



**Australian Government**  
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# **Youth justice in Australia**

**2017-18**





# Youth justice in Australia

2017–18



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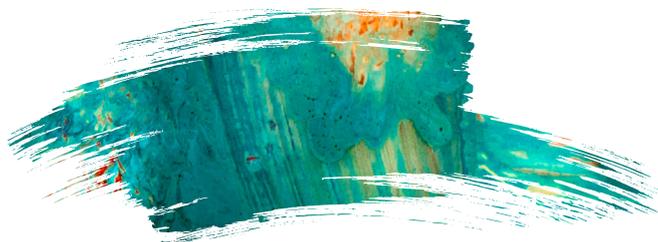
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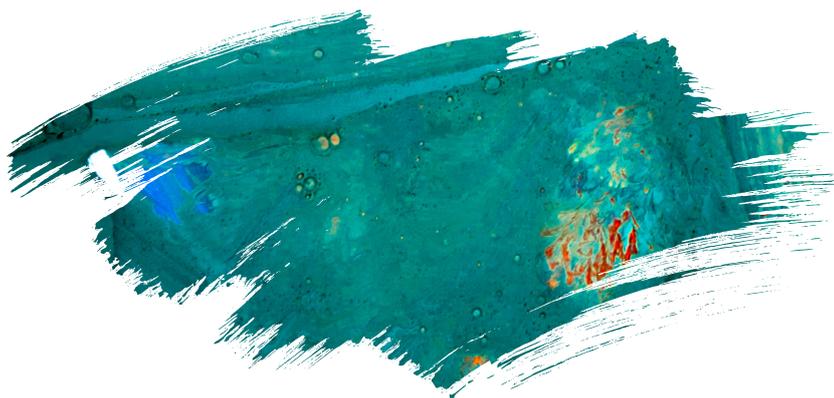
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# Summary

This report looks at young people who were under youth justice supervision in Australia during 2017–18 because of their involvement or alleged involvement in crime. It explores the key aspects of supervision, both in the community and in detention, as well as recent trends.

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

A total of 5,513 young people aged 10 and over were under youth justice supervision on an average day in 2017–18 and 10,638 young people were supervised at some time during the year. Among those aged 10–17, this equates to a rate of 21 per 10,000, or 1 in every 486 young people on an average day.

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

More than 4 in 5 (83% or 4,568) young people under supervision on an average day were supervised in the community, and almost 1 in 5 (18% or 974) were in detention (some were supervised in both the community and detention on the same day).

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

About 3 in 5 (60%) young people in detention on an average day were unsentenced—that is, awaiting the outcome of their legal matter or sentencing.

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

Individual periods of supervision that were completed during 2017–18 lasted for a median of 119 days or about 4 months (this includes time under supervision before 1 July 2017 if the period started before that date). When all the time spent under supervision during 2017–18 is considered (including multiple periods and periods that were not yet completed), young people who were supervised during the year spent an average of 189 days or about 6 months under supervision.

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

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

In 2017–18, the rate of young people aged 10–17 under supervision on an average day ranged from 12 per 10,000 in Victoria to 59 per 10,000 in the Northern Territory.

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

Over the 5 years from 2013–14 to 2017–18, the number of young people aged 10–17 under supervision on an average day fell by 9%, while the rate dropped from 24 to 21 per 10,000. The rate fell for community-based supervision (from 20 to 17 per 10,000) and rose slightly for detention (from 3 to 4 per 10,000).

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

Although only about 5% of young people aged 10–17 in Australia are Indigenous, half (49%) of those under supervision on an average day in 2017–18 were Indigenous.

Between 2013–14 and 2017–18, the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 199 to 187 per 10,000 (Table S12a). The rate of non-Indigenous young people under supervision also fell over the period, from 13 to 11 per 10,000.

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

Although most young people under supervision had come from cities and regional areas, those from geographically remote areas had the highest rates of supervision. On an average day in 2017–18, young people aged 10–17 who were from Remote areas were 6 times as likely to be under supervision as those from Major cities, while those from Very remote areas were 9 times as likely.

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

More than 1 in 3 young people (36%) under supervision on an average day in 2017–18 were from the lowest socioeconomic areas, compared with 5% from the highest socioeconomic areas.

### **Over a third of young people were new to supervision**

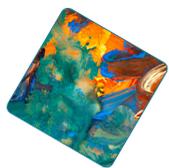
More than one-third (36%) of young people under youth justice supervision in 2017–18 were new to supervision in that year. The rest (64%) had been supervised in a previous year. Indigenous young people (70%) were more likely than non-Indigenous young people (60%) to have been under supervision in a previous year.

### **Indigenous young people were younger when they entered supervision than non-Indigenous young people**

On average, Indigenous young people entered youth justice supervision at a younger age than non-Indigenous young people. Two in 5 (39%) Indigenous young people under supervision in 2017–18 were first supervised when aged 10–13, compared with about 1 in 7 (15%) non-Indigenous young people.

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

More than 9 in 10 (92%) young people who were supervised during 2017–18 had been under community-based supervision at some time during their supervision history (either during 2017–18 or in a previous year). More than 6 in 10 (65%) had spent time in detention.



# 1 Introduction

## The youth justice system

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

Young people can be charged with a criminal offence if they are aged 10 or over. There are separate justice systems for young people and adults. The upper age limit for treatment under the youth system is 17 (at the time of the offence) in all states and territories. Legislation to increase Queensland's age limit to 17 was passed in November 2016, and enacted in February 2018. This has, in part, led to a rise in the number of young people supervised by youth justice in Queensland and nationally.

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

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

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

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

A court may decide to dismiss a charge, divert the young person from further involvement in the system (for example, by referral to other services), or transfer them to specialist courts or programs. If the matter proceeds and the charge is proven, the court may hand down various orders, either supervised or unsupervised.

## Youth justice supervision

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

Most young people under youth justice supervision are supervised in the community rather than in detention. This is partly due to the fact that one of the key principles in Australian youth justice is the idea that young people should be placed in detention only as a last resort.

This principle is found in youth justice legislation in each state and territory. It is also consistent with the United Nations Convention on the Rights of the Child and the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (UN 1985, 1989). The Convention on the Rights of the Child states that children should be deprived of liberty only as a last resort and for the shortest appropriate period of time.

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

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

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

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

Depending on the jurisdiction, unsentenced community-based supervision can include supervised or conditional bail (which may include conditions such as a curfew or a monetary bond) and home detention bail.

Sentenced community-based supervision includes:

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

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

**Table 1.2: Supervised youth justice services and outcomes in the JJ NMDS, states and territories, 2017–18**

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

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

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

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

(c) Youth justice outcome or service that is available in the state or territory, but is outside the scope of the JJ NMDS.

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

## Key policy directions in 2017–18

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

In 2017–18, some of the most commonly identified policy directions included:

- enhancing diversion, including the use of warnings, cautions and conferencing
- improving bail assistance for young people
- providing effective assessment processes
- implementing co-ordinated case management systems and improving data collection and availability
- developing and providing evidence-based programs to address the offending behaviour of young people under supervision
- improving detention facilities
- improving the pre- and post-release support provided to young people leaving custody, including accommodation and other forms of support.

Recommendations from the Royal Commission into the Protection and Detention of Children in the Northern Territory continue to be considered and implemented (Royal Commission 2017). Of particular relevance to this report, as recommended by the Royal Commission, the Northern Territory provided JJ NMDS standard data in 2017–18, the first time this has been possible since 2008–09.

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

## This report

This report presents information about the young people in Australia who were under youth justice supervision during 2017–18, both in the community and in detention. It looks at the characteristics of these young people, key aspects of their supervision, and recent trends.

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

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



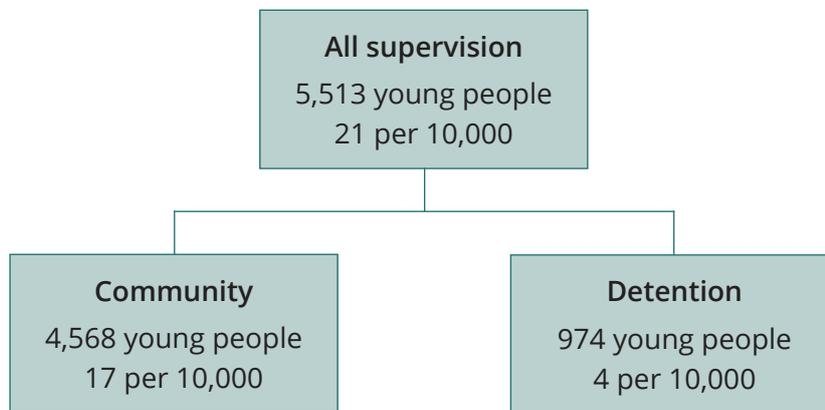
## 2 Numbers and rates of young people under supervision

### National

On an average day in 2017–18, 5,513 young people aged 10 and over were under youth justice supervision in Australia (Figure 2.1; Table 2.1). A total of 10,638 young people were supervised at some time during the year (Table S1).

Most (4,568 or 83%) young people under supervision on an average day were supervised in the community, and the remainder (974 or 18%) were in detention (Figure 2.1) (totals might not sum due to rounding, and because some young people were under community-based supervision and in detention on the same day).

**Figure 2.1: Young people under supervision on an average day, by supervision type, 2017–18**



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

Although relatively few young people were in detention on an average day, almost half (46%, or 4,933 of 10,638) of all young people who were supervised during 2017–18 had been in detention at some time during the year. Among the states and territories, this proportion ranged from 24% in Tasmania to 63% in the Australian Capital Territory (Table 2.1). The difference between the number in detention on an average day, and the number who had been in detention during the year reflects the fact that young people spent substantially less time in detention (see Appendix 1).

The rate of young people aged 10–17 under youth justice supervision on an average day was about 21 per 10,000, which equates to about 1 in every 486 young people. On an average day, 17 young people aged 10–17 per 10,000 were under community-based supervision, and 4 per 10,000 were in detention.

**Table 2.1: Young people under supervision, by supervision type, states and territories, 2017–18**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Number—all ages</b>									
<b>Average day<sup>(a)</sup></b>									
Community	1,184	835	1,423	640	237	124	88	139	4,568
Detention	292	202	209	153	51	12	15	39	974
All supervision	1,369	1,033	1,623	787	286	135	103	177	5,513
<b>During the year</b>									
Community	2,212	1,763	2,717	1,575	521	232	157	297	9,474
Detention	1,592	716	1,066	854	337	58	111	199	4,933
All supervision	2,791	1,856	2,831	1,754	650	239	177	340	10,638
<b>Rate—age 10–17 (number per 10,000)</b>									
<b>Average day</b>									
Community	13.7	9.9	26.0	23.7	12.6	20.0	22.6	43.1	17.0
Detention	3.4	2.2	4.1	5.9	2.6	2.0	3.3	15.2	3.6
All supervision	17.2	12.3	30.0	29.5	15.2	22.3	25.9	59.0	20.6
<b>During the year</b>									
Community	27.5	19.8	50.0	57.6	27.8	36.3	39.0	93.6	34.7
Detention	19.8	8.9	21.0	33.4	19.6	10.3	27.9	77.2	19.3
All supervision	34.1	20.9	52.3	65.0	34.9	37.9	43.4	112.1	39.1

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

*Notes*

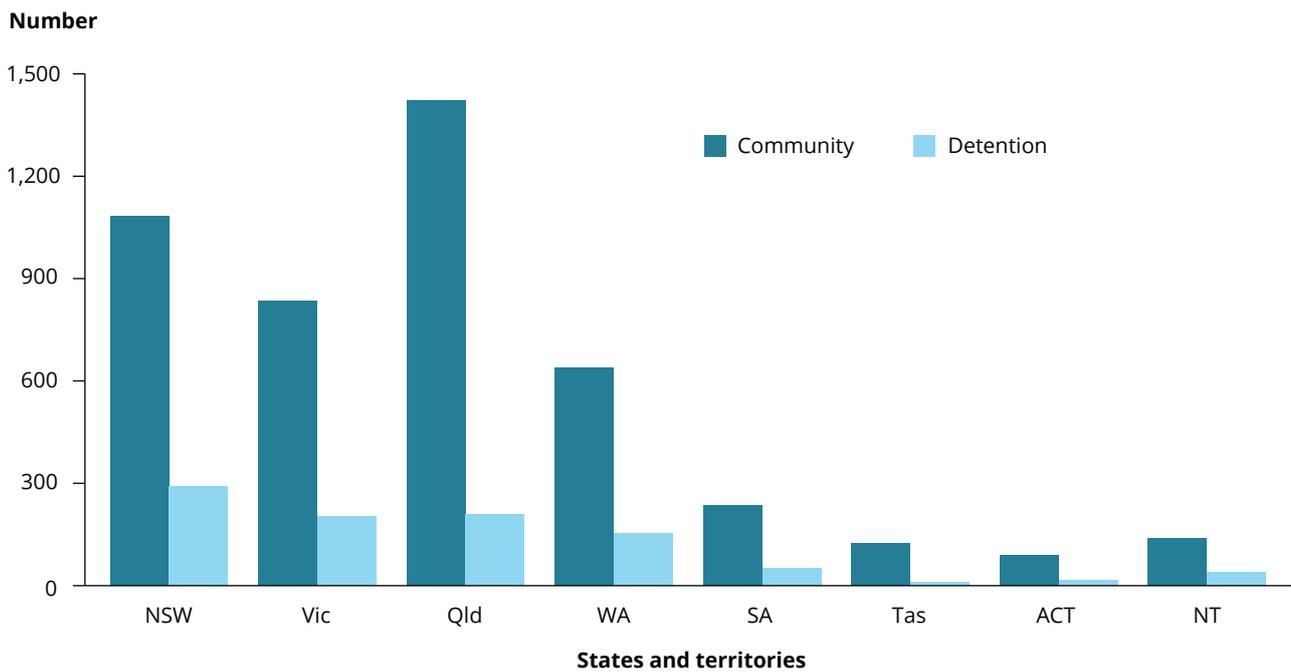
1. See Appendix 1 for more information about 'average day' and 'during the year' measures.
  2. Rates are rounded to nearest whole number. See source tables for rates to 2 decimal places, used in the calculation of rate ratios.
- Sources:* Tables S1, S4, S36, S39, S74, and S77.

## States and territories

Among the states and territories, New South Wales and Queensland had the largest groups of young people under supervision on an average day. Young people in those 2 states accounted for more than half (25% for New South Wales and 29% for Queensland) of all those under supervision on an average day (Table 2.1).

In community-based supervision, Queensland (31%) and New South Wales (24%) also had the largest numbers of young people under supervision on an average day (Figure 2.2). Of all young people in detention, nearly one-third (30%) were in New South Wales, and 1 in 5 were in Victoria (21%) or Queensland (21%).

**Figure 2.2: Young people under supervision on an average day by supervision type, states and territories, 2017–18 (number)**



Sources: Tables S36a and S74a.

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

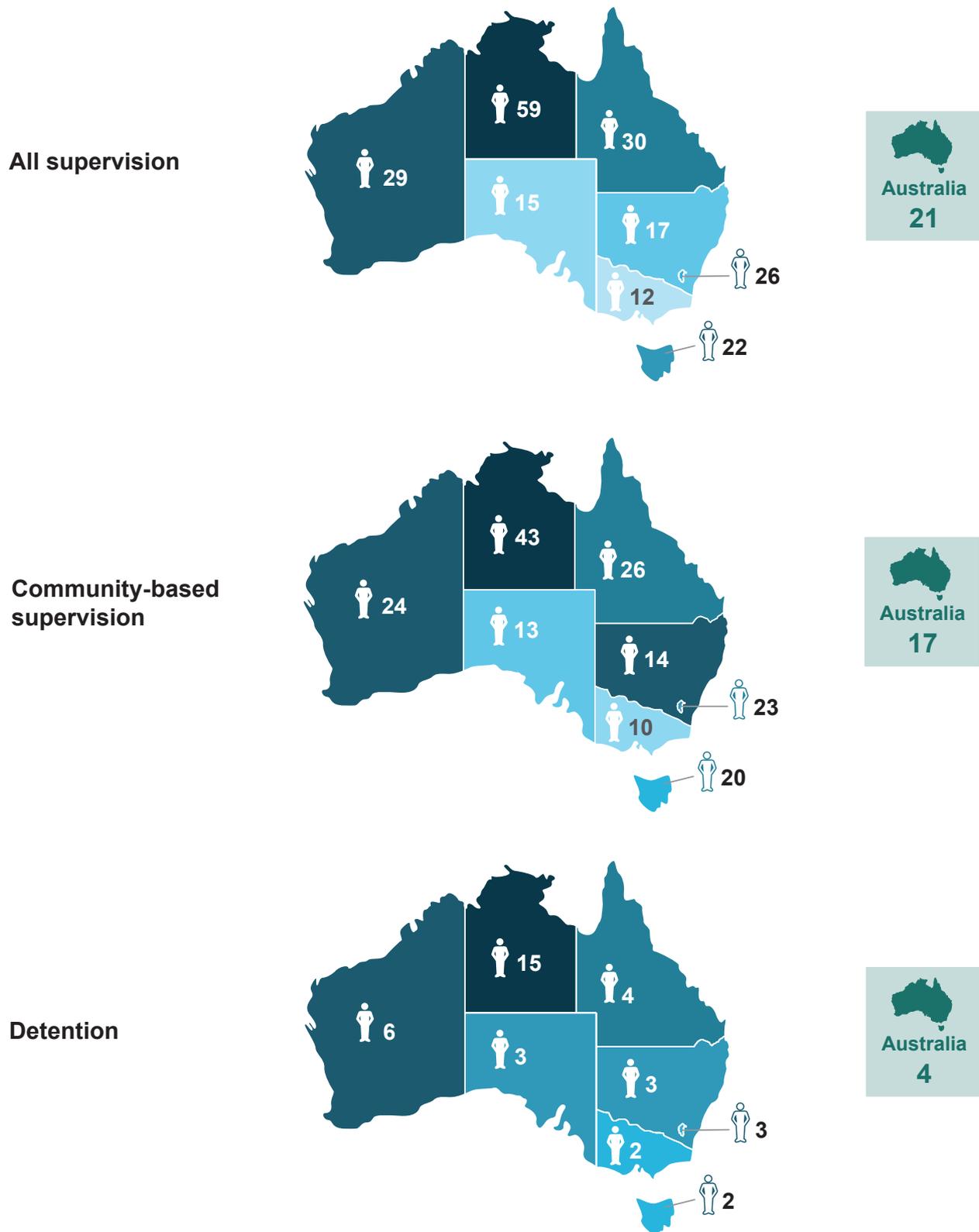
On an average day in 2017–18, the rate of young people aged 10–17 under supervision was lowest in Victoria (12 per 10,000), and highest in the Northern Territory (59 per 10,000).

