

Youth justice

11

Summary

Target

The target associated with Outcome 11 of the 2020 National Agreement is to reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by at least 30% by 2031 from a 2018–19 baseline of 31.9 per 10,000 young people.

Background

- While the vast majority of Aboriginal and Torres Strait Islander (First Nations) young people have never been under youth justice supervision or in detention, they are substantially significantly over-represented in youth justice supervision.
- Imprisonment or detention can affect people's social, health and socioeconomic outcomes, with adverse consequences for their employment, financial situation, housing, and physical and mental health.
- Children under youth justice supervision are a particularly vulnerable group. Many have poor physical or mental health, have had contact with the child protection system (including out-of-home care placements), have experienced substance abuse, or have poor school attendance and attainment.
- It has been shown that those who are first involved with the criminal justice system at a younger age are more likely to re-offend.

Current status

- Nationally, the rate (number per 10,000) of First Nations young people aged 10–17 who were in detention on an average day in 2022–23, was 29.8. This rate is above the 2022 trajectory point projected to meet the national target of 22.3 per 10,000 by 2031.
- In 2022–23, on an average day, around 1,500 First Nations young people aged 10–17 were under community supervision, and around 445 were in detention. Most of those in detention were unsentenced (around 375 or 84%), with a smaller proportion sentenced (99 or 22%). The number of unsentenced and sentenced young people in detention may not sum to total number of young people in detention as young people may have changed legal status during the same day, or been on both types of orders at the same time.
- First Nations youth were 27 times as likely as non-Indigenous youth to be in detention in 2022–23.
- In 2022–23, the rate of First Nations young people in detention in New South Wales (20 per 10,000), Victoria (9 per 10,000), South Australia (19 per 10,000) and Tasmania (7 per 10,000) were all lower than the 2031 national target of 22.3 per 10,000. Queensland (46 per 10,000) and the Northern Territory (43 per 10,000) had the highest rates.
- In 2021–22, the rate of First Nations young people aged 10–17 in detention was similar in *Major cities* (26 per 10,000) and *Inner regional and outer regional* areas combined (25 per 10,000), but higher in *Remote and very remote* areas combined (37 per 10,000).
- In 2022–23, boys (52 per 10,000) were 7 times as likely as girls (7 per 10,000) to be in detention on an average day.
- Nationally, the number of First Nations young people in sentenced detention on an average day fell from around 145 in 2018–19 (the Closing the Gap baseline year) to 94 in 2021–22.

Key factors

- Policy initiatives aimed at reducing the over-representation of First Nations youth in the justice system are multifaceted. They focus on preventing First Nations young people from having contact with the justice system, diverting them from further contact after an initial contact, delivering culturally appropriate services to meet the multiple and complex needs of those in contact with the system, and dealing with the drivers of contact with the system at a local community level. Promising prevention interventions include:
 - primary prevention initiatives – to reduce petrol sniffing among young people, conduct night patrols and settle family disputes
 - secondary prevention initiatives – to remediate existing problem behaviour
 - tertiary prevention initiatives – to focus on the homes, families, schools, neighbourhoods and friends of chronic and violent youth offenders.
- It is critical to develop preventive measures to reduce First Nations people's engagement in crime and contact with the criminal justice system. Key to successful prevention and early intervention is to build positive long-term relationships with families, communities and service providers.
- Other promising practices of First Nations youth justice programs include recognising the importance of having adequate resources, together with culturally appropriate and competent services; collaborating effectively; attending to the multiple and complex needs of offenders; engaging with families; and conducting culturally appropriate parental education.
- Areas that need further in-depth research and evaluation include:
 - how First Nations participants fare in mainstream justice programs
 - how sustainable are the outcomes
 - whether collaborative case management in youth crime prevention and reduction programs is effective for First Nations young people
 - how effective are the structured, cognitive behavioural programs based on 'Western' psychological theories.

11.1 Introduction

Outcome 11 of the 2020 National Agreement on Closing the Gap relates to reducing the over-representation of Aboriginal and Torres Strait Islander young people in the criminal justice system.

The target associated with this outcome is to reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by at least 30% by 2031 from a 2018–19 baseline of 32.1 per 10,000 young people on an average day.

Outcome	Aboriginal and Torres Strait Islander young people are not over-represented in the criminal justice system.
Target	By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by at least 30%.
Indicator	The rate of Aboriginal and Torres Strait Islander young people aged 10–17 years in detention.
Measure	<p><i>Numerator</i> – average daily number of Aboriginal and Torres Strait Islander young people aged 10–17 years in supervised youth detention.</p> <p><i>Denominator</i> – number of Aboriginal and Torres Strait Islander people aged 10–17 years in the population.</p> <p>Presented as a rate (per 10,000 young people).</p>

The vast majority of Aboriginal and Torres Strait Islander (First Nations) young people have never been under youth justice supervision or in detention. However, First Nations young people are significantly over-represented in the youth justice system. Although 5.8% of young Australians aged 10–17 in Australia were of Aboriginal or Torres Strait Islander origin according to the 2021 Census of Population and Housing (Census), around 63% of those aged 10–17 in detention on an average day in 2022–23 were First Nations people.

Children under youth justice supervision are a particularly vulnerable group. Many have poor physical or mental health, have had contact with the child protection system (including out-of-home care placements), have experienced substance abuse, or have poor school attendance and attainment (AIHW 2022a).

The over-representation of young First Nations people in justice systems in Australia has been documented for decades (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011; Johnston 1991). Imprisonment or detention can affect people’s social, health and socioeconomic outcomes, with adverse consequences for their employment, financial situation, housing, and physical and mental health (see review in AIHW and NIAA 2023). As the *Uluru Statement from the Heart* states: ‘... our youth languish in detention in obscene numbers. They should be our hope for the future’ (First Nations National Constitutional Convention 2017).

The source of the data presented in this chapter is the Youth Justice National Minimum Data Set (YJ NMDS). The YJ NMDS contains information on all children and young people in Australia who are supervised by youth justice agencies, both in the community and in detention, and is a compilation of data from state and territory administrative systems. Information is reported annually in *Youth Justice in Australia*, which presents the average daily population under youth justice supervision for each year and explores key aspects of

youth justice supervision and recent annual trends (AIHW 2023c). *Youth detention population in Australia* is another annual report; it focuses on quarterly trends over a 4-year period and presents the average nightly population for each quarter. The data are reported differently from those in *Youth Justice in Australia 2022–23* (AIHW 2023c) to get a better understanding of the characteristics and seasonal trends of young people in detention in order to help support staff, case workers and policy makers to get the best outcomes for these young people (AIHW 2022c).

Numbers in this chapter include those for young people under youth justice supervision of all ages (including those aged 18 and over), unless otherwise specified. Where possible, data are presented for those aged 10–17, the age group used for the Closing the Gap target measure. However, in some cases, data were available only for all people in the youth justice system, and include data for those aged 18 and over. While the upper age limit for the youth justice system is 17 (at the time of the offence) in all states and territories, some people aged 18 and over are also involved in the system. This can occur when:

- the young person committed the offence when aged 17 or under, but was sentenced when aged 18 or over
- the supervision continues once the young person turns 18
- the young person is particularly vulnerable or immature (AIHW 2023c).

Those aged 18 and over when in youth justice supervision or detention represent a substantial proportion of the total people in the youth justice system; for instance, in 2022–23, on an average day, 19% of First Nations people under youth justice supervision (around 460) were aged 18 and over and 8.1% of First Nations people in youth detention (39) were aged 18 and over. Given this, numbers for all those in the youth justice system may differ from the numbers for those aged 10–17 in the system. Note that rates are age specific and are calculated for young people aged 10–17 as this is the core age group of the youth justice population.

11.1.1 Overview of the youth justice system in Australia

The youth justice system is the set of processes and practices for managing children and young people who have committed, or allegedly committed, an offence. In Australia, the youth justice system primarily covers young people aged 10–17 at the time of the offence. A major feature of the system is the supervision of young people on legal orders. Youth justice supervision may occur in the community or in detention facilities.

Among the states and territories, variations in the numbers and rates of young people under supervision reflect differences in youth justice legislation, policy and practice. This includes differences in police practices, the types of legal orders available and the options for diversion (AIHW 2023c).

The Australian youth justice system is based on 2 main principles (which are incorporated in state and territory legislation): that young people should be detained only as a last resort, and for the shortest appropriate period (Chrzanowski and Wallis 2011). This is consistent with international guidelines, such as the United Nations Convention on the Rights of the Child and the Standard Minimum Rules for the Administration of Juvenile Justice (UN 1985, 1989).

Diverting young people from further involvement in the justice system is crucial to applying these principles. Forms of diversion include:

- police warnings

- referral to services such as drug and alcohol treatment
- bail supervision for those at risk of remand
- youth justice conferences (a meeting between a young offender, their victim and other people who know about the offence – see, for example, NSW Government 2023).
Alternatives to detention include:
 - transfer to specialist courts or programs
 - supervised or unsupervised community orders (AIHW 2022c).

Most young people under youth justice supervision in Australia are supervised in the community. Different supervision scenarios, according to whether the supervision is community-based or in detention, and whether the supervision is sentenced or unsentenced (referred to as the ‘legal status’ of the supervision), are shown in Table 11.1.

Table 11.1: Types of youth justice supervision

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

Source: AIHW 2023c.

Sentenced and unsentenced detention

Young people might be in detention while they are:

- unsentenced – that is, while they are awaiting the outcome of their court matter, or awaiting sentencing after being found or pleading guilty
- sentenced – that is, when they have been found guilty in court and have received a legal order to serve a period of detention (AIHW 2023c).

11.1.2 Changes to the minimum age of criminal responsibility

Among the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory were for Australia to raise the minimum age of criminal responsibility from 10 to 12 and to keep young people aged 14 and under out of detention unless they have committed a serious crime or pose a serious risk to the community (NT Royal Commission Australian Government 2017).

On 1 August 2023, the Northern Territory Government raised the minimum age of criminal responsibility from 10 to 12 when it passed the *Criminal Code Amendment ACT 2022*. However, since then a new Northern Territory government elected on 24 August 2024 has confirmed that it plans to lower the minimum age of criminal responsibility from 12 to 10 in its first sitting of parliament.

On 1 November 2023, the Australian Capital Territory (ACT) raised the minimum age of criminal responsibility from 10 to 12 when the ACT Legislative Assembly passed the Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023.

On 10 September 2024, the *Youth Justice Bill 2024* that had been passed by the Victorian Parliament on 16 August 2024 received Royal Assent, raising the minimum age of criminal responsibility in Victoria from 10 to 12.

At the federal level and in New South Wales, Queensland, Western Australia, South Australia, the minimum age of criminal responsibility remains 10 years of age (Ransley et al. 2024).

The Tasmanian Government has committed to the implementation of all the recommendations from the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (CoI). Recommendation 12.11 of the CoI includes that the Tasmanian Government should introduce legislation to increase the minimum age of criminal responsibility to 14 years and work towards increasing the minimum age of detention to 16 years through developing alternatives to detention for children aged 14 and 15 years who are found guilty of serious violent offences and who may be a danger to themselves or the community (Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse 2023).

In 2022–23, there were 31 First Nations children aged 10–13 in detention on an average day, around 7% of all First Nations people aged 10–17 in detention on an average day (AIHW 2023b).

11.2 Youth justice target: current picture and time trends

11.2.1 National

Nationally, the rate (number per 10,000) of First Nations young people aged 10–17 who were in detention on an average day in 2022–23, was 29.8. This rate is above the 2022 trajectory point projected to meet the national target of 22.3 per 10,000 by 2031. Over time, the rate ranged from 32–34 between 2013–14 and 2018–19, before falling to 24 in 2020–21, and then rising to 30 in 2022–23 (figures 11.1 and 11.2; table S11.1 and S11.2).

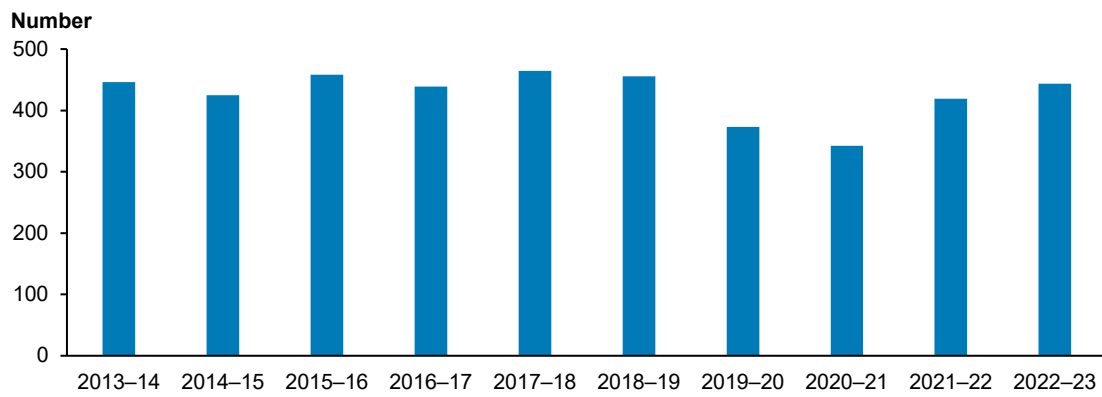
Similarly, the number of First Nations young people aged 10–17 in detention on an average day remained fairly steady between 2013–14 and 2018–19, ranging from a minimum of around 425 (in 2014–15) to a maximum of 464 (in 2017–18) (Figure 11.1; supplementary Table S11.1). The number fell to around 340 in 2020–21, before increasing to around 445 in 2022–23.

In 2022–23, First Nations youth were 27 times as likely as non-Indigenous youth to be in detention, compared with 23 times as likely in 2018–19. Since the baseline year of 2018–19, the over-representation of First Nations youth in detention fell initially, then rose in 2021–22 and 2022–23. Between 2013–14 and 2021–22, the rate of non-Indigenous young people aged 10–17 who were in detention remained steady at around 1.3–1.5 per 10,000 (Figure 11.2).

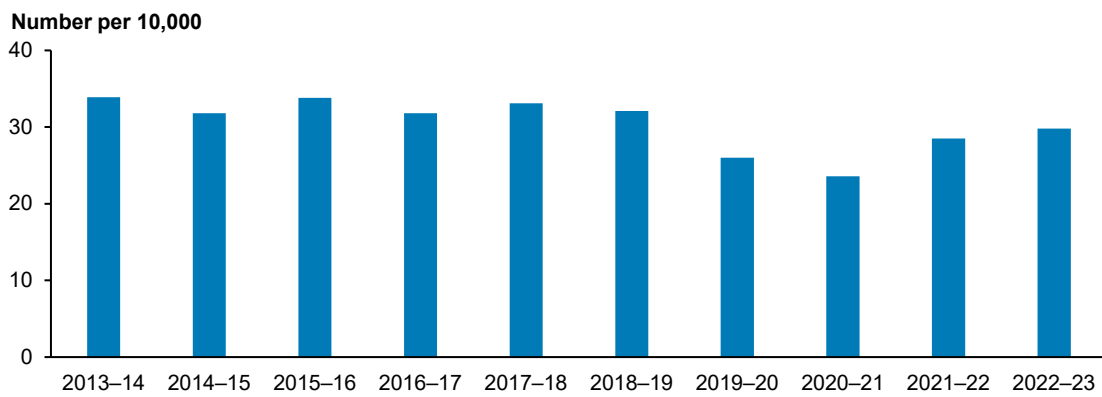
To meet the 2031 national target of a reduction of at least 30% from 32.1 per 10,000 in the baseline year of 2018–19, the rate would need to drop to at least 22.3 by 2031. In 2031, the population of First Nations young people aged 10–17 is projected to be about 170,500 (ABS 2011-to-2031). A youth detention rate of 22.3 per 10,000 First Nations young people in 2031 would equate to about 380 First Nations young people being in detention on an average day, compared with 518 in 2022–23. That would represent 138 fewer First Nations young people in detention on an average day in 2031, compared with 2022–23.

