

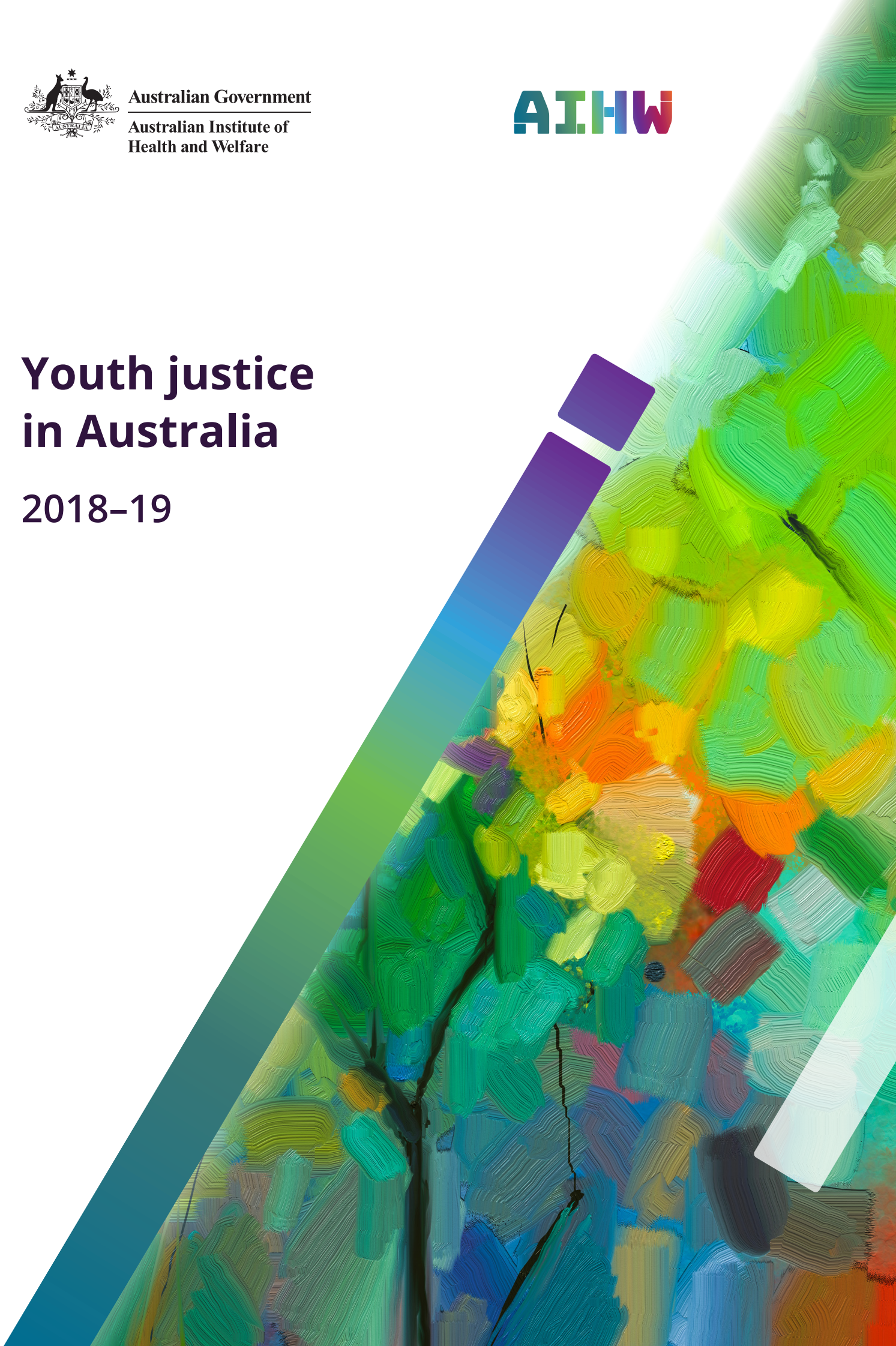


Australian Government  
Australian Institute of  
Health and Welfare

AIHW

# Youth justice in Australia

2018–19





# **Youth justice in Australia**

2018–19



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# Summary

This report looks at young people who were under youth justice supervision in Australia during 2018–19 because of their involvement or alleged involvement in crime. It explores the key aspects of supervision, both in the community and in detention, as well as recent trends.

## **About 1 in 490 young people aged 10–17 were under supervision on an average day**

A total of 5,694 young people aged 10 and over were under youth justice supervision on an average day in 2018–19 and 10,820 young people were supervised at some time during the year.

Among those aged 10–17, this equates to a rate of 20 per 10,000, or 1 in every 489 young people on an average day.

## **Most young people were supervised in the community**

More than 4 in 5 (84% or 4,767) young people under supervision on an average day were supervised in the community, and almost 1 in 5 (17% or 956) were in detention (some were supervised in both community and detention on the same day).

## **The majority of young people in detention were unsentenced**

About 3 in 5 (63%) young people in detention on an average day were unsentenced—that is, awaiting the outcome of their legal matter or sentencing.

## **Young people spent an average of 6 months under supervision**

Individual periods of supervision that were completed during 2018–19 lasted for a median of 132 days or about 4 months (this includes time under supervision before 1 July 2018 if the period started before that date).

When all the time spent under supervision during 2018–19 is considered (including multiple periods and periods that were not yet completed), young people who were supervised during the year spent an average of 192 days (about 6 months) under supervision.

## **Supervision rates varied among the states and territories**

Rates of youth justice supervision varied among the states and territories, reflecting, in part, the fact that each state and territory has its own legislation, policies, and practices.

In 2018–19, the rate of young people aged 10–17 under supervision on an average day ranged from 11 per 10,000 in Victoria to 61 per 10,000 in the Northern Territory.

## **Rates of supervision have fallen slightly over the past 5 years**

Over the 5 years from 2014–15 to 2018–19, the number of young people aged 10 and over who were under supervision on an average day saw a small decrease of 1%, while the rate of young people aged 10–17 dropped from 22 to 20 per 10,000.

The rate fell for community-based supervision (from 19 to 17 per 10,000), and fluctuated at 3–4 per 10,000 for detention.

## **Aboriginal and Torres Strait Islander rates have fallen**

Although only about 6% of young people aged 10–17 in Australia are Aboriginal or Torres Strait Islander, half (50%) of those under supervision on an average day in 2018–19 were Indigenous.

Between 2014–15 and 2018–19, the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 176 to 172 per 10,000. The rate of non-Indigenous young people under supervision also fell over the period, from 12 to 11 per 10,000.

Rates of Indigenous (33–35 per 10,000) and non-Indigenous (1–2 per 10,000) young people in detention fluctuated over the same period.

### **Young people in remote areas were more likely to be under supervision**

Although most young people under supervision had come from cities and regional areas, those from geographically remote areas had the highest rates of supervision.

On an average day in 2018–19, young people aged 10–17 who were from *Remote* areas were 6 times as likely to be under supervision as those from *Major cities*, while those from *Very remote* areas were 9 times as likely. This reflects the higher proportions of Indigenous Australians living in these areas.

### **Young people from lower socioeconomic areas were more likely to be under supervision**

More than 1 in 3 young people (35%) under supervision on an average day in 2018–19 were from the lowest socioeconomic areas, compared with 6% from the highest socioeconomic areas.

### **More than 1 in 3 young people were new to supervision**

More than one-third (35%) of young people under youth justice supervision in 2018–19 were new to supervision in that year. The rest (65%) had been supervised in a previous year.

Young Indigenous Australians (71%) were more likely than young non-Indigenous young people (62%) to have been under supervision in a previous year.

### **Young Indigenous Australians were younger when they entered supervision than their non-Indigenous counterparts**

On average, Indigenous young people entered youth justice supervision at a younger age than non-Indigenous young people.

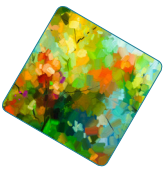
About 2 in 5 (38%) Indigenous young people under supervision in 2018–19 were first supervised when aged 10–13, compared with about 1 in 7 (15%) non-Indigenous young people.

### **A higher proportion of young people experience community-based supervision in their supervision history than detention**

More than 9 in 10 (92%) young people who were supervised during 2018–19 had been under community-based supervision at some time during their supervision history (either during 2018–19 or in a previous year). More than 6 in 10 (65%) had spent time in detention. For Indigenous young people these proportions were 94% and 70% respectively.







# 1 Introduction

## The youth justice system

The youth justice system is the set of processes and practices for managing children and young people who have committed or allegedly committed an offence. Each state and territory in Australia has its own youth justice legislation, policies, and practices. But the general processes by which young people are charged and sentenced, and the types of legal orders available to the courts, are similar.

Young people can be charged with a criminal offence if they are aged 10 and over. There are separate justice systems for young people and adults. The upper age limit for the youth system is 17 (at the time of the offence) in all states and territories.

Legislation to increase Queensland's age limit to 17 was passed in November 2016, and enacted in February 2018. This has, in part, led to a rise in the number of young people supervised by youth justice in Queensland and nationally.

Some people aged 18 and over are also involved in the youth justice system. This can occur when:

- the young person committed the offence when aged 17 or under
- supervision is continued once the young person turns 18
- the young person is particularly vulnerable or immature.

Also, in Victoria, some people aged 18–20 may be sentenced to detention in a youth facility under the state's 'dual track' sentencing system (see Glossary).

Young people generally first make contact with the youth justice system when police investigate them for allegedly committing a crime. Legal action taken by police may include court actions (the laying of charges to be answered in court) and non-court actions (such as cautions, conferencing, counselling, or infringement notices).

A court may decide to:

- dismiss a charge
- divert the young person from further involvement in the system (for example, by referral to other services), or
- transfer the young person to specialist courts or programs.

If the matter proceeds and the charge is proven, the court may hand down various orders, either supervised or unsupervised.

## Youth justice supervision

A major feature of any youth justice system is the supervision of young people on legal orders. They may be supervised in the community or in detention facilities. Information about young people under youth justice supervision in Australia is collected in the Youth Justice National Minimum Data Set (YJ NMDs).

Most young people under youth justice supervision are supervised in the community rather than in detention. This is partly because a key principle in Australian youth justice is the idea that young people should be placed in detention only as a last resort.

This principle is found in youth justice legislation in each state and territory. It is also 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') (UN 1985, 1989). The Convention on the Rights of the Child states that children should be deprived of liberty only as a last resort and for the shortest appropriate period of time.

Supervision may take place while young people are unsentenced—that is, when they have been charged with an offence and are awaiting the outcome of their court matter, or when they have been found or have pleaded guilty and are awaiting sentencing.

But most of those under supervision are sentenced—that is, they have been found guilty in court, and received a sentence. Both unsentenced and sentenced supervision can take place in the community and in detention (Table 1.1).

**Table 1.1: Types of youth justice supervision**

Type of supervision	Community-based	Detention
Unsentenced supervision	Home detention bail: supervised or conditional bail	Remanded in custody (can be police or court referred)
Sentenced supervision	Parole or supervised release, probation or similar Suspended detention	Sentenced to detention

Unsentenced community-based supervision includes supervised or conditional bail (which may include conditions such as curfew or a monetary bond) and home detention bail.

Sentenced community-based supervision includes:

1. probation and similar orders—where regular reporting to the youth justice agency and participation in treatment programs may be required
2. suspended detention—where the young person must meet certain conditions (for example, abiding by a curfew, reporting to police, or living at a specified address) or not re offend within a specified time period
3. parole or supervised release—supervision that follows a period of detention.

Table 1.2 provides a summary of the types of youth justice services and outcomes that are available in the states and territories.

**Table 1.2: Supervised youth justice services and outcomes in the YJ NMDS, by state and territory, 2018–19**

Services and outcomes	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Unsentenced</b>								
<b>Community-based supervision</b>								
Supervised or conditional bail or similar	✓	✓	✓	✓	✓	✓	✓	✓
<b>Detention</b>								
Police-referred detention	✓		✓	✓	✓	✓ <sup>(a)</sup>	✓ <sup>(b)</sup>	
Remand	✓	✓	✓	✓	✓	✓	✓	✓
<b>Sentenced</b>								
<b>Community-based supervision</b>								
Good behaviour bond	✓	✓ <sup>(c)</sup>		✓ <sup>(c)</sup>		✓ <sup>(c)</sup>	✓	
Probation and similar	✓	✓	✓	✓	✓	✓	✓	✓
Community service	✓		✓	✓	✓	✓	✓	✓
Suspended detention	✓		✓	✓	✓	✓	✓ <sup>(c)</sup>	✓ <sup>(d)</sup>
Home detention					✓			✓
Parole or supervised release from detention	✓	✓	✓	✓	✓	✓	✓ <sup>(d)</sup>	✓ <sup>(d)</sup>
<b>Detention</b>								
Detention	✓	✓	✓	✓	✓	✓	✓	✓

✓ = Youth justice outcome or service that is available in the state or territory

(a) In Tasmania, legislation does not explicitly preclude police-referred detention, but no orders of this type have been in scope of YJ NMDS submission since Tasmania began reporting in 2006–07.

(b) The Australian Capital Territory did not include police-referred detention orders for 2015–16, 2016–17, 2017–18 and 2018–19 due to data quality concerns.

(c) This is a youth justice outcome or service that is available in the state or territory, but is outside the scope of the YJ NMDS.

(d) Suspended detention and supervised release from detention includes probation and parole.

## Key policy directions in 2018–19

Youth justice policies are determined by state and territory governments and largely implemented by youth justice agencies. Appendix 4 outlines information about the policy directions in each state and territory.

In 2018–19, some of the most commonly identified policy directions included:

- offering alternatives to detention, including the use of warnings, cautions and conferencing
- providing bail assistance for young people to reduce unnecessary remand particularly where a young person does not have access to suitable accommodation
- delivering better outcomes for Aboriginal and Torres Strait Islander young people
- providing effective evidence-based assessment processes, case-planning and intervention/rehabilitation programs to address the offending behaviour of young people under supervision
- improving infrastructure in detention facilities
- improving the pre- and post-release support provided to young people leaving custody, including accommodation and other forms of support to help them reintegrate into the community.

Recommendations from the Royal Commission into the Protection and Detention of Children in the Northern Territory continue to be considered and implemented (Royal Commission 2017). As recommended by the Royal Commission, the Northern Territory provided YJ NMDS standard data in 2017–18 and 2018–19, which had not been possible since 2008–09.

In April 2018, the Northern Territory committed to raising the age of criminal responsibility to 12 years. A single act for child safety and wellbeing is expected to be enacted within 3 years.

The Council of Attorneys-General (CAG) Working Group is also reviewing Australia's age of criminal responsibility to potentially raise it from 10 years. The working group contains representatives from each state and territory as well as the Australian Government.

Young people's involvement in the youth justice system is also affected by policy developments in various areas such as child protection, accommodation and housing assistance services, education, employment, family and community services, and health.

## This report

This report presents information about the young people in Australia who were under youth justice supervision during 2018–19, both in the community and in detention. It looks at the characteristics of these young people, key aspects of their supervision, and recent trends.

Numbers in this report include young people of all ages (including those aged 18 and over) unless otherwise specified. But population rates are only calculated for young people aged 10–17, as this is the main age group for youth justice supervision in most states and territories.

This report is based on data from the YJ NMDS for all states and territories in Australia.



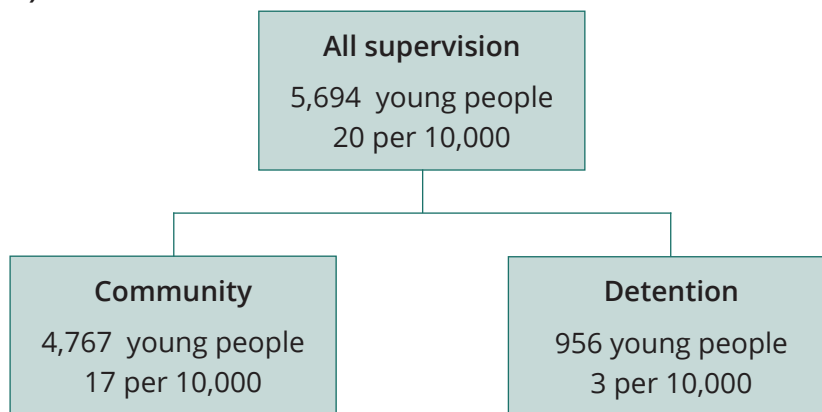
## 2 Numbers and rates of young people under supervision

### National

On an average day in 2018–19, 5,694 young people aged 10 and over were under youth justice supervision in Australia (Figure 2.1; Table 2.1). A total of 10,820 young people were supervised at some time during the year (Table S1).

Most (4,767 or 84%) young people aged 10 and over under supervision on an average day were supervised in the community, and the remainder (956 or 17%) were in detention (Figure 2.1) (totals might not sum due to rounding, and because some young people were under community-based supervision and in detention on the same day).

**Figure 2.1: Young people under supervision on an average day, by supervision type, 2018–19 (number and rate)**



Sources: Tables S1a, S4a, S36a, S39a, S74a, and S77a.

Although relatively few young people were in detention on an average day, almost half (45%, or 4,872 of 10,820) of all young people who were supervised during 2018–19 had been in detention at some time during the year.

Among the states and territories, this proportion ranged from 24% (or 62 of 255) in Tasmania to 55% (or 1,546 of 2,821) in New South Wales (Table 2.1). The difference between the number in detention on an average day, and the number who had been in detention during the year reflects the fact that young people spent substantially less time in detention (see Appendix 1).

The rate of young people aged 10–17 under youth justice supervision on an average day was about 20 per 10,000, which equates to about 1 in every 489 young people (Figure 2.1, tables S3a and S144).

On an average day, 17 young people aged 10–17 per 10,000 were under community-based supervision, and 3 per 10,000 were in detention (Figure 2.1).

**Table 2.1: Young people under supervision, by supervision type and state and territory, 2018–19**

Type of supervision	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Number—all ages</b>									
<b>Average day<sup>(a)</sup></b>									
Community	1,100	766	1,695	639	201	144	69	153	4,767
Detention	270	191	253	138	49	12	7	35	956
All supervision	1,363	953	1,939	773	248	155	76	187	5,694
<b>During the year</b>									
Community	2,233	1,659	3,052	1,561	463	245	161	321	9,695
Detention	1,546	740	1,127	835	303	62	86	173	4,872
All supervision	2,821	1,763	3,164	1,722	575	255	174	346	10,820
<b>Rate—age 10–17 (number per 10,000)</b>									
<b>Average day</b>									
Community	14	9	27	23	10	23	16	47	17
Detention	3	2	5	5	2	2	2	14	3
All supervision	17	11	32	28	13	26	17	61	20
<b>During the year</b>									
Community	27	18	50	57	24	40	36	100	34
Detention	19	9	21	32	17	12	22	67	19
All supervision	34	19	53	63	30	42	39	109	38

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

*Notes*

1. Numbers of young people on an average day represent all young people aged 10 and over under youth justice supervision. This includes some young people aged 18 and over. Rates are age-specific and are calculated for young people aged 10–17 as this is the core age group of the youth justice population.
2. See Appendix 1 for more information about ‘average day’ and ‘during the year’ measures.