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

For community-based supervision, the rate of young people aged 10–17 on an average day ranged from 10 per 10,000 in Victoria to 43 per 10,000 in the Northern Territory.

For detention, the rates ranged from 2 per 10,000 in Victoria and Tasmania to 15 per 10,000 in the Northern Territory.

Figure 2.3: Young people aged 10–17 under supervision on an average day by supervision type, states and territories, 2017–18 (number per 10,000)



Source: Table 2.1.



## 3 Characteristics of young people under supervision

### Age and sex

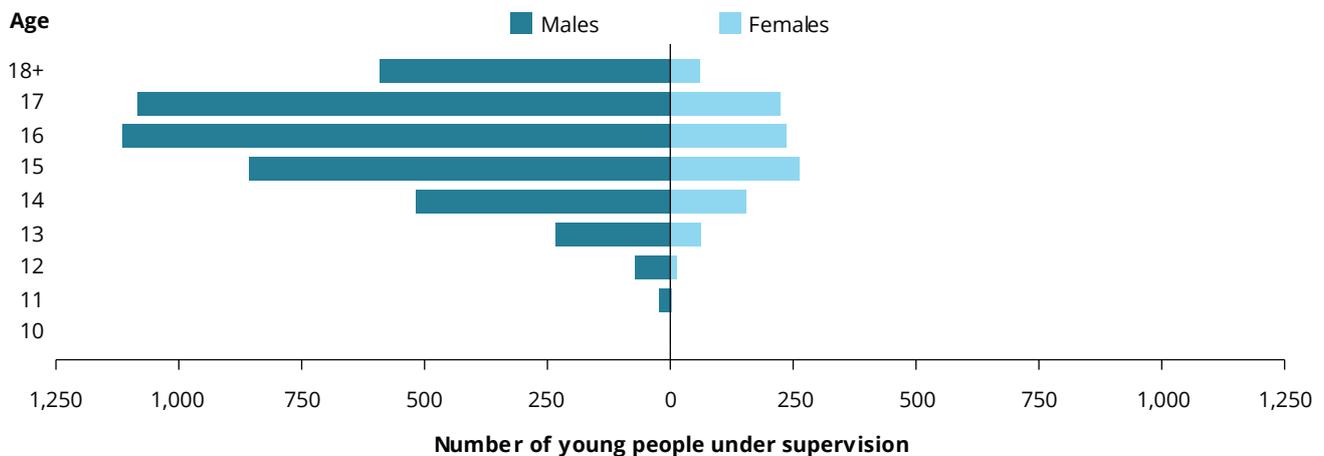
The majority of young people under supervision on an average day in 2017–18 were male (81%) (Figure 3.1; Table S2a). This proportion was higher among those in detention (91%) than those supervised in the community (80%) (tables S37a and S75a).

Among young people aged 10–17, males (32 per 10,000) were 4 times as likely as females (8 per 10,000) to be under supervision on an average day (Table S4a).

Males under supervision substantially outnumbered females in all the states and territories, with the proportion of young males under supervision on an average day ranging from 74% of the population under supervision in the Australian Capital Territory to 86% in Victoria and Western Australia (Table S2a).

Just over 4 in 5 (81%) young people under supervision on an average day were aged 14–17 (Figure 3.1; Table S7a). Both numbers and rates of young people under supervision were highest among those aged 16 (1,352 young people or 47 per 10,000) (tables S5a and S6a). About 12% of young people under supervision were aged 18 and over, and 7% were aged 10–13 (Table S7a).

**Figure 3.1: Young people under supervision on an average day, by age and sex, 2017–18 (number)**



Source: Table S5a.

The age profiles of young people under supervision varied among the states and territories. Western Australia and Queensland had the largest proportions of young people aged 10–13 under supervision on an average day (14% and 11%, respectively) (Table S7a). In Queensland, this is partly due to the fact that young people who were aged 17 or over when they allegedly committed offences were processed in the adult criminal justice system (before February 2018; see Introduction).

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

A greater proportion of males were in the older age groups (aged 18 years and over) than females (Figure 3.1). In 2017–18, about 13% of males under supervision were aged 18 and over, compared with 6% of females (Table S5a).

## Indigenous young people under supervision

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

Although only about 5% of young people aged 10–17 in Australia are Aboriginal or Torres Strait Islander, almost half (2,389 or 49%) of the young people aged 10–17 under supervision on an average day in 2017–18 were Indigenous (tables S3a and S144).

Close to half (48%) of those aged 10–17 under community-based supervision were Indigenous, while over half (56%) of those in detention were Indigenous (tables S38a and S76a).

In 2017–18, the rate of Indigenous young people aged 10–17 under supervision on an average day was 187 per 10,000, compared with 11 per 10,000 for non-Indigenous young people (Table 3.1). This means Indigenous young people aged 10–17 were about 17 times as likely as non-Indigenous young people to be under supervision on an average day.

This level of Indigenous over-representation (as measured by the rate ratio—see Appendix 1) was higher in detention (23 times as likely) than in community-based supervision (17 times as likely) (Table 3.1).

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

The rate of Indigenous young people aged 10–17 under supervision on an average day was lowest in Tasmania (66 per 10,000) and highest in Western Australia (293 per 10,000). Similarly, the level of Indigenous over-representation (rate ratio) was lowest in Tasmania (4 times as likely) and highest in Western Australia (27 times as likely).

**Table 3.1: Young people aged 10–17 under supervision on an average day by Indigenous status, states and territories, 2017–18 (rate)**

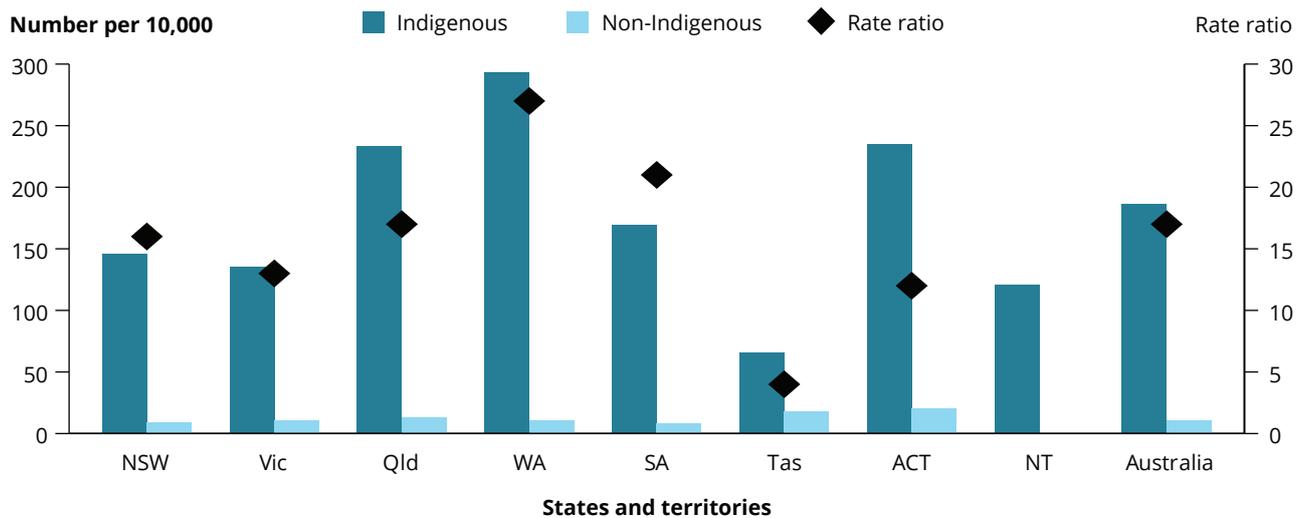
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Community-based supervision rate (number per 10,000)</b>									
Indigenous	114.7	109.5	195.1	229.5	132.6	59.2	199.6	88.4	150.0
Non-Indigenous	7.1	8.3	12.2	9.2	7.0	15.7	17.7	n.p.	9.0
<b>All young people</b>	13.7	9.9	26.0	23.7	12.6	20.0	22.6	43.1	17.0
Rate ratio	16	13	16	25	19	4	11	n.p.	17
<b>Detention rate (number per 10,000)</b>									
Indigenous	31.4	21.9	39.6	65.0	36.3	n.p.	n.p.	31.4	36.9
Non-Indigenous	1.8	1.9	1.2	1.7	1.0	1.5	2.5	n.p.	1.6
<b>All young people</b>	3.4	2.2	4.1	5.9	2.6	2.0	3.3	15.2	3.6
Rate ratio	18	12	32	38	36	n.p.	n.p.	n.p.	23
<b>All supervision rate (number per 10,000)</b>									
Indigenous	146.1	135.6	233.2	293.3	169.6	66.0	235.0	120.9	186.8
Non-Indigenous	8.9	10.3	13.4	11.0	8.1	17.6	20.2	n.p.	10.7
<b>All young people</b>	17.2	12.3	30.0	29.5	15.2	22.3	25.9	59.0	20.6
Rate ratio	16	13	17	27	21	4	12	n.p.	17

### Notes

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

Sources: Tables S4a, S39a, and S77a.

**Figure 3.2: Young people aged 10–17 under supervision on an average day by Indigenous status, states and territories, 2017–18 (rate)**

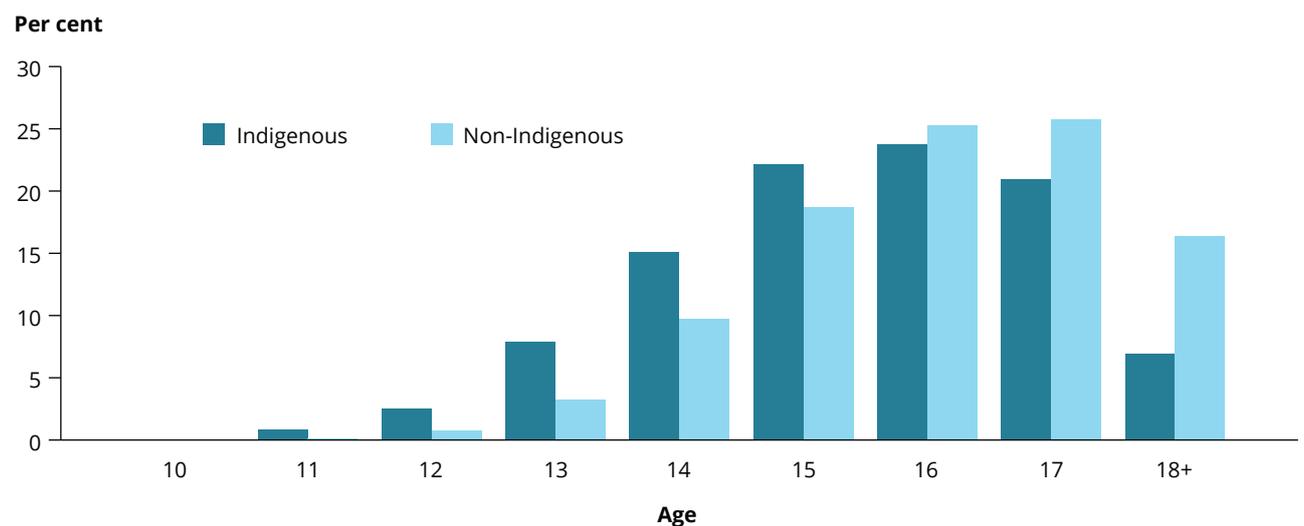


Source: Table 3.1.

On average, Indigenous young people under supervision were younger than their non-Indigenous counterparts (Figure 3.3). This was the case among both males and females. On an average day in 2017–18, about half (48%) of all Indigenous young people under supervision were aged 10–15, compared with one-third (33%) of non-Indigenous young people (Table S5a).

Similar proportions of Indigenous and non-Indigenous young people under supervision were male (80% and 83%, respectively) (Table S5a).

**Figure 3.3: Young people under supervision on an average day, by age and Indigenous status, 2017–18 (%)**



Source: Table S5a.

## Remoteness area

On an average day in 2017–18, most young people under supervision were living in *Major cities* (50%), *Inner regional* or *Outer regional* areas (35%) before entering supervision (based on postcode of last address) (Table S21a).

About 10% had lived in *Remote* or *Very remote* areas. A remoteness area could not be determined for about 5% of young people.

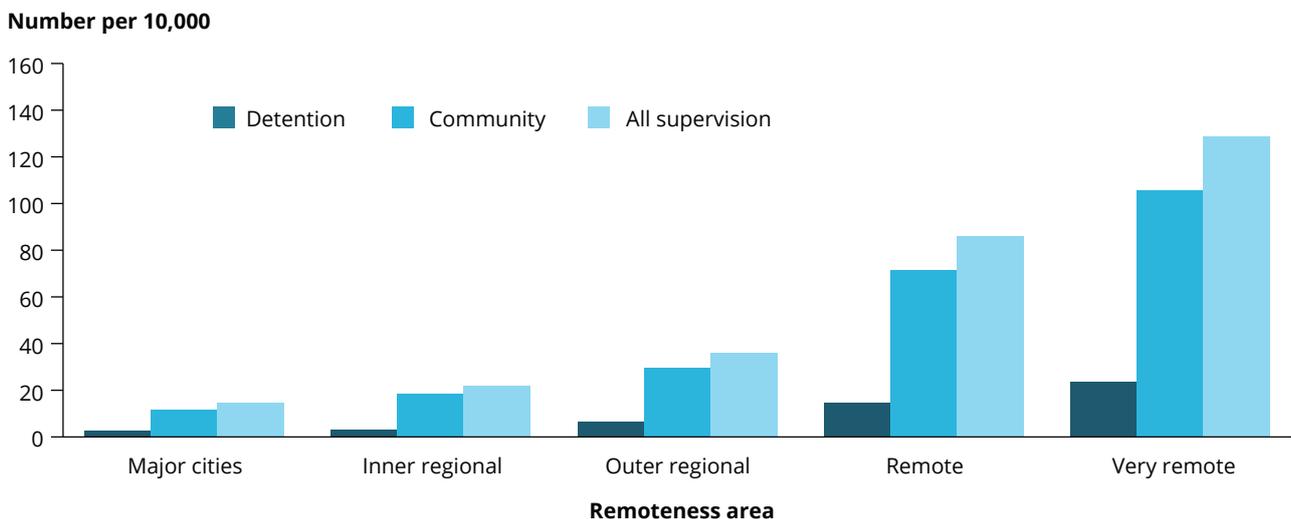
This contrasts with the distribution of young people aged 10–17 in the general population, with 70% living in *Major cities*, 28% living in *Inner regional* or *Outer regional* areas, and less than 2% living in *Remote* or *Very remote* areas.

On an average day in 2017–18, Indigenous young people under supervision were more likely than non-Indigenous young people to have lived in *Outer regional* areas (23% compared with 7%), and *Remote* or *Very remote* areas (20% compared with less than 1%) (Table S21a). Similar patterns were evident for community-based supervision and detention, and largely reflect the distribution of the Indigenous Australian population.

Although most young people under supervision had come from cities and regional areas, those from geographically remote areas had the highest rates of supervision. On an average day in 2017–18, young people aged 10–17 who were from *Remote* areas were 6 times as likely to be under supervision as those from *Major cities* (86 per 10,000 compared with 15 per 10,000), while those from *Very remote* areas were 9 times as likely (129 compared with 15 per 10,000) (Figure 3.4; Table S22a).

This pattern occurred in both community-based supervision and detention. Young people aged 10–17 from *Remote* areas were 6 times as likely as those from *Major cities* to be under community-based supervision and 5 times as likely to be in detention on an average day, while those from *Very remote* areas were 9 times as likely to be under community-based supervision, and 9 times as likely to be in detention.

**Figure 3.4: Young people aged 10–17 under supervision on an average day, by remoteness of usual residence and supervision type, Australia, 2017–18 (rate)**



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

*Sources:* Tables S22c, S59c, and S99c.