Figure 11.1: First Nations young people aged 10–17 in detention on an average day, 2013–14 to 2022–23

(a)



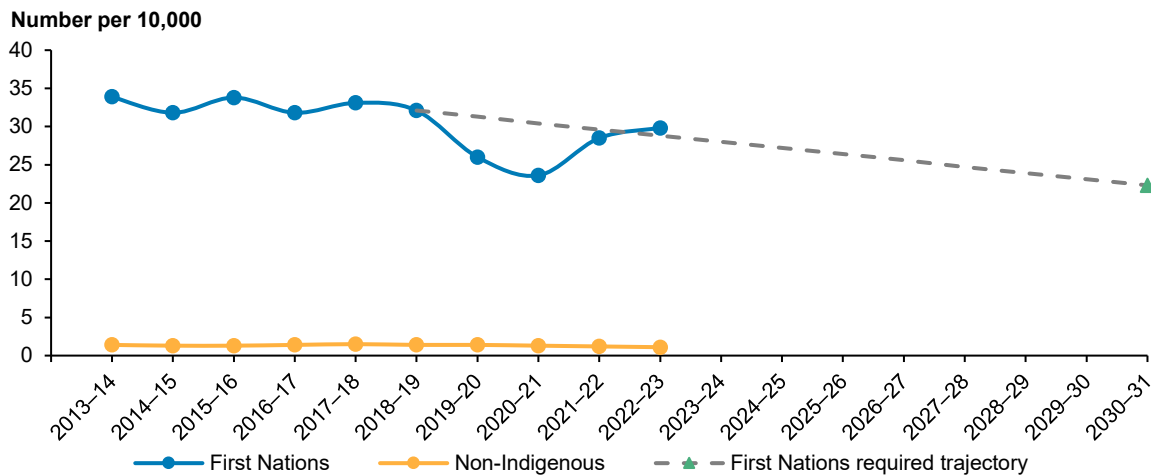
(b)



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

Source: AIHW 2023c, Tables S81a and S83a.

Figure 11.2: Young people aged 10–17 in detention on an average day, by Indigenous status, 2013–14 to 2022–23 and trajectory required to meet 2031 Closing the Gap target



Note: First Nations and non-Indigenous rates are based on data reported in *Youth Justice in Australia 2022–23* (AIHW 2024) and may differ from those previously published due to data revisions. First Nations required trajectory is based on data reported on the Closing the Gap Dashboard (Productivity Commission 2022).

Sources: AIHW 2023c, Table S83a; Productivity Commission 2022.

Impacts of the COVID-19 pandemic

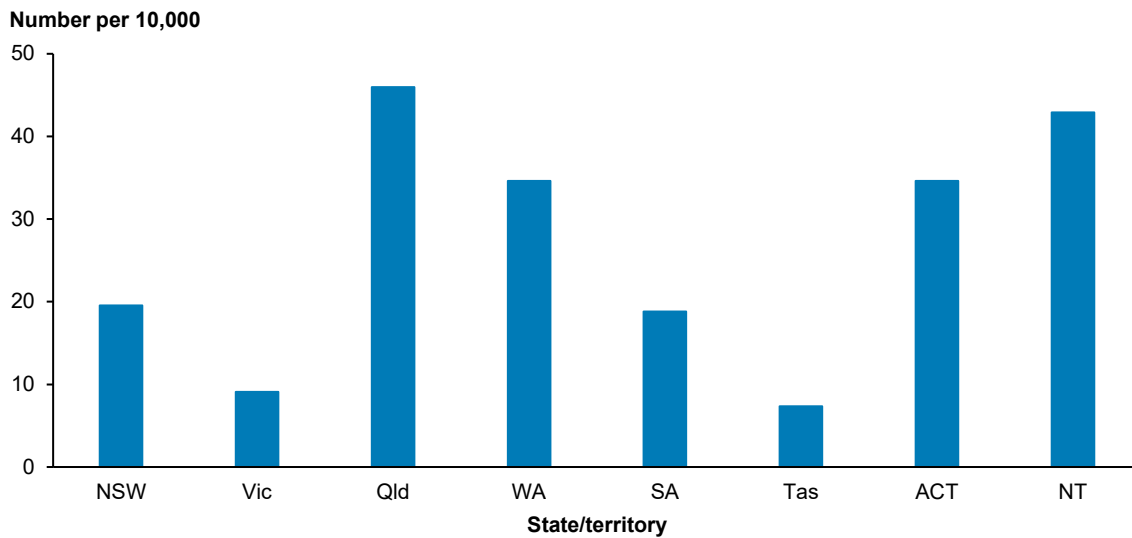
The results for the most recent years raise the question of how the COVID-19 pandemic has affected youth justice outcomes and data. COVID-19 has had substantial impacts on the operations of youth justice centres and other places of custody, courts and tribunals, though these impacts may differ across jurisdictions.

The direct impact of COVID-19 on the number of young people under youth supervision is difficult to determine due to factors that include the variability of the data; variations in legislation, policy and practices across states and territories; and the relatively small numbers of young people under supervision. More research is needed to better understand the impact of COVID-19 (and the associated social restrictions) on youth justice supervision in Australia (AIHW 2023c).

11.2.2 State and territory

In 2022–23, the rate of First Nations young people in detention was the lowest in New South Wales (20 per 10,000), Victoria (9 per 10,000), South Australia (19 per 10,000) and Tasmania (7 per 10,000). The Northern Territory (43 per 10,000) and Queensland (46 per 10,000) had the highest rates in detention (Figure 11.3; Table S11.3).

Figure 11.3: Nations young people aged 10–17 in detention on an average day, by state and territory, 2022–23



Source: AIHW 2023c, Table S75.

The size of First Nations youth justice populations in states and territories can be affected by the size of the First Nations population in that state or territory, as well as by differences in state-based legislation, policies and practices. Changes to legislation, policies and practices can have an impact on the trend.

- For example, in the Northern Territory, new youth justice legislation was enacted on 15 May 2021 – the *Youth Justice Legislation Amendment Act 2021*. The intent of the Act is to target repeat youth offenders to reduce youth crime. The Act resulted in some key changes to processes of the youth justice system. This change in legislation may have had an impact on the number and rate of young people in detention in the Northern Territory (AIHW 2022c).

By state and territory, the largest numbers of First Nations young people aged 10–17 in detention on an average day in 2022–23 had been usual residents of:

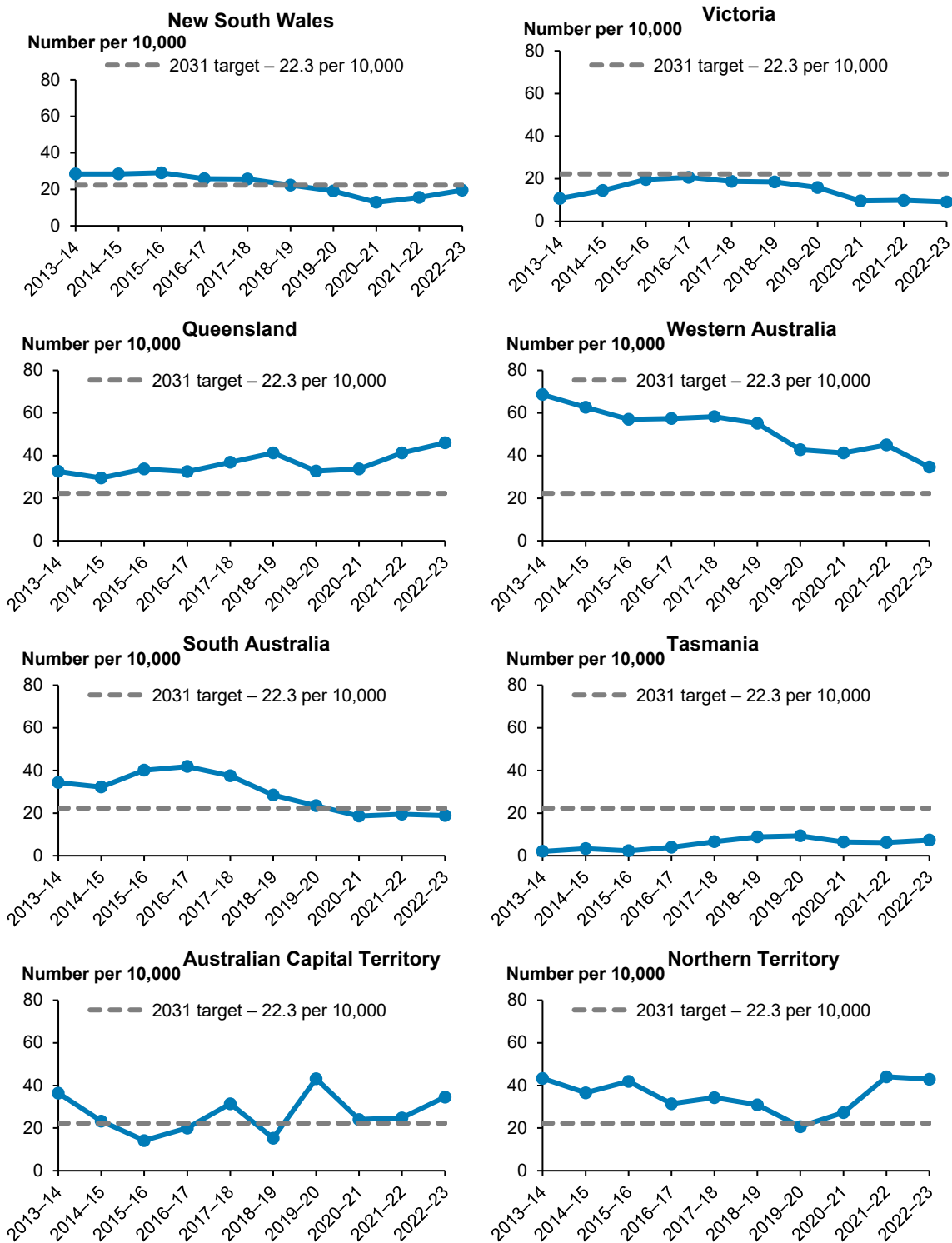
- Queensland (around 200)
- New South Wales (98)
- Western Australia (63)
- Northern Territory (49).

Between 2013–14 and 2022–23, in the states and territories with data available, the rate of First Nations young people in detention has generally:

- fallen in New South Wales and Western Australia
- risen initially, followed by a drop in Victoria and South Australia
- fallen initially, followed by a rise in the Northern Territory
- fluctuated in Queensland, Tasmania and the Australian Capital Territory (Figure 11.4; Table S11.3).

Again, the COVID-19 pandemic may have affected the trend over time for the most recent years.

Figure 11.4: First Nations young people aged 10–17 in detention on an average day, by state and territory, 2013–14 to 2022–23



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

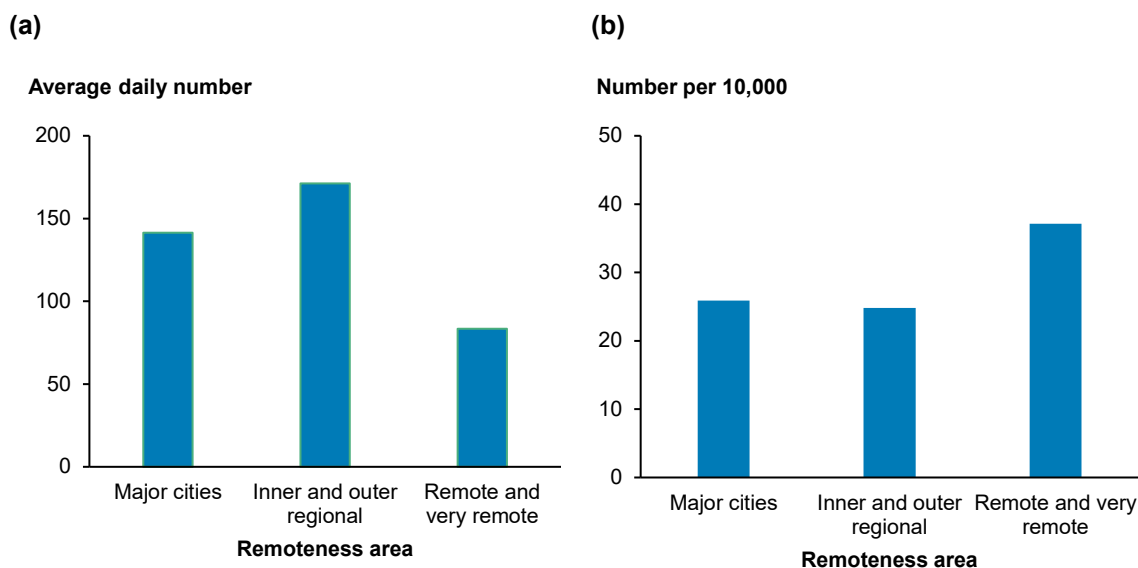
Source: AIHW 2023c4, Table S83a.

11.2.3 Remoteness area

Data by remoteness were not available for 2022–23 at the time of publication. The postcode of a young person’s last known address was used to determine their remoteness area.

The highest number of First Nations young people aged 10–17 in detention on an average day in 2021–22 lived in *Inner and outer regional* areas before entering detention – around 170 (Figure 11.5; Table S11.4). The rate of First Nations young people aged 10–17 in detention on an average day was similar in *Major cities* (26 per 10,000) and *Inner and outer regional* areas combined (25 per 10,000) but was higher in *Remote and very remote* areas combined (37 per 10,000).

Figure 11.5: First Nations young people aged 10–17 in detention on an average day, by remoteness, 2021–22



Note: Remoteness area of usual residence is derived from postcode of a young person’s last known address. Some young people are excluded due to missing or invalid postcodes or because the postcode was not listed in the Remoteness areas–postcode correspondence file.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

The remoteness area distribution of First Nations young people aged 10–17 in detention on an average day in 2021–22 (where they usually lived, based on the postcode of their last address) was:

- *Major cities* (around 140, or 34%)
- *Outer regional* areas (around 100, or 25%)
- *Inner regional* areas (69, or 17%)
- *Remote* areas (48, or 12%)
- *Very remote* areas (35, or 8%).

The remoteness area distribution of First Nations young people aged 10–17 in detention on an average day in 2021–22 was compared with the distribution of the First Nations population aged 10–17 from 2021 Census. The YJ NMDS 2021–22 information was classified using the 2016 remoteness classification (as the 2021 remoteness classification was not available at the time). However, the remoteness distributions of the First Nations population aged 10–17 from the 2016 and 2021 Censuses are very similar.

This comparison indicates that First Nations young people who usually lived in *Outer regional* or *Remote* areas accounted for a disproportionate share of the number of First Nations young people in detention.

11.2.4 Socioeconomic index

This chapter uses Socioeconomic Indexes for Areas (SEIFA), an area-level socioeconomic summary measure developed by the ABS; it comprises 4 indexes that ranks geographic areas across Australia according to their relative socioeconomic advantage and disadvantage. The analysis in this section is based on the Index of Relative Socioeconomic Advantage and Disadvantage (IRSAD) of the area in which a young person lives, grouped into 5 quintiles (fifths) (ABS 2021). Quintile 1 contains the 20% of areas with the greatest level of disadvantage (and lowest level of advantage). Quintile 5 contains the 20% of areas with the lowest level of disadvantage (and highest level of advantage). The postcode of a young person's last known address was used to determine their socioeconomic area.

