



# Juvenile justice in Australia 2009–10

## *An overview*

### Introduction

In Australia, the state and territory governments are responsible for dealing with young people who are involved in crime. One major aspect of the juvenile justice system is the supervision of children and young people who have committed or are alleged to have committed an offence.

This bulletin is an overview of *Juvenile justice in Australia 2009–10*, which presents information on the young people under juvenile justice supervision, both in detention and under community-based supervision, and the characteristics of their supervision.

For more information on the juvenile justice system in Australia and the data used in this bulletin, see *Juvenile justice in Australia 2009–10* (AIHW 2011).

### Contents

Young people under supervision .....	2
States and territories .....	4
Use of detention .....	5
Community-based supervision .....	6
Aboriginal and Torres Strait Islander young people .....	7
Remoteness and socioeconomic status of usual residence .....	9
Supervision trends .....	10
Comparison with adults .....	10
References .....	11
Acknowledgments .....	11
Abbreviations .....	12

### Young people under supervision

In Australia, juvenile justice is the responsibility of the state and territory governments. These state and territory juvenile justice systems share a number of characteristics, including the general process through which children and young people move through the system and the types of legal orders that are available to the courts.

In all states and territories, children who are aged 10 years or older can be charged with a criminal offence. The age limit for treatment as a young person is 17 years in all states and territories except Queensland, where the age limit is 16 years. However, it is possible for people aged 18 years or older to be in the juvenile justice system.

Young people in the juvenile justice system may be on unsupervised community-based orders (such as unsupervised bail), supervised community-based orders (such as supervised bail or probation) and detention orders (including remand and sentenced detention). This report focuses on young people who are supervised by the government departments responsible for juvenile justice both in the community and in detention. Young people who are on unsupervised community-based orders are not included in this report.

Nationally, there were around 7,250 young people under juvenile justice supervision on an average day in 2009–10 (including estimates for Western Australia and the Northern Territory, for which standard data were not provided) (Figure 1.1). This is only a small proportion of young Australians—in 2009–10, the average daily supervision rate was 2.6 young people aged 10–17 years per 1,000, which means just 0.3% of young Australians were under supervision on any given day.

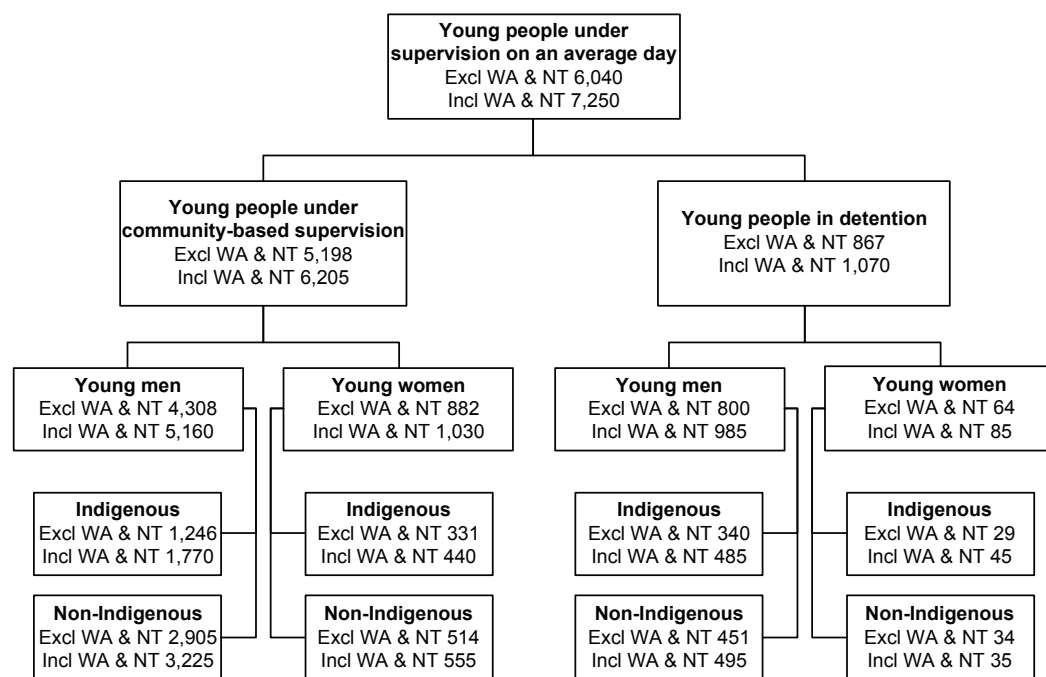
Around 6,200 young people, or 86% of those under supervision, were supervised in the community on an average day, while almost 1,100 (15%) were in detention—an average of 1% of young people under supervision moved between community-based supervision and detention on the same day, while 28% of those under supervision during the year were both under community-based supervision and in detention at some time during 2009–10 (Figure 1.1).

