

Appendix 4: State and territory youth justice systems, policies and programs 2018–19

New South Wales

Policy directions

Key policy directions in Youth Justice¹ New South Wales include:

- through the creation of the Department of Communities and Justice, working more collaboratively to support shared clients in child protection, out of home care and youth justice, to improve their individual circumstances and life trajectory
- diverting young people under the *Young Offenders Act 1997*, through the use of warnings, cautions (administered by the New South Wales Police Force) and the Youth Justice Conferencing scheme (administered by Youth Justice NSW)
- intervening early in a young person's criminal trajectory with evidence-based programs such as the Youth on Track program, and collaborating in whole-of-government initiatives including the Stronger Communities Investment Unit reforms
- providing bail support and accommodation through the Bail Assistance Line, to reduce the number of young people on remand unnecessarily, due to a lack of availability of suitable accommodation
- providing case management and supervision of young people who receive community-based orders or custodial sentences from the courts, as well as supervision of young people remanded in custody pending finalisation of court matters
- a deep commitment to delivering better outcomes for Aboriginal and Torres Strait Islander young people, their families and communities through delivery of the Youth Justice Aboriginal Strategic Plan 2018-2022
- provision of culturally appropriate services for young people from culturally and linguistically diverse backgrounds, guided by a range of multicultural strategies
- provision of multi-agency approaches to managing young people with complex needs
- implementing the NSW Government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse, including implementing the child safe standards
- strengthening pre- and post-release supports with individualised exit-planning for all young people leaving custody, and partnerships with non-government service providers to deliver programs designed to connect young people with supports in the community; including the pilot Ngudjoong Billa Reintegration and Transition Program, two rural residential adolescent alcohol and other drug rehabilitation services and the Joint Support Program.

Youth Justice NSW has set clear targets to contribute to the Premier's *Breaking the Cycle* Priorities and deliver reductions in the numbers of Aboriginal young people in custody.

¹ On 1 July 2019 Juvenile Justice NSW became Youth Justice NSW under machinery of government changes following the March 2019 state election

Agencies

Youth justice agency

The Department of Communities and Justice² is responsible for providing youth justice services in New South Wales. These services are provided by the agency Youth Justice NSW.

Youth Justice NSW is responsible for:

- supervising young people sentenced to community-based or custodial orders
- supporting young people to meet the conditions of bail
- supervising young people who are on conditional bail or remanded in custody
- preparing reports for the courts to consider in determining sentences
- managing the Youth on Track early intervention program
- administering Youth Justice Conferencing
- supervising the Work and Development Order scheme for young offenders
- delivering interventions designed to reduce reoffending
- funding non-government service partners to deliver complementary services to facilitate young people's reintegration into community .

Youth Justice NSW operates 34 community offices and six youth justice centres.

Youth Justice NSW shares responsibility for addressing the offending behaviour of young people with a number of other NSW agencies including the Justice Health and Forensic Mental Health Network (JHFMHN); the Department of Education; and other Department of Communities and Justice entities.

Police

The New South Wales Police Force is responsible for detecting and investigating crime. Police may choose to use alternatives to court proceedings, such as warnings, cautions or referral to Youth Justice Conferences, as set out in the *Young Offenders Act 1997*, or may commence court proceedings under the *Children (Criminal Proceedings) Act 1987*. Police may also refer young people to the Youth on Track early intervention scheme.

Youth Justice works closely with police, particularly in relation to transporting young people and managing incidents within youth justice centres. Police also provide specialist support to young people through the Youth Crime Prevention Command, in collaboration with Police and Community Youth Clubs, and engage young people through a variety of recreational and social programs.

Courts

Court proceedings against young people who are alleged to have committed an offence and are not eligible to be diverted under the *Young Offenders Act 1997* are governed principally by the *Children (Criminal Proceedings) Act 1987*.

Possible outcomes for young people appearing before the court include:

² Under the same machinery of government changes, following the state election in March 2019, the Department of Justice and the Department of Family and Community Services were merged to form the Department of Communities and Justice

- diversion, dismissal or withdrawal of case: including under Section 32 of the *Mental-Health (Forensic Provisions) Act 1990* which gives the court the power to divert a defendant who is suffering from a mental health condition into the care and treatment of mental health professionals rather than dealing with them through the criminal justice system
- unsupervised options: cautions, fines, recognisance
- community-based orders: recognisance, probation or community service orders
- custodial orders
- youth justice conference.

Within seven Children’s Court locations, young people also have access to the Children’s Court Assistance Scheme where trained youth workers provide support to young people and their families while in court including referrals to support services following court.

Elements, programs and services

Diversion

The Young Offenders Act provides for warnings, cautions and Youth Justice Conferencing in New South Wales. Not all young people are eligible for a Youth Justice Conference. Some categories of offence, such as sexual assault, serious drug offences, breaches of apprehended violence orders, traffic offences and offences causing death, can be dealt with only by a court.

Early intervention

Youth Justice NSW contracts non-government service providers to deliver the Youth on Track early intervention scheme in seven sites across New South Wales³. The scheme is designed to coordinate services for 10–17 year olds who are at risk of long-term involvement with the justice system, and their families, to address the underlying causes of their offending. Young people can be referred to the scheme by NSW Police or by school staff without requiring a court order.

Supported accommodation and bail programs

Youth Justice NSW provides bail support and remand interventions to help young people meet their bail conditions and avoid unnecessary placement in custodial remand.

Community-based staff work with young people, court officials and other service providers to ensure that, where appropriate, young people are able to remain in the community while being supervised for compliance with bail conditions.

The Bail Assistance Line (BAL) provides an after-hours service for police who are considering granting conditional bail to a young person in their custody. The service also receives referrals from courts, Youth Justice centres and community offices. It aims to assist in the granting of conditional bail to divert young people from unnecessary short-term remand. The BAL also provides support in locating a parent or guardian and transporting the young person from the police station to suitable accommodation in the community.

Brokerage funds are used to buy services—such as accommodation, support services, clothing, and health care—that help young people meet their bail conditions and stay out of

³ The seventh Youth on Track site in Riverina commenced operations on 1 July 2019.

detention. Resources are also allocated to help young people access mental health services, and alcohol and other drug services.

Case management and Practice Framework

Casework interventions aim to:

- assess a young person's risks, needs, responsivity issues, strengths and protective factors; using the Youth Level of Service Case Management Inventory—Australian Adaptation (YLS/CMI-AA)
- plan a specific, comprehensive, individualised case plan to address their criminogenic needs, in collaboration with the young person
- deliver treatments, referral to necessary services and put support systems in place to assist young people to reduce re-offending and build their capacity to attain positive life outcomes
- review and monitor the young person's progress and advocate on their behalf
- uses a standardised criminogenic risk, needs, responsivity model
- be evidence-based, using key theories and skills underpinned by 'What Works'
- be trauma-informed and use a strengths-based approach
- be informed by Aboriginal 8 ways learning techniques and processes
- use core effective practice skills, including role clarification, pro-social modelling, collaborative problem solving, and balanced relationships
- use motivational interviewing
- use cognitive behaviour techniques to target underlying pro-criminal attitudes and beliefs.

The Practice Framework outlines the key theories and fundamental skills which underpin the practice of all Youth Justice NSW staff in reducing the reoffending behaviour of young people. The Framework provides evidence-based guidance across the spectrum of engagement, assessment, case planning and intervention programs.

Offence-specific and therapeutic interventions

Youth Justice NSW delivers a range of programs and services within community and custodial environments in accordance with the individual needs of young people, their level of risk, and their ability to respond to program content. Offence-focused interventions incorporate a range of techniques designed to change negative patterns of behaviour and reduce recidivism rates. Some examples of programs offered include:

- the Changing Habits and Reaching Targets (CHART) program, a structured intervention designed specifically for caseworkers to engage and work with young people who require moderate to high intervention to reduce their risk of re-offending
- counselling and therapeutic interventions with a Youth Justice psychologist, particularly when there is complex trauma, more entrenched or violent offending requiring specialised assessment and therapeutic intervention
- Act Now Together Strong (ANTS), a collaborative family work program which connects families with tools to enable more effective parental guidance for young people
- X-Roads (pronounced 'crossroads'), an interactive cognitive-behavioural intervention designed for young people who have significant substance misuse issues.

