

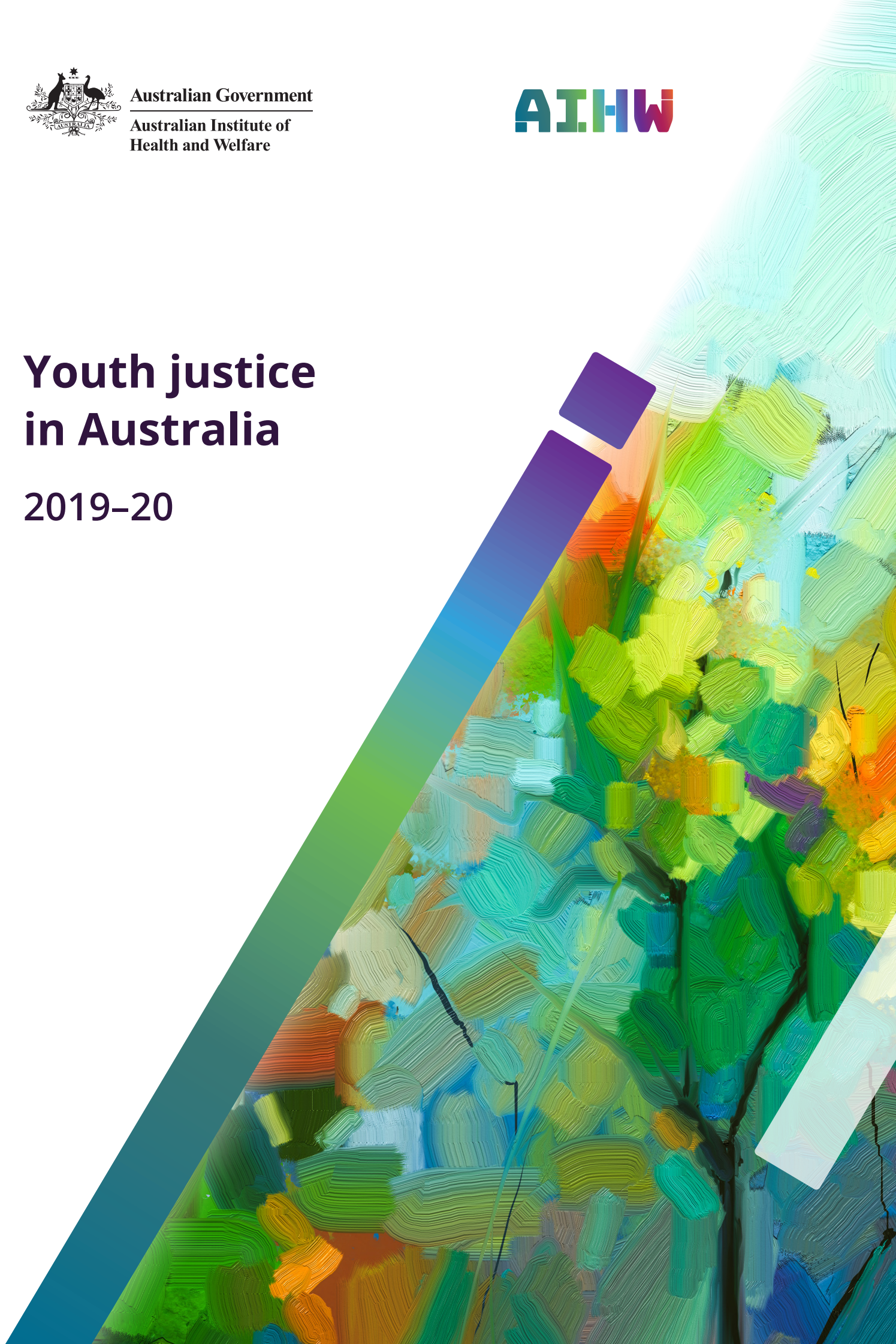


Australian Government  
Australian Institute of  
Health and Welfare

AIHW

# Youth justice in Australia

2019–20





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# Summary

This report looks at young people who were under youth justice supervision in Australia during 2019–20 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. This report includes some data from the COVID-19 period, specifically between March and June 2020.

## **About 1 in 607 young people aged 10–17 were under supervision on an average day**

A total of 5,323 young people aged 10 and over were under youth justice supervision on an average day in 2019–20 and 10,222 young people were supervised at some time during the year.

Among those aged 10–17, this equates to a rate of 16 per 10,000, or about 1 in every 607 young people on an average day.

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

More than 4 in 5 (84% or 4,490) young people under supervision on an average day were supervised in the community, and about 1 in 6 (16% or 863) 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 2 in 3 (68% or 586) 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 2019–20 lasted for a median of 123 days or about 4 months (this includes time under supervision before 1 July 2019 if the period started before that date).

When all the time spent under supervision during 2019–20 is considered (including multiple periods and periods that were not yet completed), young people who were supervised during the year spent an average of 190 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 differences in legislation, policies, and practices between each state and territory.

In 2019–20, the rate of young people aged 10–17 under supervision on an average day ranged from 9.0 per 10,000 in Victoria to 50 per 10,000 in the Northern Territory.

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

Over the 5 years from 2015–16 to 2019–20, the number of young people aged 10 and over who were under supervision on an average day fell by 4%, while the rate of young people aged 10–17 dropped from 20 to 16 per 10,000.

Overall, the rate fell for community-based supervision (from 17 to 14 per 10,000), and dropped slightly for detention (from 3.3 to 2.8 per 10,000).

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

Although only about 6% of young people aged 10–17 in Australia are Aboriginal or Torres Strait Islander, half (50%) of the young people under supervision on an average day in 2019–20 were Indigenous. Between 2015–16 and 2019–20, the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 167 to 140 per 10,000. The rate of non-Indigenous young people under supervision also fell over the period, from 10 to 8.5 per 10,000.

The rate for young Indigenous people in detention declined from 33 to 26 per 10,000 over the period, while the non-Indigenous rates fluctuated between 1.3 and 1.5 per 10,000.

## **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 (86%), those from geographically remote areas had the highest rates of supervision.

On an average day in 2019–20, young people aged 10–17 who were from *Remote* or *Very remote* areas were 6 times as likely to be under supervision as those from *Major cities*. This largely 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 2019–20 were from the lowest socioeconomic areas, compared with about 1 in 17 young people (6%) from the highest socioeconomic areas.

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

About one-third (32%) of young people under youth justice supervision in 2019–20 were new to supervision in that year. The rest (68%) had been supervised in a previous year.

Young Indigenous Australians (75%) were more likely than non-Indigenous young people (63%) to have been under supervision in a previous year.

## **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.

Nearly 2 in 5 (38%) Indigenous young people under supervision in 2019–20 were first supervised when aged 10–13, compared with about 1 in 7 (14%) non-Indigenous young people.







# 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. 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. Prior to this date the age limit was 16. This change in legislation initially 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:

1. the young person committed the offence when aged 17 or under, but were sentenced when aged 18 or over
2. supervision is continued once the young person turns 18
3. 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).

Generally, young people 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.

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.

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	Supervised or conditional bail Home detention bail	Remanded in custody (can be police or court referred)
Sentenced supervision	Probation or similar Suspended detention Parole or supervised release	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.

In Australia, information about young people under youth justice supervision is collected in the Youth Justice National Minimum Data Set (YJ NMDS). Table 1.2 provides a summary of the types of youth justice services that are available in the states and territories, and specifies the availability of data across the jurisdictions.

**Table 1.2: Supervised youth justice services in the YJ NMDS, by state and territory, 2019–20**

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	✓		✓	✓	✓	✓	✓	✓
Home detention					✓			✓
Parole or supervised release from detention	✓	✓	✓	✓	✓	✓	✓	✓
<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 was unable to provide pre-court detention data for 2019–20 due to limitations with the source system.

(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 2019–20

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

In 2019–20, 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 assistance to reintegrate into the community.

In addition to policies implemented by youth justice agencies, 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.

Recommendations from the *Royal Commission into the Protection and Detention of Children in the Northern Territory* continue to be considered and implemented (Royal Commission, Australian Government 2017). As recommended by the Royal Commission, the Northern Territory provided YJ NMDS standard data from 2017–18 onwards, 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, which is expected to be enacted in 2021.

In July 2020, the Council of Attorneys-General Working Group reviewed Australia's age of criminal responsibility to consider raising it from 10 to 14 years. However, a final decision was deferred to 2021 to allow time to seek supervision alternatives to detention. The working group contains representatives from each state and territory as well as the Australian Government.

July 2020 saw the release of *The National Agreement on Closing the Gap*. Target 11 of the new agreement aims to reduce the overrepresentation of Aboriginal and Torres Strait Islander young people in the criminal justice system. The target is to reduce the rate of Aboriginal and Torres Strait Islander young people in detention by 30 per cent by 2031 (Department of Prime Minister and Cabinet 2020).

## This report

This report presents information about young people in Australia who were under youth justice supervision during 2019–20, both in the community and in detention. It looks at the characteristics of these young people, key aspects of their supervision, and recent trends.

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

Numbers in this report include young people of all ages (including those aged 18 and over) unless otherwise specified. 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.

For the *Youth justice in Australia 2019–20* report, age calculation for the average nightly population has been changed and as a result the data is not comparable with previous *Youth justice in Australia* reports. For more information about the calculation of age, see 'Technical notes'.

### Impact of COVID-19 on youth justice data

In response to the COVID-19 pandemic, social distancing measures were introduced in Australia in mid-March 2020. While youth justice centres and other places of custody, courts or tribunals were considered essential services (Prime Minister of Australia 2020), COVID-19 still had a substantial impact on the operations of courts. At the time of publishing this report, the extent of the impact is not fully understood and may differ between jurisdictions (Judicial College of Victoria 2020).

This report includes data from the COVID-19 period, specifically between March and June 2020. However, more data is required to determine the impact of COVID-19 on youth justice data. The full impact of COVID-19 may be difficult to determine due to variability of the data and small numbers of young people in youth justice on an average day. The Australian Institute of Health and Welfare (AIHW) will conduct future work to investigate the impact of COVID-19 on youth justice data.





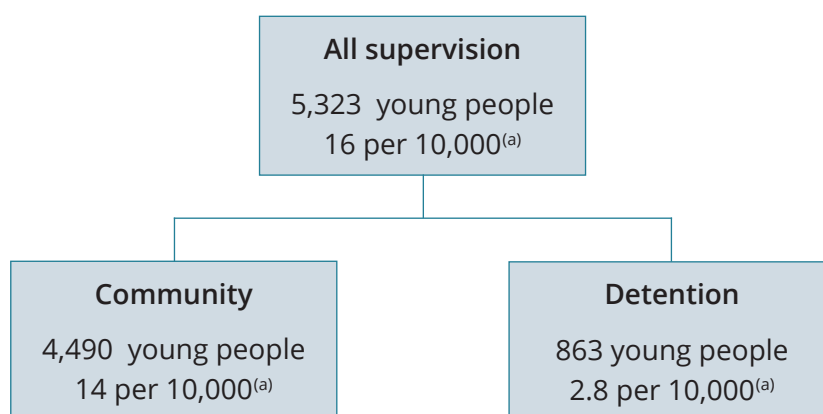
## 2 Numbers and rates of young people under supervision

### National

On an average day in 2019–20, 5,323 young people aged 10 and over were under youth justice supervision in Australia (Figure 2.1; Table 2.1). A total of 10,222 young people were supervised at some time during the year (Table S1b).

On an average day, most young people aged 10 and over who were under supervision were supervised in the community (4,490 or 84%), and the remainder (863 or 16%) were in detention (Figure 2.1).

**Figure 2.1: Young people under supervision on an average day, by supervision type, 2019–20 (number and rate)**



(a) Rates are presented for young people aged 10–17.

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

Although relatively few young people were in detention on an average day, almost half (46%, or 4,717 of 10,222) of all young people who were supervised during 2019–20 had been in detention at some time during the year.

Among the states and territories, this proportion ranged from 22% (or 53 of 242 young people) in Tasmania to 58% in South Australia and in the Australian Capital Territory (or 321 of 551 and 87 of 149 young people, respectively) (tables S1b and S74b). 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 16 per 10,000, which equates to about 1 in every 607 young people (Figure 2.1).

On an average day, 14 young people aged 10–17 per 10,000 were under community-based supervision, and 2.8 per 10,000 were in detention (Figure 2.1).

**Table 2.1: Young people under supervision, by supervision type and state and territory, 2019–20**

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	1,044.9	745.1	1,576.9	577.9	189.6	130.5	55.3	170.1	4,490.4
Detention	257.6	185.6	211.6	111.6	36.0	15.7	15.7	29.1	862.8
All supervision	1,295.7	924.9	1,779.8	684.7	224.0	145.9	70.3	198.2	5,323.4
<b>During the year</b>									
Community	2,145	1,626	2,754	1,400	439	230	133	326	9,053
Detention	1,544	767	1,042	757	321	53	87	146	4,717
All supervision	2,757	1,712	2,903	1,564	551	242	149	344	10,222
<b>Rate—age 10–17 (number per 10,000)</b>									
<b>Average day</b>									
Community	12.1	7.2	20.6	19.3	9.2	19.5	13.0	40.9	13.8
Detention	2.5	1.9	3.6	4.0	2.0	2.8	3.6	9.9	2.8
All supervision	14.6	9.0	24.1	23.1	11.1	22.2	16.4	50.4	16.5
<b>During the year</b>									
Community	25.9	17.0	40.5	50.1	22.8	37.5	31.4	97.9	30.3
Detention	18.3	10.2	18.9	28.5	18.6	10.3	21.2	55.7	17.8
All supervision	32.6	18.2	43.5	56.3	29.1	39.8	35.0	105.2	34.6

(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.
3. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

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

## States and territories

The size of youth justice populations in states and territories can be impacted by the population size of that state or territory, as well as differences in state-based legislation, policies and practices, including the types of supervised orders and options for diversion that are available.

Among the states and territories, the larger states (Queensland and New South Wales) accounted for more than half of all young people under supervision on an average day, regardless of supervision type.

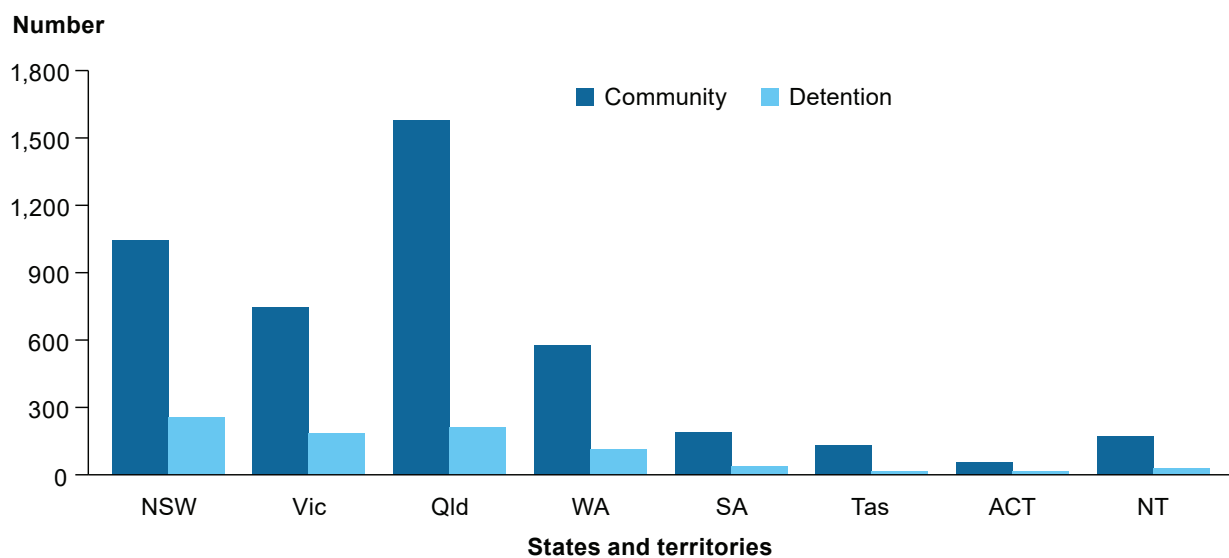
Young people in Queensland made up:

- 33% of all young people under supervision (1,780 of 5,323)
- 35% of all young people under community-based supervision (1,577 of 4,490)
- 25% of all young people under detention (212 out of 863) (Table S1a and Figure 2.2).