Young people aged 10–17 years were almost 6 times as likely to be under community-based supervision as in detention on an average day, with rates of 2.2 per 1,000 for community-based supervision and 0.4 for detention.

Young men were much more likely to be under supervision than young women. On an average day, 83% of those under community-based supervision and 92% of those in detention were young men (Figure 1.1). For those aged 10–17 years, young men were 4 times as likely as young women to be under community-based supervision and 9 times as likely to be in detention on an average day.

Although only around 5% of young Australians are Indigenous, over one-third (38%) of those under supervision on an average day were Aboriginal and Torres Strait Islander. A higher proportion of those in detention were Indigenous compared with those under community-based supervision: on an average day in 2009–10, 49% of those in detention were Indigenous, compared with 36% of those under community-based supervision.

On an average day, more than three-quarters (78%) of those under supervision were aged 14–17 years, and a further 16% were aged 18 years and over (excluding Western Australia and the Northern Territory, for which data on individual age years were not available). Fewer than 30 young people aged 10 or 11 years were under supervision on an average day.



(a) Number of young people on an average day may not sum due to rounding, and some young people may have moved between community-based supervision and detention on the same day.

Note: Total includes young people of unknown sex and Indigenous status.

Source: AIHW 2011.

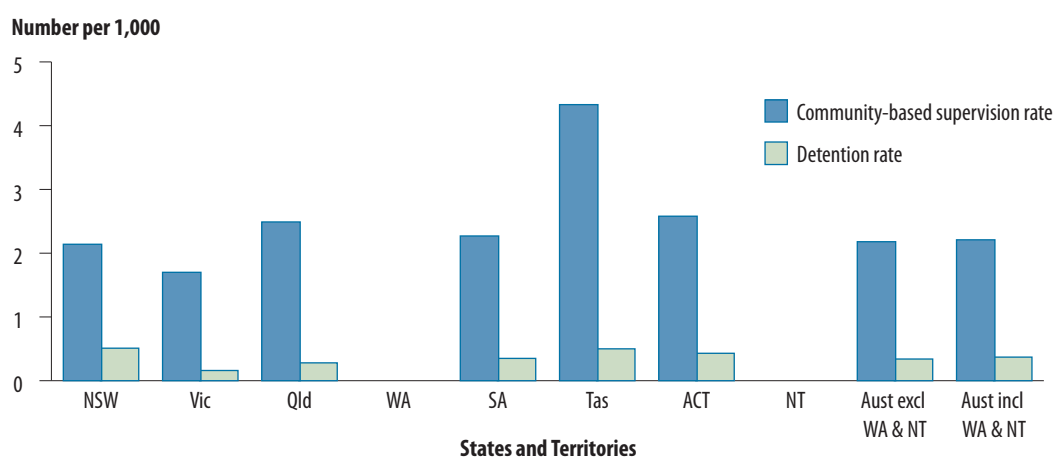
**Figure 1.1: Summary characteristics of young people under supervision on an average day<sup>(a)</sup>, Australia, 2009–10**

## States and territories

Young people were more likely to be under community-based supervision than in detention in every state and territory; however, there was some variation in the rates. Rates of community-based supervision on an average day for young people aged 10–17 years ranged from 1.7 per 1,000 in Victoria to 4.3 in Tasmania, while detention rates for an average day ranged from 0.2 in Victoria to 0.5 in New South Wales and Tasmania (excluding Western Australia and the Northern Territory, for which standard data were not provided) (Figure 1.2).

There was little relationship between rates of community-based supervision and detention—some states and territories with low rates of community-based supervision had relatively high rates of detention, and vice versa. For example, Queensland had one of the lower rates of detention for an average day at 0.3 per 1,000, but one of the higher rates of community-based supervision, at 2.5 per 1,000. In contrast, New South Wales had the highest detention rate at 0.5 per 1,000 but the second lowest rate of community-based supervision at 2.1.