Programs for Aboriginal and Torres Strait Islander young people

To ensure a coordinated approach to addressing the over-representation of Indigenous young people in the youth justice system, Youth Justice NSW developed the Aboriginal Strategic Plan. Included are a number of programs to address issues for Indigenous young people in the youth justice system, including:

- Dthina Yuwali, a group work program for Aboriginal young people with substance-related offending.
- My Journey My Life, developed in 2000 in partnership with Gilgai Aboriginal Centre, is an intergenerational violence prevention program aimed at reducing the incidence of violence against others. The program is aimed at motivating young people to make changes to violent behaviours; educating young people about criminal behaviours; and providing skill development/practised learning in non-violent strategies. A female specific version of this program – Her Journey Her Life – is being developed for roll out in 2020.
- Ngudjoong Billa Reintegration and Transition Program is an intensive reintegration and transition support program for Aboriginal young people who are leaving custody or community supervision. The program is located in the Shoalhaven and Far South Coast areas. Over the course of the 20-week program, the aim is to build resilience and wellbeing and reduce the risk of reoffending, with a key focus on building cultural identity by strengthening connections to country and family.

Work and Development Orders

Work and Development Orders (WDO) are a State Debt Recovery Office initiative, allowing young people to satisfy debt due to outstanding fines through voluntary work, approved courses or treatment. Youth Justice NSW is an approved sponsor for WDO and is one of the largest participating organisations in the scheme.

Pre- and post-release programs

Youth Justice NSW provides pre- and post-release casework in collaboration with other agencies, particularly the Department of Education, NSW Health, and the Department of Family and Community Services.

The Waratah pre-release unit at the Reiby Youth Justice Centre prepares young people in detention for their release back into the community.

Youth Justice NSW also funds non-government organisations to provide a range of services to young people. These include the delivery of education and health services within Youth Justice Centres, rural residential adolescent alcohol and other drug rehabilitation, post-release support and accommodation programs, disability support, health and mental health support, mentoring programs, cultural support, spiritual and religious support and legal services.

Program evaluation

Core programs and interventions are evaluated either internally by the Research and Information Unit, or by external organisations. Pre- and post-program assessments are used for offending-focused programs. Youth Justice NSW has also engaged the Bureau of Crime Statistics and Research to conduct a randomised controlled trial to measure Youth on Track's impact on reoffending compared to a brief intervention.

Victoria

The Department of Justice and Community Safety (DJCS) is responsible for the statutory supervision of young people in the criminal justice system. The department's Youth Justice Service provides programs and resources to assist young people to develop the knowledge, skills and attitudes to manage their lives effectively without further offending. Through supervision, offending-related programs and linkages to appropriate support services, the Youth Justice Service promotes opportunities for rehabilitation and contributes to the reduction of crime in the community.

Most young people sentenced to Youth Justice supervision are aged 10–17. However, 18–20 year old offenders can be sentenced to Youth Justice custodial supervision through Victoria's dual track system if the court believes the young person has reasonable prospects for rehabilitation, or the young person is particularly impressionable, immature, or likely to be subjected to undesirable influences in an adult prison. Young people aged 10–14 may be sentenced by a court to a Youth Residential Centre Order, and young people aged 15 or older may be sentenced to a Youth Justice Centre Order.

Policy directions

Youth Justice is responsible for:

- supporting the diversion of young people charged with an offence from involvement in the criminal justice system, where appropriate
- minimising the likelihood of re-offending and further progression into the criminal justice system through supervision that challenges offending behaviours and related attitudes and promotes pro-social behaviours
- providing supervision and rehabilitation through case management and other services to help young people address offending behaviour and support their successful reintegration into the community
- working with other services to strengthen community-based options for young people, enabling an integrated approach to the provision of support that extends beyond the court order
- engendering public support and confidence in youth justice.

Agencies

Youth Justice Service

The DJCS has been responsible for providing the Youth Justice Service in Victoria since April 2017. Prior to this, the Victorian Department of Health and Human Services was the responsible agency.

The Youth Justice Service incorporates custodial and community services. The custodial service currently consists of the Parkville Youth Justice Centre and the Malmsbury Youth Justice Centre. The community service currently consists of regional teams across metropolitan and regional Victoria.

In response to the *Youth Justice Review and Strategy: Meeting needs and reducing offending* report, conducted by Penny Armytage and Professor James Ogloff, Victoria has implemented a new integrated case management framework across community and custodial youth justice operations. The new framework will ensure the risks and needs of

every young person in youth justice are assessed and responded to with appropriate support and interventions.

All young people on a youth justice order are case-managed and supervised by a youth justice worker to address their offending, develop their motivation, and support them to lead pro-social lives.

Typically this involves the youth justice worker:

- meeting regularly with the young person
- supervising compliance with court-ordered conditions
- assessing the young person's risk and needs
- planning and facilitating access to targeted interventions such as offending behaviour programs
- collaborating with key statutory and non-statutory agencies to coordinate access to services such as education and housing.

The Youth Justice Community Support Service (YJCSS) provides case work support to complement the statutory case management undertaken by community youth justice teams. The program is managed by Youth Justice and delivered by community sector organisations. The YJCSS model recognises that young people have a range of complex needs that require an individualised response. The program aims to enhance rehabilitation, increase economic participation and improve social connectedness. YJCSS also incorporates transitional housing and support with 55 transitional properties across Victoria.

Police

Victoria Police is responsible for investigating crime in Victoria. In Victoria, police may use their discretionary power to caution young people and may refer them to appropriate support services.

One such service is the Youth Support Service (YSS), which aims to intervene early and divert young people away from the youth justice system by addressing the underlying causes of their offending behaviour. It is managed by Youth Justice and delivered by community sector organisations. The YSS works with young people aged between 10 and 17, following their first contact with Victoria Police.

Courts/Youth Parole Board

The Criminal Division of the Children's Court of Victoria has jurisdiction to hear and determine most charges against young people aged between 10 and 17 at the time they allegedly committed an offence. The Children's Court may deal with all charges except charges of murder, attempted murder, manslaughter, child homicide, arson causing death, and culpable driving causing death. If a young person has turned 19 by the time their court case commences in the Children's Court, the case is transferred to the Magistrates' Court.

The sentencing principles in the *Children, Youth and Families Act 2005* distinguish the developmental needs of children and adolescents as separate from the needs of adults. The Children's Court has a hierarchy of sentencing options for young people found guilty of criminal offences that recognise the distinct developmental needs of young people. These include unsupervised orders such as non-accountable undertakings, accountable undertakings, good behaviour bonds and fines as well as supervised orders including community-based supervision orders and custodial orders.

Victoria's unique dual track system allows adult courts (for example, the Magistrates' Court and County Court) to sentence young offenders aged between 18 and 20 to serve custodial

sentences in youth detention instead of adult prison. For a young offender to qualify for youth detention under the dual track system, the court must be convinced that he or she has reasonable prospects of rehabilitation, or that he or she is particularly impressionable, immature, or likely to be subjected to undesirable influences in an adult prison.

Each young person ordered by a court to be detained in a custodial centre is subject to the jurisdiction of the Youth Parole Board, which is empowered to grant parole to young people subject to its jurisdiction. The Board aims to balance the rehabilitative needs of the young person with the safety of the community through supervision and support provided by the community youth justice officers.

Elements, programs and services

Youth Justice seeks to enhance community safety through diverting young people from entering or progressing further into the criminal justice system, providing rehabilitation services to young people at high risk of offending, and delivering pre-release, transition and post-release support programs to reduce their risk of reoffending. To complement its legislated obligations and to realise its service objectives, Youth Justice engages with a range of stakeholders. These include other government departments and agencies, community sector organisations and Aboriginal Community Controlled Organisations.

Diversion

The Children's Court Youth Diversion Service assists young people early in their contact with the Children's Court to address the underlying causes of their offending and prevent further progression into the criminal justice system. Legislation directs that successful completion of a diversion activity will see the court discharge the matter and the child avoid a disclosable criminal record for those offences.

In addition, YSS supports the diversion of young people away from the criminal justice system, as discussed above.

Bail

The Central After-Hours Assessment and Bail Placement Service assesses young people's suitability for bail and provides advice to the Bail Justice regarding supports and services available to maintain the young person in the community.

The Youth Justice Bail Supervision Program is available, at the direction of the court, to support and manage young people at risk of being held in custody on remand. Two types of bail support programs are provided by Youth Justice:

- supervised bail—targets young people who are at moderate risk of non-compliance with their bail undertaking but whose risk can be mitigated through participation in bail support services. This is the primary bail service provided by Youth Justice
- intensive bail—targets young people who are at higher risk of non-compliance with their bail undertaking and would potentially not respond to lower levels of bail supervision, and as such, require more intensive and structured support.

Group Conferencing

A pre-sentence Youth Justice Group Conferencing program exists across Victoria. The program is available to the Children's Court where a young person has been found guilty of an offence and the court is considering sentencing the young person to youth justice supervision. The conference, chaired by a convener, must be attended by the young person, their legal representative and the police. Also in attendance may be the young person's family/carer and

the victim or their representative. The aim of the conference is to increase the young person's understanding of the impact of their offending and reduce the likelihood of their reoffending. The outcome of the conference must be taken into consideration by the court when sentencing the young person.

