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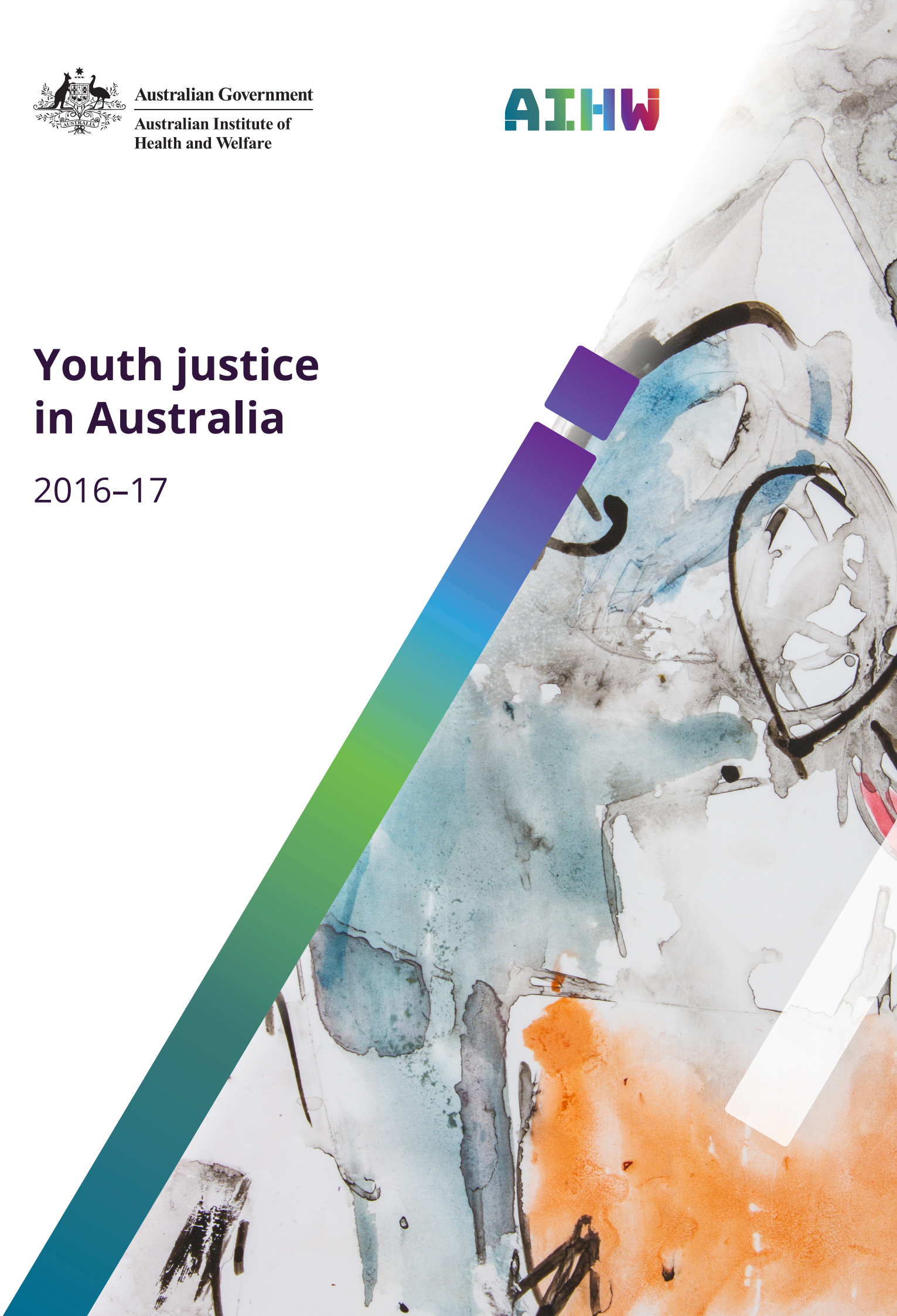
Youth justice in Australia

2016–17



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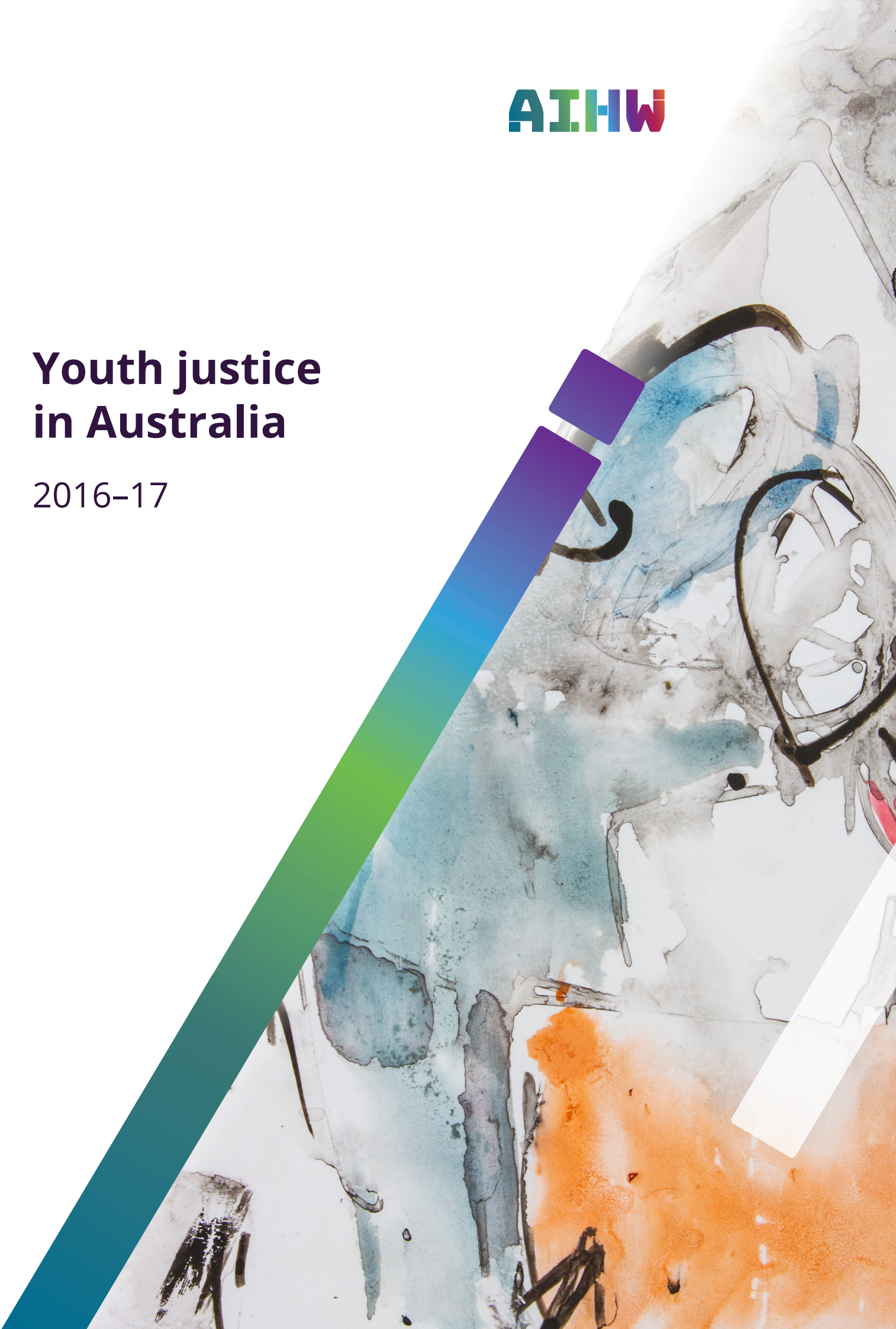

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Contents

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- Department for Communities and Social Inclusion, South Australia
- Department of Health and Human Services, 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

Summary

This report looks at young people who were under youth justice supervision in Australia during 2016–17 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 500 young people aged 10–17 were under supervision on an average day

A total of 5,359 young people aged 10 and over were under youth justice supervision on an average day in 2016–17. Among those aged 10–17, this equates to a rate of 20 per 10,000, or 1 in every 492 young people.

Most young people were supervised in the community

More than 4 in 5 (83% or 4,473) young people under supervision on an average day were supervised in the community, and close to 1 in 5 (17% or 913) 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 (61%) 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 2016–17 lasted for a median of 122 days or about 4 months. When all the time spent under supervision during 2016–17 is considered (including multiple periods and periods that were not yet completed), young people who were supervised during the year spent an average of 185 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 2016–17, the rate of young people aged 10–17 under supervision on an average day ranged from 13 per 10,000 in Victoria to 67 per 10,000 in the Northern Territory.

Rates of supervision have fallen over the past 5 years

Over the 5 years from 2012–13 to 2016–17, the number of young people aged 10–17 under supervision on an average day fell by 16%, while the rate dropped from 25 to 20 per 10,000. These falls occurred in both community-based supervision (from 21 to 17 per 10,000) and detention (from 4 to 3 per 10,000).

Aboriginal and Torres Strait Islander over-representation has increased

Although only about 5% of young people aged 10–17 in Australia are Indigenous, half (50%) of those under supervision on an average day in 2016–17 were Indigenous.

The level of Indigenous over-representation (as measured by the rate ratio) rose over the 5 years from 2012–13 to 2016–17. On an average day in 2012–13, Indigenous young people aged 10–17 were 15 times as likely as non-Indigenous young people to be under supervision, rising to 18 times as likely in 2016–17.

This was due to a proportionally greater fall in the non-Indigenous rate compared with the Indigenous rate over the period.

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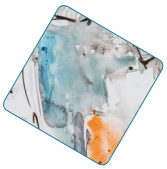


1 Introduction

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. But the general processes by which young people are charged and sentenced, and the types of legal orders available to the courts, are similar.

Young people can be charged with a criminal offence if they are aged 10 and over. There are separate justice systems for young people and adults. The upper age limit for treatment under the youth system is 17 (at the time of the offence) in all states and territories except Queensland, where the age limit was 16. Legislation to increase Queensland's age limit to 17 was passed in November 2016, and enacted in February 2018.

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, which is intended to prevent young people from entering the adult prison system at an early age.

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 secure 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 1 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 proven 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
Unsentenced supervision	Home detention bail: supervised or conditional bail	Remanded in custody (can be police or court referred)
Sentenced supervision	Parole or supervised release, probation or similar Suspended detention	Sentenced to detention

Unsentenced community-based supervision includes supervised or conditional bail (which may include conditions such as curfew or a monetary bond) and home detention bail.

Sentenced community-based supervision includes:

- 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 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, 2016–17

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

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

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

(b) The Australian Capital Territory did not include police-referred detention orders for 2016–17 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.

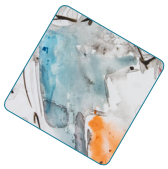
(d) Suspended detention and supervised release from detention includes probation and parole.

This report

This report presents information about the young people in Australia who were under youth justice supervision during 2016–17, 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 only calculated 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, along with non-standard data for the Northern Territory (see Appendix 1 for more details). Unless otherwise stated, Australian national totals include the non-standard data from the Northern Territory.



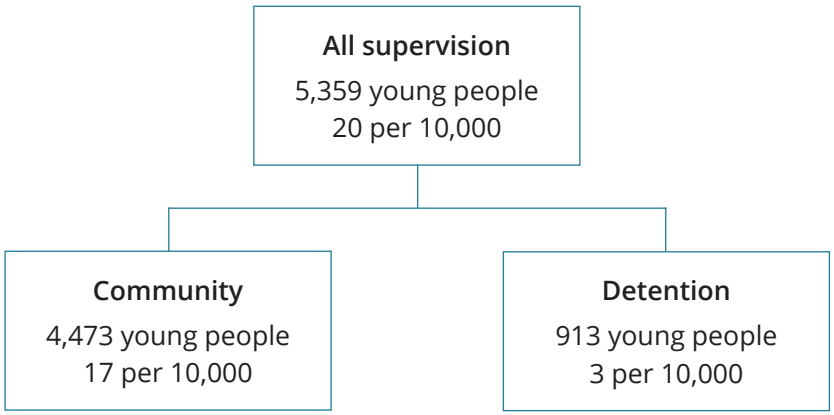
2 Numbers and rates of young people under supervision

National

On an average day in 2016–17, 5,359 young people aged 10 and over were under youth justice supervision in Australia (Figure 2.1; Table 2.1). A total of 10,554 young people were supervised at some time during the year (Table S1).