Consequently, the propensity to be under community-based supervision rather than in detention also varied. A young person aged 10–17 years in New South Wales was only 4 times as likely to be under community-based supervision as in detention on an average day, while a young person of this age was 6 times as likely to be under community-based supervision in South Australia and the Australian Capital Territory, 9 times as likely in Queensland and Tasmania, and 11 times in Victoria. This variation in the relative use of detention and community-based supervision reflects differences in legislation, policy and practice, including the range of supervised orders and options for diversion that are available in each of the states and territories.



Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2009–10.

Source: AIHW 2011.

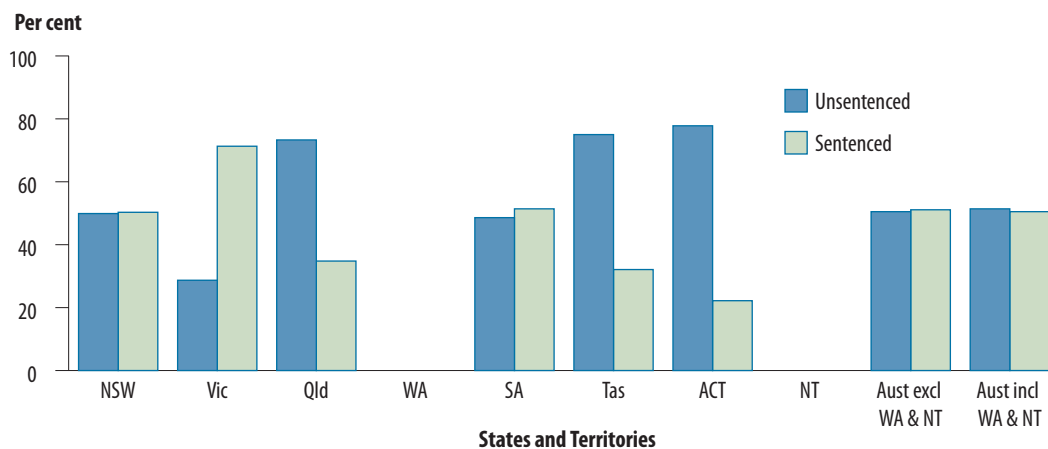
**Figure 1.2: Young people under community-based supervision and in detention on an average day, Australia, 2009–10 (rate)**

## Use of detention

In general, the juvenile justice system is based on the principle that children and young people who break the law can and should be rehabilitated. An associated principle is that detention should be an option of last resort. This is a requirement of the United Nations *Convention on the rights of the child* (Office of the United Nations High Commissioner for Human Rights 1989), which states that children should be deprived of liberty only as a last resort and for the shortest appropriate period of time (article 37 (b)). Similar statements are found in state and territory legislation relating to the sentencing of children and young people.

Alternatives to detention are available to courts for children and young people who are awaiting trial or sentencing or who are sentenced, and states and territories have a number of unsupervised and supervised community-based orders available. These include placing young people on supervised or conditional bail while awaiting trial or sentencing, and sentencing young people to good behaviour bonds, community service, probation or suspended detention. Consistent with this principle, the use of community-based supervision is much more common than detention—a young person aged 10–17 years is around 6 times as likely to be under community-based supervision as in detention on an average day.

On any given day in 2009–10, almost 1,100 young people were detained throughout Australia and around half of these were unsentenced (Figure 1.3). In most states and territories with available data, at least half of those detained on an average day were unsentenced. Only in Victoria were most of those in detention sentenced—this is likely due in part to the ‘dual track’ sentencing system that operates in Victoria, where young people aged 18–20 years can be sentenced to detention in a juvenile justice detention centre (over one-third of those in detention in Victoria during the year were aged 18 years and older—see Table 7.1 in AIHW 2011).



Note: Young people may be both sentenced and unsentenced on the same day.

Source: AIHW 2011.