Offence-specific and therapeutic programs

Victoria is currently reforming the provision of offence-specific and therapeutic programs with investment in new programs that directly address young people's offending behaviour.

Youth Offending Programs consist of 4 different types of intervention, primarily delivered by clinicians. These include:

- offence-specific criminogenic programs to directly address criminogenic needs and reduce the risk of reoffending. Programs include the Adolescent Violence Intervention Program (AVIP-2) and the High Intensity Violence Intervention Program (HIVIP), the Male Adolescent Program for Positive Sexuality (MAPPS), a criminogenic motor vehicle-related offending program and a family violence program.
- offence-related programs to manage the risk of reoffending, such as alcohol and other drug (AOD) harm reduction programs
- psychosocial programs, which focus on improving personal skills and enhancing self-awareness, such as anger management and healthy relationships
- structured individual criminogenic interventions, which provide criminogenic supports for children and young people to prepare them for group treatment or when group treatment is not clinically recommended.

Koori Youth Justice Program

Aboriginal-specific programs have been developed to address the over-representation of Aboriginal young people in youth justice and provide culturally safe and responsive services. They are delivered primarily by Aboriginal Community Controlled Organisations.

The programs are funded by the department under the auspices of the Aboriginal Justice Agreement phase 4, Burra Loptja Dundududja, and in line with its guiding principles of self-determination.

The Koori Youth Justice Program facilitates culturally safe supports for Aboriginal young people at risk of, or subject to, youth justice involvement. A range of interventions are utilised including connecting to culture through individual and group programs, cultural planning, advocacy, case work and cultural consultation for non-Aboriginal service providers.

Education

Parkville College is a specialist Victorian Government school, operating in both youth justice custodial centres, which provides education to students under youth justice custodial supervision.

In addition to the Victorian Certificate of Education (VCE), Parkville College also offers alternatives such as:

- the Victorian Certificate of Applied Learning, for senior secondary students to obtain literacy and numeracy skills, practical work experience and a qualification recognised by TAFE institutes and employers
- Vocational Education and Training units for young people undertaking the VCE or those no longer of compulsory school age (17 years or over).

Health and mental health services

To complement the suite of youth offending programs, Youth Justice has recently reformed the provision of health and rehabilitation services delivered to young people. Primary health and mental health services provided to young people in custodial centres include general practitioner services, general and mental health nursing, mental health assessment and treatment, pharmacy, pharmacotherapy treatment, AOD assessment and treatment, pathology, radiology, dental, audiology, optometry, podiatry, physiotherapy, and health promotion activities.

In addition to primary mental health services, the Custodial Forensic Youth Mental Health Service, a specialist mental health service, is available to young people in custodial centres. This service comprises a multidisciplinary team that provides specialist mental health services for young people in custody, delivering clinical mental health assessment, treatment and support services.

The Community Forensic Youth Mental Health Service provides mental health services to young people who are exhibiting problem behaviours associated with emerging mental illness and who are at risk of offending. The Community Forensic Youth Mental Health Service provides early intervention support for community mental health services in the North West and Southern Metropolitan areas of Victoria, and secondary consultations to mental health services in other areas of Victoria.

Queensland

The youth justice system in Queensland applies to young people aged 10–17. Children and young people are provided with a number of special protections that are not available to adults. These include: an increased ability to divert young people from the court system; reduced exposure to adult criminals; the provision of education and rehabilitation through access to mandated specialised programs; and more intensive staff support and supervision in custody. Sentencing principles under the *Youth Justice Act 1992* also focus on supporting the young person within the community wherever practicable and appropriate, with a detention order to be imposed only as a last resort and for the shortest appropriate period.

Policy directions

Strategic direction for youth justice

In December 2018, the Queensland Government published *Working Together, Changing the Story: Youth Justice Strategy 2019-23*. This Strategy provides an evidence-based framework for all sectors and agencies that engage with children and young people to work together to prevent and respond to youth crime.

The Strategy is based on the ‘four pillars’ recommended by former Queensland police commissioner and commissioner on the National Royal Commission into Institutional Responses to Child Sexual Abuse, Mr Bob Atkinson, in his June 2018 *Report on Youth Justice*. The four pillars are: intervene early, keep children out of court, keep children out of custody and reduce reoffending.

The Strategy aims to change the story for children, young people, their families and communities by tackling the key factors behind offending and re-offending, from early childhood through to their transition to adulthood. Children and young people who offend will

be held accountable, and provided with the support they need to change their behaviours and attitudes, so that they have pathways to better lives and brighter futures.

A number of initiatives to reduce offending, reduce reoffending and address the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system are outlined in the Strategy. An Action Plan has been developed to implement the Strategy, which is being supported by a historic \$350 million investment package.

Agencies

Youth justice agency

The Department of Youth Justice (DYJ) is responsible for providing youth justice services in Queensland. The DYJ assumed responsibility in May 2019 following a Machinery of Government change. Before this, the Department of Child Safety, Youth and Women (DCSYW) was responsible for administering youth justice services.

DYJ provides legislated, tertiary, offence-focused interventions and supervision to young people subject to a community-based or detention order by the court. DYJ also has a key role in ensuring assessed needs of children and young people are responded to through the provision of related government, non-government and community interventions and supports.

Police

Under the *Youth Justice Act 1992*, police are able to divert young people from the courts by issuing a warning, caution, or referral to a restorative justice conference, diversionary graffiti removal program or drug diversion assessment.

Courts

Young people who are alleged to have committed an offence and who are not diverted are dealt with by the Childrens Court, Childrens Court of Queensland, District Court or the Supreme Court under the provisions of the *Youth Justice Act 1992*, *Childrens Court Act 1992* and *Childrens Court Rules 2016*.

Elements, programs and services

Youth Justice Framework for Practice

The Department of Youth Justice is developing a new Youth Justice framework for practice (the framework) to help guide our programs and services. The Framework for Practice (the Framework) outlines the required values, principles, knowledge and skills to support quality work with young people, families, partners and communities, and to achieve positive outcomes that drive reduced offending and reoffending.

Youth Justice use the framework to:

- embed cultural capability within all aspects of our work
- strengthen our existing work
- guide our future work
- strengthen our organisational culture by guiding and supporting good practice across the whole organisation

Diversion

The *Youth Justice Act 1992* provides police with the ability to divert a child who commits an offence from the courts' criminal justice system by administering a caution to the child.

If the offence committed is a minor drug offence, the police may offer the young person an opportunity to attend a drug diversion assessment program. This consists of an education program arranged by Queensland Health.

Where a young person admits to committing a graffiti offence, a police officer may refer them to a graffiti removal program instead of bringing the matter before a court. Graffiti removal programs, arranged by DYJ, hold young offenders accountable by requiring the young offender to perform unpaid work to remove graffiti.

Restorative justice

A young person may also be referred to a restorative justice conference by the police or the court. The conference comprises a meeting between the young person and the people most affected by the offence including victims, parents, community representatives, Aboriginal and Torres Strait Islander Elders and on occasions, the police. Each conference allows participants to talk about what happened, the effects of the offence and for agreement to be reached about how the young person can make reparation.

Restorative justice conferencing has had a positive impact on reducing reoffending rates, with 59% of young people not reoffending within 6 months of their conference. Young people are also highly compliant in completing agreements made at a conference (96% of agreements were finalised in 2016–17). Conferences have also resulted in positive outcomes for victims and communities, including apologies, volunteer work for victims or communities and young people producing items for victims (for example, sorry paintings or poems).

Case management

Young people under the statutory supervision of youth justice service centres and youth detention centres are actively case-managed. Collaborative case management panels have been adopted across the state to enable delivery of coordinated interventions and support packages for young people with complex needs and their families. Case management and interventions are informed by a comprehensive risk/needs assessment tool and a case-planning process which includes the engagement of the young person, their family, other government departments and community stakeholders. Young people are monitored and case plans are reviewed on a regular basis to ensure that interventions are tailored to the young people's changing rehabilitative and support needs.

Offence-specific and therapeutic programs

A number of intervention programs and services are delivered to young offenders and are designed to address their specific and complex needs. Some examples of programs young people have access to include:

- Aggression Replacement Training (ART[®]), is an evidence-based, cognitive-behavioural, group program aimed to work on cognitive restructuring and moral development targeting young people with violent or aggressive behaviours. The program addresses key risk factors through three components: social skill development (behavioural), anger control techniques (affective) and moral reasoning (cognitive/values).
- Changing Habits and Reaching Targets (CHART), is a structured cognitive-behavioural program delivered individually to young people at moderate to high risk of reoffending. CHART provides an intervention framework for Youth Justice Practitioners to understand

and intervene in patterns of offending thinking and behaviour with young people in order to mitigate their risk factors. CHART is adapted locally to meet the cultural needs of Aboriginal and Torres Strait Islander young people.