Most (4,473 or 83%) young people under supervision on an average day were supervised in the community, and the remainder (913 or 17%) 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, 2016–17



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

Although relatively few young people were in detention on an average day, almost half (46%, or 4,868 of 10,554) of all young people who were supervised during 2016–17 had been in detention at some time during the year. Among the states and territories, this proportion ranged from 27% in Tasmania to 60% in the Northern 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, on average, than under community-based supervision (see Appendix 1).

The rate of young people aged 10–17 under youth justice supervision on an average day was about 20 per 10,000, which equates to about 1 in every 492 young people. On an average day, 17 young people aged 10–17 per 10,000 were under community-based supervision, and 3 per 10,000 were in detention.

Table 2.1: Young people under supervision, by supervision type, states and territories, 2016–17

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
					Number—all ages				
					Average day[(a)]				
Community	1,106	853	1,242	639	267	123	73	172	4,473
Detention	278	189	182	146	60	11	8	39	913
All supervision	1,377	1,038	1,416	780	325	133	80	209	5,359
					During the year				
Community	2,235	1,852	2,452	1,577	577	231	148	315	9,387
Detention	1,530	707	967	865	407	65	79	248	4,868
All supervision	2,747	1,935	2,581	1,743	732	241	164	411	10,554
					Rate—aged 10–17 (number per 10,000)				
					Average day				
Community	15	10	23	24	14	18	18	52	17
Detention	3	2	4	6	3	2	2	15	3
All supervision	18	13	27	30	17	20	19	67	20
					During the year				
Community	29	21	46	59	31	35	36	104	35
Detention	19	9	19	34	24	12	21	98	19
All supervision	35	22	49	66	39	36	39	143	40

(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. Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
2. See Appendix 1 for more information about 'average day' and 'during the year' measures.
3. 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 (26% in each state) of all those under supervision on an average day (Table S1a).

In community-based supervision, Queensland (28%) and New South Wales (25%) 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 (20%).

Figure 2.2: Young people under supervision on an average day by supervision type, states and territories, 2016–17 (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.

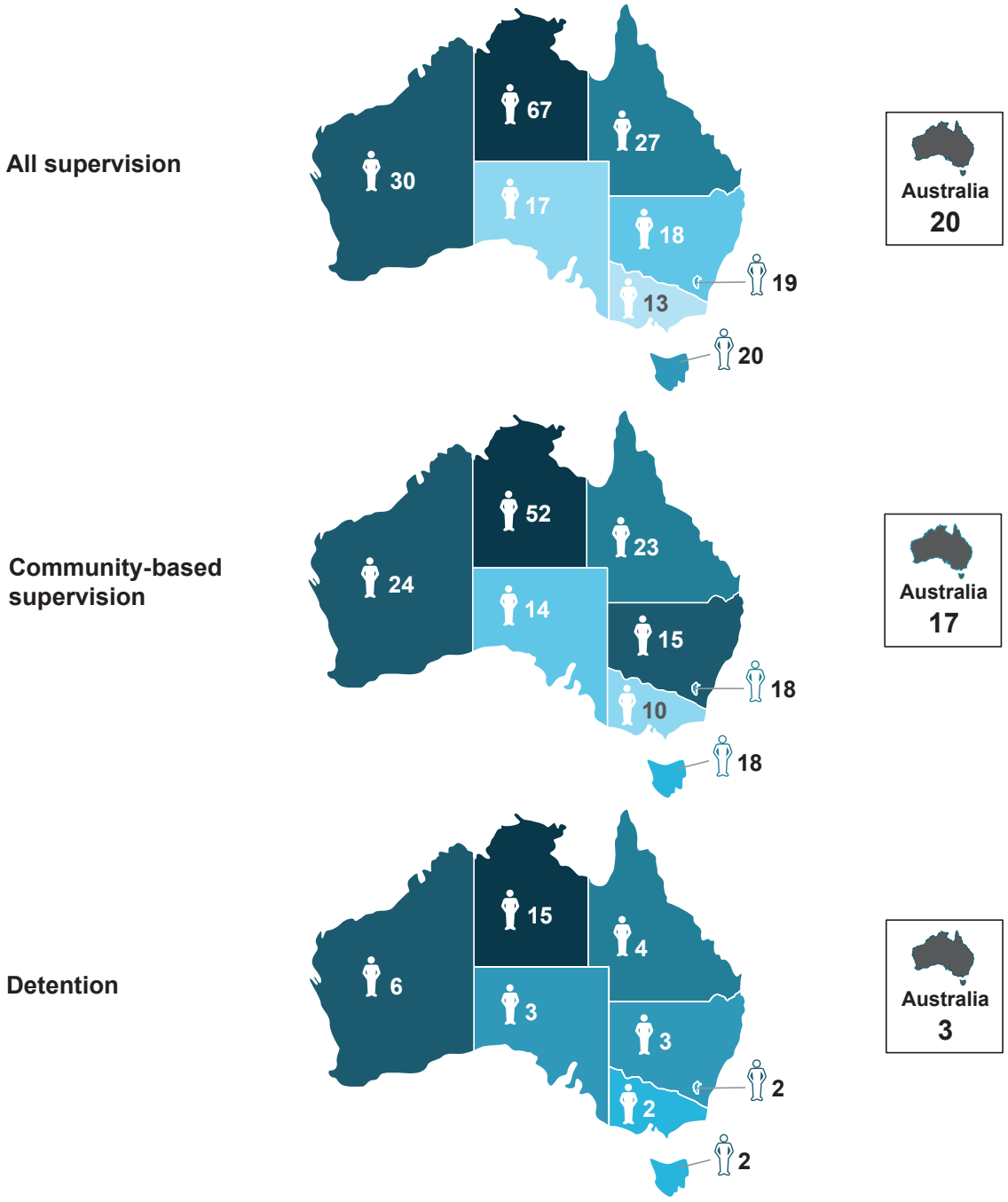
On an average day in 2016–17, the rate of young people aged 10–17 under supervision was lowest in Victoria (13 per 10,000), and highest in the Northern Territory (67 per 10,000).

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

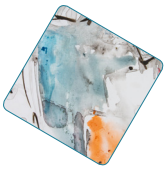
For community-based supervision, the rate of young people aged 10–17 on an average day ranged from 10 per 10,000 in Victoria to 52 per 10,000 in the Northern Territory.

For detention, the rates ranged from 2 per 10,000 in Victoria, Tasmania and the Australian Capital Territory, 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, 2016–17 (number per 10,000)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Source: Table 2.1.



3 Characteristics of young people under supervision

Age and sex

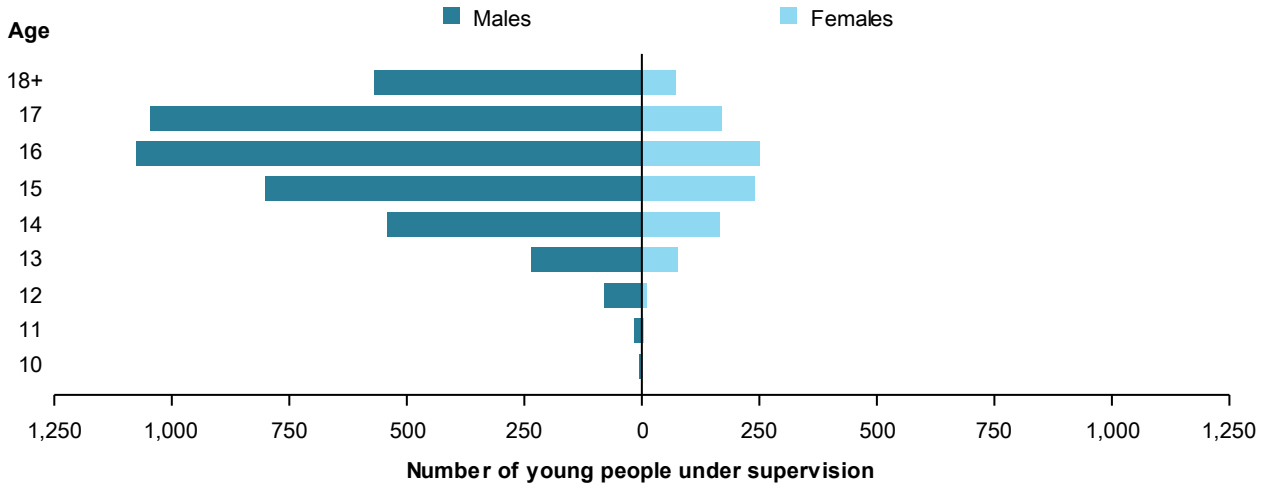
The majority of young people under supervision on an average day in 2016–17 were male (82%) (Figure 3.1; Table S2a). This proportion was higher among those in detention (91%) than those supervised in the community (80%) (tables S37a and S75a).

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 76% of the population under supervision in the Australian Capital Territory to 85% in Victoria and Western Australia (Table S2a).

Most (80%) 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 (1,325 young people or 46 per 10,000) (tables S5a and S6a). About 12% of young people under supervision were aged 18 and over, and 8% were aged 10–13 (Table S7a).

Figure 3.1: Young people under supervision on an average day, by age and sex, 2016–17 (number)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
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 (13% and 12%, respectively) (Table S7a). In Queensland, this is partly due to the fact that young people who were aged 17 and over when they allegedly committed offences are 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 2016–17, about 13% of males under supervision were aged 18 and over, compared with 7% 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, half (2,339 or 50%) of the young people aged 10–17 under supervision on an average day in 2016–17 were Indigenous (tables S3a and S144).

Close to half (48%) of those aged 10–17 under community-based supervision were Indigenous, while almost 3 in 5 (58%) of those in detention were Indigenous (tables S38a and S76a).

In 2016–17, the rate of Indigenous young people aged 10–17 under supervision on an average day was 184 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 18 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 (24 times as likely) than 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 (59 per 10,000) and highest in Western Australia (294 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, 2016–17 (rate)

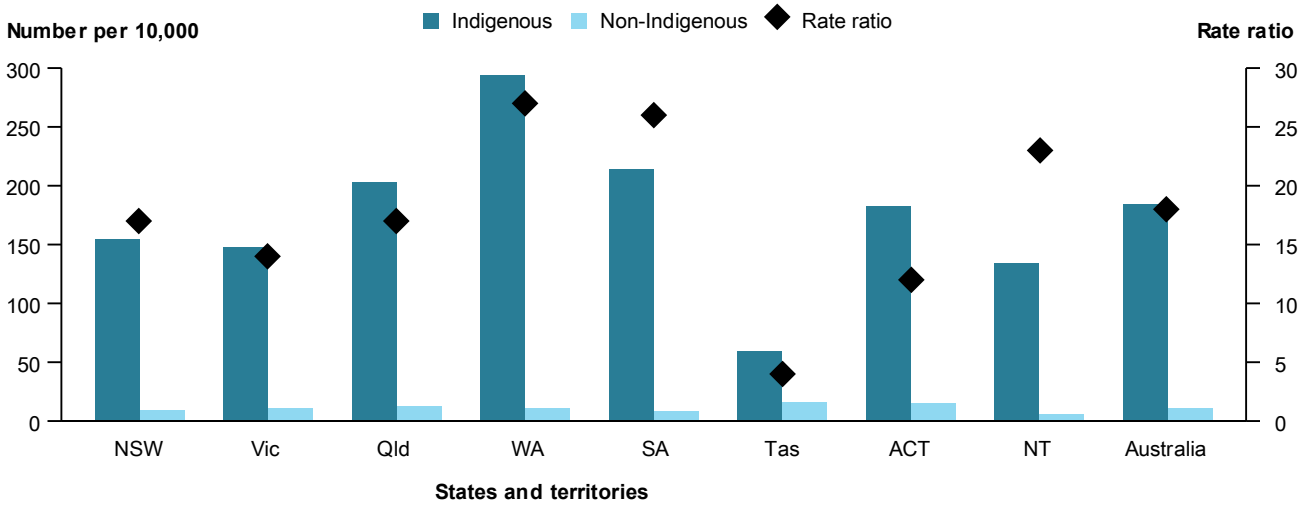
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
	Community-based supervision rate (number per 10,000)								
Indigenous	121	123	170	232	169	55	166	103	149
Non-Indigenous	8	9	11	9	7	14	13	4	9
All young people	**15**	**10**	**23**	**24**	**14**	**18**	**18**	**52**	**17**
Rate ratio	16	14	15	25	23	4	12	25	17
	Detention rate (number per 10,000)								
Indigenous	33	23	34	62	44	n.p.	n.p.	30	36
Non-Indigenous	2	2	1	2	1	2	2	n.p.	2
All young people	**3**	**2**	**4**	**6**	**3**	**2**	**2**	**15**	**3**
Rate ratio	21	13	30	41	42	n.p.	n.p.	n.p.	24
	All supervision rate (number per 10,000)								
Indigenous	154	148	203	294	214	59	182	134	184
Non-Indigenous	9	11	12	11	8	16	15	6	11
All young people	**18**	**13**	**27**	**30**	**17**	**20**	**19**	**67**	**20**
Rate ratio	17	14	17	27	26	4	12	24	18