## Socioeconomic position

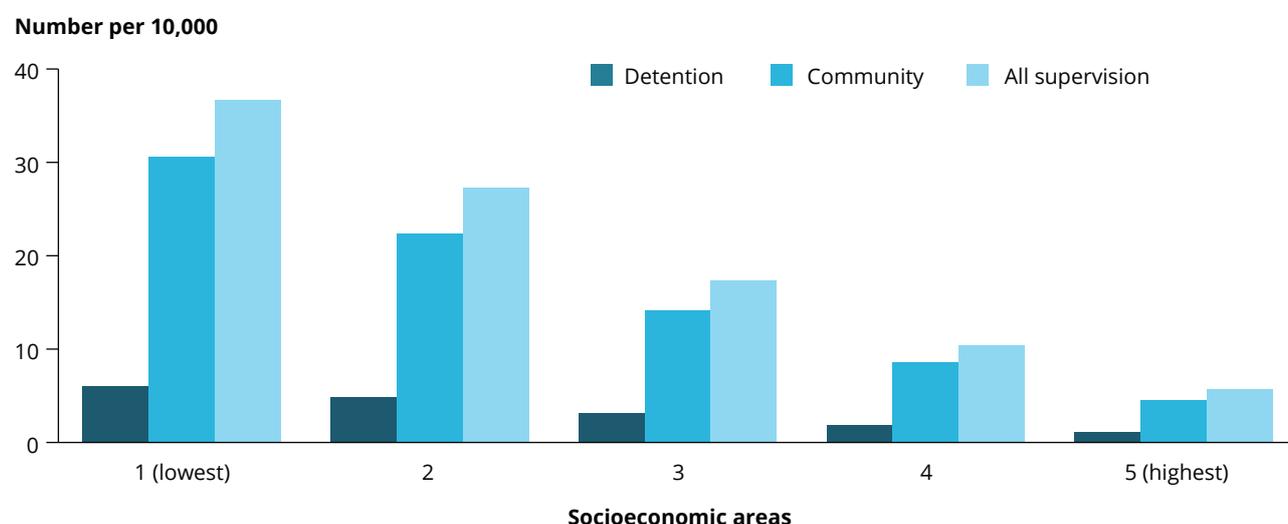
In this report, socioeconomic position has been determined using the postcode of the last known address of young people under supervision. Young people living in the 20% of areas with the greatest overall level of disadvantage are described as living in the lowest socioeconomic areas, with level 1 being the lowest. The 20% of young people at the other end of the scale—those living in areas with the least overall level of disadvantage—are described as living in the highest socioeconomic areas, with the highest being level 5. An area of socioeconomic position was able to be determined for 95% of young people in the data set. For more information, see the Glossary and Appendix 1.

Young people under youth justice supervision in 2017–18 most commonly lived in lower socioeconomic areas before entering supervision. More than 1 in 3 young people (36%) under supervision on an average day were from the lowest socioeconomic area (level 1), compared with only 5% from the highest socioeconomic areas (level 5) (Table S23a).

On an average day in 2017–18, 37 per 10,000 young people aged 10–17 from the lowest socioeconomic areas were under supervision, compared with 6 per 10,000 from the highest socioeconomic areas (Figure 3.5). This means that young people from the lowest socioeconomic areas were about 6 times as likely to be under supervision as those from the highest socioeconomic areas. This was similar in both community-based supervision and detention.

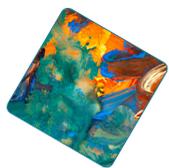
Indigenous young people were more likely than their non-Indigenous counterparts to have lived in the lowest socioeconomic areas before entering supervision (41% compared with 32%) (Table S23a). This reflects the geographical distribution of the Indigenous population in Australia.

**Figure 3.5: Young people aged 10–17 under supervision on an average day, by socioeconomic area of usual residence and supervision type, Australia, 2017–18 (rate)**



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

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



## 4 Community-based supervision

On an average day in 2017–18, most (4,568 or 83%) young people under supervision were supervised in the community.

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

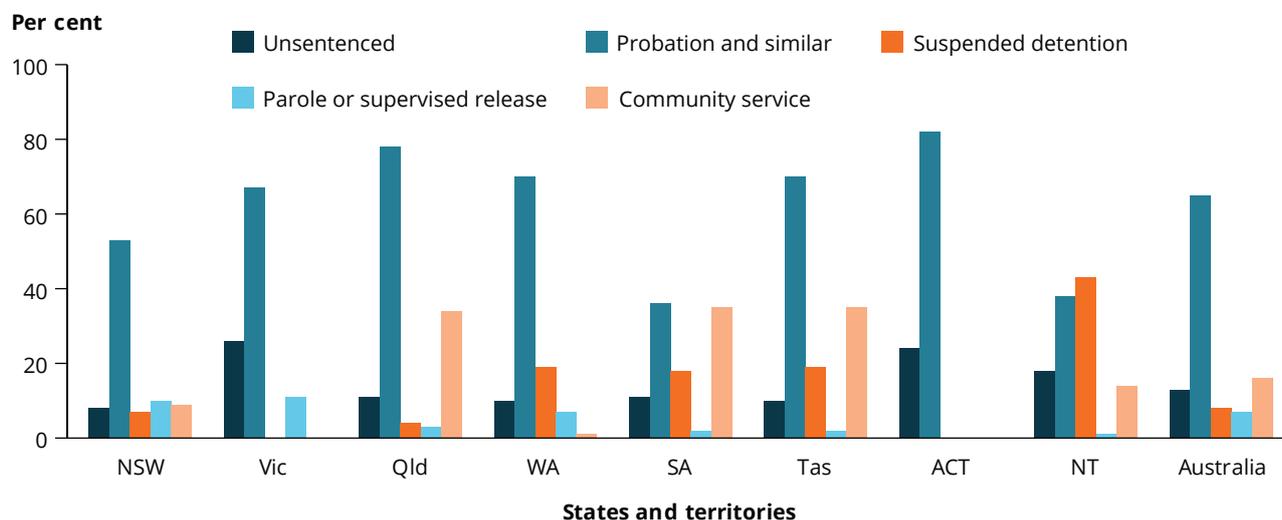
### Unsentenced community-based supervision

Unsentenced community-based supervision orders include supervised bail (also known as conditional bail), and other orders such as home detention bail. A supervised or conditional bail order is where the young person is released into the community while awaiting the outcome of court action. These types of orders may include conditions such as supervision, a curfew, or a monetary bond. Information about unsupervised bail is not available in the JJ NMDS.

In 2017–18, about 13% of young people under community-based supervision on an average day were on unsentenced orders (608 young people) (Table S66a).

Among the states and territories, the proportion of young people under community-based supervision on an average day who were unsentenced ranged from 8% in New South Wales to 26% in Victoria (Figure 4.1).

**Figure 4.1: Young people under community-based supervision on an average day, by type of supervision, states and territories, 2017–18 (%)**



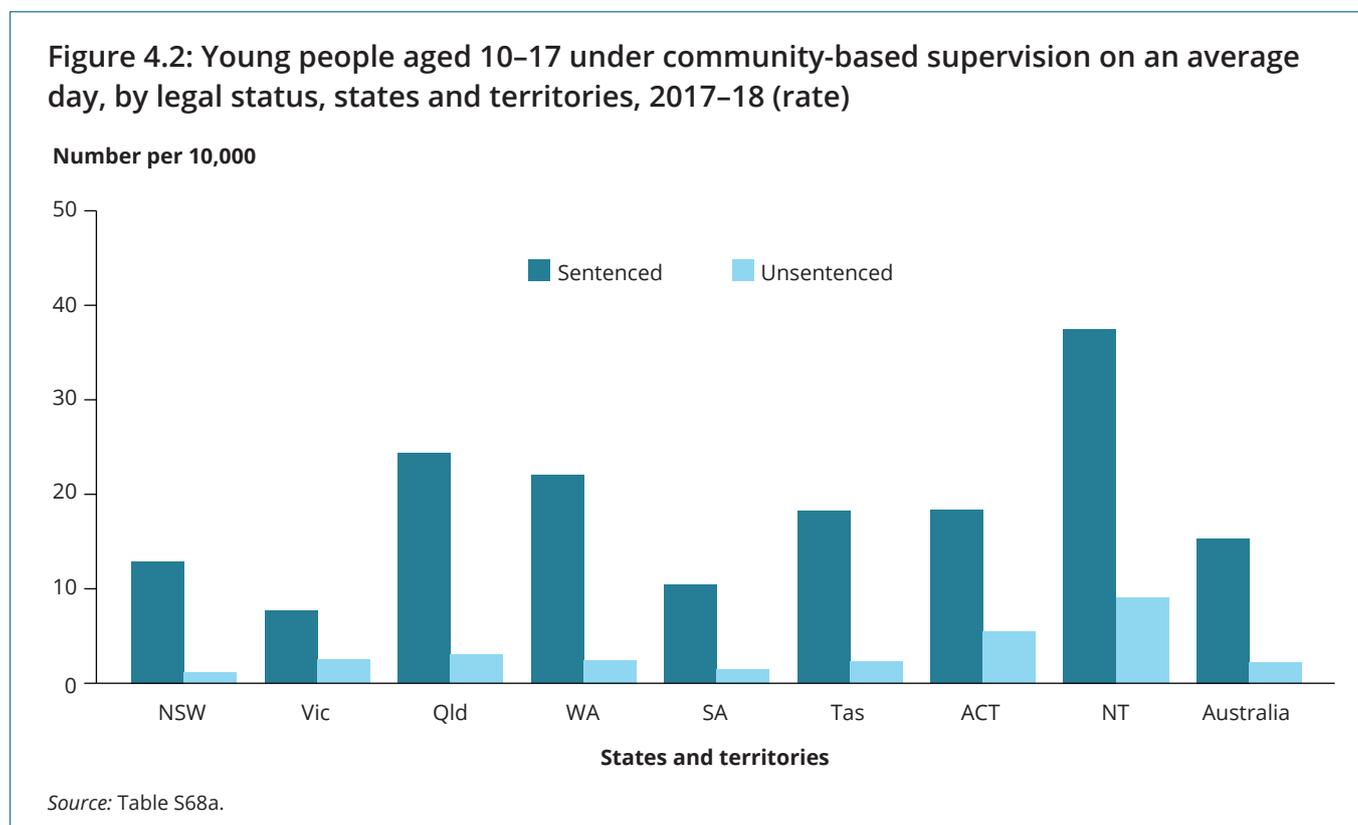
**Notes**

1. Under the *Young Offenders Act 1994*, Western Australia does not operate with the terms ‘probation and similar’ or ‘suspended detention’, so these data should be interpreted with caution. For Western Australia, orders reported under ‘probation and similar’ include: intensive youth supervision orders, youth community-based orders, adult community-based orders. Orders reported under ‘suspended detention’ include: intensive youth supervision orders with detention.
2. Components might not sum to the total, as young people might have been under supervision for multiple types of orders on the same day.
3. Excludes young people under other types of orders.

Source: Table S62a.

Nationally, almost a third (31%) of young people who were under community based supervision during 2017–18 were on unsentenced community-based orders at some point during the year (Table S66b). This difference in the proportion on an average day and during the year reflects the relatively short duration of unsentenced orders compared with sentenced orders.

The national rate of young people aged 10–17 under unsentenced community-based supervision on an average day was 2 per 10,000 (Figure 4.2). Among the states and territories, rates ranged from 1 per 10,000 in New South Wales and South Australia to 9 per 10,000 in the Northern Territory.



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

In 2017–18, 70% of unsentenced community-based orders ended because they were successfully completed (Table S70). This ranged from 38% in the Australian Capital Territory to 99% in Victoria.

Most (81%) completed unsentenced orders lasted less than 3 months, with the proportion ranging from 61% in Queensland to 97% in the Australian Capital Territory (Table S70).

## Sentenced community-based supervision

On an average day in 2017–18, most (90% or 4,101) young people who were under community-based supervision were serving a sentence (Table S66a).

The rate of young people aged 10–17 who were under sentenced community-based supervision on an average day was 15 per 10,000 (Figure 4.2). Among the states and territories, the rate was lowest in Victoria (8 per 10,000) and highest in the Northern Territory (37 per 10,000).

## Probation and similar orders

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

On an average day in 2017–18, almost two-thirds (65%) of young people supervised in the community were serving a probation or similar order (Figure 4.1). This was the most common type of community-based supervision for all states and territories, ranging from 36% of those under community-based supervision on an average day in South Australia to 82% in the Australian Capital Territory.

In 2017–18, just over three-quarters (77%) of probation and similar orders that ended were successfully completed (Table S71). This proportion ranged from 53% in the Australian Capital Territory to 89% in Victoria. About two-thirds (68%) of successfully completed orders lasted for less than 12 months, and the remainder lasted for 12 months or more. In the Australian Capital Territory, community-based orders which were ended as a variation for early release due to good behaviour were reported as varied on appeal or review in the JJ NMDS for 2017–18, due to differences in local practice. This has resulted in an under-reporting of the number of orders which were successfully completed in the JJ NMDS for 2017–18.

Almost 1 in 5 (18%) probation and similar orders ended due to a breach of conditions (Table S72). This proportion ranged from 10% in Victoria to 31% in Western Australia.

## Suspended detention

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

On an average day in 2017–18, about 8% of young people under community-based supervision were serving a suspended detention order (Figure 4.1). This proportion was highest in the Northern Territory (43%).

Among the states and territories that had suspended detention orders during 2017–18, the proportion that ended because they were successfully completed ranged from 51% in Western Australia to 65% in Queensland (Table S73).

## Parole or supervised release

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

On an average day in 2017–18, about 7% of young people under community-based supervision were on parole or supervised release (Figure 4.1). This proportion was highest in Victoria (11%).





## 5 Detention

On an average day in 2017–18, 974 young people (18% of all those under supervision) were in detention. A total of 4,933 young people were in detention some time during the year.

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

### Unsentenced detention

#### Number and rate

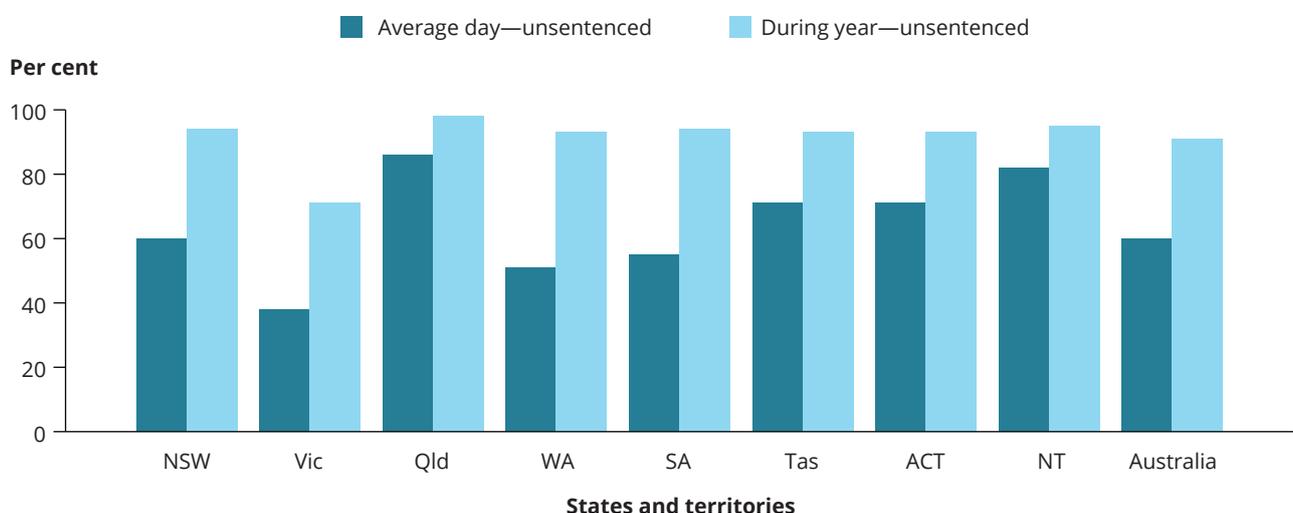
Young people may be referred to unsentenced detention either by police (pre-court) or by a court (remand). Young people enter remand when they have been charged with an offence and are awaiting the outcome of their court matter, or when they have been found or have pleaded guilty and are awaiting sentencing. Young people enter police-referred pre-court detention prior to their initial court appearance. Police-referred pre-court detention is not available in all states and territories and most young people in unsentenced detention are on remand.

On an average day in 2017–18, more than half of all young people in detention were unsentenced (60% or 588 young people) (Figure 5.1). In all states and territories, a substantial proportion of those in detention on an average day were unsentenced—ranging from 38% in Victoria to 87% in Queensland.

The low proportion in Victoria is due, in part, to the state's 'dual track' sentencing system, which allows some young people aged 18–20 to be sentenced to detention in a youth facility rather than in an adult prison. When only young people aged 10–17 are considered, about 58% of those in detention in Victoria on an average day were unsentenced, compared with 68% nationally (Table S110a).

The vast majority (91%) of young people who were in detention during 2017–18 had been in unsentenced detention at some time during the year (Figure 5.1). This highlights the typically short duration of periods of unsentenced detention compared with sentenced detention.

**Figure 5.1: Young people in unsentenced detention on an average day and during the year as a proportion of all young people in detention, states and territories, 2017–18 (%)**



*Note:* The Australian Capital Territory was unable to provide pre-court detention data for 2017–18 due to data quality concerns.

*Sources:* Tables S109a and S109b.

Nationally, on an average day in 2017–18, most (98%) young people in unsentenced detention were on remand, awaiting the outcome of their court matters (Table S109a). However, more than one-third (35%) of all those who were in unsentenced detention during 2017–18 were in police-referred pre-court detention, before attending their initial court appearance (see Glossary for definitions), at some time during the year (Table S109b).