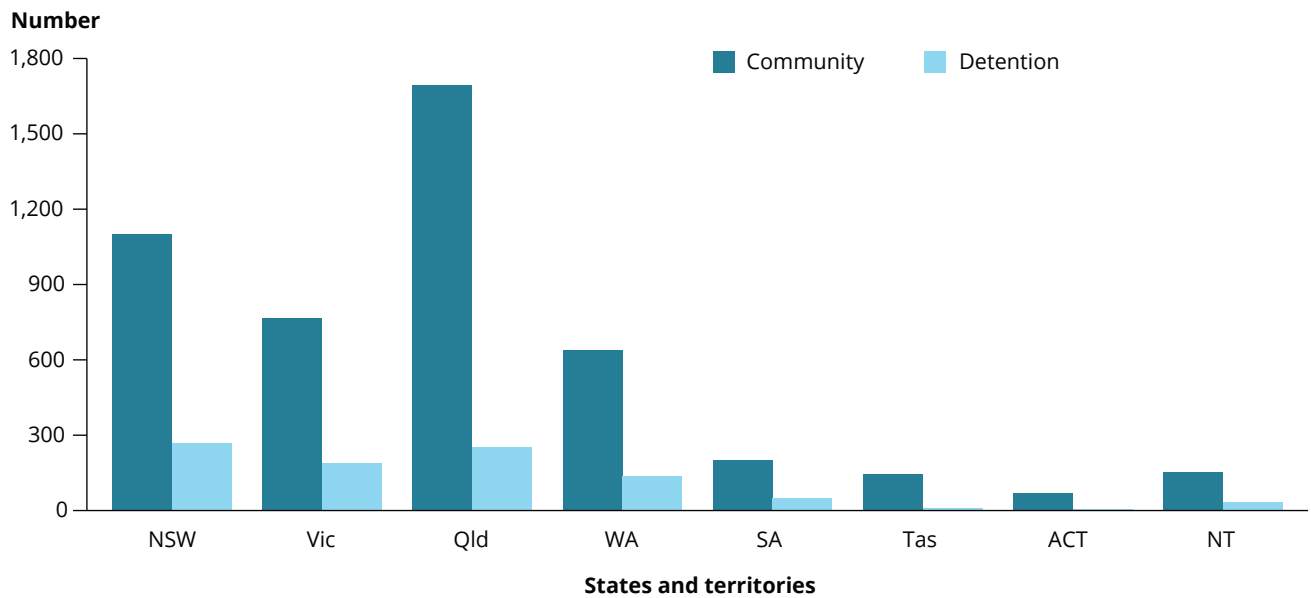
Sources: Tables S1, S4, S36, S39, S74, and S77.

## States and territories

Among the states and territories, New South Wales and Queensland had the largest number of young people under supervision on an average day. Young people in those 2 states accounted for more than half of all those under supervision on an average day (34%, or 1,939 of 5,694 for Queensland and 24%, or 1,363 of 5,694 for New South Wales) (Table 2.1).

In community-based supervision, Queensland (36%, or 1,695 of 4,767) and New South Wales (23% or 1,100 of 4,767) also had the largest numbers of young people under supervision on an average day (Figure 2.2). Of all young people in detention on an average day, 28% (or 270 of 956) were in New South Wales and 26% (or 253 of 956) were in Queensland.

**Figure 2.2: Young people under supervision on an average day, by supervision type and state and territory, 2018–19 (number)**



Sources: Tables S36a and S74a.

Rates of young people under supervision varied among the states and territories (Figure 2.3; Table 2.1). These variations may reflect differences in state-based legislation, policies, and practices, including the types of supervised orders and options for diversion that are available.

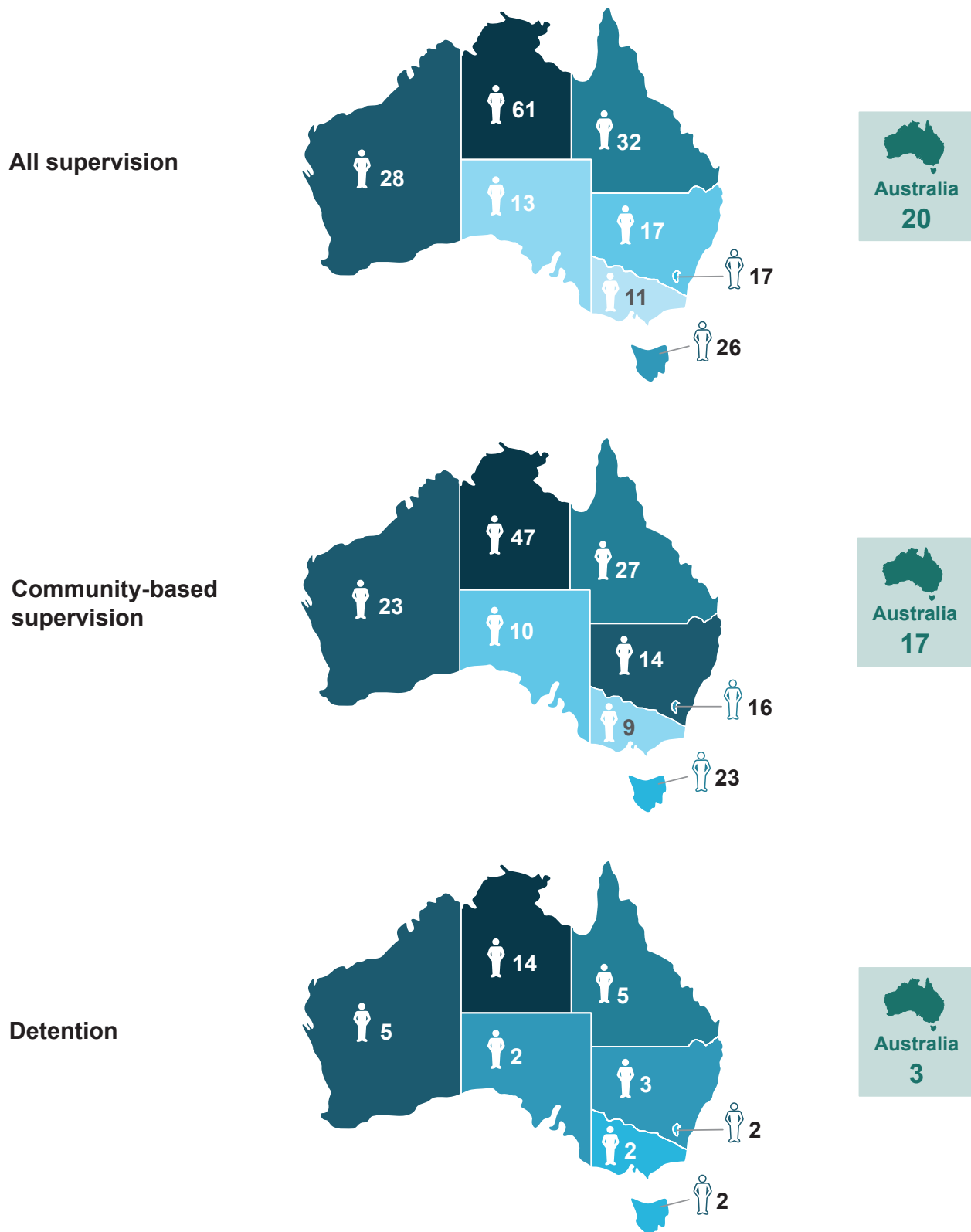
On an average day in 2018–19, the rate of young people aged 10–17 under supervision was lowest in Victoria (11 per 10,000), and highest in the Northern Territory (61 per 10,000).

Rates varied among the states and territories for both community-based supervision and detention.

For community-based supervision, the rate of young people aged 10–17 on an average day ranged from 9 per 10,000 in Victoria to 47 per 10,000 in the Northern Territory.

For detention, the rates ranged from 2 per 10,000 in Victoria, South Australia, Tasmania and the Australian Capital Territory to 14 per 10,000 in the Northern Territory.

Figure 2.3: Young people aged 10–17 under supervision on an average day by supervision type and state and territory, 2018–19 (number per 10,000)



Source: Table 2.1.



## 3 Characteristics of young people under supervision

### Age and sex

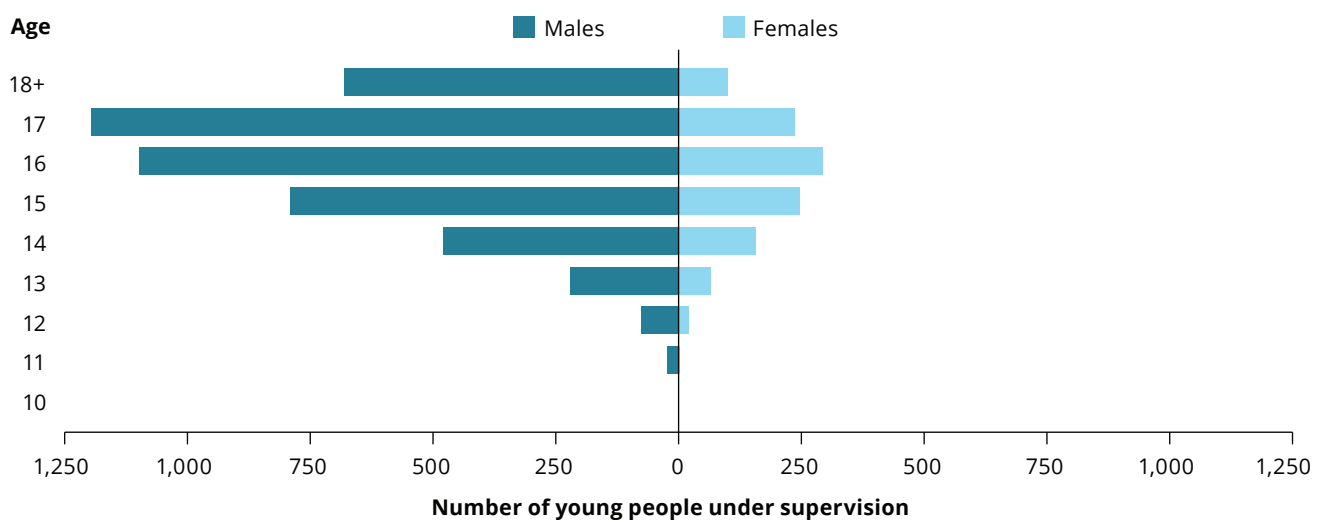
The majority of young people under supervision on an average day in 2018–19 were male (80%) (Figure 3.1; Table S2a). This proportion was higher among those in detention (90%) than those supervised in the community (78%) (tables S37a and S75a).

Among young people aged 10–17, males (31 per 10,000) were about 4 times as likely as females (9 per 10,000) to be under supervision on an average day (Table S4a).

Males under supervision substantially outnumbered females in all the states and territories. The proportion of young males under supervision on an average day ranged from 76% of young people under supervision in Tasmania to 87% in the Northern Territory (Table S2a).

Almost 4 in 5 (79%) young people under supervision on an average day were aged 14–17 (Figure 3.1; Table S7a). Both numbers and rates of young people under supervision were highest among those aged 17 (1,433 young people or 49 per 10,000) (tables S5a and S6a). About 14% of young people under supervision were aged 18 and over, and 7% were aged 10–13 (Table S7a).

**Figure 3.1: Young people under supervision on an average day, by age and sex, 2018–19 (number)**



Source: Table S5a.

The age profiles of young people under supervision varied among the states and territories. Western Australia had the largest proportions of young people aged 10–13 under supervision on an average day (13%), followed by South Australia and Tasmania (both 10%) (Table S7a).

In Victoria, some young people aged 18–20 may be sentenced to detention in a youth facility (known as the ‘dual track’ system), which results in a comparatively older population, on average (30% aged 18 and over) (Table S7a).

A greater proportion of males were in the older age groups (aged 18 years and over) than females (Figure 3.1). In 2018–19, about 15% of males under supervision were aged 18 and over, compared with 9% of females (Table S5a).



## Indigenous young people under supervision

Young Aboriginal and Torres Strait Islander people have a long history of over-representation in the youth and adult justice systems in Australia (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011; Johnston 1991).

Although only about 6% of young people aged 10–17 in Australia are Aboriginal or Torres Strait Islander, half (2,448 or 50%) of the young people aged 10–17 under supervision on an average day in 2018–19 were Indigenous (tables S144 and S3a).

Almost half (48%) of those aged 10–17 under community-based supervision were Indigenous, while over half (58%) of those in detention were Indigenous (tables S38a and S76a).

In 2018–19, the rate of Indigenous young people aged 10–17 under supervision on an average day was 172 per 10,000, compared with 11 per 10,000 for non-Indigenous young people (tables 3.1 and S4a). This means Indigenous young people aged 10–17 were almost 16 times as likely as their non-Indigenous counterparts to be under supervision on an average day.

This level of Indigenous over-representation (as measured by the rate ratio—see Appendix 1) was higher in detention (22 times as likely) than community-based supervision (15 times as likely) (tables 3.1, S39a and S77a).

Indigenous young people were over-represented in youth justice supervision in every state and territory (Figure 3.2).

The rate of Indigenous young people aged 10–17 under supervision on an average day was lowest in Tasmania (74 per 10,000) and highest in Western Australia (252 per 10,000).

Similarly, the level of Indigenous over-representation (rate ratio) was lowest in Tasmania (4 times as likely) and highest in Western Australia (21 times as likely).

**Table 3.1: Young people aged 10–17 under supervision on an average day by Indigenous status and state and territory, 2018–19 (rate)**

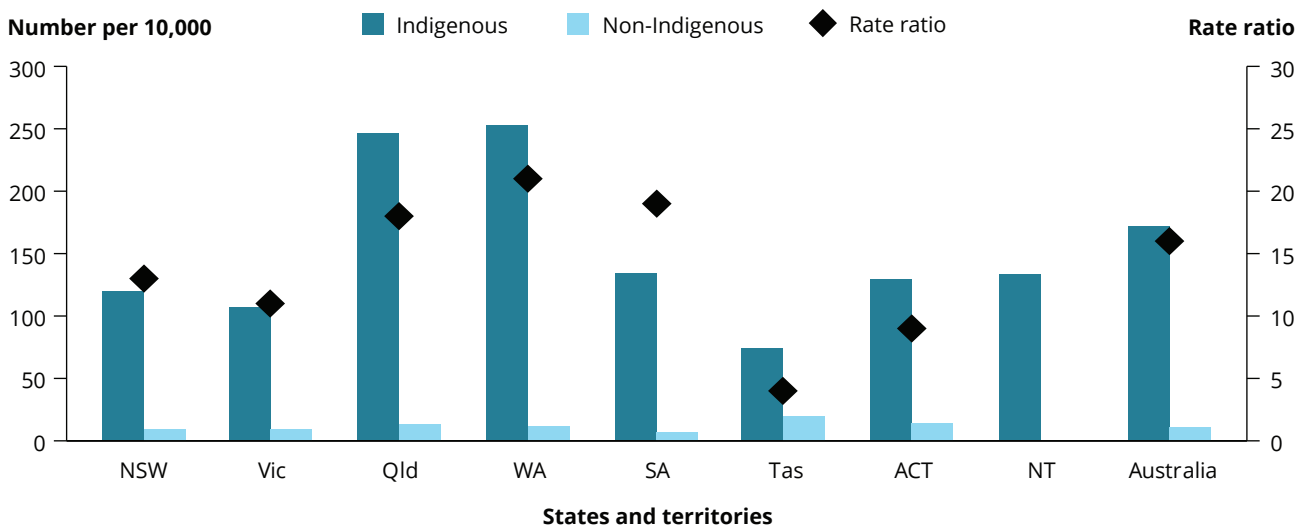
Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Community-based supervision rate (number per 10,000)</b>									
Indigenous	95	88	203	193	105	66	114	102	138
Non-Indigenous	8	8	12	11	6	18	13	n.p.	9
<b>All young people</b>	<b>14</b>	<b>9</b>	<b>27</b>	<b>23</b>	<b>10</b>	<b>23</b>	<b>16</b>	<b>47</b>	<b>17</b>
Rate ratio	12	11	17	18	18	4	9	n.p.	15
<b>Detention rate (number per 10,000)</b>									
Indigenous	24	19	43	59	29	n.p.	n.p.	30	34
Non-Indigenous	2	2	2	1	1	2	n.p.	n.p.	2
<b>All young people</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>14</b>	<b>3</b>
Rate ratio	16	11	28	45	28	n.p.	n.p.	n.p.	22
<b>All supervision rate (number per 10,000)</b>									
Indigenous	119	107	246	252	134	74	130	134	172
Non-Indigenous	9	10	14	12	7	19	14	n.p.	11
<b>All young people</b>	<b>17</b>	<b>11</b>	<b>32</b>	<b>28</b>	<b>13</b>	<b>26</b>	<b>17</b>	<b>61</b>	<b>20</b>
Rate ratio	13	11	18	21	19	4	9	n.p.	16

### Notes

1. Rates are not published where there were fewer than 5 young people.
2. Indigenous rates for South Australia, Tasmania, and the Australian Capital Territory should be interpreted with caution due to Indigenous population denominators that are less than 10,000.
3. The rate ratio is calculated by dividing the Indigenous rate by the non-Indigenous rate.
4. The rate ratio has been calculated using rates to 2 decimal places.

Sources: Tables S4a, S39a, and S77a.

**Figure 3.2: Young people aged 10–17 under supervision on an average day by Indigenous status and state and territory 2018–19 (rate)**



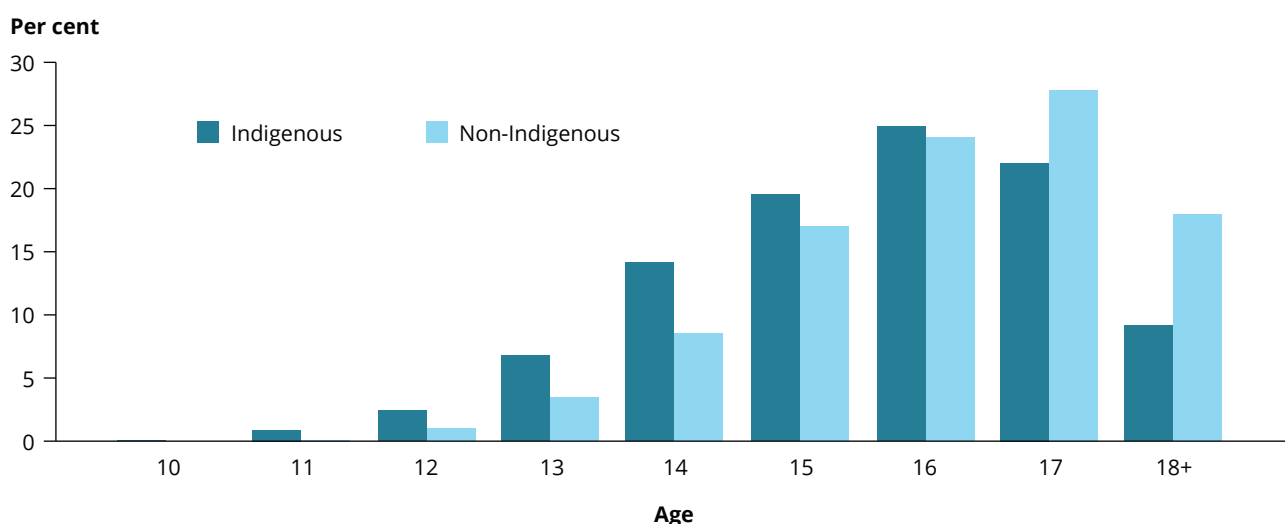
Source: Table 3.1.

On average, Indigenous young people under supervision were younger than their non-Indigenous counterparts (Figure 3.3). This was the case among both males and females.

On an average day in 2018–19, more than 2 in 5 (44%) Indigenous young people under supervision were aged 10–15, compared with almost one-third (30%) of non-Indigenous young people (Table S5a).

Similar proportions of Indigenous and non-Indigenous young people under supervision were male (79% and 81%, respectively) (Table S5a).

**Figure 3.3: Young people under supervision on an average day, by age and Indigenous status, 2018–19 (%)**



Note: Numerators are the number of young people of a particular age and denominators are the total number of young people of all ages for Indigenous and non-Indigenous people.

Source: Table S5a.

## Remoteness area

On an average day in 2018–19, most young people under supervision were living in *Major cities* (50%), *Inner regional* or *Outer regional* areas (34%) before entering supervision (based on postcode of last address) (Table S21a).

About 10% had lived in *Remote* or *Very remote* areas. A remoteness area could not be determined for about 6% of young people.

This contrasts with the distribution of young people aged 10–17 in the general population, with 70% living in *Major cities*, 28% living in *Inner regional* or *Outer regional* areas, and 2% living in *Remote* or *Very remote* areas (Table S151).

On an average day in 2018–19, Indigenous young people under supervision were more likely than non-Indigenous young people to have lived in *Outer regional* areas (24% compared with 7%), and *Remote* or *Very remote* areas (20% compared with 1%) (Table S21a).

Patterns were similar for community-based supervision and detention, and largely reflect the distribution of the Indigenous Australian population (tables S58a and S98a).