Notes

1. Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
2. Rates are not published where there were fewer than 5 young people.
3. 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.
4. The rate ratio is calculated by dividing the Indigenous rate by the non-Indigenous rate.
5. 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, 2016–17 (rate)

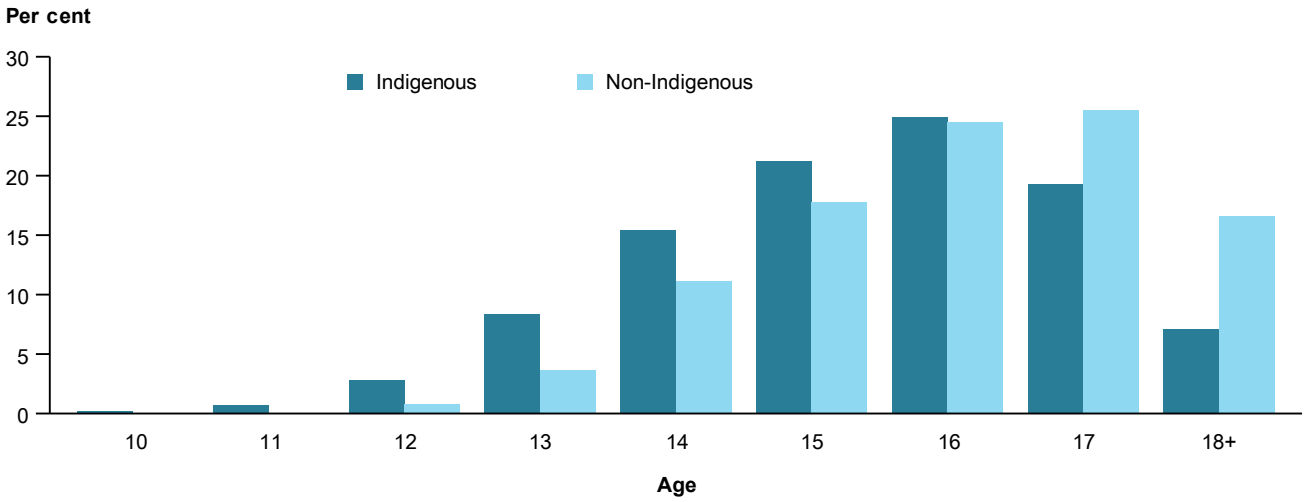


Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Source: Table 3.1.

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 2016–17, about half (49%) 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, 2016–17 (%)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Source: Table S5a.

Remoteness area

On an average day in 2016–17, most young people under supervision had lived in *Major cities* (50%) or *Inner regional* or *Outer regional* areas (36%) before entering supervision (based on postcode of last address) (Table S21a).

About 8% had lived in *Remote* or *Very remote* areas. A remoteness area could not be determined for about 6% of young people (the Northern Territory is excluded from this section, as data were not available).

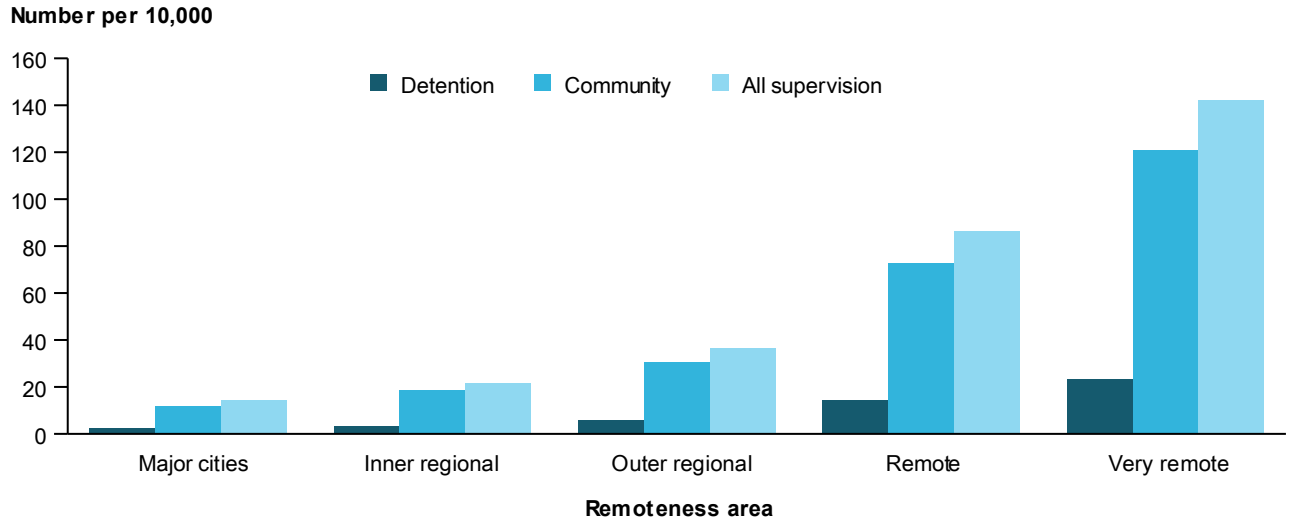
This contrasts with the distribution of young people aged 10–17 in the general population, with 70% living in *Major cities*, 29% living in *Inner regional* or *Outer regional* areas, and less than 2% living in *Remote* or *Very remote* areas.

On an average day in 2016–17, Indigenous young people under supervision were more likely than non-Indigenous young people to have lived in *Outer regional* areas (24% compared with 7%), and *Remote* or *Very remote* areas (17% 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 2016–17, 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 14 per 10,000), while those from *Very remote* areas were 10 times as likely (142 compared with 14 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 or in detention on an average day, while those from *Very remote* areas were 10 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 (excluding the Northern Territory), 2016–17 (rate)



Notes
1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. Remoteness area could not be determined for 6% of young people under youth justice supervision.

Sources: Tables S22c, S59c, and S99c.

Socioeconomic position

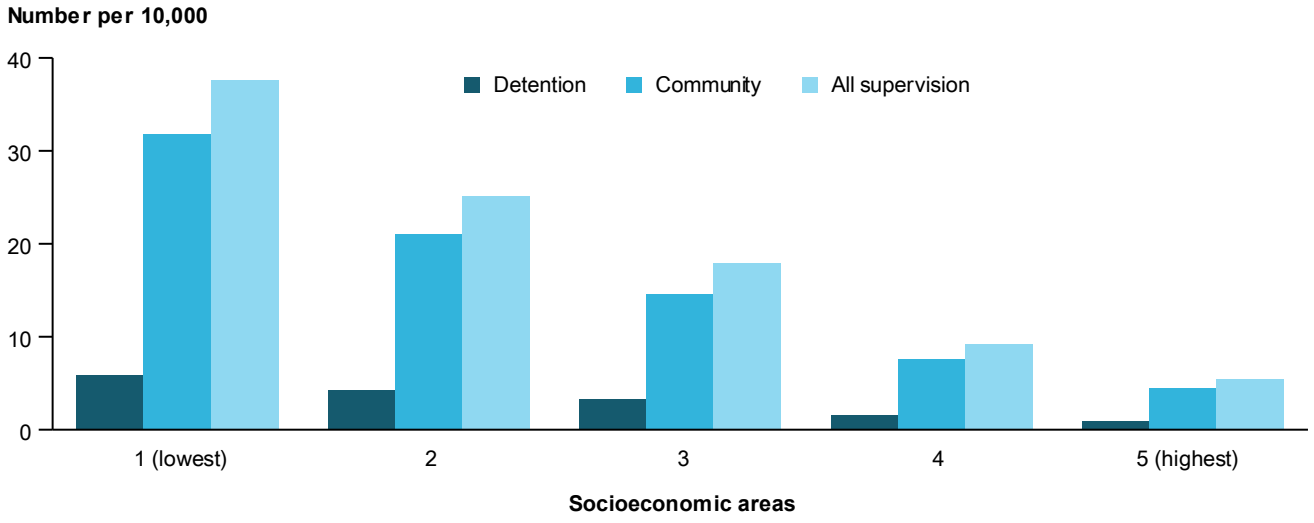
In this report, socioeconomic position has been determined using the postcode of the last known address of young people under supervision. An area of socioeconomic position could not be determined for 5% of young people in the data set. For more information, see Appendix 1.

Young people under youth justice supervision in 2016–17 most commonly lived in lower socioeconomic areas before entering supervision. Almost 2 in 5 young people (37%) under supervision on an average day were from the lowest socioeconomic areas, compared with only 6% from the highest socioeconomic areas (Table S23a).

On an average day in 2016–17, 38 per 10,000 young people aged 10–17 from the lowest socioeconomic areas were under supervision, compared with 5 per 10,000 from the highest socioeconomic areas (Figure 3.5). This means that young people from the lowest socioeconomic areas were about 7 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 (42% compared with 33%) (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 (excluding the Northern Territory), 2016–17 (rate)



Notes
1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. 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 2016–17, most (4,473 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.

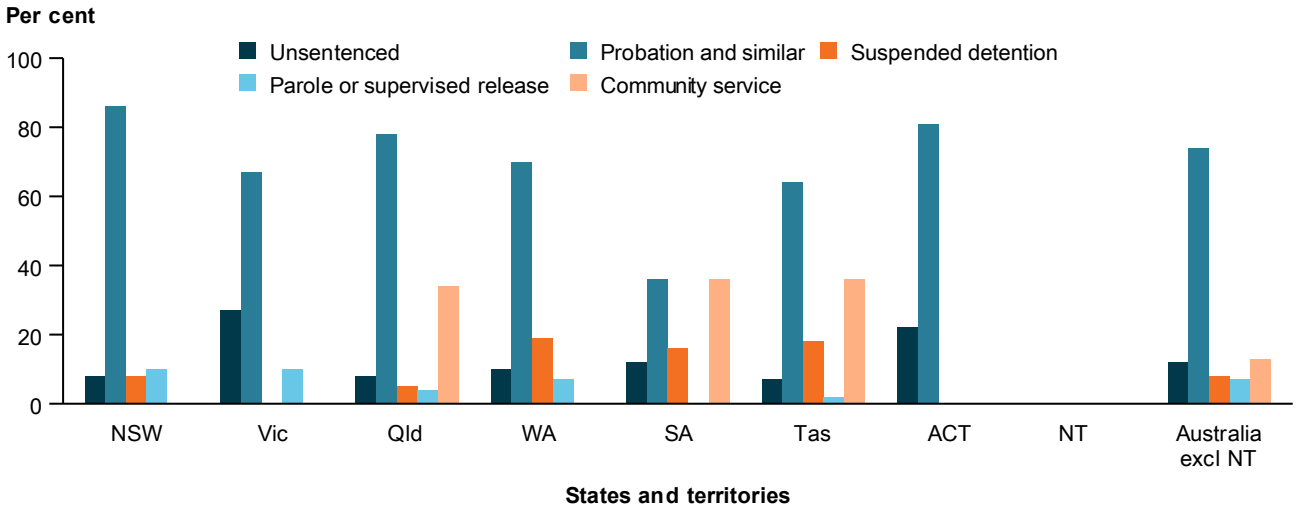
Unsentenced community-based supervision

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, curfew, or a monetary bond. Information about unsupervised bail is not available in the JJ NMDS.

In 2016–17, about 12% of young people under community-based supervision on an average day were on unsentenced orders (551 young people) (Table S66a).

