

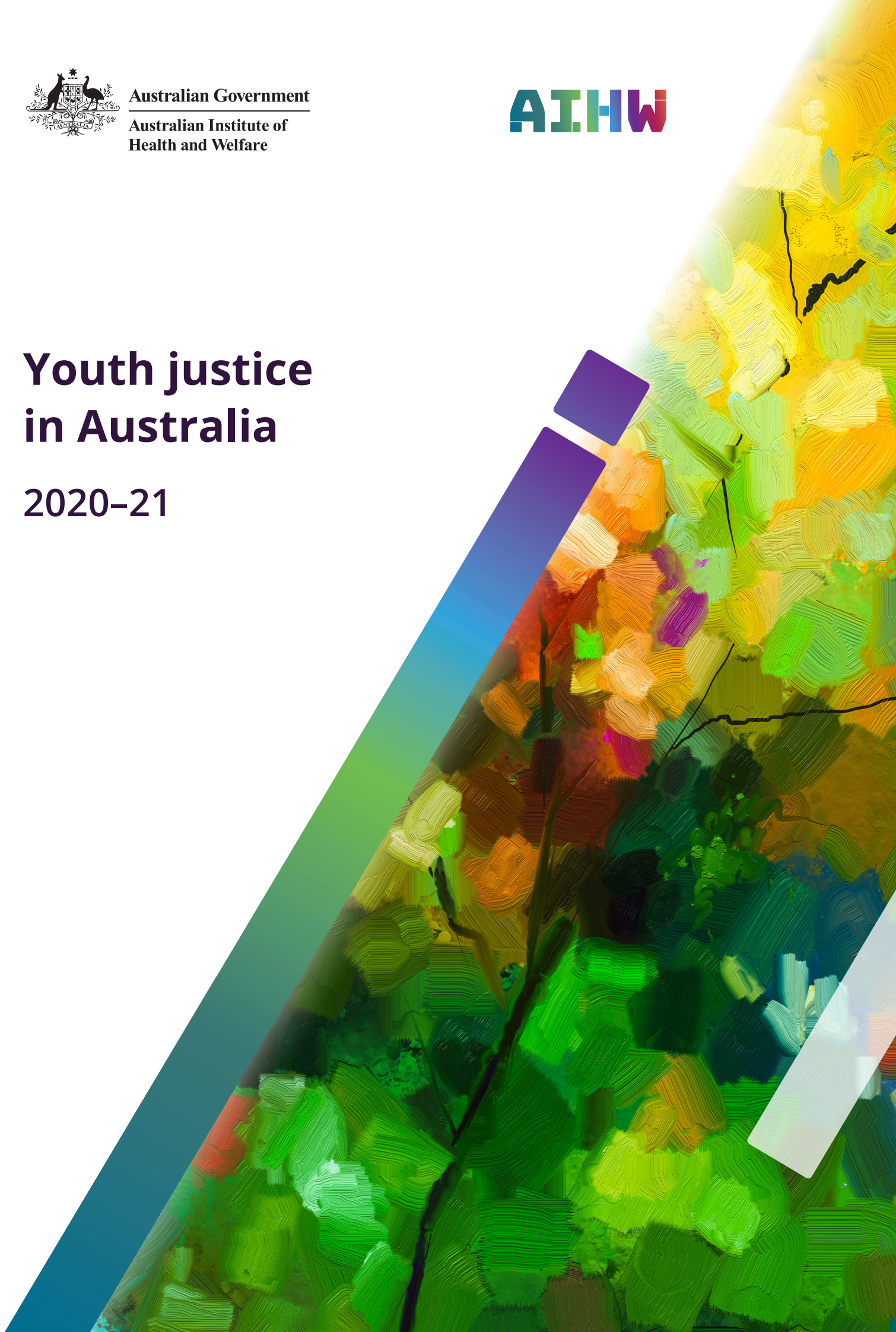


Australian Government
Australian Institute of
Health and Welfare

AIHW

Youth justice in Australia

2020–21



Youth justice in Australia

2020–21



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Summary

This report looks at young people who were under youth justice supervision in Australia during 2020–21 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. Some data are included from the period during which COVID-19 and related social restrictions were present in Australia, specifically between March 2020 and June 2021.

About 4,700 young people aged 10 and over were under supervision on an average day

A total of 4,695 young people aged 10 and over were under youth justice supervision on an average day in 2020–21 and 9,352 young people were supervised at some time during the year.

Nearly all young people (96%) under youth justice supervision on an average day were aged 14 and over. This was similar for community-based supervision (97%) and detention (95%).

Among those aged 10–17, this equates to a rate of 14 per 10,000.

Most young people were supervised in the community

More than 4 in 5 (84%) young people under supervision on an average day were supervised in the community, and about 1 in 6 (17%) were in detention. (Some were supervised in both the community and detention on the same day.)

The majority of young people in detention were unsentenced

Almost 3 in 4 (72%) 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 2020–21 lasted for a median of 124 days or about 4 months. (This includes time under supervision before 1 July 2020 if the period started before that date.)

When all time spent under supervision during 2020–21 is considered (including multiple periods and periods that were not yet completed), young people who were supervised during the year spent an average of 183 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 2020–21, the rate of young people aged 10–17 under supervision on an average day ranged from 7.3 per 10,000 in Victoria to 32 per 10,000 in the Northern Territory.

Rates of supervision have fallen over the 5 years to 2020–21

Over the 5 years from 2016–17 to 2020–21, the number of young people aged 10 and over who were under supervision on an average day fell by 12%, while the rate of young people aged 10–17 dropped from 19 to 14 per 10,000.

Overall, the rate fell for community-based supervision (from 16 to 11 per 10,000) and dropped slightly for detention (from 3.2 to 2.6 per 10,000).

Aboriginal and Torres Strait Islander supervision rates have fallen

Although only 5.8% of young people aged 10–17 in Australia identified as being of Aboriginal or Torres Strait Islander origin, almost half (49%) of the young people under supervision on an average day in 2020–21 were Indigenous Australians.

Between 2016–17 and 2020–21, the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 161 to 117 per 10,000. The rate of non-Indigenous young people under supervision also fell over the period, from 9.5 to 7.2 per 10,000.

The rate for Indigenous young people aged 10–17 in detention declined from 32 to 23 per 10,000 over the period, while the non-Indigenous rates fluctuated slightly, 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 (87%), those from geographically remote areas had the highest rates of supervision.

On an average day in 2020–21, young people aged 10–17 who were from *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 2020–21 were from the lowest socioeconomic areas, compared with about 1 in 17 young people (6.4%) from the highest socioeconomic areas.

About 1 in 3 young people were new to supervision

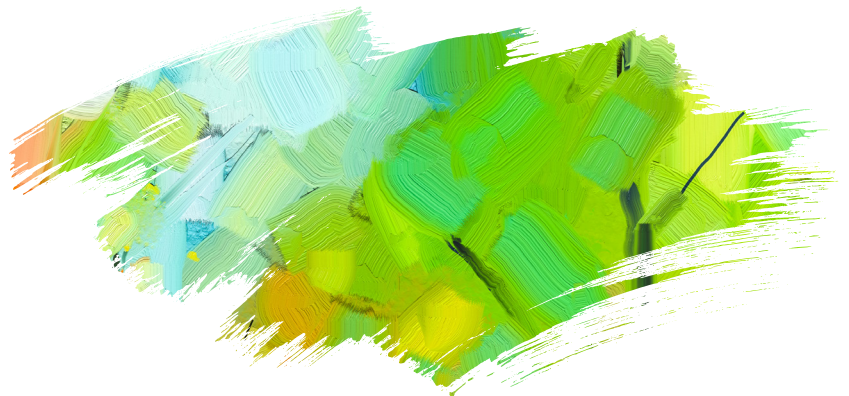
About one-third (33%) of young people under youth justice supervision in 2020–21 were new to supervision in that year. The rest (67%) had been supervised in a previous year.

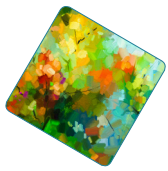
Young Indigenous Australians (72%) were more likely than non-Indigenous young people (65%) to have been under supervision in a previous year.

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.

More than a third (37%) of Indigenous young people under supervision in 2020–21 were first supervised when aged 10–13 compared with about 1 in 7 (14%) non-Indigenous young people.





1 Introduction

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. Those aged 18 and over are dealt with under criminal legislation relating to adults.

Legislation to increase Queensland's age limit for the youth justice system to 17 was passed in November 2016 and enacted in February 2018. Before this, 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:

- the young person committed the offence when aged 17 and under, but was sentenced when aged 18 and over
- the supervision is continued once the young person turns 18
- the young person is particularly vulnerable or immature.

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 contained in youth justice legislation in each state and territory. It is also consistent with the United Nations Convention on the Rights of the Child (UN 1989) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (also known as the Beijing Rules) (UN 1985). 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.

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 on an average day 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 consists of supervised or conditional bail (which may include conditions such as curfew or a monetary bond) and home detention bail.

Sentenced community-based supervision comprises:

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, 2020–21

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

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

Key policy directions in 2020–21

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 2020–21, 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.

Young people's involvement in the youth justice system is affected not only by policies implemented by youth justice agencies but also by policies developed in other 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 was expected to be enacted in 2021.

In July 2020, the Meeting of Attorneys-General (MAG) reviewed Australia's age of criminal responsibility to consider raising it from 10 to 14 years. In November 2021, the MAG – which contains representatives from the Australian Government and from each state and territory – decided to support the development of a proposal to raise the age from 10 to 12.

In October 2021, the Australian Capital Territory committed to raising the age of criminal responsibility to 14; it is currently the only jurisdiction to do so. Legislation is expected to be introduced in 2022.

In July 2020, the Australian Government released *The National Agreement on Closing the Gap*. Outcome 11 of the new agreement aims to reduce the over-representation 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 at least 30% by 2031 (Department of the Prime Minister and Cabinet 2020).

This report

This report presents information about young people in Australia who were under youth justice supervision during 2020–21, both in the community and in detention. It looks at the characteristics of these young people, key aspects of their supervision, and recent trends. It 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. Proportions presented in this report are calculated off numbers presented in the report and/or supplementary tables. Population rates are calculated only for young people aged 10–17, as this is the main age group for youth justice supervision in most states and territories. Please see Appendix 1 Data quality and technical notes for the impact of COVID-19 on population rates.

All data presented in this report are available through the online supplementary tables: [Youth justice in Australia 2020–21, Data](#).

Average daily data, broken down by age, will not be comparable with data in *Youth justice in Australia* releases before 2019–20. For more information on the calculation of age, see Appendix 1.

Impact of COVID-19 on youth justice data (2020 and 2021)

In response to the COVID-19 pandemic, the 'first wave' of social restrictions were introduced in Australia in mid-March 2020. These restrictions were progressively eased in most states/territories from May 2020. A 'second wave' of social restrictions were introduced in Victoria from July 2020 and started to progressively ease from September 2020. Other small, intermittent restrictions were introduced in other jurisdictions during the 2020–21 period.

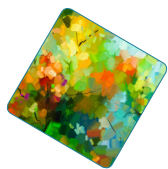
While, as outlined in the Prime Minister's media announcement on 18 March 2020, youth justice centres and other places of custody, courts or tribunals were considered essential services (Morrison 2020), COVID-19 has had a substantial impact on their operations, and restrictions they face may have continued beyond the easing of restrictions in the general community. The impact may differ from jurisdiction to jurisdiction (Judicial College of Victoria 2020).

- In New South Wales, for example, Children's Court hearings were vacated from 24 March to 1 May 2020 with few exceptions. This led to a decrease in the number of court finalisations between March and June 2020, which resulted in a reduction in young people in sentenced detention.
- During this period, there was also a decline in unsentenced detention as more young people were discharged to bail and fewer young people had their bail revoked when breaching bail conditions (Chan 2021).

This report includes data from March 2020 to June 2021, which coincides with the presence of COVID-19 in Australia. However, the direct impact of COVID-19 and related social restrictions on the number of young people in youth justice supervision is difficult to determine due to a range of factors including:

- variability of the data
- variations in state-based legislation, policy and practice
- small numbers of young people under supervision.

More research is required to better understand the impact of COVID-19 and related social restrictions on youth justice supervision across Australia.



2 Numbers and rates of young people under supervision

National

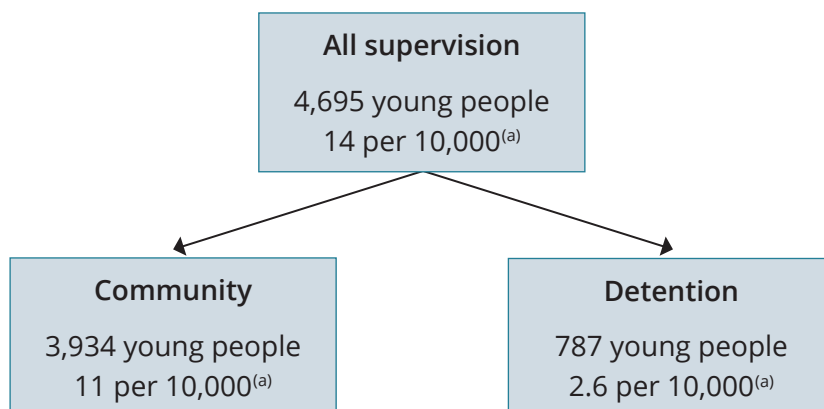
On an average day in 2020–21, 4,695 young people aged 10 and over were under youth justice supervision in Australia (Figure 2.1; Table 2.1). A total of 9,352 young people were supervised at some time during the year (Table S1b).

On an average day, most young people aged 10 and over who were under supervision were supervised in the community (84%); the remainder (17%) were in detention (Tables S1a, S34a and S72a). Note that proportions might not sum to 100% because some young people were under community-based supervision and in detention on the same day.

Although relatively few young people were in detention on an average day, almost half (46%, or 4,266) of all young people who were supervised during 2020–21 had been in detention at some time during the year.

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).

Figure 2.1: Young people under supervision on an average day, by supervision type, 2020–21 (number and rate)



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

Source: tables S1a, S4a, S34a, S37a, S72a and S75a.

Among the states and territories, the proportion of young people under supervision who had been in detention at some point during the year ranged from 19% in Tasmania to 56% in New South Wales (Table 2.1).

The rate of young people aged 10–17 under youth justice supervision on an average day was about 14 per 10,000 (Figure 2.1).

On an average day, 11 young people aged 10–17 per 10,000 were under community-based supervision and 2.6 per 10,000 were in detention (Figure 2.1).

Table 2.1: Young people under supervision, by supervision type and state and territory, 2020–21

Type of supervision	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Number – all ages									
Average day^(a)									
Community	977.5	686.3	1,382.5	446.4	192.1	109.3	56.3	83.7	3,934.0
Detention	205.9	163.4	235.6	105.8	25.6	9.4	9.3	32.3	787.3
All supervision	1,176.7	844.9	1,609.5	548.7	216.1	118.4	65.1	115.3	4,694.8
During the year									
Community	2,007	1,451	2,591	1,154	445	216	116	265	8,245
Detention	1,480	634	993	610	259	43	74	173	4,266
All supervision	2,625	1,536	2,699	1,298	519	229	134	312	9,352
Rate – age 10–17 (number per 10,000)									
Average day^(a)									
Community	11.4	5.7	17.1	13.6	8.4	14.0	11.7	20.3	11.4
Detention	1.9	1.6	4.0	3.6	1.5	1.5	2.0	12.2	2.6
All supervision	13.3	7.3	21.0	17.0	9.7	15.5	13.5	32.3	13.9
During the year									
Community	24.4	13.4	36.4	40.0	21.9	32.2	26.5	75.1	26.5
Detention	17.5	8.3	17.8	22.5	15.2	8.3	18.4	65.9	16.0
All supervision	31.1	14.7	38.6	45.4	26.2	34.5	30.8	94.9	30.6

(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. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S1, S4, S34, S37, S72 and S75.

