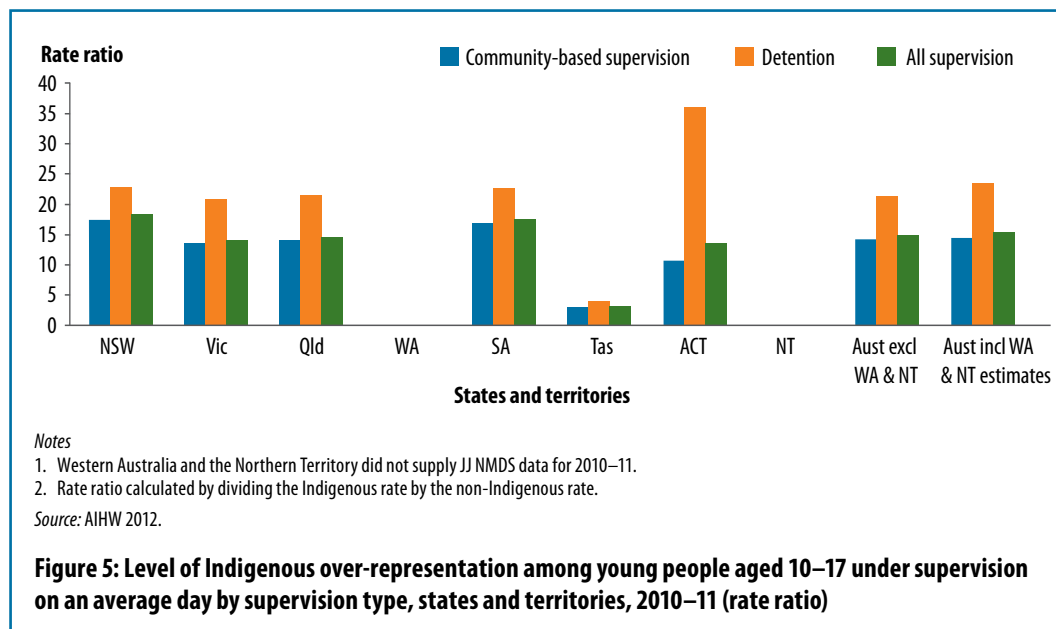
Aboriginal and Torres Strait Islander young people are substantially over-represented in the juvenile justice system in Australia, and this over-representation has a long history. Contact with the juvenile justice system is often considered to be driven by the broader social and economic disadvantage experienced by many Indigenous young people in Australia, including intergenerational family issues and cultural disconnection (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011).

On an average day in 2010–11, 2,820 (39%) of the 7,265 young people under juvenile justice supervision in Australia were Indigenous. There were 23 Indigenous young people aged 10–17 under supervision per 1,000 on an average day in 2010–11, compared with just 1.5 non-Indigenous young people per 1,000 (including estimates for Western Australia and the Northern Territory). This means that Indigenous young people aged 10–17 were 15 times as likely as non-Indigenous young people to be under supervision on



an average day (Figure 5). This over-representation occurred in all states and territories with available data, ranging from 3 times in Tasmania to more than 18 times in New South Wales.

Indigenous over-representation was greatest in detention: on an average day in 2010–11, Indigenous young people aged 10–17 were 14 times as likely as non-Indigenous young people to be under community-based supervision and almost 24 times as likely to be in detention (including Western Australia and the Northern Territory). This pattern occurred in all states and territories for which data are available (excluding Western Australia and the Northern Territory), although the magnitude of the difference varied.



Indigenous young people under supervision were younger, on average, than non-Indigenous young people (data were not available for Western Australia and the Northern Territory). Around one-quarter (24%) of Indigenous young people under supervision on an average day were aged 10–14, compared with 14% of non-Indigenous young people. In addition, an Indigenous young person was 10 times as likely to be under supervision on an average day as a non-Indigenous young person if aged 17, but 40 times as likely if aged 12.

Indigenous young people tended to first enter juvenile justice supervision at younger ages. In 2010–11, 35% of Indigenous young people had first entered supervision when they were aged 10–13, compared with just 15% of non-Indigenous young people.

Indigenous young people had longer supervision histories, on average, as they were less likely than non-Indigenous young people to be new entrants to supervision (27% compared with 35%). In addition, Indigenous young people under supervision were more likely to have been in detention at some time during their supervision history than non-Indigenous young people (67% compared with 54%).