Data for 2022–23 were not available by SEIFA IRSAD at the time of publication. The YJ NMDS 2021–22 information was classified using the 2016 SEIFA IRSAD classification (as the 2021 SEIFA IRSAD classification was not available at the time). The distribution of First Nations young people aged 10–17 in detention on an average day in 2021–22 across IRSAD quintiles (based on the area where they usually lived before entering detention) was as follows:

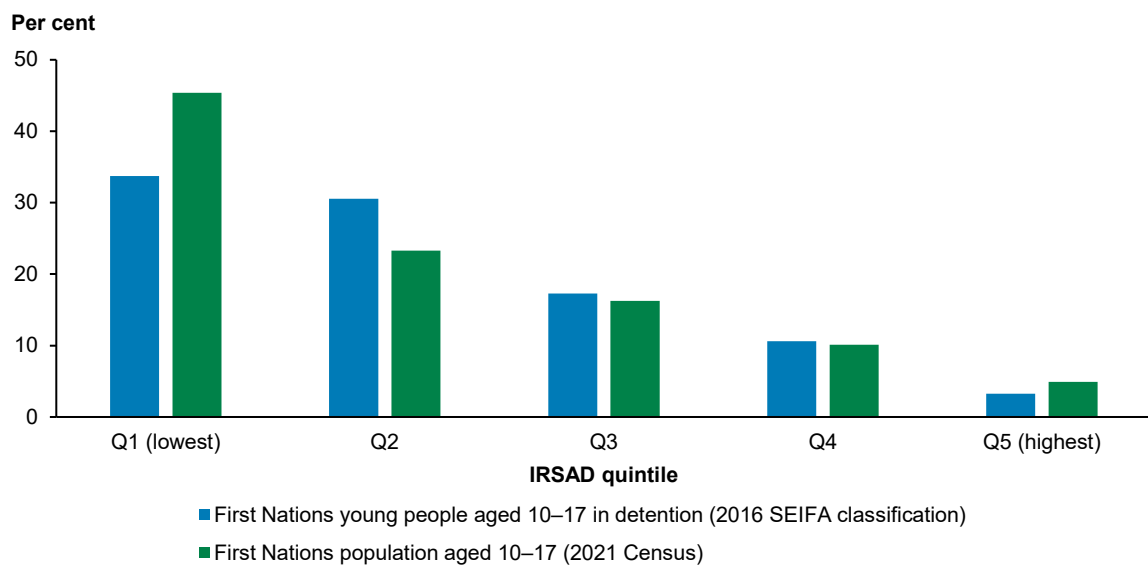
- Quintile 1 or most disadvantaged (34% or around 140)
- Quintile 2 (31% or around 125)
- Quintile 3 (17% or 72)
- Quintile 4 (11% or 44)
- Quintile 5 or least disadvantaged (3.3% or 14) (Figure 11.6; Table S11.9).

The distribution of First Nations young people aged 10–17 in detention on an average day in 2021–22 across socioeconomic areas was compared with that of the First Nations population aged 10–17 from the 2021 Census (Figure 11.6).

First Nations young people who usually lived in the second lowest socioeconomic group accounted for a disproportionate share of the number of First Nations young people in detention, compared with their population share.

While a large proportion of First Nations young people aged 10–17 (nearly half) lived in areas classed as being among the 20% of most disadvantaged (and least advantaged) areas in Australia, a much smaller proportion of those in detention lived in these areas before entering youth justice supervision.

Figure 11.6: First Nations young people aged 10–17 in detention on an average day, 2021–22, and distribution of the First Nations population aged 10–17, 2021^(a), by IRSAD quintile



(a) 2021 Census data using 2016 SEIFA IRSAD index. See ABS 2021 for more information about SEIFA indexes.

Note: SEIFA is derived from postcode of a young person's last known address. Some young people are excluded due to missing or invalid postcodes or because the postcode was not listed in the SEIFA–postcode correspondence file.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22, Census.

11.2.5 Age group and sex

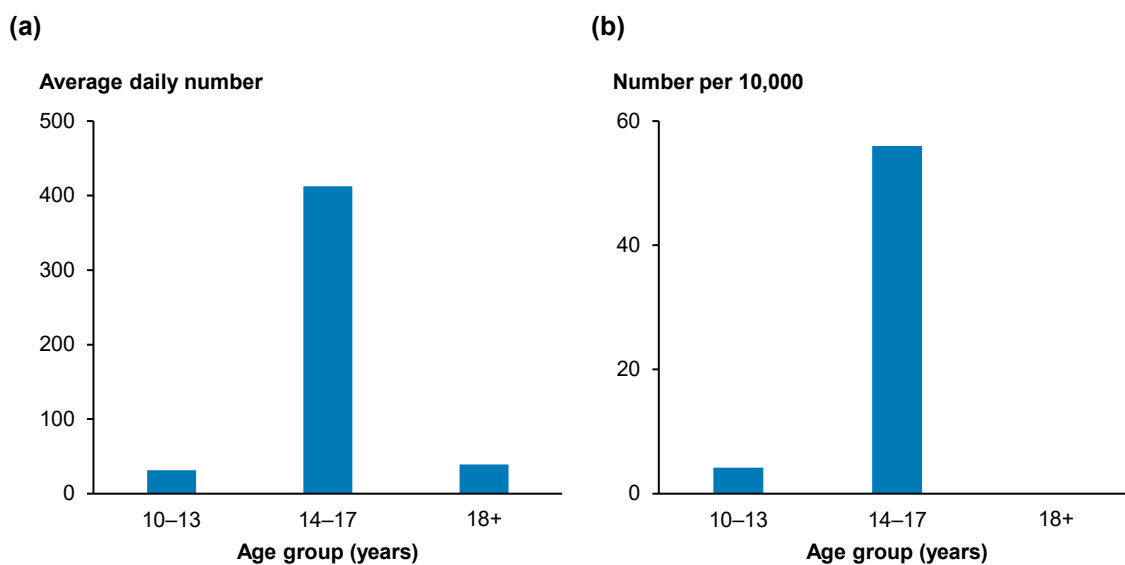
In the Youth Justice National Minimum Data Set, age is reported as the young person's age at the start of the first relevant period of supervision, unless that period began before the financial year in question, in which case the age at the start of the financial year.

In 2022–23, of the 445 First Nations young people aged 10–17 in detention on an average day:

- around 410 or 93% were aged 14–17
- 31 or 7.1% were aged 10–13.

There were 39 First Nations young people aged 18 and over in detention on an average day (Figure 11.7; Table S11.6).

Figure 11.7: First Nations young people in detention on an average day, by age group, 2022–23



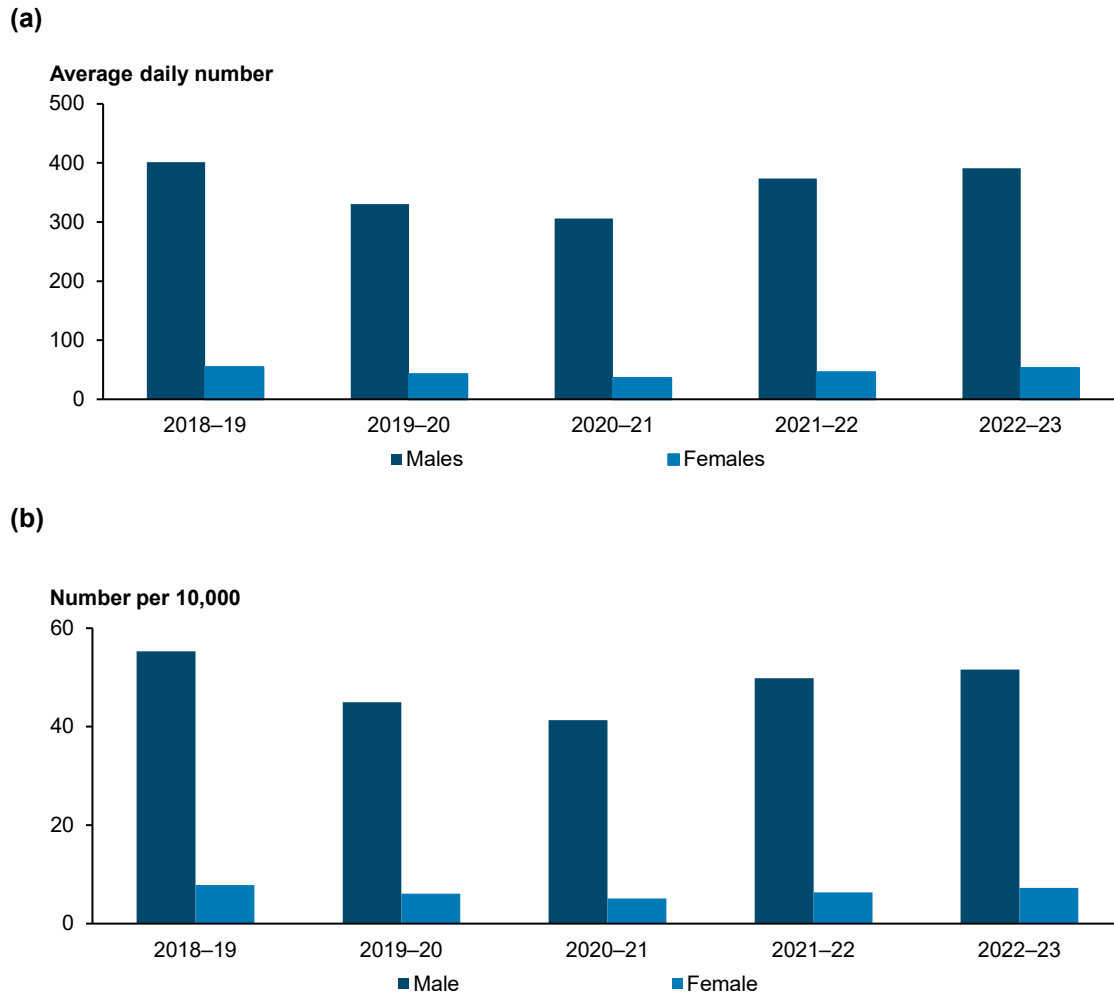
Notes

1. Age on an average day is calculated based on the age a young person is each day that they are under supervision. If the age of a young person changes during a period of supervision, the average daily number under supervision will reflect this.
2. Rate cannot be calculated for those aged 18 and over.

Source: AIHW 2023c4, Data tables S78a and S78c.

The majority of First Nations young people aged 10–17 who were in detention on an average day in 2022–23 were boys (390 or 88% boys compared with 53 or 12% girls) (Figure 11.8; Table S11.7). Among First Nations young people aged 10–17, boys (52 per 10,000) were 7 times as likely as girls (7 per 10,000) to be in detention on an average day. The rate of First Nations boys in detention decreased progressively from 55 in 2018–19 to 41 in 2020–21, then rose to 52 in 2022–23. For First Nations girls in detention, the rate fell from 7.8 in 2018–19 to 5.1 in 2020–21 before rising to 7.3 in 2022–23.

Figure 11.8: First Nations young people aged 10–17 in detention on an average day, by sex, 2018–19 to 2022–23



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

Source: Productivity Commission 2024.

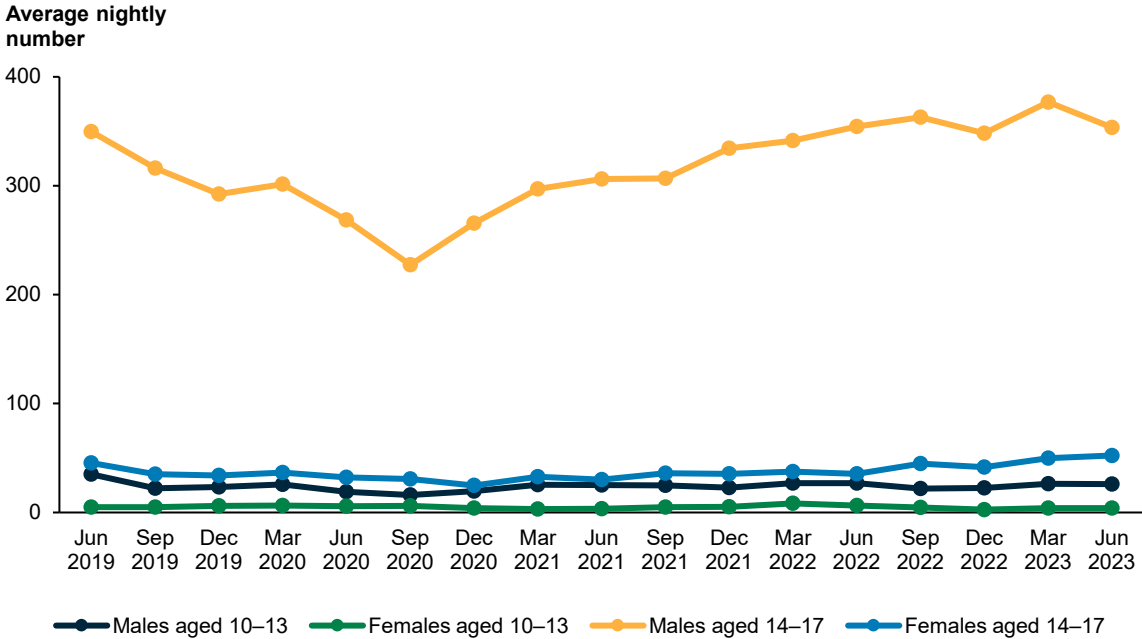
The following section presents results from *Youth detention population in Australia 2023* (AIHW 2022c). That report focuses on quarterly trends in the numbers and rates of young people in detention over the 4-year period from the June quarter 2019 to the June quarter 2023, and presents information on the average nightly population for each quarter. The data are reported differently from those in *Youth Justice in Australia 2022–23* (AIHW 2023c) to get a better understanding of the characteristics and seasonal trends of young people in detention in order to help support staff, case workers and policy makers to get the best outcomes for these young people (AIHW 2022c).

Most First Nations young people aged 10–17 in detention are boys aged 14–17 – around 355 on an average night in the June 2023 quarter, compared with:

- 26 boys aged 10–13
- 4 girls aged 10–13
- 52 girls aged 14–17 (Figure 11.9; Table S11.8).

The number of boys aged 14–17 in detention on an average night fell from around 350 in the June 2019 quarter to around 225 in the September 2020 quarter, then rose to around 355 in the June 2023 quarter. The purpose of these data is to understand seasonal changes in the number of young people in youth detention. Figure 11.9 presents numbers rather than rates as quarterly population data for First Nations people are not available.

Figure 11.9: First Nations young people aged 10–17 in detention on an average night, by age group and sex, June 2019 quarter to June 2023 quarter



Note: Trend data may differ from those previously published due to data revisions.
 Source: AIHW 2022c, Data tables S2 and S3.

Again, these results raise the question of how the COVID-19 pandemic has affected youth justice data trends. More research is needed to better understand not only the impact of COVID-19 (and the associated social restrictions) on youth detention in Australia, but also the impact of other factors, including variability of the data due to the relatively small numbers of young people in detention; and variations in legislation, policy and practices across states and territories.

11.2.6 Young people in unsentenced and sentenced detention

In 2022–23, there were around 2,000 First Nations young people aged 10–17 under youth justice supervision on an average day, representing more than half (57%) of all young people under youth justice supervision in Australia.

Most young people in youth justice supervision in Australia are in community-based supervision, with a smaller number in detention (Figure 11.10).

In 2022–23, around 1,500 First Nations young people aged 10–17 were in community supervision on an average day. Most had been sentenced (almost 1,300 or 82%), with a much smaller proportion being unsentenced (about 405 or 26%). Note that the number of unsentenced and sentenced young people on an average day may not sum to the total number of young people as young people may have changed legal status during the same day or been on both types of orders at the same time.

Unsentenced community-based supervision includes:

- being on bail while waiting for charges to come to court, or sentencing.

Sentenced community-based supervision includes:

- probation and similar orders – supervision in the community, where regular reporting to the youth justice agency and participation in treatment programs may be required
- suspended detention – supervision in the community, where the young person must meet certain conditions (for example, abiding by a curfew, reporting to police or living at a specified address) or not re-offend within a specified time
- parole – or supervised release – supervision in the community that follows a period of detention (AIHW 2023c).