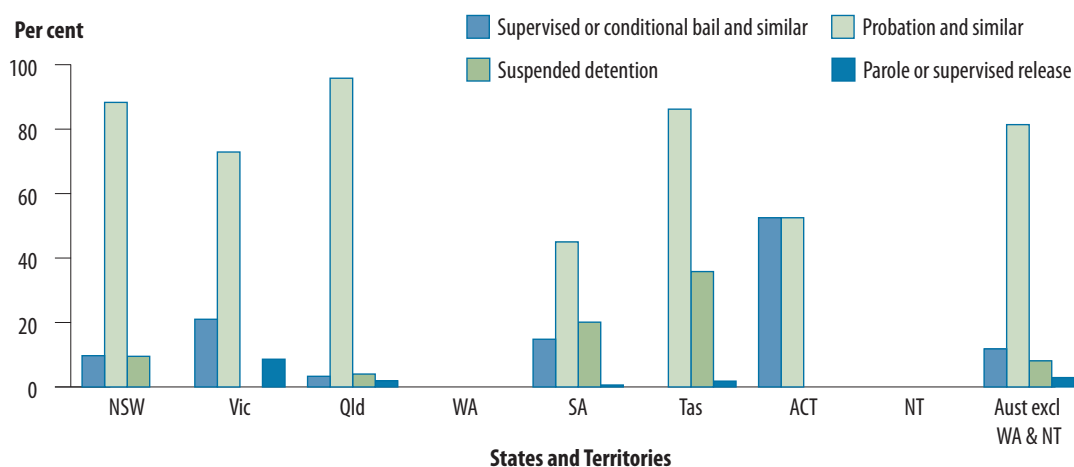
**Figure 1.3: Young people in detention on an average day by legal status, states and territories, 2009–10 (per cent)**

During 2009–10, young people spent a total of 2 months, on average, in detention while individual periods of detention had a median length of just under 1 week.

Over half (55%) of those under supervision during 2009–10 had been in detention at some time during their supervision history. However, this was not true for all states and territories: over half of those in Victoria (65%), Queensland (53%) and Tasmania (52%) had never been in detention.

## Community-based supervision

Community-based supervision 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). The most common type of community-based supervision was probation or similar: on an average day in 2009–10, 81% of young people under community-based supervision (excluding Western Australia and the Northern Territory, for which standard data were not provided) were on probation or similar (Figure 1.4). This type of community-based supervision was the most common in all states and territories with available data; proportions ranged from 96% of young people in Queensland to 53% in the Australian Capital Territory. Nationally (excluding Western Australia and the Northern Territory), the next most common type of supervision was supervised or conditional bail and similar, with 12% of young people under community-based supervision on an average day—proportions ranged from 3% in Queensland to 53% in the Australian Capital Territory. Suspended detention was also relatively common in Tasmania (36%) and South Australia (20%), and Victoria had the highest proportion on parole or supervised release (10%).



Note: Young people may have been under supervision in relation to multiple types of orders during the same day.

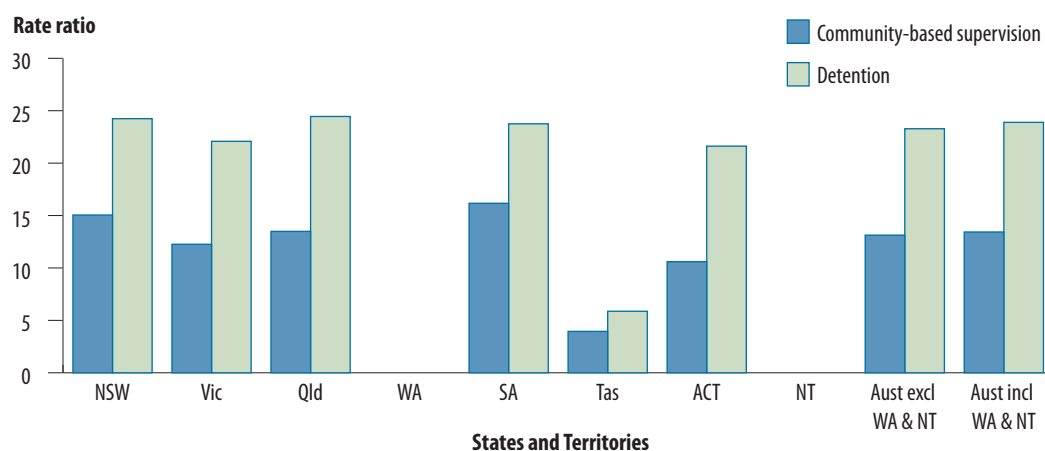
Source: AIHW 2011.