Among the states and territories, the proportion of young people under community-based supervision on an average day who were unsentenced ranged from 7% in Tasmania to 27% 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, 2016–17 (%)



Notes

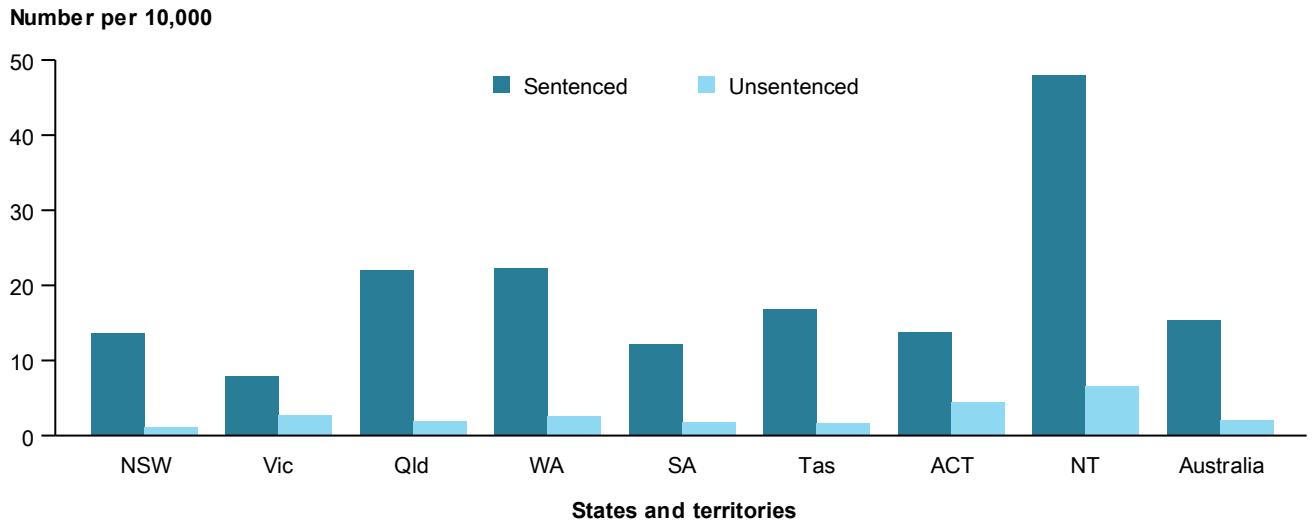
1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. Under the *Young Offenders Act 1994*, Western Australia does not operate with the terms 'probation and similar' or 'suspended detention', so these data should be interpreted with caution. For Western Australia, orders 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.
3. Components might not sum to the total, as young people might have been under supervision for multiple types of orders on the same day.
4. Excludes young people under other types of orders.

Source: Table S62a.

Nationally, more than one-quarter (29%) of young people who were under community-based supervision during 2016–17 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 to almost 7 per 10,000 in the Northern Territory.

Figure 4.2: Young people aged 10–17 under community-based supervision on an average day, by legal status, states and territories, 2016–17 (rate)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Source: Table S68a.

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 2016–17, 77% of unsentenced community-based orders ended because they were successfully completed (Table S70). This ranged from 42% in Western Australia to 98% in Victoria (excluding the Northern Territory, as data were not available).

Most (79%) completed orders lasted less than 3 months, with the proportion ranging from 55% in Queensland to 94% in Tasmania (Table S70).

Sentenced community-based supervision

On an average day in 2016–17, most (90% or 4,024) 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 (48 per 10,000).

Note that the Northern Territory is excluded from the following sections in this chapter, as data were not available.

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 2016–17, almost three-quarters (74%) 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 for which data were available, ranging from 36% of those under community-based supervision on an average day in South Australia to 86% in New South Wales.

In 2016–17, almost three-quarters (73%) of probation and similar orders that ended were successfully completed (Table S71). This proportion ranged from 64% in New South Wales to 94% in South Australia. About two-thirds (66%) of successfully completed orders lasted for less than 12 months, and the remainder lasted for 12 months or more.

About 1 in 5 (21%) probation and similar orders ended due to a breach of conditions (Table S72). This proportion ranged from 4% in South Australia to 32% 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.

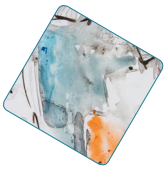
On an average day in 2016–17, about 8% of young people under community-based supervision were serving a suspended detention order (Figure 4.1). This proportion was highest in Western Australia (19%).

Among the states and territories that had suspended detention orders during 2016–17, the proportion that ended because they were successfully completed ranged from 47% in Western Australia to 61% in Tasmania (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 2016–17, about 7% of young people under community-based supervision were on parole or supervised release (Figure 4.1). This proportion was highest in New South Wales and Victoria (10% each).



5 Detention

On an average day in 2016–17, 913 young people (17% of all those under supervision) were in detention.

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

Unsentenced detention

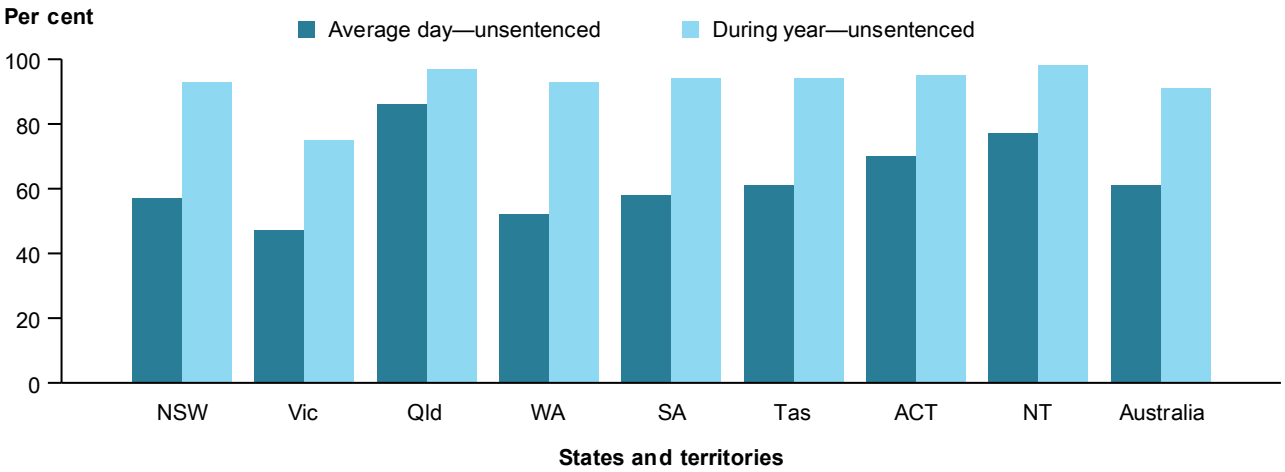
Number and rate

Young people may be referred to unsentenced detention either by police (pre-court) or by a court (remand). Police-referred pre-court detention is not available in all states and territories.

On an average day in 2016–17, more than half of all young people in detention were unsentenced (61% or 555 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 47% in Victoria to 86% 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 69% of those in detention in Victoria on an average day were unsentenced, compared with 68% nationally (Table S110a).

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, 2016–17 (%)



Notes
1. Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
2. The Australian Capital Territory were unable to provide pre-court detention data for 2016–17 due to data quality concerns.

Sources: Tables S109a and S109b.

The vast majority (91%) of young people who were detained during 2016–17 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.

Nationally, on an average day in 2016–17, most (98%) young people in unsentenced detention were on remand (Table S109a). But more than one-third (37%) of all those who were in unsentenced detention during 2016–17 were in police-referred pre-court detention at some time during the year (Table S109b).

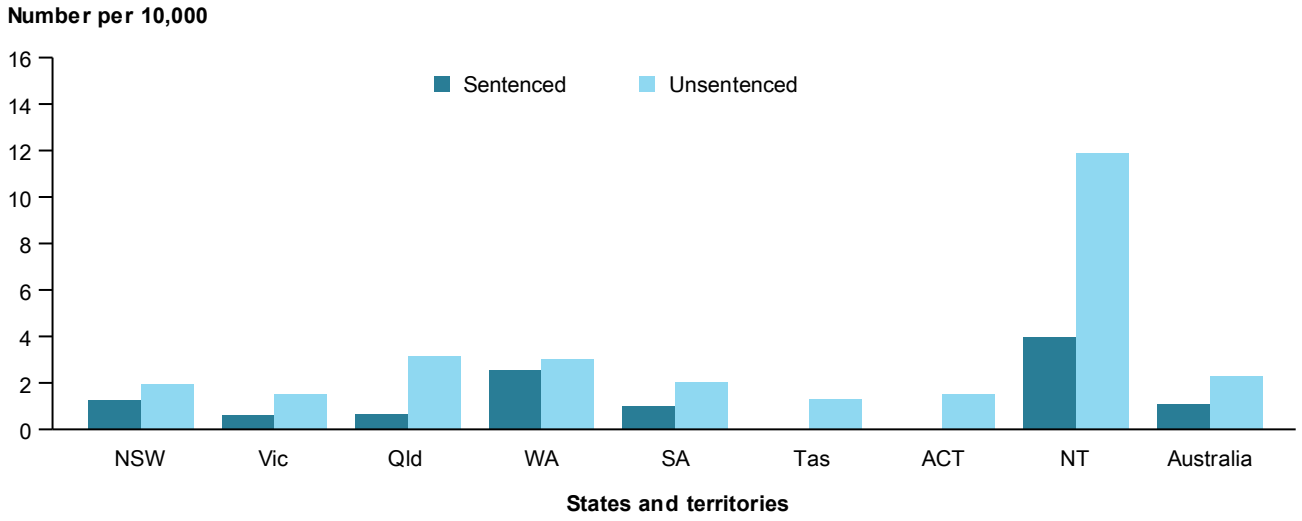
Among the states and territories in which pre-court detention was available, this ranged from 29% of those who had been in unsentenced detention in New South Wales to 68% of those in South Australia.

More than half (55%) 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 13% in Victoria to 93% in the Northern Territory.

The rate of young people aged 10–17 in unsentenced detention on an average day in 2016–17 was 2 per 10,000 (Figure 5.2). Among the states and territories, rates of young people aged 10–17 in unsentenced detention on an average day were lowest in Tasmania (1 per 10,000) and highest in the Northern Territory (12 per 10,000).

Rates of unsentenced detention 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, 2016–17 (rate)



Notes
1. Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
2. 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 (58%) of remand periods that ended in 2016–17 ended because the young person was released on bail (Table S119) (excluding the Northern Territory, as data were not available). The proportion of remand periods that ended with release on bail was lowest in South Australia (40%) and highest in the Australian Capital Territory (86%).

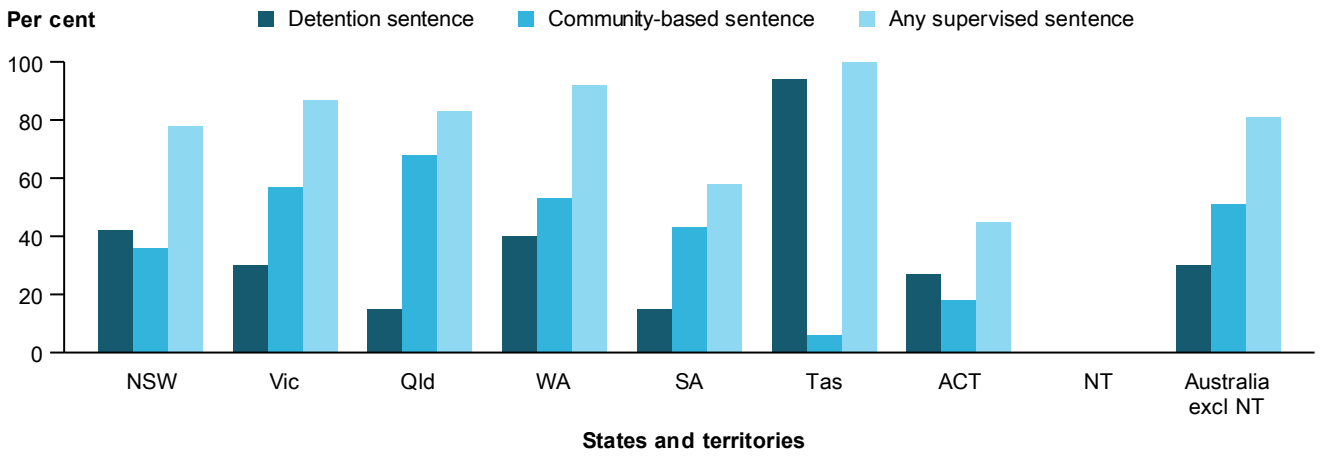
More than one-third (39%) of remand periods ended because they were completed, and the rest ended for other reasons, including transfer.