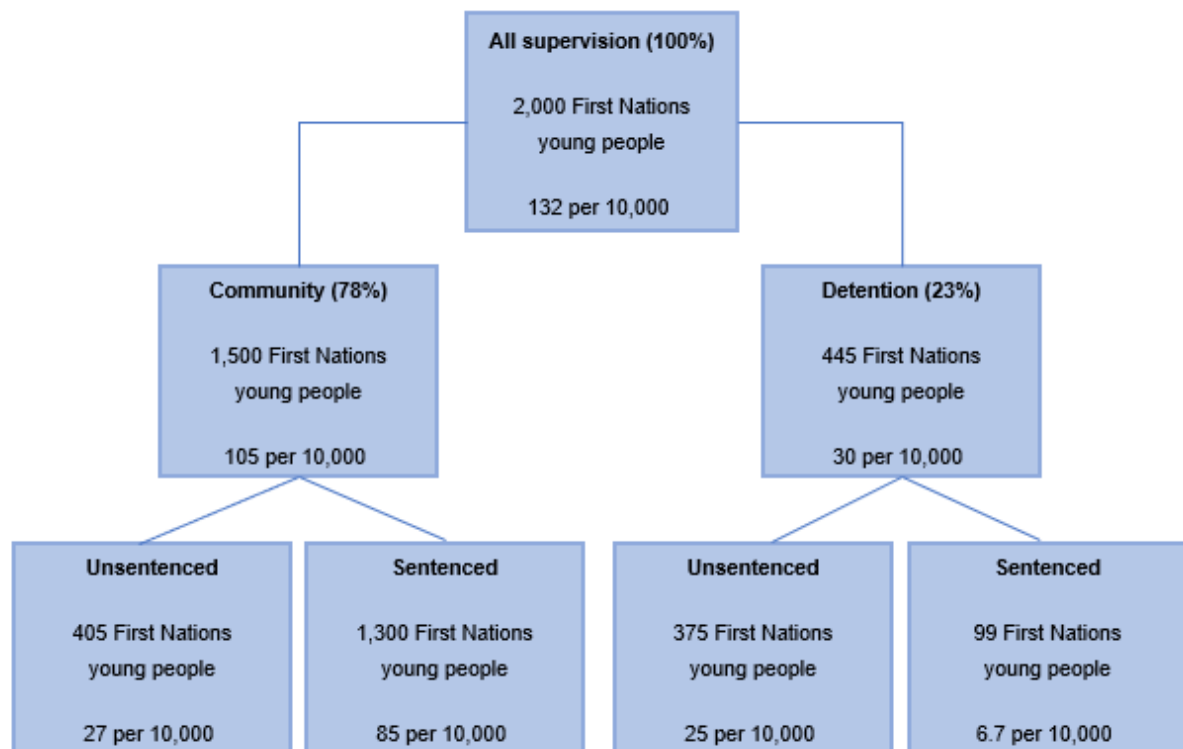
Compared with the number in community supervision, a smaller number of young people in Australia are in detention. In 2022–23, around 1,500 First Nations young people aged 10–17 were in community supervision, and around 445 in detention, on an average day. Most First Nations young people in detention were unsentenced (around 375 or 84%), while a smaller proportion were sentenced (99 or 22%). Again, note that the number of unsentenced and sentenced young people on an average day may not sum to the total number of young people as young people may have changed legal status during the same day, or been on both types of orders at the same time.

Unsentenced detention is where a young person is remanded in custody by the police or by a court and includes:

- awaiting their initial court appearance
- being charged with an offence and awaiting the outcome of their court matter
- being found guilty, or having pleaded guilty, and awaiting sentencing.

Sentenced detention is where a young person is detained in a youth justice detention centre following sentencing.

Figure 11.10: First Nations young people aged 10–17 under supervision on an average day, by supervision type and whether unsentenced or sentenced, 2022–23



Notes

1. Number of unsentenced and sentenced young people on an average day may not sum to total number of young people as young people may have changed legal status during the same day, or been on both types of orders at the same time.
2. Number of young people in community supervision and detention on an average day may not sum to total number of young people under youth justice supervision because some young people were under community-based supervision and in detention on the same day.

Source: AIHW 2023c, Data tables S3a, S4a, S65a, S66a, S74a, S75a, S109a and S110a.

The numbers and rates of First Nations young people aged 10–17 in unsentenced or sentenced community supervision or detention by state and territory on an average day in 2022–23 are shown in Table 11.2. In 2022–23, across states and territories the rate of First Nations young people aged 10–17 in:

- *unsentenced community supervision* ranged from 9.5 per 10,000 in New South Wales to 87 per 10,000 in the Northern Territory
- *sentenced community supervision* ranged from 19 per 10,000 in the Australian Capital Territory to around 140 per 10,000 in Western Australia and 115 per 10,000 in Queensland
- *unsentenced detention* ranged from 6.5 per 10,000 in Tasmania to around 42 per 10,000 in Queensland, 40 per 10,000 in the Northern Territory and 26 per 10,000 in the Australian Capital Territory
- *sentenced detention* ranged from 1.1 per 10,000 in Victoria to around 21 per 10,000 in the Northern Territory (Table 11.2).

Table 11.2: First Nations young people aged 10–17 in unsentenced or sentenced^(a) community supervision or detention^(b) on an average day, by state and territory, 2022–23

Legal status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Community supervision									
Number									
Unsentenced	47.6	15.9	138.3	38.4	55.2	5.6	4.2	98.7	403.9
Sentenced	332.8	21.0	500.1	255.7	39.5	15.1	2.5	89.5	1,256.1
Total	368.0	34.8	582.8	284.5	86.8	20.6	6.3	151.4	1,535.1
Rate (number per 10,000)									
Unsentenced	9.5	15.0	31.6	21.1	67.8	10.6	33.2	87.3	27.2
Sentenced	66.5	19.8	114.3	140.5	48.5	28.3	19.3	79.2	84.5
Total	73.5	32.9	133.2	156.3	106.6	38.5	49.5	134.0	103.2
Detention									
Number									
Unsentenced	73.0	8.5	182.7	44.7	13.5	3.5	3.2	45.5	374.7
Sentenced	25.0	1.1	25.4	18.6	2.2	0.9	2.5	23.2	98.9
Total	97.8	9.6	201.2	63.0	15.3	3.9	4.4	48.5	443.7
Rate (number per 10,000)									
Unsentenced	14.6	8.0	41.8	24.5	16.6	6.5	25.5	40.3	25.2
Sentenced	5.0	1.1	5.8	10.2	2.7	1.7	19.7	20.5	6.7
Total	19.5	9.1	46.0	34.6	18.8	7.3	34.6	42.9	29.8

(a) Number of unsentenced and sentenced young people on an average day may not sum to total number of young people as young people may have changed legal status during the same day, or been on both types of orders at the same time.

(b) Number of young people in community supervision and detention on an average day may not sum to total number of young people under youth justice supervision because some young people were under community-based supervision and in detention on the same day.

Notes

1. These data should be interpreted with caution due to potential issues with recording and updating of custodial order details in Tasmania.
2. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This has resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.
3. The number on an average day is calculated by summing the number of days each young person spends under supervision during the financial year and dividing this by the total number of days in the year.

Source: AIHW 2023c4, Data tables S65a, S66a, S109a and S110a.

Changes in the rates of young people aged 10–17 under supervision on an average day over the whole period from 2018–19 to 2022–23 are shown in Table 11.3. Over this period:

- rates of youth justice supervision overall among First Nations young people aged 10–17 fell across all states and territories except the Northern Territory
- rates of community supervision among First Nations young people aged 10–17 fell across all states and territories except South Australia and the Northern Territory
- rates of detention among First Nations young people aged 10–17 fell across most states and territories but increased in Queensland, the Australian Capital Territory and the Northern Territory.

Table 11.3: Overall change in young people aged 10–17 under supervision on an average day, by supervision type, Indigenous status, and state and territory, 2018–19 to 2022–23

Indigenous status	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Community-based supervision									
First Nations	↓	↓	↓	↓	↑	↓	↓	↑	↓
Non-Indigenous	↓	↓	↓	↓	↑	↓	↓	↔	↓
Total	↓	↓	↓	↓	↑	↓	↓	↑	↓
Detention									
First Nations	↓	↓	↑	↓	↓	↓	↑	↑	↓
Non-Indigenous	↓	↓	↔	↔	↓	↑	↑	↑	↔
Total	↓	↓	↔	↓	↓	↑	↑	↑	↓
All supervision									
First Nations	↓	↓	↓	↓	↓	↓	↓	↑	↓
Non-Indigenous	↓	↓	↓	↓	↔	↓	↓	↑	↓
Total	↓	↓	↓	↓	↔	↓	↓	↑	↓

Notes

1. Arrows indicate an overall change between 2018–19 and 2022–23. Trends might have fluctuated between these years, particularly for smaller jurisdictions. The horizontal yellow arrow indicates no change.
2. Data might differ from those previously published due to data revisions.
3. Age on an average day is calculated based on the age a young person is each day that they are under supervision. If the age of a young person changes during a period of supervision, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: AIHW 2023c4, Data tables S12a, S45a and S83a.

11.2.7 Unsenteded detention

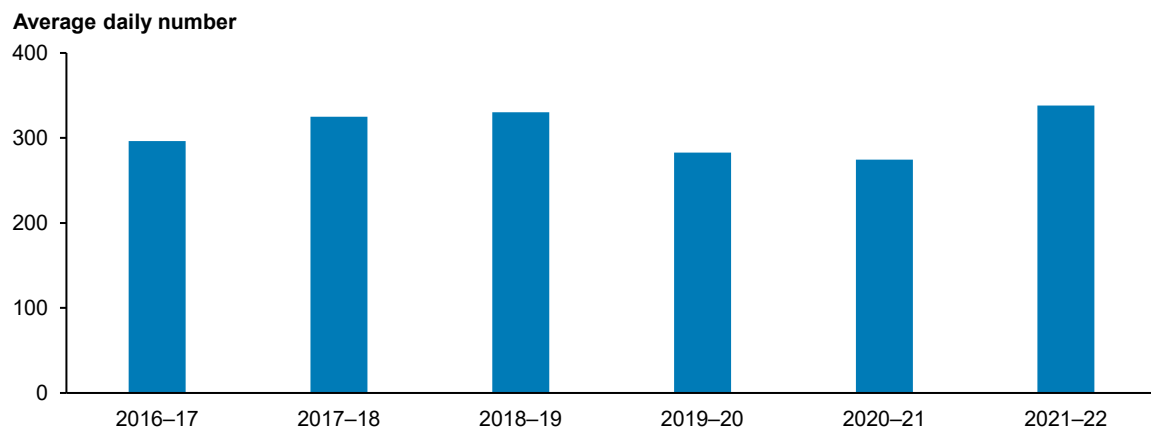
National trend

On an average day in 2022–23, around 445 First Nations young people aged 10–17 were in detention. Of these, most (84% or around 375) were unsenteded and almost all of these (98% or around 370) were on remand (awaiting trial).

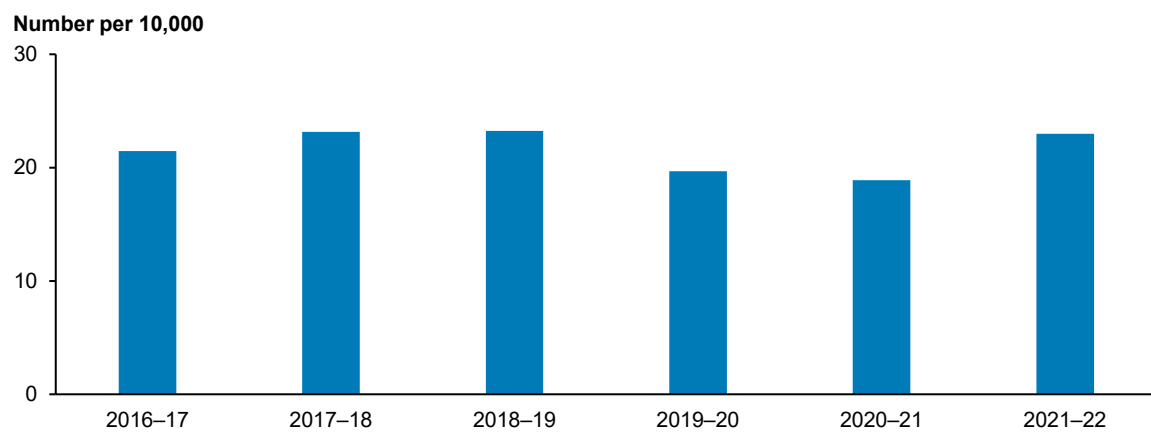
Time trend data including 2022–23 data on First Nations young people in unsenteded detention were not available at the time of publication. In 2021–22, the number of young people aged 10–17 in unsenteded detention on an average day was 340, similar to that in 2018–19 (330), although the numbers decreased in 2019–20 and 2020–21 (Figure 11.11; Table S11.10). The rates followed a similar pattern. As noted previously, the COVID-19 pandemic may have had an impact on some changes in recent years.

Figure 11.11: First Nations young people aged 10–17 in unsentenced detention on an average day, 2016–17 to 2021–22

(a)



(b)



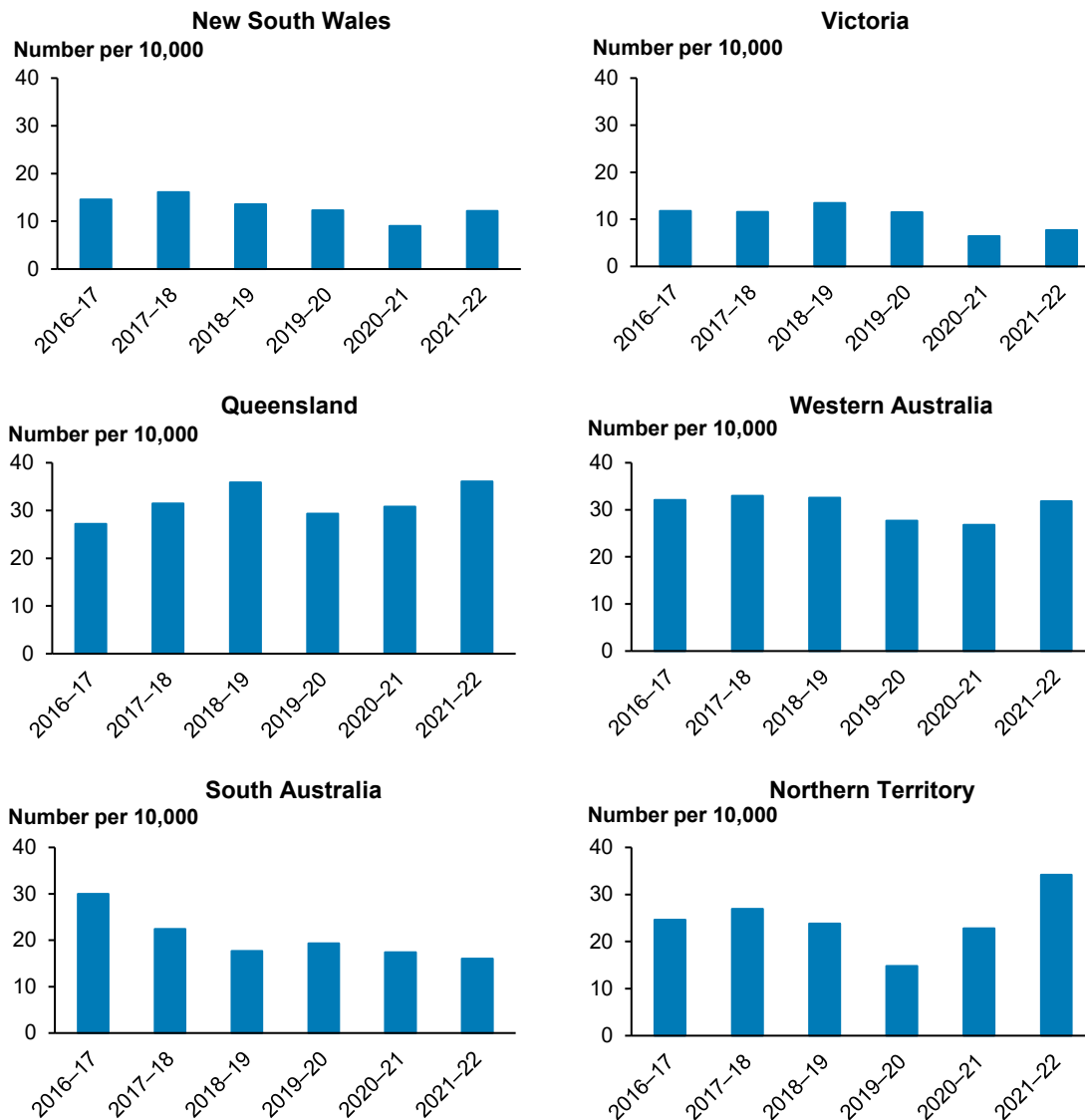
Note: Trend data may differ from those previously published due to data revisions.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

State and territory trends

Across states and territories with larger First Nations populations, the pattern of change over time between 2016–17 and 2021–22 was similar to the national pattern (Figure 11.12; Table S11.10). That is, the number and rate of First Nations young people in unsentenced detention decreased in 2019–20 and/or 2020–21, before increasing in 2021–22. (Numbers for Tasmania and the Australian Capital Territory are very small and variable, so are not presented.)