Young people in New South Wales made up:

- 24% of all young people under supervision (1,296 of 5,323)
- 23% of all young people under community-based supervision (1,045 of 4,490)
- 30% of all young people under detention (258 out of 863) (Table S1a and Figure 2.2).

**Figure 2.2: Young people under supervision on an average day, by supervision type and state and territory, 2019–20 (number)**

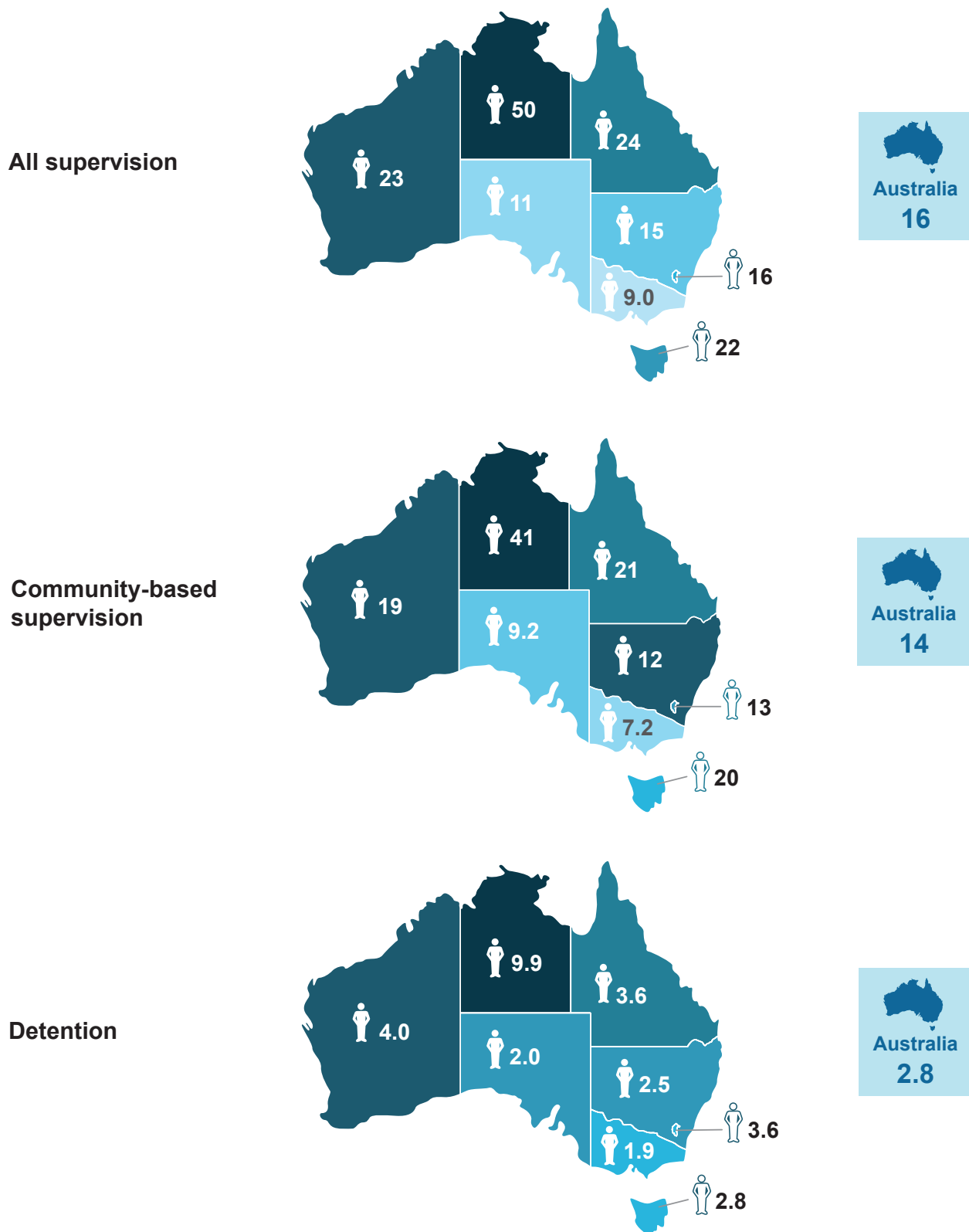


Sources: tables S36a and S74a.

On an average day in 2019–20, rates of young people aged 10–17 under supervision varied among the states and territories (Figure 2.3; Table 2.1). Rates of young people:

- under any type of supervision were lowest in Victoria (9.0 per 10,000) and highest in the Northern Territory (50 per 10,000)
- under community-based supervision ranged from 7.2 per 10,000 in Victoria to 41 per 10,000 in the Northern Territory
- in detention ranged from 1.9 per 10,000 in Victoria to 9.9 per 10,000 in the Northern Territory.

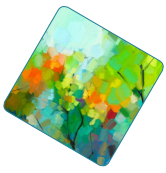
Figure 2.3: Rate of young people aged 10–17 under supervision on an average day by supervision type and state and territory, 2019–20 (number per 10,000)



Note: For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown, will not be comparable to previous *Youth Justice in Australia* releases.

Source: Table 2.1.





# 3 Characteristics of young people under supervision

## Age and sex

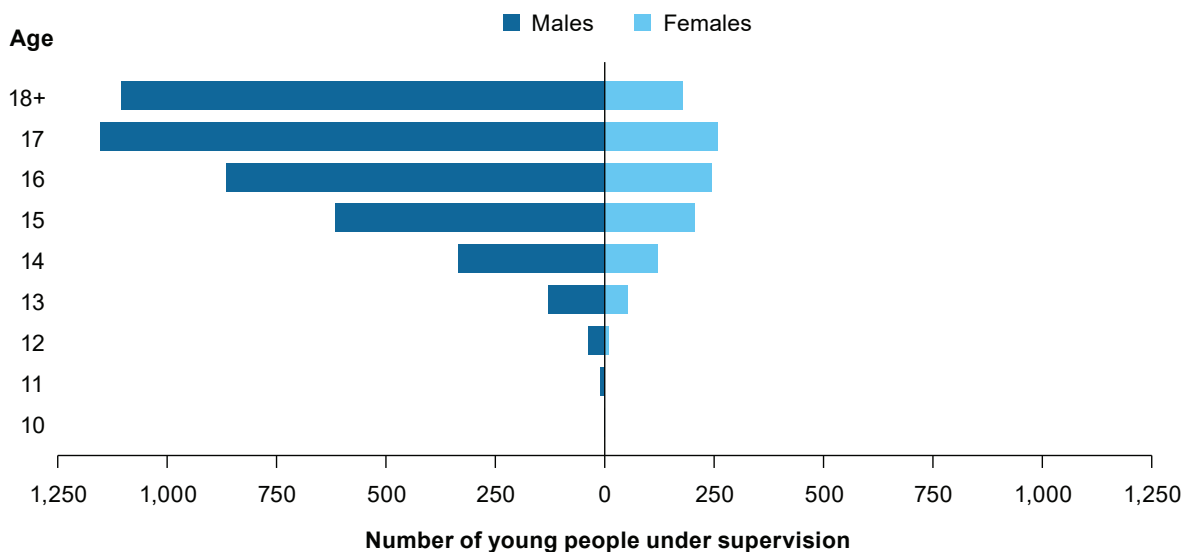
The majority of young people under supervision on an average day in 2019–20 were male (80%) (Figure 3.1; Table S2a). This proportion was higher among those in detention (90%) than those supervised in the community (78%) (tables S37a and S75a).

Among young people aged 10–17, males (25 per 10,000) were more than 3 times as likely as females (7.5 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 75% of young people under supervision in Tasmania to 88% in the Northern Territory (Table S2a).

Almost 3 in 4 (71%) 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 (1,410 young people or 48 per 10,000) (tables S5a and S6a). About one quarter (24%) of young people under supervision were aged 18 and over, and 5% were aged 10–13 (Table S7a).

**Figure 3.1: Young people under supervision on an average day, by age and sex, 2019–20 (number)**



*Note:* For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

*Source:* Table S5a.

The age profiles of young people under supervision varied among the states and territories. Western Australia had the largest proportion of young people aged 10–13 under supervision on an average day (9%), followed by South Australia and Queensland (both 6%) (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 (40% aged 18 and over and 1% aged 10–13 years) (Table S7a).

A greater proportion of males were in the older age groups (aged 18 years and over) than females (Figure 3.1). In 2019–20, about 26% of males under supervision were aged 18 and over, compared with 17% of females (Table S5a).

## Aboriginal and Torres Strait Islander 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 (2,017 or 50%) of the young people aged 10–17 under supervision on an average day in 2019–20 were Indigenous Australians (tables S153 and S3a).

About half (49%) of those aged 10–17 under community-based supervision were Indigenous, while just over half (53%) of those in detention were Indigenous (tables S38a and S76a).

In 2019–20, the rate of Indigenous young people aged 10–17 under supervision on an average day was 140 per 10,000, compared with 8.5 per 10,000 for non-Indigenous young people (tables 3.1 and S4a). This means Indigenous young people aged 10–17 were more than 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 slightly higher for those in detention (more than 18 times as likely) than in community-based supervision (16 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 (201 per 10,000). The level of Indigenous over-representation in supervision, as measured by the rate ratio, was lowest in Tasmania (almost 5 times as likely) and highest in the Northern Territory (more than 24 times as likely).

While the Northern Territory and South Australia had lower rates for Indigenous young people than some other states, their rate ratio is higher because of the relatively lower rates among non-Indigenous young people in these states.

**Table 3.1: Young people aged 10–17 under supervision on an average day by Indigenous status and state and territory, 2019–20 (rate)**

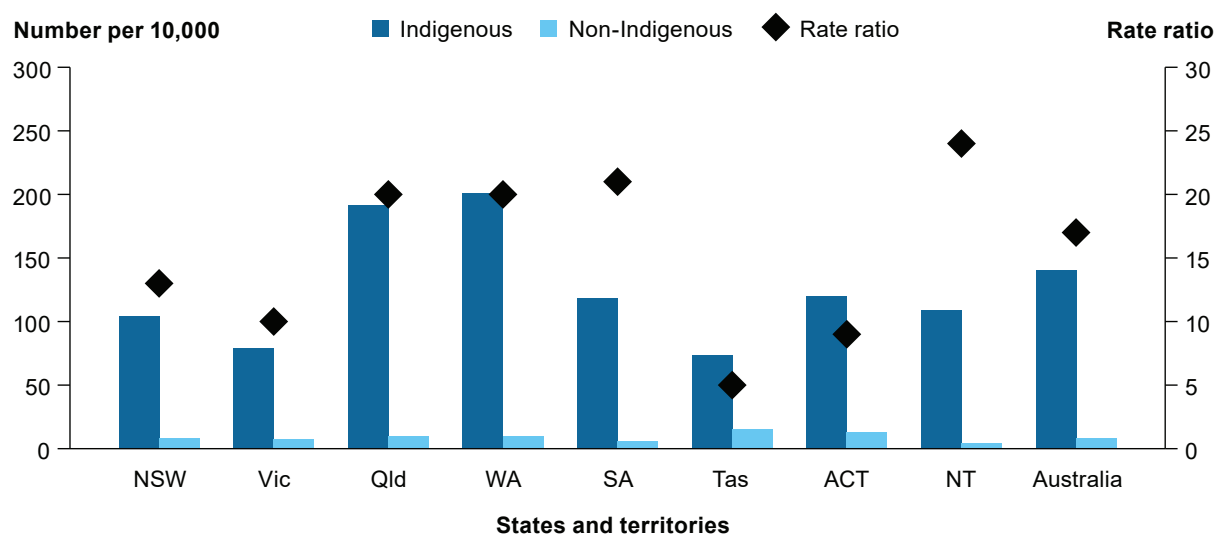
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Community-based supervision rate (per 10,000)</b>									
Indigenous	86.3	64.5	161.2	160.1	97.3	63.4	79.4	87.8	115.6
Non-Indigenous	6.6	6.2	8.4	9.0	4.8	13.7	10.9	4.2	7.2
<b>All young people</b>	<b>12.1</b>	<b>7.2</b>	<b>20.6</b>	<b>19.3</b>	<b>9.2</b>	<b>19.5</b>	<b>13.0</b>	<b>40.9</b>	<b>13.8</b>
Rate ratio	13.2	10.4	19.2	17.8	20.5	4.6	7.3	20.9	16.1
<b>Detention rate (per 10,000)</b>									
Indigenous	18.8	15.3	32.1	42.6	22.1	10.8	n.p.	22.0	25.7
Non-Indigenous	1.4	1.7	1.1	1.2	1.0	1.9	2.4	n.p.	1.4
<b>All young people</b>	<b>2.5</b>	<b>1.9</b>	<b>3.6</b>	<b>4.0</b>	<b>2.0</b>	<b>2.8</b>	<b>3.6</b>	<b>9.9</b>	<b>2.8</b>
Rate ratio	13.4	9.0	28.8	36.0	21.4	5.8	n.p.	n.p.	18.5
<b>All supervision rate (per 10,000)</b>									
Indigenous	104.5	79.3	191.9	201.1	118.3	73.9	120.1	108.9	140.3
Non-Indigenous	7.9	7.8	9.5	10.1	5.7	15.5	13.2	n.p.	8.5
<b>All young people</b>	<b>14.6</b>	<b>9.0</b>	<b>24.1</b>	<b>23.1</b>	<b>11.1</b>	<b>22.2</b>	<b>16.4</b>	<b>50.4</b>	<b>16.5</b>
Rate ratio	13.2	10.1	20.3	19.9	20.6	4.8	9.1	24.4	16.5

**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 3 decimal places.
5. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

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 2019–20 (rate)**



Note: For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

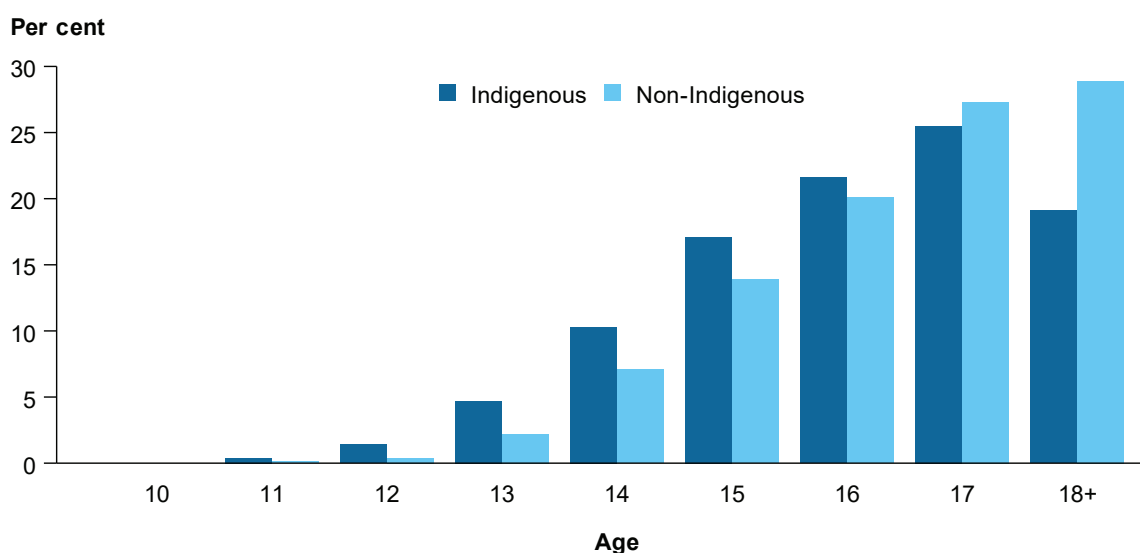
Source: Table 3.1.