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 by differences in state-based legislation, policies and practices, including the available types of supervised orders and options for diversion.

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.

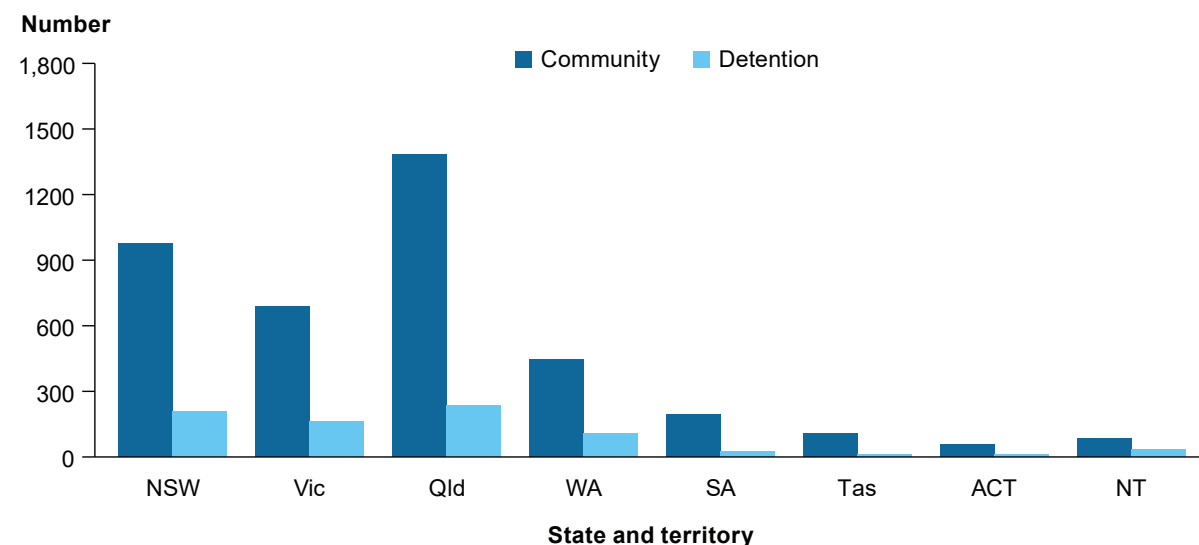
Young people in Queensland made up:

- 34% of all young people under supervision
- 35% of all young people under community-based supervision
- 30% of all young people under detention (Table 2.1).

Young people in New South Wales made up:

- 25% of all young people under supervision
- 25% of all young people under community-based supervision
- 26% of all young people under detention (Figure 2.2; Table S1a).

Figure 2.2: Young people under supervision on an average day, by supervision type and state and territory, 2020–21

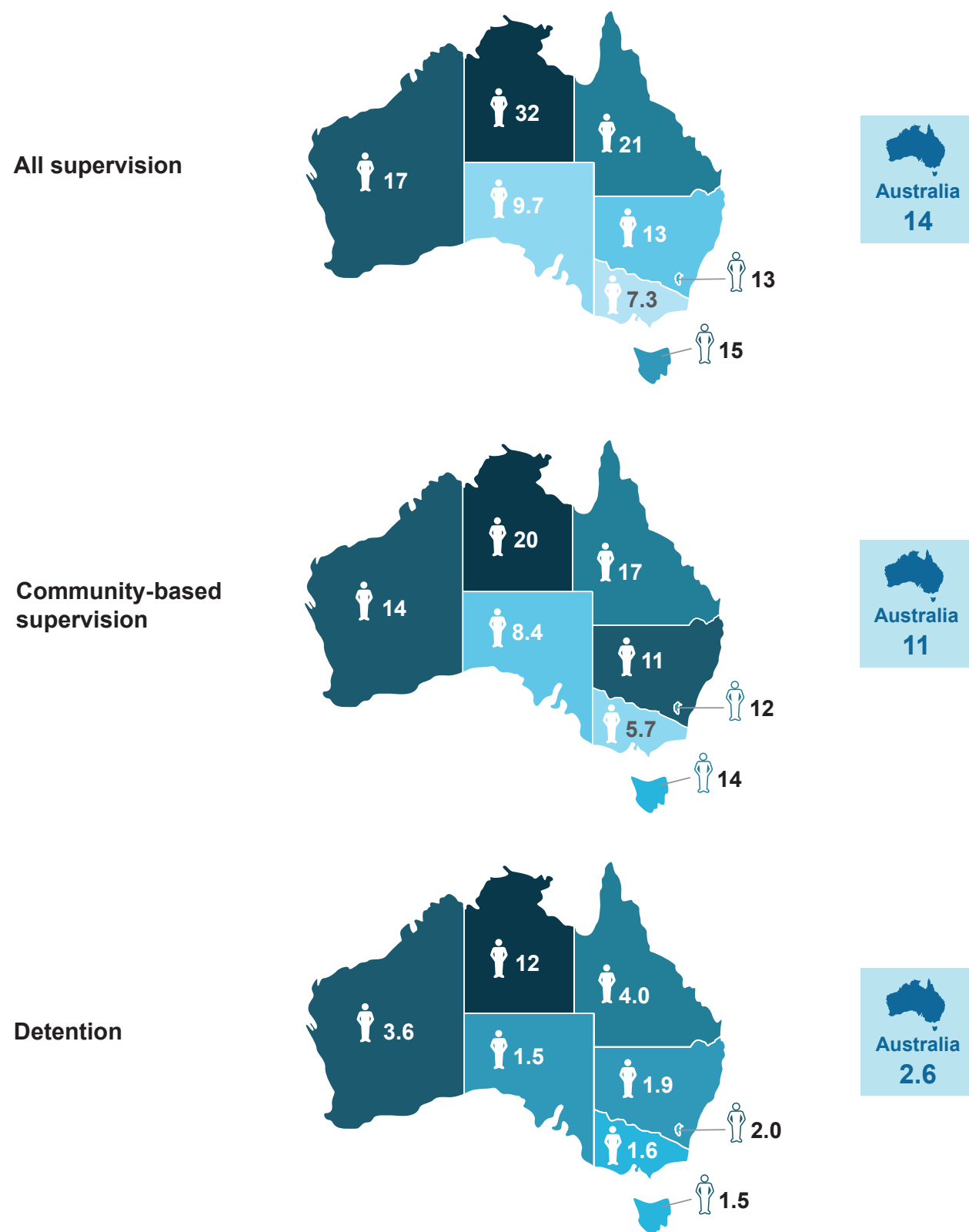


Source: tables S34a and S72a.

On an average day in 2020–21, 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:

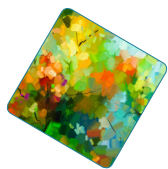
- under any type of supervision were lowest in Victoria (7.3 per 10,000) and highest in the Northern Territory (32 per 10,000)
- under community-based supervision ranged from 5.7 per 10,000 in Victoria to 20 per 10,000 in the Northern Territory
- in detention ranged from 1.5 per 10,000 in South Australia and Tasmania to 12 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, 2020–21 (number per 10,000)



Note: Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

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 2020–21 were male (81%) (Figure 3.1; Table S2a). This proportion was higher among those in detention (91%) than among those supervised in the community (79%) (tables S35a and S73a).

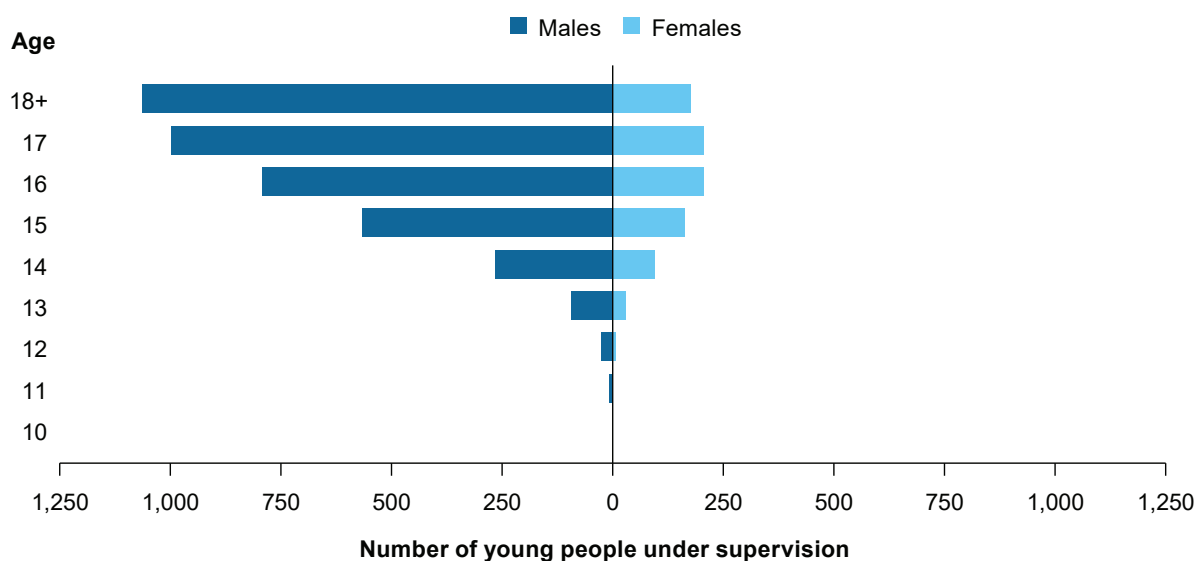
Among young people aged 10–17, males (21 per 10,000) were almost 4 times as likely as females (5.8 per 10,000) to be under supervision on an average day (Table S4a).

Males under supervision substantially outnumbered females in all states and territories. The proportion of young males under supervision on an average day ranged from 76% of young people under supervision in the Australian Capital Territory to 90% in the Northern Territory (Table S2a).

More than 2 in 3 (70%) young people under supervision on an average day were aged 14–17 (Figure 3.1; Table S7a). The number of young people under supervision was highest among those aged 18 and over (1,238 young people) (Table S5a). Of young people aged 10–17, the rate of young people under supervision was highest among those aged 17 (41 per 10,000) (Table S6a). About one-quarter (26%) of young people under supervision were aged 18 and over and 3.5% were aged 10–13 (Table S7a).

Similarly, most young people under community-based supervision were aged 14–17 (69%) and 18 and over (28%), while a small proportion were aged 10–13 (3.3%) (Table S40a). This was also the case for young people in detention, although there were higher proportions of young people aged 10–13 (4.9%) and 14–17 (76%), and a lower proportion aged 18 and over (19%) (Table S78a).

Figure 3.1: Young people under supervision on an average day, by age and sex, 2020–21 (number)



Note: Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

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 (6.4%), followed by Queensland (5.2%) (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 (47% aged 18 and over and 1.3% aged 10–13) (Table S7a).

A greater proportion of males were in the older age groups (aged 18 and over) than females (Figure 3.1). In 2020–21, about 28% of males under supervision were aged 18 and over, compared with 20% 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 5.8% of young people aged 10–17 in Australia identified as being of Aboriginal or Torres Strait Islander origin, almost half (1,697 or 49%) of the young people aged 10–17 under supervision on an average day in 2020–21 were Indigenous Australians (tables S143 and S3a).

About half (48%) of those aged 10–17 under community-based supervision were Indigenous Australians, while just over half (53%) of those in detention were Indigenous Australians (tables S36a and S74a).

In 2020–21, the rate of Indigenous young people aged 10–17 under supervision on an average day was 117 per 10,000, compared with 7.2 per 10,000 for non-Indigenous young people (Table 3.1). This means Indigenous young people aged 10–17 were about 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 (about 18 times as likely) than for those in community-based supervision (almost 16 times as likely) (Table 3.1).

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 (51 per 10,000) and highest in Queensland (169 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 Western Australia and Queensland (about 21 times as likely) (Table 3.1). The rate ratio could not be calculated for the Northern Territory due to the small number of non-Indigenous young people.

Table 3.1: Young people aged 10–17 under supervision on an average day, by Indigenous status and state and territory, 2020–21 (rate)

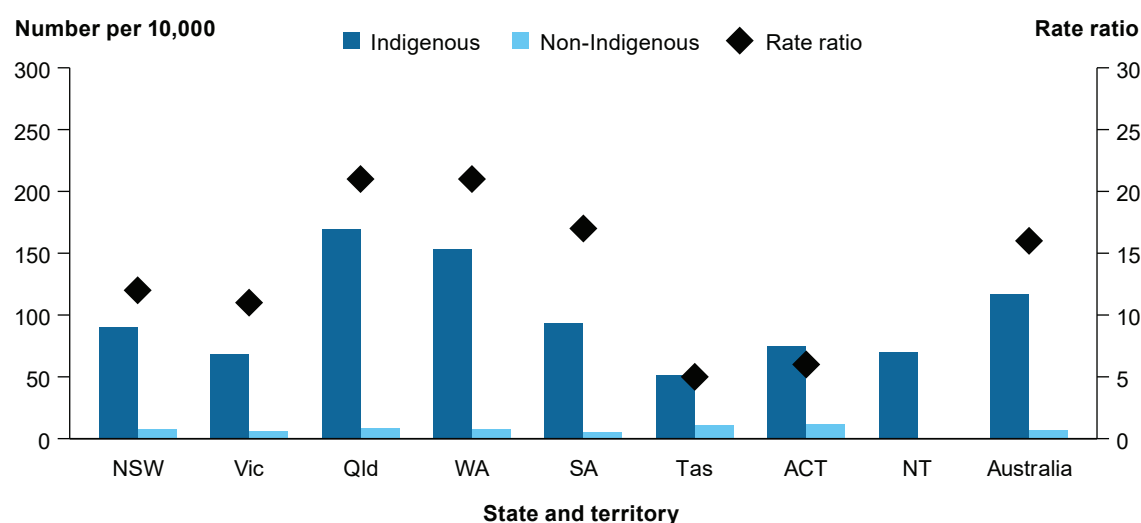
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Community-based supervision rate (per 10,000)									
Indigenous	77.9	59.2	137.6	113.6	78.3	44.8	54.3	43.5	94.4
Non-Indigenous	6.4	4.8	6.6	6.4	4.8	10.1	10.3	n.p.	6.0
All young people	11.4	5.7	17.1	13.6	8.4	14.0	11.7	20.3	11.4
Rate ratio	12.2	12.4	20.7	17.8	16.4	4.4	5.3	n.p.	15.7
Detention rate (per 10,000)									
Indigenous	13.1	9.6	32.8	40.8	16.5	n.p.	n.p.	27.3	23.2
Non-Indigenous	1.2	1.5	1.5	1.0	0.7	n.p.	1.4	n.p.	1.3
All young people	1.9	1.6	4.0	3.6	1.5	1.5	2.0	12.2	2.6
Rate ratio	11.2	6.3	21.3	43.0	23.4	n.p.	n.p.	n.p.	18.1
All supervision rate (per 10,000)									
Indigenous	90.5	68.4	169.1	153.2	93.8	51.1	74.7	70.3	116.7
Non-Indigenous	7.5	6.2	8.1	7.3	5.4	11.0	11.6	n.p.	7.2
All young people	13.3	7.3	21.0	17.0	9.7	15.5	13.5	32.3	13.9
Rate ratio	12.0	11.0	20.8	21.0	17.3	4.6	6.4	n.p.	16.1

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. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S4a, S37a and S75a.