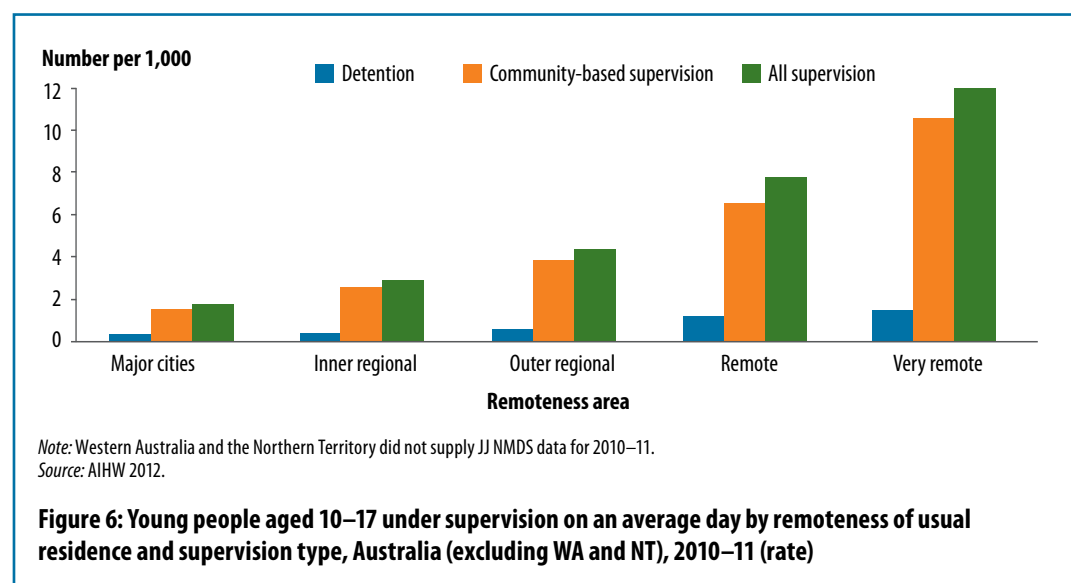
There were also differences in the amount of time Indigenous and non-Indigenous young people spent under supervision. On average, Indigenous young people completed shorter periods of community-based supervision than non-Indigenous young people during 2010–11 (median duration 72 days compared with 91 days). However, Indigenous young people were more likely than non-Indigenous young people to complete multiple periods of community-based supervision during the year, and spent more time in total under community-based supervision (192 days during the year on average compared with 179 days).

Indigenous young people tended to complete longer periods of unsentenced detention than non-Indigenous young people (median duration 6 days compared with 3 days) and spent more time in unsentenced detention during the year (41 days on average compared with 32 days). However, Indigenous young people tended to complete shorter periods of sentenced detention (median duration 54 days compared with 61 days) and spent slightly less time in sentenced detention during the year (105 days on average compared with 111 days).

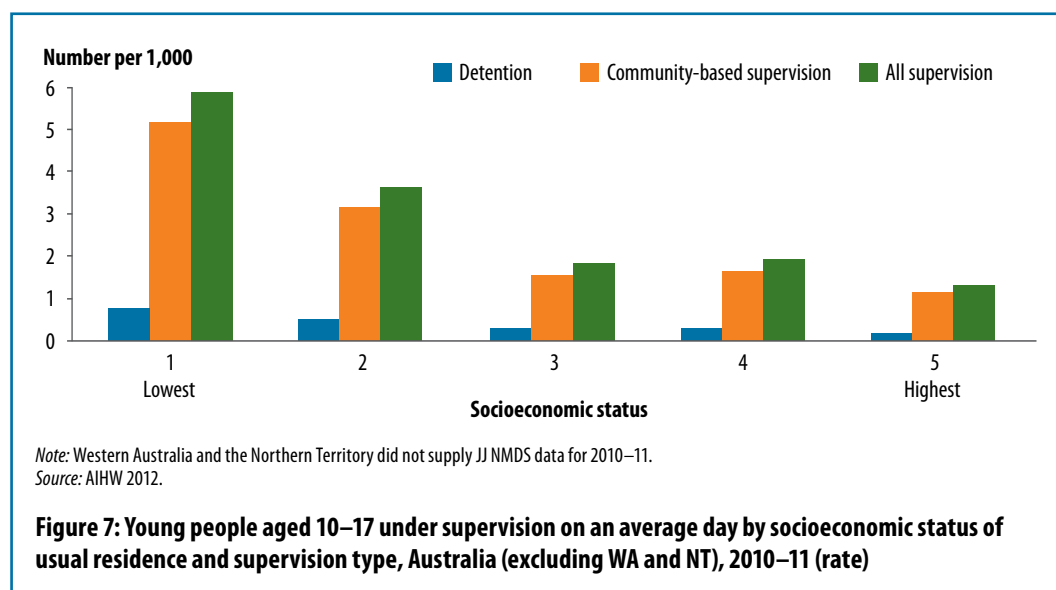
## Remoteness and socioeconomic status

Most young people under supervision in Australia during 2010–11 lived in cities and regional areas before entering supervision; almost half (48%) of those under supervision on an average day were from *Major cities* and 41% were from regional areas (excluding Western Australia and the Northern Territory, as data were not available).