Although most young people under supervision had come from cities and regional areas, those from geographically remote areas had the highest rates of supervision.

On an average day in 2018–19, young people aged 10–17 who were from *Remote* areas (87 per 10,000) were 6 times as likely to be under supervision as those from *Major cities* (15 per 10,000), while those from *Very remote* areas were 9 times as likely (125 compared with 15 per 10,000) (Figure 3.4; Table S22c).

This pattern occurred in both community-based supervision and detention.

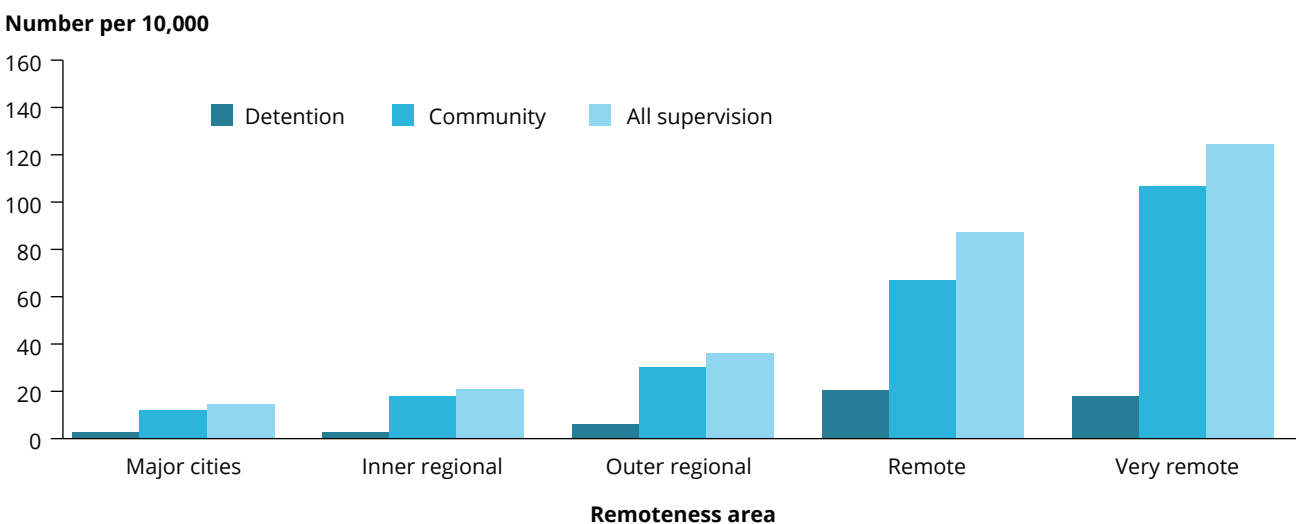
On an average day, young people aged 10–17 from *Remote* areas were:

- 6 times as likely as those from *Major cities* to be under community-based supervision
- 8 times as likely to be in detention on an average day

Young people from *Very remote* areas were:

- 9 times as likely as those from *Major cities* to be under community-based supervision
- 7 times as likely to be in detention (tables S59c and S99c).

**Figure 3.4: Young people aged 10–17 under supervision on an average day, by remoteness of usual residence and supervision type, Australia, 2018–19 (rate)**



Note: Remoteness area could not be determined for 5% of young people under youth justice supervision.

Sources: Tables S22c, S59c, and S99c.

## Socioeconomic area

This report uses a 5-group ranking to measure the socioeconomic area in which a young person lives. Category 1 represents the lowest socioeconomic area with the greatest level of disadvantage. Category 5 represents the highest socioeconomic area with the lowest level of disadvantage. The postcode of a young person's last known address is used to determine their socioeconomic position.

A socioeconomic area was able to be determined for 95% of young people in the data set (for more information, see the Glossary and Appendix 1).

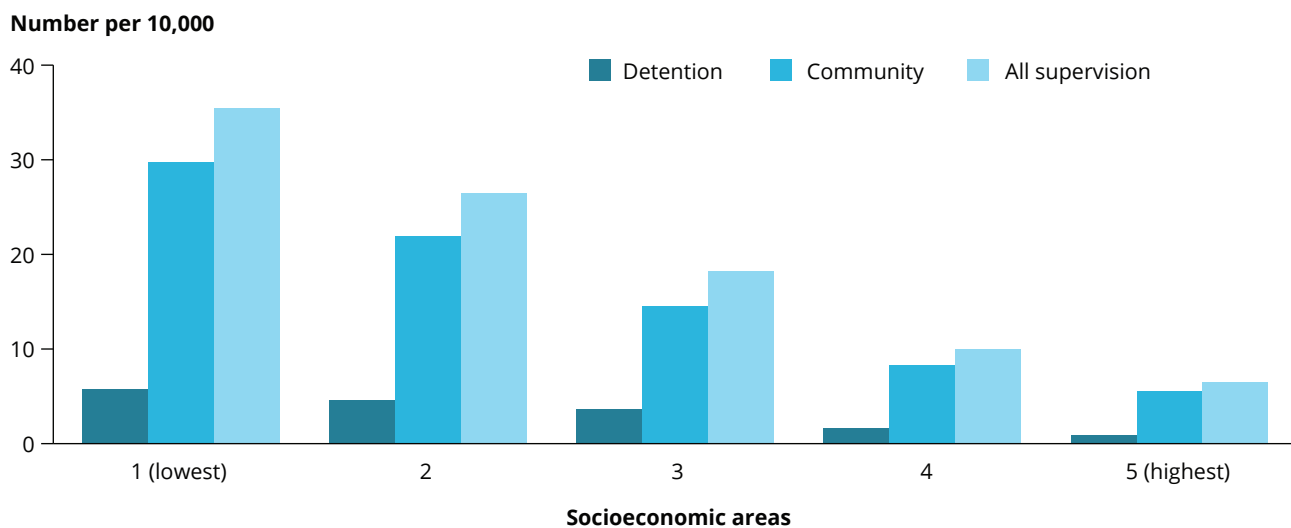
Young people under youth justice supervision in 2018–19 most commonly lived in lower socioeconomic areas before entering supervision. More than 1 in 3 young people (35%) under supervision on an average day were from the lowest socioeconomic area (level 1), compared with only 6% from the highest socioeconomic area (level 5) (Table S23a).

On an average day in 2018–19, 35 per 10,000 young people aged 10–17 from the lowest socioeconomic areas were under supervision, compared with 7 per 10,000 from the highest socioeconomic areas (Figure 3.5, Table S24c).

This means that young people from the lowest socioeconomic areas were 5 times as likely to be under supervision as those from the highest socioeconomic areas. This was similar in both community-based supervision and detention.

Young Indigenous Australians (40%) were more likely than their non-Indigenous counterparts (32%) to have lived in the lowest socioeconomic areas before entering supervision (Table S23a). This reflects the geographical distribution of the Indigenous population in Australia.

**Figure 3.5: Young people aged 10–17 under supervision on an average day, by socioeconomic area of usual residence and supervision type, Australia, 2018–19 (rate)**



*Note:* Socioeconomic position could not be determined for 5% of young people under youth justice supervision.

*Sources:* Tables S24c, S61c, and S101c.



## 4 Community-based supervision

On an average day in 2018–19, most (4,767 or 84%) young people aged 10 and above under supervision were supervised in the community.

Young people who are supervised in the community may be on unsentenced or sentenced orders, and may be on multiple orders of different types at the same time. Community-based supervision may be interrupted by time spent in detention due to another offence or a breach of a supervised release or parole order.

### Unsentenced community-based supervision

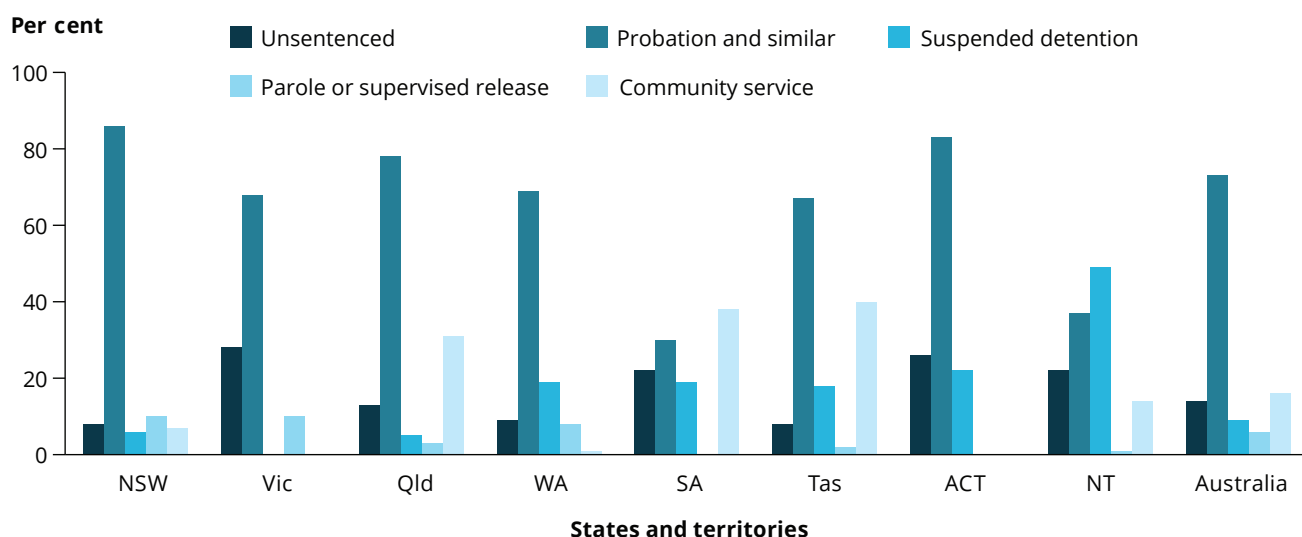
Unsentenced community-based supervision orders include supervised bail (also known as conditional bail), and other orders such as home detention bail.

A supervised or conditional bail order is where the young person is released into the community while awaiting the outcome of court action. These types of orders may include conditions such as supervision, a curfew, or a monetary bond. Information about unsupervised bail is not available in the YJ NMDS.

In 2018–19, 14% of young people aged 10 and over under community-based supervision on an average day were on unsentenced orders (674 young people) (Table S66a).

Among the states and territories, the proportion of young people under community-based supervision on an average day who were unsentenced ranged from 8% in New South Wales and Tasmania to 28% in Victoria (Figure 4.1).

**Figure 4.1: Young people aged 10 and over who were under community-based supervision on an average day, by type of supervision and state and territory, 2018–19 (%)**



*Notes*

1. Numerators are the number of young people on a particular community-based supervision order, on an average day in each state. Denominators are the total number of young people on all orders in each state.
2. Under the *Young Offenders Act 1994*, Western Australia does not operate with the terms 'probation and similar' or 'suspended detention', so these data should be interpreted with caution. For Western Australia, orders reported under 'probation and similar' include: intensive youth supervision orders, youth community-based orders, adult community-based orders. Orders reported under 'suspended detention' include intensive youth supervision orders with detention.
3. Components might not sum to the total, as young people might have been under supervision for multiple types of orders on the same day.
4. Excludes young people under other types of orders.

Source: Table S62a.

Nationally, almost one-third (31%) of young people aged 10 and over who were under community-based supervision during 2018–19 were on unsentenced community-based orders at some point in the year (Table S66b). This difference in the proportion on an average day and during the year reflects the relatively short duration of unsentenced orders compared with sentenced orders.

The national rate of young people aged 10–17 under unsentenced community-based supervision on an average day was 2 per 10,000 (Figure 4.2). Among the states and territories, rates ranged from 1 per 10,000 in New South Wales to 11 per 10,000 in the Northern Territory.

**Figure 4.2: Young people aged 10–17 under community-based supervision on an average day, by legal status and state and territory, 2018–19 (rate)**



Source: Table S68a.

Community-based supervision orders may end because the specified term was successfully completed or for other reasons, including because the young person breached the conditions of the order, or the order was varied or cancelled.

In 2018–19, 66% of unsentenced community-based orders ended because they were successfully completed (Table S70). This ranged from 41% in Western Australia, the Australian Capital Territory and the Northern Territory to 97% in Victoria.

Most (79%) completed unsentenced orders lasted less than 3 months, with the proportion ranging from 54% in Queensland to 99% in the Australian Capital Territory (Table S70).

## Sentenced community-based supervision

On an average day in 2018–19, most (89% or 4,261) young people who were under community-based supervision were serving a sentence (Table S66a).

The rate of young people aged 10–17 who were under sentenced community-based supervision on an average day was 15 per 10,000 (Figure 4.2). Among the states and territories, the rate was lowest in Victoria (7 per 10,000) and highest in the Northern Territory (41 per 10,000).

## Probation and similar orders

Probation and similar orders involve supervision by a youth justice agency for a specified period. Young people under these orders are often required to report to the agency regularly, and be involved in treatment programs.

On an average day in 2018–19, almost three-quarters (73%) of young people supervised in the community were serving a probation or similar order (Figure 4.1). This ranged from 30% of those under community-based supervision on an average day in South Australia to 86% in New South Wales.

In 2018–19, more than three-quarters (77%) of probation and similar orders that ended were successfully completed (Table S71). This proportion ranged from 55% in the Northern Territory to 92% in Tasmania.

About two-thirds (66%) of successfully completed orders lasted for less than 12 months, and the remainder lasted for 12 months or more.

Almost 1 in 5 (17%) probation and similar orders ended due to a breach of conditions (Table S72). This proportion ranged from 7% in South Australia to 29% in Western Australia.

## Suspended detention

Under a suspended detention order, the young person remains in the community, as long as they do not breach conditions of the order, or re-offend within a specified period. If the order is breached, they may be placed in detention.

On an average day in 2018–19, about 9% of young people under community-based supervision were serving a suspended detention order (Figure 4.1). This proportion was highest in the Northern Territory (49%).

Among the states and territories that had suspended detention orders during 2018–19, the proportion that ended because they were successfully completed ranged from 37% in the Australian Capital Territory to 71% in Tasmania (Table S73).

## Parole or supervised release

Parole or supervised release refers to supervision within the community following a period of detention.

On an average day in 2018–19, about 6% of young people under community-based supervision were on parole or supervised release (Figure 4.1). This proportion was highest in New South Wales and Victoria (10%).



## 5 Detention

On an average day in 2018–19, 956 young people aged 10 and over (17% of all those under supervision) were in detention. A total of 4,872 young people were in detention some time during the year.

As with community-based supervision, young people may be detained when they are unsentenced or sentenced. Some young people may also be in unsentenced and sentenced detention on the same day. This can occur when the young person has changed legal status, or has both types of legal orders at the same time for different legal matters.

### Unsentenced detention

#### Number and rate

Young people may be referred to unsentenced detention either by police (pre-court) or by a court (remand). Young people enter remand when they have been either:

- charged with an offence and are awaiting the outcome of their court matter
- found or have pleaded guilty and are awaiting sentencing.

Young people enter police-referred pre-court detention before their initial court appearance. Police-referred pre-court detention is not available in all states and territories and most young people in unsentenced detention are on remand.

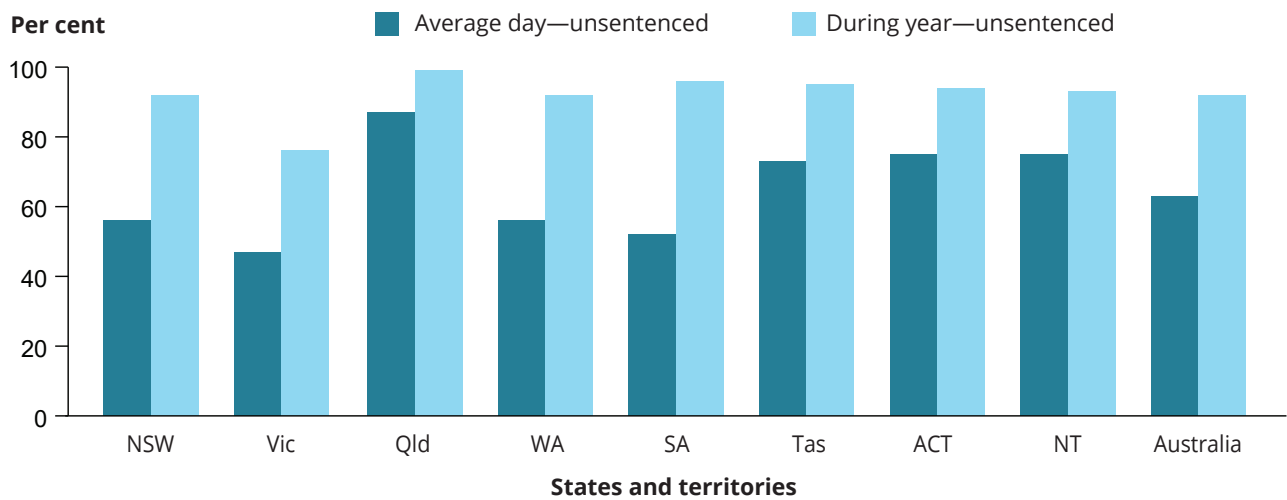
On an average day in 2018–19, of all young people in detention aged 10 and over, almost 2 out of 3 were unsentenced (63% or 605 young people) (Figure 5.1). In all states and territories, a substantial proportion of those in detention on an average day were unsentenced—ranging from 47% in Victoria to 87% in Queensland.

The low proportion in Victoria is due, in part, to the state's 'dual track' sentencing system, which allows some young people aged 18–20 to be sentenced to detention in a youth facility rather than in an adult prison. When only young people aged 10–17 are considered, about 70% of those in detention in Victoria on an average day were unsentenced, compared with 71% nationally (Table S110a).

The vast majority (92%) of young people who were in detention during 2018–19 had been in unsentenced detention at some time during the year (Figure 5.1). This highlights the typically short duration of periods of unsentenced detention compared with sentenced detention.



**Figure 5.1: Young people aged 10 and over in unsentenced detention on an average day and during the year as a proportion of all young people in detention, by state and territory, 2018–19 (%)**



*Notes*

1. Numerators are the number of young people in unsentenced detention on an average day or during the year for each state. Denominators are the total number of young people in detention, on an average day or during the year for each state.
2. The Australian Capital Territory was unable to provide pre-court detention data for 2018–19 due to data quality concerns.
3. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This has resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.

Sources: Tables S109a and S109b.

Nationally, on an average day in 2018–19, most (99%) young people aged 10 and over in unsentenced detention were on remand, awaiting the outcome of their court matters (Table S109a).

But almost one-third (30%) of all those who were in unsentenced detention during 2018–19 were in police-referred pre-court detention awaiting their initial court appearance (see Glossary for definitions), at some time during the year (Table S109b).

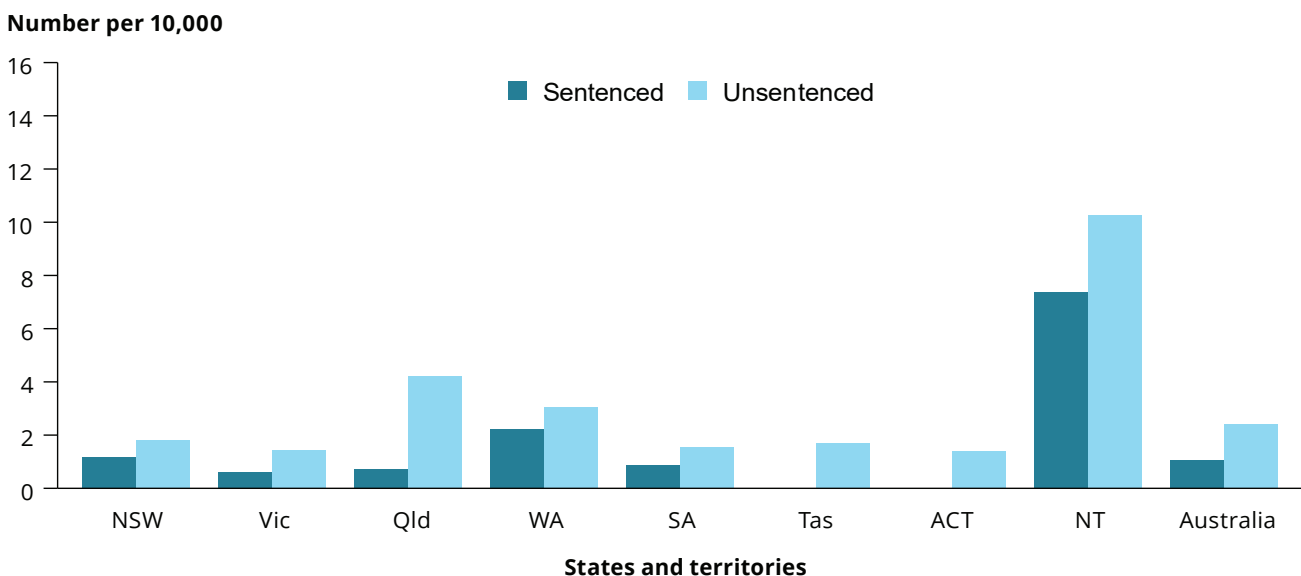
Among the states and territories in which pre-court detention was available (New South Wales, Queensland, Western Australia and South Australia), this ranged from 15% of those who had been in unsentenced detention in Queensland to 67% of those in South Australia.