Four in five (81%) completed remand periods were followed by a supervised sentence within 1 day—just over half (51%) 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 for which data were available.

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

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, 2016–17 (%)



Notes
1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. Data for this indicator in South Australia are incomplete.

Sources: Tables S119 and S120.

Sentenced detention

Young people may be sentenced to detention if they are judged to be or have pleaded guilty in court. Sentenced detention includes young people who have received control orders or youth residential orders, or have had their parole revoked.

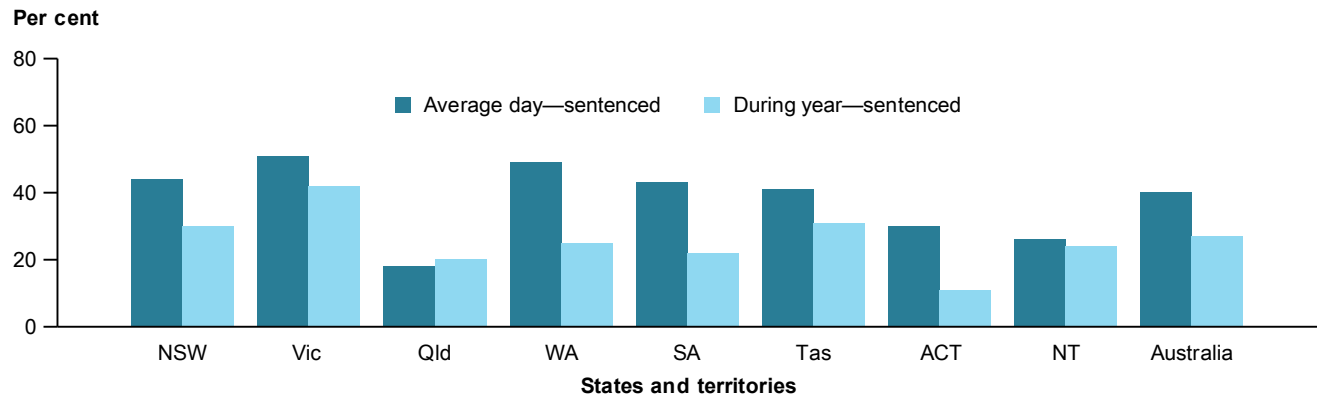
Number and rate

On an average day in 2016–17, about 2 in 5 young people in detention (40% or 364 young people) were in sentenced detention (Figure 5.4). Among the states and territories, this ranged from 18% in Queensland to 51% in Victoria.

The relatively high proportion in Victoria reflects 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 those aged 10–17 are considered, 29% of young people in detention on an average day in Victoria were sentenced, compared with 32% 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, 2016–17 (%)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).

Source: Table S109.

Nationally, more than half (53%) 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 2016–17, 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 (4 per 10,000). Rates for Tasmania and the Australian Capital Territory were not calculated due to small numbers.

Completion of periods

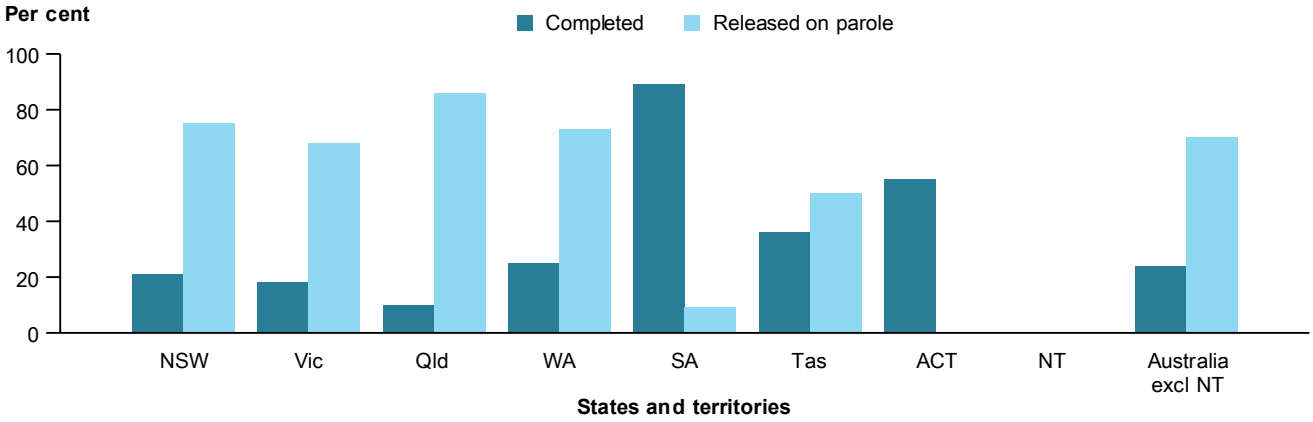
Almost three-quarters (70%) of sentenced detention periods that ended in 2016–17 ended because the young person was released on parole (also known as supervised release) (excluding the Northern Territory as data were not available) (Figure 5.5).

About one-quarter (24%) ended with the period being completed, and the rest ended for other reasons, including transfer.

The states and territories varied—in New South Wales, Victoria, Queensland, Western Australia, and Tasmania half or more (50%–86%) sentenced detention periods ended with the young person being released on parole.

In the Australian Capital Territory and South Australia, half or more (50% and 89%, respectively) sentenced detention periods were completed.

Figure 5.5: Sentenced detention ending with either sentence completion or release on parole (supervised release), states and territories, 2016–17 (%)



Notes
1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. In some states and territories, a minimum duration of sentenced detention applies before a young person may be considered eligible for supervised release or parole, 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, having not been detained immediately before
- a 'release' is when a young person leaves detention, and is not detained immediately after.

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 only considered a release 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 2016–17, 4,194 young people experienced 8,243 receptions into detention (this section excludes the Northern Territory, as data were not available) (Table S105a). Among all young people in detention in 2016–17, 91% were received at some point during the year, with the rest entering in a previous year (tables S74b and S105b).

Almost half (46%) 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 43%).

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

Just under two-thirds of receptions (62%) were for remand, one-third (33%) were for police referred pre-court detention, and the rest (5%) were for sentenced detention.

More than one-quarter (27%) of all young people in sentenced detention during 2016–17 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).

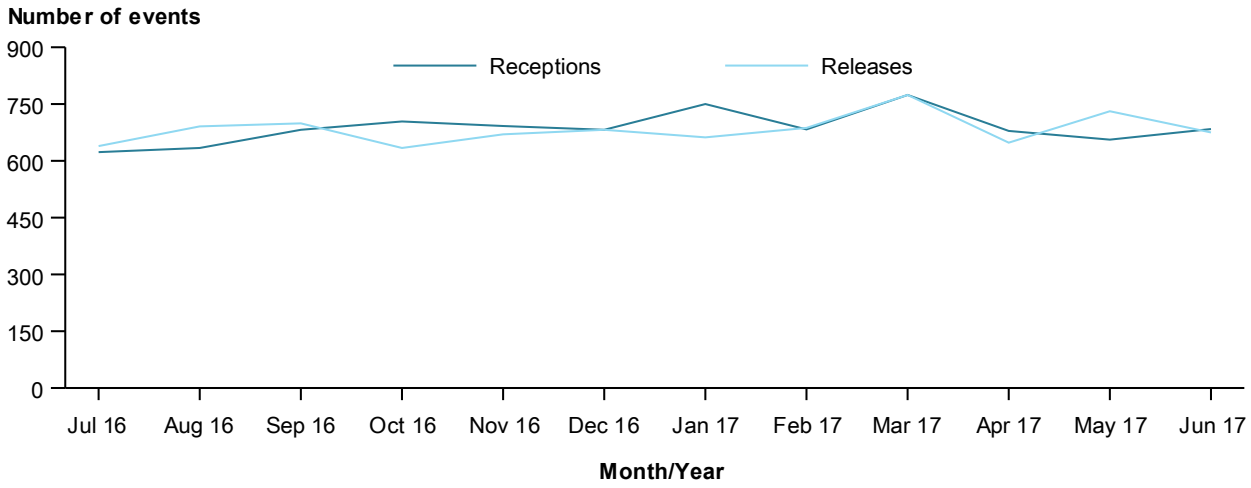
Releases

In 2016–17, 4,367 young people experienced 8,192 releases from detention. The vast majority of young people (95%) who were detained during the year were released at least once, with an average of 1.9 releases per young person (tables S74b, S106a, and S106b).

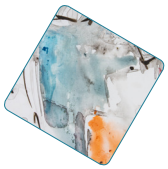
Similar to receptions, 86% of releases were from unsentenced detention. About two-thirds of releases (67%) were from remand, and 19% were from police-referred pre-court detention. The proportion of releases from sentenced detention was higher than that of receptions (14% compared with 5%) (tables S105a and S106a).

In 2016–17, the numbers of receptions and releases were closely aligned each month, despite some fluctuations (Figure 5.6). The highest numbers of both receptions (774) and releases (774) occurred in March 2017.

Figure 5.6: Monthly trends in detention receptions and releases, Australia (excluding the Northern Territory) 2016–17 (number)



Note: Excludes the Northern Territory, as standard data were not supplied for 2016–17.
Source: Table S108.



6 Time under supervision

Orders and supervision periods

Supervised orders

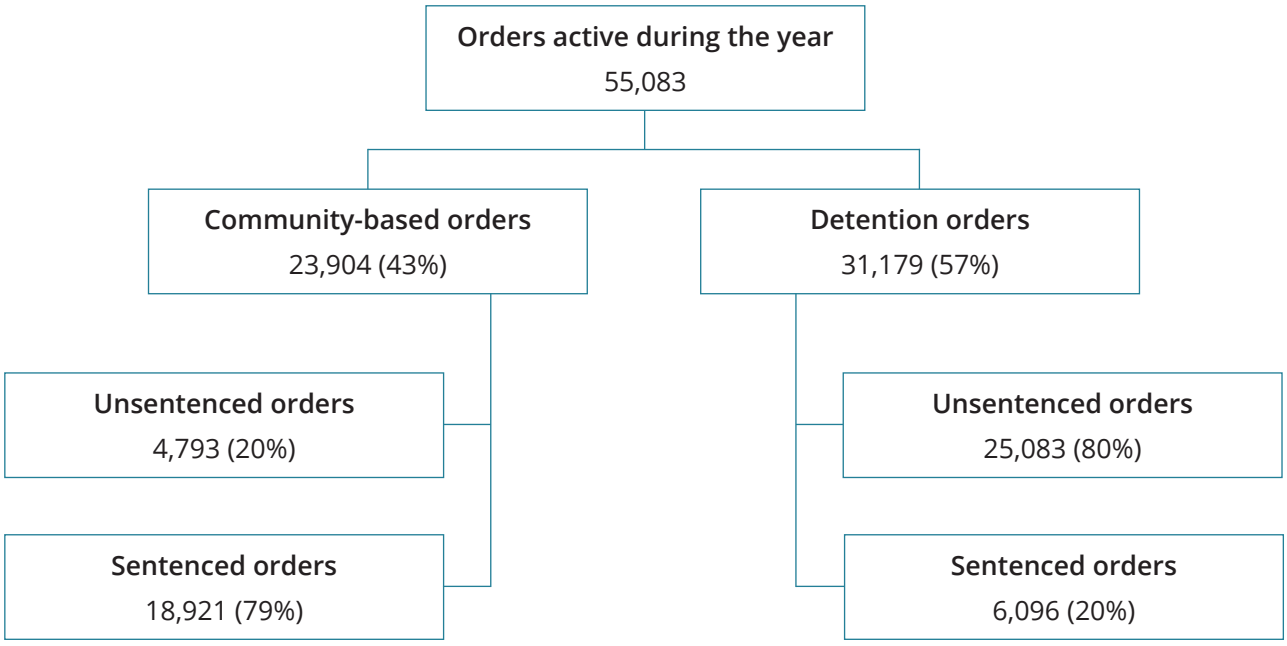
In 2016–17, the 10,143 young people who were under youth justice supervision were supervised under 55,083 orders (this section excludes the Northern Territory, as data were not available) (tables S1b and S25).