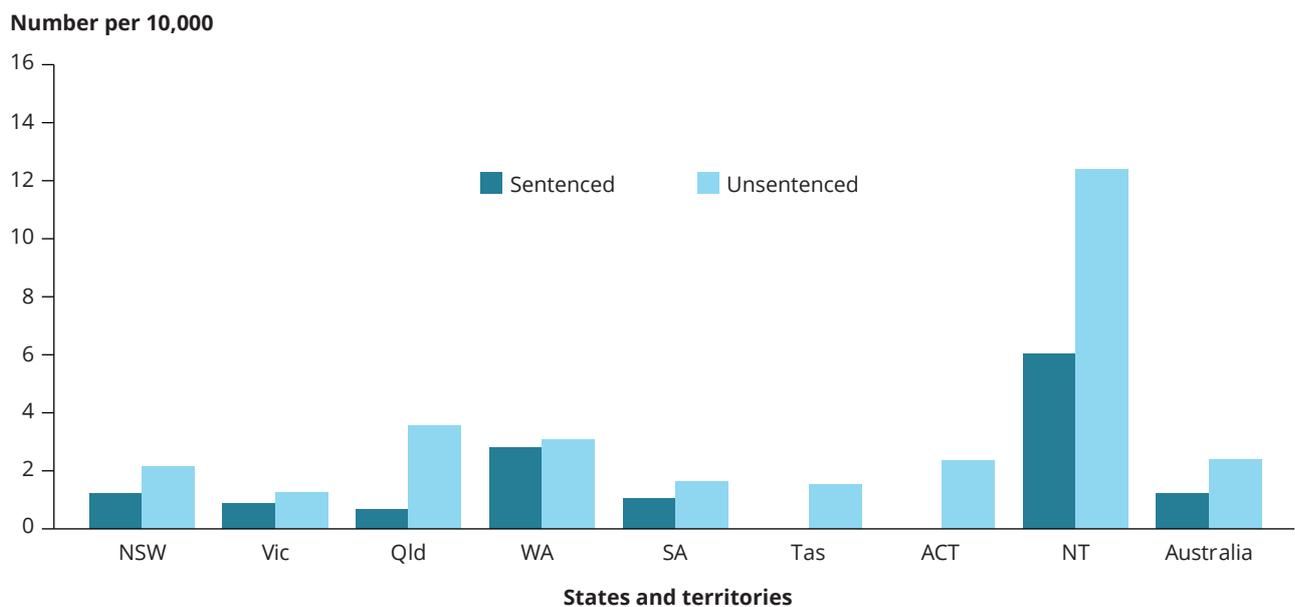
Among the states and territories in which pre-court detention was available (New South Wales, Queensland, Western Australia and South Australia), this ranged from 30% of those who had been in unsentenced detention in New South Wales to 72% of those in South Australia.

More than half (56%) of young people in unsentenced detention on an average day were Aboriginal or Torres Strait Islander (Table S109a). This proportion varied substantially among the states and territories, from 14% in Victoria to 97% in the Northern Territory.

The rate of young people aged 10–17 in unsentenced detention on an average day in 2017–18 was 2 per 10,000 (Figure 5.2). Among the states and territories, the rate of young people aged 10–17 in unsentenced detention on an average day was lowest in Victoria (1 per 10,000) and highest in the Northern Territory (12 per 10,000).

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

**Figure 5.2: Young people aged 10–17 in detention on an average day by legal status, states and territories, 2017–18 (rate)**



*Note:* The sentenced rates in Tasmania and the Australian Capital Territory are not published in this figure, as there were fewer than 5 young people in the numerator.

*Source:* Table S111a.

## Completion of periods

More than half (56%) of remand periods (unsentenced detention) that ended in 2017–18 ended because the young person was released on bail (Table S119). The proportion of remand periods that ended with release on bail was lowest in South Australia (35%) and highest in the Australian Capital Territory (89%).

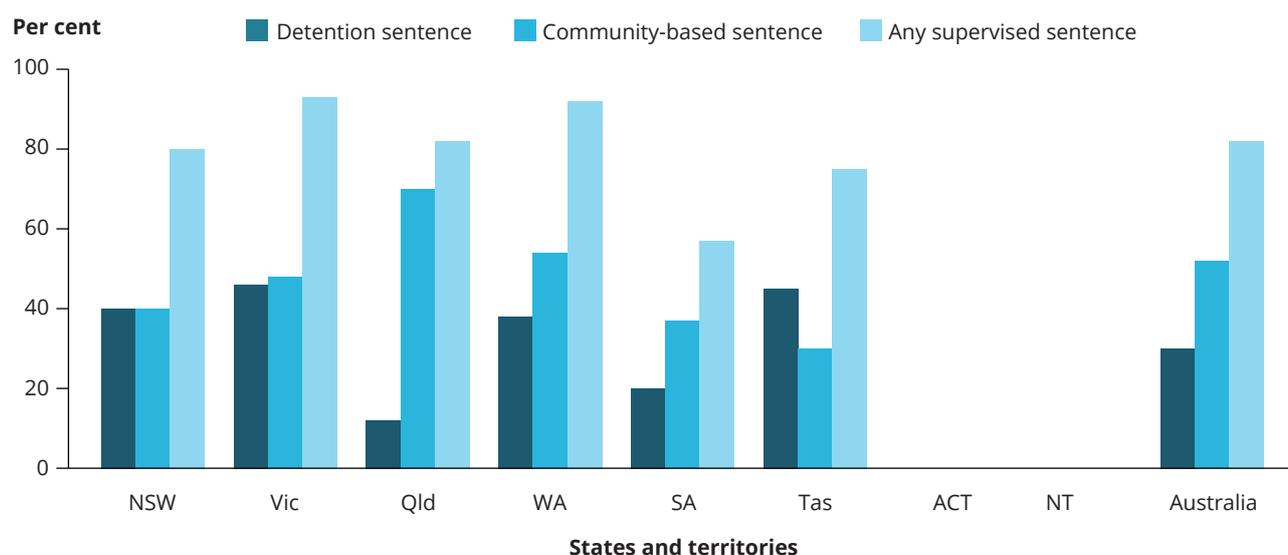
More than one-third (36%) of remand periods ended because they were completed, and the rest ended for other reasons, including transfer (which can include transfer to another youth detention centre, the adult system or interstate).

Four in five (82%) completed remand periods were followed by a supervised sentence within 1 day—52% by a community-based sentence, and almost one third (30%) by a detention sentence (Figure 5.3).

There were substantial differences among the states and territories.

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

**Figure 5.3: Remand periods followed by sentenced supervision within 1 day as a proportion of all completed remand periods, by type of sentenced supervision, states and territories, 2017–18 (%)**



*Note:* Proportions were not published in this figure for the Australian Capital Territory and the Northern Territory, as there were fewer than 5 young people in the denominator.

*Sources:* Tables S119 and S120.

## Sentenced detention

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

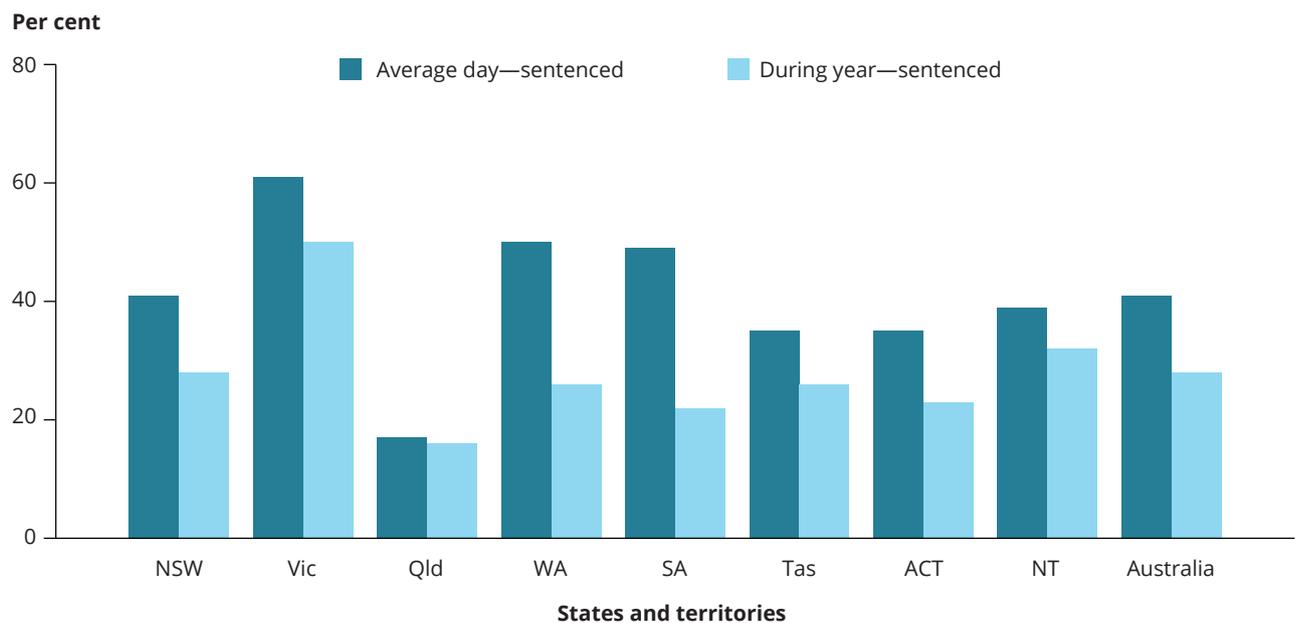
### Number and rate

On an average day in 2017–18, about 2 in 5 young people in detention (41% or 403 young people) were in sentenced detention (Figure 5.4). Among the states and territories, this ranged from 17% in Queensland to 61% in Victoria.

The relatively high proportion in Victoria reflects the state’s ‘dual track’ sentencing system (see glossary), which allows some young people aged 18–20 to be sentenced to detention in a youth facility rather than in an adult prison.

When only those aged 10–17 are considered, 41% of young people in detention on an average day in Victoria were sentenced, compared with 34% nationally (Table S110a).

**Figure 5.4: Young people in sentenced detention on an average day and during the year as a proportion of all young people in detention, states and territories, 2017–18 (%)**



Source: Table S109.

Nationally, almost half (47%) of all young people in sentenced detention on an average day were Aboriginal or Torres Strait Islander (Table S109a). This proportion varied considerably among the states and territories.

On an average day in 2017–18, the rate of young people aged 10–17 in sentenced detention was 1 per 10,000 (Table S111). Among the states and territories for which rates could be calculated, rates were lowest in Victoria and Queensland (less than 1 per 10,000 each) and highest in the Northern Territory (6 per 10,000). Rates for Tasmania and the Australian Capital Territory were not calculated due to small numbers.

## Completion of periods

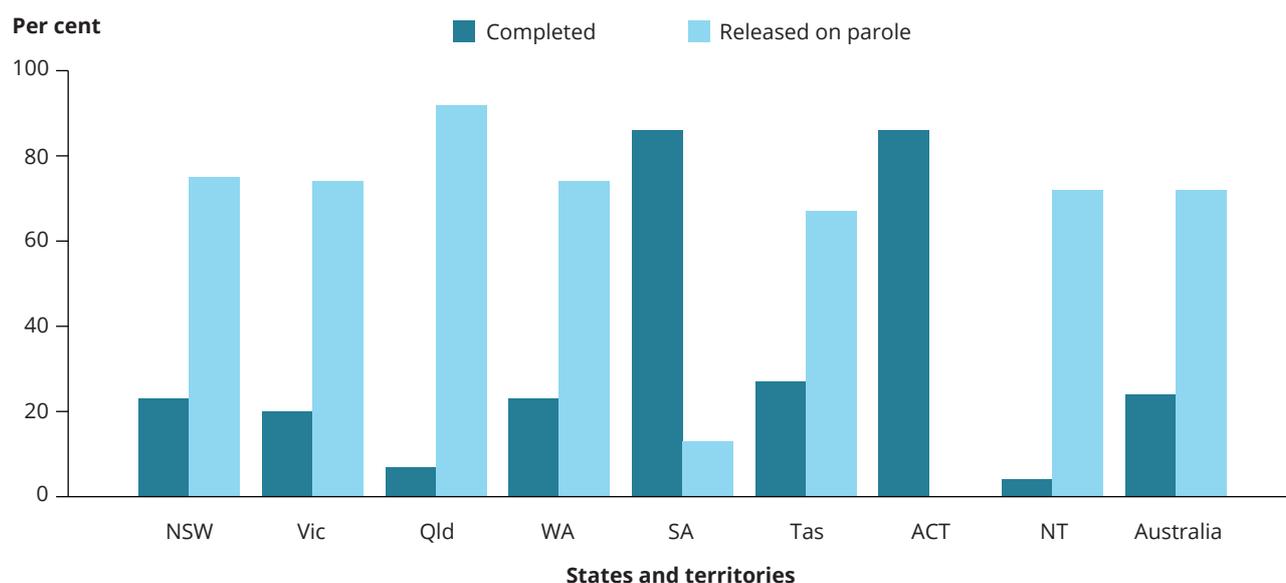
Almost three-quarters (72%) of sentenced detention periods that ended in 2017–18 ended because the young person was released on parole (also known as supervised release) (Figure 5.5).

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

The states and territories varied—in New South Wales, Victoria, Queensland, Western Australia, Tasmania and the Northern Territory, two-thirds or more (67%–92%) sentenced detention periods ended with the young person being released on parole.

In both the Australian Capital Territory and South Australia, 86% of sentenced detention periods were ended with the young person being released with no further supervision.

**Figure 5.5: Sentenced detention ending with either sentence completion or release on parole (supervised release), states and territories, 2017–18 (%)**



*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, which affects the results and comparability.

*Source:* Table S125.

## Detention entries and exits

In this report:

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

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

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

### Receptions

In 2017–18, 4,487 young people experienced 8,802 receptions into detention (Table S105a). Among all young people in detention in 2017–18, 91% were received at some point during the year, with an average of 2.0 receptions per young person, reflecting the short durations of detention periods. The rest entered in a previous year (tables S74b and S105b).

Almost half (45%) of young people who were received into detention during the year were received more than once (Table S107). Indigenous young people were more likely than non-Indigenous young people to have been received into detention more than once (50% compared with 42%).

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

Just under two-thirds of receptions (66%) were for remand, one-third (29%) were for police referred pre-court detention, and the rest (5%) were for sentenced detention.

More than one-quarter (28%) of all young people in sentenced detention during 2017–18 were received during the year (tables S105b and S109b). This indicates that the rest were either received into sentenced detention in a previous year, or were in unsentenced detention immediately before they began their period of sentenced detention (and their sentenced period started within 2 days of their non-sentenced period ending).

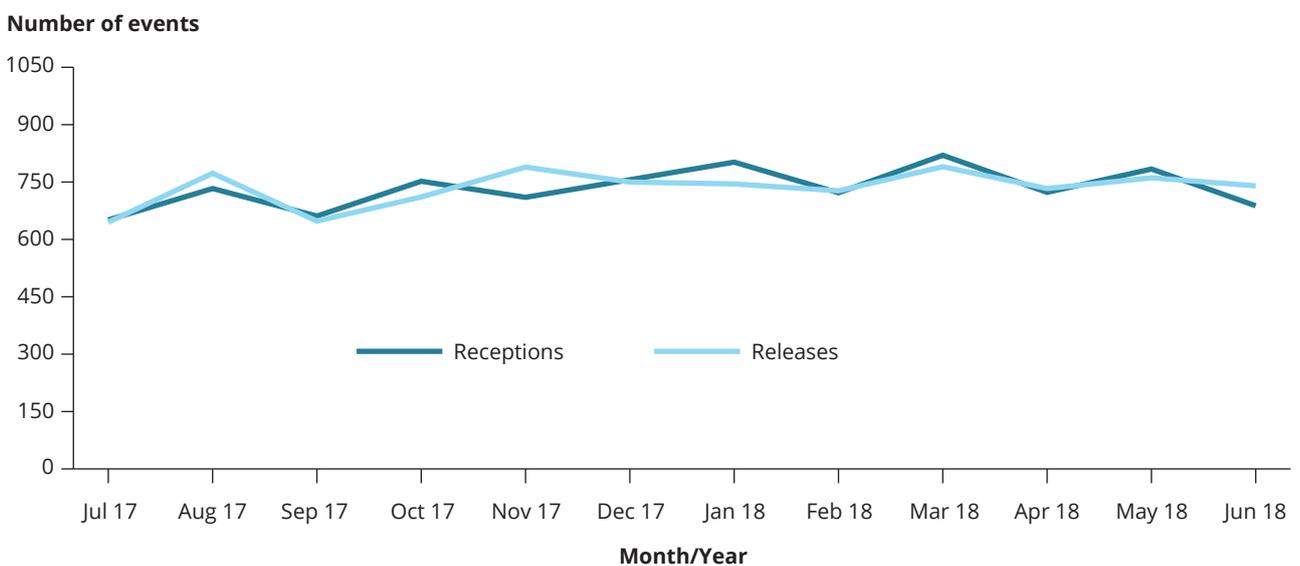
## Releases

In 2017–18, 4,661 young people experienced 8,812 releases from detention. The vast majority of young people (94%) who were detained during the year were released at least once, with an average of 1.8 releases per young person (tables S74b, S106a, and S106b).

Similar to receptions, 86% of releases were from unsentenced detention. Seven in ten releases (70%) were from remand, and 16% were from police-referred pre-court detention. The proportion of releases from sentenced detention was higher than that of receptions to sentenced detention (14% compared with 5%) (tables S105a and S106a).

In 2017–18, the numbers of receptions and releases were closely aligned each month, despite some fluctuations (Figure 5.6). The highest numbers of both receptions (820) and releases (790) occurred in March 2018.

**Figure 5.6: Monthly trends in detention receptions and releases, Australia, 2017–18 (number)**



Source: Table S108.