Figure 11.12: First Nations young people aged 10–17 in unsentenced detention on an average day, by state and territory, 2016–17 to 2021–22



Notes

1. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This has resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.
2. Trend data may differ from those previously published due to data revisions.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

State and territory by age

Across states and territories, the percentage of those aged under 14 among First Nations young people aged 10–17 in unsentenced detention varied. Information is presented here for the 4 states and territories with the largest First Nations populations (New South Wales, Queensland, Western Australia and the Northern Territory) (Figure 11.13; Table S11.11).

Nationally, just around 8% of First Nations young people aged 10–17 in unsentenced detention on an average day were aged under 14. Across the 4 states and territories shown in Figure 11.13, the percentage of those aged under 14 among First Nations young people aged 10–17 in unsentenced detention ranged from 7.5% in the Northern Territory to 9.4% in Western Australia.

Figure 11.13: Proportion of First Nations young people aged 10–13 among those aged 10–17 in unsentenced detention on an average day, by selected states and territories, 2022–23



Source: AIHW 2023c, Data Table S113a.

Average time during the year spent in unsentenced detention

The average time during the year spent in unsentenced detention is calculated based on periods of unsentenced detention that began and ended within the relevant financial year. It therefore excludes any time in unsentenced detention extending beyond that financial year. Young people are typically placed in unsentenced detention for relatively short periods while awaiting the outcome of the legal matter or sentencing (AIHW 2023c).

Between 2016–17 and 2021–22, the average length of time First Nations young people aged 10–17 spent in unsentenced detention during the year increased:

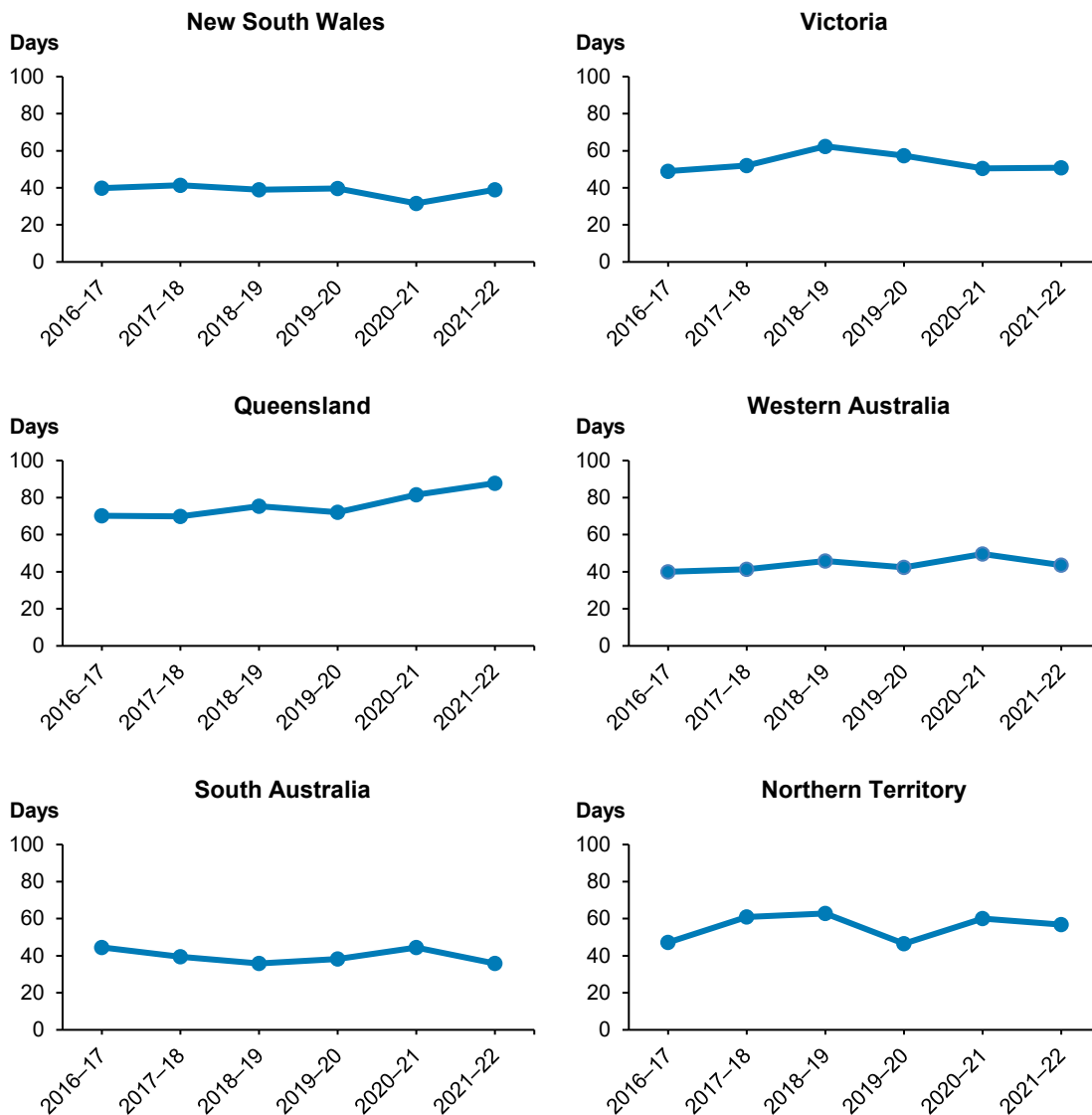
- nationally from 49 days to 57 days
- by 18 days in Queensland
- by 10 days in the Northern Territory.

Results for Tasmania and the Australian Capital Territory are not presented because of the small number of First Nations young people aged 10–17 in detention, leading to greater variability in changes over time (Figure 11.14; Table S11.12).

Median length of completed periods of unsentenced detention

Young people often have more than one period of unsentenced detention in a year. While First Nations young people aged 10–17 spent an average of 57 days in total in unsentenced detention in 2021–22, the median length of individual completed periods, or episodes, of unsentenced detention was 8 days. The median length of completed periods ranged from 2 days in New South Wales and the Australian Capital Territory to 24 days in Queensland (Table S11.13).

Figure 11.14: Average length of time First Nations young people aged 10–17 spent in unsentenced detention during the year, by state and territory, 2016–17 to 2021–22



Notes

1. Trend data may differ from those previously published due to data revisions.
2. Average duration calculated from the summed length of periods of unsentenced detention that occurred within the financial year.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

Completion of periods of unsentenced detention

In 2022–23 at a national level, 57% of periods of unsentenced detention (or remand) among First Nations young people aged 10–17 ended with release on bail, and 41% ended when the young person completed the hours and/or conditions of their detention order without it being revoked, overturned or ending due to an escape.

The proportion of First Nations young people’s remand periods that ended because the young person was released on bail varied across states and territories, ranging from 26% in South Australia to 79% in Tasmania.

In 2020–21, of completed remand periods among First Nations young people (aged 10–18+), about 77% were followed by a supervised sentence within 1 day – 59% by a community-based sentence and 19% by a detention sentence (AIHW 2023c, Data tables S118 and S119).

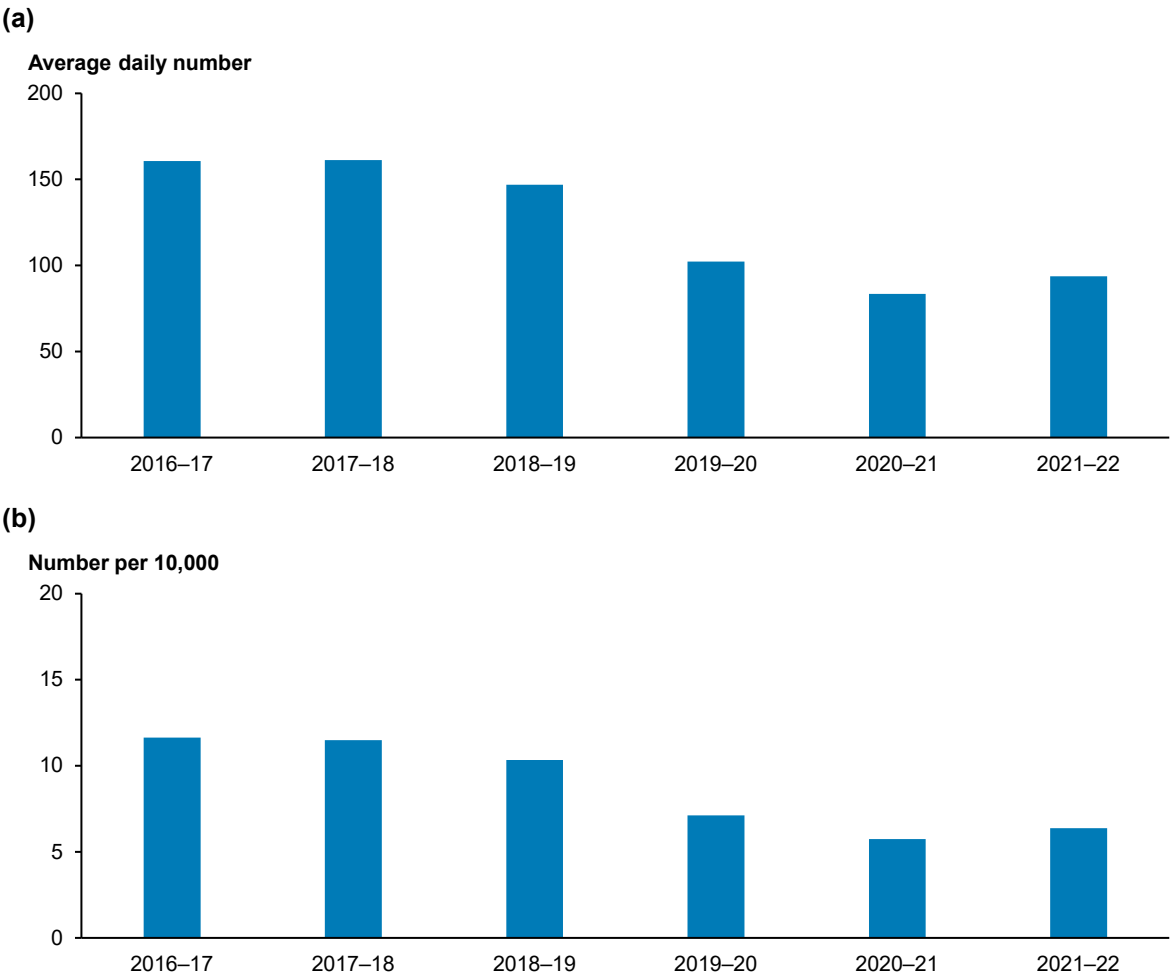
Sentenced detention

National trend

On an average day in 2022–23, of the 445 First Nations young people aged 10–17 in detention, 99 (22%) were in sentenced detention.

Time trend data including 2022–23 data on First Nations young people in sentenced detention were not available at the time of publication. Nationally, the number of First Nations young people in sentenced detention on an average day fell from around 145 in 2018–19 (the Closing the Gap baseline year) to 94 in 2021–22 (Figure 11.15; Table S11.14).

Figure 11.15: First Nations young people aged 10–17 in sentenced detention on an average day, 2016–17 to 2021–22



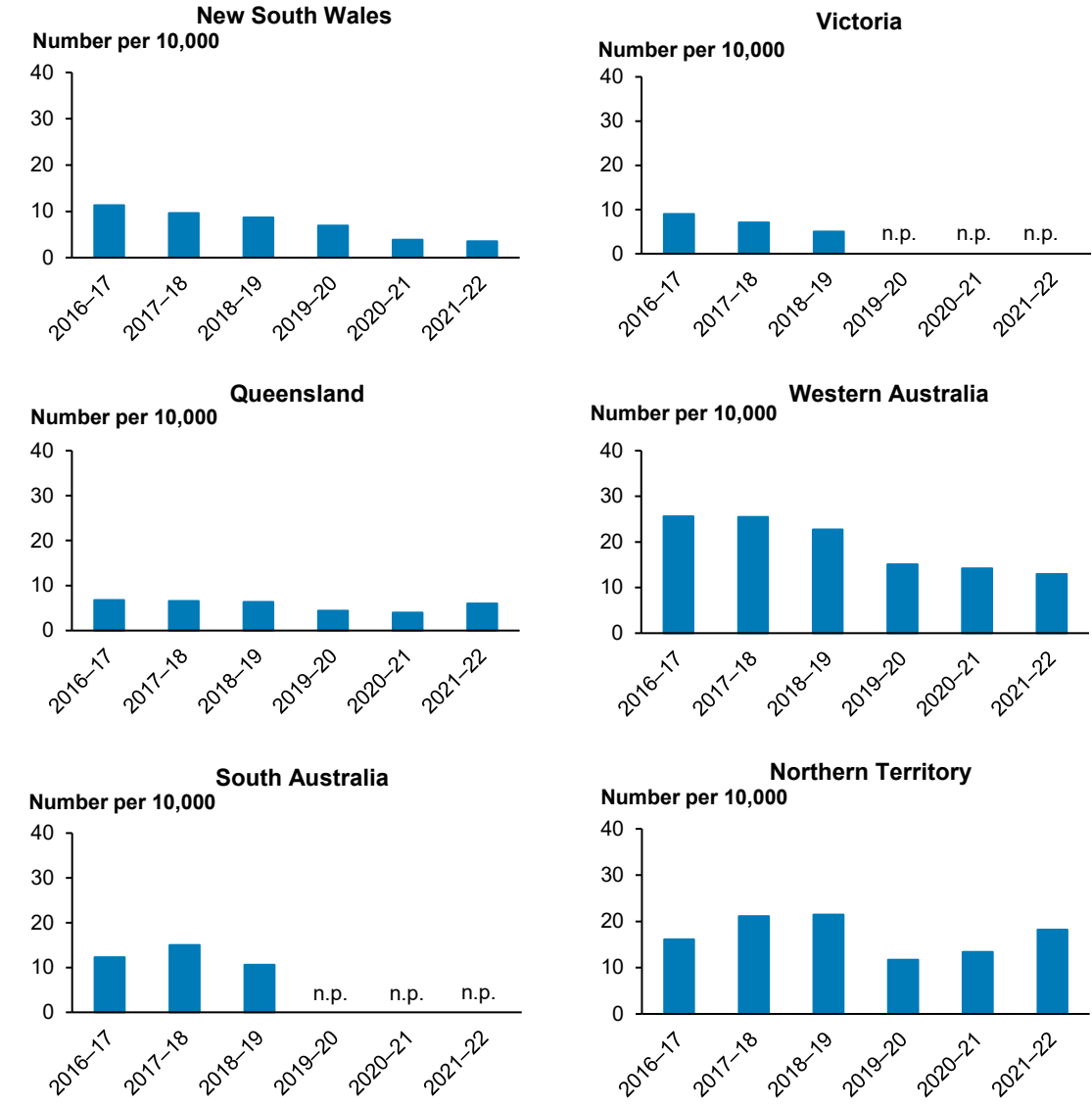
Note: Trend data may differ from those previously published due to data revisions.
Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

State and territory trends

From 2016–17 to 2021–22, the number of First Nations young people in sentenced detention on an average day decreased in New South Wales, Victoria, Western Australia and South Australia. (Numbers for Tasmania and the Australian Capital Territory are very small and variable, so are not presented.)

In the Northern Territory, the number increased except between 2018–19 and 2019–20. Note that, in the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention (AIHW 2023c). In Queensland, the rate generally decreased, before increasing in 2021–22 (Figure 11.16; Table S11.14).