Figure 3.2: Young people aged 10–17 under supervision on an average day, by Indigenous status and state and territory 2020–21



Note: Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

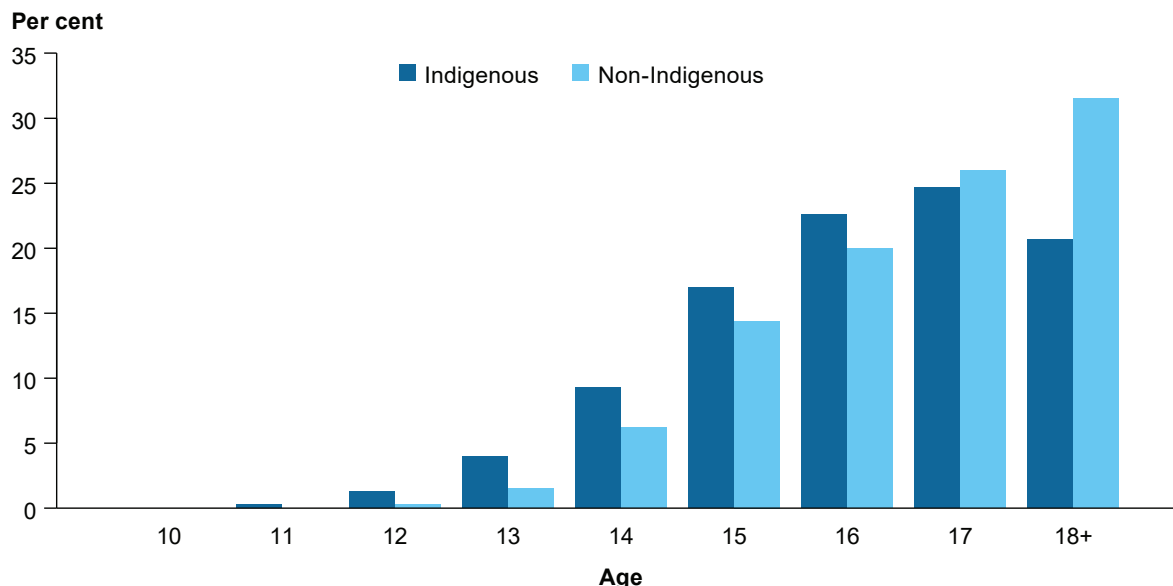
Source: Table 3.1.

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 2020–21, 5.6% of Indigenous young people under supervision were aged 10–13 compared with 1.8% of non-Indigenous young people (Table S5a).

Similar proportions of Indigenous and non-Indigenous young people under supervision were male (79% and 83%, respectively) (Table S5a).

Figure 3.3: Young people under supervision on an average day, by age and Indigenous status, 2020–21



Notes

1. Numerators are the number of young people of a particular age; denominators are the total number of young people of all ages for Indigenous and non-Indigenous people.
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: Table S5a.

Remoteness area

On an average day in 2020–21, most young people under supervision were living in *Major cities* (55%), or *Inner regional* or *Outer regional* areas (31%) before entering supervision (based on postcode of last address) (Table S21a).

About 8.2% had lived in *Remote* or *Very remote* areas. A remoteness area could not be determined for about 5.1% of young people.

These data contrast with young people aged 10–17 in the general population, where a higher proportion were living in *Major cities* (70%) and lower proportions were living in *Inner regional* or *Outer regional* areas (27%) and in *Remote* or *Very remote* areas (2.1%) (tables S142 and S148).

On an average day in 2020–21, 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 21%) and *Remote* or *Very remote* areas (17% compared with less than 1.0%). Indigenous young people under supervision were less likely than non-Indigenous young people to have lived in *Major cities* (36% compared with 72%) (Table S21a).

Patterns were similar for community-based supervision and detention and largely reflect the geographical distribution of the Indigenous Australian population (tables S56a and S96a).

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 2020–21, young people aged 10–17 who were from *Very Remote* areas (66 per 10,000) were 6 times as likely to be under supervision as those from *Major cities* (11 per 10,000) (Figure 3.4).

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

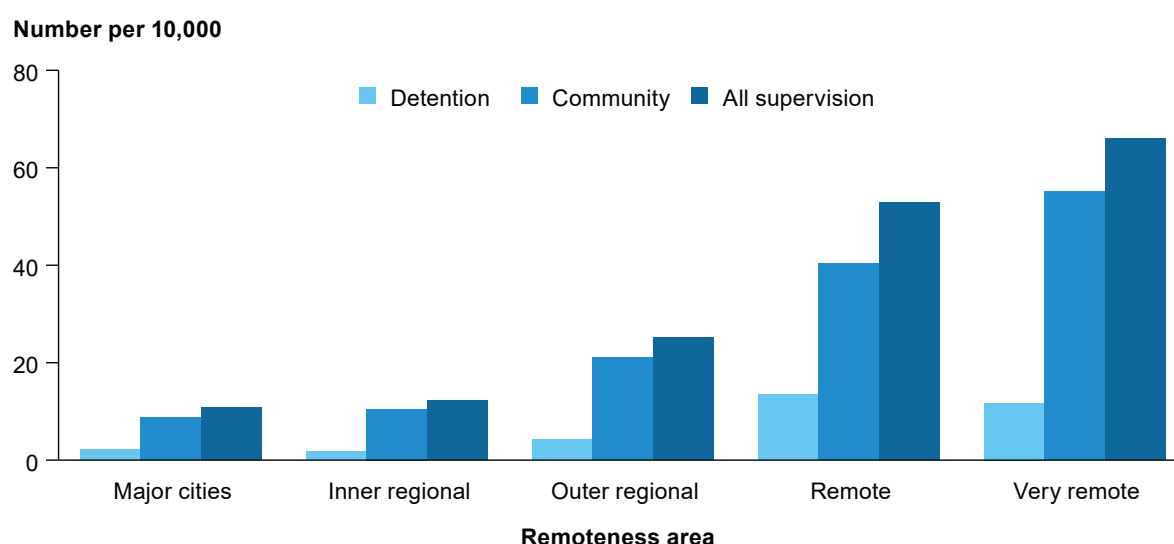
On an average day, young people aged 10–17 from *Remote* areas were about:

- 5 times as likely as those from *Major cities* to be under community-based supervision
- 6 times as likely to be in detention (tables S57c and S97c).

Young people aged 10–17 from *Very remote* areas were about:

- 6 times as likely as those from *Major cities* to be under community-based supervision
- 5 times as likely to be in detention (tables S57c and S97c).

Figure 3.4: Young people aged 10–17 under supervision on an average day, by remoteness of usual residence and supervision type, Australia, 2020–21



Notes

1. Remoteness area could not be determined for about 5.1% of young people under youth justice supervision.
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S22c, S57c and S97c.

Socioeconomic area

This report uses a 5-group ranking to measure the socioeconomic area in which a young person lives. Area 1 represents the lowest socioeconomic area with the greatest level of disadvantage. Area 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 area.

A socioeconomic area could be determined for about 96% of young people in the data set (for more information, see the Glossary and Appendix 1).

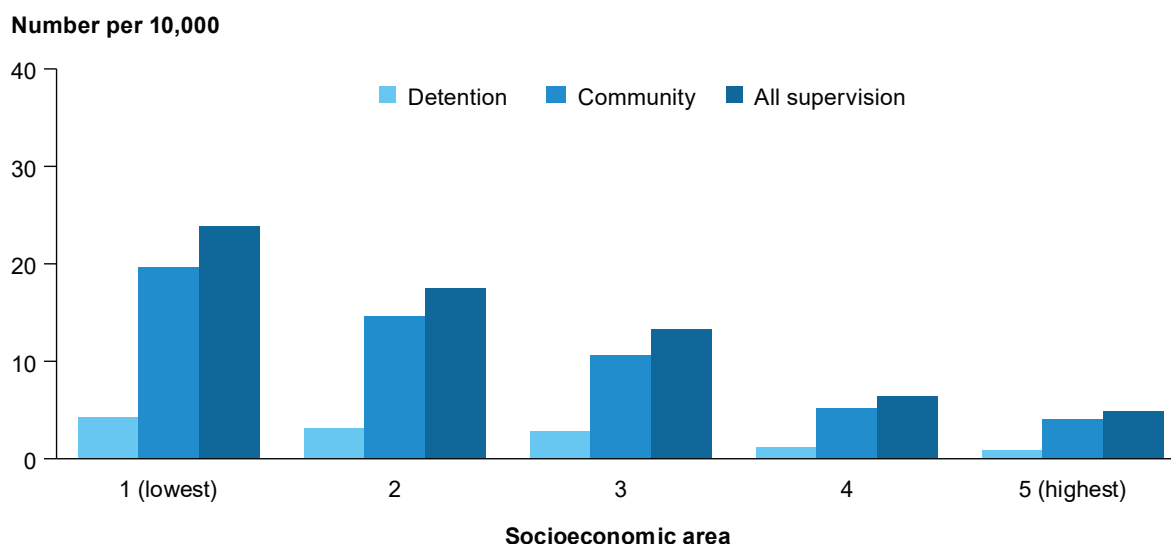
Young people under youth justice supervision in 2020–21 most commonly lived in lower socioeconomic areas before entering supervision. More than 1 in 3 young people (35%) under supervision on an average day were from the lowest socioeconomic area (area 1), compared with only 6.4% from the highest socioeconomic areas (area 5) (Table S23a).

On an average day in 2020–21, 24 per 10,000 young people aged 10–17 from the lowest socioeconomic areas were under supervision compared with 4.9 per 10,000 from the highest socioeconomic areas (Figure 3.5).

This means that young people from the lowest socioeconomic areas were almost 5 times as likely to be under supervision as those from the highest socioeconomic areas. The results were similar across supervision types (community-based supervision and detention).

Young Indigenous Australians (40%) were more likely than their non-Indigenous counterparts (31%) to have lived in the lowest socioeconomic areas before entering supervision (Table S23a). This reflects the geographical distribution of the Indigenous population in Australia.

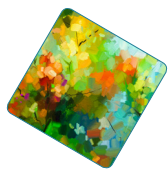
Figure 3.5: Young people aged 10–17 under supervision on an average day, by socioeconomic area of usual residence and supervision type, Australia, 2020–21



Notes

1. Socioeconomic position could not be determined for 4.3% of young people under youth justice supervision.
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S24c, S59c and S99c.



4 Community-based supervision

On an average day in 2020–21, 84% (3,934) of young people aged 10 and over 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, proportions 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

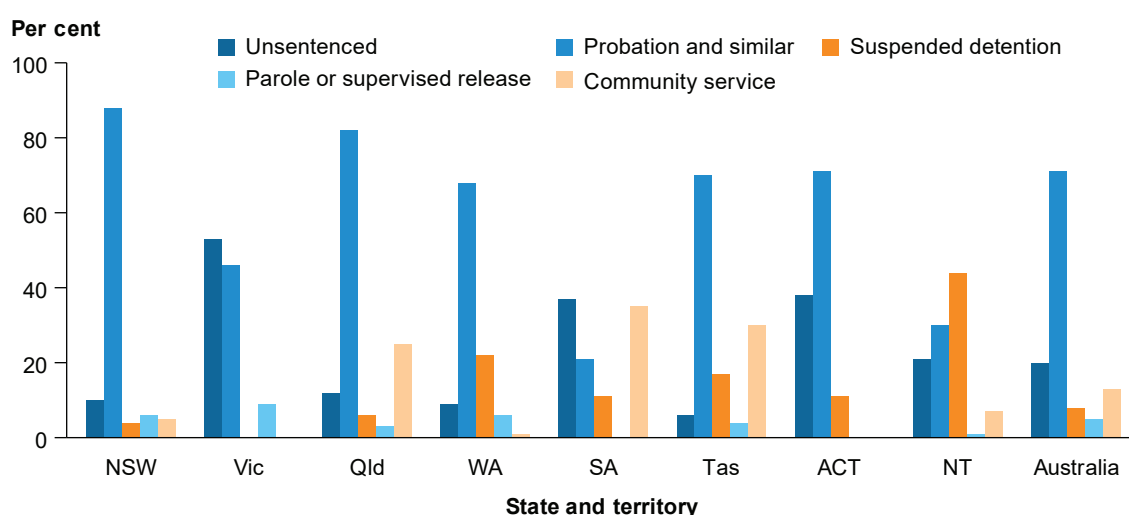
Unsentenced community-based supervision orders include supervised bail (also known as conditional bail) and other orders such as home detention bail.

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 2020–21, 20% of young people aged 10 and over who were under community-based supervision on an average day were on unsentenced orders (Table S64a).

Among the states and territories, the proportion of young people under community-based supervision on an average day who were unsentenced ranged from 6.2% in Tasmania to 53% 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, 2020–21



Notes

1. Numerators are the number of young people on a particular community-based supervision order on an average day in each state and territory. Denominators are the total number of young people on all orders in each state and territory.
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* (WA), 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' consist of 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. These data exclude young people under other types of orders.

Source: Table S60.

Nationally, just over one-third (35%) of young people aged 10 and over who were under community-based supervision during 2020–21 were on unsentenced community-based orders at some point during the year (Table S64b). This difference between 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 2.3 per 10,000. Among the states and territories, rates ranged from 1.1 per 10,000 in New South Wales to 5.3 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, 2020–21



Note: Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: Table S66a.

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 2020–21, 78% of unsentenced community-based orders ended because they were successfully completed (Table S68). This ranged from 26% 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.

Three-quarters (75%) of successfully completed unsentenced orders lasted fewer than 3 months, with the proportion ranging from 44% in Queensland to 88% in Western Australia (Table S68).

Sentenced community-based supervision

On an average day in 2020–21, more than 8 in 10 (84%) young people who were under community-based supervision were serving a sentence (Table S64a).

The rate of young people aged 10–17 who were under sentenced community-based supervision on an average day was 9.7 per 10,000 (Figure 4.2). Among the states and territories, the rate was lowest in Victoria (3.2 per 10,000) and highest in the Northern Territory (16 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 2020–21, almost three-quarters (71%) of young people supervised in the community were serving a probation or similar order (Table S60). This ranged from 21% of those under community-based supervision on an average day in South Australia to 88% in New South Wales.

In 2020–21, almost 4 in 5 (78%) probation and similar orders that ended were successfully completed (see Glossary) (Table S69). This proportion was lowest in New South Wales (73%) and highest in the Northern Territory (99%).

About two-thirds (67%) of successfully completed orders lasted for fewer than 12 months and the remainder lasted for 12 months or more.

Nearly 1 in 7 (13%) probation and similar orders ended due to a breach of conditions (Table S70). This proportion was lowest in Victoria and highest in Western Australia. Proportions for South Australia, Tasmania, the Australian Capital Territory and the Northern Territory could not be published due to small numbers.

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.

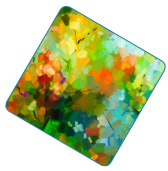
On an average day in 2020–21, about 7.6% of young people under community-based supervision were serving a suspended detention order (Figure 4.1). This proportion was highest in the Northern Territory (44%).

Among the states and territories that had suspended detention orders during 2020–21, the proportion that ended because they were successfully completed was highest in the Northern Territory (99%) and lowest in the Australian Capital Territory (43%) (Table S71).

Parole or supervised release

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

On an average day in 2020–21, 5.0% of young people under community-based supervision were on parole or supervised release (Figure 4.1). This proportion was highest in Victoria (9.0%), followed by New South Wales and Western Australia (6.1% and 5.6%, respectively).



5 Detention

On an average day in 2020–21, 17% (787) of young people aged 10 and over who were under youth justice supervision were in detention. A total of 4,266 young people were in detention at some time during the year.