# 6 Time under supervision

## Orders and supervision periods

### Supervised orders

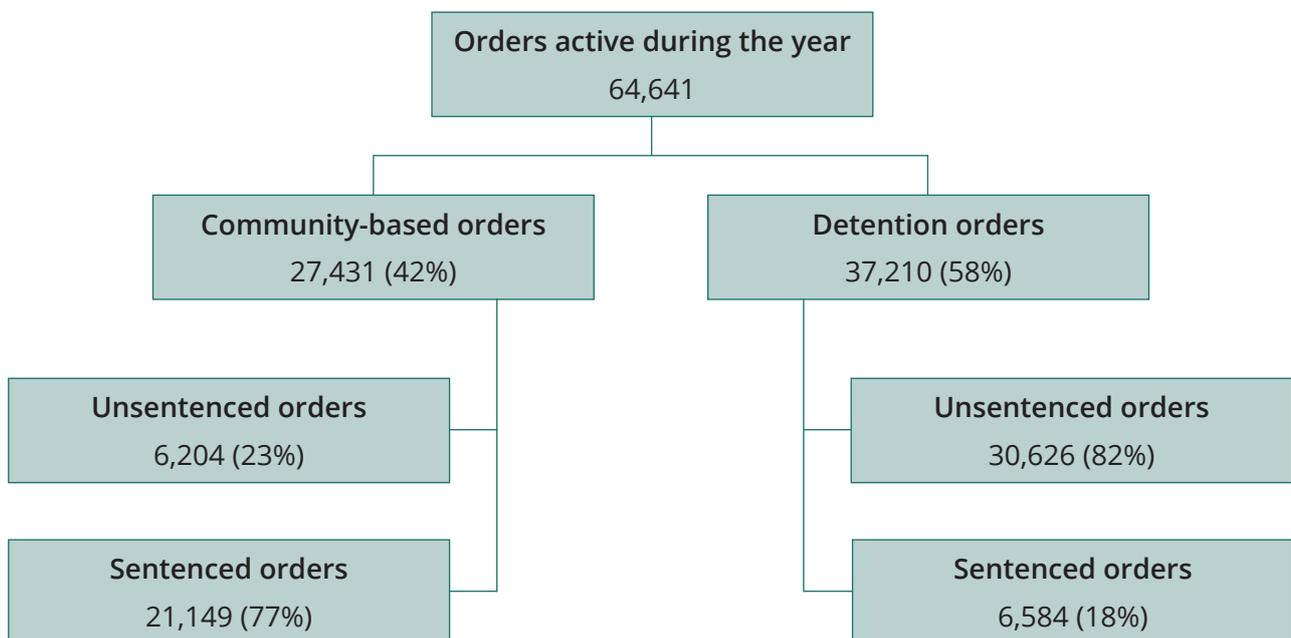
In 2017–18, the 10,638 young people who were under youth justice supervision were supervised under 64,641 sentenced and unsentenced orders (tables S1b and S25).

Although most (83%) young people were supervised in the community on an average day in 2017–18, detention orders were the most common type of order (58%) (Table 2.1; Figure 6.1).

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

Of all detention orders active during the year, 4 in 5 were unsentenced (82%), while about 4 in 5 community-based orders were sentenced (77%). Note: orders are active if they start, end or are ongoing during the reference period.

Figure 6.1: Supervised orders, by type of order and legal status, 2017–18



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

Source: Table S25.

In 2017–18, the majority of active orders in the Northern Territory and New South Wales were detention orders (74% and 65% respectively) (Table S25). The Australian Capital Territory, Tasmania and Western Australia had the largest proportions of active orders that were community-based (69%, 62% and 58% respectively). In Victoria, Queensland and South Australia, about half of the active orders were detention orders (49%–53%), and half were community-based (47%–51%).

About two-thirds (66%) of young people under supervision during 2017–18 had multiple supervision orders during the year, with more than one-third (35%) having both community based supervision and detention orders (tables S26a, S26b and S26c).

There were 27,431 community orders for the 9,474 young people under community-based supervision during 2017–18, an average of 2.9 orders per young person (tables 2.1 and S25). In comparison, there were 37,210 detention orders for the 4,933 young people in detention, an average of 7.5 orders per young person (tables 2.1 and S25).

Of those under supervision, Indigenous young people were more likely to have multiple supervision orders (72%) than their non-Indigenous counterparts (62%) (Table S26).

Young people under community-based supervision were more likely than those in detention to have had only 1 order (43% compared with 21%), and less likely to have had 6 or more orders within the year (36% compared with 12%).

## Periods of supervision

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

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

The original duration of a sentenced detention order might also not be served in a detention facility—for example, where the young person is released on parole or supervised release.

This report looks at the actual time spent under each type of supervision.

In 2017–18, the 10,638 young people under supervision completed 14,145 periods of supervision (continuous supervision of any type), an average of about 1.3 periods per person (tables 2.1 and S27).

Among the 6,607 young people who completed a period of supervision in 2017–18, most (83%) completed only 1 period (Table S28).

About 6 in 10 (62%) young people supervised during 2017–18 completed at least 1 period of community-based supervision, and 4 in 10 (44%) completed a period of detention (tables 2.1, S63 and S102).

More than 9 in 10 (95%) young people in detention during the year completed at least 1 period of detention. About 1 in 4 (23%) young people in detention completed at least 1 period of sentenced detention and most (88%) completed a period of unsentenced detention (tables S74b, S102, S116, and S123).

Young people who completed a period of unsentenced detention during the year completed more periods, on average, than those who completed a period of sentenced detention (2 compared with 1.2) (tables S117 and S124).

Indigenous young people were more likely than non-Indigenous young people to have completed multiple periods of supervision (22% compared with 14%) (Table S28). This was the case in both community-based supervision and detention (tables S63 and S102).

## Length of supervision periods

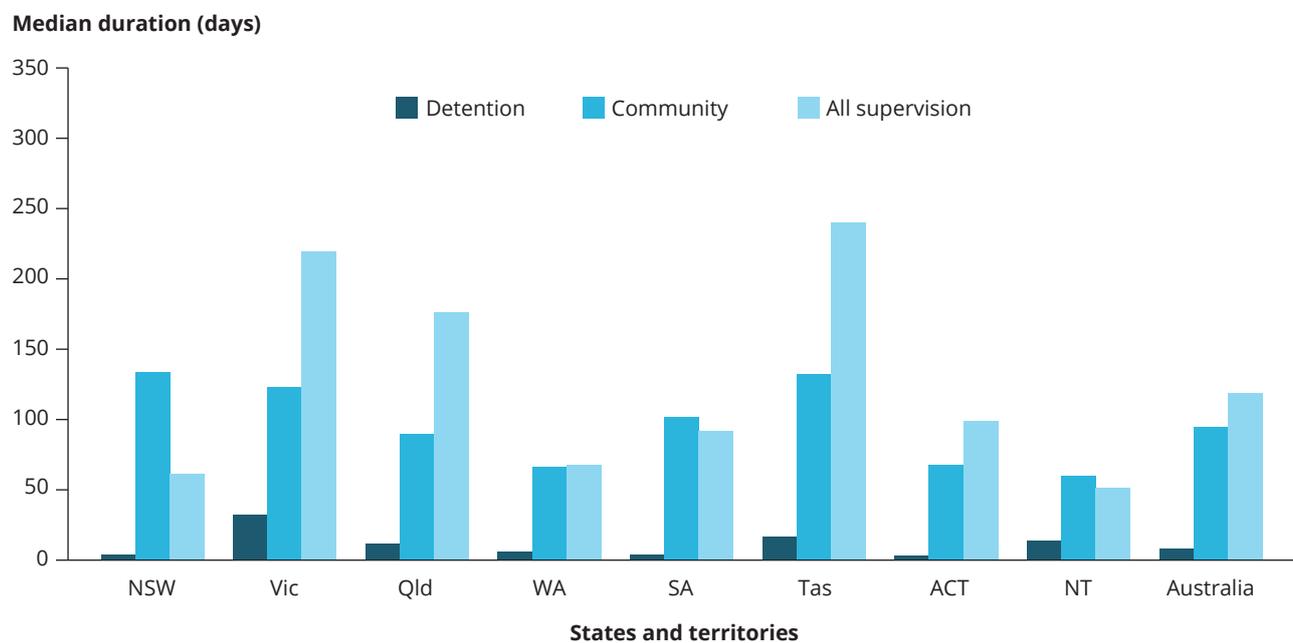
Individual periods of supervision completed during 2017–18 lasted for a median length of 119 days, or about 17 weeks (this includes time under supervision before 1 July 2017 if the period started before that date) (Figure 6.2).

The median duration of completed periods varied substantially between states and territories, ranging from 52 days in the Northern Territory to 240 days in Tasmania (including time prior to 1 July 2017).

Completed periods of community-based supervision were much longer than completed periods of detention, with a median length of 95 days (nearly 14 weeks) compared with 8 days (just over 1 week).

Again, there were differences among the states and territories. In 2017–18, the median length of completed periods of community-based supervision ranged from 60 days in the Northern Territory to 134 days in New South Wales. For detention, the median length ranged from 3 days in the Australian Capital Territory to 32 days in Victoria.

**Figure 6.2: Median duration of completed supervision periods, by supervision type, states and territories, 2017–18 (days)**



Sources: Tables S29, S64, and S103.

The median duration of completed individual periods of unsentenced detention during 2017–18 was 7 days (Table S117). This varied among the states and territories, from 3 days in the Australian Capital Territory, New South Wales and South Australia to 21 days in Victoria.

For completed periods of sentenced detention, the median duration was much longer, at 72 days (Table S124). Completed periods of sentenced detention ranged from a median of 51 days in Queensland to 97 days in Victoria.

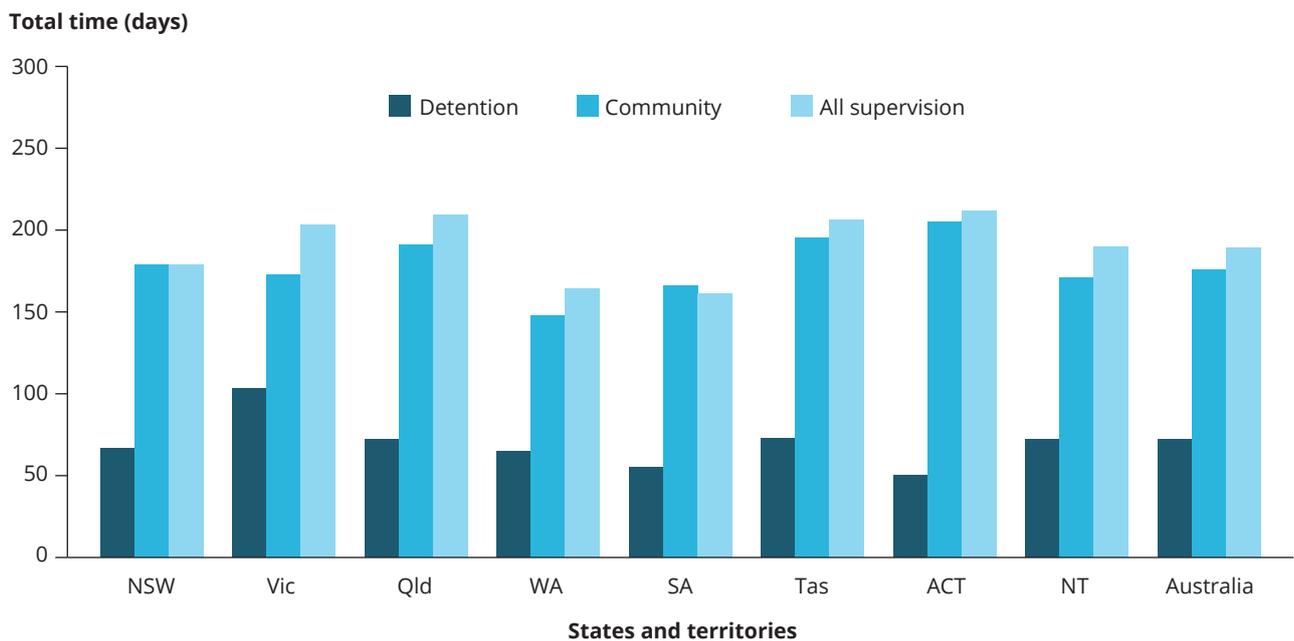
On average, Indigenous young people completed slightly longer periods of unsentenced detention than non-Indigenous young people (median of 8 days compared with 6 days) (Table S117). However, they completed slightly shorter periods of sentenced detention (median of 67 days compared with 77 days) (Table S124).

## Total time under supervision

When all the time spent under supervision during 2017–18 is considered (including multiple periods of supervision and periods that were not yet completed at 30 June 2018), young people who were supervised during the year spent a total of 189 days or about 6 months (27 weeks), on average, under supervision (Figure 6.3). This was lowest in South Australia (161 days) and Western Australia (164 days), and highest in the Australian Capital Territory (212 days) and Queensland (209 days).

Young people spent more time, on average, under community-based supervision during the year (176 days, or about 25 weeks) than in detention (72 days, or about 10 weeks). This varied among the states and territories. The average total time spent under community based supervision ranged from 148 days in Western Australia to 205 days in the Australian Capital Territory, while the average time in detention ranged from 50 days in the Australian Capital Territory to 103 days in Victoria.

**Figure 6.3: Average total time young people spent under supervision during the year, by supervision type, states and territories 2017–18 (days)**



Sources: Tables S30, S65, and S104.

During the year, young people spent much more time, on average, in sentenced detention (108 days in total, or 15 weeks) than unsentenced detention (48 days, or nearly 7 weeks) (tables S118 and S126). This is to be expected, as young people are typically placed in unsentenced detention for relatively short periods while awaiting the outcome of their legal matter or sentencing.

The total amount of time young people spent in unsentenced detention during 2017–18 ranged from 33 days in South Australia to 63 days in Queensland (Figure 6.4).

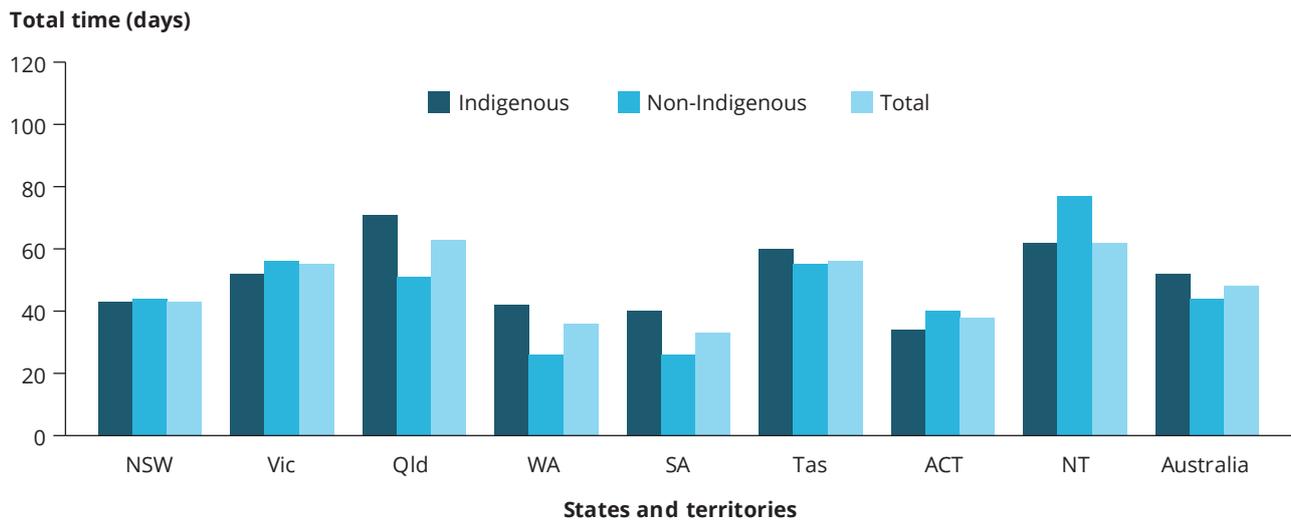
The average total time spent in sentenced detention was lowest in the Australian Capital Territory (74 days), and highest in Victoria (127 days) (Figure 6.5).

Males spent more time, on average, under supervision during the year than females (195 days compared with 169) (Table S30). Males spent a similar length of time to females, on average, under community-based supervision (176 days compared with 177), but twice as long in detention (80 days compared with 37) (tables S65 and S104).

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

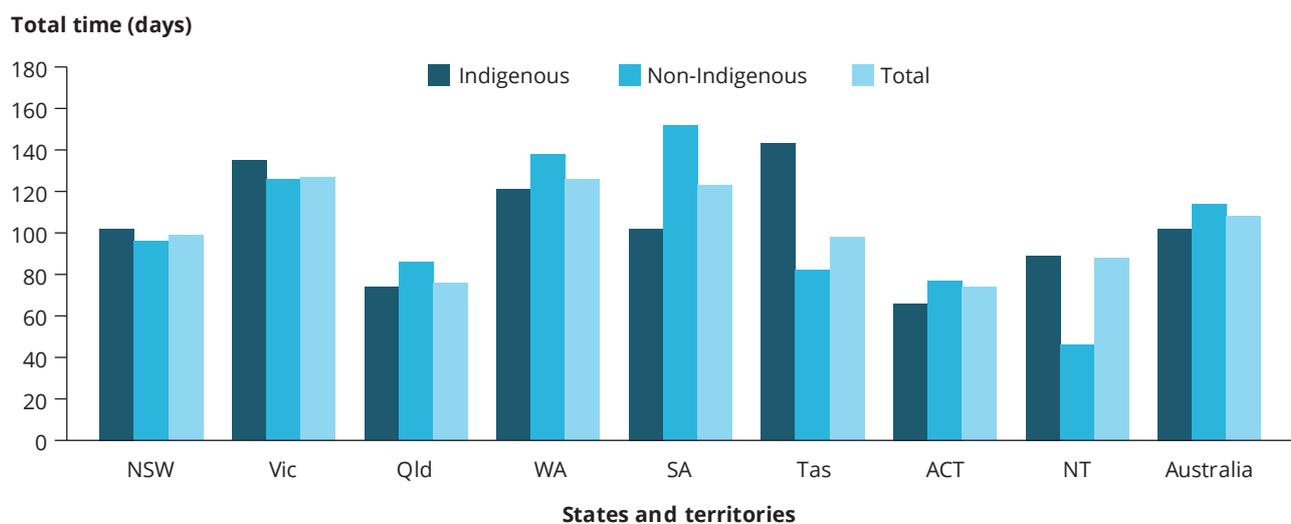
- 11 days longer under supervision during the year (197 days on average, compared with 186)
- a similar amount of time, on average, in detention (74 compared with 71 days)
- a similar amount of time under community based supervision (178 compared with 176 days) (tables S30, S65 and S104)
- 8 days longer in unsentenced detention (52 days compared with 44)
- 12 days less in sentenced detention (102 days compared with 114) (figures 6.4 and 6.5).