**Figure 1.4: Young people under community-based supervision on an average day by type of supervision, states and territories, 2009–10 (per cent)**

## Aboriginal and Torres Strait Islander young people

In 2009–10, there was an average of 23 Indigenous young people aged 10–17 under juvenile justice supervision for every 1,000 in the population on any given day, compared with just 1.5 per 1,000 non-Indigenous young people. This means that an Indigenous person aged 10–17 years was almost 15 times as likely to be under supervision on an average day as a non-Indigenous young person aged 10–17 years. This pattern of Indigenous over-representation was found in all states and territories with available data, although the level of over-representation varied. In Tasmania, an Indigenous young person aged 10–17 years was 4 times as likely to be under supervision on an average day as a non-Indigenous young person aged 10–17 years; in Victoria, Queensland, and the Australian Capital Territory, an Indigenous young person was 12–14 times as likely to be under supervision, while in New South Wales and South Australia, an Indigenous young person was 17 times as likely as a non-Indigenous young person to be under supervision.

In all states and territories with available data, the level of Indigenous over-representation was higher for detention than for community-based supervision. Nationally (including estimates for Western Australia and the Northern Territory), an Indigenous young person aged 10–17 years was 13 times as likely to be under community-based supervision on an average day as a non-Indigenous young person aged 10–17 years, but 24 times as likely to be in detention (Figure 1.5). Levels of Indigenous over-representation for community-based supervision ranged from 4 times in Tasmania to 16 times in South Australia, while for detention, levels of over-representation ranged from 6 times in Tasmania to 24 in Queensland (excluding Western Australia and the Northern Territory).



### Notes

1. Western Australia and the Northern Territory did not supply JJ NMDS data for 2009–10.
2. Rate ratio calculated by dividing the Indigenous rate by the non-Indigenous rate.

Source: AIHW 2011.

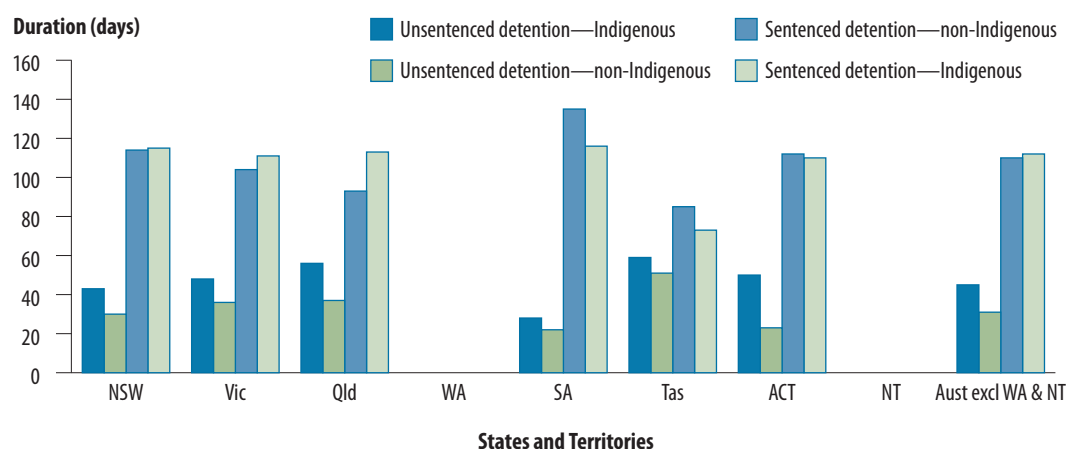
**Figure 1.5: Level of Indigenous over-representation among young people aged 10–17 years under supervision on an average day, states and territories, 2009–10 (rate ratio)**



As well as being over-represented under supervision, Indigenous young people under supervision also tended to be younger than non-Indigenous young people. An Indigenous young person aged 17 years was 11 times as likely to be under supervision on an average day as a non-Indigenous young person of the same age, but 21 times as likely if aged 14 years, and 46 times as likely if aged 12 years (excluding Western Australia and the Northern Territory, for which standard data were not provided).

Indigenous young people were also more likely to have been detained at some time during their supervision history than non-Indigenous young people: 67% of Indigenous young men and 57% of Indigenous young women had been in detention, compared with 53% of non-Indigenous young men and 50% of non-Indigenous young women.

In all states and territories, the time spent in sentenced detention during the year was, on average, longer than the time spent in unsentenced detention, and this was true for both Indigenous and non-Indigenous young people (Figure 1.6). However, Indigenous young people spent more time in unsentenced detention than non-Indigenous young people—from 6 more days in South Australia to 27 more in the Australian Capital Territory. But this pattern did not occur for sentenced detention in all states and territories. In New South Wales, Victoria and Queensland, Indigenous young people spent less time in sentenced detention throughout the year than non-Indigenous young people, while in South Australia, Tasmania and the Australian Capital Territory, they spent more time in sentenced detention.



Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2009–10.

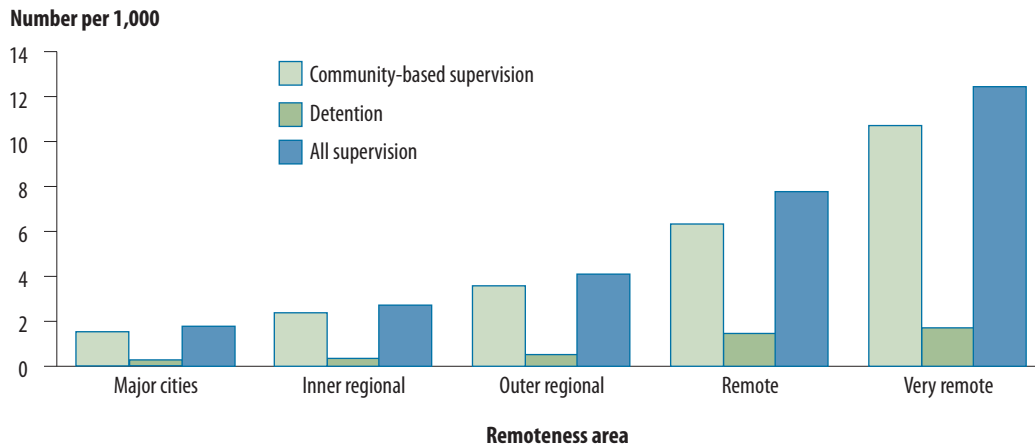
Source: AIHW 2011.

**Figure 1.6: Average length of time spent in unsentenced and sentenced detention by Indigenous status, states and territories, 2009–10**



## Remoteness and socioeconomic status of usual residence

Young people from geographically remote areas were more likely to be under supervision than those from less remote areas (Figure 1.7). On an average day in 2009–10, young people from *Remote* areas were 4 times as likely as those from *Major cities* to be under supervision on an average day, and those from *Very remote* areas were 7 times as likely.

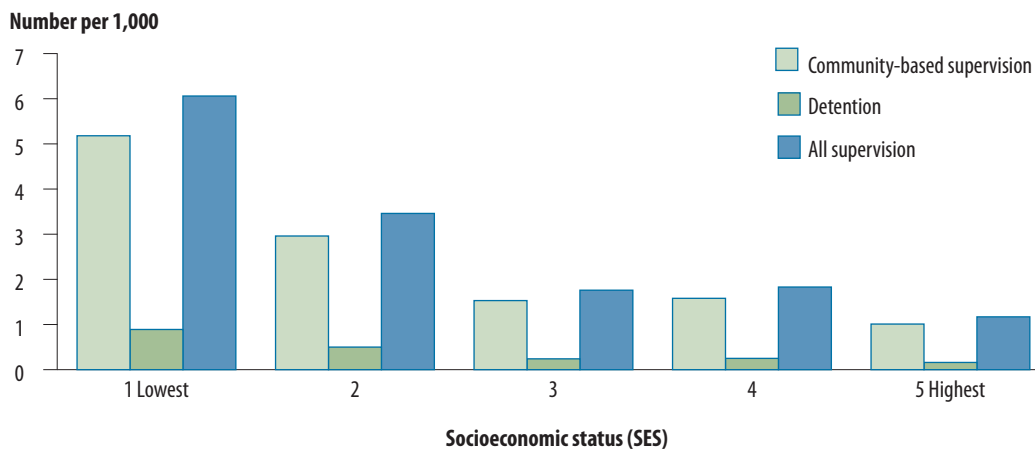


Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2009–10.

Source: AIHW 2011.

**Figure 1.7: Young people aged 10–17 years under community-based supervision and in detention on an average day by remoteness of area of usual residence, Australia (excluding WA and NT), 2009–10 (rate)**

Young people from areas of lower socioeconomic status were more likely to be under supervision than those from areas of higher socioeconomic status, and there was an inverse relationship between socioeconomic status and rate of supervision (Figure 1.8). Young people from areas of lowest socioeconomic status were around 5 times as likely to be under supervision on an average day as those from areas of highest socioeconomic status.