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

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 the 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 guilty, or have pleaded guilty, and are awaiting sentencing.

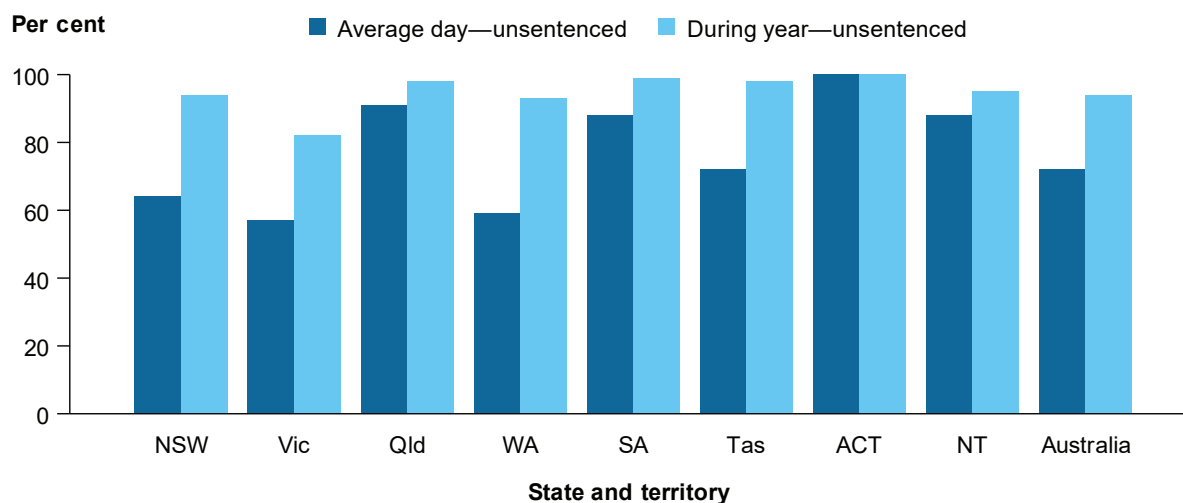
Young people enter police-referred pre-court detention before their initial court appearance. Police-referred pre-court detention is not available in all states and territories and most young people in unsentenced detention are on remand.

On an average day in 2020–21, of all young people in detention aged 10 and over, almost 3 in 4 were unsentenced (72%) (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 to 100% in the Australian Capital Territory.

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 person is young particularly impressionable, immature or likely to be subject to undesirable influences in adult prison. When only young people aged 10–17 are considered, about 81% of those in detention in Victoria on an average day were unsentenced compared with 82% nationally (Table S108a).

More than 9 in every 10 (94%) young people who were in detention during 2020–21 had been in unsentenced detention at some time during the year (Figure 5.1). This highlights the typically shorter 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, 2020–21



Notes

1. Numerators are the number of young people in unsentenced detention on an average day or during the year for each state and territory. Denominators are the total number of young people in detention on an average day or during the year for each 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: tables S107a and S107b.

Nationally, on an average day in 2020–21, most (98%) young people aged 10 and over in unsentenced detention were on remand, awaiting the outcome of their court matters (Table S107a).

But almost 2 in 5 (39%) of all those who were in unsentenced detention during 2020–21 were in police-referred pre-court detention awaiting their initial court appearance (see Glossary for definitions) at some time during the year (Table S107b).

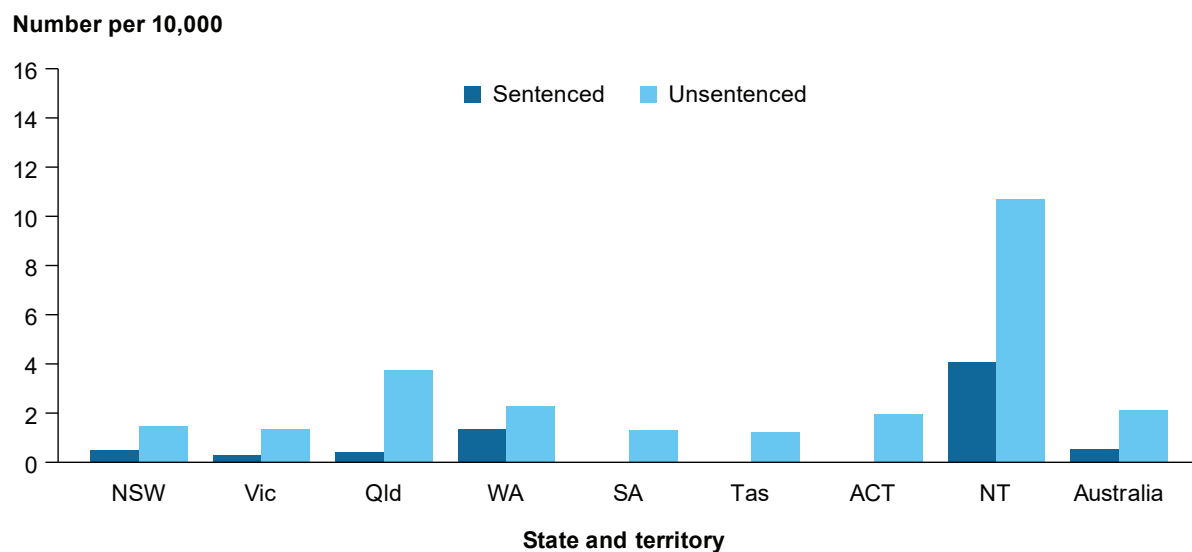
Among the states and territories in which pre-court detention data were available (New South Wales, Queensland, Western Australia, South Australia and the Australian Capital Territory), the proportion ranged from 32% of those who had been in unsentenced detention during the year in New South Wales to 95% of those in the Australian Capital Territory (Table S107b).

Just over half (51%) of young people in unsentenced detention aged 10 and over on an average day identified as being of Aboriginal or Torres Strait Islander origin (Table S107a). This proportion varied substantially among the states and territories, from 8.9% in Victoria to 95% in the Northern Territory.

The rate of young people aged 10–17 in unsentenced detention on an average day in 2020–21 was 2.1 per 10,000 (Figure 5.2). Among the states and territories, this rate was lowest in Tasmania (1.2 per 10,000) and highest in the Northern Territory (11 per 10,000).

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

Figure 5.2: Young people aged 10–17 in detention on an average day, by legal status and state and territory, 2020–21



Notes

1. The sentenced rates in South Australia, Tasmania and the Australian Capital Territory are not presented 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 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.
3. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: Table S109a.

Completion of periods

Of remand periods (unsentenced detention) that ended in 2020–21, almost 2 in 3 (63%) ended because the young person was released on bail (Table S117). The proportion of remand periods that ended with release on bail was lowest in the Northern Territory (12%) and highest in New South Wales (76%).

More than one-third (36%) 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).

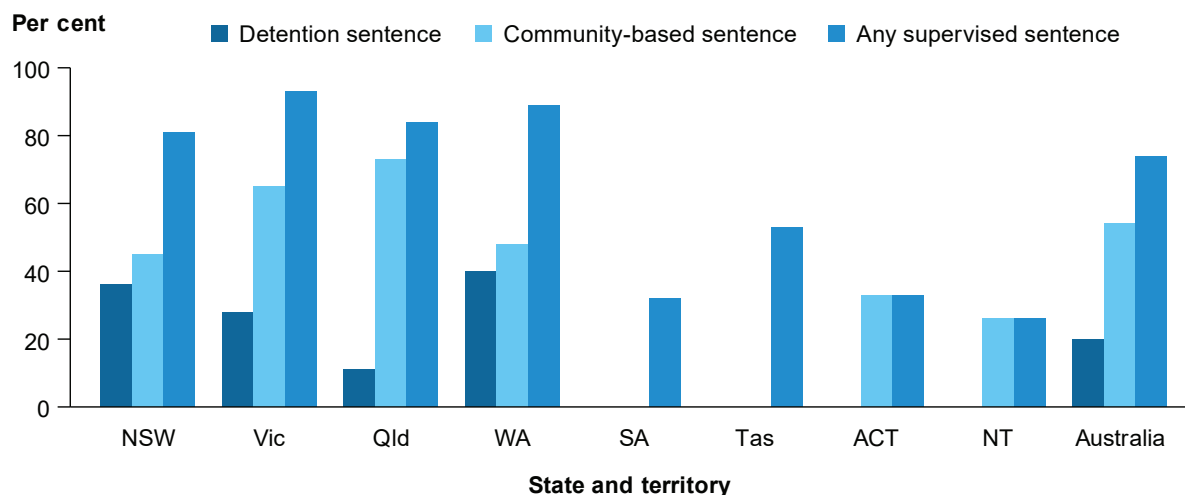
Of completed remand periods, about 3 in 4 (74%) were followed by a supervised sentence within 1 day – about 54% by a community-based sentence and about 20% by a detention sentence (Figure 5.3).

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, the Australian Capital Territory and the Northern Territory (Figure 5.3).

Data are not available in the remaining states and territories due to small numbers.

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, 2020–21



Notes

1. Numerators are the number of remand periods that were followed by a period of sentenced supervision within 1 day (Table S1118), by supervision type and state and territory. Denominators are the total number of remand periods by state and territory (Table S117).
2. Any supervised sentence' consists of both community-based and detention sentences.
3. Data for Tasmania and South Australia are suppressed due to small numbers.

Source: tables S117 and S118.

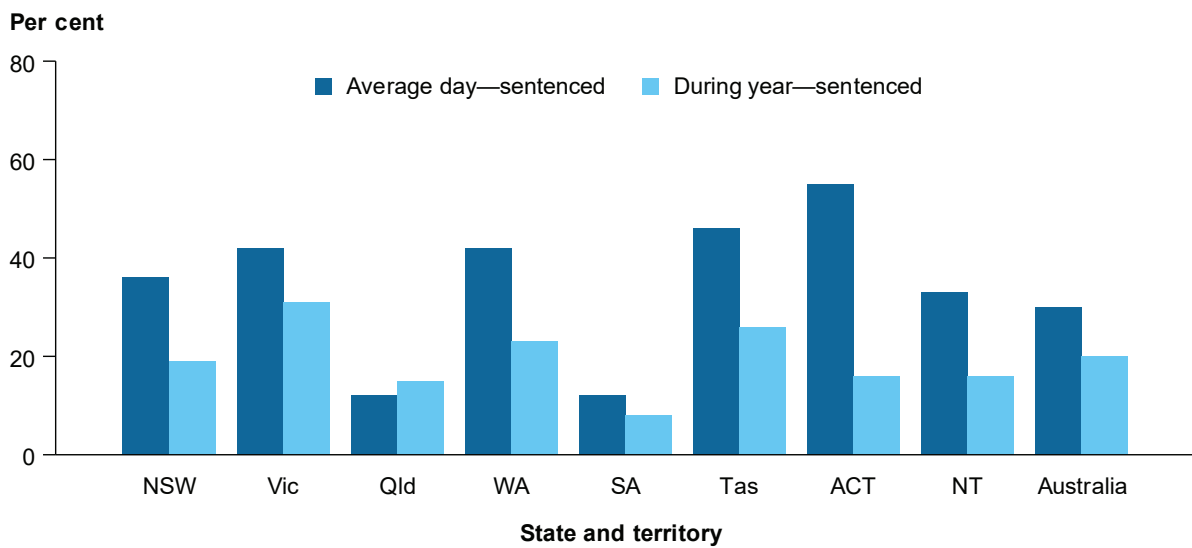
Sentenced detention

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

Number and rate

On an average day in 2020–21, nearly 1 in 3 young people in detention (30%) were in sentenced detention (Figure 5.4). Among the states and territories, this ranged from 12% in Queensland and South Australia to 55% in the Australian Capital Territory.

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, 2020–21



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 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 S107.

Nationally, just under half (45%) of all young people in sentenced detention on an average day identified as being of Aboriginal or Torres Strait Islander origin (Table S107a). This proportion varied considerably among the states and territories.

On an average day in 2020–21, the rate of young people aged 10–17 in sentenced detention was 0.5 per 10,000 (Table S109a). Among the states and territories for which rates could be calculated, rates were lowest in Victoria (0.3 per 10,000) and highest in the Northern Territory (4.1 per 10,000). Rates for South Australia, Tasmania and the Australian Capital Territory were not calculated due to small numbers.

Completion of periods

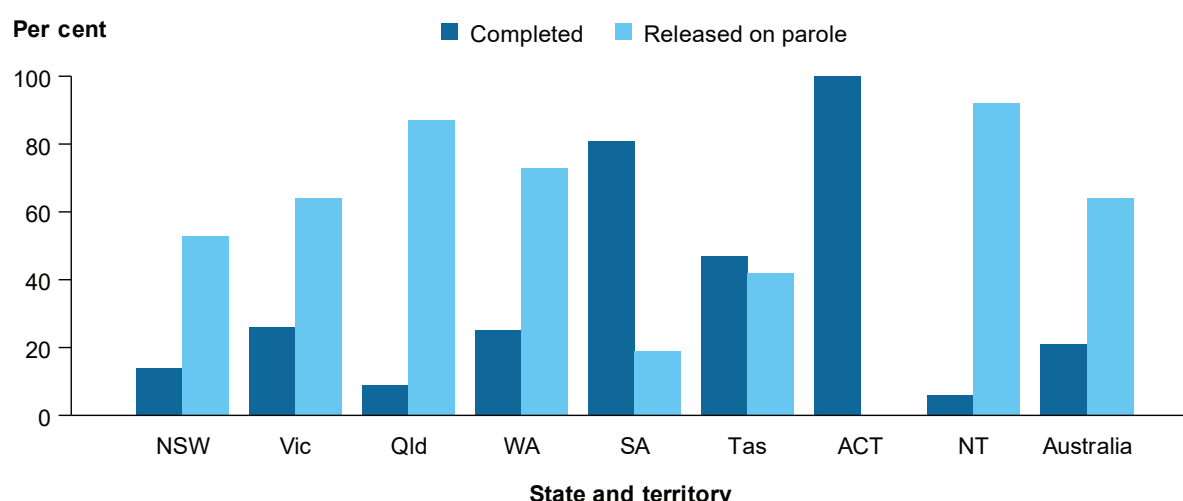
Nearly two-thirds (65%) of sentenced detention periods that ended in 2020–21 ended because the young person was released on parole (also known as supervised release) (Figure 5.5).

Just under than one-quarter (22%) ended with the period being completed (see Glossary), and the rest (13%) 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 (56–93%) of sentenced detention periods end with the young person being released on parole (Table S123).
- In the Australian Capital Territory, all sentenced detention periods end with the young person being released. In the Australian Capital Territory, young people may be released onto supervised orders, known as ‘good behaviour orders’, which are not categorised as parole. The number of those released on ‘good behaviour orders’ is not currently captured in the YJ NMDS.
- In Tasmania, detention periods were almost as likely to end with release on parole (41%) as to end with release with no further supervision (47%).

Figure 5.5: Sentenced detention ending with either sentence completion or release on parole (supervised release), by state and territory, 2020–21



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 the Australian Capital Territory, young people may be released onto supervised orders, known as 'good behaviour orders', which are not categorised as parole. The number of those released on 'good behaviour orders' is not currently captured in the YJ NMDS.

Source: Table S123.

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 comprises young people being released either 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 2020–21, 3,887 young people experienced 8,240 receptions into detention (tables S103a and S103b). Among all young people in detention in 2020–21, 91% were received at some point during the year, with an average of almost 2 receptions per young person, reflecting the short durations of detention periods. The rest were received in a previous year (tables S72b and S103b).

Almost half (48%) of young people who were received into detention during the year were received more than once (Table S105). Indigenous young people (52%) were more likely than non-Indigenous young people (47%) to have been received into detention more than once.