**Figure 6.4: Average total time young people spent in unsentenced detention during the year, by Indigenous status, states and territories, 2017–18 (days)**

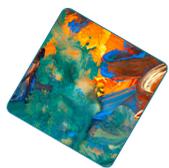


Source: Table S118.

**Figure 6.5: Average total time young people spent in sentenced detention during the year, by Indigenous status, states and territories, 2017–18 (days)**



Source: Table S126.



## 7 Supervision history

### First entry to supervision

#### Entry to supervision

More than one-third (36%) of young people under youth justice supervision in 2017–18 were new to supervision in that year. The rest (64%) had been supervised in a previous year (Table S17). Indigenous young people (70%) were more likely than non-Indigenous young people (60%) to have been under supervision in a previous year.

Of young people under community-based supervision, 67% had been supervised (under any type of supervision) in a previous year, compared with 61% of those in detention (tables S55 and S93).

#### Age at first supervision

Among all young people who were supervised during 2017–18 (Table S19):

- almost three-quarters (71%) had first entered supervision when they were aged 14–17
- about one-quarter (26%) had first entered supervision when they were aged 10–13
- the remaining 3% had first entered youth justice supervision when they were aged 18 or over.

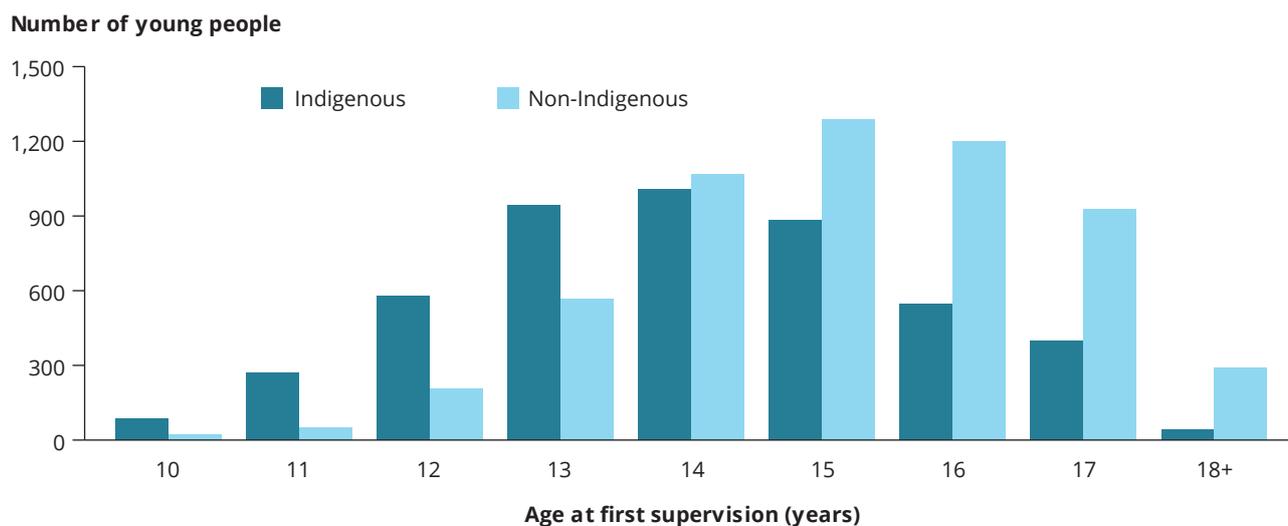
Young people who were supervised in 2017–18 were most likely to be aged 14–17 when they first entered supervision in all states and territories for which data were available, ranging from 61% in Western Australia to 84% in the Australian Capital Territory (Table S19). Note that first supervision refers to the first time a young person had contact with the youth justice system and includes periods of supervision which occurred prior to the reference period.

Western Australia had the highest proportion of young people who first entered supervision when aged 10–13 (39%), while Victoria had the highest proportion who first entered supervision when aged 18 or over (14%) (a result of Victoria's 'dual track' sentencing system).

On average, Indigenous young people entered youth justice supervision at a younger age than non-Indigenous young people—2 in 5 (39%) Indigenous young people under supervision in 2017–18 were first supervised when aged 10–13, compared with about 1 in 7 (15%) non-Indigenous young people.

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

**Figure 7.1: Young people under supervision, by age at first supervision and Indigenous status, Australia, 2017–18 (number)**



Source: Table S18.

## First type of supervision

Among all those who were supervised during 2017–18, the most common first types of supervision were probation and similar (33%), remand (29%), and police-referred detention (15%) (Figure 7.2). Note that first supervision refers to the first time a young person has contact with the youth justice system and includes periods of supervision which occurred prior to the reference period.

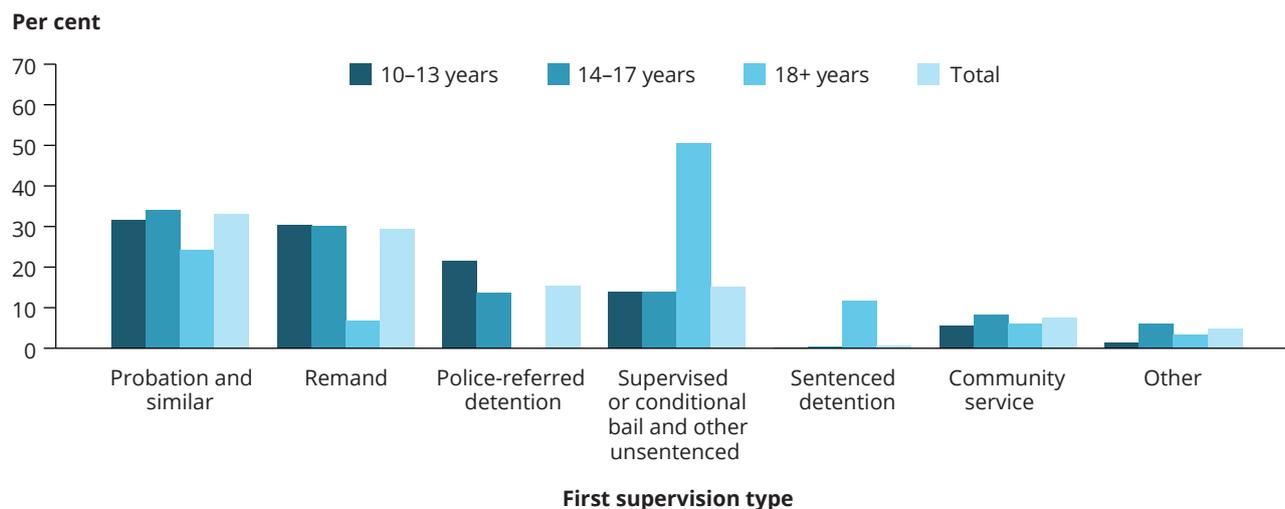
Among those who were first supervised when aged 10–13 or 14–17, the most common types of first supervision were probation and similar, and remand (Figure 7.2). Among those who were first supervised when aged 18 and over, the most common type of first supervision was supervised or conditional bail (and similar).

Very few young people under youth justice supervision were given sentenced detention as their first type of supervision (less than 1% overall), except among those first supervised at age 18 and over (11%).

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

- remand in the Northern Territory (68%), Australian Capital Territory (60%), and New South Wales (45%)
- police-referred detention in South Australia (43%)
- probation and similar in Queensland (52%), Tasmania (46%), and Western Australia (38%)
- supervised or conditional bail (and similar) in Victoria (45%).

**Figure 7.2: Young people under supervision, by type of first supervision and age at first supervision, Australia, 2017–18 (%)**



Sources: Tables S19 and S20.

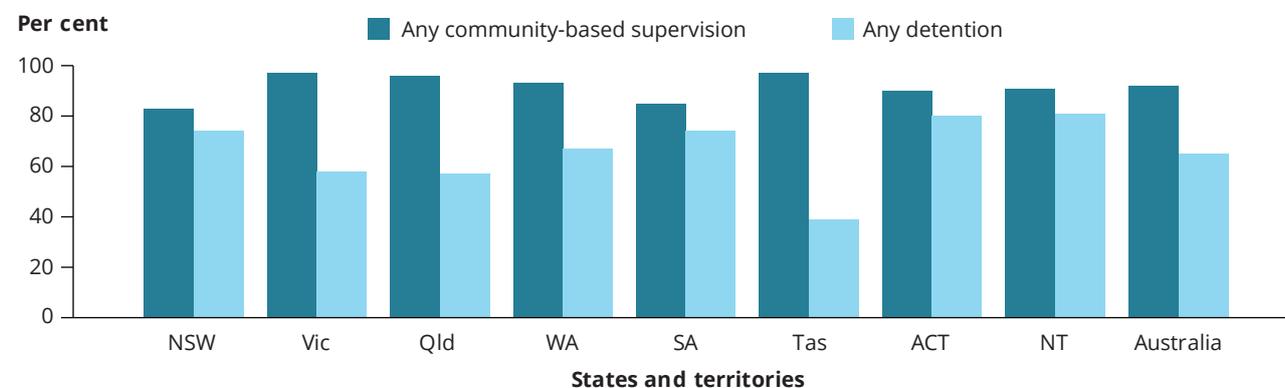
## Youth justice supervision history

More than 9 in 10 (92%) young people who were supervised during 2017–18 had been under community-based supervision at some time during their supervision history (either during 2017–18 or in a previous year) (Figure 7.3). More than 6 in 10 (65%) had spent time in detention.

More than half (56%) of all young people under supervision during 2017–18 had been both under community-based supervision and in detention at some time during their supervision history (tables S2 and S35). More than one-third (35%) had been only under community based supervision, and 8% had been only in detention.

Among the states and territories, the proportion of young people supervised during 2017–18 who had been under community-based supervision at some point ranged from 83% in New South Wales to 97% in Victoria and Tasmania (Figure 7.3). The proportion of young people who had been in detention ranged from 39% in Tasmania to 81% in the Northern Territory.

**Figure 7.3: Young people under supervision during the year, by supervision history, states and territories, 2017–18 (%)**



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

Sources: Tables S2b, S35c and S35g.

Males under supervision during 2017–18 were slightly more likely than females to have been under community-based supervision at some point during their supervision history (92% compared with 89%), as well as in detention (66% compared with 60%) (tables S2b, S35c and S35g).

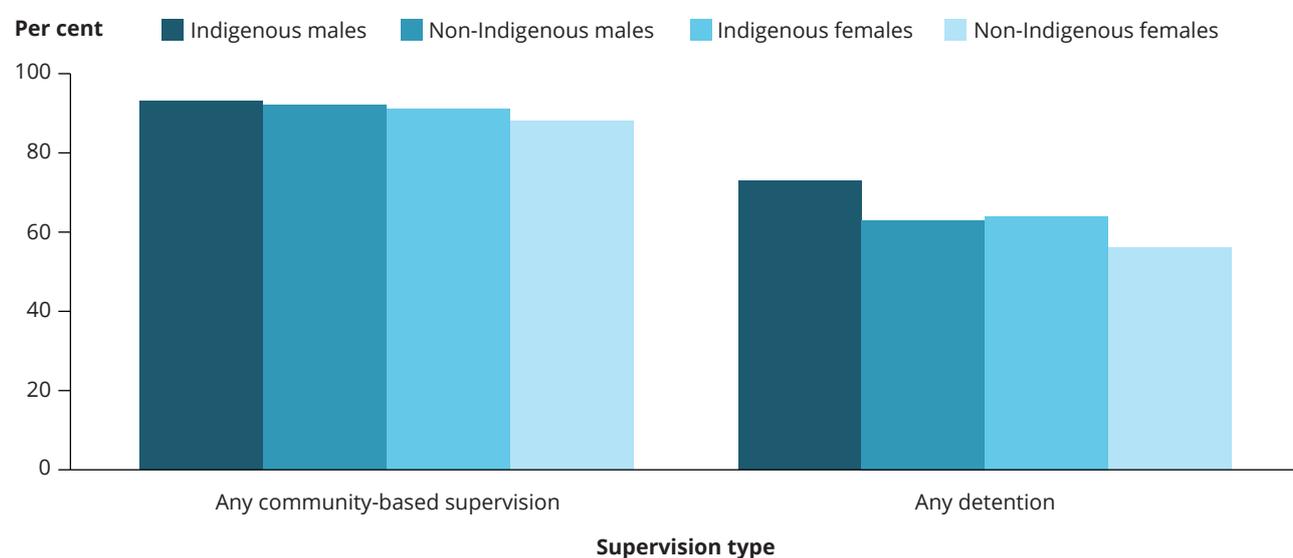
Similar proportions of Indigenous and non-Indigenous young people under supervision in 2017–18 had been under community-based supervision at some time during their supervision history (92% compared with 91%) (tables S2b and S35c).

This trend was similar for young Indigenous and non-Indigenous males and females (93% compared with 92% and 91% compared with 88%, respectively).

Indigenous young people under supervision in 2017–18 were more likely than non-Indigenous young people to have previously been in detention (71% compared with 61%) (tables S2b and S35g).

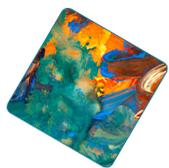
About 73% of young Indigenous males under supervision had been in detention at some point, compared with 63% of young non-Indigenous males. Of young Indigenous females under supervision, 64% had been in detention, compared with 56% of young non-Indigenous females (Figure 7.4).

**Figure 7.4: Young people under supervision during the year, by Indigenous status, sex, and supervision history, 2017–18 (%)**



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

*Sources:* Tables S2 and S35.



## 8 Trends in supervision

### Recent trends

#### National

Over the 5 years from 2013–14 to 2017–18, the number and rate of young people under supervision on an average day fell steadily to 2016–17 and then rose to 2017–18 (Table S11a). Overall, the number of young people aged 10 or over under supervision fell 12% (from 6,256 to 5,513), while the rate of those aged 10–17 fell from 24 to 21 per 10,000 young people (Figure 8.1).

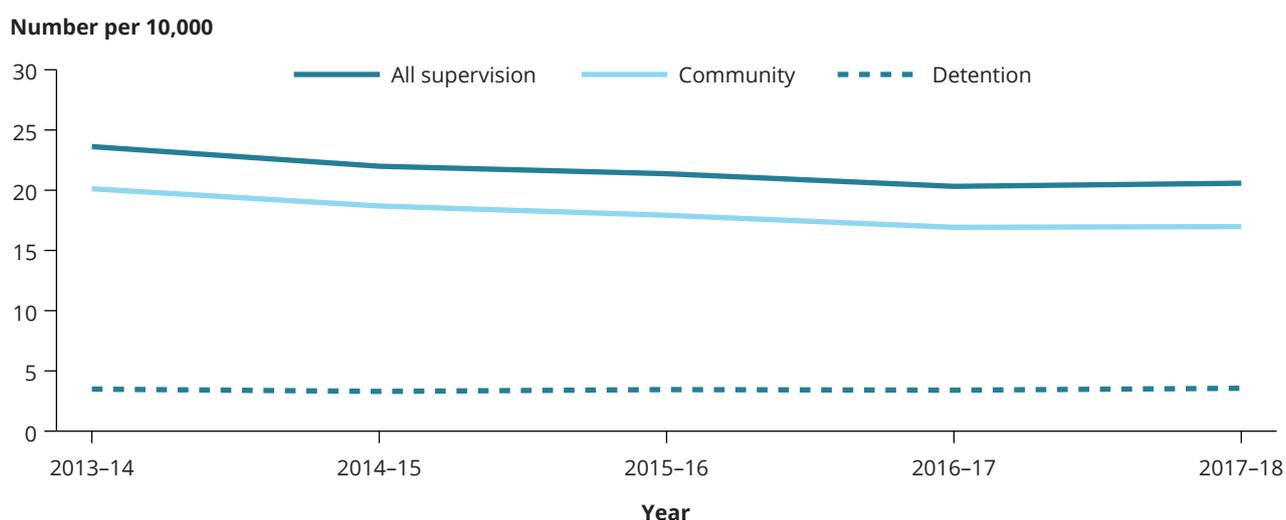
A fall in the number of individual young people who were supervised each year drove this trend, although there were slight increases in Queensland and the Australian Capital Territory. For Queensland, this rise is in part due to new legislation starting on 12 February 2018, which began the transfer of young people aged 17 from the adult justice system to youth justice supervision.