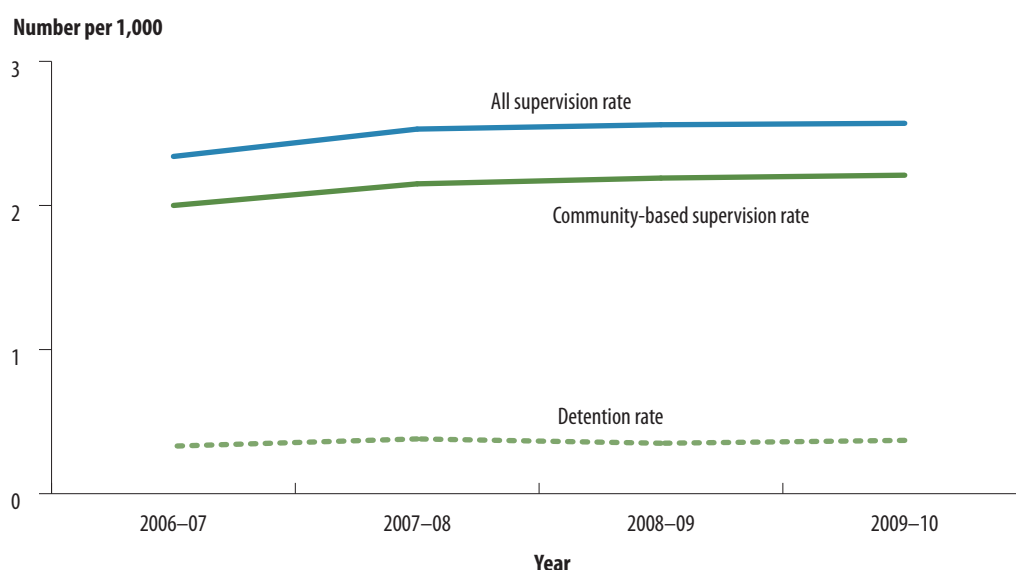
Note: Western Australia and the Northern Territory did not supply JJ NMDS data for 2009–10.

Source: AIHW 2011.

**Figure 1.8: Young people aged 10–17 years under community-based supervision and in detention on an average day by socioeconomic status of area of usual residence, Australia (excluding WA and NT), 2009–10 (rate)**

## Supervision trends

Between 2006–07 and 2009–10, the average daily supervision rate for young people aged 10–17 years increased from 2.3 per 1,000 to 2.6 (Figure 1.9). The equivalent community-based supervision rate increased from 2.0 per 1,000 to 2.2 per 1,000, while the detention rate increased slightly from 0.33 to 0.37 per 1,000.



Source: AIHW 2011.

**Figure 1.9: Young people aged 10–17 years under community-based supervision and in detention on an average day, Australia (including WA and NT), 2006–07 to 2009–10 (rate)**

## Comparison with adults

### Community-based supervision and community-based corrections

Adults were around 1.5 times as likely as young people to be supervised in the community, with a community-based corrections rate of 3.3 per 1,000 adult population for the June quarter in 2010 (ABS 2010), compared with the average daily community-based supervision rate of 2.2 per 1,000 aged 10–17 for 2009–10 (AIHW 2011). A similar proportion of adults in community-based corrections and young people under community-based supervision were male (82% and 83%, respectively).

### Juvenile detention and adult prison

Adults were around 4 times as likely as young people to be imprisoned on an average day—nationally, there were 1.7 prisoners per 1,000 adult population on an average day during the June quarter 2010 (ABS 2010), compared with the juvenile detention rate of

0.4 per 1,000 for those aged 10–17 years (AIHW 2011). For both adult prison and juvenile detention, most (92–93%) were male; however, those in juvenile detention were more likely to be Indigenous than those in adult prison—just over one-quarter (26%) of adult prisoners were Indigenous, compared with half (50%) of those in juvenile detention. Those in juvenile detention were also more likely to be unsentenced—50% of those in juvenile detention on an average day were unsentenced, compared with 23% of those in adult prison.