More than half (57%) of young people in unsentenced detention aged 10 and over on an average day were Aboriginal or Torres Strait Islander (Table S109a). This proportion varied substantially among the states and territories, from 17% in Victoria to 96% in the Northern Territory.

The rate of young people aged 10–17 in unsentenced detention on an average day in 2018–19 was 2 per 10,000 (Figure 5.2). Among the states and territories, the rate of young people aged 10–17 in unsentenced detention on an average day was lowest in Victoria and the Australian Capital Territory (1 per 10,000) and highest in the Northern Territory (10 per 10,000).

Rates of unsentenced detention on an average day were higher than sentenced detention in all states and territories (excluding Tasmania and the Australian Capital Territory, for which the sentenced rate was not calculated due to small numbers).

**Figure 5.2: Young people aged 10–17 in detention on an average day, by legal status and state and territory, 2018–19 (rate)**



*Notes*

1. The sentenced rates in Tasmania and the Australian Capital Territory are not published in this figure, as there were fewer than 5 young people in the numerator.
2. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This has resulted in an a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.

Source: Table S111a.

## Completion of periods

Of remand periods (unsentenced detention) that ended in 2018–19, 3 in 5 (60%) ended because the young person was released on bail (Table S119). The proportion of remand periods that ended with release on bail was lowest in South Australia (33%) and highest in the Australian Capital Territory (94%).

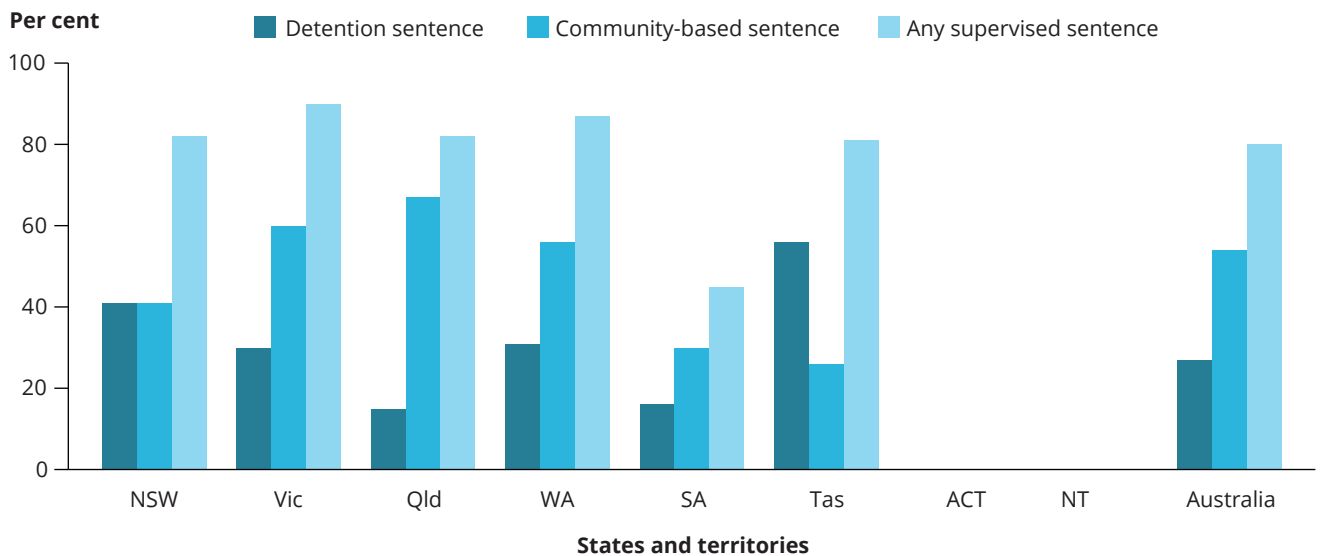
More than one-third (35%) of remand periods ended because they were completed, and the rest ended for other reasons, including transfer (which can include transfer to another youth detention centre, the adult system or interstate).

Of completed remand periods, 4 in 5 (80%) were followed by a supervised sentence within 1 day—about 54% by a community-based sentence, and about 27% by a detention sentence (Figure 5.3).

There were substantial differences among the states and territories:

- Completed periods of remand were more likely to be followed by a community-based sentence within 1 day in Victoria, Queensland, Western Australia, South Australia and the Australian Capital Territory.
- In Tasmania, completed periods of remand were more likely to be followed by a detention sentence within 1 day.
- Completed periods of remand in New South Wales were equally as likely to be followed by either a community-based sentence or a detention sentence within 1 day.

**Figure 5.3: Remand periods followed by sentenced supervision within 1 day as a proportion of all completed remand periods, by type of sentenced supervision and state and territory, 2018–19 (%)**



*Notes*

1. Numerators are the number of remand periods that were followed by a period of sentenced supervision within 1 day (Table S120) by supervision type and state. Denominators are the total number of remand periods by state (Table S119).
2. 'Any supervised sentence' includes both community-based and detention sentences.
3. Proportions were not published in this figure for the Australian Capital Territory and the Northern Territory, as there were fewer than 5 young people in the denominator.

Sources: Tables S119 and S120.

## Sentenced detention

Young people may be sentenced to detention if they are judged to be or have pleaded guilty in court. Sentenced detention includes young people who have received control orders or youth residential orders (see Glossary), or have had their parole revoked (which can be due to reoffending or non-compliance with parole conditions).

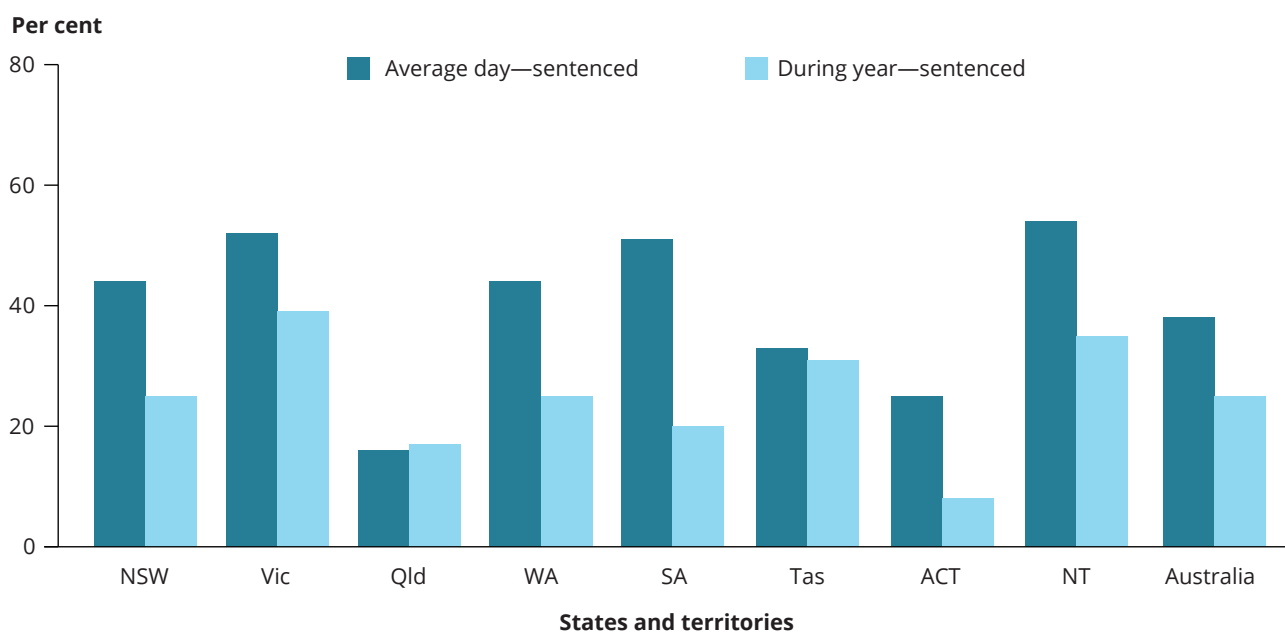
### Number and rate

On an average day in 2018–19, almost 2 in 5 young people in detention (38% or 368 young people) were in sentenced detention (Figure 5.4). Among the states and territories, this ranged from 15% in Queensland to 54% in the Northern Territory.

Nationally, half (50%) of all young people in sentenced detention on an average day were Aboriginal or Torres Strait Islander (Table S109a). This proportion varied considerably among the states and territories.

On an average day in 2018–19, the rate of young people aged 10–17 in sentenced detention was 1 per 10,000 (Table S111a). Among the states and territories for which rates could be calculated, rates were lowest in Victoria, Queensland and South Australia (less than 1 per 10,000 each) and highest in the Northern Territory (7 per 10,000). Rates for Tasmania and the Australian Capital Territory were not calculated due to small numbers.

**Figure 5.4: Young people aged 10 and over in sentenced detention on an average day and during the year as a proportion of all young people in detention, by state and territory, 2018–19 (%)**



**Notes**

1. Numerators are the number of young people in sentenced detention on an average day or during the year by state and the denominators are the number of young people in detention on an average day or during the year by state.
2. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention, this has resulted in an a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.

Source: Table S109.

## Completion of periods

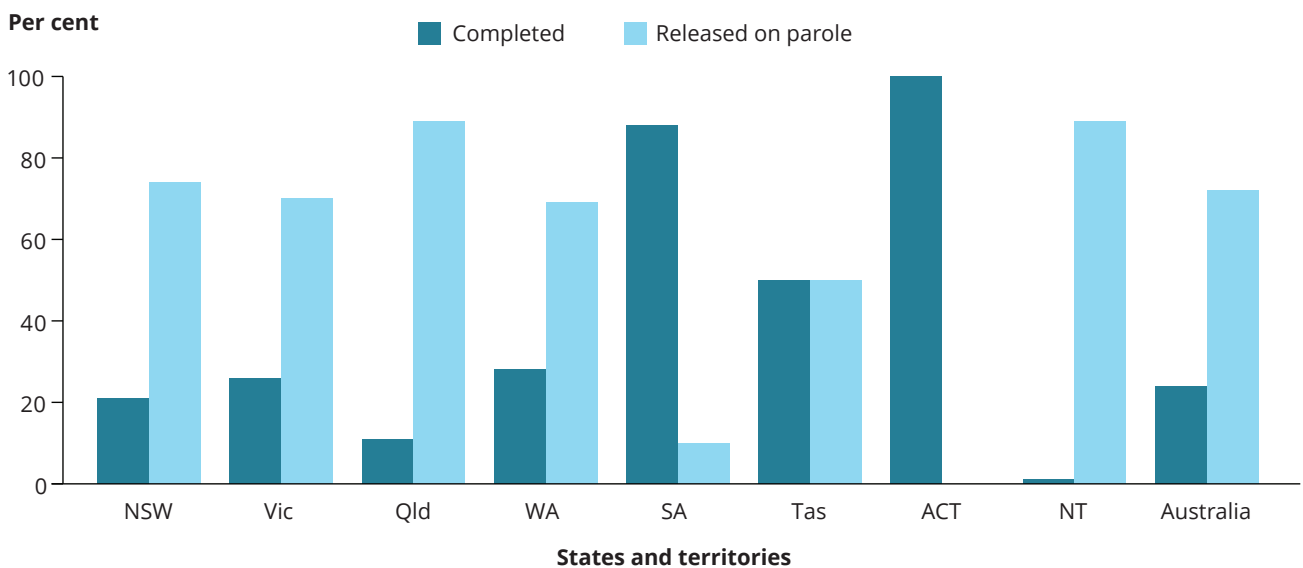
Almost three-quarters (72%) of sentenced detention periods that ended in 2018–19 ended because the young person was released on parole (also known as supervised release) (Figure 5.5).

About one-quarter (24%) ended with the period being completed, and the rest (about 4%) ended for other reasons, including transfer (which can include transfer to another youth detention centre, the adult system or interstate).

The states and territories varied:

- In New South Wales, Victoria, Queensland, Western Australia and the Northern Territory more than two-thirds of (69%–89%) sentenced detention periods ended with the young person being released on parole.
- In the Australian Capital Territory (88%) and South Australia (100%), most sentenced detention periods ended with the young person being released with no further supervision.
- In Tasmania, detention periods were just as likely to end with release on parole (50%) than release with no further supervision (50%).

**Figure 5.5: Sentenced detention ending with either sentence completion or release on parole (supervised release), by state and territory, 2018–19 (%)**



*Notes*

1. Numerators are the number of sentenced detention periods that were completed or ended because the young person was released on parole by state. Denominators are the number of periods of sentenced detention by state.
2. In some states and territories, a minimum duration of sentenced detention applies before a young person may be considered eligible for supervised release or parole. This affects the results and comparability.

Source: Table S125.

## Detention entries and exits

In this report:

- a ‘reception’ is when a young person enters detention (either sentenced or unsentenced), having not been detained immediately before
- a ‘release’ is when a young person leaves detention, and is not detained immediately afterwards.

To account for young people transported to court who return to detention after their court hearing, and young people transferred between detention centres, the start of a detention period is considered a reception only when it starts at least 2 full days after the end of the previous detention period.

Similarly, the end of a detention period is considered a release only when it ends at least 2 full days before the start of the next detention period. A change in legal status—for example, from unsentenced to sentenced detention within 2 days—is not counted as a new reception.

A release from detention includes young people being released to community-based supervision or out of youth justice supervision altogether.

There may be a small number of young people who are counted as having a reception or release where their travel time is longer than 2 full days when travelling to and from remote locations.

## Receptions

In 2018–19, 4,403 young people experienced 8,713 receptions into detention (Table S105a). Among all young people in detention in 2018–19, 90% were received at some point during the year, with an average of 2 receptions per young person, reflecting the short durations of detention periods. The rest entered in a previous year (tables S74b and S105b).

Almost half (45%) of young people who were received into detention during the year were received more than once (Table S107). Indigenous young people (51%) were more likely than non-Indigenous young people (41%) to have been received into detention more than once.

Most receptions (95%) were for young people entering unsentenced detention, which includes police-referred pre-court detention and remand (Table S105a).

Just under three-quarters of receptions (72%) were for remand, almost one-quarter (23%) were for police-referred pre-court detention, and the rest (5%) were for sentenced detention.

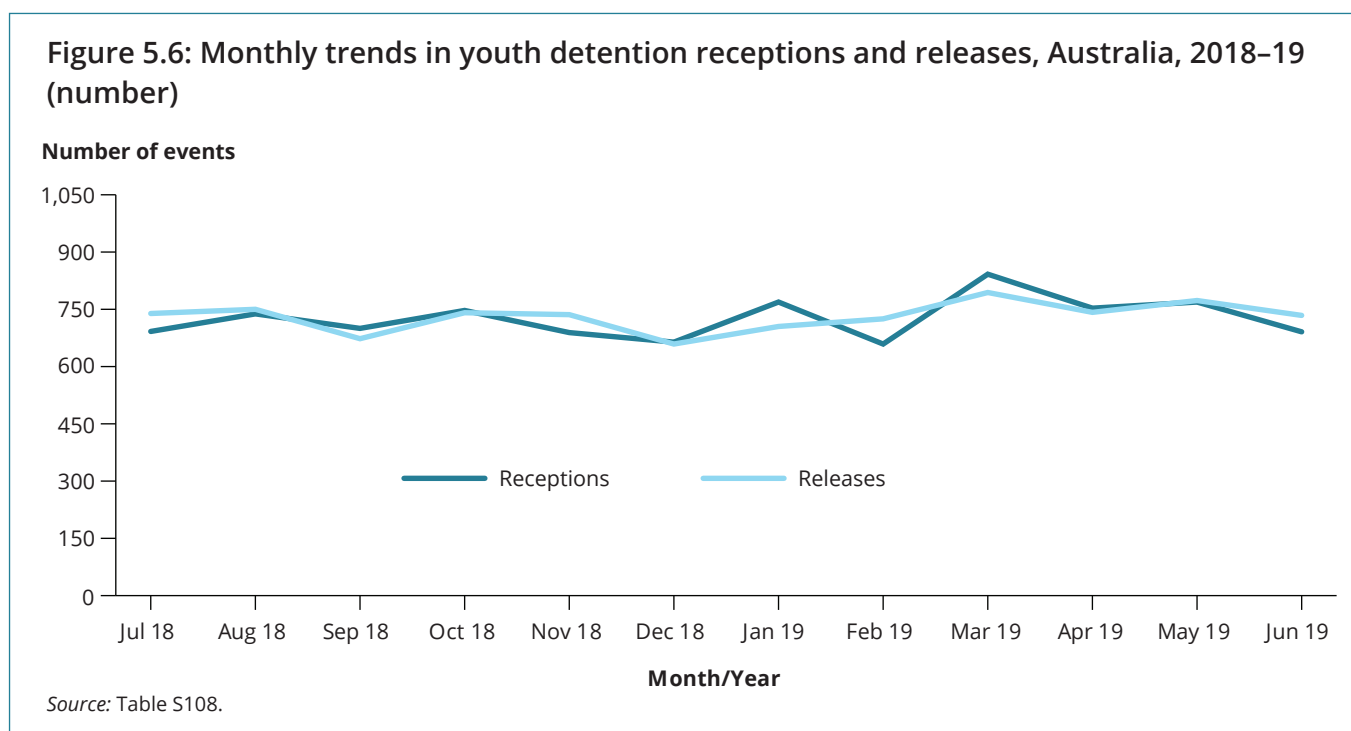
More than one-quarter (29%) of all young people in sentenced detention during 2018–19 were received during the year (tables S105b and S109b). This indicates that the rest were either received into sentenced detention in a previous year, or were in unsentenced detention immediately before they began their period of sentenced detention (and their sentenced period started within 2 days of their non-sentenced period ending).

## Releases

In 2018–19, 4,609 young people experienced 8,771 releases from detention. The vast majority of young people (95%) who were detained during the year were released at least once, with an average of 1.9 releases per young person (tables S74b, S106a, and S106b).

Similar to receptions, 87% of releases were from unsentenced detention. Almost three-quarters of releases (74%) were from remand, and 14% were from police-referred pre-court detention. The proportion of releases from sentenced detention (13%) was higher than that of receptions to sentenced detention (5%) (tables S105a and S106a).

In 2018–19, the numbers of receptions and releases were closely aligned each month, despite some fluctuations (Figure 5.6). The highest numbers of both receptions (842) and releases (794) occurred in March 2019.