Between 2013–14 and 2017–18, the number of young people under supervision during the year fell 14% (from 12,437 to 10,638) (Table S11b), but the average total time young people spent under supervision during the year rose slightly from 184 to 189 days (Table S30).

The decrease in the number of young people under supervision reflects the fact that, in recent years, the numbers of young people who have been the subject of legal action by police and who had charges finalised in the children's courts have fallen.

Between 2013–14 and 2017–18, the number of young people aged 10–19 who had their matters finalised in court fell by 15% (ABS 2019a).

**Figure 8.1: Trends in young people aged 10–17 under supervision on an average day, by supervision type, 2013–14 to 2017–18 (rate)**



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

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

Between 2016–17 and 2017–18, the number of young people under supervision on an average day increased by 3% (from 5,332 to 5,513). This was in part due to new legislation in Queensland to include young people aged 17 years from February 2018. The number of young people under supervision in Queensland rose by 15%, from 1,414 to 1,623. The rate of those aged 10–17 increased slightly from 20 to 21 per 10,000 (Figure 8.1; Table S12a).

The number of young people in community-based supervision on an average day fell by 14% (from 5,334 to 4,568) between 2013–14 and 2017–18, while the rate dropped from 20 to 17 per 10,000 for those aged 10–17 (Figure 8.1; Table S46a). In the most recent year, the number increased by 3% (from 4,445 to 4,568), and the rate remained steady at 17 per 10,000.

The number of young people in detention on an average day rose by 3% (from 949 to 974) while the rate rose from 3 to 4 per 10,000 for those aged 10–17 between 2013–14 and 2017–18 (Figure 8.1; Table S84a). In the most recent year, the number rose by 6% (from 916 to 974).

## States and territories

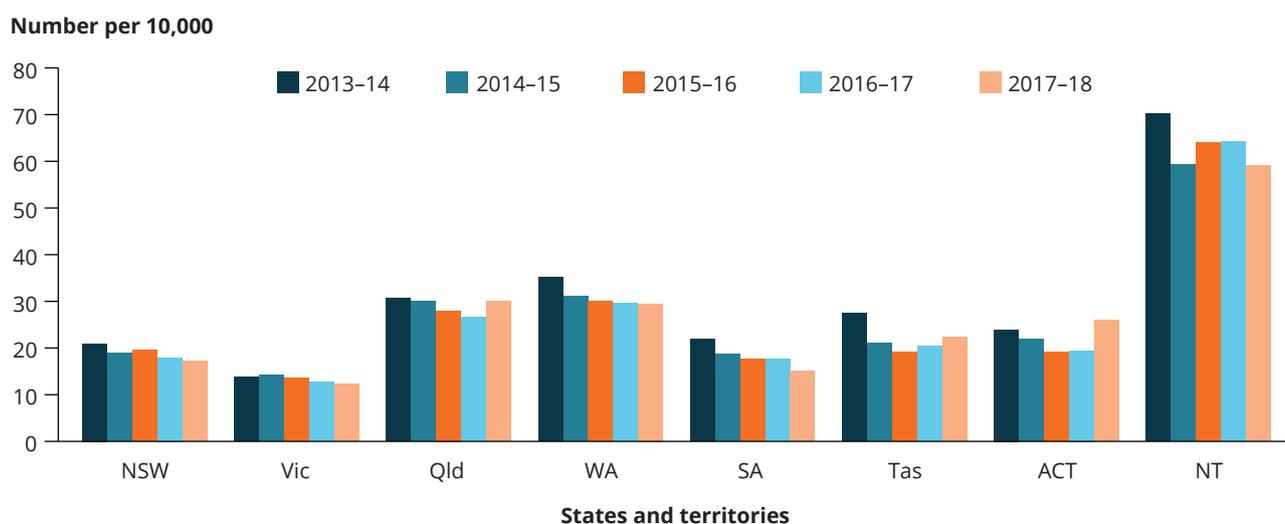
Between 2013–14 and 2017–18, the rate of young people aged 10–17 under supervision on an average day fell in all states and territories, except the Australian Capital Territory (Figure 8.2; Table 8.1). The rate fell most markedly in the Northern Territory, from 70 to 59 per 10,000.

In Queensland, the rate fell between 2013–14 and 2016–17 (from 31 to 27 per 10,000), before rising to 30 per 10,000 in 2017–18, following a change in legislation.

The rates of young people under community-based supervision on an average day fell overall in all states and territories, except the Australian Capital Territory, where it increased from 20 per 10,000 in 2013–14 to a high of 23 per 10,000 in 2017–18. The Northern Territory had the largest fall in the rate of young people aged 10–17 under community-based supervision (from 53 to 43 per 10,000).

Detention rates fell or remained steady in all states and territories except Victoria and Queensland, where rates increased slightly.

**Figure 8.2: Trends in young people aged 10–17 under supervision on an average day, states and territories, 2013–14 to 2017–18 (rate)**



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

*Source:* Table S12a.

**Table 8.1: Trend summary of young people aged 10–17 under supervision on an average day, by supervision type and Indigenous status, states and territories, 2013–14 to 2017–18 (rate)**

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

*Notes*

1. Arrows indicate an overall trend between 2013–14 and 2017–18. Trends might have fluctuated between these years, particularly for smaller jurisdictions.
2. Trend data might differ from those previously published due to data revisions.

Sources: Tables S12a, S47a, and S85a.

## Age and sex

Over the 5 years to 2017–18, the rates of young people under supervision fell among both males and females. For males aged 10–17 on an average day, the rate fell from 37 to 32 per 10,000; for females it fell from 9 to 8 per 10,000 (Table S15a). Males aged 10–17 were about 4 times as likely as females to be under supervision on an average day each year.

The rates remained steady for both community-based supervision and detention, for males and females aged 10–17, over the 5-year period. On an average day each year, males were 3–4 times as likely as females to be under community-based supervision, and 8–9 times as likely as females to be in detention (tables S50a and S88a).

The fall in rates of young males under supervision on an average day occurred at most ages, with the largest fall being for those aged 16 (from 85 to 75 per 10,000 over the 5-year period) (Table S9a). Among young females, the largest fall also occurred for those aged 16 (from 20 to 17 per 10,000) but there was a slight increase for those aged 17 (from 14 to 16 per 10,000).

## Indigenous young people

Between 2013–14 and 2017–18, the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 199 to 187 per 10,000 (Table S12a). The rate of non-Indigenous young people under supervision also fell over the period, from 13 to 11 per 10,000.

The falls in numbers and rates of non-Indigenous young people under supervision over the 5-year period were proportionally greater than those for Indigenous young people. This resulted in an increase in the level of over-representation of Indigenous young people. On an average day in 2013–14, Indigenous young people aged 10–17 were 16 times as likely as their non-Indigenous counterparts to be under supervision, rising to 17 times as likely in 2017–18 (Table S12a).

Similarly, the numbers and rates of Indigenous and non-Indigenous young people in community-based supervision on an average day fell between 2013–14 and 2017–18. The number of Indigenous young people aged 10–17 fell by 5% from 2,028 to 1,918 while the rate fell from 163 to 150 per 10,000 young people. The number of non-Indigenous young people fell by 15%, from 2,382 to 2,013, with the rate falling from 11 to 9 per 10,000. The proportionally greater falls in the rates for non-Indigenous young people over the period led to a rise in the Indigenous rate ratio from 15 to 17 times the non-Indigenous rate on an average day (tables S45a and S47a).

The number of non-Indigenous young people aged 10–17 in detention on an average day rose at a higher rate over the 5-year period (12%, from 325 to 364) than it did for their Indigenous counterparts (2%, from 439 to 472) (Table S83a). The rate for young Indigenous people fluctuated between 35 and 37 per 10,000 over the period, while the non-Indigenous rates fluctuated between 1 and 2. The Indigenous rate ratio for those in detention fluctuated between 23 and 26 times (Table S85a).

Over the 5-year period, the rates of both Indigenous and non-Indigenous young people under supervision fell in all states except Queensland, Tasmania and the Australian Capital Territory. In Queensland and Tasmania the rate of Indigenous young people under supervision rose and in the Australian Capital Territory, the rates of both Indigenous and non-Indigenous young people under supervision rose (Table 8.1).

Between 2013–14 and 2017–18, the level of Indigenous over-representation in supervision on an average day (rate ratio) rose overall in all states and territories, except for the Australian Capital Territory, where it remained steady, and Western Australia, where it fell (Table S12a). The largest increase in the rate ratio was in South Australia (12 to 21).

## Time under supervision

Over the 5 years from 2013–14 to 2017–18, the average amount of time young people spent under youth justice supervision during the year remained relatively stable, but there was a slight overall increase (184 to 189 days). This was the case for both community based supervision (171–176 days) and detention (67–72 days) (tables S30, S65, and S104).

There was some variation in the average length of time young people spent under youth justice supervision among the states and territories, with the largest overall rises in Victoria (189 days to 203 days) and the Northern Territory (174 days to 190 days). There were overall falls in Western Australia (166 to 164 days) and South Australia (182 to 161 days).

## Longer trends

### National

Nationally, the rate of young people under youth justice supervision on an average day varied over the 10 years to 2017–18.

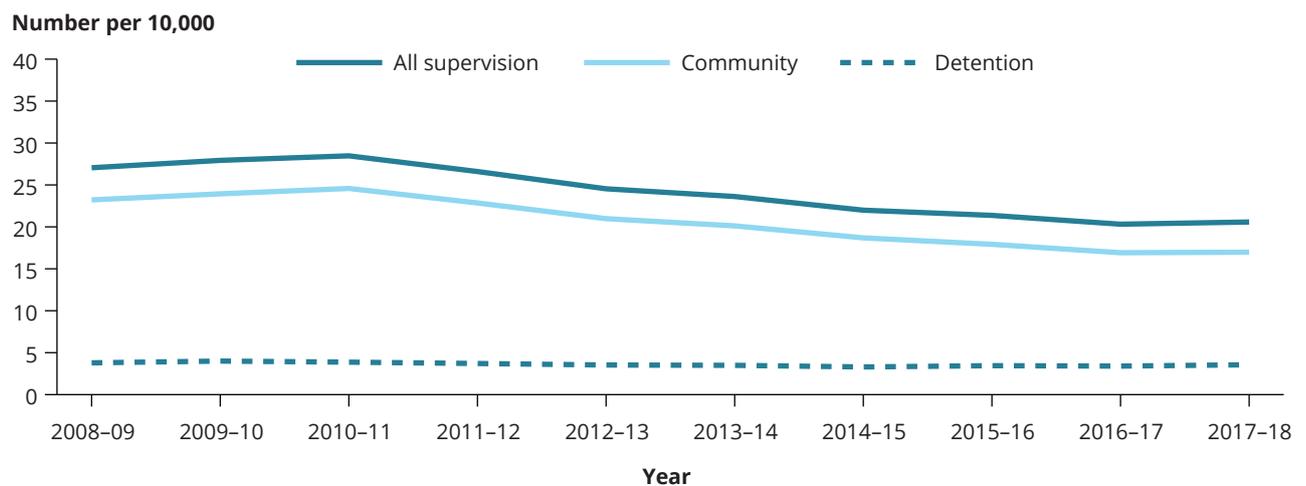
The rate rose from 27 per 10,000 young people in 2008–09 to a high of 28 per 10,000 in 2010–11, before falling to 20 per 10,000 in 2016–17. In 2017–18 the rate rose again slightly to 21 per 10,000 (Figure 8.3).

The rate of young people under supervision during each year (rather than on an average day) followed a similar pattern, rising from 55 per 10,000 in 2008–09 to a high of 57 per 10,000 in 2009–10, before falling to 39 per 10,000 in 2017–18 (Table S12b).

This trend is largely associated with changes in the rate of community-based supervision, as 83% of all young people under supervision on an average day were supervised in the community (Table 2.1). The rate of community-based supervision peaked at 25 per 10,000 young people aged 10–17 on an average day in 2010–11, before falling to 17 per 10,000 in 2017–18 (Figure 8.3).

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

**Figure 8.3: Trends in young people under supervision on an average day, by supervision type, 2008–09 to 2017–18 (rate)**



Sources: Tables S12a, S47a, and S85a.

Rates of supervision peaked for both Indigenous and non-Indigenous young people in 2010–11, before falling in subsequent years (from 217 per 10,000 Indigenous young people in 2010–11 to 187 per 10,000 in 2017–18, and from 17 to 11 per 10,000 non-Indigenous young people).

Over the 10-year period, Indigenous young people aged 10–17 were 13–18 times as likely as their non-Indigenous counterparts to be under supervision on an average day each year (Table S12a).

Between 2010–11 and 2017–18, the drop in the rate of non-Indigenous young people was proportionally greater than that of Indigenous young people, which means the level of Indigenous over-representation rose (from 13 to 17 times the non-Indigenous rate).

The rate ratio of males to females under supervision fell over the 10-year period. In 2008–09, young males aged 10–17 were 5 times as likely as young females to be under youth justice supervision on an average day. By 2017–18, they were 4 times as likely (Table S15a). This change was due to a drop in the rate for males, and a minimal change in the rate for females. Rates of both males and females under supervision were highest in 2010–11.

## States and territories

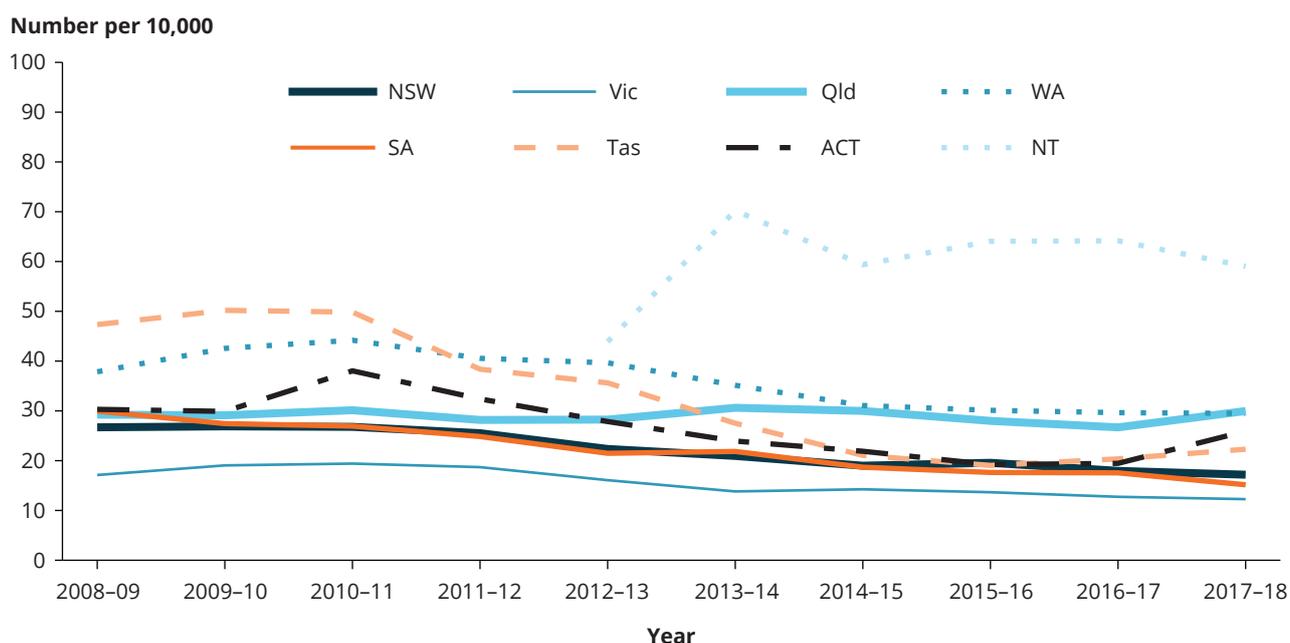
Trend data are published for the 10 years from 2008–09 to 2017–18 for New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, and the Australian Capital Territory.

Data for the Northern Territory are available from 2012–13 to 2017–18 (6 years) (see Appendix 1).

On an average day from 2008–09 to 2017–18, Victoria had the lowest rate of supervision, at fewer than 20 per 10,000 young people throughout the period. Rates in New South Wales, Queensland, South Australia, and the Australian Capital Territory remained at fewer than 40 per 10,000 (Figure 8.4).

The rate of young people under supervision on an average day followed a similar pattern in nearly all states and territories, with rates over the 10 years peaking between 2008–09 and 2010–11 before falling in the subsequent years. In the Northern Territory, the rate of supervision peaked in 2013–14. Rates increased between 2016–17 and 2017–18 in Queensland, Tasmania, and the Australian Capital Territory.

**Figure 8.4: Trends in young people under supervision on an average day, by state and territory, 2008–09 to 2017–18 (rate)**



Note: Data are not available for the Northern Territory from 2008–09 to 2011–12.

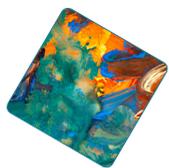
Source: Table S12a.

Trends in the rate of young people under community-based supervision on an average day followed similar patterns to those for all supervision in most states and territories, with rates peaking between 2008–09 and 2010–11 before falling for most states to 2017–18. Rates increased between 2016–17 and 2017–18 in Queensland, Tasmania, and the Australian Capital Territory. The rate of young people in community-based supervision fell overall between 2008–09 and 2017–18 in all jurisdictions, except for the Northern Territory (Table S47).

The rate of young people in detention on an average day also varied among the states and territories over the 10 years (Table S88). Between 2008–09 and 2017–18, detention rates fell overall in New South Wales, Western Australia, South Australia, Tasmania, and the Australian Capital Territory, and rose in Victoria, Queensland, and the Northern Territory.

The level of Indigenous over-representation in supervision on an average day fluctuated over the decade to 2017–18 in most states and territories (Table S12).