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 2019–20, about 1 in 3 (34%) Indigenous young people under supervision were aged 10–15, compared with almost one quarter (24%) 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, 2019–20 (%)**



**Notes**

1. 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.
2. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

Source: Table S5a.

## Remoteness area

On an average day in 2019–20, most young people under supervision were living in *Major cities* (53%), *Inner regional* or *Outer regional* areas (33%) before entering supervision (based on postcode of last address) (Table S21a).

About 9% 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 S158).

On an average day in 2019–20, Indigenous young people under supervision were more likely than non-Indigenous young people to have lived in *Inner regional* or *Outer regional* areas (43% compared with 24%), and *Remote* or *Very remote* areas (18% compared with less than 1%) (Table S21a).



Patterns were similar for community-based supervision and detention, and largely reflect the geographical 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 2019–20, young people aged 10–17 who were from *Remote* or *Very Remote* areas (73 and 76 per 10,000) were about 6 times as likely to be under supervision as those from *Major cities* (12 per 10,000) (Figure 3.4; Table S22c).

This pattern was similar in community-based supervision and detention.

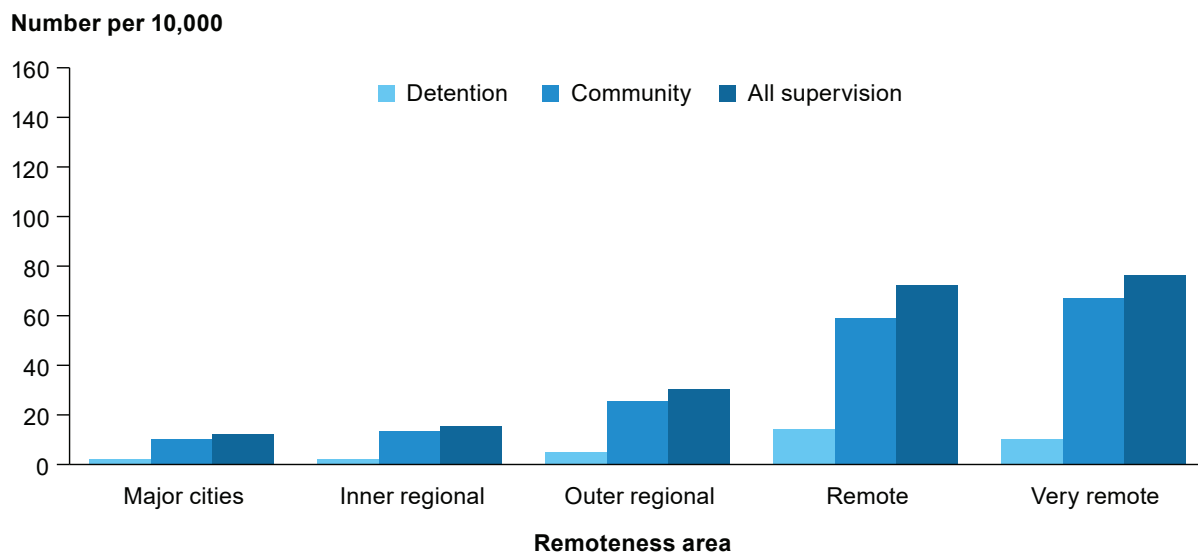
On an average day, young people aged 10–17 from *Remote* areas were:

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

Young people from *Very remote* areas were:

- 7 times as likely as those from *Major cities* to be under community-based supervision
- 4 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, 2019–20 (rate)**



*Notes*

1. Remoteness area could not be determined for 5% of young people under youth justice supervision.
2. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous Youth justice in Australia releases.

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 about 95% of young people in the data set (for more information, see the Glossary and Appendix 1).

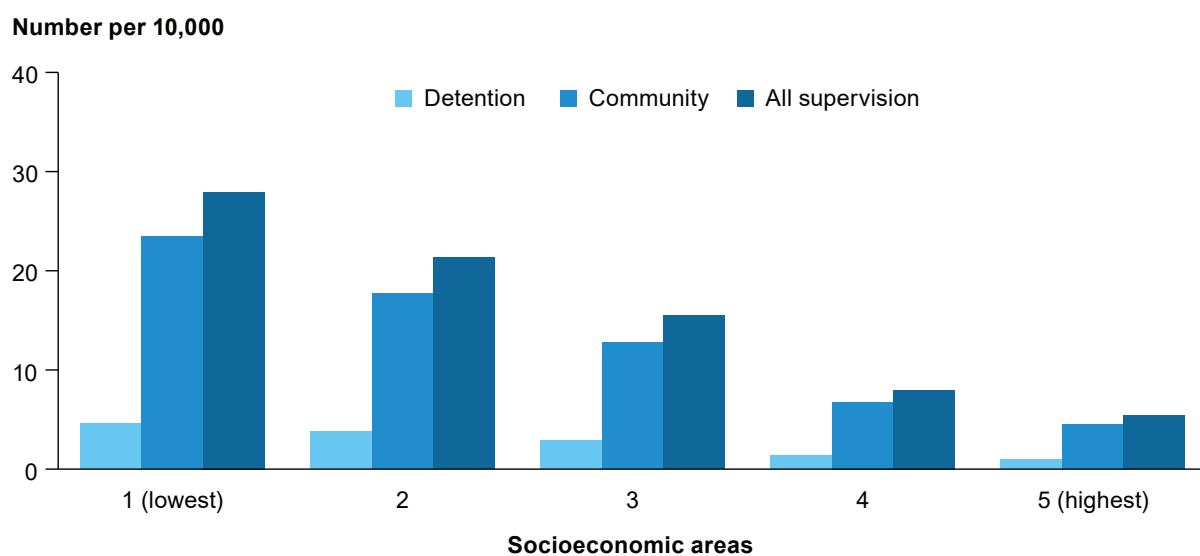
Young people under youth justice supervision in 2019–20 most commonly lived in lower socioeconomic areas before entering supervision. More than 1 in 3 young people (35%) under supervision on an average day were from the lowest socioeconomic area (level 1), compared with only 6% from the highest socioeconomic areas (level 5) (Table S23a).

On an average day in 2019–20, 28 per 10,000 young people aged 10–17 from the lowest socioeconomic areas were under supervision, compared with 5.4 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. The results were the same across supervision types (community-based supervision and detention).

Young Indigenous Australians (39%) 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.

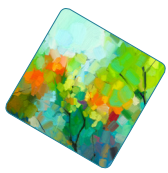
**Figure 3.5: Young people aged 10–17 under supervision on an average day, by socioeconomic area of usual residence and supervision type, Australia, 2019–20 (rate)**



### Notes

1. Socioeconomic position could not be determined for 5% of young people under youth justice supervision.
2. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

Sources: tables S24c, S61c, and S101c.



## 4 Community-based supervision

On an average day in 2019–20, most (4,490 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.

In this chapter, the percentages reported here should be interpreted with caution, especially in the smaller jurisdictions as they may represent a very small number of young people.

### Unsentenced community-based supervision

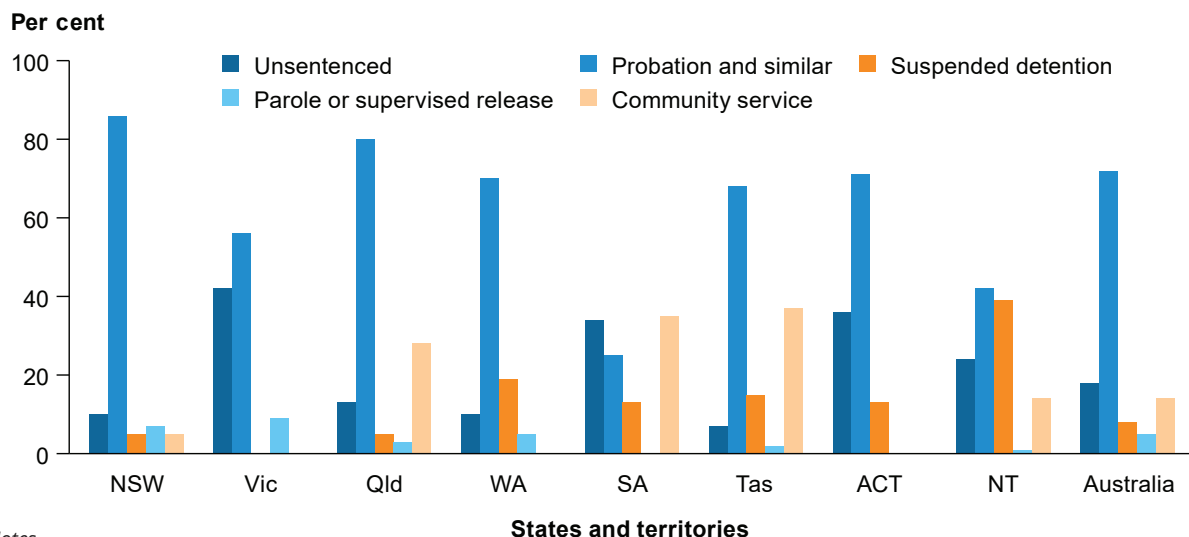
Unsentenced community-based supervision orders include supervised bail (also known as conditional bail), and other orders such as home detention bail.

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

In 2019–20, 18% of young people aged 10 and over who were under community-based supervision on an average day were on unsentenced orders (805 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 7% in Tasmania to 42% 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, 2019–20 (%)**



**Notes**

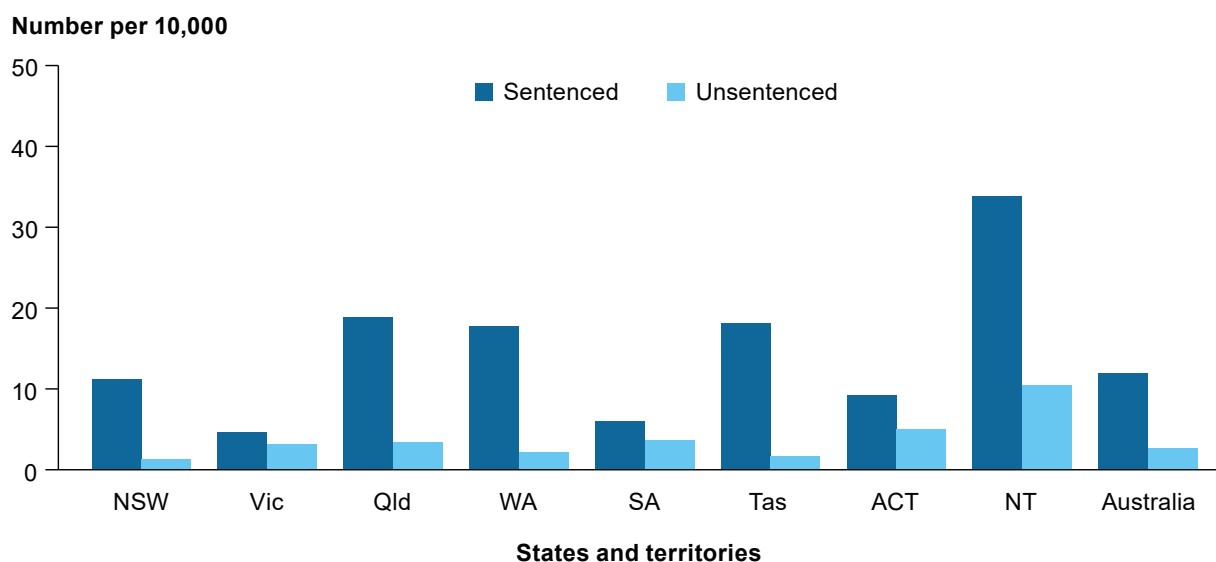
1. Numerators are the number of young people on a particular community-based supervision order, on an average day in each state. Denominators are the total number of young people on all orders in each state.
2. Unsentenced community-based supervision orders include supervised bail (also known as conditional bail), and other orders such as home detention bail.
3. 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, and adult community-based orders. Orders reported under 'suspended detention' include intensive youth supervision orders with detention.
4. Components might not sum to the total, as young people might have been under supervision for multiple types of orders on the same day.
5. Excludes young people under other types of orders.

Source: Table S62.

Nationally, just over one-third (35%) of young people aged 10 and over who were under community-based supervision during 2019–20 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 2.6 per 10,000. Among the states and territories, rates ranged from 1.3 per 10,000 in New South Wales to 10 per 10,000 in the Northern Territory (Figure 4.2).

**Figure 4.2: Young people aged 10–17 under community-based supervision on an average day, by legal status and state and territory, 2019–20 (rate)**



*Note:* For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

*Source:* Table S68a.

Community-based supervision orders may end because the specified term was successfully completed, a sentence was handed down (for unsentenced community-based supervision, such as bail only) or for other reasons, including because the young person breached the conditions of the order, or the order was varied or cancelled.

Where more complex cases are considered by the courts, sentencing decisions can take time, leading to extended or repeated bail orders. This also has an impact on how unsentenced community-orders are ended.

In 2019–20, 71% of unsentenced community-based orders ended because they were successfully completed (Table S70). This ranged from 27% in the Australian Capital Territory to 98% in Victoria.

The lower number of ‘successfully completed’ orders in the Australian Capital Territory is a result of young people on bail experiencing repeated bail orders due to the complexity of their cases. The very small numbers of young people on bail orders in the Australian Capital Territory reflect a group of high risk young people.

Most (80%) successfully completed unsentenced orders lasted less than 3 months, with the proportion ranging from 43% in Queensland to 94% in the Australian Capital Territory (Table S70).

## Sentenced community-based supervision

On an average day in 2019–20, nearly 9 in 10 (87% or 3,885) 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 12 per 10,000 (Figure 4.2). Among the states and territories, the rate was lowest in Victoria (4.7 per 10,000) and highest in the Northern Territory (34 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 2019–20, almost three-quarters (72%) of young people supervised in the community were serving a probation or similar order (Figure 4.1). This ranged from 25% of those under community-based supervision on an average day in South Australia to 86% in New South Wales.

In 2019–20, almost 4 in 5 (78%) probation and similar orders that ended were successfully completed (see Glossary) (Table S71). This proportion was lower in the Australian Capital Territory (48%) and the Northern Territory (50%) and higher in Tasmania (over 95%), Victoria (89%) and Queensland (87%).

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

Nearly 1 in 7 (15%) probation and similar orders ended due to a breach of conditions (Table S72). This proportion was lowest in Tasmania (under 5%), Queensland and South Australia (8%), and higher in the Australian Capital Territory (over 30%) and Western Australia (26%).

## 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.

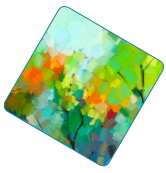
On an average day in 2019–20, about 8% of young people under community-based supervision were serving a suspended detention order (Figure 4.1). This proportion was highest in the Northern Territory (39%).

Among the states and territories that had suspended detention orders during 2019–20, the proportion that ended because they were successfully completed was higher in South Australia (78%) and Queensland (75%) and lower in the Australian Capital Territory (38%) and the Northern Territory (39%) (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 2019–20, about 5% of young people under community-based supervision were on parole or supervised release (Figure 4.1). This proportion was highest in Victoria (9%), followed by New South Wales (7%).



## 5 Detention

On an average day in 2019–20, 16% (863) of young people aged 10 and over who were under youth justice supervision were in detention. A total of 4,717 young people were in detention at some time during the year.

### Unsentenced detention

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.