- Emotional Regulation and Impulse Control (ERIC), is a trans-diagnostic modular intervention for substance use, mental health, and offending behaviour that addresses underlying mechanisms of emotion regulation and impulse control. ERIC offers skills and processes to manage emotions, urges and decision making.
- Transition to Success (T2S) is an evidence-based program delivered by DYJ to prevent young people's introduction or progression through the justice system. T2S uses a vocational training and therapeutic service model. The program is delivered in a community setting to young people aged 15 to 18 who are involved in the youth justice system or are assessed as being at-risk of entering. Participation in the program is voluntary. T2S helps young people address risk factors that are associated with becoming disengaged from education, training, and employment. T2S gives young people the opportunity to:
 - learn and achieve nationally recognised certificate qualifications
 - set goals for their future
 - participate in challenge-based activities
 - identify and access a number of alternative pathways that divert them from the justice system and keep them out of custody
 - build the social, cognitive, and behavioural skills they need to attain and maintain further education and employment.
- DYJ conducts restorative justice conferencing functions as part of statutory requirements of the Youth Justice Act 1992. The Mater Family and Youth Counselling Service (MFYCS) is a specialist counselling service which provides therapeutic intervention for adolescents who have committed sexual offences, their families and persons harmed and their families and or significant others where appropriate, who have been referred to restorative justice conferencing processes in the south east corner of the state.
- The Griffith Criminology Institute in Brisbane and DYJ provide state wide field based service provision for young people 10 to 17 years who have appeared in court and either pleaded guilty or been found guilty of a sexual offence. The Griffith Youth Forensic Service (GYFS) provides evidence based specialist psychological assessments and treatment services to young people who have sexually offended, their families and communities, including young people held in youth detention centres. Written pre-sentence assessment reports are carried out as ordered by Queensland Courts.
- The Motor Vehicle Offenders Program is targeted at young people who have been charged with or are before the courts with motor vehicle related offences. The program provides education on the impact that motor vehicle offending has on young people, their families and their communities.

Programs for Aboriginal and Torres Strait Islander young people

The establishment of the Youth Justice First Nations Action Board (FNAB) and Cultural Units, centrally and within our detention centres ensure cultural capability is addressed across varied programs in Youth Justice to reduce the over-representation of Aboriginal and Torres Strait Islander people in the youth justice system. The Youth Justice First Nations

Action Board (FNAB) works collaboratively to embed the knowledge and wisdom of Aboriginal and Torres Strait Islander peoples and staff across youth justice service delivery, policy, and practice.

Youth Justice Service Centres and detention centres work with Elders, Aboriginal and Torres Strait Islander communities and organisations to implement youth justice programs.

Aurukun Deadly Runners is a joint Transition to Success and remote Youth Justice program that creates a platform for young people to be selected for the renowned National Indigenous Running Championships in Uluru. Youth Justice works closely with the Aurukun PCYC and the Aurukun State School as part of their sporting lessons.

Family led decision making trials in youth justice

Young person and family members working together with an independent Aboriginal or Torres Strait Islander community-based facilitator to address concerns of police, courts and youth justice about the young person's offending. Collaboration between family members and if required support services who agree together to keep the young person safe and out of trouble in the community and have their often complex welfare needs addressed.

Process provides authority to the family to consider the consequences of the young person's behaviour and take action to address the issues so offending ends early and behaviour improves e.g. school attendance. At the conclusion of a family led meeting, a young person and family will develop a plan that uses the authority, resources and support networks within the family to better address the needs of the young person and sees the family take more responsibility for the young person's conduct. Other support is available through referrals and coordination of support services for more complex issues, ranging from intensive family support, specialist health and welfare services in the community.

Specialist Indigenous Youth and Family Workers

Specialist Indigenous Youth and Family Workers based in Aboriginal and Torres Strait Islander Family Wellbeing Services in high need locations will help families to develop their own plans about how they can address the issues contributing to offending by their adolescent children, or the factors that are leading to young people being refused bail.

The workers will provide intensive support to Aboriginal and Torres Strait families who have children at risk of entering, or already in contact with the youth justice system, especially those at risk of being remanded. Workers will support case planning via appropriate separate engagement with adolescents and supporting involvement in family planning. This initiative will also foster connections with youth justice and youth support services to ensure that families coming to the attention of these systems can more easily access support.

Cultural Support in Watch houses

Murri Watch Aboriginal and Torres Strait Islander Corporation provides cultural support to Aboriginal and/or Torres Strait Islander young people detained in Brisbane City, Townsville, Palm Island and Mackay watch houses to help meet their welfare and emotional support needs and keep them connected with their family.

Bail programs and supervised community accommodation

Conditional Bail Programs provide an alternative to remand for young people whom the court believes are unlikely to comply with their bail conditions unless supervised under a structured

program. Each conditional bail program is tailored to meet a young person's assessed needs and engages them in activities to develop their capacity to comply with their bail undertaking.

The DYJ also funds non-government agencies to deliver Bail Support Services in high demand locations. These services provide tailored support to young people who have been granted bail by the courts and who require additional assistance to meet bail conditions.

Supervised Community Accommodation (SCA) operates in four locations across Queensland. SCA offers children on bail or youth justice orders who have no supported, secure, and stable accommodation the opportunity to receive the support they need to attend school or vocational education and complete rehabilitation programs.

Pre- and post-release support

In accordance with their assessed needs, young people in detention are involved in a variety of programs including therapeutic, educational, vocational, behavioural, life skills, cultural, and recreational programs. These programs are regularly reviewed to ensure that they continue to meet the needs of those presently in custody.

Transition officers and case management officers, in partnership with Queensland Health and the Department of Education, support young people exiting detention. As part of the transition planning process, each young person is referred to local community services to continue programs they may have been undertaking in detention, as well as to access necessary therapeutic interventions.

Other programs and services

Young Offender Support Services

DYJ funds non-government organisations across Queensland to deliver Young Offender Support Services (YOSS). Risk factors contributing to offending are identified and dealt with by YOSS workers in partnership with statutory youth justice staff and family members to reduce the likelihood of offending and further contact with the youth justice system.

The program assists young people to develop skills in the areas of obtaining stable accommodation, relationships, health, decision-making, interpersonal skills, and goal setting.

Place-based initiatives

Several place-based initiatives have been implemented across Queensland to assist young people in areas that experience higher rates of youth crime. For example, the Townsville Community Youth Response is a key cross-agency group involving the Queensland Police Service, the DYJ, Queensland courts and the funded non-government organisation. It targets the underlying issues that lead young people to offend and provides comprehensive diversion, bail, and sentencing responses to young offenders and other at-risk young people.

Youth detention centres

Youth detention centres continue to focus on the safety, wellbeing, and rehabilitation of young people. The safe and secure management of youth detention facilities remained a key priority for DYJ in 2018-19.

Youth Justice works collaboratively with a range of stakeholders to provide on-site services to young people. Key partnerships for service provision include Queensland Health and the Department of Education.

All young people admitted to a youth detention centre are assessed to determine their physical, mental, and developmental needs. In collaboration with primary health services, on-site psychologists provide interventions in response to the assessed needs of young people,

including the delivery of therapeutic programs and referrals to specialist mental health services as required.

Queensland is the first state in Australia to employ speech and language pathologists in youth detention centres. These staff work within the existing behaviour support teams, alongside psychologists to support young people who require specialist behavioural and/or therapeutic intervention. Speech and language pathologists also work collaboratively with other allied health professionals to ensure young people have access to hearing screens and other assessments to address identified needs.

Youth detention centres have on-centre cultural units designed to provide culturally appropriate services and programs to Aboriginal and Torres Strait Islander young people. The cultural units ensure cultural safety and appropriate practices for Aboriginal and Torres Strait Islander young people are embedded in all youth detention centre processes, including daily operations, policies, and procedures.

Youth Education and Training Centres operate as educational units akin to mainstream schools and provide on-site education and training programs and services for young people. Daily routines and a structured day program ensure young people are engaged in constructive programs including cultural, educational, pre-vocational vocational, and recreational activities.

Positive behaviour support models in youth detention centres are designed to incentivise pro-social behaviour. This approach is based on the theoretical frameworks of Trauma Informed Practice, restorative practice, and cultural safety.

The restorative practice framework establishes a continuum of universal and targeted techniques to empower young people to be actively involved in resolving conflict, restoring relationships, and making positive choices. On-site restorative practice coordinators embed these processes and ensure all operational staff are trained in universal restorative techniques.

In 2016, the Independent Review of Youth Detention recommended a series of changes to improve practices and services that are central to the safety, wellbeing, and rehabilitation of young people in youth detention centres. The Queensland Government accepted all 83 of the recommendations and identified further opportunities to create positive change in the youth justice system.

The Queensland Government also committed \$6.2 million to implement the recommendations of the Independent Review of Youth Detention.