Although most (83%) young people were supervised in the community on an average day in 2016–17, detention orders were the most common type of order (57%) (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 last typically 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 (80%), while of all community-based orders, 4 in 5 were sentenced (79%).

Figure 6.1: Supervised orders, by type of order and legal status, 2016–17



Notes
1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. Totals for community-based orders, detention orders, and orders active during the year include orders with 'other' legal status.

Source: Table S25.

In New South Wales, Victoria, Queensland and South Australia, more than half of orders active during 2016–17 were detention orders (Table S25). In Western Australia, Tasmania and the Australian Capital Territory, the majority were community-based.

About two-thirds (65%) of young people under supervision during 2016–17 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 23,904 community orders for the 9,072 young people under community-based supervision during 2016–17, an average of 2.6 orders per young person (tables S25 and S36). In comparison, there were 31,179 detention orders for the 4,620 young people in detention, an average of 6.7 orders per young person (tables S25 and S74).

Of those under supervision, Indigenous young people were more likely to have multiple supervision orders (70%) than their non-Indigenous counterparts (62%).

Young people under community-based supervision were more likely than those in detention to have had only 1 order (45% compared with 23%) (Table S26), and less likely to have had 6 or more orders within the year (35% compared with 10%).

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 2016–17, the 10,143 young people under supervision experienced 13,482 periods of supervision (continuous supervision of any type), an average of about 1.3 periods per person (this section excludes the Northern Territory, as data were not available) (tables S1b and S27).

Among the 6,569 young people who completed a period of supervision in 2016–17, most (83%) completed only 1 period (Table S28).

About 6 in 10 (64%) young people supervised during 2016–17 completed at least 1 period of community-based supervision, and 4 in 10 (43%) completed a period of detention (tables S1b, S63 and S102).

About 1 in 5 (22%) young people in detention during the year completed at least 1 period of both sentenced and 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 1.3) (tables S117 and S124).

Indigenous young people were more likely than non-Indigenous young people to have completed multiple periods of supervision (21% compared with 15%) (Table S28). This was the case in both community-based supervision and detention (tables S63 and S102).

Length of supervision periods

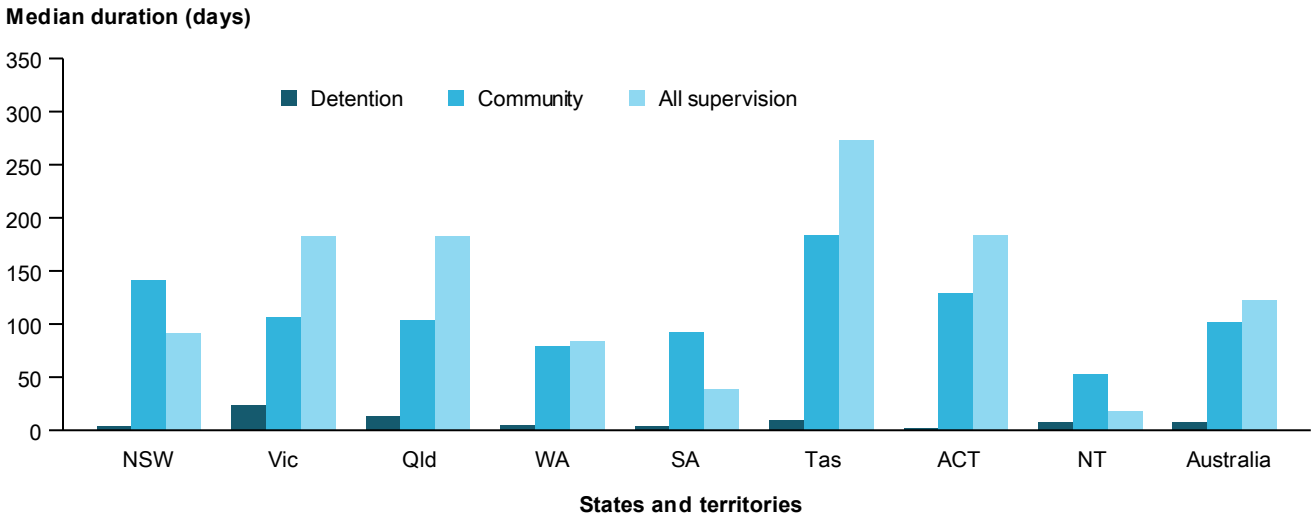
Individual periods of supervision that were completed during 2016–17 lasted for a median length of 122 days, or about 17 weeks (this includes time under supervision before 1 July 2016 if the period started before that date) (Figure 6.2).

The median duration of completed periods varied substantially between states and territories, ranging from 18 days in the Northern Territory to 273 days in Tasmania.

Completed periods of community-based supervision were much longer than completed periods of detention, with a median length of 102 days (nearly 15 weeks) compared with 8 days (just over 1 week).

Again, there were differences among the states and territories. In 2016–17, the median length of completed periods of community-based supervision ranged from 53 days in the Northern Territory to 184 days in Tasmania. For detention, the median length ranged from 2 days in the Australian Capital Territory to 24 days in Victoria.

Figure 6.2: Median duration of completed supervision periods, by supervision type, states and territories, 2016–17 (days)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Sources: Tables S29, S64, and S103.

The median duration of completed individual periods of unsentenced detention during 2016–17 was 7 days (Table S117). This varied among the states and territories, from 2 days in the Australian Capital Territory to 18 days in Victoria.

For completed periods of sentenced detention, the median duration was much longer, at 68 days (Table S124). Completed periods of sentenced detention ranged from a median of 32 days in the Northern Territory to 93 days in the Australian Capital Territory.

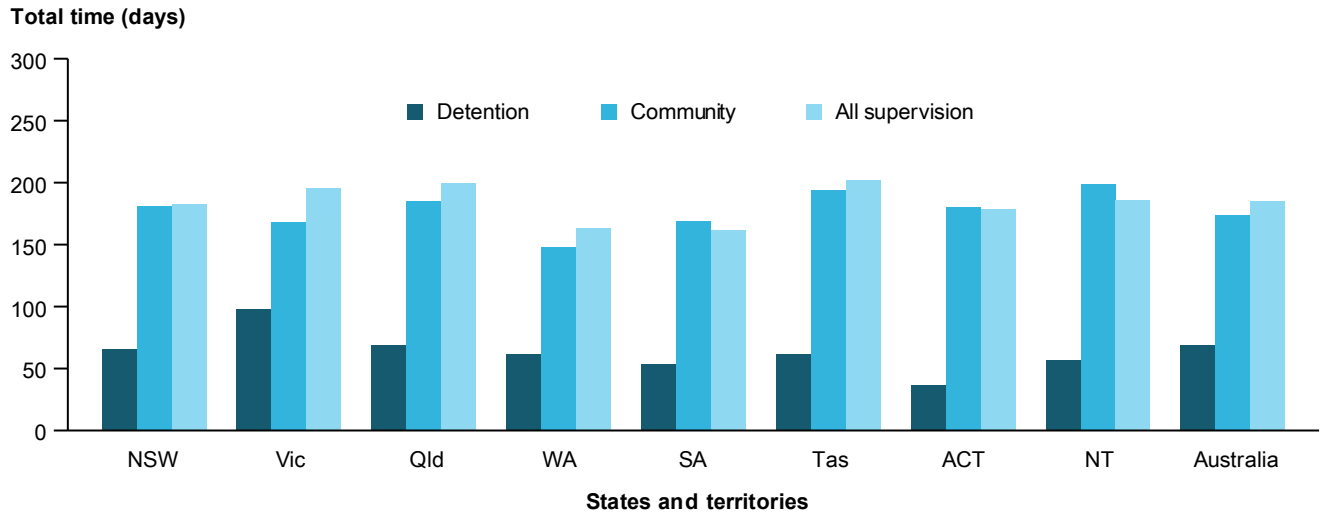
On average, Indigenous young people completed slightly longer periods of unsentenced detention than non-Indigenous young people (median of 8 days compared with 6 days) (Table S117). But they completed slightly shorter periods of sentenced detention (median of 66 days compared with 70 days) (Table S124).

Total time under supervision

When all the time spent under supervision during 2016–17 is considered (including multiple periods of supervision and periods that were not yet completed as at 30 June 2017), young people who were supervised during the year spent a total of 185 days or about 6 months (26 weeks), on average, under supervision (Figure 6.3). This was lowest in South Australia (162 days) and Western Australia (163 days), and highest in Tasmania (202 days) and Queensland (200 days).

Young people spent more time, on average, under community-based supervision during the year (174 days, or about 25 weeks) than in detention (69 days, or almost 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 199 days in the Northern Territory, while the average time in detention ranged from 37 days in the Australian Capital Territory to 98 days in Victoria.

Figure 6.3: Average total time young people spent under supervision during the year, by supervision type, states and territories 2016–17 (days)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Sources: Tables S30, S65, and S104.

During the year, young people spent much more time, on average, in sentenced detention (100 days in total, or 14 weeks) than unsentenced detention (46 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 2016–17 ranged from 27 days in the Australian Capital Territory to 62 days in Victoria and Queensland (Figure 6.4).

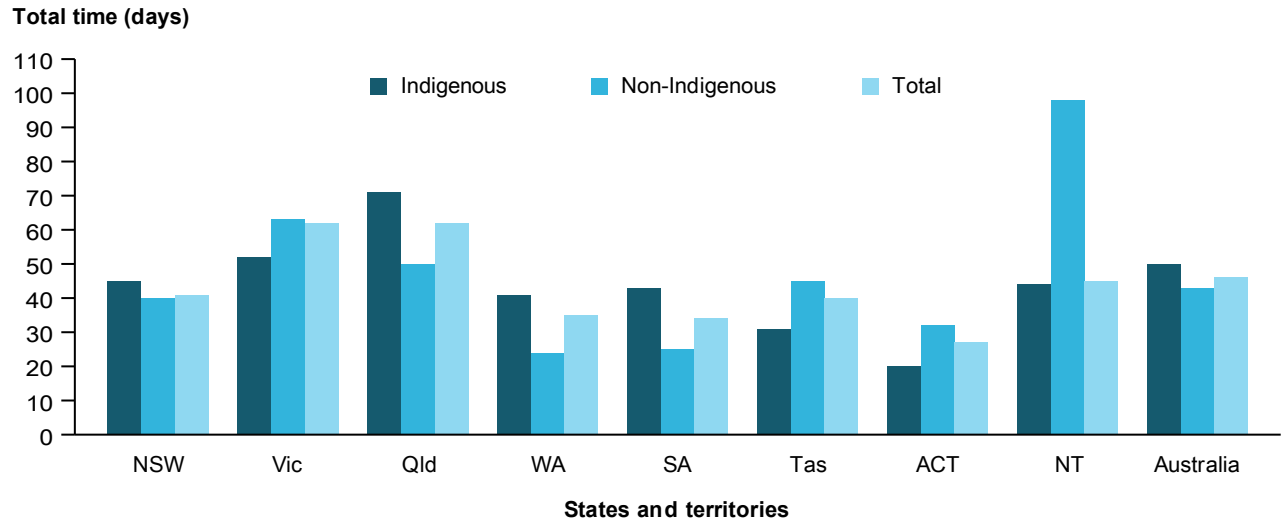
The average total time spent in sentenced detention was lowest in the Northern Territory (62 days), and highest in Western Australia (122 days) (Figure 6.5).

Males spent more time, on average, under supervision during the year than females (189 days compared with 171) (Table S30). Males spent slightly fewer days, on average, under community-based supervision than females (173 days compared with 178), but twice as long in detention (76 days compared with 34) (tables S65 and S104).