## 6 Time under supervision

### Orders and supervision periods

#### Supervised orders

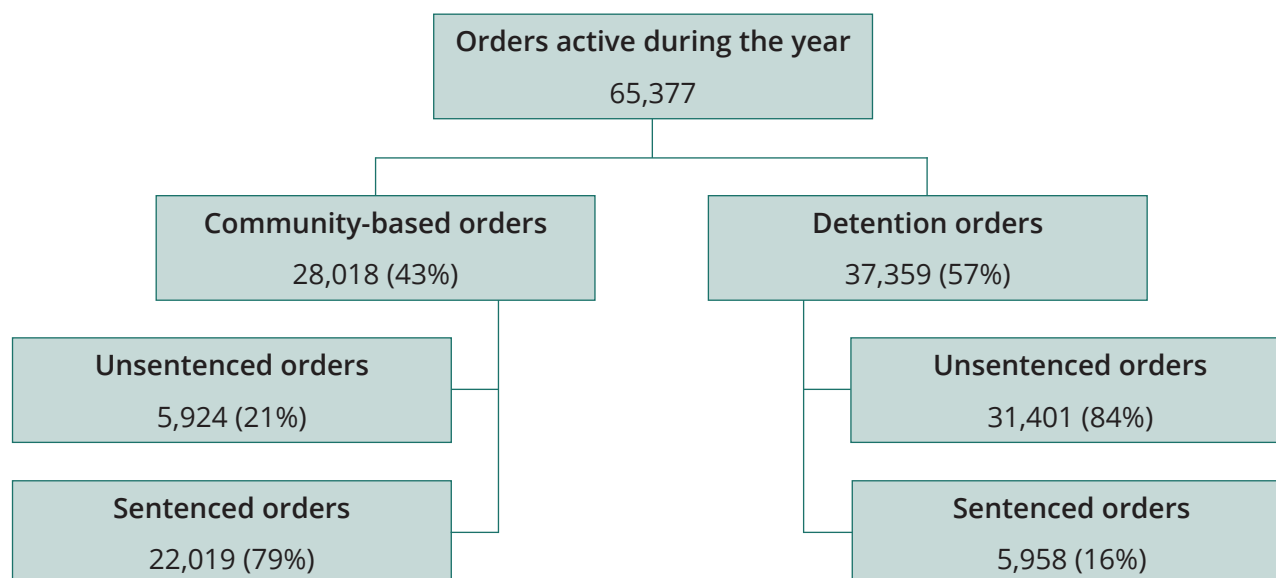
In 2018–19, the 10,820 young people under youth justice supervision were supervised under 65,377 sentenced and unsentenced orders (tables S1b and S25).

Although most (84%) young people were supervised in the community on an average day in 2018–19, detention orders were the most common type of order active in the same year (57%) (Table 2.1; Figure 6.1).

This difference between the most common type of order during the year and the most common type of supervision on an average day reflects differences in the typical durations of each type of order. Sentenced community-based orders typically last longer than unsentenced detention orders, and as a result, community-based supervision orders make up a larger proportion of the average daily count than detention orders.

Of all detention orders active during the year, most (84%) were unsentenced, while the majority of community-based orders were sentenced (79%). Orders are active if they start, end or are ongoing during the reference period.

Figure 6.1: Supervised orders, by type of order and legal status, 2018–19



*Note:* Totals for community-based orders, detention orders, and orders active during the year include orders with 'other' legal status.  
*Source:* Table S25.

In 2018–19:

- the majority of active orders in the Northern Territory (85%) and New South Wales were detention orders (63%)
- The Australian Capital Territory (77%), Tasmania (62%) and Western Australia (58%) had the largest proportions of active orders that were community-based
- Victoria, Queensland, and South Australia had an even split of detention and community-based active orders (49%–51%) (Table S25).

About two-thirds (67%) of young people under supervision during 2018–19 had multiple supervision orders during the year, with more than one-third (35%) having both community-based supervision and detention orders (tables S26a, S26b and S26c).

During 2018–19, there were:

- 28,018 community orders for the 9,695 young people under community-based supervision, an average of 2.9 orders per young person
- 37,359 detention orders for the 4,872 young people in detention, an average of 7.7 orders per young person (tables 2.1 and S25).

Of those under supervision, Indigenous young people were more likely to have multiple supervision orders (71%) than their non-Indigenous counterparts (62%) (Table S26).

Young people under community-based supervision were more likely than those in detention to have had only 1 order (43% compared with 23%), and less likely to have had 6 or more orders within the year (12% compared with 37%).

## Periods of supervision

In this report, a period of supervision refers to an amount of time spent under continuous supervision of a specified type. A period of supervision may be made up of 1 or more orders.

Young people may be on any number and type of orders at any time, but they might not serve the originally specified duration of these orders for several reasons. For example, a community order might not be served entirely in the community when there is a concurrent detention order, in which case, the young person may be supervised in detention.

The original duration of a sentenced detention order might also not be served in a detention facility—for example, where the young person is released on parole or supervised release. This report looks at the actual time spent under each type of supervision.

In 2018–19, the 10,820 young people under supervision received 14,191 periods of supervision (continuous supervision of any type), an average of about 1.3 periods per person (tables 2.1 and S27).

Among the 6,751 young people who completed a period of supervision in 2018–19, most (84%) completed only 1 period (Table S28).

About 6 in 10 (63%) young people supervised during 2018–19 completed at least 1 period of community-based supervision, and about 4 in 10 (43%) completed a period of detention (tables 2.1, S63 and S102).

More than 9 in 10 (95%) young people in detention during the year completed at least 1 period of detention. Of young people in detention, 1 in 5 (20%) completed at least 1 period of sentenced detention and most (88%) completed a period of unsentenced detention (tables S74b, S102, S116, and S123).

Young people who completed a period of unsentenced detention during the year completed more periods, on average, than those who completed a period of sentenced detention (2 compared with 1.3) (tables S117 and S124).

Indigenous young people (20%) were more likely than non-Indigenous young people (14%) to have completed multiple periods of supervision (Table S28). This was the case in both community-based supervision and detention (tables S63 and S102).



## Length of supervision periods

Individual periods of supervision completed during 2018–19 lasted for a median length of 132 days, or about 19 weeks (this includes time under supervision before 1 July 2018 if the period started before that date) (Figure 6.2).

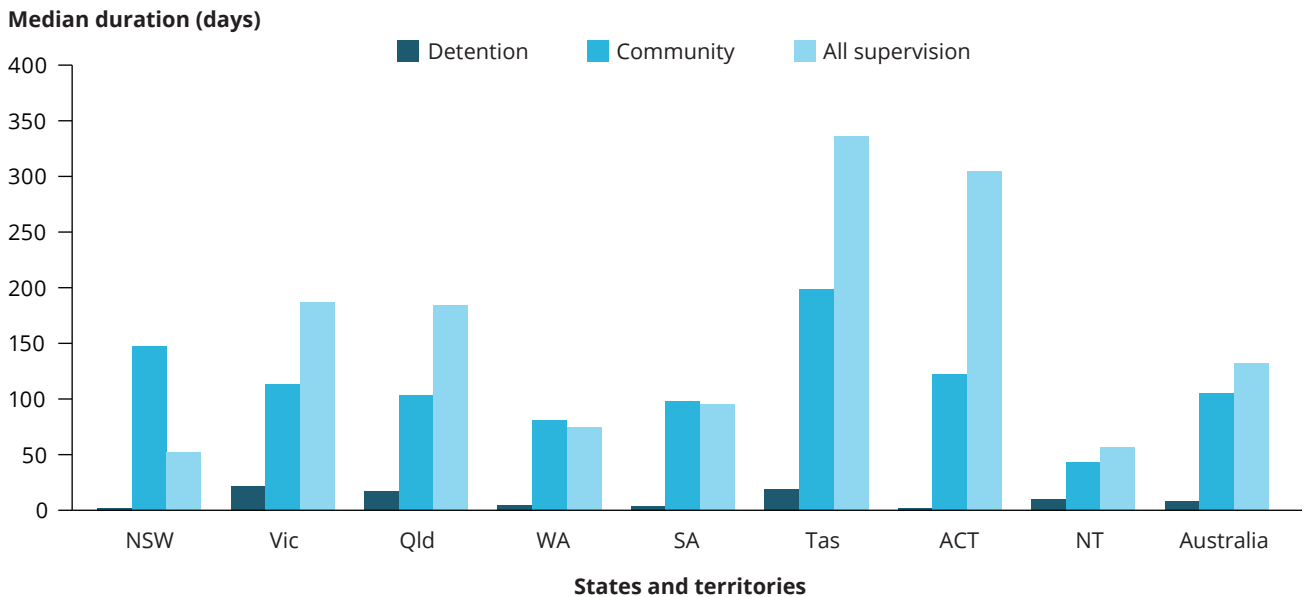
The median duration of completed periods varied substantially between states and territories, ranging from 52 days in New South Wales to 337 days in Tasmania (including time before to 1 July 2018).

Completed periods of community-based supervision were much longer than completed periods of detention, with a median length of 105 days (15 weeks) compared with 8 days (just over 1 week).

Again, there were differences among the states and territories. In 2018–19, the median length of completed periods of:

- community-based supervision ranged from 43 days in the Northern Territory to 199 days in Tasmania
- detention ranged from 2 days in New South Wales and the Australian Capital Territory to 22 days in Victoria.

**Figure 6.2: Median duration of completed supervision periods, by supervision type and state and territory, 2018–19 (days)**



Sources: Tables S29, S64, and S103.

The median duration of completed individual periods of unsentenced detention during 2018–19 was 6 days (Table S117). This varied among the states and territories, from 2 days in the Australian Capital Territory and New South Wales to 17 days in Queensland.

For completed periods of sentenced detention, the median duration was much longer, at 78 days (Table S124). Completed periods of sentenced detention ranged from a median of 37 days in the Australian Capital Territory to 111 days in Victoria.

On average, Indigenous young people completed slightly longer periods of unsentenced detention than non-Indigenous young people (median of 8 days compared with 5 days) (Table S117). But they completed slightly shorter periods of sentenced detention (median of 71 days compared with 88 days) (Table S124).

## Total time under supervision

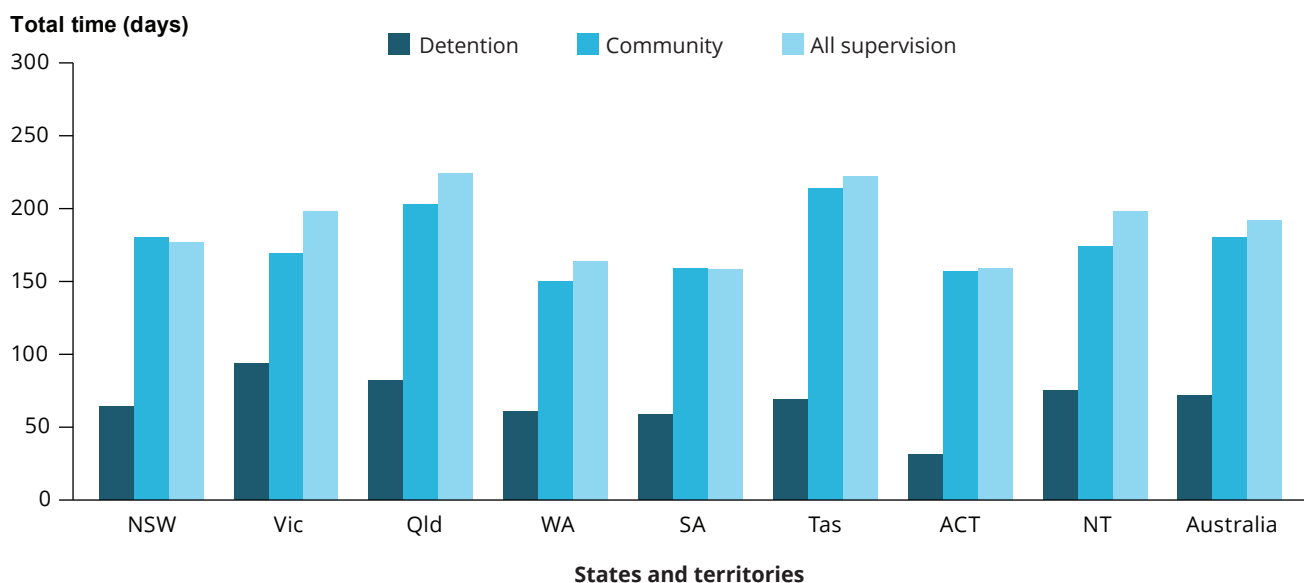
When all the time spent under supervision during 2018–19 is considered (including multiple periods of supervision and periods that were not yet completed at 30 June 2019), young people who were supervised during the year spent a total of 192 days or about 6 months (27 weeks), on average, under supervision (Figure 6.3).

This was lowest in South Australia (158 days) and the Australian Capital Territory (159 days), and highest in Queensland (224 days) and Tasmania (222 days).

Young people spent more time, on average, under community-based supervision during the year (180 days, or about 26 weeks) than in detention (72 days, or about 10 weeks). This varied among the states and territories. The average total time spent:

- under community-based supervision ranged from 150 days in Western Australia to 214 days in Tasmania
- in detention ranged from 31 days in the Australian Capital Territory to 94 days in Victoria.

**Figure 6.3: Average total time young people spent under supervision during the year, by supervision type, states and territories 2018–19 (days)**



Sources: Tables S30, S65, and S104.

During the year, young people spent much more time, on average, in sentenced detention (110 days in total, or nearly 16 weeks) than unsentenced detention (50 days, or about 7 weeks) (tables S118 and S126). This is to be expected, as young people are typically placed in unsentenced detention for relatively short periods while awaiting the outcome of their legal matter or sentencing.

The total amount of time young people spent in unsentenced detention during 2018–19 ranged from 24 days in the Australian Capital Territory to 73 days in Queensland (Figure 6.4).

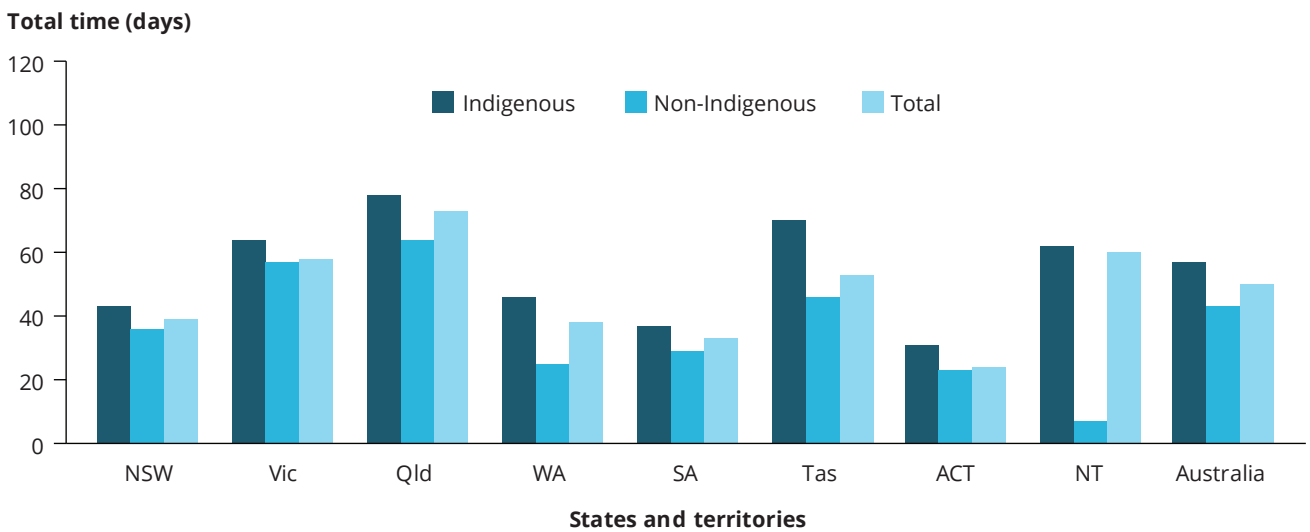
The average total time spent in sentenced detention was lowest in the Queensland (74 days), and highest in South Australia (145 days) (Figure 6.5).

Males (197 days) spent more time, on average, under supervision during the year than females (175 days) (Table S30). Males and females spent the same length of time, on average, under community-based supervision (180 days), but males (80 days) spent more than twice as long in detention than females (36 days) (tables S65 and S104).

Compared with young non-Indigenous young people, Indigenous young people spent:

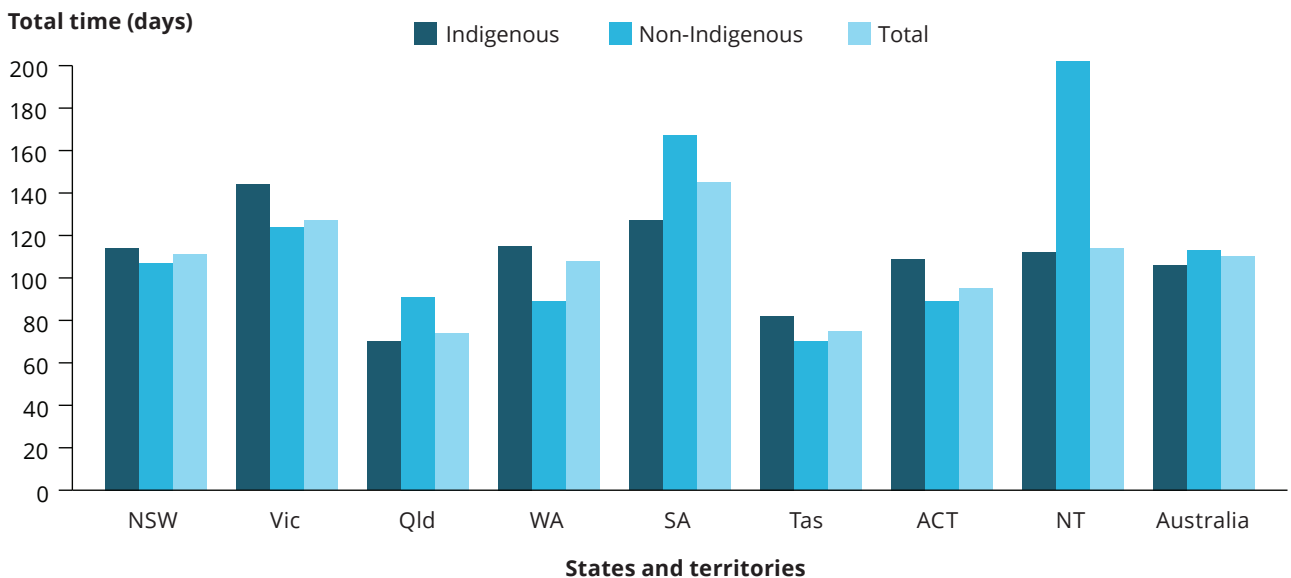
- 18 more days, on average, under supervision during the year (203 days, compared with 185)
- 14 more days, on average, in detention (79 days, compared with 65)
- a similar amount of time under community-based supervision (182 days, compared with 179) (tables S30, S65 and S104)
- 14 more days in unsentenced detention (57 days compared with 43)
- 7 fewer days in sentenced detention (106 days compared with 113) (figures 6.4 and 6.5).

**Figure 6.4: Average total time young people spent in unsentenced detention during the year, by Indigenous status and state and territory, 2018–19 (days)**

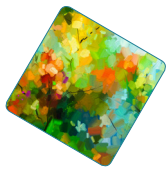


Source: Table S118.

**Figure 6.5: Average total time young people spent in sentenced detention during the year, by Indigenous status and state and territory, 2018–19 (days)**



Source: Table S126.



# 7 Supervision history

## First entry to supervision

### Entry to supervision

More than one-third (35%) of young people under youth justice supervision in 2018–19 were new to supervision in that year. The rest (65%) had been supervised in a previous year (Table S17). Indigenous young people (71%) were more likely than non-Indigenous young people (62%) to have been under supervision in a previous year.

Of young people under community-based supervision, 69% had been supervised (under any type of supervision) in a previous year, compared with 63% of those in detention (tables S55 and S93).

### Age at first supervision

First supervision refers to the first time a young person had contact with the youth justice system, and includes periods of supervision that occurred before the reference period (see Glossary).

Among all young people who were supervised during 2018–19 (Table S19):

- almost three-quarters (71%) had first entered supervision when they were aged 14–17
- one-quarter (25%) had first entered supervision when they were aged 10–13
- 4% had first entered youth justice supervision when they were aged 18 or over.