The changes recommended by the independent review focus on improving:

- cultural services and supports
- programs, education, and training
- mental health and therapeutic services
- behaviour management and incident prevention
- monitoring and oversight.

Recommendations within each of these focus areas have been progressed or implemented throughout the 2018-2019 period. At 30 June 2019, 30 recommendations were in progress, 44 completed and 9 closed.

Western Australia

Policy directions

Key policy directions in youth justice in Western Australia include:

- Providing mandated services in accordance with the *Young Offenders Act 1994*.
- The Strategic Framework 2017-2020 outlines how the Department of Justice, Corrective Services (the Department) will work with the mission of a fair, just and safe community for all Western Australians.
- Programs help to achieve a reduction in reoffending, with a particular focus on programs designed for Aboriginal young people.
- Reducing the over-representation of Aboriginal young people in the justice system with a particular focus on collaborative partnerships and innovative service delivery in regional areas.

Agencies

Youth Justice Agencies

Department of Justice, Corrective Services, Women and Young People is informed by the principles and functions outlined in the *Young Offenders Act 1994* (YOA) and the Department's Strategic Framework 2017-2020.

The YOA provides for the administration of youth justice in Western Australia. The YOA sets out the provisions for dealing with young persons who have, or are alleged to have, committed offences and to ensure that the legal rights of young people involved with the criminal justice system are observed.

Youth Justice (YJ) is responsible for the safety, security and rehabilitation of young people both in community and in custody. The core objective is to reduce reoffending among young people through:

- Programs and services to divert young people away from the criminal justice system
- Programs and services for young people on orders in the community.
- Programs and services in custody

YJ work holistically with young people and their families to improve outcomes for young people in contact with the justice system.

YJ will always:

- Prioritise the safety of the young person and the community.
- Consider what is in the best interests of the young person and their family.
- Deliver services to young people that recognise vulnerability, developmental levels, gender, and cultural and religious beliefs and practices.
- Be informed by evidenced-based practice.
- Deliver a comprehensive model of practice that is informed by:
 - the needs of each young person and is age, gender, culturally and linguistically appropriate
 - recognition and understanding that many young people in the justice system have experienced multiple traumas and that rehabilitation and care will need to address the trauma's causes and symptoms

- the identification of protective and risk factors
- communicate clearly and in a timely manner with all key stakeholders
- partner with other agencies and organisations to address complex issues contributing to youth offending in the planning and delivery of services
- engage with Aboriginal people to seek, promote and support culturally competent and Aboriginal designed and led initiatives that reduce reoffending

Police

Young people who come into contact with the justice system do so through contact with the police. The police have the option of issuing a caution, referring the matter to the Juvenile Justice Team (JJT), or referring the matter to court.

Courts

The Children's Court of Western Australia deals with offences alleged to have been committed by young people aged 10 to under the age of 18.

The court may impose one of following penalties:

- no punishment and no conditions
- no punishment but with conditions
- fines, costs, restitution and compensation
- responsible adult bond
- good behaviour bond
- referral to a juvenile justice team
- Youth Community Based Order
- Intensive Youth Supervision Order (with or without detention)
- Adult Community Based Order or Adult Intensive Supervision Order
- Custodial sentence (imprisonment or detention)

Young people in the Perth metropolitan area whose offending behaviour is linked to drug use can apply to participate in the Children's Drug Court.

Elements, programs and services

Diversion

Juvenile Justice Teams

Juvenile Justice Teams (JJT) provide alternative ways of dealing with minor offending behaviour by diverting young people away from the criminal justice system. JJT referrals are generated by police or the Children's Court. The JJT process offers the opportunity for victims and responsible adults to be involved in the development of an action plan that encourages the young person to take responsibility for their actions and address their offending behaviour. If the young person successfully completes the action plan, they do not receive a criminal record.

Metropolitan Youth Bail Services

Metropolitan Youth Bail Services is accountable for Youth Bail Services which aims at diverting young people from custody and ensuring they make all reasonable efforts to ensure they attend court.

Metropolitan Youth Bail Services staff have a duty of care to ensure that young people being bailed have access to a safe, secure and supportive living environment. In practice this allows coordinators to support and monitor community and family placements or to assist young people with hostel and supported accommodation options.

Metropolitan Youth Bail Services facilitate Supervised Bail arrangements where YJ takes responsibility for the young person and arranges an accommodation placement with the bail accommodation service.

Bail accommodation services are also provided in the East and West Kimberley, Pilbara (South Hedland), Mid-West Gascoyne (Geraldton), Goldfields (Kalgoorlie).

Case management

The YJ in the community deliver pre-release, transition and post-release support programs, to assist young people develop skills to manage their lives without further offending.

YJ case management is the day-to-day management of young people subject to community-based orders. It provides the framework for the planning and coordination of activities and services directed towards the young person with the objective of meeting statutory and policy requirements. Case management provides the structure in which interventions are provided to the young person. YJ develops and maintains productive and collaborative relationships with stakeholders, and works to support across-agency approaches to address the complex issues and needs of young people.

YJ use the risk/needs assessments tools:

- Youth Level of Service/Case Management Inventory 2.0,
- Youth Level Services/Case Management Inventory: Screener Research Version
- Level of Services/Risk Needs and Responsivity

Risk/needs assessment tools identify the young person's criminogenic needs and are used to inform the level and types of interventions to ensure that the court report plan and case planning activities are focused in the appropriate areas of need.

Changing Habits and Reaching Targets (CHART) is the principal casework intervention used by YJ.

CHART is a structured casework intervention program and provides a way of working with young people subject to Supervised Release Orders, community-based orders with supervision, detention sentences and long-term remand. CHART provides a consistent practical tool to address the young person's criminogenic needs.

Youth Justice Programs

After 18 months of consultation with the non-government and community services sector, the YJ Programs were procured in 2016 and rolled out state-wide in 2017. The YJ Programs service agreements encouraged culturally competent program design and delivery across 5 program areas:

- rehabilitation
- emotional wellbeing
- education, training and employment
- life skills, health and development
- bail services

The programs and services are delivered state-wide and are specifically tailored for young people involved in the youth justice system. In September 2019, YJ exercised a two year extension option for the YJ Programs service agreements to continue the delivery of services until 31 December 2021. In the second half of 2020, YJ will commence the consultation and procurement process for new programs and services to be delivered beyond 2021.

Supported accommodation and bail programs

The provision of bail services is delivered under the YJ Programs service agreements in the metropolitan and major regional areas. The service provides temporary and short-term accommodation placements for young people remanded on bail where no responsible adult or appropriate placement can be located. Bail services require 24-hour, 7 days a week supervision and include the provision of day programs and transport to appointments for young people.

Pre- and post-release support

All educational and vocational programs that a young person engages in while in custody are aimed to be compatible with the young person's abilities and areas of interest. A young person can be referred to a variety of personal development and treatment programs such as:

- Drug and alcohol intervention
- Emotional management programs
- Personal development programs: cultural, employability and life skills courses, and recreational activities
- Youth and Family Support teams (metropolitan only)
- Individual psychological counselling Step Up (violent offending group program)
- Sex offender treatment (individual counselling with centre psychologist).

Youth Justice Officers provide support to young people exiting detention on Supervised Release Orders. As part of their release plan young people are referred to a range of services including the YJ programs service providers to assist with their rehabilitation in the community.

Psychological services

Youth Justice Psychological Services is a state-wide team, responsible for providing psychological services to young people managed by YJ. Psychologists are based in Banksia Hill, metropolitan youth justice centres, and some regional youth justice centres. Psychologists also provide outreach services on a needs basis to regional/ remote areas.

Youth Justice Psychological Services delivers comprehensive, specialist assessments and interventions to young people and provides supports in accordance with their identified needs and release plans.

YJ psychologists provides individual face-to-face counselling to young people and their families, both to young people in custody and those in the community (both metropolitan and regional areas). Services are offered to custodial and community-based centres in the following areas:

- Forensic and clinical psychology
- Child development
- Behavioural management

- Management, family and community interventions
- Counselling to address criminogenic needs
- Risk issues and managing vulnerable young people.

Regional services for young people

Youth Justice is located in six regional areas across the state and provide:

- The management of young people on bail, juvenile justice teams, community-based orders or supervised release orders
- Emergency short-stay accommodation for young people who have been remanded on bail where no responsible adult or appropriate placement can be located.

South Australia

Policy directions

The *Youth Justice Administration Act 2016* and subordinate regulations:

- recognise and respond to the needs of Aboriginal young people in the justice system
- reflect that assessment, case planning and rehabilitation programs are key to crime reduction objectives
- reflect the important contribution of families and communities in supporting young people
- align with and reflect the rights of victims and promote community safety.