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

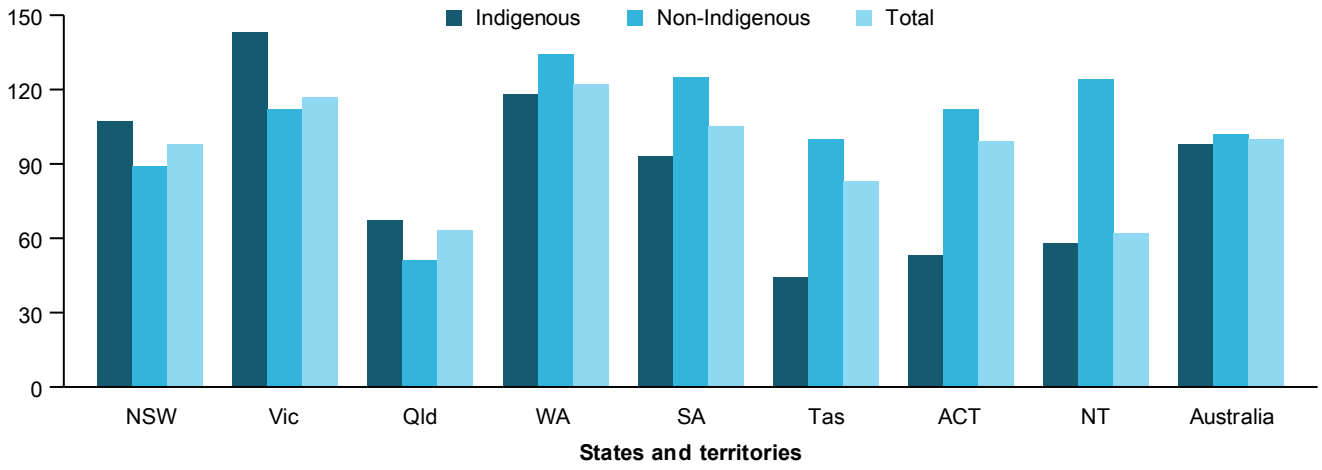
- 13 days longer under supervision during the year (194 days on average, compared with 181)
- 9 days, on average, longer in detention (74 compared with 65 days)
- 4 days longer under community-based supervision (177 compared with 173 days) (tables S30, S65 and S104)
- 7 days longer in unsentenced detention (50 days compared with 43)
- 4 days less in sentenced detention (98 days compared with 102) (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, 2016–17 (days)

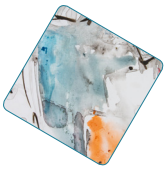


Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Source: Table S118.

Figure 6.5: Average total time young people spent in sentenced detention during the year, by Indigenous status, states and territories, 2016–17 (days)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17 (see Appendix 1).
Source: Table S126.



7 Supervision history

First entry to supervision

Entry to supervision

More than one-third (35%) of young people under youth justice supervision in 2016–17 were new to supervision in that year. The rest (65%) had been supervised in a previous year (Table S17). Indigenous young people (70%) were more likely than non-Indigenous young people (62%) to have been under supervision in a previous year.

Young people under community-based supervision (68%) were more likely than those in detention (60%) to have been supervised in a previous year (tables S55 and S93).

Age at first supervision

Among all young people who were supervised during 2016–17 (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 supervision when they were aged 18 or over.

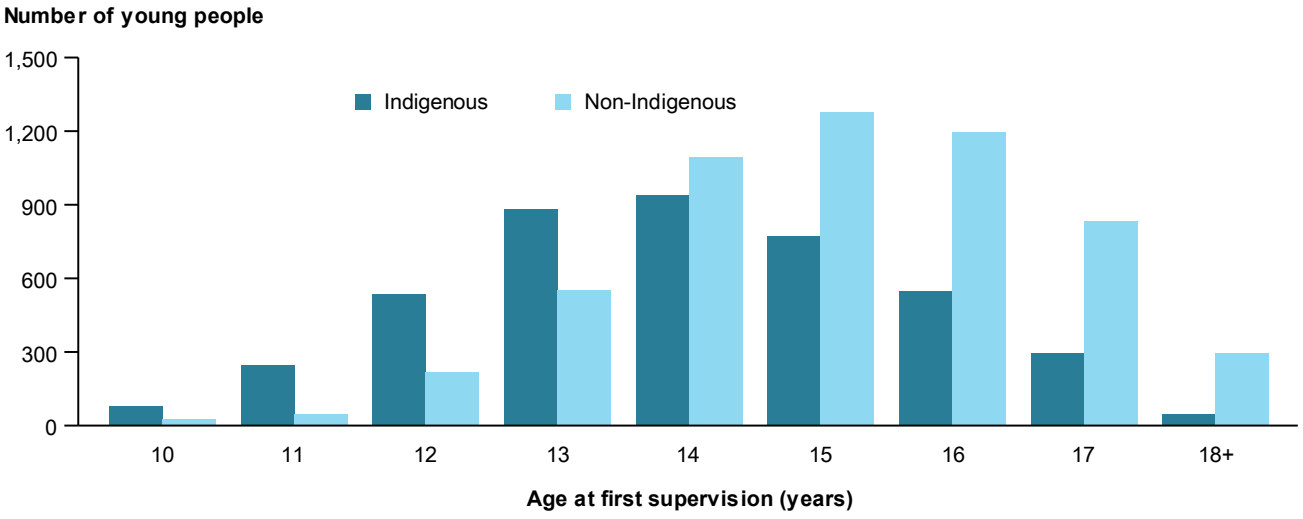
Young people were most likely to be aged 14–17 when they first entered supervision in all states and territories for which data were available, ranging from 63% in Western Australia to 82% in the Australian Capital Territory (Table S19).

Western Australia had the highest proportion of young people who first entered supervision when aged 10–13 (37%), while Victoria had the highest proportion who first entered supervision when aged 18 or over (14%) (driven by 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 (40%) Indigenous young people under supervision in 2016–17 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 (excluding the Northern Territory), 2016–17 (number)



Note: Excludes the Northern Territory, as standard data were not supplied for 2016–17.
Source: Table S18.

First type of supervision

Among all those who were supervised during 2016–17, the most common first types of supervision were probation and similar (37%), remand (27%), and police-referred detention (16%) (Figure 7.2).

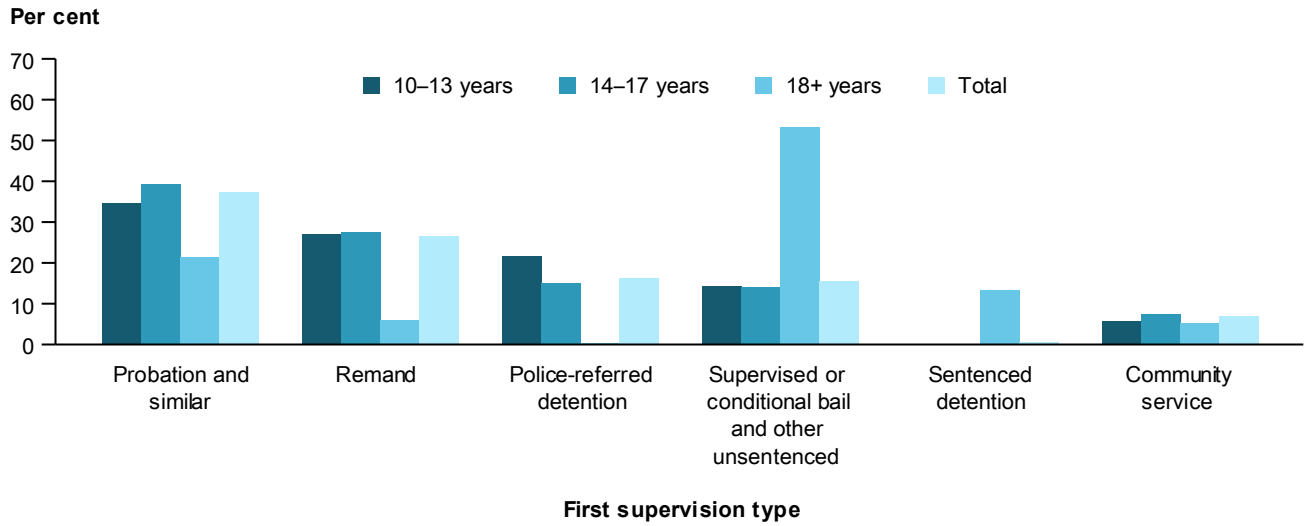
Among those who were first supervised when aged 10–13 or 14–17, the most common types of first supervision were probation and similar, and remand (Figure 7.2). Among those who were first supervised when aged 18 and over, the most common type of first supervision was supervised or conditional bail (and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

Very few young people were given sentenced detention (after being proven guilty in a court) as their first type of supervision (less than 1% overall), except among those first supervised at age 18 and over (13%).

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

- remand in New South Wales (45%) and the Australian Capital Territory (54%)
- police-referred detention in South Australia (43%)
- probation and similar in Queensland (53%), Tasmania (46%), and Western Australia (39%)
- 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 (excluding the Northern Territory), 2016–17 (%)



Note: Excludes the Northern Territory, as standard data were not supplied for 2016–17.
Sources: Tables S19 and S20.

Youth justice supervision history

More than 9 in 10 (92%) young people who were supervised during 2016–17 had been under community-based supervision at some time during their supervision history (either during 2016–17 or in a previous year) (Figure 7.3). More than 6 in 10 (64%) had spent time in detention.

More than half (56%) of all young people under supervision during 2016–17 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 (36%) had only been under community-based supervision, and 8% had only been in detention.

Among the states and territories for which data were available, the proportion of young people supervised during 2016–17 who had been under community-based supervision at some point ranged from 83% in South Australia to 97% in Victoria and Tasmania (Figure 7.3). The proportion of young people who had been in detention ranged from 40% in Tasmania to 74% in South Australia.

Figure 7.3: Young people under supervision during the year, by supervision history, states and territories, 2016–17 (%)

Notes

1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. Supervision history was not available for all young people under supervision (see Appendix 1).

Sources: Tables S2b and S35.

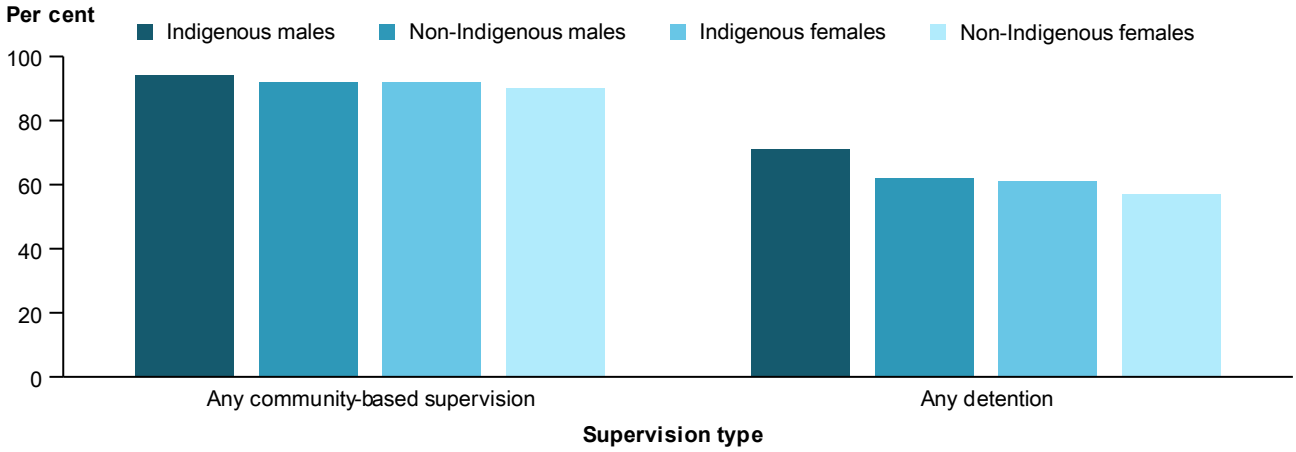
Males under supervision during 2016–17 were more likely than females to have been under community-based supervision at some point during their supervision history (92% compared with 90%), as well as in detention (65% compared with 59%) (tables S2 and S35).

Similar proportions of Indigenous and non-Indigenous young people under supervision in 2016–17 had been under community-based supervision at some time during their supervision history (93% compared with 91%) (tables S2 and S35). This was true among both males and females (Figure 7.4).

Indigenous young people under supervision in 2016–17 were more likely than non-Indigenous young people to have previously been in detention (69% compared with 61%) (tables S2 and S35).