Most receptions (97%) were for young people entering unsentenced detention, which consists of police-referred pre-court detention and remand (Table S103a).

Two-thirds of receptions (67%) were for remand, just under one-third (30%) were for police referred pre-court detention and the rest (2.5%) were for sentenced detention.

Nearly one-quarter (22%) of all young people in sentenced detention during 2020–21 were received during the year (tables S103b and S107b). 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).

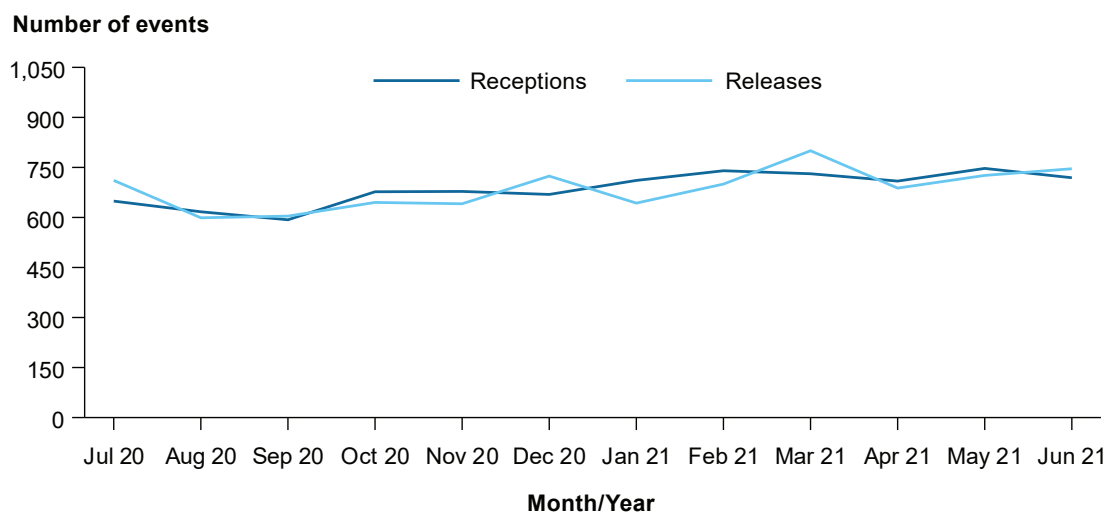
Releases

In 2020–21, 4,056 young people experienced 8,227 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 S72b, S104a and S104b).

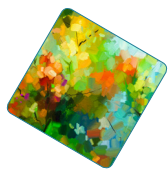
Similar to receptions, 90% of releases were from unsentenced detention. About 3 in 4 releases (75%) were from remand and 15% were from police-referred pre-court detention. The proportion of releases from sentenced detention (9.7%) was higher than the proportion of receptions to sentenced detention (2.5%) (tables S103a and S104a).

In 2020–21, the numbers of receptions and releases were closely aligned each month, despite some fluctuations (Figure 5.6). The highest number of receptions (747) occurred in May 2021 and the highest number for releases (800) in March 2021.

Figure 5.6: Monthly trends in youth detention receptions and releases, Australia, 2020–21



Source: Table S106.



6 Time under supervision

Orders and supervision periods

Supervised orders

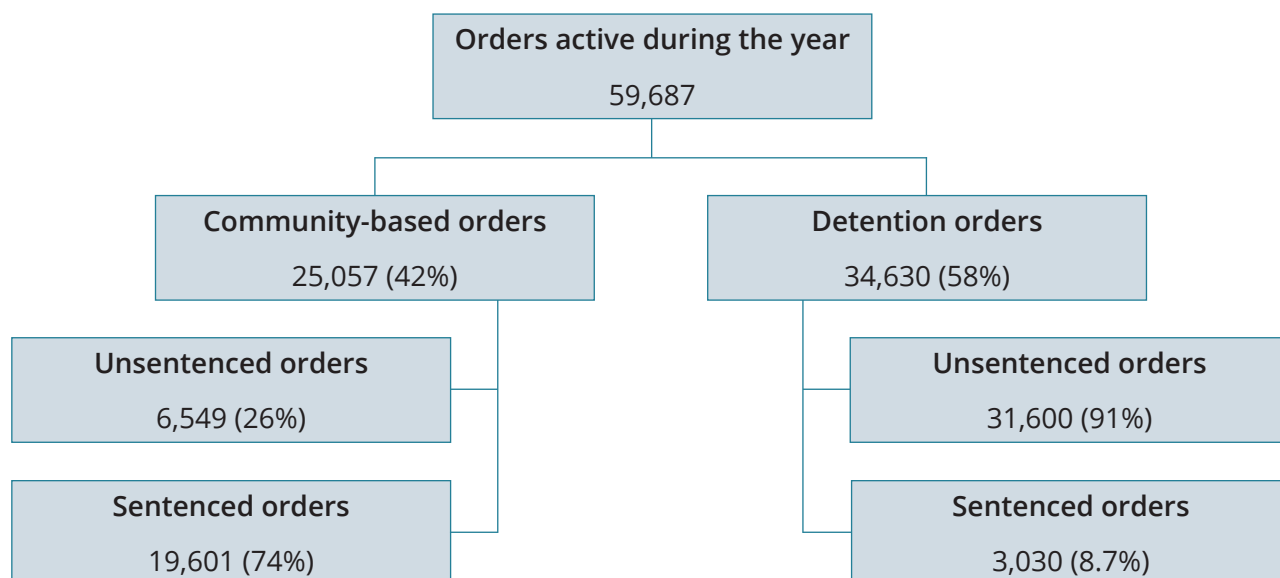
In 2020–21, the 9,352 young people under youth justice supervision were supervised under 59,687 sentenced and unsentenced orders (tables S1b and S25).

Although most (84%) young people were supervised in the community on an average day in 2020–21, detention orders were the most common type of order active in the same year (58%) (Figure 6.1; Table 2.1).

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 (91%) 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, 2020–21



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

In 2020–21:

- the majority of active orders in the Northern Territory (89%) and New South Wales were detention orders (60%)
- Tasmania (64%) and Western Australia (55%) had the largest proportions of active orders that were community-based
- Victoria, Queensland, South Australia and the Australian Capital Territory had an even split of detention and community-based active orders (47–53%) (Table S25).

About two-thirds (67%) of young people under supervision during 2020–21 had multiple supervision orders during the year, with more than one-third (34%) having both community-based supervision and detention orders (tables S26a, S26b and S26c).

During 2020–21, there were:

- 25,057 community orders for the 8,245 young people under community-based supervision, an average of 3 orders per young person
- 34,630 detention orders for the 4,268 young people in detention, an average of 8.1 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 (66%) (Table S26c).

Young people under community-based supervision were more likely than those in detention to have had only 1 order (43% compared with 19%) and less likely to have had 6 or more orders within the year (14% compared with 39%) (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 2020–21, the 9,352 young people under supervision received 12,255 periods of supervision (continuous supervision of any type), an average of about 1.3 periods per person (tables 2.1 and S27).

Among the 5,974 young people who completed a period of supervision in 2020–21, most (84%) completed only 1 period (Table S28).

Almost 3 in 4 (75%) young people who completed a period of community-based supervision during 2020–21 completed only 1 period of community-based supervision. Of those young people who completed a period of detention, more than half (55%) completed only 1 period of detention (tables S61 and S100).

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 (16%) completed at least 1 period of sentenced detention and most (90%) completed a period of unsentenced detention (tables S72b, S100, S114 and S121).

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 S115 and S122).

Indigenous young people (20%) were more likely than non-Indigenous young people (14%) to have completed multiple periods of supervision (Table S28). This was the case in both community-based supervision and detention (tables S61 and S100).

Length of supervision periods

Individual periods of supervision completed during 2020–21 lasted for a median length of 124 days, or about 18 weeks (this includes time under supervision before 1 July 2020 if the period started before that date).

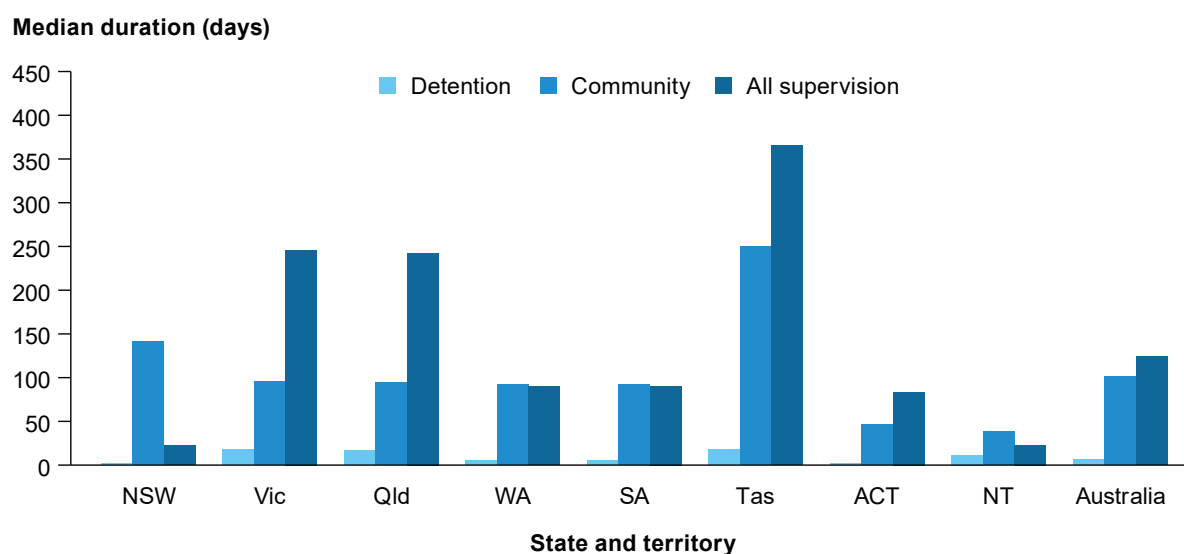
The median duration of completed periods varied substantially between states and territories, ranging from 22 days in New South Wales to 365 days in Tasmania (periods include days before 1 July 2020) (Figure 6.2).

Completed periods of community-based supervision were much longer than completed periods of detention, with a median length of 100 days (about 14 weeks) compared with 6 days (tables S62 and S101).

Again, there were differences among the states and territories. In 2020–21, the median length of completed periods of:

- community-based supervision ranged from 38 days in the Northern Territory to 250 days in Tasmania
- detention ranged from 2 days in New South Wales and the Australian Capital Territory to 18 days in Queensland (Figure 6.2).

Figure 6.2: Median duration of completed supervision periods, by supervision type and state and territory, 2020–21



Source: tables S29, S62 and S101.

The median duration of completed individual periods of unsentenced detention during 2020–21 was 6 days (Table S115). This varied among the states and territories, from 2 days in the Australian Capital Territory and New South Wales to 18 days in Queensland.

For completed periods of sentenced detention, the median duration was much longer, at 72 days (Table S122). This varied among the states and territories, from 50 days in Queensland to 161 days in the Australian Capital Territory.

On average, Indigenous young people completed longer periods of unsentenced detention than non-Indigenous young people (median of 8 days compared with 4 days) (Table S115). But Indigenous young people completed slightly shorter periods of sentenced detention than their non-Indigenous counterparts (median of 61 days compared with 92 days) (Table S122).

Total time under supervision

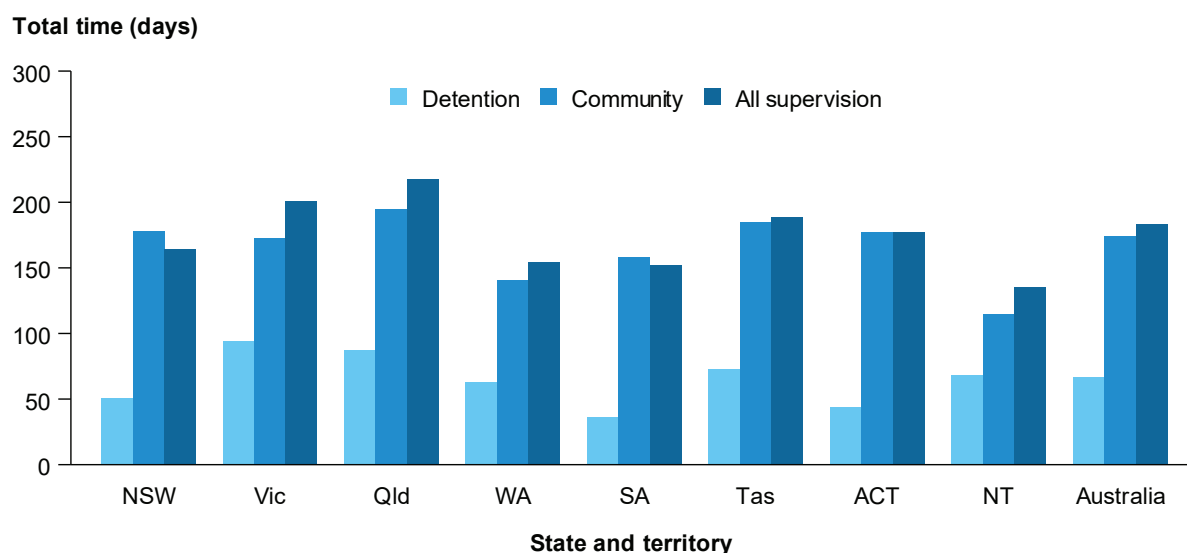
When all the time spent under supervision during 2020–21 is considered (including multiple periods of supervision and periods that were not yet completed as at 30 June 2021), young people who were supervised during the year spent a total of 183 days, or about 6 months (26 weeks), on average, under supervision (Figure 6.3).

This time spent under supervision was lowest in the Northern Territory (135 days) and highest in Queensland (218 days).

Young people spent more time, on average, under community-based supervision during the year (174 days, or about 25 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 115 days in the Northern Territory to 195 days in Queensland
- in detention ranged from 36 days in South Australia to 94 days in Victoria.

Figure 6.3: Average total time young people spent under supervision during the year, by supervision type and state and territory, 2020–21



Source: tables S30, S63 and S102.

During the year, young people spent much more time, on average, in sentenced detention (103 days in total, or about 15 weeks) than in unsentenced detention (53 days, or nearly 8 weeks) (tables S116 and S124). 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 2020–21 ranged from 33 days, on average, in South Australia to 81 days in Queensland (Figure 6.4).

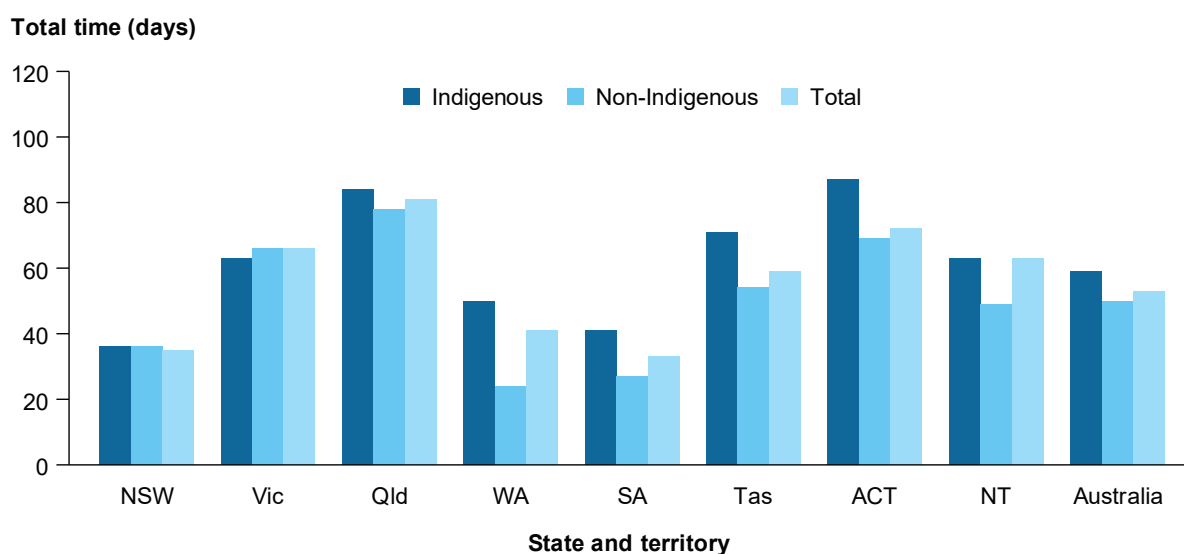
The average total time spent in sentenced detention was lowest in South Australia (55 days), and highest in the Northern Territory (144 days) (Figure 6.5).