Key policy directions include:

- comprehensive and evidence-based criminogenic case management underpins all Youth Justice case planning and service delivery
- design and deliver programs/services to ensure that children and young people with high risk offending, complex and/or specialist needs receive a tailored response
- build partnerships to contribute to transition for children and young people out of Youth Justice back into their communities
- victim and community safety goals underpin security and behavioural management, case management, youth justice planning and service delivery
- children and young people who commit crime are provided with opportunity for restoration/restitution to victims of crime and the community
- connections will be strengthened to support family and carer capacity for children and young people during detention and while under orders in the community
- sector and community partnerships are fostered to achieve effective and positive outcomes for children and young people
- Youth Justice programs and services are culturally competent and responsive to the diverse needs of clients.

Agencies

Youth Justice agency

In South Australia, Youth Justice services are provided by the Department of Human Services (DHS). DHS Youth Justice is responsible for providing statutory youth justice services, both custodial and community-based, which aim to reduce re-offending and support children and young people to make positive life choices. The Department provides children and young people with support that is individualised and caters for specific developmental needs that reflects the diversity of cultures and communities in which they live. The department works with key partner agencies and community partners to connect children, young people and their families with supports, programs and services to improve outcomes and contribute to community safety.

Police

In South Australia, the police are the first point of contact for young people entering the justice system. The police may issue cautions (either informal or formal) to a child or young person who has admitted to an offence. They may also divert young people who admit an offence to a Family Conference, which is provided by the Courts Administration Authority.

Courts

In South Australia, children and young people who are alleged to have committed an offence and who are not diverted to a Family Conference are primarily dealt with by the Youth Court under the provisions of the *Young Offenders Act 1993*. The Youth Court is established under the *Youth Court Act 1993* and presided over by a District Court judge who is designated by proclamation as the Judge of the Youth Court.

A young person may also have their matters referred to a higher court subject to the seriousness of the offence (for trial as an adult) or if there is a pattern of serious repeat offending.

Elements, programs and services

Diversion

Young people who commit offences that are considered too serious for an informal or formal caution may be directed to attend a Family Conference. To be eligible for a Family Conference, the young person has to admit to carrying out the offence. If the charge is denied, the matter is referred to the Youth Court.

Supervision

Client supervision involves the use of statutory authority as the means of working with Youth Justice clients to meet their mandate requirements and, where necessary, provide interventions to promote their desistance from offending. Supervision tasks may include monitoring, compliance management, electronic surveillance, case management and program participation. Supervision occurs in the community and in the Adelaide Youth Training Centre—Kurlana Tapa (AYTC).

Case management

Case management is a flexible, planned and individualised approach to service delivery that provides the client with choices and maximises the efficient use of formal and informal resources in service provision. Case management focuses on engagement, dynamic worker-client relationships, goal setting and goal achievement. Case management promotes desistance from offending and places substantial emphasis on a rehabilitative approach.

South Australia uses a continuum of care approach in the application of case management for those exiting custody into the community, with a particular focus on re-integration and reconnecting to the community. Case conferencing with relevant stakeholders, including young people and their families, is an integral component of our case management approach. From a staffing model perspective, in South Australia our community-based and custodial case management teams are co-located to enhance information sharing and continuity principles are embedded through informal mechanisms as well as joint peer discussions and supervision.

Research has demonstrated reductions in recidivism and improved client outcomes when workers display a higher level of core effective practice skills during supervision with their clients. A Reflective Practice Model is part of the ongoing supervision requirements for staff and prioritises effective practice skills and approaches in all staff interactions with young people and their families.

Offence-specific and therapeutic programs

Youth Justice, together with its sector partners, delivers or facilitates delivery of a range of offence-specific programs and rehabilitation programs for young people. These include therapeutic interventions, life skill development and social integration that build engagement back to community. Examples of rehabilitation programs offered include:

- CHART (Changing Habits and Reaching Targets), which is a structured, individualised intervention program used as part of case management/statutory supervision. It uses a skills-oriented, cognitive behavioural focus to challenge offending behaviour for young people who require a moderate to high level of intervention to reduce their risk of reoffending. The focus for delivery is to use participatory learning methods and to be responsive to client needs, motivations and learning styles
- Ignition, which focuses on improving social and independent living skills. This program has a link to the Integrated Housing Exits Program in the community which provides accommodation and support to maintain a property to young people.
- SMART Recovery drug and alcohol program run by Streetlink.

Youth Justice Assessment and Intervention Services (YJAIS)

The YJAIS team is a multi-disciplinary team consisting of psychology, speech pathology and occupational therapy. The team provides consultation, assessment and individual intervention services for young people and staff.

Services include:

- clinical/forensic psychological assessments to assist case planning and case management—assessments cover background history, patterns of offending and include analysis of risk and recommendations for interventions to reduce the likelihood of further offending by a young person
- Communication and Social Skills
- Functional Life skills
- Interpersonal Violence
- Reports for the Youth Court
- Consultation services to management and staff regarding behaviour support for residents of the AYTC.

Programs for Aboriginal children and young people

DHS acknowledges the important role culture plays in the positive growth and development of Aboriginal children and young people within their family, cultural community and wider community. Aboriginal children and young people and their families are provided with access to a range of cultural support services. Aboriginal children and young people in the AYTC and the community receive specialist Aboriginal programs that focus on problem solving and the positive aspects of their cultural identity.

The Circles of Trust engagement tool assists case managers to gather information about Aboriginal clients, their family, cultural group and community supports. The information gathered through this tool promotes an understanding of the young person's kinship and family structure. It can assist to identify strengths and issues within this structure, the young person's connection to culture and community and the impact of any grief and loss.

DHS Youth Justice works collaboratively with partner agencies such as Child and Adolescent Mental Health Service to provide programs to young people, such as the Journey to Respect Aboriginal and Torres Strait Islander specific intergenerational violence prevention program.

Metropolitan Aboriginal Youth and Family Services (MAYFS) takes a holistic approach in its service provision, working with Aboriginal families within a restorative and family inclusive practice framework and service model.

Child and Adolescent Mental Health Service (CAMHS) Journey Home

The Journey Home is a program that helps young Aboriginal people and their families create pathways out of the justice system. The Journey Home team is part of CAMHS (SA Health).

Tasmania

Policy directions

The key policy directions in youth justice in Tasmania include:

- the implementation of a therapeutic model at Ashley Youth Detention Centre to ensure a contemporary, trauma informed, therapeutic service system consistent with national and international best practice and in line with community expectations;
- an infrastructure upgrade of Ashley Youth Detention Centre, Tasmania's only youth detention centre to ensure it is fit for purpose and enables an improved model of care as part of a modern, integrated state-wide therapeutic youth justice model;
- the implementation of a learning and development framework to be trained and supported in the provision of trauma informed interventions and practice.

Agencies

Youth justice agency

In Tasmania, Children and Youth Services, Department of Communities Tasmania is responsible for providing youth justice services such as:

- coordinating diversionary community conferencing
- providing statutory community-based supervision of young people on court orders
- providing support for court processes
- providing safe and secure custodial services and pre- and post-release support
- providing integrated case management of young people on legal orders
- managing the community service order program.

Police

Tasmania Police (within the Department of Police, Fire and Emergency Management) are the first point of contact for young people entering the criminal justice system, and are responsible for:

- dealing with reported youth crime and deciding whether to divert or to prosecute matters in the courts
- providing diversionary pre-court and informal and formal cautioning services
- referring a young person to Children and Youth Services for a non-court-based community conference.

Courts

In Tasmania, young people alleged to have committed an offence who are not diverted are dealt with by the Magistrates Court (Youth Justice Division) through a Specialist Youth Magistrate, under the provisions of the *Youth Justice Act 1997*. The Supreme Court may hear offences prescribed under the Act.

The Specialist Youth Magistrate assists the court to improve timeliness to finalisation, consistency in court decisions, coordination of youth justice services to the court and collaboration between relevant agencies.

Elements, programs and services

Diversion

The *Youth Justice Act 1997* provides a comprehensive framework for restorative justice, including the restoration or reparation of harm done in the community. Under the Act, diversion from the criminal justice system is the principal outcome sought for all young people. Detention is considered a sentencing option of last resort.

There are 2 primary levels of non-court-based diversion in Tasmania:

- Police have the power to informally or formally caution young people who have admitted to committing an offence.
- If the matter is considered more serious, police may request Children and Youth Services to conduct a community conference, which is convened by an independent facilitator.

A formal caution or a community conference can bring young people face to face with their victims to decide how best to rectify the harm caused by their offending.

Case management

Case management in Community Youth Justice identifies:

- the requirements of the court order and strategies to fulfil these
- the services and strategies required to address needs as determined by the Youth Level of Service/Case Management Inventory risk assessment tools and general assessment process, including other professional assessments as required
- the relevant people and services to help identify strategies and goals
- the level of agreement among those involved, including the young person and Community and/or Custodial Youth Justice, on the goals and strategies to achieve these goals, and the associated level of commitment
- the process of assessing and monitoring progress, and the point at which involvement with the young person will diminish.