Figure 11.16: First Nations young people aged 10–17 in sentenced detention on an average day, by state and territory, 2016–17 to 2021–22



Notes

1. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This has resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.
2. Trend data may differ from those previously published due to data revisions.
3. Rates are not published where there were fewer than 5 young people.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

Average time in sentenced detention

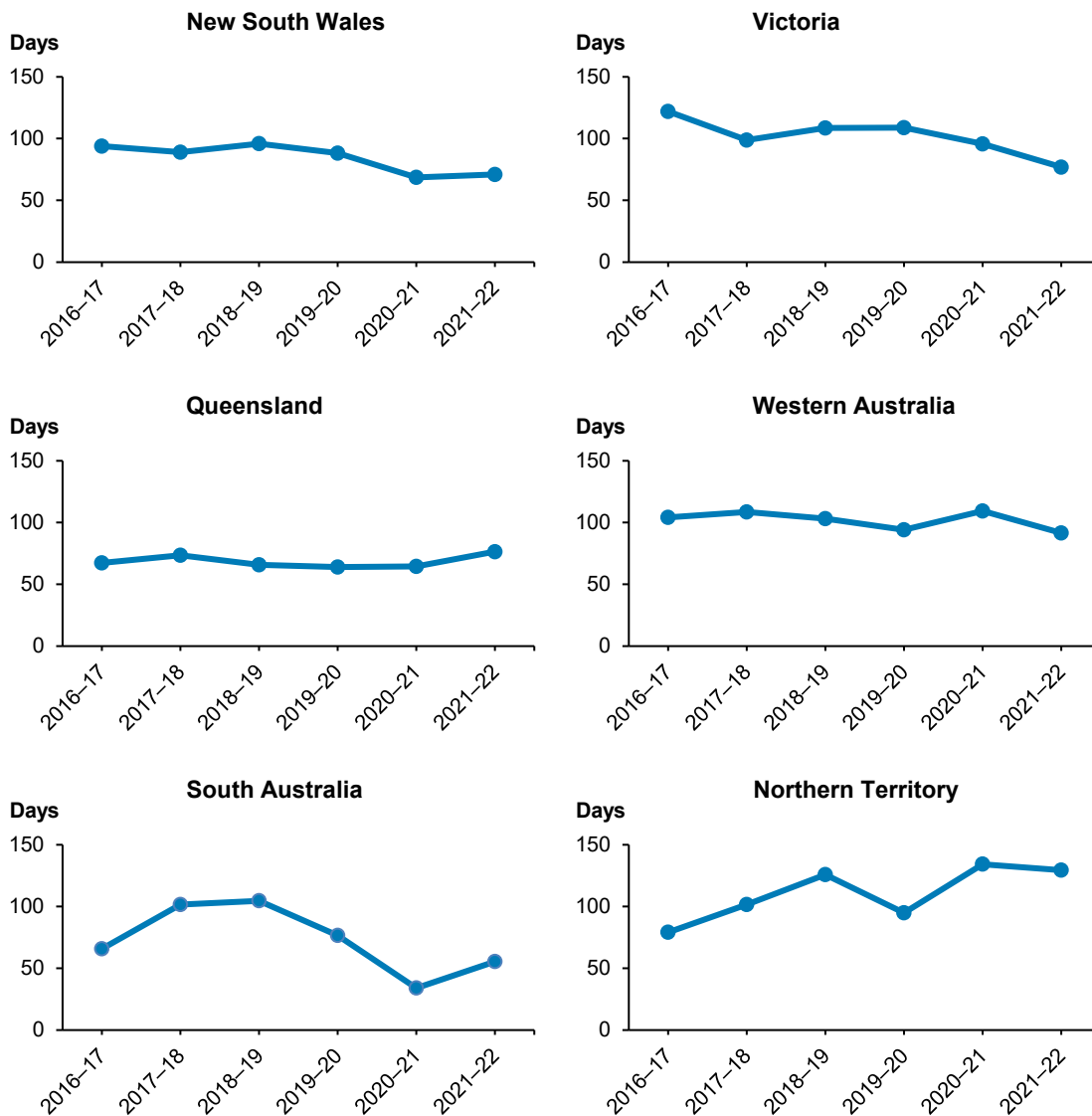
The average time during the year spent in sentenced detention is calculated based on periods of sentenced detention that began and ended within the relevant financial year, and therefore excludes any time in sentenced detention extending beyond that financial year.

Nationally, the average length of time First Nations young people spent in sentenced detention during the year was 86 days in 2021–22, a decrease from 94 days in 2018–19. The average length of time First Nations young people spent in sentenced detention during the year decreased overall in most states and territories except for Queensland where it remained fairly stable and the Northern Territory where it increased overall. Note that in the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention (AIHW 2023c) (Figure 11.17; Table S11.15).

Median length of completed periods of sentenced detention

Young people may have more than one period of sentenced detention in a year. While First Nations young people aged 10–17 spent an average of 86 days in total in sentenced detention in 2021–22, the median length of individual completed periods, or episodes, of sentenced detention was lower at 50 days. The median length of completed periods ranged from 33 days in South Australia to 75 days in Victoria (Table S11.13).

Figure 11.17: Average length of time First Nations young people aged 10–17 spent in sentenced detention during the year, 2016–17 to 2021–22



Notes

1. In the Northern Territory, sentenced periods were backdated to take into account time spent in unsentenced detention. This has resulted in a large number of young people reported as being in sentenced and unsentenced detention at the same time and an over-count of young people in sentenced detention.
2. Trend data may differ from those previously published due to data revisions.
3. Average duration calculated from the summed length of periods of sentenced detention that occurred within the financial year.

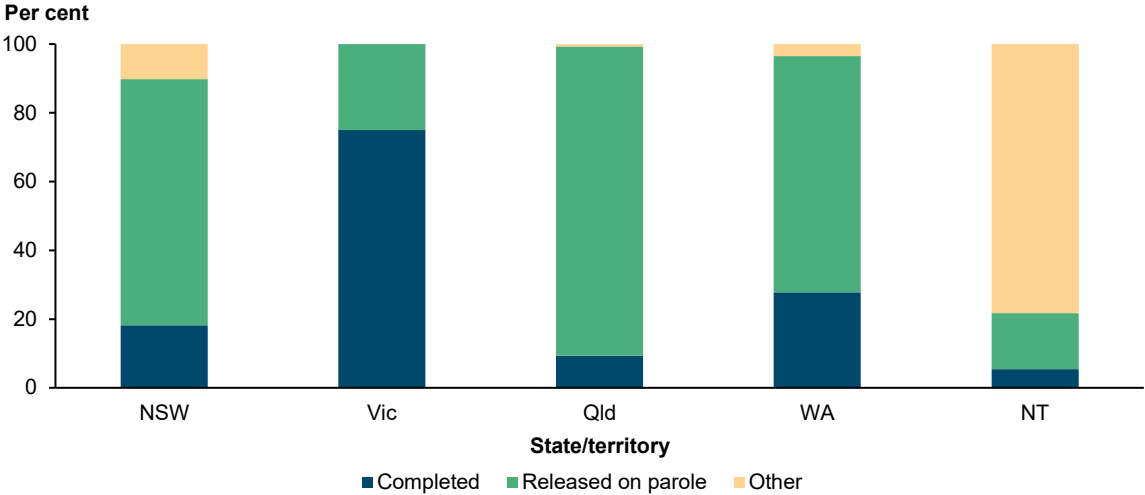
Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

Completion of periods of sentenced detention

Around 3 in 5 (62%) of the sentenced detention periods for First Nations young people that ended in 2021–22 ended because the young person was released on parole (supervised release). Around 1 in 5 (20%) ended with the period being completed (where a young person has completed the hours and/or conditions of their detention order without it being revoked, overturned or ending due to an escape). The remaining 1 in 5 (18%) ended for other reasons, including transfer (which can include transfer to another youth detention centre, the adult system or interstate).

The proportion of First Nations young people’s remand periods that ended because the young person was released on parole varied across states and territories, ranging from 16% in the Northern Territory to 90% in Queensland (Figure 11.18; Table S11.16).

Figure 11.18: Periods of sentenced detention for First Nations young people aged 10–17, by end reason^(a) and state and territory, 2021–22



(a) ‘Other’ potentially includes Death; Transfer to another jurisdiction; Transfer to another youth detention centre within the jurisdiction; Release on bail; Escape; Abscond on leave pass; Other reason. For 2021–22, values were zero for Release on bail; Death; Escape; Abscond on leave pass.

Note: In some states and territories, a minimum duration of sentenced detention applies before a young person may be considered eligible for supervised release or parole. This affects the results and comparability.

Source: AIHW Youth Justice National Minimum Dataset 2000–01 to 2021–22.

11.2.8 Detention entries and exits and average time spent in detention

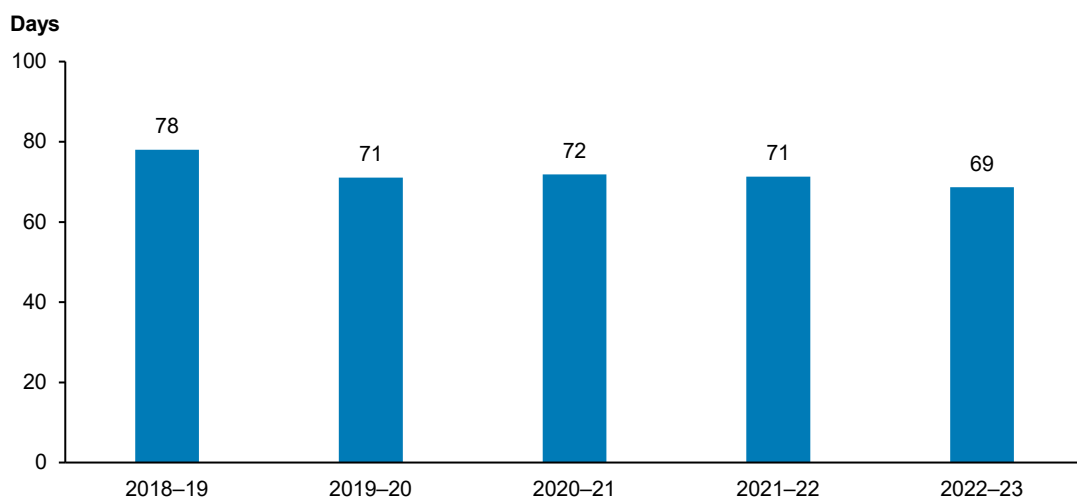
The AIHW *Youth Justice in Australia* reports use the term ‘reception’ to describe a young person’s entry to detention, and the term ‘release’ to describe a young person’s exit from detention. See AIHW 2023c for more information about how these terms are defined and measured.

In 2022–23, around 2,400 First Nations young people were received into detention. Just over half (54%) of First Nations young people were received into detention more than once during the year (AIHW 2024, Data Table S105a).

The numbers of young people released from detention were very similar to the numbers received into detention. In 2022–23, around 2,500 First Nations young people were released from detention during the year (AIHW 2024, Data Table S105b).

The average number of days that First Nations young people spent in detention during the year has fallen from 78 days in 2018–19 to 69 days in 2022–23 (Figure 11.19; Table S11.17).

Figure 11.19: Average length of time First Nations young people spent in detention during the year, 2018–19 to 2022–23



Notes

1. Trend data may differ from those previously published due to data revisions.
2. Average duration calculated from the summed length of periods of detention that occurred within the financial year.

Source: AIHW 2023c, Data Table S102.

11.2.9 Whether new to youth justice supervision

During 2022–23, there were around 4,600 First Nations young people under youth justice supervision and around 34% (around 1,600) were new to supervision in that year. This proportion remained similar between 2018–19 and 2022–23, ranging between 28–34%, except for a noticeable dip to 25% in 2019–20 (AIHW 2024, Data Table S17).

In comparison, during 2022–23, there were around 2,600 First Nations young people in detention and around 40% (1,000) were new to supervision in that year. This was an increase from 30% in 2018–19 (AIHW 2024, Data Table S91).

11.2.10 Young people in detention – age first entered youth justice supervision or youth detention

Age at first entry to supervision is the age a young person was the first time they came under youth justice supervision, and includes periods of supervision that occurred before the reference period. It has been shown that those who are first involved with the criminal justice system at a younger age are more likely to re-offend (Shirley 2017). Recent analysis has also shown that the younger that young people under youth justice supervision during 2020–21 were at their first supervision, the more likely they were to have had an interaction with the child protection system in the 5 years from 1 July 2016 to 30 June 2021 (AIHW 2022b).

This section focuses on young people in detention, and presents information about:

- the age they first entered detention
- the age they first entered youth justice supervision of any type (that is, they may have first entered youth justice supervision via community-based supervision).

Of First Nations young people who spent some time in detention in 2022–23:

- 41% were aged 10–13 when they first entered youth justice supervision (Figure 11.20)
- 37% were aged 10–13 when they first entered detention (Table 11.4; Table S11.18).

Table 11.4: First Nations young people in detention, 2022–23, by age first entered supervision or detention

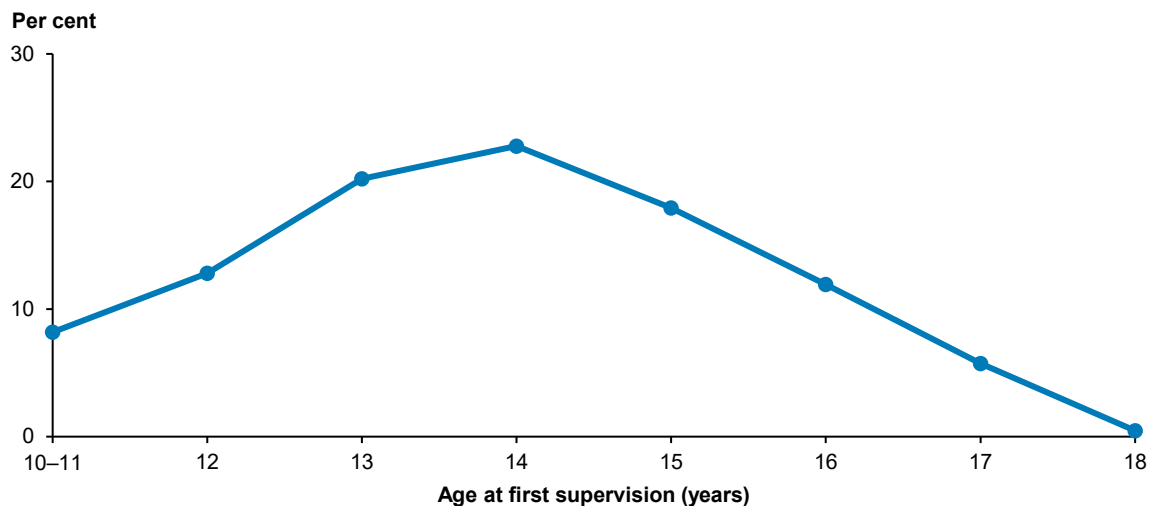
Age (years)	Age first entered youth justice supervision		Age first entered detention	
	Number	%	Number	%
10–11	210	8.2	164	6.4
12	329	12.8	301	11.7
13	519	20.2	488	19.0
10–13	1,058	41.2	953	37.1
14	585	22.8	572	22.3
15	460	17.9	465	18.1
16	306	11.9	355	13.8
17	147	5.7	208	8.1
14–17	1,498	58.3	1,600	62.3
10–17	2,556	99.5	2,553	99.4
18+	12	0.5	15	0.6
Total	2,568	100.0	2,568	100.0

Notes

1. Total includes young people with unknown date of first supervision/detention.
2. Age calculated as at start of first supervision/detention period.
3. For Tasmania and the Australian Capital Territory, young people aged 18 and over in detention during the year have been excluded due to small numbers.

Source: AIHW 2024, Data tables S92 and S94.

Figure 11.20: First Nations young people in detention, by age at first supervision, Australia, 2022–23



Notes

1. Age calculated as at start of first period of supervision.
2. Information on first supervision is not available for all young people in detention. Young people with unknown date of first supervision are excluded.
3. For Tasmania and the Australian Capital Territory, young people aged 18 and over in detention during the year have been excluded due to small numbers.