Males (188 days) spent more time, on average, under supervision during the year than females (166 days) (Table S30). Males and females spent similar lengths of time, on average, under community-based supervision (174 and 176 days, respectively), but males (74 days) spent more than twice as long in detention as females (35 days) (tables S63 and S102).

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

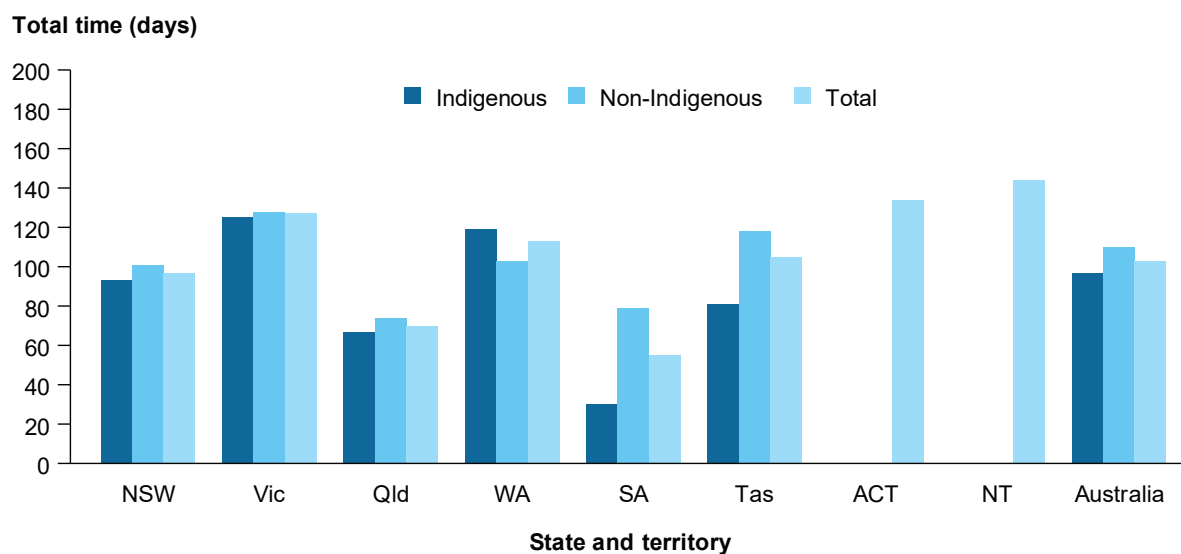
- 10 more days under supervision during the year (191 days, compared with 181)
- 8 more days in detention (73 days, compared with 65)
- 3 more days in community-based supervision (177 days, compared with 174) (tables S30, S63 and S102)
- 9 more days in unsentenced detention (59 days compared with 50)
- 13 fewer days in sentenced detention (97 days compared with 110) (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, 2020–21



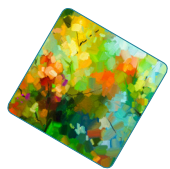
Source: Table S116.

Figure 6.5: Average total time young people spent in sentenced detention during the year, by Indigenous status and state and territory, 2020–21



Note: Data for the Australian Capital Territory and the Northern Territory are suppressed due to small numbers.

Source: Table S124



7 Supervision history

First entry to supervision

First entry to supervision refers to the first time a young person came under youth justice supervision and includes periods of supervision that occurred before the reference period (2020–21).

Entry to supervision

One-third (33%) of young people under youth justice supervision in 2020–21 were new to supervision in that year. The rest (67%) had been supervised in a previous year (Table S17). Indigenous young people (72%) were more likely than non-Indigenous young people (65%) 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 S53 and S91).

Age at first supervision

Among all young people who were supervised during 2020–21 (Table S19):

- almost three-quarters (71%) had first entered youth justice supervision when they were aged 14–17
- about one-quarter (24%) had first entered supervision when they were aged 10–13
- 5.3% had first entered supervision when they were aged 18 and over.

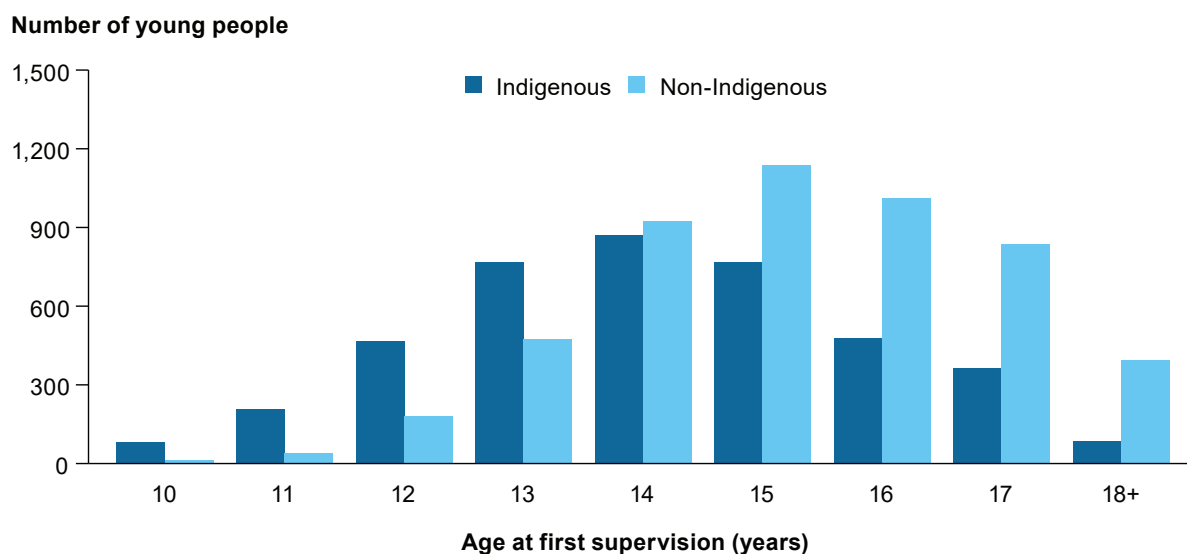
Young people who were supervised in 2020–21 were most likely to be aged 14 and over when they first entered supervision in all states and territories, ranging from 60% in Western Australia to 90% in Victoria (Table S19).

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 and over (19%) (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 – more than a third (37%) of Indigenous young people under supervision in 2020–21 were first supervised when aged 10–13 compared with 1 in 7 (14%) non-Indigenous young people (Table S19).

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, 2020–21



Note: Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: Table S18.

First type of supervision

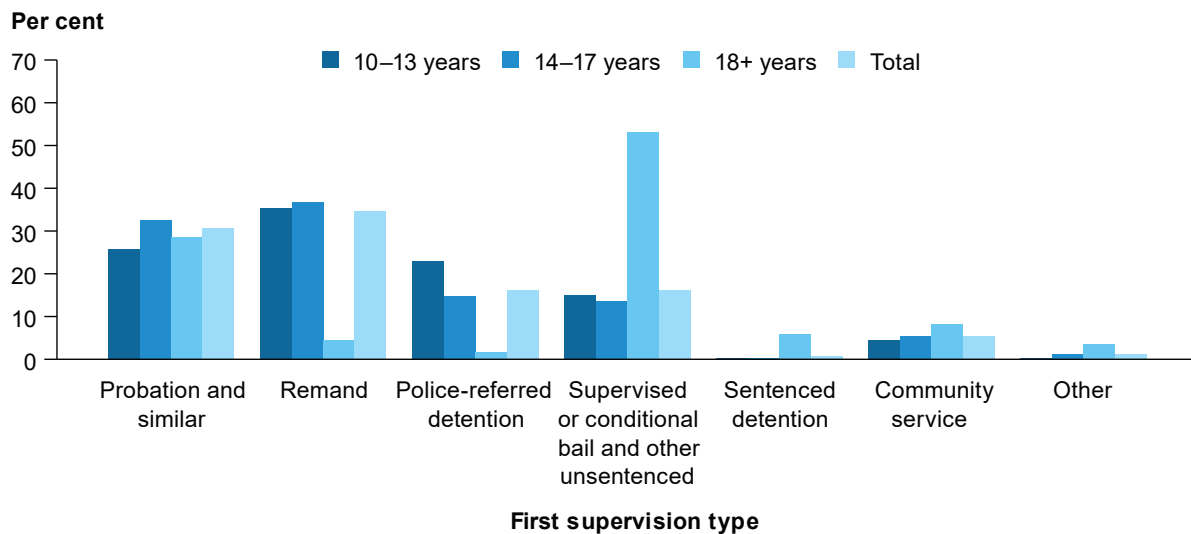
Among all those who were supervised during 2020–21, the most common first types of supervision were remand (35%) and probation and similar (31%) (Figure 7.2).

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 1.0% overall, and 5.9% of those aged 18 and over).

Figure 7.2: Young people under supervision, by type of first supervision and age at first supervision, Australia, 2020–21



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). Denominators are the total number of young people under supervision during the year by age group of first supervision (Table S19).
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S19 and S20.

Youth justice supervision history

About 9 in 10 (90%) young people who were supervised during 2020–21 had been under community-based supervision at some time during their supervision history (either during 2020–21 or in a previous year) (Figure 7.3). About two-thirds (70%) had spent time in detention.

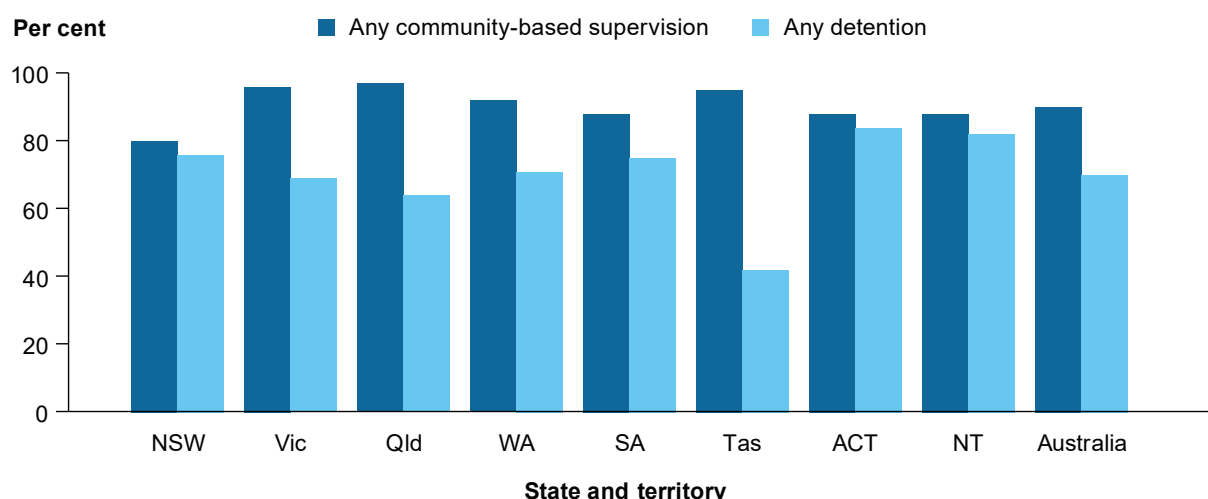
About 3 in 5 (60%) young people under supervision during 2020–21 had been under both community-based supervision and in detention at some time during their supervision history (tables S2b, S33k and S33o).

Nearly one-third (30%) had been under community-based supervision only, and 9.8% had been only in detention.

Among the states and territories, the proportion of young people supervised during 2020–21 who had been:

- under community-based supervision at some point during their supervision history ranged from 80% in New South Wales to 97% in Queensland
- in detention ranged from 42% in Tasmania to 84% in the Australian Capital Territory (Figure 7.3).

Figure 7.3: Young people under supervision during the year, by supervision history, and state and territory, 2020–21



Notes

1. Numerators are the number of young people who had a supervision history containing any type of community-based supervision (Table S33c) or detention (Table S33g), by state and territory. Denominators are the number of young people under supervision during the year, by state and territory (Table S2b).

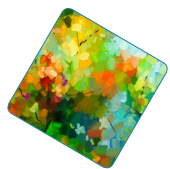
2. Supervision history was not available for all young people under supervision (see Appendix 1).

Source: tables S2b, S33c and S33g.

Males (91%) under youth justice supervision during 2020–21 were slightly more likely than females (88%) to have been under community-based supervision at some point during their supervision history. Males (71%) were also more likely than females (67%) to have previously been in detention (tables S2b, S33c and S33g).

Similar proportions of Indigenous and non-Indigenous young people under supervision in 2020–21 had been under community-based supervision at some time during their supervision history (92% and 90%, respectively) (tables S2b and S33c).

Indigenous young people (73%) under supervision in 2020–21 were more likely than non-Indigenous young people (69%) to have had a supervision history containing any type of detention (tables S2b and S33g).



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 2016–17 and 2020–21, with some fluctuation across the period (Table S11a).

Overall, over the 5 years from 2016–17 to 2020–21, the number of young people under supervision fell by 12% (from 5,329 to 4,695); however, the number fluctuated throughout this period, with a high of 5,675 in 2018–19 (Table S11). The total number of individual young people who were supervised fell over the 5 years in all states and territories except Queensland, where it increased by 14%.

The rise in Queensland is partly due to new legislation which came into effect on 12 February 2018, under which young people aged 17 were transferred 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 1,933 in 2018–19. Since 2019–20, the number has declined, falling to 1,610 in 2020–21 (Table S11).

Overall, the national rate of young people aged 10–17 under youth justice supervision on an average day fell from 19 to 14 per 10,000 young people over the 5-year period to 2020–21 (Figure 8.1).