### 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.

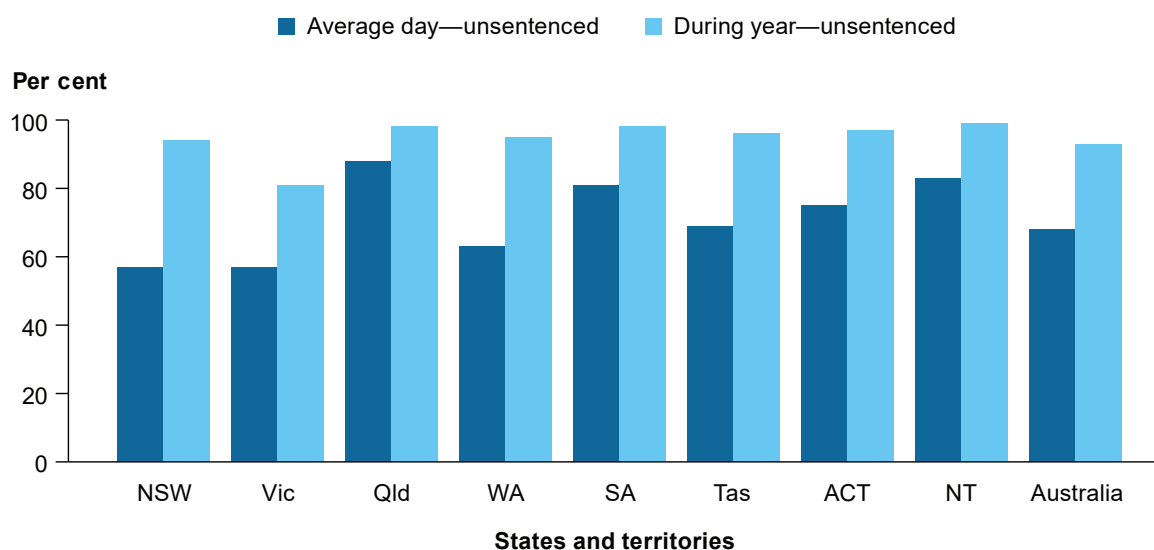
Young people enter police-referred pre-court detention before their initial court appearance. Police-referred pre-court detention is not available in all states and territories and most young people in unsentenced detention are on remand.

On an average day in 2019–20, of all young people in detention aged 10 and over, about 2 out of 3 were unsentenced (68% or 586 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 57% in Victoria and New South Wales to 88% 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 if the young person is particularly impressionable, immature or likely to be subject to undesirable influences in adult prison. When only young people aged 10–17 are considered, about 79% of those in detention in Victoria on an average day were unsentenced, compared with 76% nationally (Table S110a).

More than 9 in every 10 (93%) young people who were in detention during 2019–20 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, 2019–20 (%)**



*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 2019–20 due to limitations with the source system.
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 2019–20, most (98%) young people aged 10 and over in unsentenced detention were on remand, awaiting the outcome of their court matters (Table S109a).

But more than one-third (38%) of all those who were in unsentenced detention during 2019–20 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 data was available (New South Wales, Queensland, Western Australia and South Australia), the proportion ranged from 33% of those who had been in unsentenced detention during the year in New South Wales to 73% of those in South Australia (Table S109b).

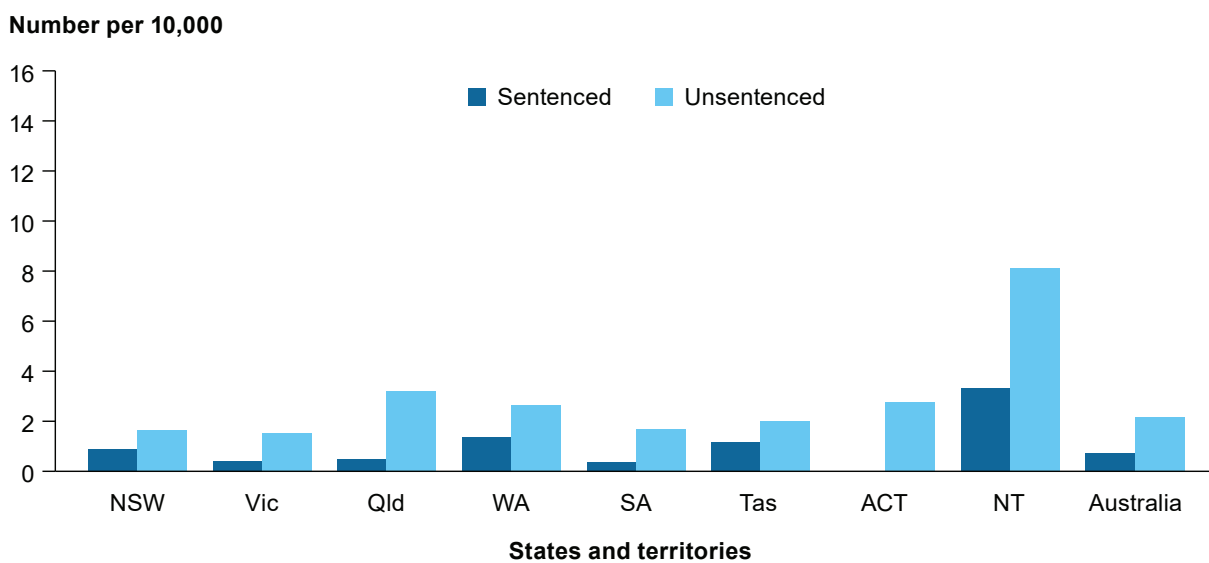
Just over half (52%) of young people in unsentenced detention aged 10 and over on an average day were Aboriginal or Torres Strait Islander (Table S109a). This proportion varied substantially among the states and territories, from 13% in Victoria to 97% in the Northern Territory.

The rate of young people aged 10–17 in unsentenced detention on an average day in 2019–20 was 2.2 per 10,000 (Figure 5.2). Among the states and territories, this rate was lowest in Victoria (1.5 per 10,000) and highest in the Northern Territory (8.1 per 10,000).

Rates of unsentenced detention on an average day were higher than sentenced detention in all states and territories (excluding 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, 2019–20 (rate)**



*Notes*

1. The sentenced rates in 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 a large number of young people reported as being in sentenced and unsentenced detention at the same time and an overcount of young people in sentenced detention.
3. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

Source: Table S111a.

## Completion of periods

Of remand periods (unsentenced detention) that ended in 2019–20, more than 3 in 5 (63%) 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 (29%) and highest in the Australian Capital Territory (93%).

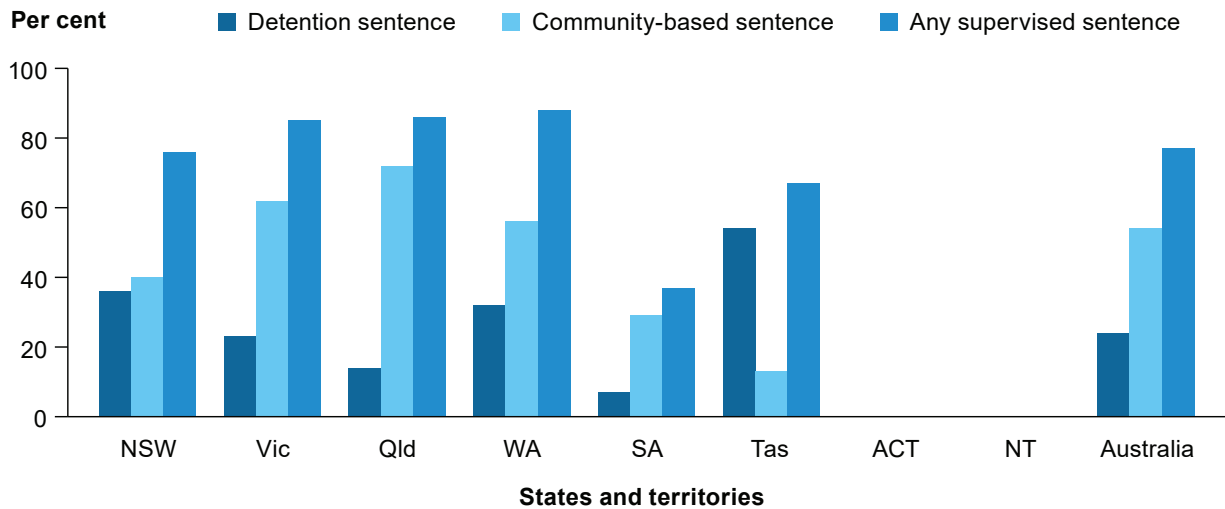
Almost one-third (31%) of remand periods ended because they were completed (see Glossary), and the rest ended for other reasons, including transfer (which can include transfer to another youth detention centre, the adult system or interstate).

Of completed remand periods, about 3 in 4 (77%) were followed by a supervised sentence within 1 day—about 54% by a community-based sentence, and about 24% by a detention sentence (Figure 5.3).

Among the states and territories, completed periods of remand were:

- more likely to be followed by a community-based sentence within 1 day in New South Wales, Victoria, Queensland, Western Australia, and South Australia
- more likely to be followed by a detention sentence within 1 day in Tasmania (Figure 5.3).

**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, 2019–20 (%)**



*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 and territory. Denominators are the total number of remand periods by state and territory (Table S119).
2. 'Any supervised sentence' includes both community-based and detention sentences.
3. Australian Capital Territory data are not published due to differences in coding of 'end reason' for young people who transition from remand to sentenced supervision.
4. Northern Territory data are not published in this table due to the current unavailability of YJ NMDS standard data for 'end reason'.

Sources: tables S119 and S120.

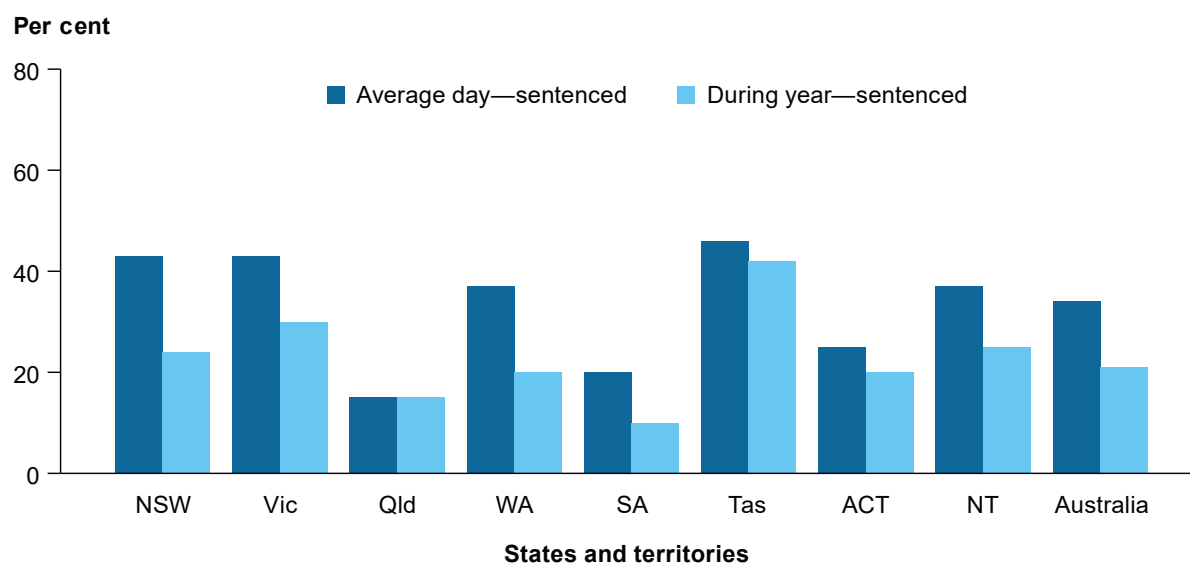
## Sentenced detention

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, 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 2019–20, 1 in 3 young people in detention (34% or 292 young people) were in sentenced detention (Figure 5.4). Among the states and territories, this ranged from 15% in Queensland to 46% in Tasmania.

**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, 2019–20 (%)**



*Notes*

1. Numerators are the number of young people in sentenced detention on an average day or during the year by state and territory. Denominators are the number of young people in detention on an average day or during the year by state and territory.
2. 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.

Source: Table S109.

Nationally, just under half (46%) 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 2019–20, the rate of young people aged 10–17 in sentenced detention was 0.7 per 10,000 (Table S111a). Among the states and territories for which rates could be calculated, rates were lowest in South Australia (0.3 per 10,000) and highest in the Northern Territory (3.3 per 10,000). Rates for the Australian Capital Territory were not calculated due to small numbers.

### Completion of periods

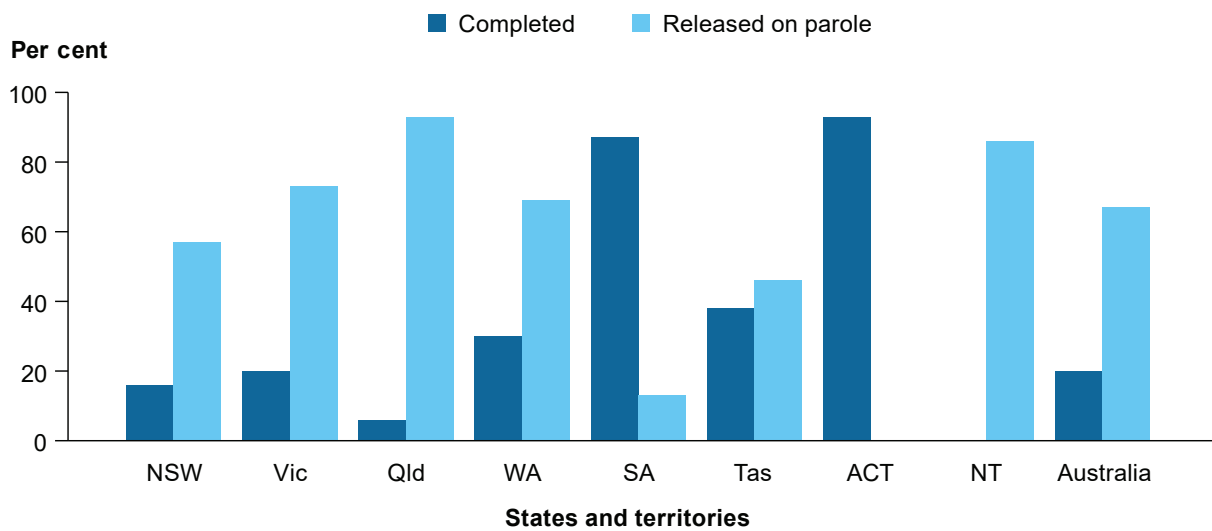
Two-thirds (66%) of sentenced detention periods that ended in 2019–20 ended because the young person was released on parole (also known as supervised release) (Figure 5.5).

Just less than one-quarter (22%) ended with the period being completed (see Glossary), and the rest (about 12%) 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 half (57%–92%) of sentenced detention periods ended with the young person being released on parole (Table S125).
- In the Australian Capital Territory and South Australia, most sentenced detention periods ended with the young person being released with no further supervision (92% and 89%, respectively).
- In Tasmania, detention periods were almost as likely to end with release on parole (48%) as release with no further supervision (43%).

**Figure 5.5: Sentenced detention ending with either sentence completion or release on parole (supervised release), by state and territory, 2019–20 (%)**



*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 and territory. Denominators are the number of periods of sentenced detention, by state and territory.
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.
3. In South Australia, data for end reason 'released on parole' are underreported. This is expected to be resolved in the next submission of the YJ NMDS 2020–21.

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 (such as on parole or supervised release) or out of youth justice supervision altogether (on sentence completion).

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

## Reception

In 2019–20, 4,269 young people experienced 9,052 receptions into detention (tables S105a and S105b). Among all young people in detention in 2019–20, 91% 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 were received in a previous year (tables S74b and S105b).

Almost half (48%) 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 (46%) to have been received into detention more than once.

Most receptions (97%) were for young people entering unsentenced detention, which includes police-referred pre-court detention and remand (Table S105a).

Two-thirds of receptions (67%) were for remand, just under one-third (30%) were for police-referred pre-court detention, and the rest (3%) were for sentenced detention.