The Indigenous rate ratio was higher in 2017–18 than in 2008–09 in all states and territories, except Western Australia (data for the Northern Territory in 2008–09 were unavailable). The largest rise in the level of Indigenous over representation occurred in South Australia, where Indigenous young people went from being 13 times as likely as non-Indigenous young people to be under supervision in 2008–09 to 21 times as likely in 2017–18.



## 9 Youth justice in context

### The youth and adult justice systems in Australia

#### Contact with police

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

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

In 2017–18, 252 per 10,000 young people aged 10–17 (the primary group in the youth justice system) were proceeded against by police, compared with 201 per 10,000 among those aged 18 and over (ABS 2019b, 2018a). These rates exclude Victoria as complete offenders data were not available.

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

Note that for 2017–18:

- Victoria has been excluded from this section as complete offences data were not available, and
- the principal offence classification of theft no longer includes data related to the offence of 'fare evasion' on public transport due to the variance of police responsibility for public transport related offences across jurisdictions. Therefore, theft results published in 2017–18 for years 2013–14, 2014–15, 2015–16 and 2016–17 differ from previous releases.

In 2017–18, the most common principal offences among young people aged 10–17 (excluding Victoria) were:

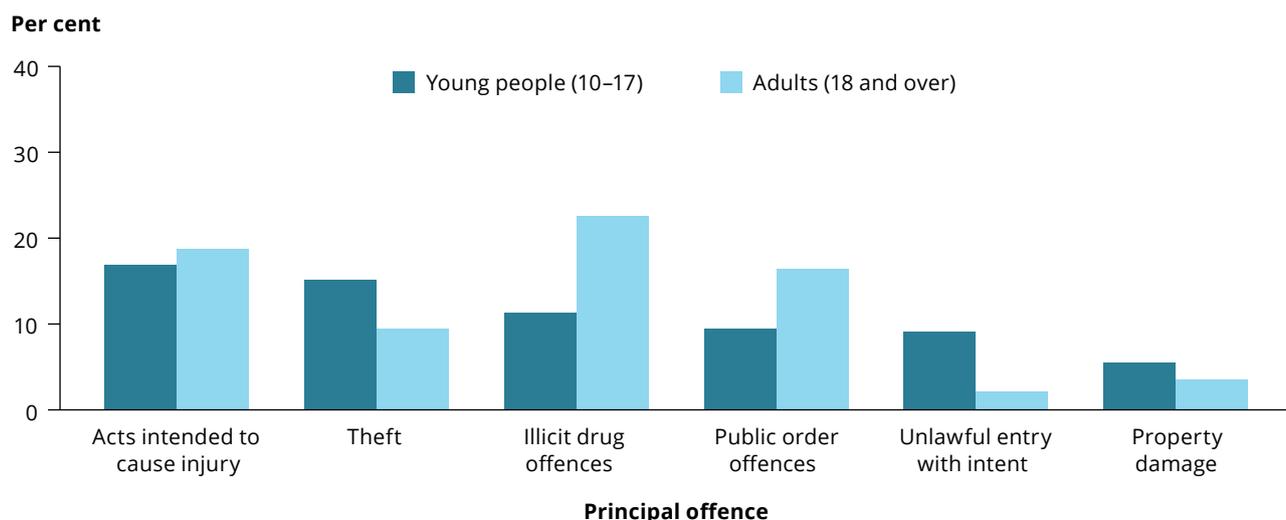
- acts intended to cause injury (17%)
- theft (15%)
- illicit drug offences (11%) (Figure 9.1).

The most common principal offences among adults aged 18 and over (excluding Victoria) were:

- illicit drug offences (23%)
- acts intended to cause injury (19%)
- public order offences (16%).

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

**Figure 9.1: Young people and adults proceeded against by police, by selected principal offence (excluding Victoria), 2017–18 (%)**



*Notes*

1. Victoria data has been excluded as complete offences data was not available for Victorian offenders for 2017–18.
2. The principal offence classification of theft longer includes data related to the offence of 'fare evasion' on public transport due to the variance of police responsibility for public transport related offences across jurisdictions, therefore theft results for 2017–18 may differ from previous releases.

Sources: ABS 2019b.

## Community-based supervision, detention, and prison

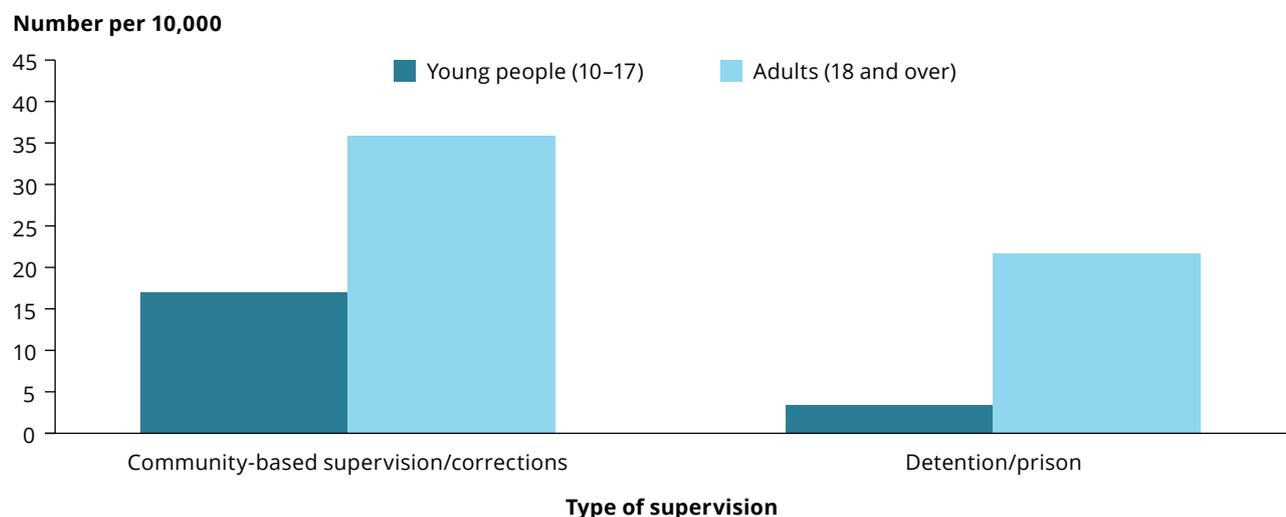
Although young people were more likely than adults to be proceeded against by police, adults were more likely to be placed under formal supervision.

On an average day during the June quarter 2018, 36 per 10,000 adults aged 18 and over were in adult community-based corrections.

This compares with 17 per 10,000 young people aged 10–17 under community-based youth justice supervision on an average day in 2017–18.

At the same time, 22 per 10,000 adults were in prison, compared with 4 per 10,000 young people aged 10–17 in youth justice detention (Figure 9.2).

**Figure 9.2: Young people aged 10–17 and adults under supervision on an average day, by type of supervision, 2017–18 (rate)**



Note: Data on young people under supervision are for 2017–18; data on adults under supervision are for the June quarter 2018.

Sources: ABS 2018a, 2018b, 2018c; tables S39 and S77.

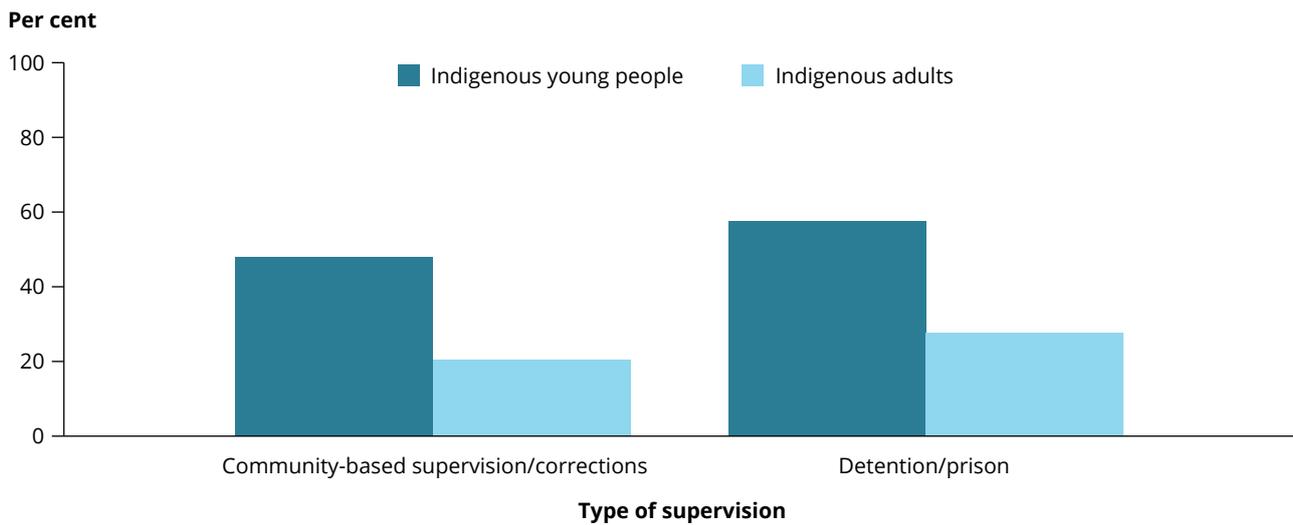
Young people aged 10–17 under youth justice supervision were more likely to be Indigenous than adults under supervision. On an average day in 2017–18, more than half (56%) of young people aged 10–17 in detention were Indigenous, compared with just over one-quarter (28%) of adults in full-time prison. Similarly, almost half (48%) of young people supervised in the community, and about 1 in 5 (21%) adults in community corrections, were Indigenous (Figure 9.3).

As a result, the level of Indigenous over-representation was higher among the youth detention population on an average day in 2017–18 than among adults in full-time prison on an average day in the June quarter 2018.

Indigenous young people were 23 times as likely as non-Indigenous young people to be in detention (37 and 1.6 per 10,000, respectively), while Indigenous adults were 15 times as likely as non-Indigenous adults to be in full-time prison (248 and 16 per 10,000, respectively) (ABS 2018c; Table S77).

The proportions of young people aged 10–17 and of adults under justice supervision on an average day who were male were similar—about 90% of young people in detention, and 91% of adults in prison were male, as were 78% of young people, and 81% of adults supervised in the community (ABS 2018c; tables S38 and S76).

**Figure 9.3: Young people and adults under youth justice supervision and adult criminal justice supervision on an average day who were Indigenous, by type of supervision, 2017–18 (%)**



*Note:* Data on young people under supervision are for 2017–18; data on adults under supervision are for the June quarter 2018.  
*Sources:* ABS 2018b, 2018c; tables S38 and S76.

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

On an average day in 2017–18, 68% of young people aged 10–17 in detention were unsentenced, compared with 33% of adults in prison in the June quarter 2018 (ABS 2018c; Table S110).

# Australian and international approaches to youth justice

## International agreements, standards, and guidelines

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

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

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

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

## Age for treatment as a young person

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

The UN Committee on the Rights of the Child (2007) concluded in paragraph 32 of its 'General comment no. 10: children's rights in juvenile justice' that 'a minimum age of criminal responsibility under the age of 12 years is considered by the Committee not to be internationally acceptable'.

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

In Australia, along with New Zealand, England, and Wales, young people are deemed to have criminal responsibility if they are aged 10 or over (Table 9.1)—although young people in New Zealand under the age of 14 can be prosecuted only for murder and manslaughter (Noetic Solutions 2010).

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

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

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

Source: CRIN 2018.

Almost all countries have separate criminal justice systems for young people and adults, each with their own legislation. The age at which individuals are processed as adults in the justice system is referred to as 'criminal majority'. In Australia, the age of criminal majority is 18 in all jurisdictions. In Queensland, legislation to increase the age of criminal majority to 18 was enacted on 12 February 2018. Before then, the age of criminal majority in Queensland was 17.

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

## Principles, services and outcomes

Key principles established in the UN's agreements and guidelines include the ability to divert young people away from further involvement with the youth justice system where appropriate, and the notion that young people should be detained only as a last resort, and for the shortest appropriate time (UN 1985, 1989).

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

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

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

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

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

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

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

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

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

International information on numbers of young people involved in youth justice systems as a whole is limited, but some is available on numbers and rates of young people in detention in selected countries. On an average day in 2017–18, the rate of young people in youth detention in Australia (4 per 10,000 young people) was higher than in England and Wales (2 per 10,000), but lower than in Canada (5 per 10,000) and the United States of America (14 per 10,000) (Table 9.2—see footnotes for the differences in measurement).

Rates of young people in detention are similar to or lower than the previous reporting periods for Australia (3 per 10,000), England and Wales (2), the United States (14), and Canada (5).

**Table 9.2: Young people aged 10–17 in detention on an average day, selected countries, 2017–18**

	Australia <sup>(a)</sup>	England and Wales	Canada <sup>(b)</sup>	United States of America
Number	840	894 <sup>(c)</sup>	897	47,303 <sup>(d)</sup>
Number per 10,000	3.6	1.7	5.0	14.2

(a) Data for 2017–18.

(b) Data for young people aged 12–17 in detention on an average day during 2016–17. The rate is available to the nearest whole number only.

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

(d) Number in youth detention on a given day in 2015.

Sources: JJ NMDs tables S76 and S77; Office for National Statistics 2018; Office of Juvenile Justice and Delinquency Prevention 2018; Sickmund et al. 2018; Statistics Canada 2018; Youth Justice Board & Ministry of Justice 2018.



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- Department of Communities Tasmania, Tasmania
- Community Services Directorate, Australian Capital Territory
- Territory Families, Northern Territory.

## Abbreviations

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

## Symbols

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

# Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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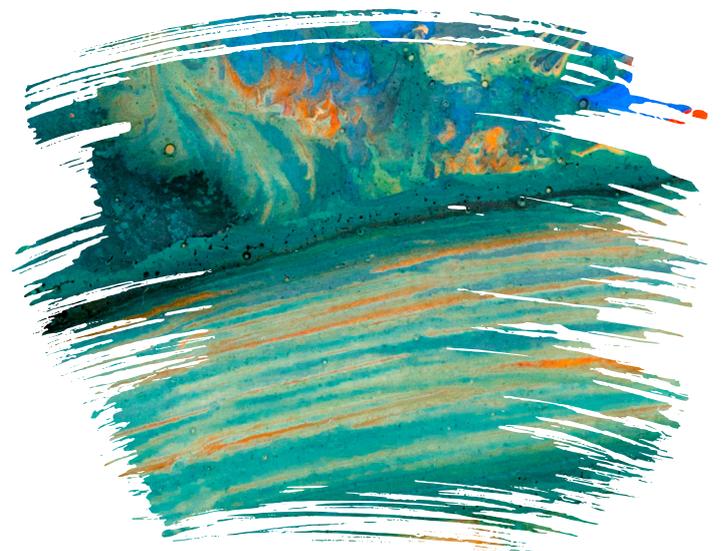
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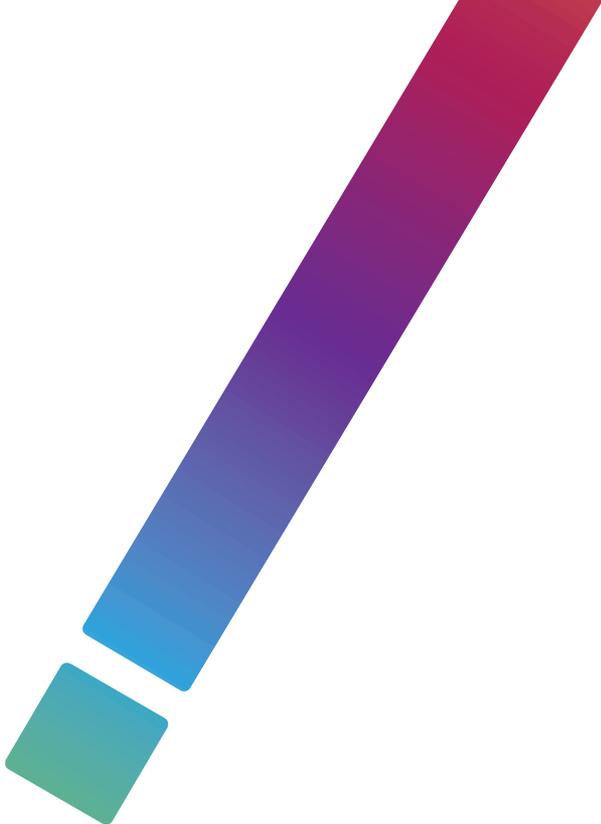
# Related publications

The following AIHW publications might also be of interest:

- AIHW 2015. Pathways through youth justice supervision: further analyses. Juvenile justice series no. 19. Cat. no. JUV 75. Canberra: AIHW.
- AIHW 2018. Young people in child protection and under youth justice supervision: 1 July 2013 to 30 June 2017. Data linkage series no. 24. Cat. no. CSI 26. Canberra: AIHW.
- AIHW 2018. Young people returning to sentenced youth justice supervision 2016–17. Juvenile justice series no. 22. Cat. no. JUV 127. Canberra: AIHW.
- AIHW 2018. Youth detention population in Australia 2018. Bulletin no. 145. Cat. no. JUV 128. Canberra: AIHW.







Of the 5,513 young people under youth justice supervision on an average day in 2017–18, most were male (81%) and supervised in the community (83%). Overall rates of supervision varied among the states and territories, from 12 per 10,000 in Victoria to 59 per 10,000 in the Northern Territory. Supervision fell over the 5 years from 2013–14 to 2017–18 for community-based supervision, but rose for detention. Indigenous over-representation also continued to rise.

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