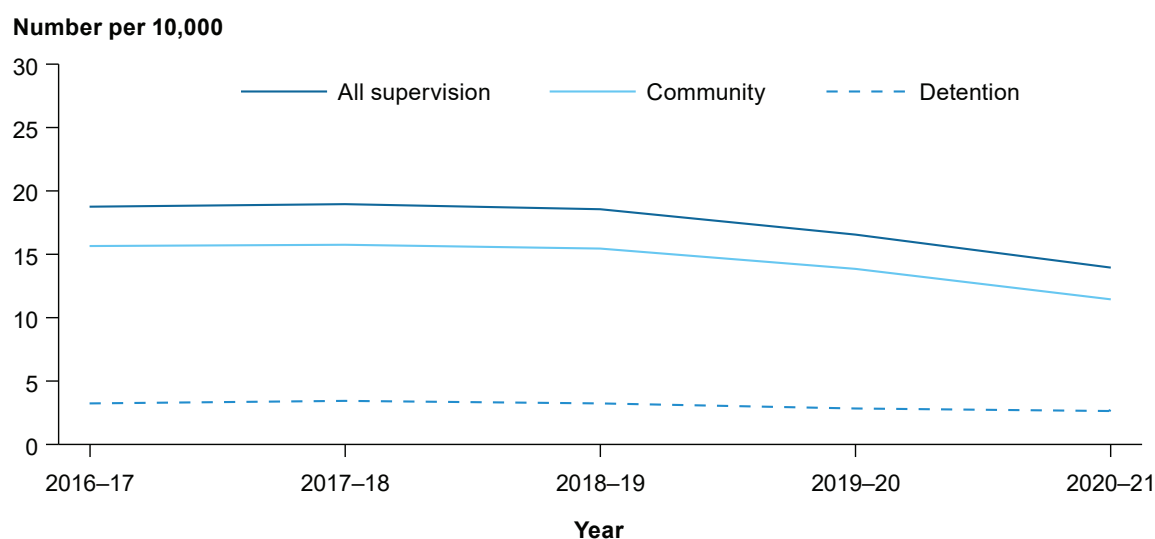
In the most recent year, the number of young people aged 10 and over who were under supervision fell by 12% (from 5,321 to 4,695) and the rate of young people aged 10–17 declined from 16 to 14 per 10,000.

Between 2016–17 and 2020–21, the total number of young people aged 10 and over who were under supervision during the year fell by 11% (from 10,562 to 9,352) (Table S11b). The average total time young people spent under supervision during the year fluctuated over the 5-year period, with a low of 183 in 2020–21 and a high of 191 days in 2018–19 (Table S30).

The decrease in the number of young people under supervision is partly 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 2016–17 and 2020–21, the number of young people aged 10–19 who had their matters finalised in court fell by 23%, with a slight increase of 2.6% in the most recent year (ABS 2022a).

Figure 8.1: Trends in young people aged 10–17 under supervision on an average day, by supervision type, 2016–17 to 2020–21



Notes

1. Trend data might differ from those previously published due to data revisions.
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S12a, S45a and S83a.

Between 2016–17 and 2020–21, the number of young people aged 10 and over in community-based supervision on an average day fell by 12% (from 4,447 to 3,934) (Table S44a). The rate dropped from 16 to 11 per 10,000 for those aged 10–17 (Figure 8.1). In the most recent year, the number in community-based supervision fell by 12% (from 4,493 to 3,934) and the rate declined from 14 to 11 per 10,000.

Between 2016–17 and 2020–21, the number of young people aged 10 and over in detention on an average day fell by 13% (from 910 to 787) (Table S82a). The rate fell from 3.2 to 2.6 per 10,000 for those aged 10–17 between 2016–17 and 2020–21 (Figure 8.1). In the most recent year, the number of young people in detention fell by 8.2% (from 858 to 787) and the rate also decreased, from 2.8 to 2.6 per 10,000.

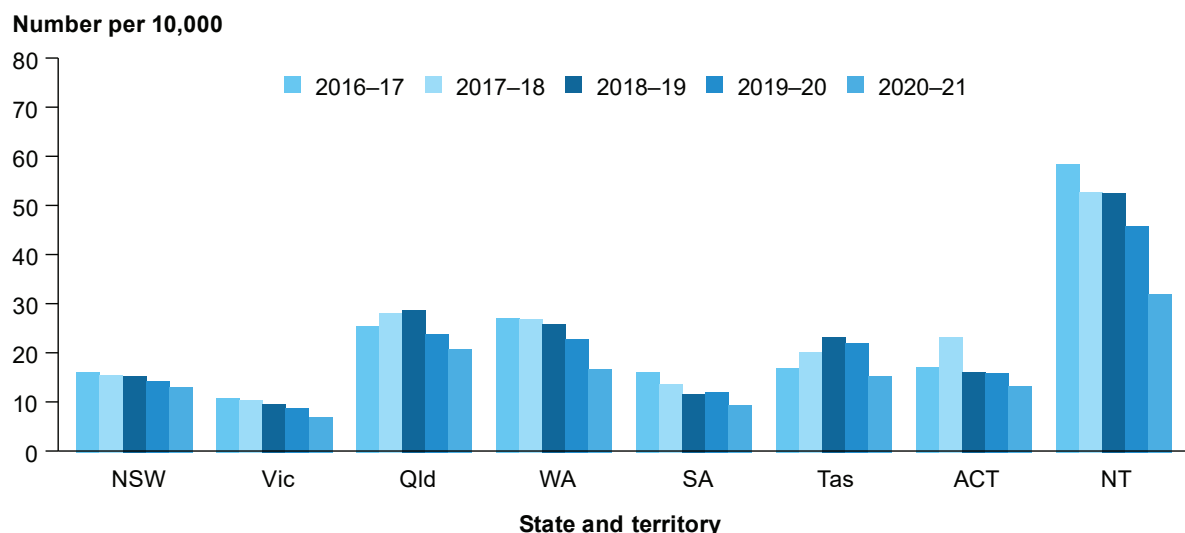
States and territories

Between 2016–17 and 2020–21, the rate of young people aged 10–17 under supervision on an average day fell overall in all states and territories. The largest fall was in the Northern Territory (from 59 to 32 per 10,000) (Figure 8.2).

The rates of young people aged 10–17 under community-based supervision on an average day decreased overall in all states and territories. The largest fall was in the Northern Territory (from 44 to 20 per 10,000) (Table S45a).

Detention rates fell or remained steady over the 5-year period in all states and territories except Queensland (from 3.7 to 4.0 per 10,000), where they rose slightly (Table S83a).

Figure 8.2: Trends in young people aged 10–17 under supervision on an average day, by state and territory, 2016–17 to 2020–21



Notes

1. Trend data might differ from those previously published due to data revisions.
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.
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, 2016–17 to 2020–21 (rate)

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

Notes

1. Arrows indicate an overall change between 2016–17 and 2020–21. Trends might have fluctuated between these years, particularly for smaller jurisdictions.
2. Data might differ from those previously published due to data revisions.
3. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S12a, S45a and S83a.

Age and sex

Over the 5 years to 2020–21, the rates of young males and females under supervision fell. For males aged 10–17 on an average day, the rate fell from 29 to 21 per 10,000; for females, it fell overall from 7.7 to 5.8 per 10,000 (Table S15a). On an average day each year, males aged 10–17 were 3–4 times as likely as females aged 10–17 to be under supervision.

The rate of males aged 10–17 under community-based supervision on an average day fell over the 5-year period from 24 to 17 per 10,000, while the rate of young females fell from 7.1 to 5.3 per 10,000 (Table S48a). For detention, the rate of males aged 10–17 on an average day fell from 5.6 to 4.5 per 10,000, while the rate of females fell slightly overall from 0.7 to 0.5 per 10,000 (Table S86a).

On an average day each year, young males were about 3 times as likely as young females to be under community-based supervision, and 7–8 times as likely to be in detention (tables S48a and S86a).

The fall in rates of young males under supervision on an average day occurred for most ages, with the largest fall being for those aged 16 (from 66 to 52 per 10,000 over the 5-year period) (Table S9a).

Among young females, rates fluctuated but fell slightly overall for most ages, with the largest fall being for those aged 15 (from 16 to 11 per 10,000) (Table S9a).

Indigenous young people

On an average day between 2016–17 and 2020–21 in youth justice supervision, the:

- number of Indigenous young people (including those aged 18 and over) fluctuated each year, decreasing overall by 15% from 2,525 to 2,141. In the most recent year, the number fell by 14% from 2,488 to 2,141 Indigenous young people (Table S11a)
- rate of Indigenous young people aged 10–17 fell from 161 to 117 per 10,000. In the most recent year, the rate fell from 141 to 117 per 10,000
- rate of non-Indigenous young people fell slightly from 9.5 to 7.2 per 10,000
- level of Indigenous over-representation fell slightly. In 2016–17, Indigenous young people aged 10–17 were 17 times as likely as their non-Indigenous counterparts to be under supervision, dropping to 16 times as likely in 2020–21 (Table S12a).

On an average day over the 5-year period in community-based supervision, the:

- number of Indigenous young people aged 10 and over fell by 14% – from 2,048 to 1,770 – and the number of non-Indigenous young people aged 10 and over fell by 10% – from 2,338 to 2,096 (Table S44a)
- rate of Indigenous young people aged 10–17 fell from 130 to 94 per 10,000 and the rate of non-Indigenous young people fell from 8.1 to 6.0 per 10,000
- level of Indigenous over-representation remained stable. In 2016–17, the rate ratio was 16 and stayed steady over the rest of the period (Table S45a).

On an average day over the 5 years to 2020–21 in detention, the:

- number of Indigenous young people aged 10 and over declined by 22% (from 492 to 384) and the number of non-Indigenous young people fell slightly by 4.1% (from 416 to 399) (Table S82a)
- rate of Indigenous young people aged 10–17 declined from 32 to 23 per 10,000 and the non-Indigenous rate fluctuated between 1.3 and 1.5 per 10,000
- Indigenous rate ratio for those in detention fell overall from 23 to 18 per 10,000 (Table S83a).

When comparing states and territories over the 5-year period on an average day:

- the rates of Indigenous young people under supervision fell in all states except Tasmania, where they rose (Table 8.1)
- the largest falls in Indigenous rates were in Western Australia (265 to 153 per 10,000) and South Australia (193 to 94 per 10,000)
- the rates for non-Indigenous young people remained stable, with the rates falling slightly in all states and territories. Victoria (9.1 to 6.2 per 10,000) and Queensland (11 to 8.1 per 10,000) had the largest falls over the 5-year period (Table S12a)
- in community-based supervision, rates for Indigenous young people aged 10–17 rose overall in Tasmania (40 to 45 per 10,000). All other states and territories experienced a decline in the rate of Indigenous young people under community supervision (Table S45a)
- in detention, all states and territories (where a rate could be calculated) experienced a decline in the rate of Indigenous young people aged 10–17, except Queensland where the rate remained steady overall (see Table 8.1).

Time under supervision

Over the 5 years from 2016–17 to 2020–21, the average amount of time young people spent under youth justice supervision during the year rose to a peak of 191 in 2018–19 and then dropped to a low of 183 in 2020–21 (Table S30).

A similar trend was seen in community-based supervision, with a gradual rise from 172 in 2016–17 to 181 days in 2019–20 and then a fall to 174 in 2020–21 (Table S63).

The average amount of time spent in detention remained more stable, fluctuating between 66–72 days (Table S102).

The average amount of time young people spent under youth justice supervision varied among the states and territories, with the largest overall rise in Queensland (from 200 to 218). The largest overall fall was in the Northern Territory (from 162 to 135 days) (Table S30).

Longer trends

National

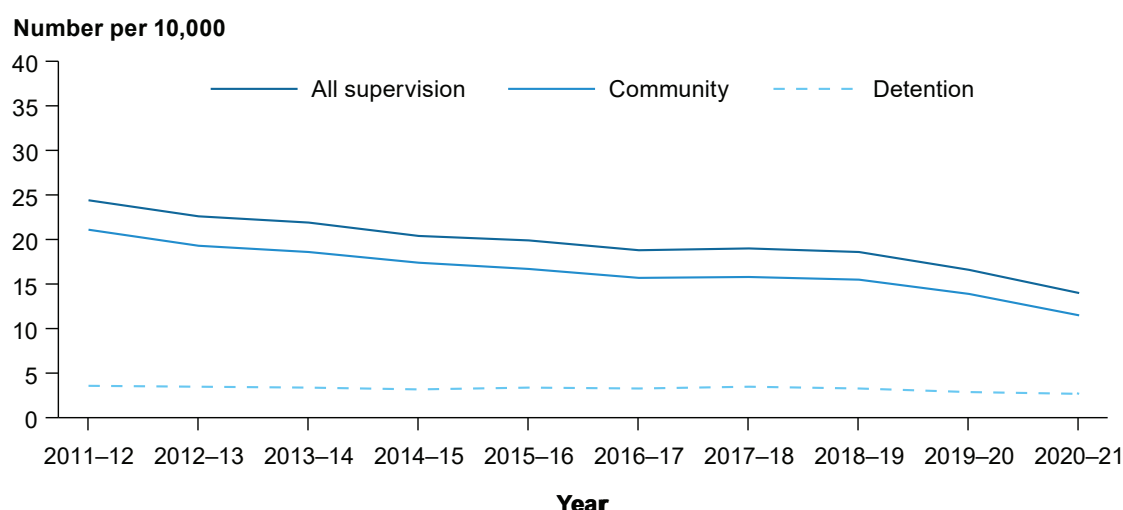
Nationally, the rate of young people aged 10–17 under youth justice supervision on an average day fell over the 10 years to 2020–21, from 24 per 10,000 in 2011–12 to 14 per 10,000 in 2020–21 (Figure 8.3).

Similarly, the rate of young people under supervision during each year (rather than on an average day) fell steadily from 52 per 10,000 in 2011–12 to 31 per 10,000 in 2020–21 (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 21 per 10,000 young people aged 10–17 on an average day in 2011–12, before falling to 11 per 10,000 in 2020–21 (Figure 8.3).

The rate of young people in detention remained relatively stable at 2.6–3.5 per 10,000 over the 10 years.

Figure 8.3: Trends in young people under supervision on an average day, by supervision type, 2011–12 to 2020–21



Source: tables S12a, S45a and S83a.

Between 2011–12 and 2020–21, the drop in the rate for non-Indigenous young people was proportionally greater than that for Indigenous young people. This means that the level of Indigenous over-representation rose (from 13 to 16 times the non-Indigenous rate) (Table S12a).

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

In 2011–12, young males aged 10–17 were 4.1 times as likely as young females to be under youth justice supervision on an average day. The rate ratio was 3.7 in 2020–21 (Table S15a).

Rates of both males and females under supervision were highest in 2011–12 (at 39 and 9.4 per 10,000, respectively). For males, rates dropped steadily to 21 per 10,000 in 2020–21. 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 5.8 per 10,000 in 2020–21 (Table S15a).

States and territories

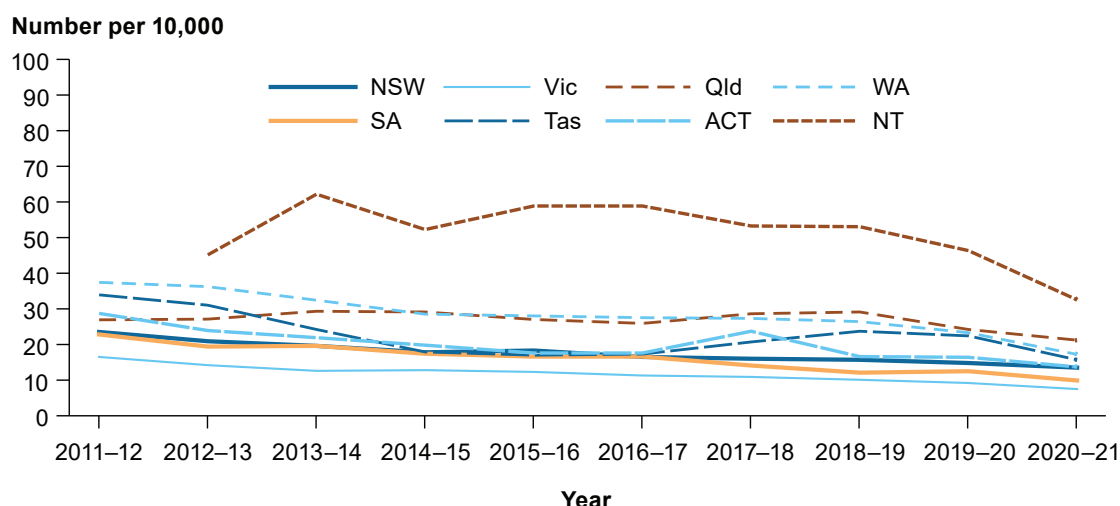
Trend data are published for the 10 years from 2011–12 to 2020–21 for New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania and the Australian Capital Territory. Data for the Northern Territory are available from 2012–13 to 2020–21 (9 years) (see Appendix 1).