However, young people from geographically remote areas were the most likely to be under supervision. Young people aged 10–17 from *Remote* areas were 4 times as likely to be under supervision on an average day as those from *Major cities*, while those from *Very remote* areas were almost 7 times as likely (Figure 6). This pattern occurred in both community-based supervision and detention.



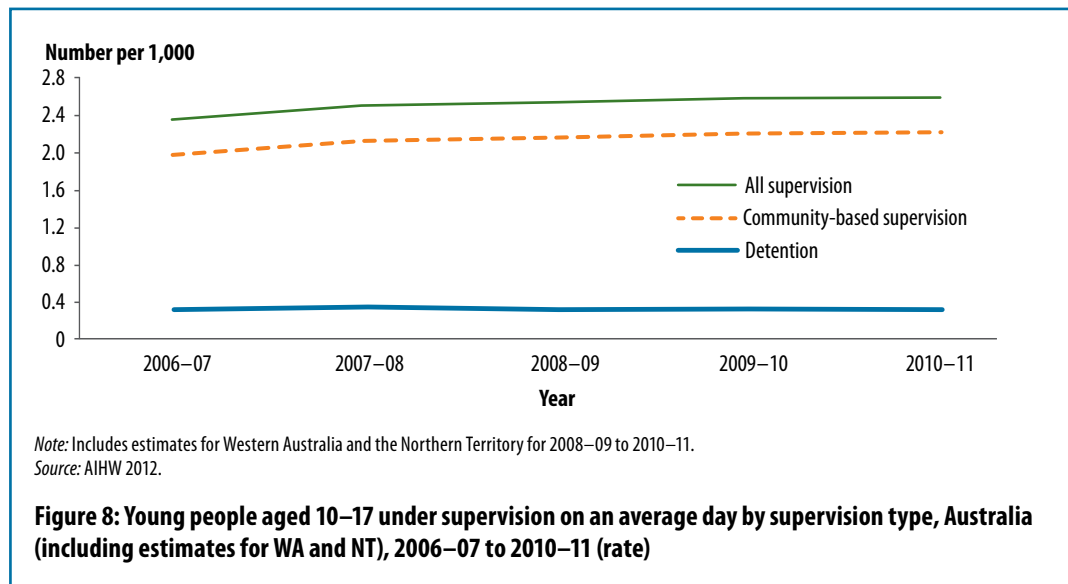
Nationally, young people from the areas of lowest socioeconomic status were almost 5 times as likely to be under supervision as those from areas of the highest socioeconomic status (excluding Western Australia and the Northern Territory) (Figure 7). On an average day in 2010–11, there were 5.8 young people aged 10–17 under supervision per 1,000 from areas of lowest socioeconomic status, compared with 1.3 per 1,000 from areas of highest socioeconomic status. Again, this pattern occurred in both community-based supervision and detention.



## Trends

Over the 5-year period from 2006–07 to 2010–11, rates of young people under supervision in Australia increased from 2.3 to 2.6 per 1,000 on an average day, and from 4.9 to 5.4 per 1,000 during the year (including estimates for Western Australia and the Northern Territory) (Figure 8 and Table 2).

This increase was largely driven by an increase in the rate of young people under community-based supervision. Over the 5-year period, the national rate of young people under community-based supervision on an average day increased from 2.0 to 2.2 per 1,000, while the rate in detention remained around 0.3 to 0.4 per 1,000 in each year.



Nationally, the level of Indigenous over-representation among young people under supervision fell slightly over the 4 years to 2010–11. In 2010–11, Indigenous young people aged 10–17 were 15 times as likely as non-Indigenous young people to be under supervision on an average day, down from 16 times as likely in 2007–08.

The level of Indigenous over-representation in detention decreased steadily over the period. In 2007–08, an Indigenous young person aged 10–17 was 28 times as likely to be in detention as a non-Indigenous young person on an average day, while in 2010–11 they were 24 times as likely. This was driven by a fall in the rate of Indigenous young people in detention (from 4.7 to 4.0 per 1,000), while the rate of non-Indigenous young people in detention remained steady (at just under 0.2 per 1,000 each year). There was a smaller decrease in the level of Indigenous over-representation in community-based supervision over the period.