About one-quarter (26%) of all young people in sentenced detention during 2019–20 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).

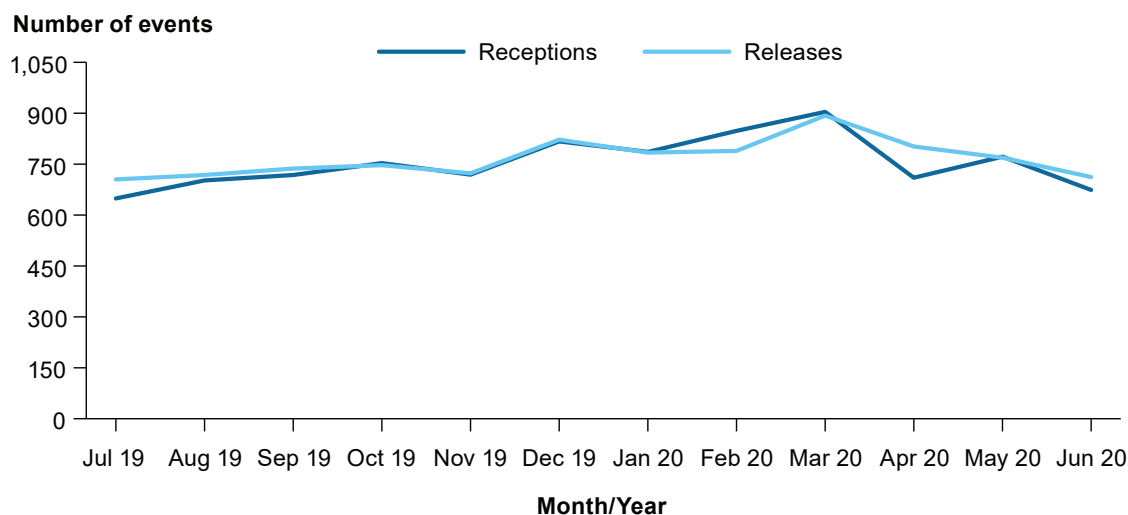
## Releases

In 2019–20, 4,494 young people experienced 9,201 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 2 releases per young person (tables S74b, S106a, and S106b).

Similar to receptions, 90% of releases were from unsentenced detention. About 3 in 4 releases (74%) were from remand, and 16% were from police-referred pre-court detention. The proportion of releases from sentenced detention (10%) was higher than that of receptions to sentenced detention (3%) (tables S105a and S106a).

In 2019–20, the numbers of receptions and releases were closely aligned each month, despite some fluctuations (Figure 5.6). The highest numbers of both receptions (904) and releases (893) occurred in March 2020.

**Figure 5.6: Monthly trends in youth detention receptions and releases, Australia, 2019–20 (number)**



Source: Table S108.



## 6 Time under supervision

### Orders and supervision periods

#### Supervised orders

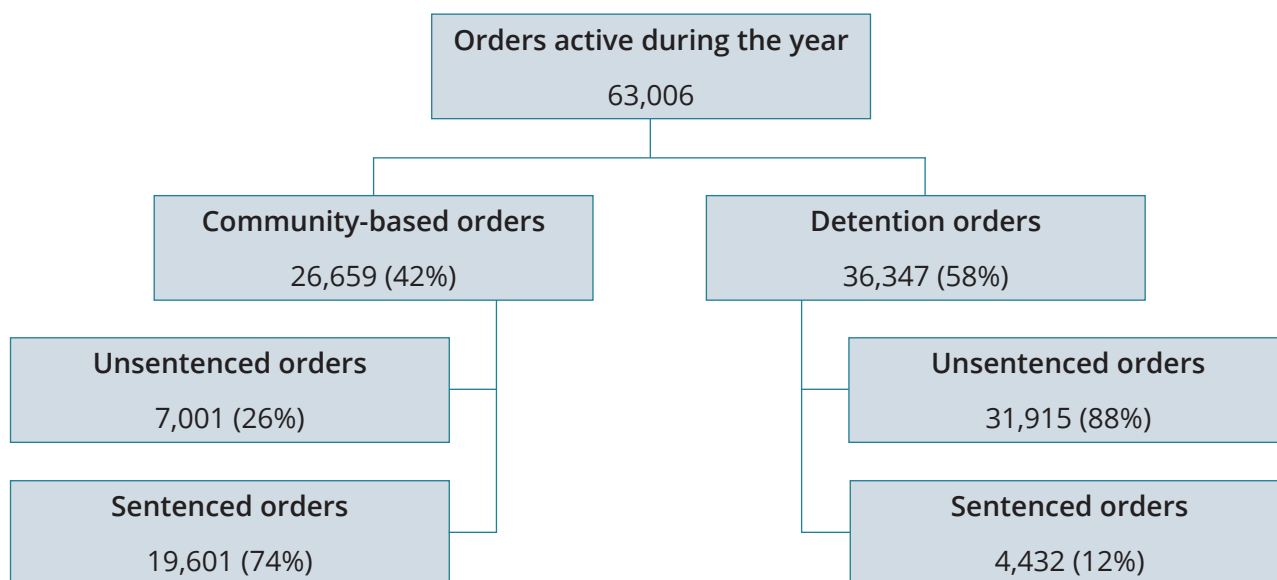
In 2019–20, the 10,222 young people under youth justice supervision were supervised under 63,006 sentenced and unsentenced orders (tables S1b and S25).

Although most (84%) young people were supervised in the community on an average day in 2019–20, detention orders were the most common type of order active in the same year (58%) (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 (88%) were unsentenced, while the majority of community-based orders were sentenced (74%). 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, 2019–20**



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

*Source:* Table S25.

In 2019–20:

- the majority of active orders in the Northern Territory (83%) and New South Wales were detention orders (63%)
- The Australian Capital Territory (70%), Tasmania (57%) and Western Australia (54%) 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 (48%–52%) (Table S25).

About two-thirds (67%) of young people under supervision during 2019–20 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 2019–20, there were:

- 26,659 community orders for the 9,053 young people under community-based supervision, an average of 2.9 orders per young person
- 36,347 detention orders for the 4,717 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 (70%) than their non-Indigenous counterparts (65%) (Table S26c).

Young people under community-based supervision were more likely than those in detention to have had only 1 order (43% compared with 21%), and less likely to have had 6 or more orders within the year (13% compared with 38%) (tables S26a and S26b).

## 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 2019–20, the 10,222 young people under supervision received 13,470 periods of supervision (continuous supervision of any type), an average of about 1.3 periods per person (tables 2.1 and S27).

Among the 6,649 young people who completed a period of supervision in 2019–20, most (83%) completed only 1 period (Table S28).

Almost 2 in 3 (64%) young people supervised during 2019–20 completed at least 1 period of community-based supervision, and about 4 in 10 (44%) 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, almost 1 in 5 (18%) completed at least 1 period of sentenced detention and most (91%) 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 (2.1 compared with 1.3) (tables S117 and S124).

Indigenous young people (20%) were more likely than non-Indigenous young people (15%) 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 2019–20 lasted for a median length of 123 days, or about 18 weeks (this includes time under supervision before 1 July 2019 if the period started before that date).

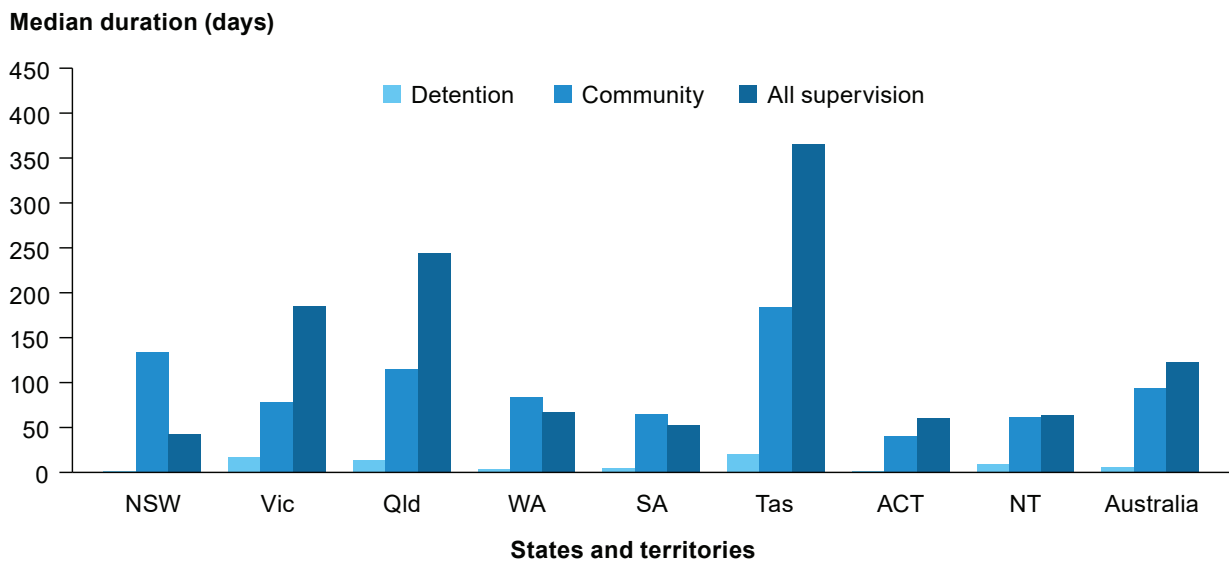
The median duration of completed periods varied substantially between states and territories, ranging from 43 days in New South Wales to 365 days in Tasmania (periods include days before 1 July 2019) (Figure 6.2).

Completed periods of community-based supervision were much longer than completed periods of detention, with a median length of 94 days (about 13 weeks) compared with 6 days (tables S64 and S103).

Again, there were differences among the states and territories. In 2019–20, the median length of completed periods of:

- community-based supervision ranged from 41 days in the Australian Capital Territory to 184 days in Tasmania
- detention ranged from 2 days in New South Wales and the Australian Capital Territory to 20 days in Tasmania (Figure 6.2).

**Figure 6.2: Median duration of completed supervision periods, by supervision type and state and territory, 2019–20 (days)**



Sources: tables S29, S64, and S103.

The median duration of completed individual periods of unsentenced detention during 2019–20 was 5 days (Table S117). This varied among the states and territories, from 2 days in the Australian Capital Territory and New South Wales to 21 days in Tasmania.

For completed periods of sentenced detention, the median duration was much longer, at 71 days (Table S124). Completed periods of sentenced detention ranged from a median of 51 days in Queensland to 101 days in Victoria.

On average, Indigenous young people completed slightly longer periods of unsentenced detention than non-Indigenous young people (median of 6 days compared with 4 days) (Table S117). But they completed slightly shorter periods of sentenced detention (median of 61 days compared with 84 days) (Table S124).

## Total time under supervision

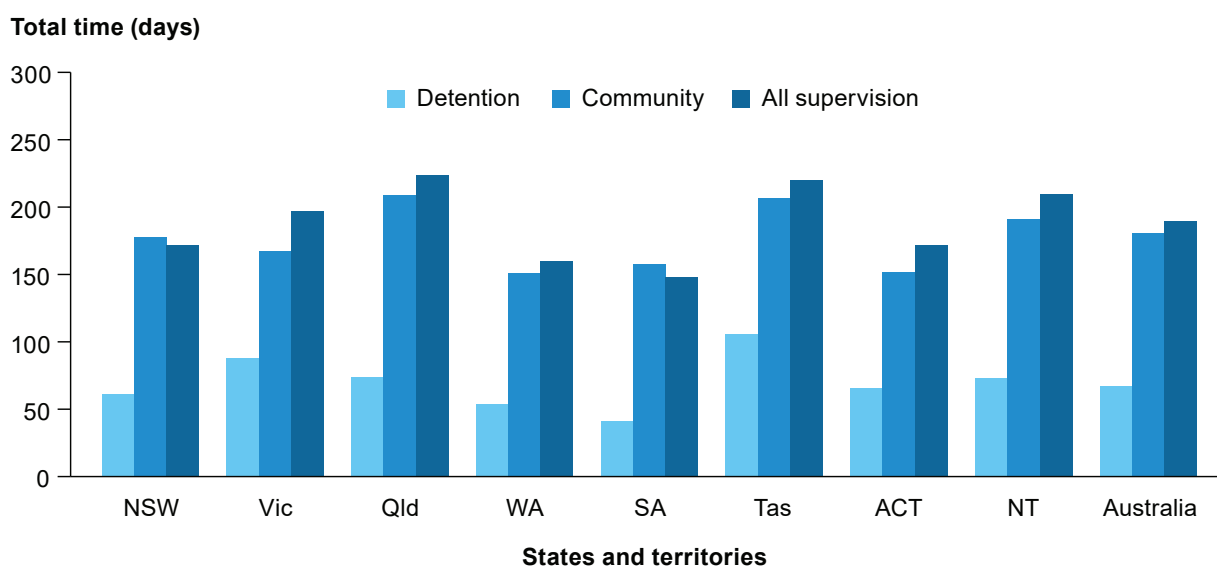
When all the time spent under supervision during 2019–20 is considered (including multiple periods of supervision and periods that were not yet completed at 30 June 2020), young people who were supervised during the year spent a total of 190 days or about 6 months (27 weeks), on average, under supervision (Figure 6.3).

This was lowest in South Australia (148 days) and Western Australia (160 days), and highest in Queensland (224 days) and Tasmania (220 days).

Young people spent more time, on average, under community-based supervision during the year (181 days, or about 26 weeks) than in detention (67 days, or nearly 10 weeks). This varied among the states and territories. The average total time spent:

- under community-based supervision ranged from 151 days in Western Australia to 209 days in Queensland
- in detention ranged from 41 days in South Australia to 106 days in Tasmania.

**Figure 6.3: Average total time young people spent under supervision during the year, by supervision type, states and territories 2019–20 (days)**



Sources: tables S30, S65, and S104.

During the year, young people spent much more time, on average, in sentenced detention (106 days in total, or about 15 weeks) than unsentenced detention (49 days, or 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 2019–20 ranged from 35 days in South Australia to 78 days in Tasmania (Figure 6.4).

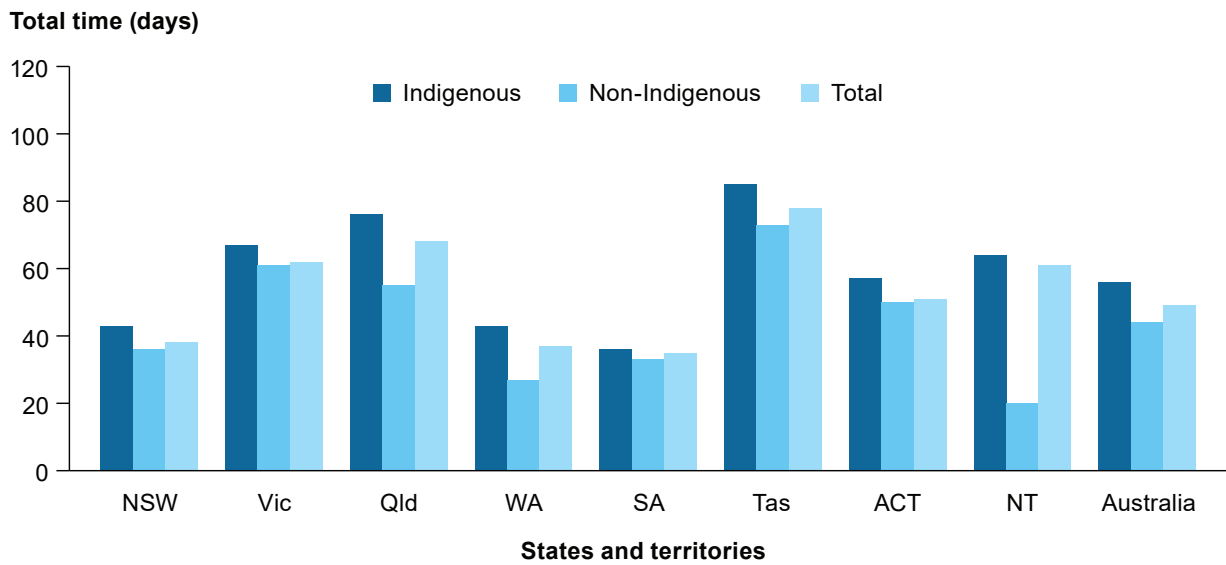
The average total time spent in sentenced detention was lowest in Queensland (76 days), and highest in Victoria (125 days) (Figure 6.5).