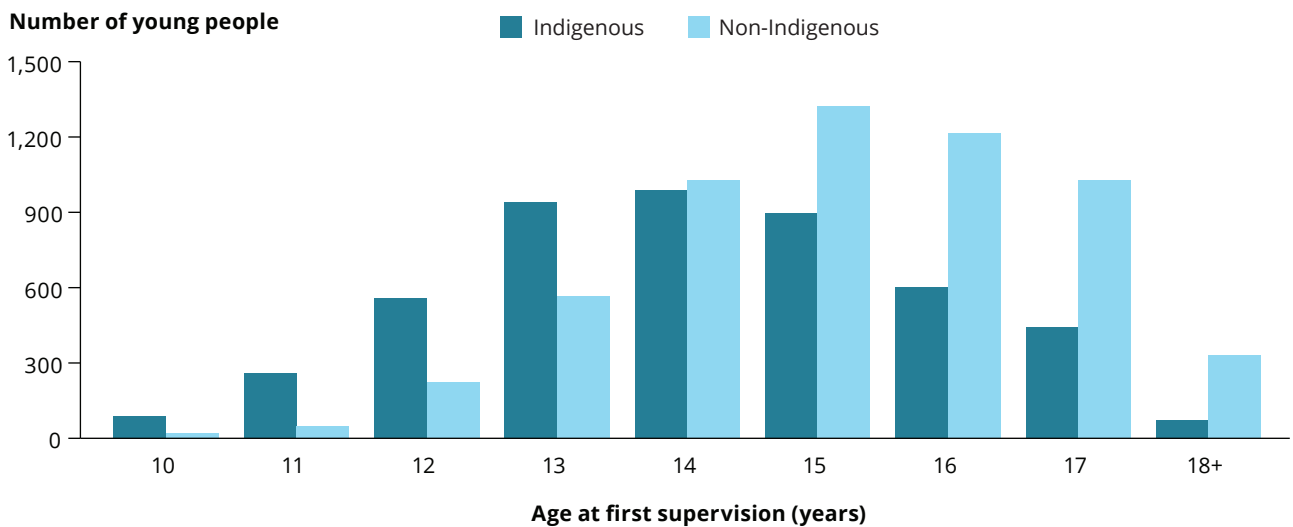
Young people who were supervised in 2018–19 were most likely to be aged 14–17 when they first entered supervision in all states and territories, ranging from 62% in Western Australia and South Australia to 83% in the Australian Capital Territory (Table S19).

Western Australia had the highest proportion of young people who first entered supervision when aged 10–13 (38%), while Victoria had the highest proportion who first entered supervision when aged 18 or over (14%) (a likely result of Victoria's 'dual track' sentencing system).

On average, Indigenous young people entered youth justice supervision at a younger age than non-Indigenous young people—nearly 2 in 5 (38%) Indigenous young people under supervision in 2018–19 were first supervised when aged 10–13, compared with about 1 in 7 (15%) non-Indigenous young people.

The most common age for first entry to youth justice supervision for Indigenous young people was 14, compared with 15 for non-Indigenous young people (Figure 7.1).

**Figure 7.1: Young people under supervision, by age at first supervision and Indigenous status, Australia, 2018–19 (number)**



Source: Table S18.

## First type of supervision

First supervision refers to the first time a young person has contact with the youth justice system and includes periods of supervision that occurred before the reference period (see Glossary).

Among all those who were supervised during 2018–19, the most common first types of supervision were probation and similar (36%) and remand (30%) (Figure 7.2).

For young people entering supervision for the first time, when aged 10–13 or 14–17, the most common types of supervision were probation and similar and remand (Figure 7.2).

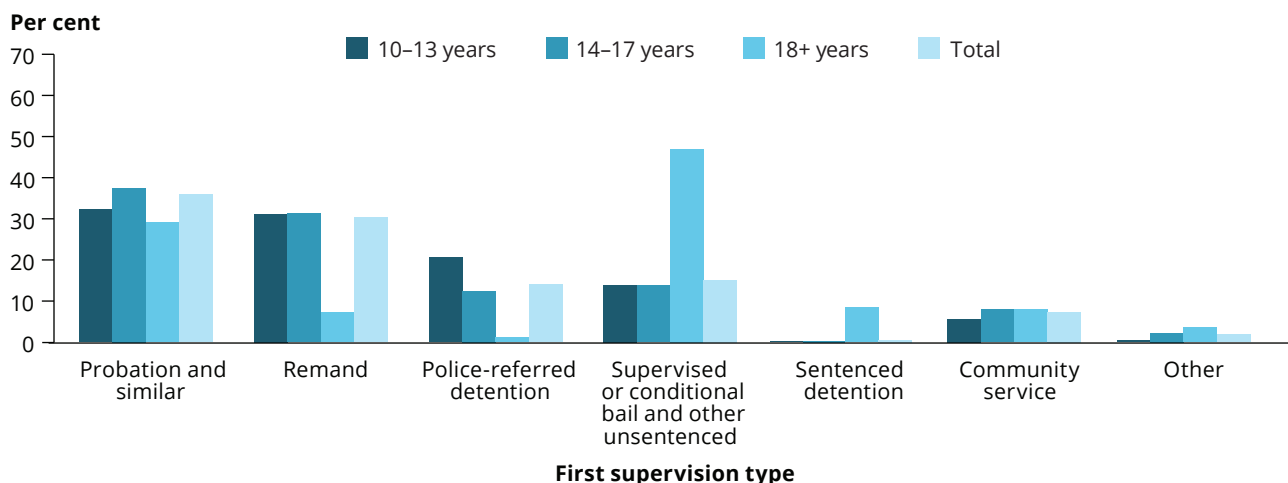
For those entering supervision for the first time aged 18 and over, the most common type of first supervision was supervised or conditional bail (and other unsentenced supervision).

Very few young people under youth justice supervision were given sentenced detention as their first type of supervision (less than 1% overall), except for those aged 18 and over (8%).

The most common type of first supervision differed among the states and territories (tables S19 and S20). It was:

- remand in the Northern Territory (68%), Australian Capital Territory (68%), and New South Wales (45%)
- police-referred detention in South Australia (43%)
- probation and similar in Queensland (53%), Tasmania (41%), and Western Australia (38%)
- supervised or conditional bail (and similar) in Victoria (47%).

**Figure 7.2: Young people under supervision, by type of first supervision and age at first supervision, Australia, 2018–19 (%)**



*Note:* Numerators are the number of young people who were under a given type of supervision by age group of first supervision (Table S20) and denominators are the total number of young people under supervision during the year by age group of first supervision (Table S19).  
*Sources:* Tables S19 and S20.

## Youth justice supervision history

More than 9 in 10 (92%) young people who were supervised during 2018–19 had been under community-based supervision at some time during their supervision history (either during 2018–19 or in a previous year) (Figure 7.3). More than 6 in 10 (65%) had spent time in detention.

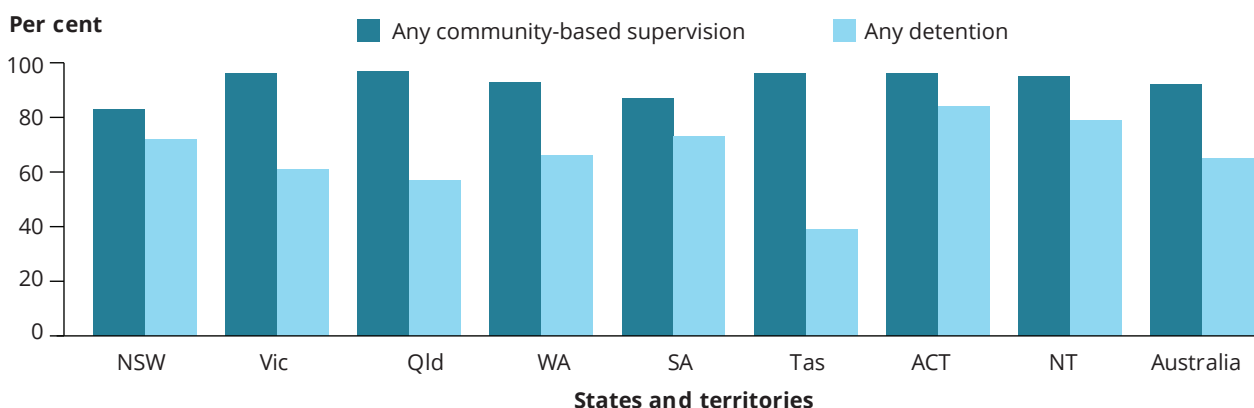
More than half (57%) of all young people under supervision during 2018–19 had been both under community-based supervision and in detention at some time during their supervision history (tables S2 and S35).

More than one-third (35%) had been only under community-based supervision, and 8% had been only in detention.

Among the states and territories, the proportion of young people supervised during 2018–19 who had been:

- under community-based supervision at some point during their supervision history ranged from 83% in New South Wales to 97% in Queensland
- in detention ranged from 39% in Tasmania to 84% in the Australian Capital Territory (Figure 7.3).

**Figure 7.3: Young people under supervision during the year, by supervision history, states and territories, 2018–19 (%)**



*Notes*

1. Numerators are the number of young people who had a supervision history containing any type of community-based supervision (Table S35c) or detention (Table S35g) by state. Denominators are the number of young people under supervision during the year by state (Table S2b).

2. Supervision history was not available for all young people under supervision (see Appendix 1).

*Sources:* Tables S2b, S35c and S35g.

Of young males under supervision during 2018–19, 92% had been under community-based supervision at some point during their supervision history, compared with 91% of females. Males (66%) were more likely to have previously been in detention than females (60%) (tables S2b, S35c and S35g).

Similar proportions of Indigenous and non-Indigenous young people under supervision in 2018–19 had been under community-based supervision at some time during their supervision history (94% compared with 91%) (tables S2b and S35c).

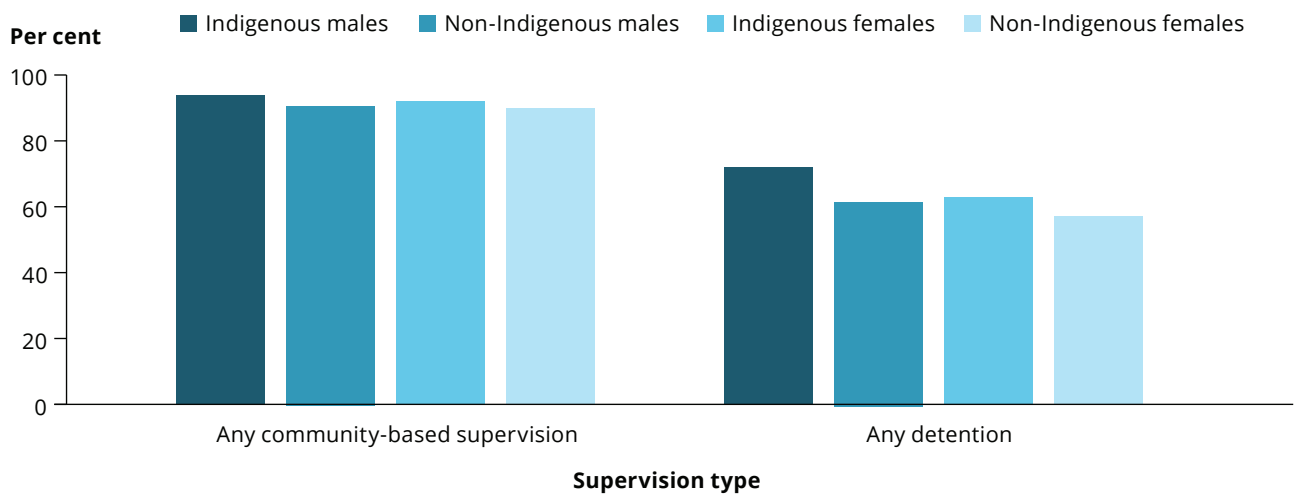
This pattern was similar for young Indigenous and non-Indigenous males and females (94% compared with 91% and 92% compared with 90%, respectively).

Indigenous young people (70%) under supervision in 2018–19 were more likely than non-Indigenous young people to have previously been in detention (61%) (tables S2b and S35g).

Of young Indigenous males under supervision, 72% had been in detention at some point during their supervision history, compared with 62% of young non-Indigenous males.

Of young Indigenous females under supervision, 63% had been in detention, compared with 57% of young non-Indigenous females (Figure 7.4).

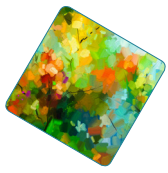
**Figure 7.4: Young people under supervision during the year, by Indigenous status, sex, and supervision history, 2018–19 (%)**



*Notes*

1. Numerators are the number of young people who had a supervision history containing any type of community-based supervision (Table S35c) or detention (Table S35g) by sex and Indigenous status. Denominators are the number of young people under supervision during the year by sex and Indigenous status (Table S2b).
2. Supervision history was not available for all young people under supervision (see Appendix 1).

*Sources:* Tables S2b, S35c and S35g.



## 8 Trends in supervision

### Recent trends

#### National

The number of young people aged 10 and over who were under supervision (including those aged 18 and over) on an average day fell between 2014–15 and 2016–17, and then rose to 2018–19 (Table S11a). Overall, over the 5 years from 2014–15 to 2018–19, the number of young people under supervision fell slightly by 1% (from 5,740 to 5,694), while the rate of those aged 10–17 fell from 22 to 20 per 10,000 young people (Figure 8.1).

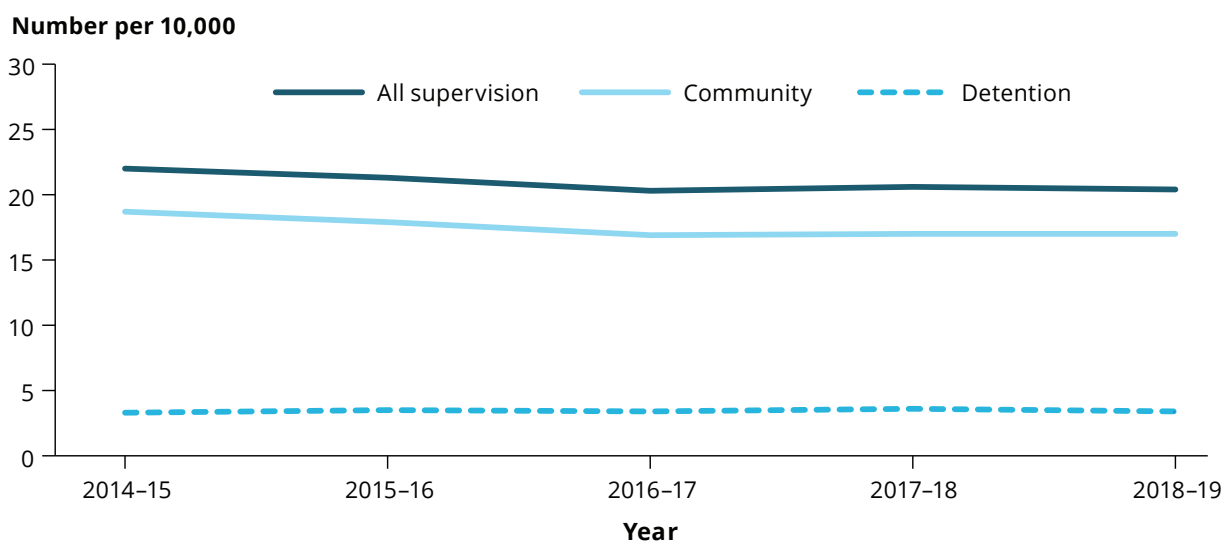
While the total number of individual young people who were supervised across this period fell, there were slight increases in Queensland, Tasmania and the Northern Territory. For Queensland, this rise is in part due to new legislation starting on 12 February 2018, which began the transfer of young people aged 17 from the adult justice system to youth justice supervision.

Between 2014–15 and 2018–19, the total number of young people aged 10 and over who were under supervision during the year fell by 6% (from 11,495 to 10,820) (Table S11b), but the average total time young people spent under supervision during the year rose slightly from 182 to 192 days (Table S30).

The decrease in the number of young people under supervision is on part due to a fall in the numbers of young people who have been the subject of legal action by police and who had charges finalised in the children's courts in recent years.

Between 2014–15 and 2018–19, the number of young people aged 10–19 who had their matters finalised in court fell by 13% (ABS 2020a).

**Figure 8.1: Trends in young people aged 10–17 under supervision on an average day, by supervision type, 2014–15 to 2018–19 (rate)**



*Note:* Trend data might differ from those previously published due to data revisions.

*Sources:* Tables S12a, S47a, and S85a.



Between 2014–15 and 2018–19, the number of young people aged 10 and over who were under supervision on an average day fell by 7, from 5,740 to a low of 5,329 in 2016–17, then rose again to 5,694 in 2018–19.

The rise from 2017–18, was in part due to new legislation in Queensland to include young people aged 17 in the youth justice system. The number of young people under supervision in Queensland rose by 37% from 1,414 in 2016–17 to 1,939 in 2018–19.

Nationally, the rate of young people aged 10–17 under supervision has fallen from 22 to 20 per 10,000 over the 5 years (Figure 8.1; Table S12a).

Between 2014–15 and 2018–19, the number of young people aged 10 and over in community-based supervision on an average day fell slightly by 2% (from 4,879 to 4,767). The rate dropped from 19 to 17 per 10,000 for those aged 10–17 (Figure 8.1; tables S46a and 47a). In the most recent year, the number rose by 4% (from 4,567 to 4,767), and the rate remained the same, at 17 per 10,000.

Between 2014–15 and 2018–19, the number of young people in detention aged 10 and over on an average day rose by 8% (from 887 to 956). The rate fluctuated at 3–4 per 10,000 for those aged 10–17 between 2014–15 and 2018–19 (Figure 8.1; tables S84a and 85a). In the most recent year, the number fell by 2% (from 978 to 956).

## States and territories

Between 2014–15 and 2018–19, the rate of young people aged 10–17 under supervision on an average day rose in Queensland, Tasmania and the Northern Territory and fell in the remaining states (Figure 8.2; Table 8.1).

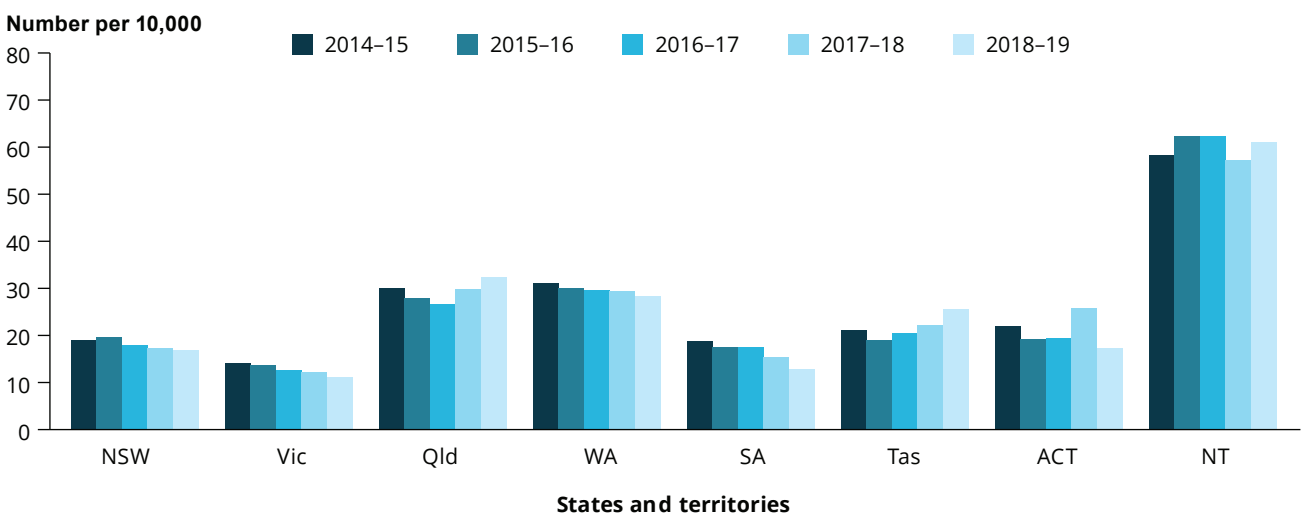
In Queensland, the rate fell between 2014–15 and 2016–17 (from 30 to 27 per 10,000), before rising to 32 per 10,000 in 2018–19, following a change in legislation (Table S12a).

The rates of young people aged 10–17 under community-based supervision on an average day fell overall in all states and territories, except for in Queensland, Tasmania and the Northern Territory.