## References

- ABS (Australian Bureau of Statistics) 2010. Corrective Services Australia June Quarter 2010. Canberra: ABS.
- AIHW (Australian Institute of Health and Welfare) 2011. Juvenile justice in Australia 2009–10. Cat. no. JUV 8. Canberra: AIHW.
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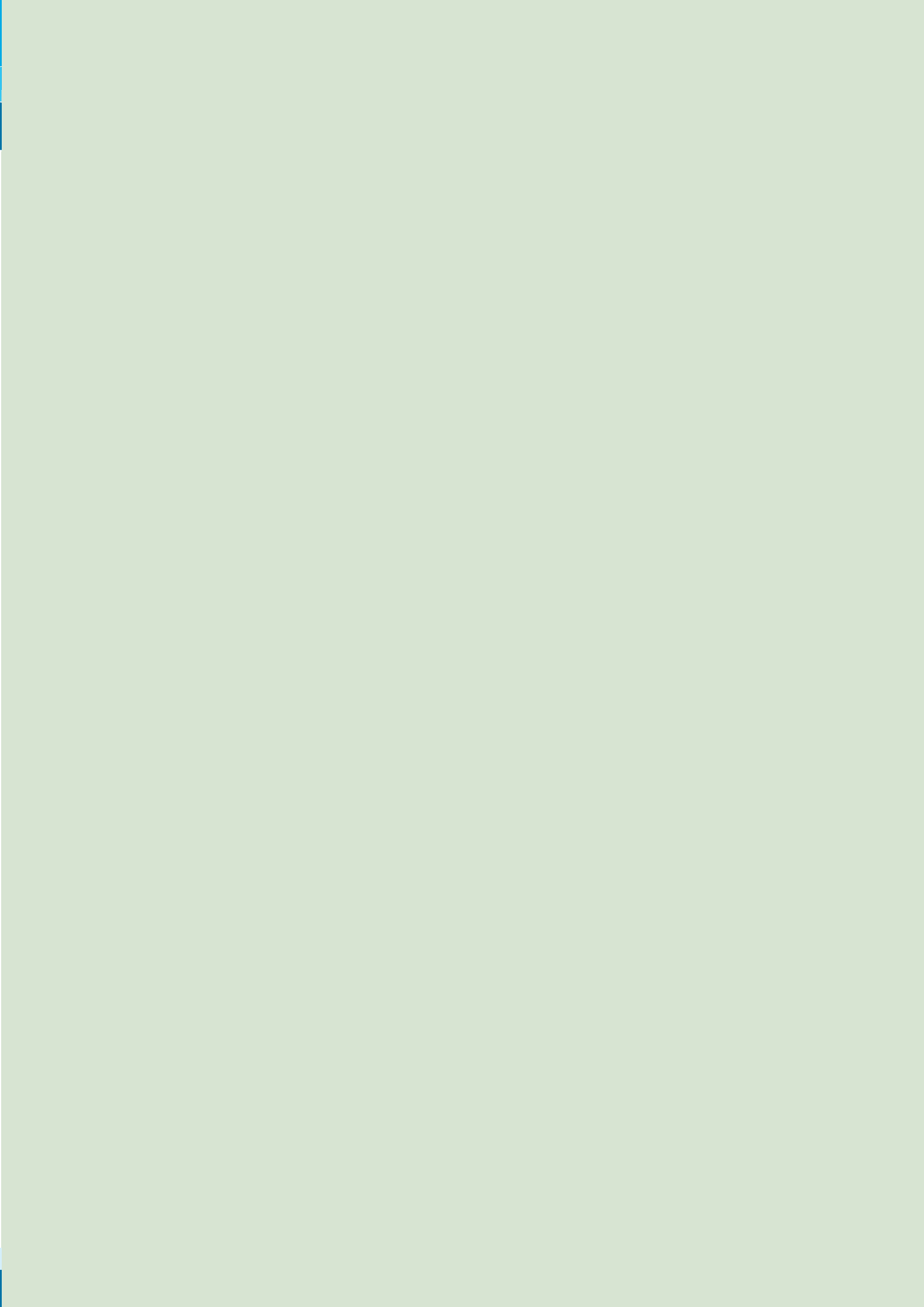
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- ♦ Department of Corrective Services, Western Australia,
- ♦ Department for Families and Communities, South Australia
- ♦ Department of Health and Human Services, Tasmania
- ♦ Department of Disability, Housing and Community Services, Australian Capital Territory.

## Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
Aust	Australia
JJ NMDS	Juvenile Justice National Minimum Data Set
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
SES	socioeconomic status
Tas	Tasmania
Vic	Victoria
WA	Western Australia



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