Males (194 days) spent more time, on average, under supervision during the year than females (175 days) (Table S30). Males and females spent similar lengths of time, on average, under community-based supervision (180 and 184 days, respectively), but males (74 days) spent more than twice as long in detention than females (35 days) (tables S65 and S104).

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

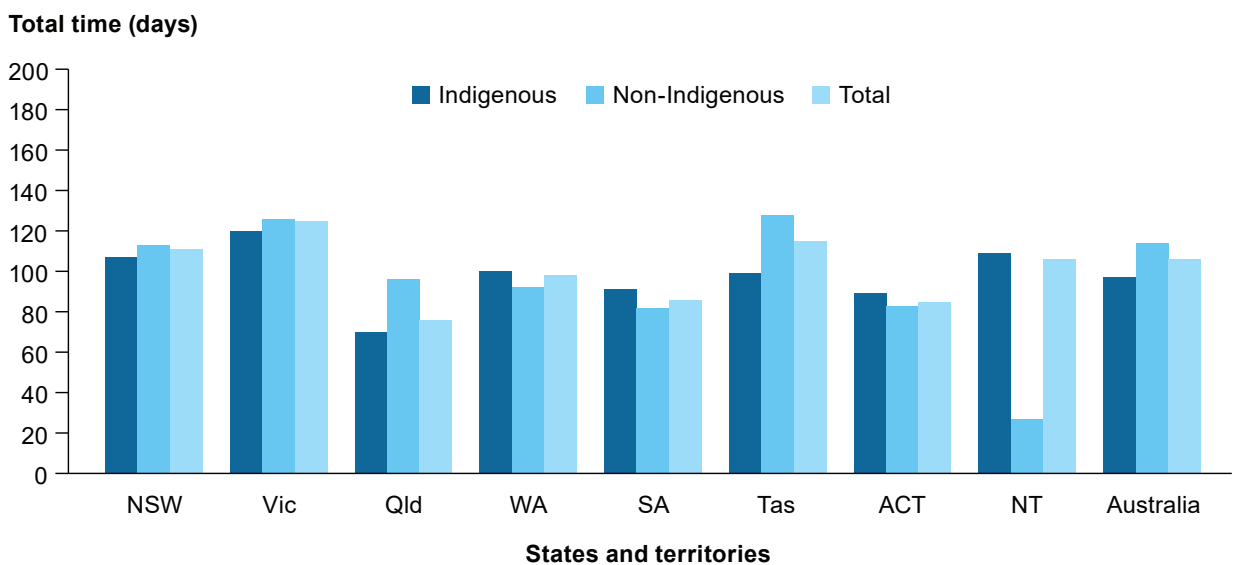
- 20 more days, on average, under supervision during the year (203 days, compared with 183)
- 9 more days, on average, in detention (72 days, compared with 63)
- 12 more days, on average, in community-based supervision (188 days, compared with 176) (tables S30, S65 and S104)
- 12 more days, on average, in unsentenced detention (56 days compared with 44)
- 17 fewer days, on average, in sentenced detention (97 days compared with 114) (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, 2019–20 (days)**

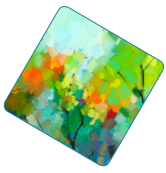


Source: Table S118.

**Figure 6.5: Average total time young people spent in sentenced detention during the year, by Indigenous status and state and territory, 2019–20 (days)**



Source: Table S126.



## 7 Supervision history

### First entry to supervision

First entry to 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.

### Entry to supervision

About one-third (32%) of young people under youth justice supervision in 2019–20 were new to supervision in that year. The rest (68%) had been supervised in a previous year (Table S17). Indigenous young people (75%) were more likely than non-Indigenous young people (63%) to have been under supervision in a previous year.

Of young people under community-based supervision, 72% had been supervised (under any type of supervision) in a previous year, compared with 60% of those in detention (tables S55 and S93).

### Age at first supervision

Among all young people who were supervised during 2019–20 (Table S19):

- almost three-quarters (71%) had first entered supervision when they were aged 14–17
- about one-quarter (24%) had first entered supervision when they were aged 10–13
- 5% had first entered youth justice supervision when they were aged 18 or over.

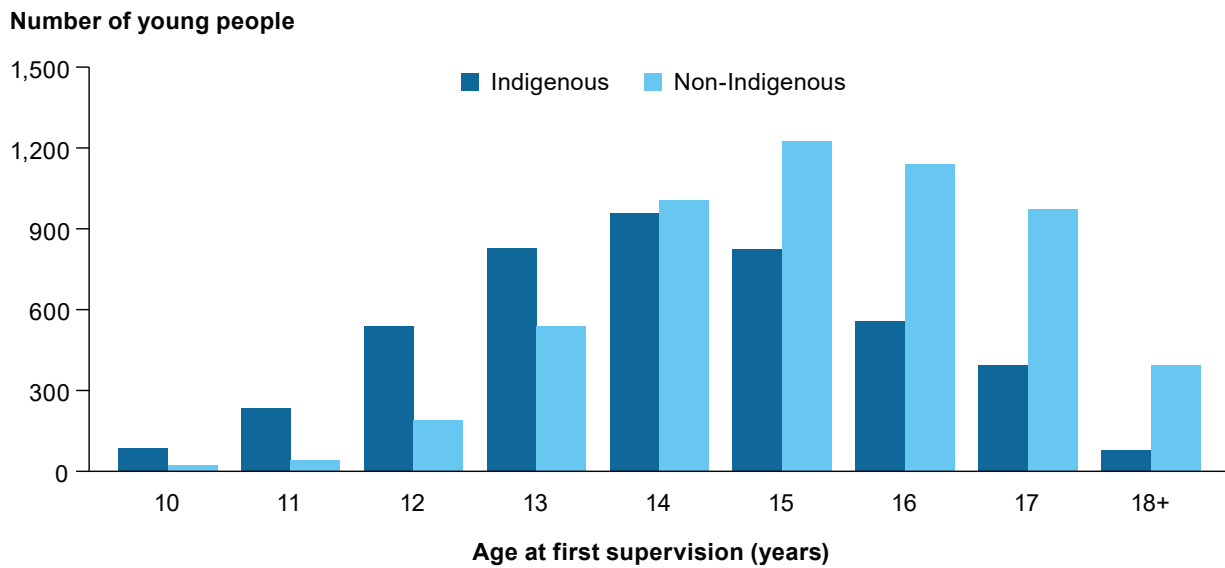
Young people who were supervised in 2019–20 were most likely to be aged 14 and over when they first entered supervision in all states and territories, ranging from 60% in Western Australia to 90% in Victoria (Table S19).

Western Australia had the highest proportion of young people who first entered supervision when aged 10–13 (40%), while Victoria had the highest proportion who first entered supervision when aged 18 or over (17%) (likely a 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 2019–20 were first supervised when aged 10–13, compared with 1 in 7 (14%) 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, 2019–20 (number)**



*Note:* For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

*Source:* Table S18.

## First type of supervision

Among all those who were supervised during 2019–20, the most common first types of supervision were remand (33%) and probation and similar (32%) (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).

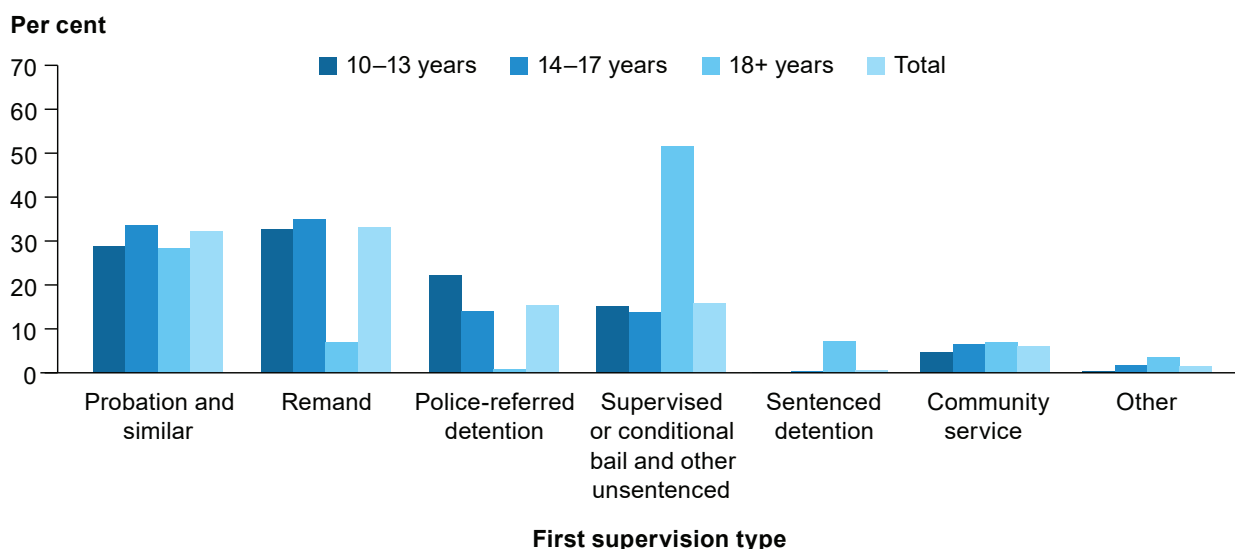
For those entering supervision for the first time aged 18 and over, the most common type of first supervision was supervised or conditional bail (and other unsentenced supervision).

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 (7%).

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

- remand in the Australian Capital Territory (68%), Northern Territory (60%) and New South Wales (49%)
- police-referred detention in South Australia (48%)
- probation and similar in Queensland (49%), Western Australia (36%) and Tasmania (35%)
- 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, 2019–20 (%)**



**Notes**

1. Numerators are the number of young people who were under a given type of supervision by age group of first supervision (Table S20). Denominator is the total number of young people under supervision during the year by age group of first supervision (Table S19).
- 2: For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

Sources: tables S19 and S20.

## Youth justice supervision history

About 9 in 10 (91%) young people who were supervised during 2019–20 had been under community-based supervision at some time during their supervision history (either during 2019–20 or in a previous year) (Figure 7.3). About two-thirds (68%) had spent time in detention.

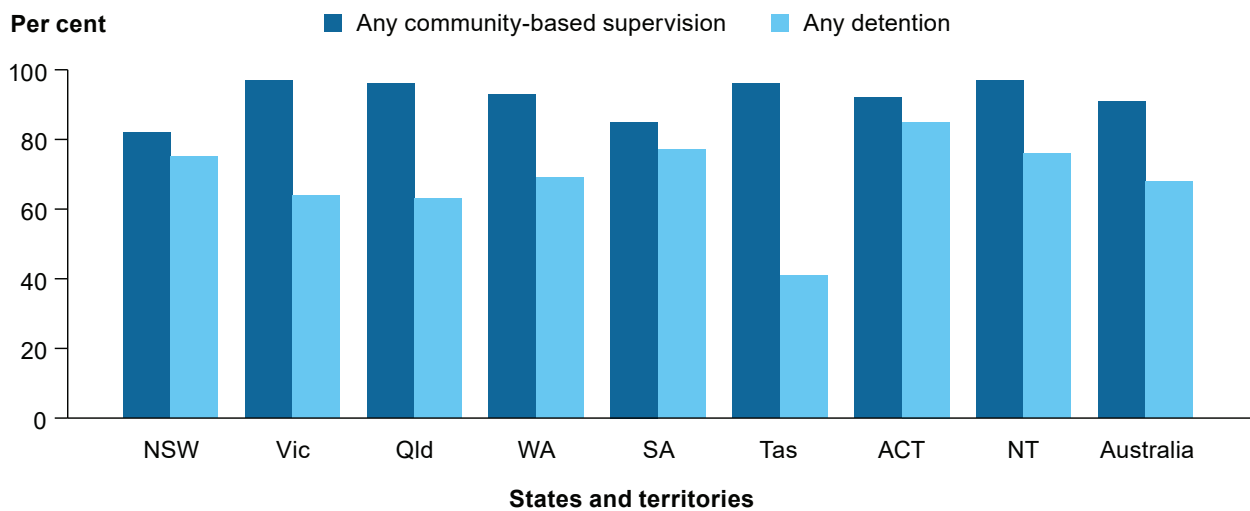
About 3 in 5 (59%) young people under supervision during 2019–20 had been both under community-based supervision and in detention at some time during their supervision history (tables S2, S35k and S35o).

Nearly one-third (32%) had been only under community-based supervision, and 9% had been only in detention.

Among the states and territories, the proportion of young people supervised during 2019–20 who had been:

- under community-based supervision at some point during their supervision history ranged from 82% in New South Wales to 97% in Victoria and the Northern Territory
- in detention ranged from 41% in Tasmania to 85% in the Australian Capital Territory (Figure 7.3).

**Figure 7.3: Young people under supervision during the year, by supervision history, states and territories, 2019–20 (%)**



**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 and territory. Denominators are the number of young people under supervision during the year, by state and territory (Table S2b)

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

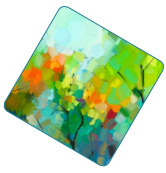
Sources: tables S2b, S35c and S35g.

Males and females under youth justice supervision during 2019–20 were similarly likely to have been under community-based supervision at some point during their supervision history (91% and 90%, respectively). Males (70%) were more likely to have previously been in detention than females (64%) (tables S2b, S35c and S35g).

Similar proportions of Indigenous and non-Indigenous young people under supervision in 2019–20 had been under community-based supervision at some time during their supervision history (93% compared with 90%) (tables S2b and S35c).

Indigenous young people (72%) under supervision in 2019–20 were more likely than non-Indigenous young people to have had a supervision history containing any type of detention (66%) (tables S2b 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 overall between 2015–16 and 2019–20, with some fluctuation across the period (Table S11a).

Overall, over the 5 years from 2015–16 to 2019–20, the number of young people under supervision fell by 4% (from 5,527 to 5,323), however the number fluctuated throughout this period from a low of 5,308 in 2016–17 to a high of 5,670 in 2018–19 (Table S11). 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. The number of people under youth justice supervision in Queensland rose by 37% from 1,414 in 2016–17 to 1,935 in 2018–19. In 2019–20, the number declined to 1,780 (Table S11).

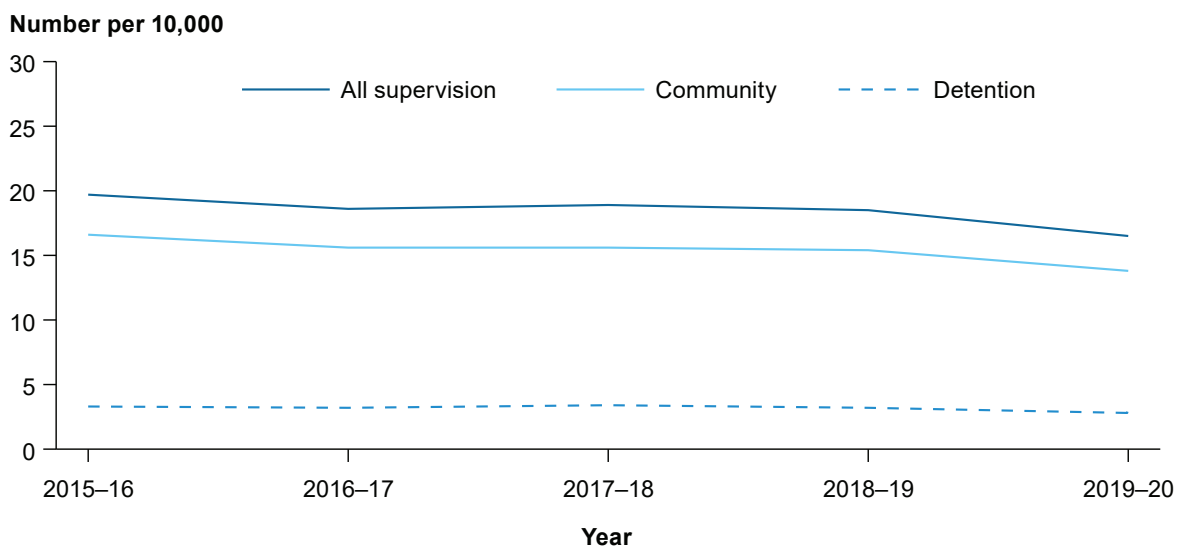
Overall the rate of young people aged 10–17 under youth justice supervision on an average day fell from 20 to 16 per 10,000 young people (Figure 8.1).