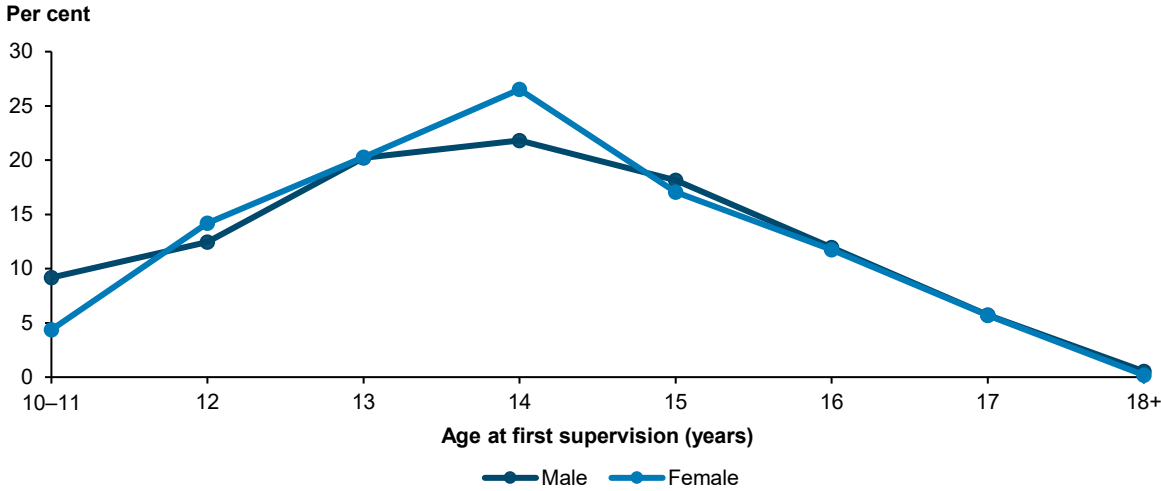
Source: AIHW 2023c, Data Table S92.

Young people in detention – age first entered youth justice supervision by sex

First Nations young people (including those aged 18 and over) who were in detention at any time during 2022–23 had most commonly entered youth justice supervision (either community-based supervision or detention) for the first time when aged 13 or 14.

The most common age at which First Nations boys and girls first entered youth justice supervision was 14 (22% of boys, 27% of girls) followed by 13 (20% of boys, 20% of girls). Among First Nations young people in detention, the proportions first entering youth justice supervision at the ages of 10 and 11 were higher for boys than girls (Figure 11.21; Table S11.19).

Figure 11.21: First Nations young people in detention, by age at first supervision and sex, Australia, 2022–23



Notes

1. Age calculated as at start of first period of supervision.
2. Information on first supervision is not available for all young people in detention. Young people with unknown date of first supervision are excluded.
3. For Tasmania and the Australian Capital Territory, young people aged 18 and over in detention during the year have been excluded due to small numbers.

Source: AIHW 2023c, Data Table S92.

11.3 Literature review

11.3.1 Factors associated with youth detention

This section presents a summary of factors associated with First Nations youth detention (or associated outcomes) most commonly identified from the literature.

The first part of the literature review includes a number of empirical studies that identified key factors associated with youth offending, which, in turn, is a driver of youth detention. The second part includes a small number of empirical studies that examined whether being a First Nations person was associated with different justice system outcomes, such as prosecution, cautions or diversions.

The current review covered studies specific to First Nations people as well as to other/broader population groups. The key factors identified for different reference populations are summarised in Table 11.5, which also gives the count of the relevant studies in each category.

The most common factors cited in these studies were:

- child abuse and neglect/child maltreatment
- school attendance, attainment and retention
- being a First Nations person
- family circumstances/parenting
- mental health conditions
- foetal alcohol syndrome disorder (FASD).

Table 11.5: Key factors associated with young people being in youth detention (or related outcomes) identified from the literature^(a)

	Total number of studies	First Nations people	Other Indigenous populations	General population: Australia	General population: international
Studies focused on youth offending					
Child abuse and neglect/child maltreatment	4	3		1	
School attendance, attainment and retention	3	1		2	
Parenting style/parental supervision	2			2	
Mental health	2	2			
FASD	2			1	1
Studies focused on justice system responses					
Being a First Nations person ^(b)	3	3		3	

(a) The same reference may be counted in more than one row or column, so subtotals of these may not be the sum of the components.

(b) As a factor associated with prosecution versus being cautioned (Weatherburn and Thomas 2022), or prosecution versus diversion (Ringland and Smith 2013), or receiving a court summons versus diversion (Papalia et al. 2019).

11.3.2 Empirical literature

In general, there is a lack of accessible data that include information about young people, their family characteristics and youth detention, although some linked data sets are available to certain researchers. These include:

- the New South Wales Human Services Dataset (<https://www.facs.nsw.gov.au/resources/research/human-services-dataset-hsds>)
- The University of Adelaide's Better Evidence, Better Outcomes, Linked Data platform, with linked data sets compiled through a collaboration with SA–NT DataLink and data custodians and data managers from government partners at the state and federal level (<https://health.adelaide.edu.au/betterstart/bebold>)
- a collaboration between the Menzies School of Health Research, the Northern Territory Government and the SA-NT DataLink data integration authority (described in He et al. (2019a))
- a linked data collection developed by the Australian Institute of Health and Welfare (AIHW) to report on the relationships between child protection and youth justice supervision (AIHW 2022b).

There are a small number of empirical studies focusing on factors associated with First Nations youth offending. He et al. (2019a:1) notes that there is 'scant research on juvenile delinquency in the Northern Territory', despite high rates of youth detention in that jurisdiction. The existing evidence base comprises studies that range in size, use diverse methods, and often relate to a single Australian jurisdiction. However, some findings do emerge from the literature more broadly, supporting the key factors presented here.

The empirical studies include:

- a study of 2,830 children born in the Northern Territory (He et al. 2019a)
- a study of 1,533 First Nations children born between 1996 and 2001 living in remote communities of the Northern Territory (He et al. 2019b)
- a study of 10,438 First Nations children born in the Northern Territory between 1999 and 2006 (He et al. 2021)
- a study of a sample of 4,428 assessments completed with youth offenders in Western Australia from 2016 to 2020 (using an assessment tool called the Youth Level of Service/Case Management Inventory, which is administered at the pre-sentence stage to inform sentencing and help develop case management plans) (Dellar et al. 2022)
- a small study of young people aged 10–<18 in one youth detention centre in Western Australia (99 completed a full assessment used to determine a diagnosis of FASD) (Bower et al. 2018)
- a study of 7,223 mother and infant pairs, where the mothers attended a Queensland hospital for their first antenatal visit between 1981 and 1983, and were then followed up at intervals to 14 years after the birth of the baby (Doolan et al. 2013)
- a study of 159 adolescents (aged 13–17) on remand in South Australia in 2008–09 and comparison groups of 13–17-year-olds (1,283) and 13–17-year-old First Nations children (1,100) who participated in population health surveys (Sawyer et al. 2010)
- a study of 10,441 completed self-report questionnaires from secondary school students in New South Wales (completed between September and November 1996) (Baker 1998).

The range of estimates on the effects of the key factors associated with youth offending, as reported in 5 of these studies, are summarised in Table 11.6. These studies used multivariate modelling to examine the effects of multiple explanatory variables on the outcome simultaneously.

Findings about key factors associated with youth offending are discussed below. Some of these are also identified by Weatherburn (2014) as those whose influence on offending (in general populations) is well established.

Child abuse and neglect/child maltreatment

Definitions of 'child abuse and neglect' and 'child maltreatment' are often used interchangeably in the literature (AIFS 2018). *Child maltreatment* is a broad term that covers physical, sexual and emotional abuse and neglect of children under 18 (World Health Organization 2024). *Child neglect* refers to 'any serious acts or omissions by a person having the care of a child that, within the bounds of cultural tradition, constitute a failure to provide conditions that are essential for the healthy physical and emotional development of a child' (AIHW 2023a).

- He and colleagues (2019b) found that, for First Nations boys born in remote communities in the Northern Territory, compared with no maltreatment notification before year 7, the risk of youth offending was:
 - 2.71 times higher for those reported as being subjected to more than one type of maltreatment before year 7
 - 2.24 times higher for those reported as being subjected solely to physical abuse
 - 1.69 times higher for those reported as being subjected solely to neglect
- For First Nations girls, compared with no maltreatment notification before year 7, the risk of youth offending was:
 - 4.49 times higher for those reported as being subjected to more than one type of maltreatment
 - 4.33 times higher for those reported as being subjected solely to physical abuse
- Another study that included both First Nations and non-Indigenous children in the same analysis found that those with a history of both abuse and neglect had the highest cumulative risk of being proven guilty of offending (53.6% for boys, 17.1% for girls), followed by those with:
 - solely a neglect substantiation (30.9% and 13.4%, respectively)
 - solely an abuse substantiation (11.0% and 6.7%, respectively)
 - no abuse or neglect substantiation (4.9% and 1.8%, respectively) (He et al. 2019a).
- Mindful of the over-representation of First Nations youth in detention, an earlier study of children born in Queensland found that First Nations children were more likely to have a youth justice history than non-Indigenous children, and this remained true after adjusting for social disadvantage, substantiated maltreatment and both social disadvantage and substantiated maltreatment (Doolan et al. 2013). The authors suggested that the over-representation of First Nations youth in the youth justice system may be due to a combination of factors, including systemic discrimination against First Nations young people, and First Nations youths having greater freedom in the community without close parental supervision than non-Indigenous youth. The authors also noted that the study may not have adequately controlled for other possible variables.

Contact with the child protection system

- He and colleagues (2021) found that, for First Nations boys in the Northern Territory, compared with those with no record of contact with the child protection system (CPS) before the age of 10:
 - among those with a CPS notification only (that is, not substantiated), the relative risk of first offence was 5.0 times as high
 - among those with a substantiation only (that is, not placed in out-of-home care [OOHC]), the risk was 6.9 times as high
 - among those placed in OOHC, the risk was 13.7 times as high.

By age 14, the relative risks were lower at 1.9 for notifications only, 2.2 for substantiations only and 3.0 for those placed in OOHC.

For First Nations girls in the Northern Territory, compared with those with no record of CPS contact before the age of 10, He and colleagues (2021) found that:

- among those with a CPS notification only, the relative risk of first offence was 6.8 times as high
- among those with a substantiation only, the risk was 16.3 times as high
- among those placed in OOHC, the risk was 27.6 times as high.

By age 14, the relative risks were lower, at 2.8 for notifications only; 3.7 for substantiations only and 4.0 for those placed in OOHC.

This study found no substantial difference in the risk of first offence for those with unsubstantiated CPS notifications compared with those with substantiated notifications.

- He and colleagues in an earlier study (2019a) that included both First Nations and non-Indigenous children in the analysis found that among children born in the Northern Territory in 1999, for all boys to age 16, the cumulative risk for a proven-guilty youth offence was:
 - 3.2% for those with no history of contact with the CPS
 - 11.5% among the notification only group
 - 18.7% among the substantiation group
 - 33.7% among those who had been placed in OOHC.

For girls, the corresponding cumulative risks for a proven-guilty youth offence were:

- 0.6% among those with no CPS contact
- 5.9% among the notification only group
- 8.9% among the substantiation only group
- 3.2% among the OOHC group.

Family circumstances/parenting and parental supervision

- A study of youth offenders in Western Australia examined areas of ‘criminogenic need’ (attributes of an offender associated with recidivism) including family circumstances/parenting, which comprised the following items: ‘inadequate supervision’, ‘difficulty in controlling behaviour’, ‘inappropriate discipline’, ‘inconsistent parenting’, ‘poor father–youth relations’ and ‘poor mother–youth relations’. The study found that the chances of re-offending were higher among those with:
 - ‘inadequate supervision’ (1.89 times as high)
 - ‘inappropriate discipline’ (1.91 times as high)
 - ‘inconsistent parenting’ (1.96 times as high)

- ‘poor mother–youth relations’ (1.95 times as high) (Dellar et al. 2022).
- A study of secondary school students in New South Wales found that students with lower levels of adult supervision were more likely to be participants in each of the crimes of assault (1.3–1.4 times as likely among those with medium or low supervision, compared with high), malicious damage (1.6–2.2 times as likely), and acquisitive property crime (1.9–2.6 times as likely). Adult supervision was categorised as follows:
 - *high supervision* – the student’s going out 0 to 1 night without adult supervision in a normal week
 - *medium supervision* – the student’s going out 2 to 3 nights without adult supervision in a normal week
 - *low supervision* – the student’s going out 4 or more nights without adult supervision in a normal week (Baker 1998).

School attendance and attainment

- A study of youth offenders in Western Australia found that the chances of re-offending were higher among those with low school achievement (Dellar et al. 2022).
- He and colleagues (2019b) found that, for First Nations boys born in remote communities in the Northern Territory, compared with those with year 7 attendance less than 60%, the risk of youth offending was lower for those with attendance between 60% and less than 80% (0.67 times as likely); for those with attendance of 80% or greater, it was 0.49 times as likely. For First Nations girls, there was a lower risk of offending (0.38 times as likely) for those enrolled by their mothers at year 7 compared with those who were not.
- A study of secondary school students in New South Wales found that students with below average school attainment were more likely to be participants in each of the crimes of assault (1.4 times as likely compared with average or above) and acquisitive property crime (1.5 times as likely). The same study found that school truancy was strongly associated with participation in:
 - each of the crimes of assault (1.7 times as likely among those with some truancy, and 3.2 times as likely among those with a lot of truancy, compared with none)
 - malicious damage (2.7 times as likely among those with some truancy, and 4.7 times as likely among those with a lot of truancy, compared with none)
 - acquisitive property crime (3.9 times as likely among those with some truancy, and 8.8 times as likely among those with a lot of truancy, compared with none) (Baker 1998).

Mental health

While no studies were found that used multivariate analysis to assess mental health as an explanatory factor for youth detention, studies have shown that the prevalence of mental health conditions among young people in detention is considerably higher than in the general community.

- A study of First Nations young people in a youth detention centre in Queensland found that all girls, and 94.6% of boys scored above the clinical cut-off on at least one of the 5 mental health scales (Stathis et al. 2012).
- A study of 13–17-year-olds on remand in South Australia found that among First Nations adolescents:

- 55.8% of those on remand had a score on the Strengths and Difficulties Questionnaire indicating mental health problems compared with 32.1% in the community
- 19.1% of those on remand reported making a suicide attempt during the previous 12 months compared with 4.3% of those in the community (Sawyer et al. 2010).
- Results of a recent systematic review of the prevalence of mental disorders among adolescents in youth detention and correctional facilities suggests that mental disorders are much more common among young people in detention than in the general population, with the prevalences varying according to the specific disorder (Beaudry et al. 2021).
- An Australian study which compared the prevalence of mental disorders among prisoners and community respondents interviewed with the same screening instrument found that the overall prevalence of any psychiatric illness was 80% for prisoners compared with 31% for the community, adjusting for differences in age, sex and education in the prison and community samples (Butler et al. 2006).

Fetal Alcohol Spectrum Disorder

No studies were found that assessed FASD as an explanatory factor for youth detention using multivariate analysis. However, studies have shown the disproportionate prevalence of FASD among those in youth detention.

- A widely cited study of young people in detention in one youth detention centre in Western Australia (of whom 73% were First Nations people) found that 36% (or 363.6 per 1,000) were diagnosed with FASD – the highest reported prevalence of FASD in a youth justice setting anywhere in the world (Bower et al. 2018).
- This Bower and colleagues study (2018) is the Australian study cited in a systematic review of the global literature, which also found a FASD prevalence (median across studies) in the correctional populations of Canada of 108.7 per 1,000 and the United States of 112.8 per 1,000, compared with the estimated prevalence of FASD in the general global population of 7.7 per 1,000 (Popova et al. 2019).

Being a First Nations person

There is a small body of recent literature relating to young people already involved with the criminal justice system and their pathways within the system, focusing on whether being a First Nations person is statistically significantly associated with specific justice system outcomes. The empirical studies include:

- a study of 38,439 individuals who had been warned, cautioned, referred to a youth justice conference or referred to court in New South Wales between 1 January 2010 and 31 December 2021 (Weatherburn and Thomas 2022)
- a study of 53,632 first-time youth offenders in Australia who turned 18 between 2000 and 2010 (Papalia et al. 2019)
- a study of records of cautions, conferences and Children’s Court matters (19,121 cases relating to 13,541 people) with a reference date between 1 July 2010 and 30 June 2011 for those aged between 10 to 21 at the time of police proceedings (Ringland and Smith 2013).

The range of estimates on the effects of being a First Nations person on young people’s justice system outcomes, as reported in these 3 studies, are summarised in Table 11.7. These studies used multivariate modelling to examine the effects of multiple explanatory variables on the outcome simultaneously and the results are as follows.