On an average day from 2011–12 to 2020–21, Victoria had the lowest rate of supervision each year, at fewer than 17 per 10,000 young people throughout the period (Figure 8.4).

The rate of young people under supervision on an average day declined gradually over the 10 years in most states and territories.

In the Northern Territory, the rate of supervision peaked in 2013–14 before falling in recent years. In Tasmania, the rate declined from 2011–12 to 2015–16, before rising in 2017–18 and 2018–19; it then fell again to a low in 2020–21. Rates in Queensland fluctuated over the 10-year period but were lower in 2020–21 than in any other year. In the Australian Capital Territory, except for 2017–18, rates fell almost consistently from 2011–12 to 2020–21.

Figure 8.4: Trends in young people aged 10–17 under supervision on an average day, by state and territory, 2011–12 to 2020–21



Notes

1. Data are not available for the Northern Territory from 2010–11 to 2011–12.
2. Age on an average day is 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, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.
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 declining again from 2019–20 onwards
- rose in Tasmania in 2017–18 and 2018–19, before falling again to a low in 2020–21
- rose in the Australian Capital Territory in 2017–18, before continuing to decline (Table S45a).

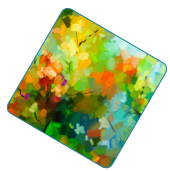
Over the 10-year period, there was an overall decline between 2011–12 and 2020–21 in the rate of young people aged 10–17 under community-based supervision on an average day in all states and territories.

Trends in 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 S86a).

Between 2011–12 and 2020–21, detention rates fell overall in New South Wales, Western Australia, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory (from 2012–13); they rose slightly in Victoria and Queensland.

The level of Indigenous over-representation in supervision on an average day fluctuated over the decade to 2020–21 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 2011–12 to 2020–21, except for the Northern Territory where rates fluctuated over the period where data were available. The largest fall was seen in Western Australia where the rate of Indigenous young people under supervision fell from 362 to 153 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 are 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 et al. 2015; Ulmer and Steffensmeier 2014).

In 2020–21, police proceeded against 178 per 10,000 young people aged 10–17 (the primary group in the youth justice system) and 158 per 10,000 among those aged 18 and over (ABS 2022b).

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 2020–21, the most common principal offences among young people aged 10–17 were:

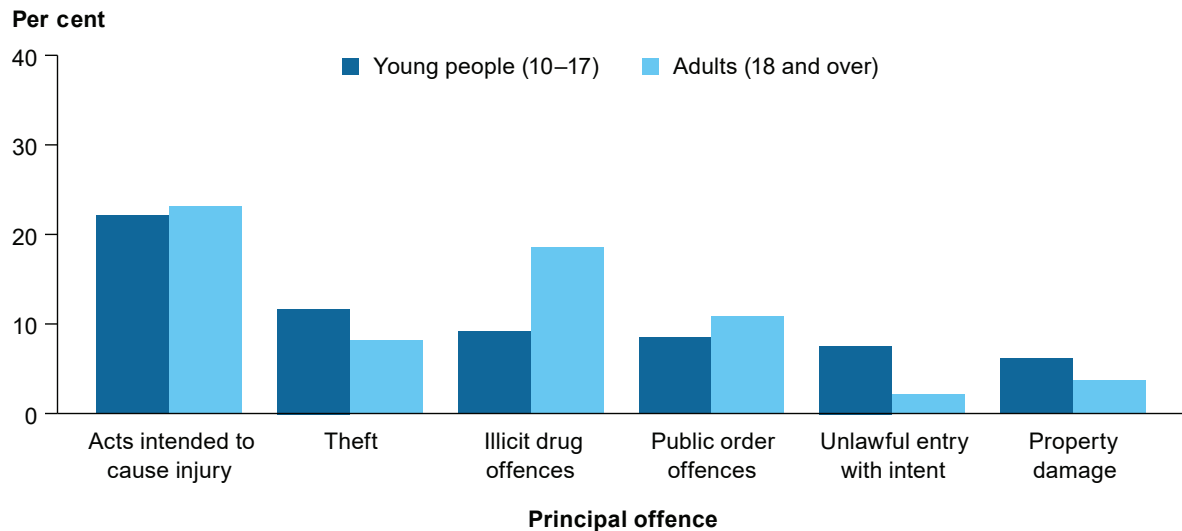
- acts intended to cause injury (22%)
- theft (12%)
- illicit drug offences (9.2%) (Figure 9.1).

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

- acts intended to cause injury (23%)
- illicit drug offences (19%)
- public order offences (11%) (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, 2020–21



Source: ABS 2022b.

Community-based supervision, detention, and prison

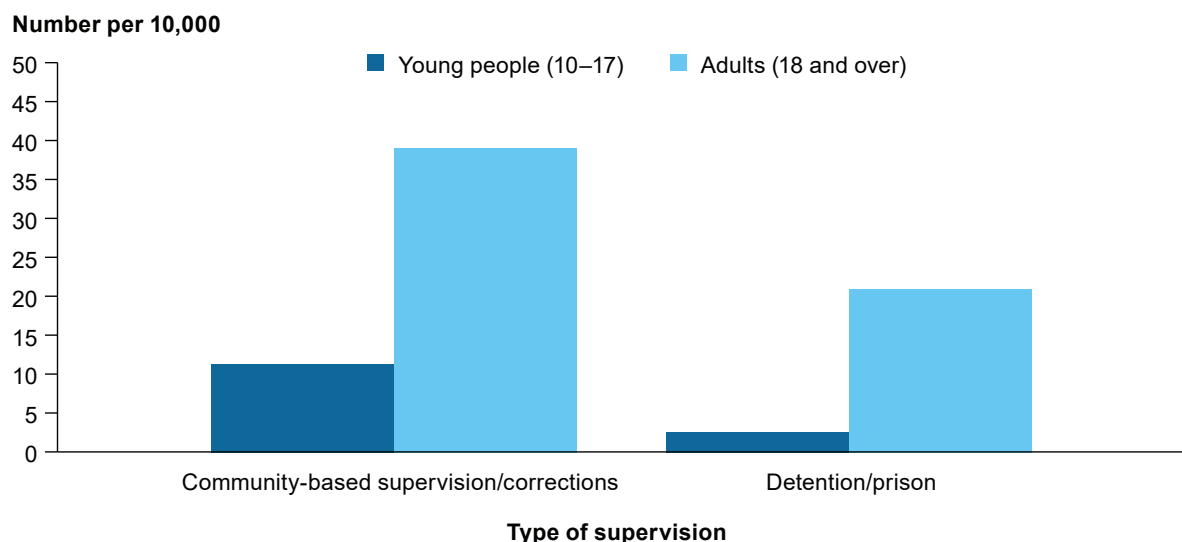
Although young people were more likely than adults to be proceeded against by police, adults were more likely to be placed under formal supervision.

On an average day in 2020–21, 39 per 10,000 adults aged 18 and over were in adult community-based corrections (Figure 9.2).

This compares with 11 per 10,000 young people aged 10–17 under community-based youth justice supervision on an average day in 2020–21.

At the same time, 21 per 10,000 adults were in prison compared with 2.6 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, 2020–21



Note: Data on young people under supervision are for 2020–21; available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2020 to June 2021.

Sources: ABS 2021a; tables S37a and S75a.

Young people aged 10–17 under youth justice supervision were more likely to identify as being of Aboriginal or Torres Strait Islander origin than adults under supervision. On an average day in 2020–21, nearly half (46%) of young people aged 10–17 in detention were Indigenous Australians compared with almost one-third (30%) of adults in full-time prison.

Similarly, almost half (48%) of young people aged 10–17 supervised in the community and about 1 in 5 (22%) adults in community corrections were Indigenous Australians (Figure 9.3).

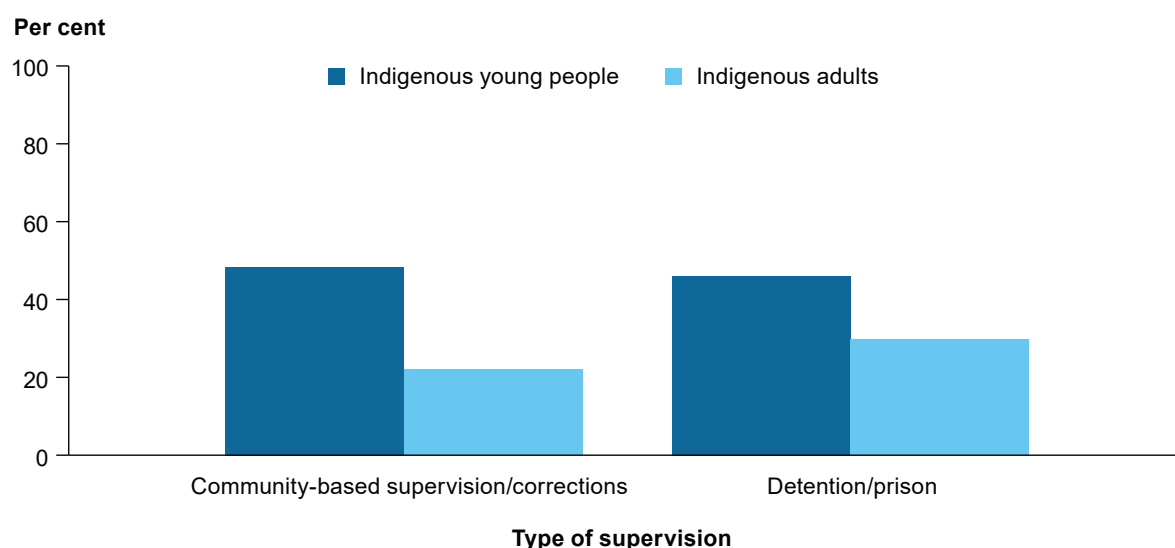
As a result, the level of Indigenous over-representation was higher among the youth detention population on an average day in 2020–21 than among adults in full-time prison on an average day in the 2021 calendar year (Figure 9.3). Available ABS data for Indigenous and non-Indigenous adults are crude rates, by calendar year.

Indigenous young people aged 10–17 (23 per 10,000) were about 18 times as likely as non-Indigenous young people to be in detention (1.3 per 10,000). Indigenous adults (229 per 10,000) were about 15 times as likely as non-Indigenous adults to be in full-time prison (15 per 10,000) (ABS 2021b; Table S75a).

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

- About 90% of young people in detention and 92% of adults in prison were male.
- 77% of young people and 81% of adults supervised in the community were male (ABS 2021a; tables S36a and S74a).

Figure 9.3: Indigenous young people under youth justice supervision and adults under adult criminal justice supervision on an average day, by type of supervision, 2020–21



Note: Data on young people under supervision are for 2020–21; available ABS data on adults under supervision are the average of monthly snapshots taken on the first day of the month from July 2020 to June 2021.

Sources: ABS 2021a; tables S36 and S74

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 2020–21, 72% of young people aged 10–17 in detention were unsentenced compared with 34% of adults in prison (ABS 2021a; Table S107a).

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. For example, under the United Nations' 1989 Convention on the Rights of the Child, member states regularly report to the United Nations 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 United Nations 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 the Convention's 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 MAG (2020) reviewed Australia's age of criminal responsibility to consider raising it from 10 to 14 years. In November 2021, a decision was made to support the development of a proposal to raise the age from 10 to 12. This also follows from the Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission, Australian Government 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; 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 that they cannot be held criminally responsible unless it can be proved beyond reasonable doubt that the young person knew that their 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 be required only 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 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, it was 17.

This is consistent with the typical age of criminal majority internationally (18), though 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 United Nations' 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 United Nations survey, 19 of 51 countries surveyed 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 are available on numbers and rates of young people in detention in selected countries.

On an average day in 2020–21, the rate of young people in youth detention in Australia (2.6 per 10,000 young people) was higher than in England and Wales (1.0 per 10,000) but lower than in Canada (3.5 per 10,000) and the United States of America (9.4 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 (2.8 per 10,000), England and Wales (1.4), the United States (11.1) and Canada (4).

Table 9.2: Young people aged 10–17 in detention on an average day, by selected countries, 2020–2021

Number/rate	Australia ^(a)	England and Wales	Canada ^(b)	United States of America
Number	640	560 ^(c)	674	31,392 ^(d)
Number per 10,000	2.6	1.0	3.5	9.4

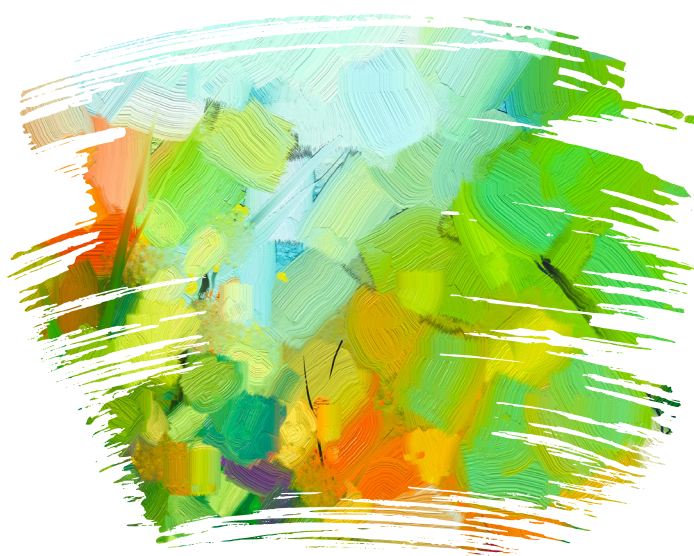
(a) Data for 2020–21.

(b) Data for young people aged 12–17 in detention on an average day during 2019–20.

(c) Average monthly population of young people in custody April 2020 and March 2021 (remand and sentenced).

(d) Number in youth detention on 23 October 2019.

Sources: Office for National Statistics 2021; Puzzanchera et al. 2021; Sickmund et al. 2021; Statistics Canada 2021; Youth Custody Service 2022; YJ NMDS: tables S74a and S75a.



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- Department of Human Services, South Australia
- Department of Communities Tasmania, Tasmania
- Community Services Directorate, Australian Capital Territory
- Territory Families, Housing and Communities, Northern Territory.

Abbreviations

ABS	Australian Bureau of Statistics
MAG	Meeting of Attorneys-General
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 it 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. Unsentenced 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 comprises 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 to an adult prison if the young person is particularly impressionable, immature or likely to be subject to undesirable influences in an 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: A term that defines 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: One 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 one 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. It consists of 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 they been found guilty in court and are 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 2021*, catalogue number JUV 136, AIHW, Australian Government.
- —(2021), 'Young people returning to sentenced youth justice supervision 2019–20', *Juvenile justice series 25*, catalogue number JUV 137, AIHW, Australian Government.
- —(2020), 'Young people under youth justice supervision and in child protection 2018–19', *Data linkage series 26*, catalogue number CSI 28, AIHW, Australian Government.
- —(2015), 'Pathways through youth justice supervision: further analyses', *Juvenile justice series 19*, catalogue number JUV 75, AIHW, Australian Government.



Of the 4,695 young people under youth justice supervision on an average day in 2020–21, most were male (81%) and supervised in the community (84%). Overall rates of supervision varied among the states and territories, from 7.3 per 10,000 in Victoria to 32 per 10,000 in the Northern Territory. Rates of supervision fell over the 5 years from 2016–17 to 2020–21 for community-based supervision and detention.

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