Between 2015–16 and 2019–20, the total number of young people aged 10 and over who were under supervision during the year fell by 8% (from 11,056 to 10,222) (Table S11b), but the average total time young people spent under supervision during the year rose slightly from 183 to 190 days (Table S30).

The decrease in the number of young people under supervision is in 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. COVID-19 restrictions beginning in March 2020 also led to temporary closures of courts and the deferral of cases.

Between 2015–16 and 2019–20, the number of young people aged 10–19 who had their matters finalised in court fell by 26%, with a drop of 18% in the most recent year (ABS 2021a).

**Figure 8.1: Trends in young people aged 10–17 under supervision on an average day, by supervision type, 2015–16 to 2019–20 (rate)**



*Notes*

1. Trend data might differ from those previously published due to data revisions.
2. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

Sources: tables S12a, S47a, and S85a.

Between 2015–16 and 2019–20, the number of young people aged 10 and over in community-based supervision on an average day fell slightly by 3% (from 4,639 to 4,490). The rate dropped from 17 to 14 per 10,000 for those aged 10–17 (Figure 8.1; tables S46a and 47a). In the most recent year, the number fell by 5% (from 4,748 to 4,490), and the rate declined from 15 to 14 per 10,000.

Between 2015–16 and 2019–20, the number of young people in detention aged 10 and over on an average day fell by 6% (from 915 to 863). The rate fell slightly from 3.3 to 2.8 per 10,000 for those aged 10–17 between 2015–16 and 2019–20 (Figure 8.1; tables S84a and 85a). In the most recent year, the number fell by 9% (from 951 to 863) and the rate declined from 3.2 to 2.8 per 10,000.

## States and territories

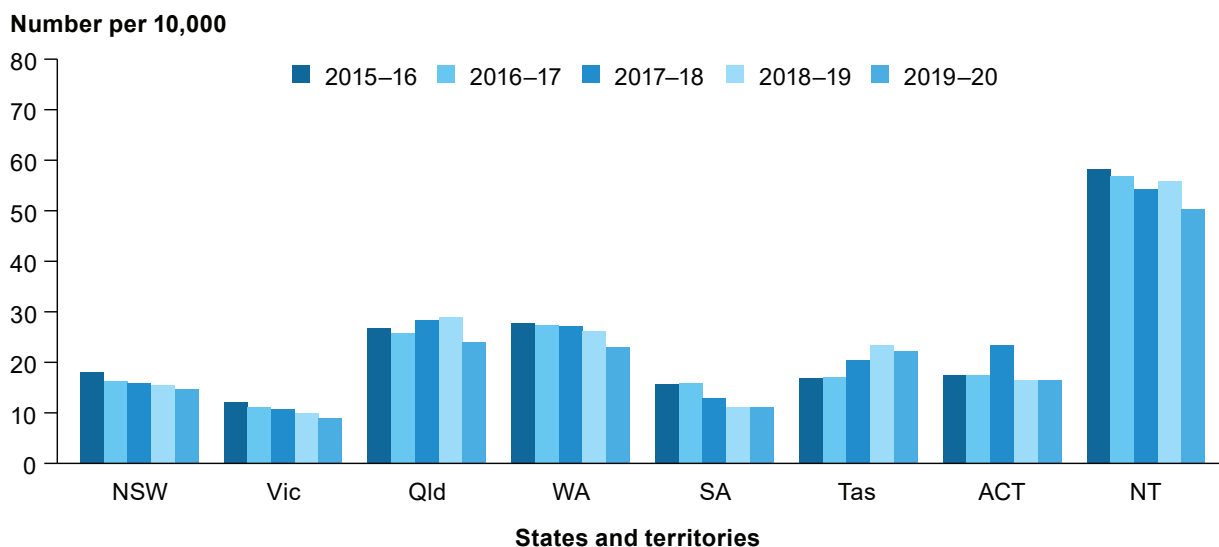
Between 2015–16 and 2019–20, the rate of young people aged 10–17 under supervision on an average day rose in Tasmania and fell in all other states (Figure 8.2; Table 8.1).

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 Tasmania and the Northern Territory.

The largest rise was seen in Tasmania (15 to 20 per 10,000 from 2015–16 to 2019–20) while the largest fall was in Western Australia (from 23 to 19 per 10,000) (Table S47a).

Detention rates fell or remained steady in most states and territories except Tasmania (from 1.4 to 2.8 per 10,000) and the Australian Capital Territory (from 1.6 to 3.6 per 10,000), 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, 2015–16 to 2019–20 (rate)**



**Notes**

1. Trend data might differ from those previously published due to data revisions.
2. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.
3. In Queensland, legislation to increase the age limit in the youth justice system from 16 to 17 was enacted in February 2018. This change resulted in an increase in the number and rate of young people aged 17 under youth justice supervision from 2017–18 onwards.

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, 2015–16 to 2019–20 (rate)**

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

**Notes**

1. Arrows indicate an overall change between 2015–16 and 2019–20. Trends might have fluctuated between these years, particularly for smaller jurisdictions.
2. Data might differ from those previously published due to data revisions.
3. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.

Sources: tables S12a, S47a, and S85a.

## Age and sex

Over the 5 years to 2019–20, 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 31 to 25 per 10,000; for females it fluctuated between 7.5 and 8.1 per 10,000 (Table S15a). On an average day each year, males aged 10–17 were 3–4 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 26 to 20 per 10,000 while the rate for young females fluctuated between 6.9 and 7.4 per 10,000 (Table S50a). For detention, the rate of males aged 10–17 on an average day fell slightly from 5.7 to 4.9 per 10,000, while the rate for females remained stable at 0.6–0.7 per 10,000 (Table S88a).

On an average day each year, males were 3–4 times as likely as females to be under community-based supervision, and 7–8 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 16 (from 72 to 58 per 10,000 over the 5-year period) (Table S9a).

Among young females, rates were more stable, with only an increase for those aged 17 (14 to 18 per 10,000) (Table S9a). This is in part due to the previously mentioned changes in Queensland legislation from February 2018.

## Indigenous young people

Between 2015–16 and 2019–20, the number of Indigenous young people (including those aged 18 and over) under youth justice supervision fluctuated, though fell slightly overall by 3% from 2,573 to 2,493. In the most recent year, the number fell by 8% from a peak of 2,711 Indigenous young people under supervision (Table 11a).

The rate of Indigenous young people aged 10–17 under supervision on an average day fell from 167 to 140 per 10,000 population over the 5-year period. In the most recent year, the rate fell from 160 to 140 per 10,000 population (Table S12a).

For non-Indigenous young people under supervision, the rate fell slightly from 10 to 8.5 per 10,000 between 2015–16 and 2019–20.

Over the 5 years to 2019–20, 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 2015–16, Indigenous young people aged 10–17 were 16 times as likely as their non-Indigenous counterparts to be under supervision, rising to 17 times in 2016–17, before dropping back to 16 times in 2019–20 (Table S12a).

For community-based supervision on an average day, the number of Indigenous young people aged 10 and over was similar in 2015–16 and 2019–20 (at about 2,080). The number of Indigenous young people was at its lowest at 2,037 in 2016–17 and highest at 2,211 in 2018–19. However, over the 5-year period the rate fell from 135 to 116 per 10,000 (tables S46a and S47a).

For non-Indigenous young people aged 10 and over who were under community-based supervision, the number fell by 6%—from 2,495 to 2,346—while the rate of those aged 10–17 fell slightly from 8.9 to 7.2 per 10,000 (tables S46a and S47a).

The level of Indigenous over-representation in community-based supervision stabilised over the 5-year period. In 2015–16 the rate ratio was 15, rising to 16 in 2016–17 and stayed steady over the rest of the period (Table S47a).

The number of non-Indigenous young people aged 10 and over in detention on an average day increased over the 5-year period (6%, from 408 to 432), while the number of Indigenous young people declined (15%, from 506 to 428) (Table S84a).

The rate for young Indigenous people in detention declined from 33 to 26 per 10,000 over the period, while the non-Indigenous rate fluctuated between 1.3 and 1.5 per 10,000. The Indigenous rate ratio for those in detention fell overall from 25 to 18 per 10,000 (Table S85a).

Over the 5-year period, the rates of Indigenous young people under supervision fell in all states except Queensland and Tasmania, where the rates rose (Table 8.1).

Of the jurisdictions with a fall in Indigenous rates, the largest decreases were in Western Australia (272 to 201 per 10,000), Victoria (137 to 79 per 10,000) and South Australia (174 to 118 per 10,000) (Table S12a).

Rates for non-Indigenous young people remained more stable, with the rates falling slightly in New South Wales, Queensland, Victoria, and South Australia. Queensland had the largest fall over the 5-year period from 12 to 9.5 per 10,000 (Table S12a).

Between 2015–16 and 2019–20, community-based supervision rates for Indigenous young people aged 10–17 rose in Tasmania (48 to 63 per 10,000), the Northern Territory (83 to 88 per 10,000), and Queensland (158 to 161 per 10,000). All other states and territories experienced a decline in the rate of Indigenous young people under community supervision (Table S47a).

All states and territories, where a rate could be calculated, experienced a decline in the rate of Indigenous young people aged 10–17 under detention (see Table 8.1)

## Time under supervision

Over the 5 years from 2015–16 to 2019–20, the average amount of time young people spent under youth justice supervision during the year gradually increased from 183 days to 190 days, reaching a peak of 192 days in 2018–19 (Table S30).

A similar trend was seen in community-based supervision, with a gradual rise from 171 to 181 days over the 5-year period (Table S65).

Average detention lengths remained more stable, fluctuating between 67–72 days (Table 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 155 to 210). There was an overall fall in New South Wales (from 184 to 172 days) (Table S30).

## Longer trends

### National

Nationally, the rate of young people aged 10–17 under youth justice supervision on an average day fell over the 10 years to 2019–20.

The rate of young people aged 10–17 under youth justice supervision gradually declined from 26 per 10,000 in 2010–11 to 16 per 10,000 in 2019–20 (Figure 8.3).

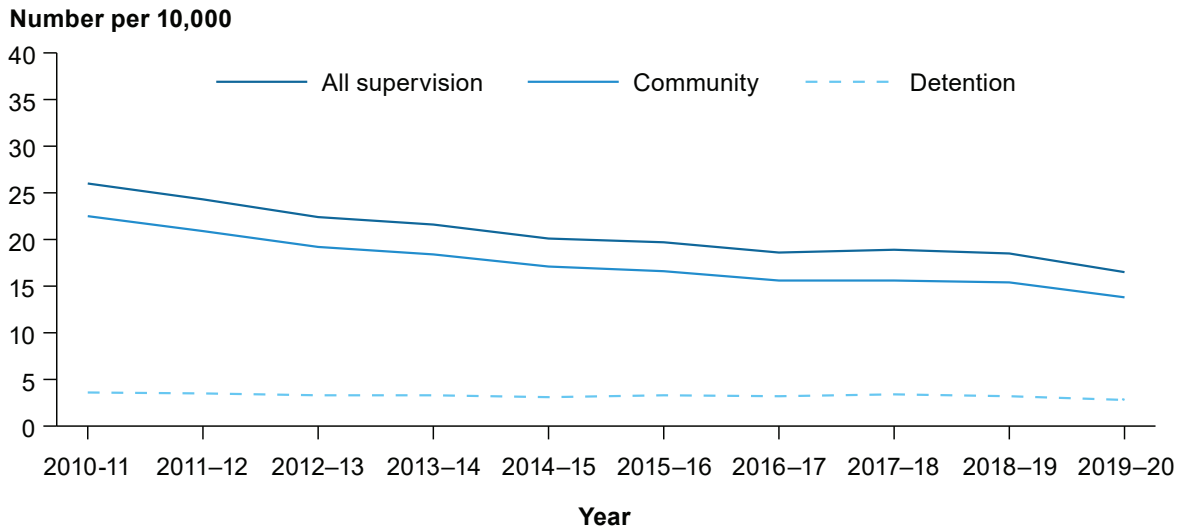
Similarly, the rate of young people under supervision during each year (rather than on an average day) fell steadily from 56 per 10,000 in 2010–11 to 35 per 10,000 in 2019–20 (Table S12b).

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 23 per 10,000 young people aged 10–17 on an average day in 2010–11, before falling to 14 per 10,000 in 2019–20 (Figure 8.3).

The rate of young people in detention remained relatively stable, at 2.8–3.6 per 10,000 over the 10 years.

**Figure 8.3: Trends in young people under supervision on an average day, by supervision type, 2010–11 to 2019–20 (rate)**



Sources: tables S12a, S47a, and S85a.

Between 2010–11 and 2019–20, 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 relatively stable over the 10-year period.

In 2010–11, young males aged 10–17 were 4.3 times as likely as young females to be under youth justice supervision on an average day. The rate ratio dropped slightly to 3.3 in 2019–20 (Table S15a).

Rates of both males and females under supervision were highest in 2010–11 (at 42 and 9.7 per 10,000 respectively). For males, rates dropped steadily to 25 per 10,000 in 2019–20. Female rates fell to 7.6 per 10,000 in 2015–16, and rose slightly to 8.1 per 10,000 in 2018–19, before declining to 7.5 per 10,000 (Table S15a).

## States and territories

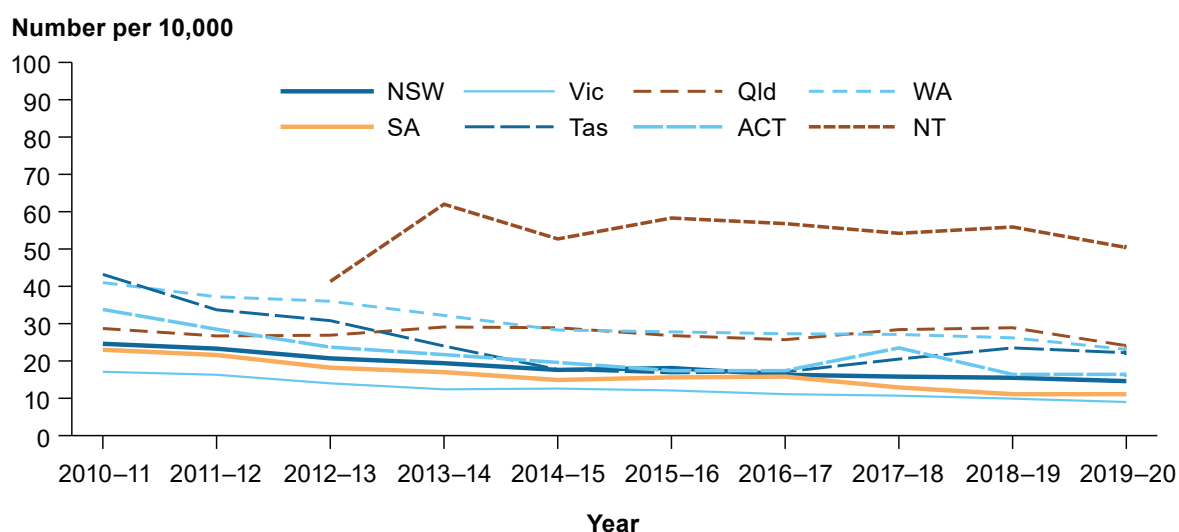
Trend data are published for the 10 years from 2010–11 to 2019–20 for New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, and the Australian Capital Territory. Data for the Northern Territory are available from 2012–13 to 2019–20 (8 years) (see Appendix 1).