- A recent large study examined whether First Nations young people were more likely to be prosecuted than cautioned, compared with non-Indigenous young people (Weatherburn and Thomas 2022). The study found that, after adjusting for the effects of factors that police are required to consider, and controlling for a range of other factors, the odds of a young First Nations defendant being cautioned rather than prosecuted were just over half (0.57) those of a young non-Indigenous defendant.

The authors of this study point out that their results are consistent with those of an earlier study by Ringland and Smith (2013) (of the contrast between prosecution and diversion), which found that the odds of a young First Nations defendant's being diverted from court were about half (0.53) those of a young non-Indigenous defendant.

In discussing their results, Weatherburn and Thomas (2022:17) canvass potential explanations for these differences including racial discrimination – citing 'multiple reports ... in the media and in Government reports over many years documenting police and custodial officer mistreatment of young Indigenous defendants' – and the extensive range of other matters that police can consider when issuing a caution.

- Another recent study by Papalia and colleagues (2019) found that the odds of receiving a court summons following the first offence (rather than a diversionary alternative) were around 2 times higher for First Nations young offenders. This study discusses some potential explanations for the differences between First Nations and non-Indigenous young offenders, referring to various other sources from the literature, which include:
 - a lack of diversionary options in rural and remote Australia
 - conscious or unconscious bias by justice authorities
 - a higher number of previous informal cautions for First Nations youth
 - authorities being reluctant to divert First Nations youth due, for example, to concerns about their accommodation, family supervision and support, substance use, mental health or school attendance.

Table 11.6: Empirical results on key factors associated with youth offending identified in 5 relevant studies

	Dellar et al. 2022	He et al. 2021	He et al. 2019a	He et al. 2019b	Baker 1998
Reference population	Youth offenders in WA from 2016–2020	First Nations children born in the NT between 1999 and 2006	Children born in the NT in 1999	First Nations children born in the NT between 1996 and 2001	Secondary school students in NSW in 1996
Outcome variable and units for the empirical results	Risk of re-offending	Risk of youth offending – first alleged offence	Cumulative risk for first proven guilty offence	Risk of youth offending – first proven guilty offence	Risk of participation in assault, malicious damage or acquisitive property crime
Key factors used in the analyses					
Child maltreatment	–	13.7 (boys), 27.6 (girls), times as high ^(a) 3.0 (boys), 4.0 (girls), times as high ^(b)	33.7% (boys), 13.2% (girls) ^(c)	2.7 times (boys), 4.5 times (girls) ^(d)	–
School attendance and attainment	1.8 times as high (low achievement)	–	–	0.5 times (boys) ^(e) , 0.4 times (girls) ^(f)	1.4–1.5 times as high (below average school achievement) ^(g) 1.7–3.9 times as high (some truancy) ^(g) 3.2–8.8 times as high (a lot of truancy) ^(g)
Parenting	1.9–2.0 times as high ^(h)	–	–	–	1.3–1.9 times as high (medium supervision) ^(g) 1.4–2.6 times as high (low supervision) ^(g)

(continued)

Table 11.6 (continued): Empirical results on key factors of youth offending identified in 5 relevant studies

	Dellar et al. 2022	He et al. 2021	He et al. 2019a	He et al. 2019b	Baker 1998
Covariates used in the analyses	42 risk factors across 8 domains: prior/current offences; family circumstances/parenting; education/employment; peer relations; substance abuse; leisure/recreation; personality/behaviour; antisocial attitudes/orientation.	Level of child protection system (CPS) contact Timing of CPS contact Mother's Aboriginal status Various pregnancy complications Various labour complications	None	Child maltreatment experience School engagement Whether or not a child was enrolled by mother Community factors (remoteness and community-level socioeconomic disadvantage) Community effects (school attendance data for the community in which the child attended year 7)	Supervision Family structure School attainment Truancy Aboriginality Parents' country of birth Language spoken at home Gender

– No data.

- (a) Those placed in OOHC before the age of 10, compared with those with no record of CPS contact before the age of 10; results for notifications and substantiations are lower (see Section 11.3.2).
- (b) Those placed in OOHC before the age of 14, compared with those with no record of CPS contact before the age of 14; results for notifications and substantiations are lower (see Section 11.3.2).
- (c) Among those to age 16 who had been placed in OOHC; results for notifications and substantiations are lower (see body of report).
- (d) For those reported for more than one form of maltreatment; results are lower for individual types of maltreatment (see body of report).
- (e) Those with high school attendance, compared with those with low school attendance.
- (f) Those enrolled by their mothers at year 7, compared with those who were not.
- (g) Depending on the type of crime: assault; malicious damage; acquisitive property crime.
- (h) Depending on the exact factor: inadequate parental supervision; inappropriate discipline; inconsistent parenting; poor relations between the mother and the young person.

Table 11.7: Empirical results on key factors associated with justice system outcomes for young offenders identified in 3 relevant studies

	Weatherburn and Thomas 2022	Papalia et al. 2019	Ringland and Smith 2013
Reference population	Data from the NSW Re-Offending Database, containing records on individuals who had been warned, cautioned, referred to a youth justice conference or referred to court between 1 Jan 2010–31 Dec 2021 ^(a)	First-time youth offenders in Australia who turned 18 between 2000 and 2010 ^(b)	Data from the NSW Re-Offending Database for records of cautions, conferences and Children’s Court matters with a reference date between 1 July 2010 and 30 June 2011 for those aged between 10 to 21 at the time of police proceedings ^(c)
Outcome variable and units for the empirical results	Odds of being prosecuted (vs cautioned)	Adjusted odds of receiving a court summons following first offence rather than a diversionary alternative	Police use of diversion (i.e. cautions and police-referred conferences) (vs police referral to Children’s Court)
Key drivers used in the analyses			
Being a First Nations person	1.83 times higher if the offender is First Nations than if the offender is non-Indigenous	1.96 times higher for First Nations young offenders than non-Indigenous young offenders	
Covariates used in the analyses			
	Age group	Gender	Sex
	Sex	Age	Age
	Area	Whether occurred prior to commencement of <i>Young Offenders Act 1997</i>	Number of offences
	Number of concurrent offences		Whether any offence was a serious violent offence
	Offence severity	Number of violent charges at first contact	Number of prior cautions
	Serious violence		Whether there was a prior conference
	Prior conferences	Number of charges at first contact	Number of prior court finalisations
	Prior warnings		Whether there was a prior alleged serious violent offence
	Prior cautions		Whether there was a prior custodial order
	Prior court appearances		

(a) With restrictions imposed to align the data set with the eligibility requirements for a police caution.

(b) Excluding cases in which the age at first criminal incident involving police was below the age of criminal responsibility and cases in which the individual was charged with a first offence that was ineligible for diversion under the *Young Offenders Act 1997*.

(c) Warnings are not included in this study; additional data not routinely included in the NSW Re-Offending Database were also required and were obtained from alternative sources.

11.3.3 Other evidence

The publication *2015 Young People in Custody Health Survey: full report* (JH, FMHN and Juvenile Justice NSW 2017) details findings of a cross-sectional survey of the New South Wales youth justice population that aimed 'to describe the physical and mental health status of young people in NSW custodial facilities' (JH, FMHN and Juvenile Justice NSW 2017:3). It comprehensively describes the health and socioeconomic characteristics of young people, including young First Nations people, in custody in New South Wales. The report notes that:

- young people in custody in New South Wales in 2015 'reported high levels of social disadvantage, with poor literacy skills, low educational attainment, a history of child abuse and neglect, fractured family networks, placement in OOHC, and parental incarceration common findings' (page 93)
- among young people in custody in New South Wales in 2015:
 - First Nations young people left school earlier (at 14 years) than non-Indigenous young people (15.5 years)
 - First Nations young people were more likely to have a parent who had been incarcerated (nearly 68%) than non-Indigenous young people (nearly 37%)
 - nearly 60% of First Nations young people experienced their first entry into custody aged 14 or younger, compared with around 33% of non-Indigenous young people.

Some literature on the pathways of young people already involved with the criminal justice system discusses levels of unsentenced detention. Although no studies were found using multivariate analysis, this work is worth noting because of the impact on rates of detention. As the majority of First Nations young people in detention are in unsentenced detention, these rates, along with the length of time spent in unsentenced detention, have a strong influence on the overall rates of detention.

- Daly (2022) argues that pre-trial detention is overused in the Australian youth justice system and that Australia could adopt other models, such as the 'Ontario Model', which has more community-based options rather than being a custody-focused system.
- The majority of young people in unsentenced detention are on remand; Richards and Renshaw (2013) discuss a number of drivers of remand among young people, including:
 - lack of access to legal representation
 - court delays
 - difficulties locating 'responsible adults' to support young people's bail applications
 - risk aversion
 - inappropriate and/or arbitrary use of bail conditions
 - breaches of bail.

Richards and Renshaw (2013) note that young people with complex needs and welfare issues such as mental health conditions, alcohol and substance use problems and/or a history of experiencing child maltreatment or other violence are more likely to be placed on remand because the services they require are only available in custody.

- Hearing loss is associated with increased contact with the criminal justice system, with poor educational outcomes identified as the factor linking hearing loss and criminal activity (Burns and Thomson 2013).

- One study by He and colleagues (2019b) found a high prevalence of hearing impairment among Aboriginal children with a record of an offence in the Northern Territory. Hearing impairment was not associated with having a record of an offence (after controlling for child maltreatment, school attendance factors, and living in a disadvantaged or remote area), suggesting that it may be associated with contact with the criminal justice system through poor educational outcomes. The authors argue that reducing the high rates of hearing loss in Aboriginal children, and improving the justice system's response to hearing impaired Aboriginal people may be critical to reducing Aboriginal incarceration and recidivism rates.

11.4 Policy implications

Contact with the criminal justice system is symptomatic of the social and economic inequalities faced by many First Nations people, specifically in the areas of housing, health, education, employment, family and community safety and alcohol and drug use, according to a House of Representatives Inquiry that examined factors contributing to the over-representation of young First Nations people in the youth justice system (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011). Colonisation and dispossession lead to the social, economic and political marginalisation and socioeconomic inequalities among First Nations people; this context is essential in understanding the contemporary over-representation of First Nations people in criminal justice systems (Cunneen and Tauri 2019).

Children under youth justice supervision are a particularly vulnerable group, with many experiencing poor physical or mental health. Many First Nations young people in detention have had contact with the child protection system, including OOHC placements, have experienced substance abuse, or have poor school attendance and attainment. These characteristics are identified in the literature as some of the key factors associated with youth offending and youth detention.

Based on the literature, the drivers of youth detention include:

- child abuse and neglect
- school attendance, attainment and retention
- family circumstances/parenting
- mental health
- FASD.

This highlights the complex range of interrelated factors associated with involvement with the youth justice system and the need for support and initiatives in these areas.

One of the outcomes of the 2020 National Agreement on Closing the Gap is that Aboriginal and Torres Strait Islander young people are not over-represented in the criminal justice system. The aim is to reduce the rate of Aboriginal and Torres Strait Islander young people (aged 10–17) in detention by at least 30% by 2031 (compared with the rate in 2018–19). This translates to a youth detention rate at most of 22.3 per 10,000 by 2031.

In 2022–23, the rate of First Nations young people in detention on an average day was 30 per 10,000, a decrease from 32 per 10,000 in 2018–19. This is above the trajectory to meet the 2031 target (that assumes a constant rate of decrease from 2018–19 to 2031).

It is important to note that the COVID-19 pandemic may have had an impact on some changes in recent years, due to social restrictions and impacts on the operations of youth

justice centres and other places of custody, and courts and tribunals; however, the impacts on the data due to COVID-19 are not yet well understood.

The size of First Nations youth justice populations in states and territories can be affected by:

- the size of the First Nations youth population overall in that state or territory
- the differences in state-based legislation, policies and practices, including the available types of supervised orders and options for diversion.

It is therefore difficult to directly compare results across jurisdictions. In 2022–23, the rate of First Nations young people in detention was lower than the national rate in New South Wales, Victoria, South Australia and Tasmania, and higher than the national rate in Queensland, Western Australia, the Australian Capital Territory and the Northern Territory (above 34 per 10,000 in each case). There have also been marked increases in recent years in the First Nations youth detention rate in Queensland and the Northern Territory. In the case of the Northern Territory, a change in legislation aimed at reducing youth crime by targeting repeat offenders may have had an impact on the number and rate of young people in detention.

There has been little change in the average number of days that First Nations young people spent in detention during a year over the past 4 years (at around 69–72 days).

Successful policy initiatives

Policy initiatives aimed at reducing the over-representation of First Nations youth in the justice system are multifaceted. They focus on preventing young people from having contact with the system, diverting them from further contact following an initial contact, delivering culturally appropriate services that meet the multiple and complex needs of young people in contact with the youth justice system, and mitigating the drivers of contact with the justice system at a local community level.

Strategies for reducing offending

Richards and colleagues (2011) reviewed some promising interventions for reducing offending by First Nations youth that included:

- primary prevention initiatives to reduce initial contact with the youth justice system: an evaluation of the Doomadgee Petrol Project found a 90% reduction in reported crime following the program's initiatives to reduce petrol sniffing among young people. Kowanyama and Palm Island Community Justice Groups were introduced in 1993 and included night patrols and settling family disputes. Evaluation of the program found a decrease in charges among youth
- secondary prevention initiatives to manage existing problem behaviour: an evaluation of the Panyappi Indigenous Youth Mentoring Project found a reduction in offending among the 15 participants included in the evaluation
- tertiary prevention initiatives to reduce re-offending: multisystemic therapy focuses on the homes, families, schools, neighbourhoods and friends of chronic and violent youth offenders. There have been positive international reviews of this program.

Developing prevention measures to reduce First Nations people's engagement in crime and contact with the criminal justice system is critical. Key to successful prevention and early intervention is to build positive long-term relationships with family, communities and service providers. This highlights the important principle of self-determination in prevention program design and delivery. First Nations community ownership, design and control can ensure

services work to meet the unique needs of communities, and to foster community 'buy-in' (Stringfellow et al. 2022).

Strategies for reducing re-offending

It is crucial to divert young people from further involvement in the justice system. Forms of diversion include (AIHW 2023b):

- police warnings
- referral to services such as drug and alcohol treatment
- bail supervision for those at risk of remand
- youth justice conferencing.

The Tiwi Islands Youth Development and Diversion Unit in the Northern Territory provides a 12-week diversion program engaging Tiwi youth (typically first-time youth offenders) in prevention activities that aim to benefit the offender, the victim and the community (Higgins and Davis 2014; Stewart et al. 2014).

An independent evaluation of the program found it was effective in reducing adverse contact between Tiwi youth and the criminal justice system (Stewart et al. 2014). Individual re-offence data from the Northern Territory Police for program participants showed that 20% of participants (13 of 65 young people) had contact with the police for alleged offences in the year after starting with the program, which is below what would be expected for this population without the intervention.

Qualitative data found the program was useful in reconnecting young people to cultural norms, was culturally 'competent' and directly focused on the factors that contribute to offending behaviour, such as substance misuse, boredom and disengagement from work or education.

Other promising practices of First Nations youth justice programs include the importance of:

- having adequately resourced, culturally appropriate and competent services
- establishing effective collaboration
- considering the multiple and complex needs of offenders
- promoting family engagement and culturally appropriate parental education.

Areas that require further in-depth research and evaluation include how First Nations participants fare in mainstream justice programs; how sustainable are the outcomes; whether collaborative case management in youth crime prevention and reduction programs is effective for First Nations young people; and how effective are the structured, cognitive behavioural programs based on 'Western' psychological theories (Higgins and Davis 2014).

The Australian Government, as well as most if not all of the states and territories, has taken steps to explore the potential of Justice Reinvestment strategies (Willis and Kapira 2018). In 2022, the Australian Government committed a landmark investment of \$81.5 million to expand on First Nations-led justice reinvestment initiatives across the country. In many cases, these strategies have focused on the over-representation of First Nations people in the justice system, as well as changes to the youth justice system (Schwartz 2010). As well, proposals to increase the minimum age of criminal responsibility should reduce the over-representation of First Nations children in the criminal justice system (AIHW 2023c).

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