The largest rise was seen in the Northern Territory (42 to 47 per 10,000 from 2014–15 to 2018–19) while the largest fall was in South Australia (from 16 to 10 per 10,000) (Table S47a).

Detention rates fell or remained steady in most states and territories except Victoria and Queensland, where they rose slightly (Table S85a).

**Figure 8.2: Trends in young people aged 10–17 under supervision on an average day, by state and territory, 2014–15 to 2018–19 (rate)**



Note: Trend data might differ from those previously published due to data revisions.

Source: Table S12a.

**Table 8.1: Overall change in young people aged 10–17 under supervision on an average day, by supervision type and Indigenous status, and state and territory, 2014–15 to 2018–19 (rate)**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Community</b>									
Indigenous	↓	↓	↑	↓	↓	↑	↓	↑	↓
Non-Indigenous	↓	↓	↓	↑	↓	↓	↓	n.p.	↓
Total	↓	↓	↑	↓	↓	↑	↓	↑	↓
<b>Detention</b>									
Indigenous	↓	↑	↑	↓	↓	n.p.	n.p.	↓	↑
Non-Indigenous	↔	↑	↔	↔	↔	↔	n.p.	n.p.	↔
Total	↔	↑	↑	↓	↓	↔	↓	↓	↔
<b>All supervision</b>									
Indigenous	↓	↓	↑	↓	↓	↑	↓	↑	↓
Non-Indigenous	↓	↓	↔	↔	↓	↔	↓	n.p.	↓
<b>Total</b>	↓	↓	↑	↓	↓	↑	↓	↑	↓

*Notes*

1. Arrows indicate an overall change between 2014–15 and 2018–19. Trends might have fluctuated between these years, particularly for smaller jurisdictions.
2. Data might differ from those previously published due to data revisions.

Sources: Tables S12a, S47a, and S85a.

## Age and sex

Over the 5 years to 2018–19, the rates of young males under supervision fell while rates for young females remained steady. For males aged 10–17 on an average day, the rate fell from 35 to 31 per 10,000; for females it stayed at 8–9 per 10,000 (Table S15a). On an average day each year, males aged 10–17 were about 4 times as likely as females to be under supervision.

The rate for community-based supervision on an average day for males aged 10–17 fell over the 5-year period from 29 to 25 per 10,000 while the rate for young females fluctuated at 7–8 per 10,000 (Table S50a). On an average day each year, males were 3–4 times as likely as females to be under community-based supervision, and 8–9 times as likely as females to be in detention (tables S50a and S88a).

The fall in rates of young males under supervision on an average day occurred at most ages, with the largest fall being for those aged 14 (from 38 to 32 per 10,000 over the 5-year period) (Table S9a).

The rate of young males aged 17 rose from 74 to 79 per 10,000. This is in part due to legislation in Queensland to include young people aged 17 years from February 2018 (Table S9a).

Among young females, rates were more stable, with only slight increases for those aged 16 (19 to 21 per 10,000) and 17 (15 to 17 per 10,000).

## Indigenous young people

Between 2014–15 and 2018–19, the number of Indigenous young people (including those aged 18 and over) under supervision rose by 6% from 2,551 to 2,695 (Table 11a). This was in part due to new legislation in Queensland to include young people aged 17 years from February 2018.

But the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 176 to 172 per 10,000 population in the same period (Table S12a).

For non-Indigenous young people under supervision, the rate fell slightly from 12 to 11 per 10,000 from 2014–15 to 2015–16, and remained at about 11 per 10,000 up to 2018–19.

Over the 5 years to 2018–19, the level of Indigenous over-representation stabilised. This was due to a fall in rates of Indigenous young people and a levelling out of rates for non-Indigenous young people under supervision.

On an average day in 2014–15, Indigenous young people aged 10–17 were 15 times as likely as their non-Indigenous counterparts to be under supervision, rising to 16 times in 2015–16 and remaining there up to 2018–19 (Table S12a).

Between 2014–15 and 2018–19, the numbers and rates of Indigenous and non-Indigenous young people in community-based supervision on an average day matched trends in all supervision.

The number of Indigenous young people aged 10 and over rose by 5%—from 2,089 to 2,197—while the rate fell from 143 to 138 per 10,000 (tables S46a and S47a).

For non-Indigenous young people aged 10 and over, the number fell by 7%—from 2,696 to 2,514—while the rate of those aged 10–17 fell slightly from 10 to 9 per 10,000 (tables S46a and S47a).

The level of Indigenous over-representation stabilised over the 5-year period. In 2014–15 the rate ratio was 14, rising to 15 in 2015–16, and remaining at 15 to 2018–19 (Table S47a).

The number of non-Indigenous young people aged 10 and over in detention on an average day rose at a similar rate over the 5-year period (7%, from 408 to 437) to the rate of their Indigenous counterparts (8%, from 476 to 515) (Table S84a).

The rate for young Indigenous people fluctuated at 33–35 per 10,000 over the period, while the non-Indigenous rates fluctuated at 1–2 per 10,000. The Indigenous rate ratio for those in detention fluctuated at 21–24 per 10,000 (Table S85a).

Over the 5-year period, the rates of Indigenous young people under supervision fell in all states, except Queensland, Tasmania and the Northern Territory, where the rates rose.

Of the jurisdictions with a fall in Indigenous rates, the largest decreases were in the Australian Capital Territory (212 to 130 per 10,000) and Western Australia (302 to 252 per 10,000) (Table S12a).

Rates for non-Indigenous young people remained more stable, with the rates falling slightly in most states, except for Queensland and Western Australia, where they steadily fell until 2016–17, then rose again in 2017–18 and 2018–19. South Australia had the largest fall over the 5-year period from 11 to 7 per 10,000 (Table S12a).

Between 2014–15 and 2018–19, detention rates for Indigenous young people rose in Victoria (15 to 19 per 10,000) and Queensland (29 to 43 per 10,000) and fell in New South Wales (30 to 24 per 10,000), Western Australia (68 to 59 per 10,000) and the Northern Territory (34 to 30 per 10,000). Rates for Tasmania and the Australian Capital Territory could not be calculated due to small numbers (Table S85a).

## Time under supervision

Over the 5 years from 2014–15 to 2018–19, the average amount of time young people spent under youth justice supervision during the year remained relatively stable until 2016–17, at 182–184 days. It then rose to 189 days in 2017–18, and to 192 days in 2018–19.

This trend was seen in community-based supervision, with rises in 2017–18 (from 172 to 176 days) and in 2018–19 (from 176 to 180 days), with an overall rise of 171 to 180 days over the 5-year period.

Average detention lengths remained more stable, at 68–72 days (tables S30, S65, and S104).

The average length of time young people spent under youth justice supervision varied among the states and territories, with the largest overall rise in the Northern Territory (from 150 to 198 days). There were overall falls in the Australian Capital Territory (from 183 and 159 days) and New South Wales (from 180 to 177 days).

## Longer trends

### National

Nationally, the rate of young people aged 10–17 under youth justice supervision on an average day varied over the 10 years to 2018–19.

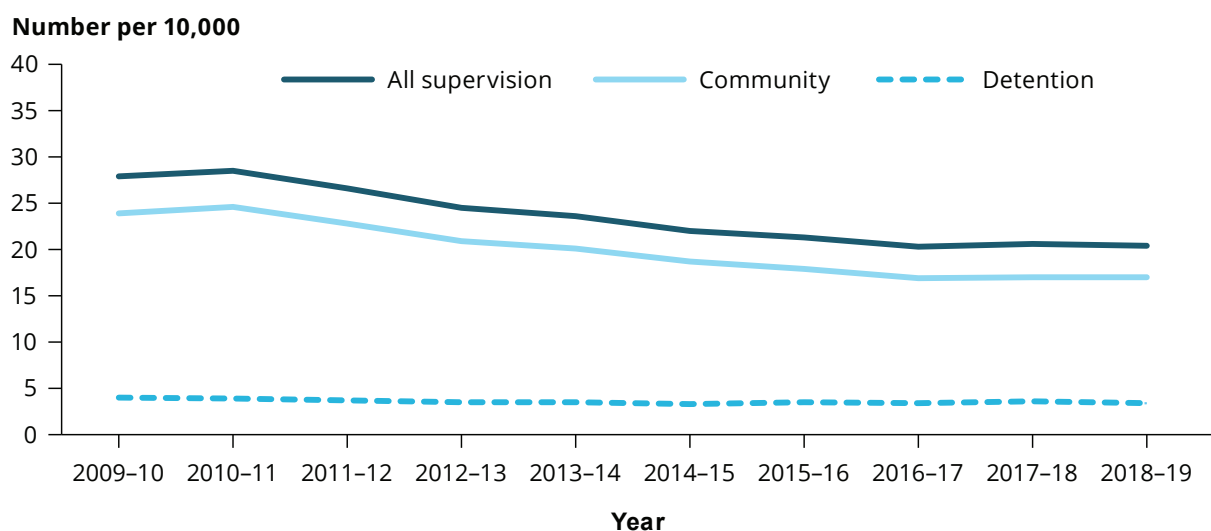
The rate fell from about 28 per 10,000 young people aged 10–17 in 2009–10 and 2010–11 to 20 per 10,000 in 2016–17. The rate remained stable to 2018–19, fluctuating at 21–20 per 10,000 (Figure 8.3).

The rate of young people under supervision during each year (rather than on an average day) fell steadily from 57 per 10,000 in 2009–10 to 38 per 10,000 in 2018–19 (Table S12b).

This trend is largely associated with changes in the rate of community-based supervision, as 84% of all young people under supervision on an average day were supervised in the community (Table 2.1). The rate of community-based supervision peaked at 25 per 10,000 young people aged 10–17 on an average day in 2010–11, before falling to 17 per 10,000 in 2016–17 and remaining stable to 2018–19 (Figure 8.3).

The rate of young people in detention remained stable, at 3–4 per 10,000 over the 10 years.

**Figure 8.3: Trends in young people under supervision on an average day, by supervision type, 2009–10 to 2018–19 (rate)**



Sources: Tables S12a, S47a, and S85a.

Rates of supervision peaked for both Indigenous and non-Indigenous young people in 2010–11, before falling in subsequent years:

- from 212 per 10,000 Indigenous young people in 2010–11 to 172 per 10,000 in 2018–19
- from 17 to 11 per 10,000 non-Indigenous young people.

Between 2009–10 and 2018–19, the drop in the rate of non-Indigenous young people was proportionally greater than that of Indigenous young people. This means the level of Indigenous over-representation rose (from 13 to 16 times the non-Indigenous rate) (Table 12a).

The rate ratio of males to females under supervision remained stable over the 10-year period.

In 2009–10, young males aged 10–17 were 5 times as likely as young females to be under youth justice supervision on an average day. The rate ratio dropped slightly to 4 in 2010–11 and did not change to 2018–19 (Table S15a).

Rates of both males and females under supervision were highest in 2010–11 (at 46 and 10 per 10,000 respectively). For males, rates dropped steadily to 32 per 10,000 in 2018–19. Female rates fell to 8 per 10,000 in 2015–16, and rose slightly to 9 per 10,000 in 2018–19 (Table S15a).

## States and territories

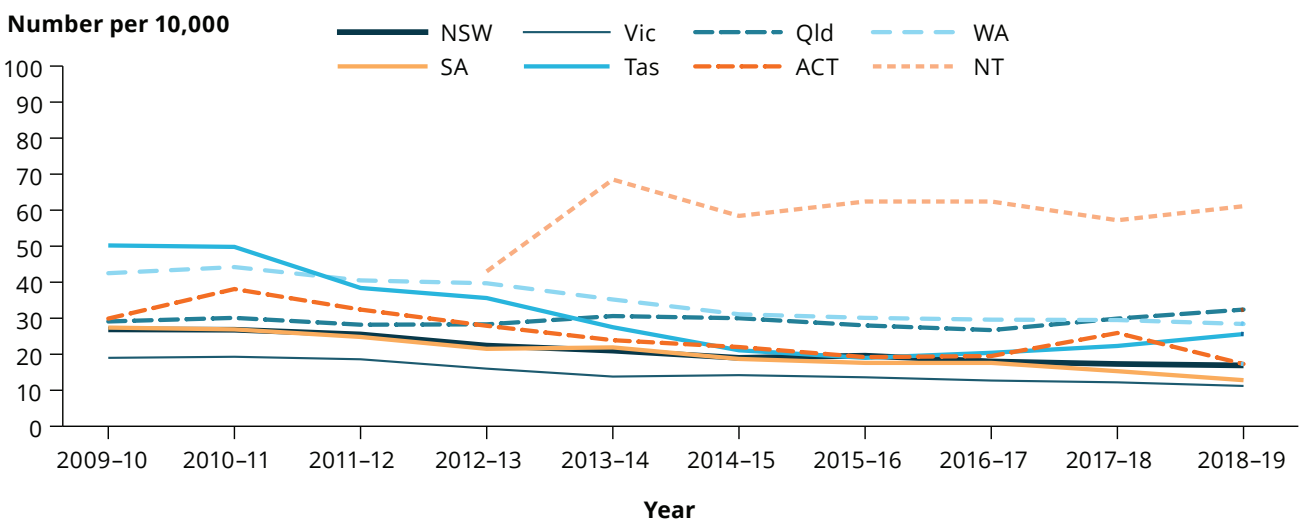
Trend data are published for the 10 years from 2009–10 to 2018–19 for New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, and the Australian Capital Territory. Data for the Northern Territory are available from 2012–13 to 2018–19 (7 years) (see Appendix 1).

On an average day from 2009–10 to 2018–19, Victoria had the lowest rate of supervision, at fewer than 20 per 10,000 young people throughout the period. Rates in New South Wales, Queensland, South Australia, and the Australian Capital Territory remained at fewer than 40 per 10,000 (Figure 8.4).

The rate of young people under supervision on an average day followed a similar pattern in nearly all states and territories, with rates over the 10 years peaking between 2009–10 and 2010–11 before falling in the subsequent years.

In the Northern Territory, the rate of supervision peaked in 2013–14. In Tasmania the rate decreased to a low in 2015–16 and rose to 2018–19. Rates in Queensland rose overall to 2018–19 and in the Australian Capital Territory rates fell from 2010–11 almost consistently to 2018–19 with a spike in 2017–18.

**Figure 8.4: Trends in young people under supervision on an average day, by state and territory, 2009–10 to 2018–19 (rate)**



*Note:* Data are not available for the Northern Territory from 2009–10 to 2011–12.

*Source:* Table S12a.

Trends in the rate of young people under community-based supervision on an average day followed similar patterns to those for all supervision in most states and territories. Rates peaked between 2009–10 and 2010–11 before falling for most states to 2018–19.

Rates of young people under community-based supervision:

- rose in Queensland between 2016–17 and 2018–19
- rose in Tasmania between 2015–16 and 2018–19
- spiked in the Australian Capital Territory 2017–18
- fell overall between 2009–10 and 2018–19 in all jurisdictions, except for Queensland and the Northern Territory (Table S47).

The rate of young people in detention on an average day also varied among the states and territories over the 10 years (Table S88).

Between 2009–10 and 2018–19, detention rates fell overall in New South Wales, Western Australia, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory and rose in Victoria and Queensland.

The level of Indigenous over-representation in supervision on an average day fluctuated over the decade to 2018–19 in most states and territories (Table S12).

The rate of Indigenous young under supervision people fell overall in all states and territories over the 10-year period from 2009–10 to 2018–19, except for Queensland (data for the Northern Territory in 2009–10 were unavailable). The largest fall was seen in Western Australia where the rate of Indigenous young people fell from 420 to 252 per 10,000.



## 9 Youth justice in context

### The youth and adult justice systems in Australia

#### Contact with police

People first enter the justice system when they are investigated by police for allegedly committing an offence. Police may start legal action against them (proceed against) via court actions or non-court actions. Court actions refer to those where charges are laid that must be answered in court; non-court actions include cautions, conferences, counselling, or infringement notices.

Young people are more likely than adults to be proceeded against for allegedly committing an offence. This is due, in part, to the fact that involvement in crime tends to be highest in adolescence or early adulthood, and diminishes with age (Fagan & Western 2005; Farrington 1986).

In 2018–19, police proceeded against 142 per 10,000 young people aged 10–17 (the primary group in the youth justice system), and 135 per 10,000 among those aged 18 and over (ABS 2020b).

The Australian Bureau of Statistics (ABS) publishes information on the types of principal (most serious) offences among young people who were proceeded against by police.

In 2018–19, the most common principal offences among young people aged 10–17 were:

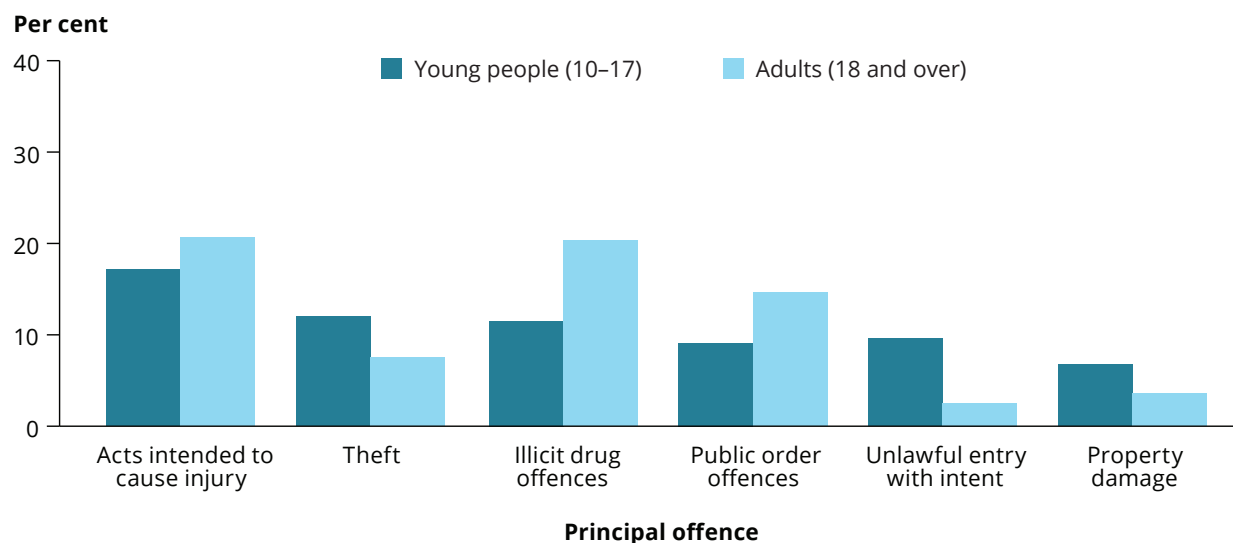
- acts intended to cause injury (17%)
- theft (12%)
- illicit drug offences (12%) (Figure 9.1).

The most common principal offences among adults aged 18 and over were:

- acts intended to cause injury (21%)
- illicit drug offences (20%)
- public order offences (15%).

The adult category includes a much broader age group than the young people category, and this might influence the results.

**Figure 9.1: Young people and adults proceeded against by police, by selected principal offence, 2018–19 (%)**



Sources: ABS 2020b.

## Community-based supervision, detention, and prison

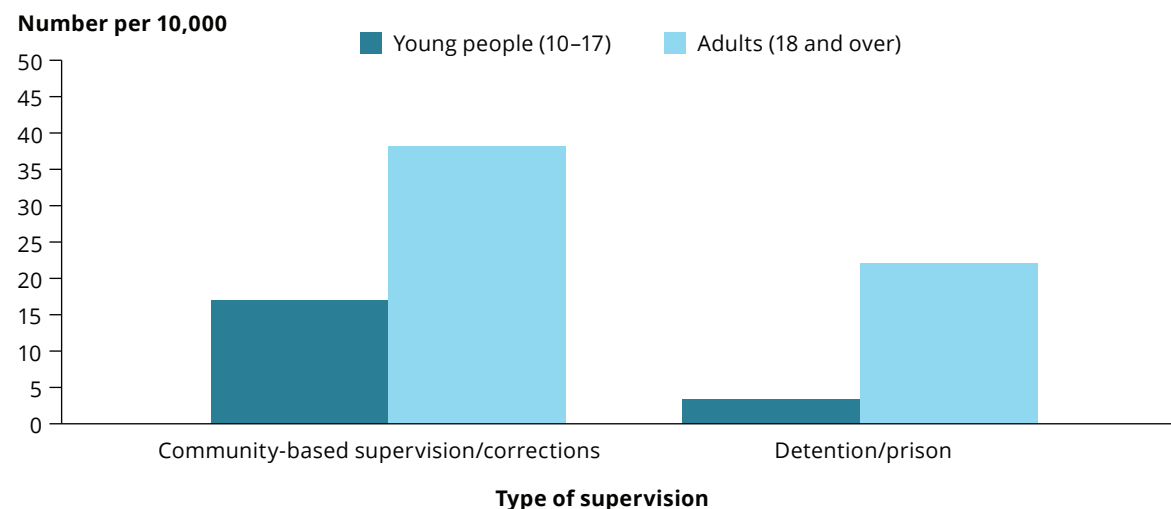
Although young people were more likely than adults to be proceeded against by police, adults were more likely to be placed under formal supervision.