Over the 4-year period, the rates of both young men and young women aged 10–17 under supervision rose; however, the rate of increase was slightly higher for young women. In 2007–08, young men were almost 5 times as likely as young women to be under supervision on an average day, while in 2010–11 they were only around 4 times as likely.

Data are also available for the 11-year period from 2000–01 to 2010–11 for New South Wales, Victoria, Queensland and South Australia; for the Australian Capital Territory from 2003–04 onwards; and for Tasmania from 2006–07. Data for Western Australia and the Northern Territory are available for 2000–01 to 2007–08.

Over the 11-year period from 2000–01, there were overall increases in the rates of supervision on an average day in New South Wales (from 1.9 to 2.6 per 1,000) and Victoria (from 1.5 to 1.9 per 1,000) and decreases in Queensland (from 3.9 to 2.9 per 1,000) and South Australia (from 3.2 to 2.2 per 1,000). Trend data for South Australia should be interpreted with caution; see Section 3.3 in AIHW (2012) for details.

While rates of supervision in the Australian Capital Territory fluctuated, there was an overall decrease between 2003–04 and 2010–11 (from 4.4 to 3.8 per 1,000). There was an increase in Tasmania between 2006–07 and 2010–11 (from 3.7 to 4.7 per 1,000).

**Table 2: Young people aged 10–17 under supervision on an average day by supervision type, summary of trends (rate)**

	Period	Supervision type		
		Community-based supervision	Detention	All supervision
Rate				
Australia (including WA and NT)	2006–07 to 2010–11	↑	↔	↑
New South Wales	2000–01 to 2010–11	↑	↑	↑
Victoria	2000–01 to 2010–11	↑	↔	↑
Queensland	2000–01 to 2010–11	↓	↑	↓
Western Australia	n.a.	n.a.	n.a.	n.a.
South Australia	2000–01 to 2010–11	↓	↔	↓
Tasmania	2006–07 to 2010–11	↑	↓	↑
Australian Capital Territory	2003–04 to 2010–11	↓	↑	↓
Northern Territory	n.a.	n.a.	n.a.	n.a.
Rate ratio				
Indigenous rate ratio	2007–08 to 2010–11	↓	↓	↓
Sex rate ratio	2007–08 to 2010–11	↓	↓	↓

*Notes*

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2008–09 to 2010–11.
2. National totals for 2008–09 to 2010–11 include estimates for Western Australia and the Northern Territory, where available. See Chapter 3 in AIHW (2012) for details.
3. Rates are the numbers of young people per 1,000 relevant population.
3. Indigenous rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.
4. Sex rate ratio calculated by dividing the rate for young men by the rate for young women.
5. Trend data may differ from those previously published due to data revisions.

## More information

More information about young people under supervision in Australia, including the data presented in this bulletin, is provided in *Juvenile justice in Australia: 2010–11*. That report and the associated appendix tables are available for download free of charge from <<http://www.aihw.gov.au/publications/>>.

## References

AIHW (Australian Institute of Health and Welfare) 2012. *Juvenile justice in Australia: 2010–11*. Cat. no. JUV 10. Canberra: AIHW.

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011. *Doing time—time for doing: Indigenous youth in the criminal justice system*. Canberra: Commonwealth of Australia.

Office of the United Nations High Commissioner for Human Rights 1985. *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules')*. Geneva: OHCHR. Viewed 5 March 2012, <<http://www2.ohchr.org/english/law/beijingrules.htm>>.

Office of the United Nations High Commissioner for Human Rights 1989. *Convention on the Rights of the Child*. Geneva: OHCHR. Viewed 17 January 2011, <<http://www2.ohchr.org/english/law/crc.htm>>.

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- ♦ Department of Justice and Attorney-General, Queensland
- ♦ Department of Corrective Services, Western Australia
- ♦ Department for Communities and Social Inclusion, South Australia
- ♦ Department of Health and Human Services, Tasmania
- ♦ Community Services Directorate, Australian Capital Territory
- ♦ Department of Justice, Northern Territory.

## Abbreviations

ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
Aust	Australia
excl	excluding
incl	including
JJ NMDS	Juvenile Justice National Minimum Data Set
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
Tas	Tasmania
Vic	Victoria
WA	Western Australia

## Symbols

—	nil or rounded to zero
0	zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data
↑	increase
↓	decrease
↔	stable

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