The case management approach in place at the Ashley Youth Detention Centre (AYDC) takes account of the needs of the individual young person and any court-ordered obligations, as well as community expectations. A comprehensive assessment process undertaken upon admission informs this approach and continues throughout the period of detention.

Offence-specific and therapeutic programs

Targeted Youth Support Service

The Targeted Youth Support Service is a state-wide community-based program funded by Children and Youth Services to provide intensive case management and therapeutic

interventions for young people aged 10–17. The target group are young people with substantial or multiple-risk issues who, without intensive support, would be at risk of notification to the Child Safety Service or entry into, or escalation within, the youth justice system.

Changing Habits and Reaching Targets (CHART)

CHART is an offending behaviour program that addresses the offending needs of high-risk young people on supervised orders. The program uses active, participatory learning methods and employs a skills-oriented, cognitive-behavioural approach to casework with young offenders.

Juvenile Fire Lighting Intervention Program

The Juvenile Fire Lighting Intervention Program (JFLIP) is a state-wide behaviour change program designed for children aged 4–14 who engage in unsafe fire-setting. It is a family-based program delivered in the home by trained JFLIP fire-fighters. JFLIP practitioners also participate in community conferences and formal cautions for young people who have committed fire-related offences.

Health services at AYDC

AYDC offers an onsite health centre in conjunction with Correctional Primary Health Services and Forensic Mental Health Services. It functions 7 days a week, 12 hours a day with an on-call service extending this to 24-hour coverage. Health services provided include general practitioner, general and mental health nursing, mental health assessment and treatment, pharmacy, pharmacotherapy treatment, alcohol or other drug use and dental. The centre also facilitates access to community-based health and assessment services.

Rehabilitative programs at the AYDC

All young people at the AYDC participate in a range of rehabilitative programs. The programs offered and techniques applied take place within a case management context, are evidence-based and focus on offender rehabilitation. The program framework is designed to provide cognitive-based therapeutic programs for persistent and serious offenders and address specific criminogenic and social needs. Basic interventions that address issues that may affect community integration, such as employment, education, accommodation and leisure, are also included.

Transition from Ashley Youth Detention Centre

This program, delivered by Save the Children, works with young people aged 12–18 who are in detention and/or remand in AYDC, assisting them to reintegrate into the community. Youth workers support young people both in AYDC and when they transition back into the community to support young people to identify and meet their recreational, educational and vocational and/or employment goals and aspirations.

Supporting Young People on Bail

Save the Children works in partnership with Community Youth Justice, the Magistrates Court, Early Intervention Units, Tasmania Police and other community agencies to support children and young people aged 12–18 who have been placed on bail. Youth workers work with young people to identify their recreational, educational and vocational/employment goals and aspirations. These goals form the young person's Bail Support Plan. Support is provided to the young person during their bail period to help them meet their goals.

Education

The Department of Education operates a school on site at the AYDC for young people of compulsory and non-compulsory school age. The educational focus for detainees reflects the curriculum used in schools and training facilities in the community.

Programs for Aboriginal and Torres Strait Islander young people

Youth Justice has a number of partnerships with Indigenous organisations, including:

- Tasmanian Aboriginal Corporation (TAC), which has supervised a number of young people on community service orders and involved them in health and wellbeing programs, as well as tasks such as land care. A TAC youth worker attends AYDC weekly and meets with young people and staff as required. TAC also attends mediation conferences when an Aboriginal young person is involved. AYDC consults with TAC as part of exit planning and the youth worker will provide mentoring to young people on return to the community.
- Cornerstone delivers an Aboriginal support program at AYDC that includes components relating to culture, identity and risk taking. Cornerstone also offer individual mentoring to support reintegration.
- Circular Head Aboriginal Corporation, provides programs including vocational support, reintegration with schooling and activities such as outdoor education, health and wellbeing. They also support to young people through the court process.
- Tasmanian Aboriginal Child Care Association, which has provided placements for a number of young people on community service orders in general maintenance tasks
- Meenah Mienne (My Dream), which is a government-assisted Tasmanian Aboriginal arts community organisation that provides art and mentoring programs.

Other programs and services

Tasmania's Commissioner for Children and Young People acts as an advocate for all young people detained at AYDC. As advocate for young people at AYDC the commissioner is concerned with the overall physical and emotional wellbeing of each young person. In fulfilling this role the commissioner listens to and gives voice to concerns and grievances; educates young people on their rights and facilitates resolution of issues and access to support services as appropriate.

AYDC is also subject to the oversight of the Custodial Inspector. The purpose of the Custodial Inspector is to provide independent, proactive, preventative and systemic oversight of custodial centres. In particular, the Custodial Inspector provides external scrutiny through an independent statutory office and the publication of reports and recommendations. The focus of the Inspector is on systemic issues relating to the management, control and security of the state's prisons and youth detention centre and the care and welfare of prisoners and detainees.

Australian Capital Territory

Policy directions

Key policy directions in youth justice include:

- The *Blueprint for Youth Justice in the ACT 2012–2022* provides strategic direction for reform of the youth justice system to improve outcomes for young people. The 10-year

strategy focuses on reducing youth crime by addressing the underlying causes and promoting early intervention, prevention and diversion of young people from the youth justice system.

- A Blueprint for Youth Justice Taskforce was established in 2017 to consider priorities for ongoing reform over the final five years of the Blueprint. The Taskforce final report was released in May 2019. This final report summarises achievements in youth justice in the ACT over the past six years and identifies 10 focus areas to achieve better outcomes for children and young people over the final four years of the Blueprint. The Government response to the Taskforce's report was released in November 2019.
- Child and Youth Protection Services is an integrated service model combining the statutory functions of the care and protection and youth justice systems, to support children, young people and their families who require a care or justice response. Child and Youth Protection Services operates under a single-case management policy for young people involved with the youth justice system.
- *A Step Up for Our Kids: One Step Can Make a Lifetime of Difference (Out of Home Care Strategy 2015–2020)* provides enhanced understanding of, and responses to, long-term trauma through exposure to childhood abuse and neglect.
- The *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028* establishes 10 action plans for Aboriginal and Torres Strait Islander communities to actively influence and participate in social, economic and cultural life. The new agreement was developed in partnership by the ACT Government and the ACT Aboriginal and Torres Strait Islander Elected Body.
- The *Disability Justice Strategy 2019-2029* aims to achieve equity and inclusion for people with disability in the justice system. The strategy focuses on the safety and rights of people with, the responsiveness of the justice system and how we achieve and measure change.
- The Early Support initiative is a 10-year reform of the human services system to enhance wellbeing through increased early support across key areas: health; education; justice and community safety; and community services.

Agencies

Youth justice agency

The Community Services Directorate is responsible for providing youth justice services in the Australian Capital Territory. These services include the Bimberi Youth Justice Centre (Bimberi); youth justice case management; and the After-Hours Crisis Service.

Services related to youth justice and care and protection are integrated and are collectively known as Child and Youth Protection Services (CYPS). This integrated system enables better service coordination to prevent children and young people who experience trauma, neglect and abuse from escalating to the youth justice system. CYPS provides a trauma-informed response that focuses on diversion, protection, restoration, transition and permanency.

CYPS is responsible for the assessment, supervision and support of children and young people subject to bail or justice orders, either in the community or in custody. CYPS also provides pre-sentence reports on young people to the courts and is the lead service supporting young people accessing the After-Hours Crisis Service.

Police

ACT Policing is the first point of contact for young people entering the criminal justice system in the Australian Capital Territory. Police officers have discretionary powers to divert young people who have committed minor offences using a warning and diversionary system. If a decision is made to prosecute, ACT Policing may issue a summons for the young person to attend court or detain them until the next sitting of the Childrens Court.

ACT Policing, along with the ACT Childrens Court, is a primary referral source linking young people to a restorative justice response. The Restorative Justice Unit within the Justice and Community Safety Directorate is responsible for managing all restorative justice conferences.

Courts

The ACT Childrens Court deals with young people who are alleged to have committed an offence while aged 10 to 17 years, and who are not diverted from the criminal justice system. Young people convicted of indictable offences in the Childrens Court may be committed to the Supreme Court for sentencing. Young people who are convicted by the Supreme Court may be remitted to the Childrens Court for sentencing.