On an average day in 2018–19, 38 per 10,000 adults aged 18 and over were in adult community-based corrections. Available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2018 to June 2019.

This compares with 17 per 10,000 young people aged 10–17 under community-based youth justice supervision on an average day in 2018–19.

At the same time, 22 per 10,000 adults were in prison, compared with 3 per 10,000 young people aged 10–17 in youth justice detention (Figure 9.2).

**Figure 9.2: Young people aged 10–17 and adults under supervision on an average day, by type of supervision, 2018–19 (rate)**



Note: Data on young people under supervision are for 2018–19; available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2018 to June 2019.

Sources: ABS 2019b; tables S39a and S77a.



Young people aged 10–17 under youth justice supervision were more likely to be Aboriginal or Torres Strait Islander than adults under supervision. On an average day in 2018–19, more than half (58%) of young people aged 10–17 in detention were Indigenous, compared with just over one-quarter (28%) of adults in full-time prison.

Similarly, almost half (48%) of young people supervised in the community, and about 1 in 5 (21%) adults in community corrections, were Indigenous (Figure 9.3).

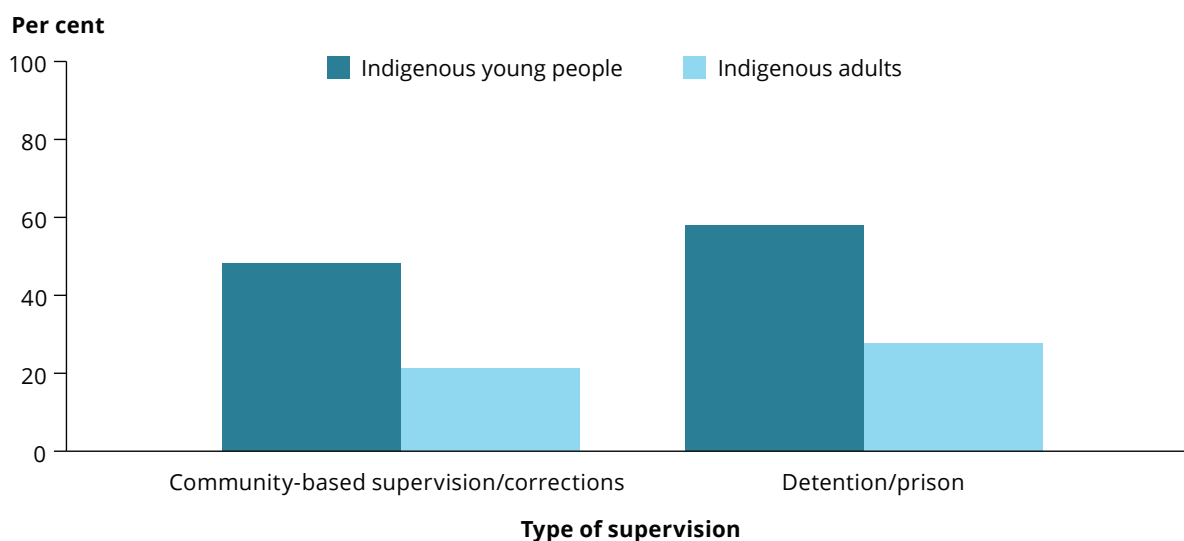
As a result, the level of Indigenous over-representation was higher among the youth detention population on an average day in 2018–19 than among adults in full-time prison on an average day in the in 2019 calendar year. Available ABS data for Indigenous and non-Indigenous adults are crude rates, by calendar year.

Indigenous young people (34 per 10,000) were 22 times as likely as non-Indigenous young people to be in detention (1.5 per 10,000). Indigenous adults (235 per 10,000) were 14 times as likely as non-Indigenous adults to be in full-time prison (16 per 10,000) (ABS 2019c; Table S77a).

The proportions of young people aged 10–17 and of adults under justice supervision on an average day who were male were similar:

- about 89% of young people in detention, and 92% of adults in prison were male,
- 77% of young people, and 80% of adults supervised in the community were male (ABS 2019b; tables S38a and S76a).

**Figure 9.3: Young people and adults under youth justice supervision and adult criminal justice supervision on an average day who were Indigenous, by type of supervision, 2018–19 (%)**



*Note:* Data on young people under supervision are for 2018–19; available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2018 to June 2019.

*Sources:* ABS 2019b; tables S38 and S76.

Young people in detention were more than twice as likely as adults in prison to be unsentenced (that is, to be awaiting the outcome of their court matter or sentencing).

On an average day in 2018–19, 71% of young people aged 10–17 in detention were unsentenced, compared with 33% of adults in prison (ABS 2019b; Table S110a). Available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2018 to June 2019.

# Australian and international approaches to youth justice

## International agreements, standards, and guidelines

Many countries have developed or revised their youth justice policies and practices over the last 30 years. A major influencing factor has been the introduction of international agreements and guidelines by the United Nations (UN). For example, under the UN's 1989 Convention on the Rights of the Child, member states regularly report to the UN Committee on the Rights of the Child. This has influenced youth justice systems in many countries, including the principles underpinning each system, and the decision-making processes.

Three additional influential UN agreements that relate specifically to youth justice are the:

- Standard Minimum Rules for the Administration of Juvenile Justice 1985 (also known as the Beijing Rules)
- Guidelines for the Prevention of Juvenile Delinquency 1990 (also known as the Riyadh Guidelines)
- Rules for the Protection of Juveniles Deprived of their Liberty 1990 (also known as the Havana Rules).

Within the broad framework of these international agreements, the philosophies, systems, and processes for dealing with young people involved in criminal behaviour vary substantially among countries. In addition, the United States of America has not ratified the Convention on the Rights of the Child, so its youth justice policies and practices are not bound by its principles.

## Age for treatment as a young person

Article 40(3) of the Convention on the Rights of the Child (UN 1989) encourages member states to establish a minimum age of criminal responsibility, but does not specify a particular age.

The UN Committee on the Rights of the Child (2019) recently issued an update to the International standards for the minimum age of criminal responsibility. In paragraph 22 of its 'General comment no. 24 (2019) on children's rights in juvenile justice', the committee deemed the previously recommended age of criminal responsibility of 12 years to be too low.

The committee now encourages state parties to 'take note of recent scientific findings, and to increase their minimum age to at least 14 years'. It commends those that have set higher minimum ages at 15 and 16.

The recommendation to increase the minimum age of criminal responsibility reflects current research in child development and neuroscience which provides evidence that the capacity for abstract reasoning is not fully developed in children aged 12 and 13 (UN Committee on the Rights of the Child, 2019).

In Australia, the Council of Attorneys-General (CAG) Working Group (2019) is reviewing the age of criminal responsibility to raise the age from 10 years. This also follows from a recommendation by the Royal Commission into the Protection and Detention of Children in the Northern Territory (2017) for Australia:

- to raise its minimum age of criminal responsibility from 10 to 12
- that young people aged 14 and under should be kept out of detention unless they have committed a serious crime or pose a serious risk to the community.

The age of criminal responsibility varies considerably across countries. An investigation of 90 countries found that the minimum age of criminal responsibility ranged from 6 to 18, and the median age was 13.5 (Hazel 2008).

In Australia, along with New Zealand, England, and Wales, young people are deemed to have criminal responsibility if they are aged 10 or over (Table 9.1).

But there are some allowances for children in younger age brackets. For example, young people in New Zealand under the age of 14 can only be prosecuted for murder and manslaughter (Noetic Solutions 2010).

In Australia, young people aged between 10 and 14 are given the presumption of *doli incapax*, meaning they cannot be held criminally responsible, unless it can be proved beyond reasonable doubt that the young person knew that his or her conduct was wrong. In England and Wales, young people aged under 12 cannot be prosecuted for an offence, though the offence may be included on a child's criminal record (Child Rights International Network, 2018).

In other countries, minimum ages of criminal responsibility include 11 in Japan, 12 in Canada, 13 in Greece, 14 in Germany, Italy and Spain, and 15 in Scandinavian countries (Table 9.1).

Some countries have alternative programs to avoid sentencing young people of a certain age to penalties such as deprivation of liberty. For example, in Greece where the minimum age of criminal responsibility is 13, young people aged 13–15 may only be required to undertake reformatory or therapeutic measures, rather than receive a penalty of detainment.

Similarly, in Japan where the minimum age of criminal responsibility is 11, young people aged 11–14 years may be required to attend Juvenile Training Schools administered by the Ministry of Justice Correction Bureau rather than receive detention.

**Table 9.1: Minimum age of criminal responsibility, by selected countries**

Age (years)	Country
10	Australia, New Zealand, England, Wales
11	Japan
12	Belgium, Canada, Israel, Netherlands, Scotland
13	Greece
14	Austria, Germany, Italy, Spain
15	Denmark, Finland, Iceland, Norway, Sweden
16	Portugal

Source: Child Rights International Network 2019.

Almost all countries have separate criminal justice systems for young people and adults, each with their own legislation.

The age at which individuals are processed as adults in the justice system is referred to as 'criminal majority'. In Australia, the age of criminal majority is 18 in all jurisdictions. In Queensland, legislation to increase the age of criminal majority to 18 was enacted on 12 February 2018. Before then, the age of criminal majority in Queensland was 17.

This is consistent with the typical age of criminal majority internationally (18), but it does vary between countries. Countries with a higher minimum age of criminal responsibility tend to have a higher age of criminal majority (Hazel 2008).

## Principles, services and outcomes

Key principles established in the UN's agreements and guidelines include:

- the ability to divert young people away from further involvement with the youth justice system, where appropriate
- the notion that young people should be detained only as a last resort, and for the shortest appropriate time (UN 1985, 1989).

The principle of detention as a last resort can be found in youth justice legislation in each state and territory in Australia.

Diversion is also a key principle of youth justice systems in all jurisdictions in Australia. This takes various forms, including:

- complete diversion from the system (such as an informal warning by police)
- referral to services outside the system (such as drug and alcohol treatment programs)
- diversion from continued contact with the system by the police or courts (through mechanisms such as conferencing—a facilitated meeting to discuss the offence and its impact, and to make a plan for action).

Again, there are wide variations between countries, and various diversionary approaches have emerged since the 1960s (Hazel 2008).

The police often play a key role in diversionary action, as they are generally the first point of contact a young person has with the justice system. In a 1998 UN survey, 19 out of 51 countries allowed diversion to be instituted by the police (Hazel 2008).

The types of outcomes and sentences available for young offenders vary among countries. For example, young people in custody in the Netherlands can be released to take part in training courses or treatment during their sentences. Other outcomes include intermittent custody (such as night or weekend detention), and training in various forms, such as in Austria where trainees receive a wage throughout their vocational training (Hazel 2008).

Rates of young people in detention in various countries generally reflect the principles and operation of their respective youth justice systems. High rates are commonly seen in countries that operate under what is often termed a ‘justice model’, which emphasises accountability and punishment. Lower rates are seen in countries that operate under a ‘welfare model’, which focuses on rehabilitation and meeting the needs of the young person (Noetic Solutions 2010).

Countries with lower rates of young people in detention tend to adopt the principle of custody as a last resort (Hazel 2008).

Some countries have alternated between the justice and welfare models, and aspects of both approaches are increasingly used in many countries. The Australian youth justice system has typically used elements of both the welfare and justice models (Richards 2011).

International information on numbers of young people involved in youth justice systems as a whole is limited, but some is available on numbers and rates of young people in detention in selected countries.

On an average day in 2018–19, the rate of young people in youth detention in Australia (3 per 10,000 young people) was higher than in England and Wales (2 per 10,000), but lower than in Canada (4 per 10,000) and the United States of America (11 per 10,000) (Table 9.2 see footnotes for the differences in measurement).

Rates of young people in detention are similar to or lower than the previous reporting periods for Australia (4 per 10,000), England and Wales (2), the United States (14), and Canada (5).

**Table 9.2: Young people aged 10–17 in detention on an average day, by selected countries, 2018–19**

Number/rate	Australia <sup>(a)</sup>	England and Wales	Canada <sup>(b)</sup>	United States of America
Number	826	859 <sup>(c)</sup>	792	37,207 <sup>(d)</sup>
Number per 10,000	3.4	1.6	4.0	11.1

(a) Data for 2018–19.

(b) Data for young people aged 12–17 in detention on an average day during 2017–18. The rate is available to the nearest whole number only.

(c) Average monthly population in youth detention between April 2017 and March 2018 (remand and sentenced).

(d) Number in youth detention on a given day in 2017.

Sources: YJ NMDS tables S76a and S77b; Office for National Statistics 2019; Puzzanchera et al. 2019; Office of Juvenile Justice and Delinquency Prevention 2017; Sickmund et al. 2019; Statistics Canada 2019; Youth Justice Board & Ministry of Justice 2020.

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- Community Services Directorate, Australian Capital Territory
- Territory Families, Northern Territory.

## Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
UN	United Nations
YJ NMDS	Youth Justice National Minimum Data Set

## Symbols

n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data
↑	increase
↓	decrease
↔	stable or no clear trend

# Glossary

**active order:** An order is active if it starts, ends or is ongoing during the reference period.

**age:** In YJ NMDS youth justice reporting, age is calculated as at the start of the first relevant period of supervision, unless that period began before the financial year in question, in which case age is calculated as at the start of the financial year.

**average day:** A measure of the number of young people under supervision from the YJ NMDS. The 'average day' measure is calculated by summing the number of days each young person spends under supervision during the financial year, and dividing this by the total number of days in the year. It reflects the number of young people under supervision on any given day during the year, and indicates the average number of young people supported by the supervision system at any time. This summary measure reflects both the number of young people supervised, and the amount of time they spent under supervision.

**breach:** A breach occurs when a young person reoffends or fails to comply with the conditions of a community-based order.

**community-based supervision:** A legal arrangement that requires a young person to be supervised by a youth justice agency within the community. Community-based supervision may be unsentenced or sentenced. Unsented community-based legal orders include supervised or conditional bail and home detention bail. Sentenced community-based orders include probation and similar orders, suspended detention, and parole or supervised release.

**detention:** A legal arrangement that requires a young person to be detained in a youth justice facility. This includes both sentenced and unsentenced detention.

**detention sentence:** A sentence that requires the young person to be detained in a youth justice facility.

**dual track system:** The system in Victoria whereby young people aged 18–20 can be sentenced to a youth detention centre rather than an adult prison where a court deems this appropriate.

**during the year:** A measure of the number of young people under supervision from the YJ NMDS. The 'during the year' measure is a count of the number of individuals who were supervised at any time during the financial year. It is calculated by counting each distinct young person once, even if they entered and exited supervision multiple times.

**Indigenous:** A person of Aboriginal and/or Torres Strait Island descent who identifies and is identified as an Aboriginal or Torres Strait Islander.

**legal status:** Whether a young person is subject to unsentenced or sentenced orders. Young people may also have a legal status of 'other' (neither sentenced nor unsentenced).

**parole or supervised release:** A sentenced community-based supervision order that is issued or enacted following a period of sentenced detention. Release on parole or supervised release is possible in some situations when a young person has served a specified proportion of their detention sentence. A breach of the parole or supervised release order usually results in the young person returning to detention to serve the rest of the sentence.

**police-referred detention:** Unsented detention that occurs before the young person's initial court appearance.

**probation and similar:** A sentenced community-based supervision order that may be issued with additional mandated requirements such as community work or program attendance. The youth justice agency may or may not directly supervise any additional mandated requirements, but remains responsible for the overall supervision and case management of the young person. Includes probation, recognisance, and community service orders that a youth justice agency supervises or case manages.

**rate:** A rate is 1 number (the numerator) divided by another number (the denominator). The numerator is commonly the number of events in a specified time. The denominator is the population 'at risk' of the event. In YJ NMDS reporting, rates are multiplied by 10,000 to create whole numbers.

**rate ratio:** A means of comparing rates by dividing 1 rate by another. Rate ratios may be used to compare Indigenous and non-Indigenous rates, and to provide a measure of Indigenous over-representation.

**reception:** The event of entering a detention centre to begin an unsentenced or sentenced detention order. Neither a transfer to a new detention facility nor a change in legal status constitutes a reception, but if a young person is released from detention and then re-enters at a later date, this is counted as a new reception.

**release on bail:** Following a period of remand, a court may order a young person to be released into the community pending the court outcome. Bail may be either unsupervised or supervised.

**remand:** The act of placing in custody a young person who is accused of an offence to await trial or the continuation of the trial.

**remoteness:** YJ NMDS reporting uses the ABS's Australian Standard Geography Standard remoteness structure to analyse the remoteness of usual residence of the town or suburb of a young person under supervision. This structure enables areas that share common characteristics of remoteness to be classified into broad geographical regions of Australia. These areas are Major cities, Inner regional, Outer regional, Remote, and Very remote.

**socioeconomic position:** A measure of how well off a person, group, or area is. YJ NMDS reporting uses the ABS's Socio-Economic Indexes for Areas to analyse the socioeconomic position of the usual residence of a young person under supervision. It comprises 4 indexes that each focus on a different aspect of socioeconomic advantage and disadvantage. The JJ NMDS uses the Index of Relative Socio-Economic Advantage and Disadvantage. People living in the 20% of areas with the greatest overall level of disadvantage are described as living in the lowest socioeconomic areas (area 1). The 20% of people at the other end of the scale—those living in areas with the least overall level of disadvantage—are described as living in the highest socioeconomic areas (area 5).

**supervised or conditional bail:** The act of allowing a young person who is accused of an offence to await trial or the continuation of the trial in the community under the supervision of a youth justice agency.

**suspended detention:** A sentence that usually involves a period of intensive supervision in the community with the possibility of detention if the young person breaches the community supervision. Includes immediate release orders, suspended detention orders, and intensive supervision of young people with detention orders.

**unsentenced supervision:** Youth justice supervision (community-based or detention) that occurs when a young person has not been sentenced. This might occur when the young person has been charged with an offence and is awaiting the outcome of the legal matter, or when he or she has been found guilty in court and is awaiting sentencing.

**young person:** A person whom a youth justice agency supervises as a result of their having committed or allegedly committed an offence.

**youth justice agency:** The state or territory government agency or department responsible for youth justice supervision.

**youth justice detention centre:** A place administered and operated by a youth justice agency where young people are detained while under the supervision of the relevant youth justice agency.

**youth justice system:** The set of processes and practices for managing children and young people who have committed, or allegedly committed, an offence.

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## Related publications

The following AIHW publications might also be of interest:

- AIHW 2020. Youth detention population in Australia 2019. Bulletin no. 148. Cat. no. JUV 131. Canberra: AIHW.
- AIHW 2019. Young people in child protection and under youth justice supervision: 1 July 2014 to 30 June 2018. Data linkage series no. 25. Cat. no. CSI 27. Canberra: AIHW.
- AIHW 2019. Young people returning to sentenced youth justice supervision 2017–18. Cat.no. JUV 130. Canberra: AIHW.
- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.



Of the 5,694 young people under youth justice supervision on an average day in 2018–19, most were male (80%) and supervised in the community (84%). Overall rates of supervision varied among the states and territories, from 11 per 10,000 in Victoria to 61 per 10,000 in the Northern Territory. Supervision fell over the 5 years from 2014–15 to 2018–19 for community-based supervision, however rose for detention.

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