On an average day from 2010–11 to 2019–20, Victoria had the lowest rate of supervision, at fewer than 18 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 35 per 10,000 (Figure 8.4).

The rate of young people under supervision on an average day followed a similar pattern in most states and territories, with rates over the 10 years gradually declining.

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 fluctuated over the 10-year period, but were lower in 2019–20 than in 2010–11. In the Australian Capital Territory rates fell from 2010–11 almost consistently to 2019–20, with a high in 2017–18.

**Figure 8.4: Trends in young people aged 10–17 under supervision on an average day, by state and territory, 2010–11 to 2019–20 (rate)**



**Notes**

1. Data are not available for the Northern Territory from 2010–11 to 2011–12.
2. For 2019–20, the age calculation for the average daily population has been changed. Age is now calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, then the average daily number under supervision will reflect this. Due to this change in methodology, average daily data with an age selection or breakdown will not be comparable to previous *Youth justice in Australia* releases.
3. In Queensland, legislation to increase the age limit in the youth justice system from 16 to 17 was enacted in February 2018. This change resulted in an increase in the number and rate of young people aged 17 under youth justice supervision from 2017–18 onwards.

Source: Table S12a.

Trends in the rate of young people aged 10–17 under community-based supervision on an average day followed similar patterns to those for all supervision in most states and territories.

After gradual declines, the rates of young people under community-based supervision:

- rose in Queensland in 2017–18 and 2018–19, before decreasing again in 2019–20
- rose in Tasmania from 2017–18
- rose in the Australian Capital Territory 2017–18, before continuing to decline (Table S47a).

Except for the Northern Territory, over the 10-year period there was an overall decline in the rate of young people aged 10–17 under community-based supervision on an average day.

The rate of young people aged 10–17 in detention on an average day varied among the states and territories over the 10 years (Table S88a).

Between 2010–11 and 2019–20, 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. Over the 10-year period, rates in the Northern Territory peaked in 2015–16 at 18.7 per 10,000 before falling to 9.9 per 10,000 in 2019–20.

The level of Indigenous over-representation in supervision on an average day fluctuated over the decade to 2019–20 in most states and territories (Table S12a).

The rate of Indigenous young people aged 10–17 under supervision fell overall in all states and territories over the 10-year period from 2010–11 to 2019–20, except for Northern Territory where data were unavailable. The largest fall was seen in Western Australia where the rate of Indigenous young people under supervision fell from 389 to 201 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 (Farrington 1986; Rocque, Posick & Hoyle 2015; Ulmer & Steffensmeier 2014).

In 2019–20, police proceeded against 191 per 10,000 young people aged 10–17 (the primary group in the youth justice system), and 165 per 10,000 among those aged 18 and over (ABS 2021b).

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 2019–20, the most common principal offences among young people aged 10–17 were:

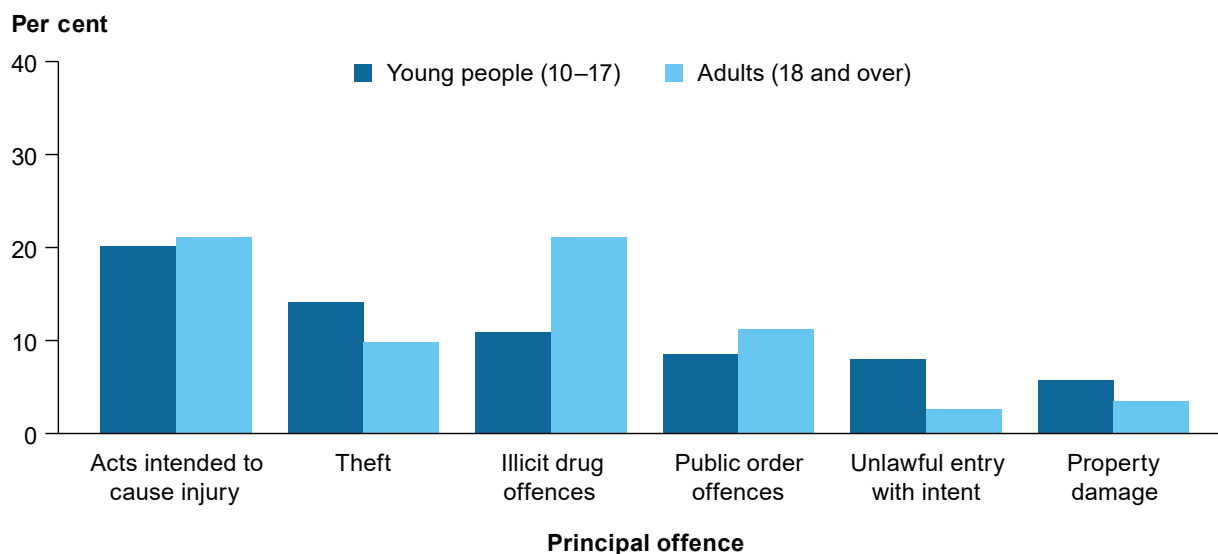
- acts intended to cause injury (20%)
- theft (14%)
- illicit drug offences (11%) (Figure 9.1).

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

- illicit drug offences and acts intended to cause injury (21% respectively)
- public order offences (11%)
- theft (10%) (Figure 9.1).

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, 2019–20 (%)



Source: ABS 2021b.

## Community-based supervision, detention, and prison

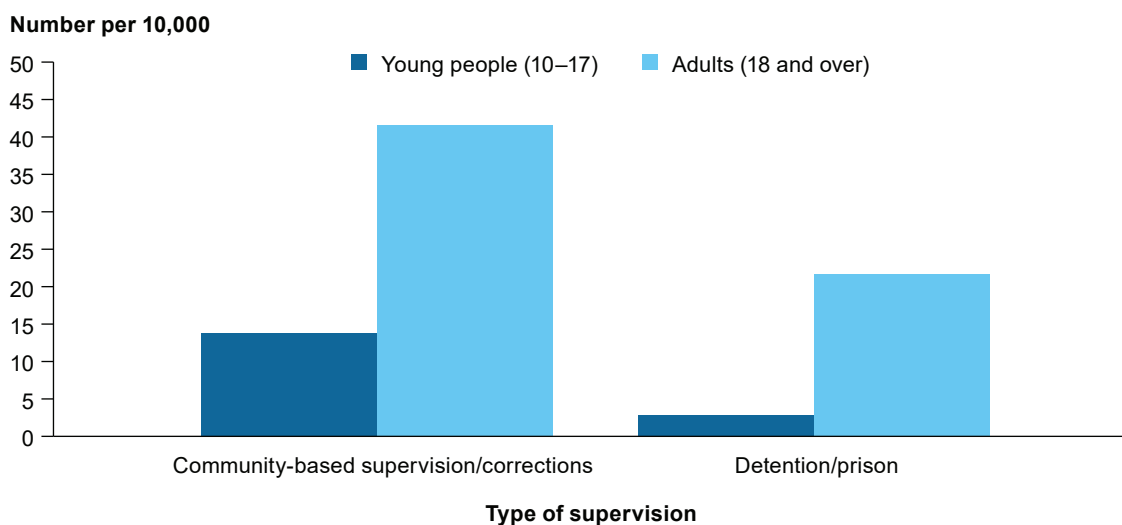
Although young people were more likely than adults to be proceeded against by police, adults were more likely to be placed under formal supervision.

On an average day in 2019–20, 42 per 10,000 adults aged 18 and over were in adult community-based corrections (Figure 9.2).

This compares with 14 per 10,000 young people aged 10–17 under community-based youth justice supervision on an average day in 2019–20.

At the same time, 22 per 10,000 adults were in prison, compared with 2.8 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, 2019–20 (rate)



Note: Data on young people under supervision are for 2019–20; available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2019 to June 2020.

Sources: ABS 2020a; 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 2019–20, more than half (53%) of young people aged 10–17 in detention were Indigenous, compared with just over one-quarter (29%) of adults in full-time prison.

Similarly, almost half (49%) of young people supervised in the community and about 1 in 5 (21%) adults in community corrections were Indigenous (Figure 9.3).

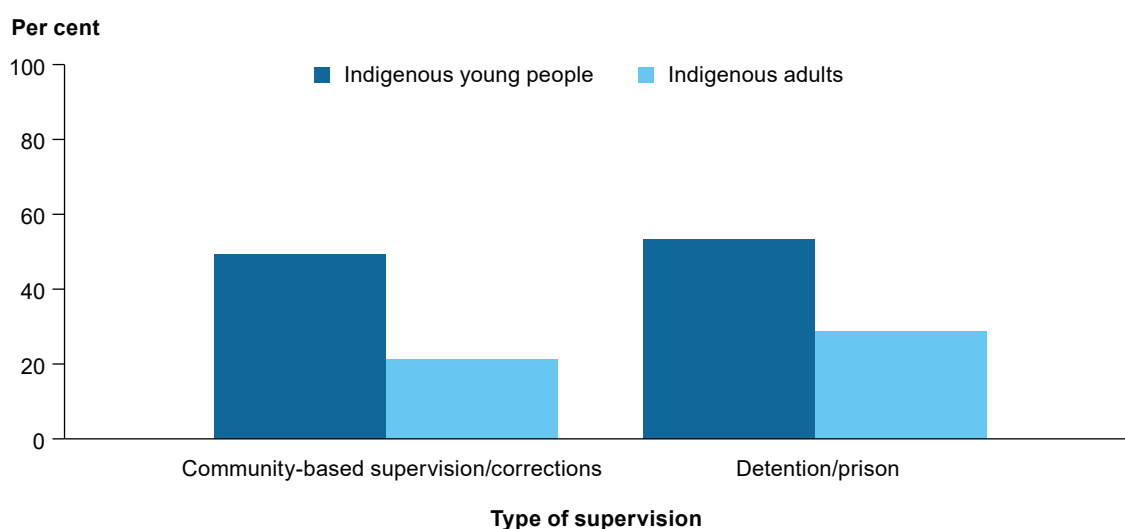
As a result, the level of Indigenous over-representation was higher among the youth detention population on an average day in 2019–20 than among adults in full-time prison on an average day in the 2020 calendar year (Figure 9.3). Available ABS data for Indigenous and non-Indigenous adults are crude rates, by calendar year.

Indigenous young people (26 per 10,000) were more than 18 times as likely as non-Indigenous young people to be in detention (1.4 per 10,000). Indigenous adults (229 per 10,000) were almost 16 times as likely as non-Indigenous adults to be in full-time prison (15 per 10,000) (ABS 2020b; Table S77a).

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

- about 89% of young people in detention and 92% of adults in prison were male
- 76% of young people and 80% of adults supervised in the community were male (ABS 2020a; 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, 2019–20 (%)**



*Note:* Data on young people under supervision are for 2019–20; available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2019 to June 2020.

*Sources:* ABS 2020a; 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 2019–20, 76% of young people aged 10–17 in detention were unsentenced, compared with 33% of adults in prison (ABS 2020a; Table S110a).

# 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 Working Group (2020) reviewed Australia's age of criminal responsibility to consider raising it from 10 to 14 years. However, a final decision was deferred to 2021 to allow time to seek alternatives to detention. This also follows from the Royal Commission into the Protection and Detention of Children in the Northern Territory (2017), which resulted in recommendations for Australia to:

- raise the minimum age of criminal responsibility from 10 to 12
- keep young people aged 14 and under 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, 2020).

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
13	Greece
14	Austria, Germany, Italy, Spain
15	Denmark, Finland, Iceland, Norway, Sweden
16	Portugal

Source: Child Rights International Network 2020.

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 data is available on numbers and rates of young people in detention in selected countries.

On an average day in 2019–20, the rate of young people in youth detention in Australia (2.8 per 10,000 young people) was higher than in England and Wales (1.4 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 (3.2 per 10,000), England and Wales (1.6), the United States (11), and Canada (4).

**Table 9.2: Young people aged 10–17 in detention on an average day, by selected countries, 2019–20**

Number/rate	Australia <sup>(a)</sup>	England and Wales	Canada <sup>(b)</sup>	United States of America
Number	693	781 <sup>(c)</sup>	716	37,529 <sup>(d)</sup>
Number per 10,000	2.8	1.4	4.0	11.2

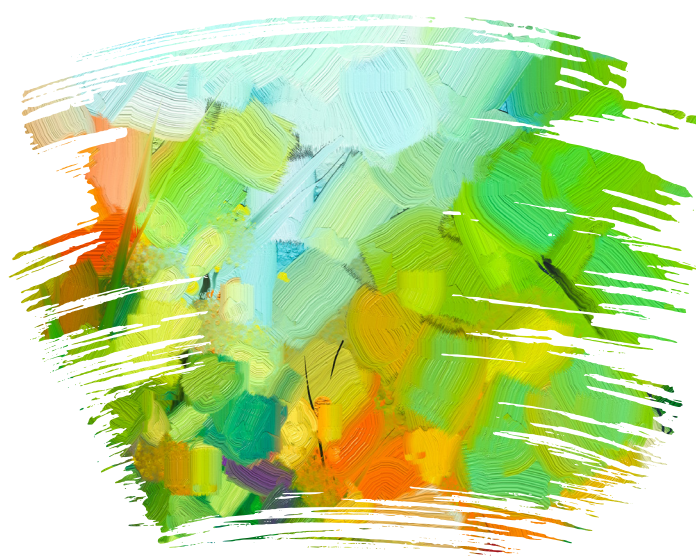
(a) Data for 2019–20.

(b) Data for young people aged 12–17 in detention on an average day during 2018–19. The rate is available to the nearest whole number only.

(c) Average monthly population of young people in custody April 2019 and March 2020 (remand and sentenced).

(d) Number in youth detention on 24 October 2018.

Sources: YJ NMDS tables S76a and S77b; Office for National Statistics 2020; Hockenberry S & Sladky A 2020; Puzanchera C, Sladky A & Kang W 2020; Sickmund et al. 2019; Statistics Canada 2020; Youth Custody Service 2021.





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- Department of Human Services, South Australia
- Department of Communities Tasmania, Tasmania
- 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 if the young person is particularly impressionable, immature or likely to be subject to undesirable influences in adult prison.

**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 Statistical Geography Standard remoteness structure to analyse the remoteness of a young person's usual town or suburb of residence. 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 YJ 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).

**Successfully completed community-based order:** A community order where a young person has completed the hours and/or conditions on their community order without it being revoked or overturned.

**Successfully completed detention order:** A detention order where a young person has completed the hours and/or conditions of their detention order without it being revoked, overturned or ending due to an escape.

**supervised or conditional bail:** The act of allowing a young person who is accused of an offence to await trial, or the continuation of a 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 conditions of 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 2021. Youth detention population in Australia 2020. Cat. no. JUV 135. Canberra: AIHW.
- AIHW 2020. Young people under youth justice supervision and in child protection 2018–19. Data linkage series no. 26. Cat. no. CSI 28. Canberra: AIHW.
- AIHW 2020. Young people returning to sentenced youth justice supervision 2018–19. Juvenile justice series no. 24. Cat. no. JUV 133. Canberra: AIHW.
- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.



Of the 5,323 young people under youth justice supervision on an average day in 2019–20, most were male (80%) and supervised in the community (84%). Overall rates of supervision varied among the states and territories, from 9.0 per 10,000 in Victoria to 50 per 10,000 in the Northern Territory. Rates of supervision fell over the 5 years from 2015–16 to 2019–20 for community-based supervision and detention.

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