Elements, programs and services

Diversion

Diversionary programs provide a targeted response for young offenders, many of whom are first-time offenders and may be at risk of becoming persistent offenders. These programs divert young people from entering or continuing in the youth justice system in the ACT:

- The After-Hours Crisis Service aims to keep young people out of custody by providing community-based options as an alternative to being remanded in Bimberi and assists young people on justice orders to comply with the conditions of their orders.
- The Restorative Justice Unit is committed to providing a culturally safe space for all participants to support and guide communication between eligible and suitable victims, offenders and their communities of care, to improve understanding and reparation for victims of crime. An Indigenous Guidance Partner and an Indigenous Convenor are available to support Aboriginal and Torres Strait Islander clients through the restorative justice process.
- In early 2018, the Restorative Justice Unit commenced monthly co-location within Child and Youth Protection Services, to improve access to restorative justice services. From 1 November 2018, the scheme expanded to include referrals for family violence and sexual offences.
- The Warrumbul Court commenced in December 2019 as a youth justice circle sentencing court that provides a culturally appropriate sentencing approach for Aboriginal and Torres Strait Islander people. The Court provides an opportunity for the ACT Aboriginal and Torres Strait Islander community to work collaboratively with the ACT criminal justice system to address over-representation issues and offending behaviour.
- Youth Alcohol and Drug Diversion Programs aim to divert young people away from the youth justice system, referring them to assessment and education programs:
 - The Youth Alcohol Diversion Program provides intervention and education to young people who engage in underage drinking.
 - The Illicit Drug Diversion Program provides intervention and education to people who engage in drug taking.

These programs, delivered through a partnership between ACT Policing and Canberra Health Services, also collect data on young people and their use of alcohol and other drugs, with a view to reducing harm, binge drinking and associated social and health problems in the community.

Yarrabi Bamirr Trial

Yarrabi Bamirr (meaning 'walk tall' in the Ngunnawal language) was officially launched in mid-2017 at Winnunga Nimmityjah Aboriginal Health and Community Services. This approach uses a family-centric model of service support with Aboriginal and Torres Strait Islander families, to improve life outcomes and reduce or prevent contact with the criminal justice system. As of June 2019, there are three Aboriginal services delivering this trial - Winnunga Nimmityjah Aboriginal Health and Community Services, Aboriginal Legal Service NSW/ACT, and Mulleun Mura (meaning Eagle in Ngunnawal and based at the Women's Legal Service).

Yarrabi Bamirr is designed to address complex needs using a comprehensive approach that is co-designed with the client and their family. A range of agencies work collaboratively to support the issues clients are experiencing. This involves intensive support that gradually builds the clients' own capacity to navigate issues and self-manage their affairs.

Case management

CYPS provides case management and service coordination for all young people supervised on a community-based order or detained at Bimberi, as well as transition planning for those serving periods of detention. CYPS has made practice improvements to strengthen case managers' skills to reduce risk factors associated with offending, increase the compliance of young people under supervision with justice orders, and strengthen protective factors.

Offence-specific and therapeutic programs

A range of programs and interventions are delivered within the community and custodial environments to address the needs of young people. These include programs that focus on alcohol and other drug issues, relationship issues and educational needs. The Changing Habits and Reaching Targets (CHART) program, a cognitively based intervention designed to help young people to change their thinking and decision-making processes, is delivered in the community and Bimberi.

Young people at Bimberi are provided with tailored case plans that recognise the importance of recovery from trauma, consider a disability assessment and strengthen life skills. A full-time Principal Practitioner is employed at Bimberi to strengthen trauma-informed therapeutic treatment and case management support for young people with complex and challenging presentations. A range of partnerships also operate to assist young people through a focus on education; employment skills programs; post-release support; disability support; and health and mental health support.

Programs for Aboriginal and Torres Strait Islander young people

CYPS has a dedicated cultural services team, which assists case managers to provide culturally appropriate support and supervision to Aboriginal and Torres Strait Islander young people.

Bimberi employs a designated Family Engagement Officer, who supports engagement between young people and families, and works with case managers and Aboriginal and Torres Strait Islander community service providers to ensure young people transitioning from custody are supported within their community.

The Murrumbidgee Education and Training Centre at Bimberi also has an Aboriginal and Torres Strait Islander Transition Officer, who facilitates the transition of Aboriginal and Torres Strait Islander young people into appropriate training, education or employment options.

Aboriginal and Torres Strait Islander community service providers run various programs at Bimberi, including counselling, family support and Aboriginal and Torres Strait Islander art.

Supported accommodation and bail programs

The After-Hours Crisis Service aims to keep young people out of custody by providing community-based options as an alternative to being remanded in Bimberi and assisting young people on justice orders to comply with the conditions of their orders. Staff work with young people, court officials and other service providers to ensure that, where appropriate, young people are able to remain in the community while being supervised for compliance with bail conditions.

The Narrabundah House Indigenous Supported Residential Facility provides crisis, short- to medium-term accommodation options and intensive case management, primarily for Aboriginal and Torres Strait Islander young men aged 15 to 18 who are on community-based justice orders. The facility provides supported accommodation and culturally based residential and integrated programs focused on community participation and integration.

Other programs and services

Oversight mechanisms

The ACT youth justice system operates within a human rights framework, governed by the *ACT Human Rights Act 2004*, and is committed to delivering transparent and accountable services. Existing oversight mechanisms and agencies include:

- An Official Visitor for Children and Young People and an Official Visitor who identifies as an Aboriginal and Torres Strait Islander person who supports young people in detention or in out of home care to raise concerns and complaints.
- The ACT Human Rights Commission and Public Advocate provide external oversight of Bimberi and the broader youth justice system. Child and Youth Protection Services work with these agencies to promote continuous practice improvement.
- A Charter of Rights for Young People in Bimberi Youth Justice Centre has been implemented to strengthen the protection of young people in Bimberi.
- The Inspector of Correctional Services, established under the *Inspector of Correctional Services Act 2017* to oversee and examine the operations of the adult and youth detention systems in the ACT from December 2019.

Northern Territory

Policy directions

Territory Families is responsible for leading the youth justice policy in the Northern Territory and strategic direction is established in Territory Families' Strategic Plan Refresh 2017–2020. Policies focus on early intervention and re-engagement, alternatives to detention, and reform of youth detention. Reforms to youth justice in the Northern Territory are ongoing and are informed by the Royal Commission into the Protection and Detention of Children in the Northern Territory.

Agencies

Territory Families

Territory Families brings together a range of policy, advocacy and frontline service delivery functions to support the delivery of youth justice services that provide alternative pathways to break the cycle of reoffending.

Territory Families is responsible for the supervision of youth in detention within the Alice Springs Youth Detention Centre and the Don Dale Youth Detention Centre based in Darwin. In addition, Territory Families' Youth Outreach and Re-engagement Teams are based across the Territory and focus on building strong relationships and identifying gaps across services that support young people and their families to navigate the youth justice system.

Youth Outreach and Re-engagement Officers within these teams act in the best interests of young people, focusing on early intervention and prevention, taking a proactive outreach to reduce antisocial and offending behaviours.

Police

Youth offenders in the Northern Territory who are dealt with by Northern Territory Police may be referred to the NT Police Youth Pre-Court Diversion Scheme (YDS) under either section 39 or 64 of the *Youth Justice Act 1997*. Depending on the nature of the offending a young person may also be released on bail, or remanded in custody.

Courts

If the court finds a charge proven against a young person, the decision may be made to:

- dismiss the charge or discharge the young person without penalty
- adjourn the matter for up to 6 months and, if the young person does not commit a further offence during that period, discharge them without penalty
- adjourn the matter to a specified date within 12 months of the finding of guilt, and grant bail to the young person for the purposes of assessing prospects for rehabilitation, allowing the youth to demonstrate they have rehabilitated or for any other purpose the court considers appropriate
- order the young person to participate in a specified program that has been approved by the Minister
- order that the young person be released, subject to conditions including to observe any specified conditions, be of good behaviour for a specified period or appear before the court if called to do so
- impose a fine
- make a community work order
- order that the young person serve a term of detention or imprisonment that is suspended
- order that the young person serve a term of detention or imprisonment
- make any other order that another court could make if the young person were an adult.

Elements, programs and services

Youth pre-court diversion

The YDS operated by Northern Territory Police operates within a Restorative Justice framework and includes verbal and written warnings, Drug Diversion and Youth Justice

Conferencing (with either family or victim–offender). Conference outcomes can include referral to formal programs to assist with the issues behind offending. These can include alcohol and other drugs or anger management counselling, and conditions such as an apology to the victim, community work and engagement with school.

NT Police provide ongoing training on the YDS and restorative justice conference facilitation to both police and non-government service providers who work with youth offenders.

Case management

All YDS clients who are formally diverted are case managed through the diversion process. Non-government services, funded under the Youth Diversion Grants Program managed by the Department of Correctional Services, provide specific case management services in urban and remote areas. In remote communities they also work under a community development model with young people at risk and those undergoing reintegration from detention.

Offence-specific and therapeutic programs

NT Police work closely with all community-based services so that young people may access programs relevant to their needs. Programs used by the YDS can include substance abuse, anger management, training and education, and community work.

Drug Diversion is also offered for first-time low-level offending. This is generally referral for education-based services.