About 71% of young Indigenous males under supervision had been in detention at some point, compared with 62% of young non-Indigenous males, and 61% of young Indigenous females under supervision had been in detention, compared with 57% 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, 2016–17 (%)



Notes

1. Excludes the Northern Territory, as standard data were not supplied for 2016–17.
2. 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 2012–13 to 2016–17, the number and rate of young people under supervision on an average day fell steadily (Figure 8.1; Table S11a). The number of young people aged 10 and older under supervision fell by 18% (from 6,523 to 5,359), while the rate of those aged 10–17 dropped from 25 to 20 per 10,000 young people (Figure 8.1).

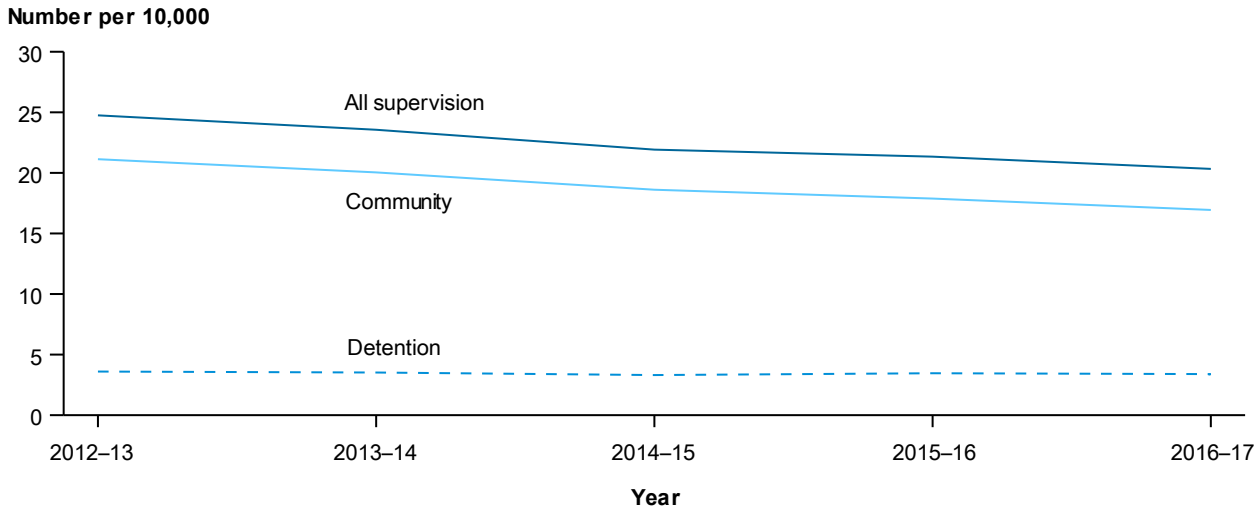
A drop in the number of individual young people who were supervised each year drove this trend, although the average total amount of time they spent under supervision during the year rose slightly.

Between 2012–13 and 2016–17, the number of young people under supervision during the year fell by 20% (from 13,154 to 10,554) (Table S11b). But the average total amount of time young people spent under supervision during the year rose slightly from 181 to 185 days (Table S30).

The fall 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 2012–13 and 2016–17, the number of young people aged 10–17 who were proceeded against by police dropped overall by 8%, while the number with matters finalised in the Children's Courts dropped by 10% (ABS 2018a, 2018b).

Figure 8.1: Trends in young people aged 10–17 under supervision on an average day, by supervision type, 2012–13 to 2016–17 (rate)



Notes
1. National totals include non-standard data for the Northern Territory for 2012–13 to 2016–17 (see Appendix 1).
2. Trend data might differ from those previously published due to data revisions.

Sources: Tables S12a, S47a, and S85a.

Between 2015–16 and 2016–17, the number of young people under supervision on an average day fell by 4% (from 5,559 to 5,359), while the rate of those aged 10–17 fell from 21 to 20 per 10,000 (Figure 8.1; Table S11a).

The number of young people in community-based supervision on an average day fell by 19% (from 5,548 to 4,473) over the 5-year period, while the rate dropped from 21 to 17 per 10,000 for those aged 10–17 (Figure 8.1; Table S46a). In the most recent year, the number fell by 4% (from 4,661 to 4,473), and the rate fell from 18 to 17 per 10,000.

For detention, the number of young people in detention on an average day fell by 9% (from 1,005 to 913) while the rate fell from 4 to 3 per 10,000 for those aged 10–17 (Figure 8.1; Table S84a). In the most recent year, the number fell by 1% (from 924 to 913), while the rate remained steady at 3 per 10,000 for those aged 10–17.

States and territories

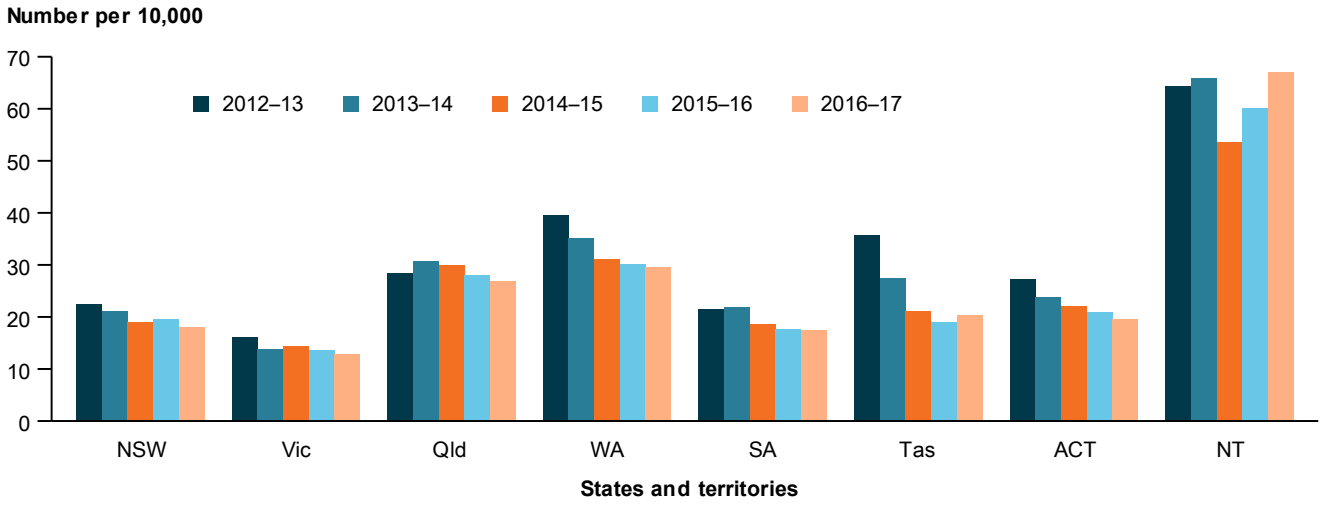
Between 2012–13 and 2016–17, the rate of young people aged 10–17 under supervision on an average day fell in all states and territories, except the Northern Territory (Figure 8.2; Table 8.1). The rate fell most markedly in Tasmania, from 36 to 20 per 10,000.

In the Northern Territory, the rate fell between 2012–13 and 2014–15 (from 64 to 54 per 10,000), before rising to 67 per 10,000 in 2016–17.

The rates of young people under community-based supervision on an average day fell overall in all states and territories, except the Northern Territory, where it ranged from a low of 37 per 10,000 in 2014–15 to a high of 52 per 10,000 in 2016–17. Tasmania had the largest fall, in the rate of young people aged 10–17 under community-based supervision (from 32 to 18 per 10,000).

For 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, 2012–13 to 2016–17 (rate)



Notes
1. Includes non-standard data for the Northern Territory for 2012–13 to 2016–17 (see Appendix 1).
2. 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, 2012–13 to 2016–17 (rate)

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

Notes
1. National totals include non-standard data for the Northern Territory for 2012–13 to 2016–17 (see Appendix 1).
2. Arrows indicate an overall trend between 2012–13 and 2016–17. Trends might have fluctuated between these years, particularly for smaller jurisdictions.
3. 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 2016–17, the rates of young people under supervision fell steadily among both males and females. For males aged 10–17 under supervision on an average day, the rate fell from 39 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 fell 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 about 4 times as likely as females to be under community-based supervision, and about 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 17 (from 87 to 68 per 10,000 over the 5-year period) (excluding the Northern Territory where data were not available) (Table S9a). Among young females, the largest fall also occurred for those aged 17 (from 16 to 12 per 10,000).

Indigenous young people

Between 2012–13 and 2016–17, the rate of Indigenous young people aged 10–17 under supervision on an average day fell from 202 to 184 per 10,000 (Table S12a). The rate of non-Indigenous young people under supervision also fell over the period, from 14 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 2012–13, Indigenous young people aged 10–17 were 15 times as likely as their non-Indigenous counterparts to be under supervision, rising to 18 times as likely in 2016–17 (Table S12a).

Similar increases in the Indigenous rate ratio occurred in community-based supervision (from 14 to 17 times the non-Indigenous rate on an average day), and remained steady in detention (24 times) (tables S47a and S85a). Again, the increase in the rate-ratio for community-based supervision was caused by proportionally greater falls in the rates for non-Indigenous young people over the period.

Over the 5-year period, the rates of both Indigenous and non-Indigenous young people under supervision fell in New South Wales, Queensland, Western Australia, and the Australian Capital Territory. In South Australia the rate of Indigenous young people under supervision rose, while in Victoria, Tasmania, and the Northern Territory, it fluctuated, with no clear overall trend. (Table 8.1).

Between 2012–13 and 2016–17, 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 (Table S12a). The largest increases in the rate ratio were in South Australia (14 to 26) and the Northern Territory (12 to 24).

Time under supervision

Over the 5 years from 2012–13 to 2016–17, the total amount of time young people spent under youth justice supervision during the year remained relatively stable, but there was a slight overall increase (181 to 185 days, on average). This was the case for both community-based supervision (172–176 days each year) and detention (66–70 days) (tables S30, S65, and S104).

There was some variation among the states and territories, with the largest overall rises in the Northern Territory (174 days to 186 days), New South Wales (173 days to 183 days), and Victoria (186 days to 196 days). There were overall falls in Tasmania (213 to 202 days) and the Australian Capital Territory (188 days to 179 days).

Longer trends

National

Nationally, the rate of young people under youth justice supervision on an average day varied over the 10 years to 2016–17.

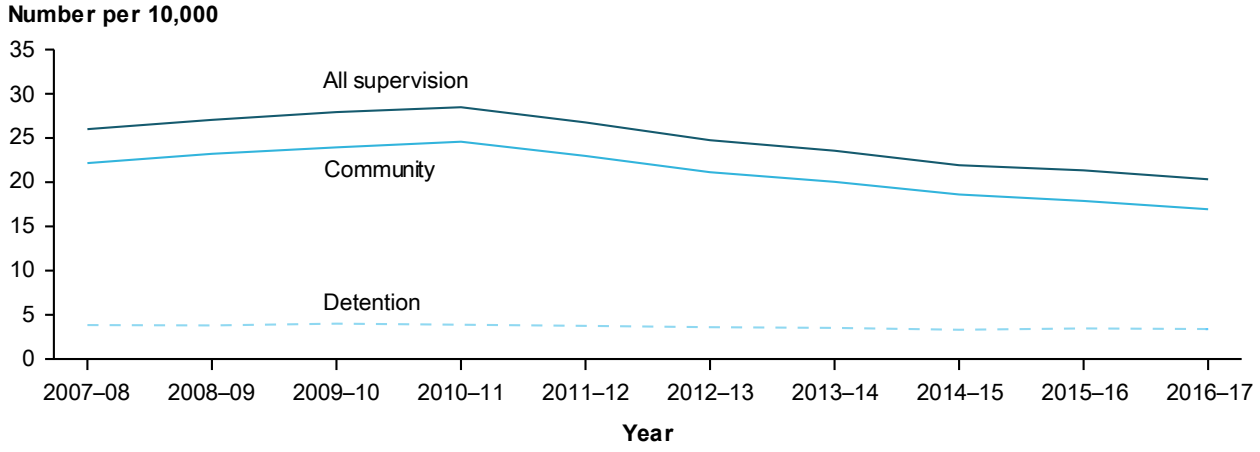
The rate rose from 26 per 10,000 young people in 2007–08 to a high of 28 per 10,000 in 2010–11, before falling to 20 per 10,000 in 2016–17 (Figure 8.3).

The rate of young people under supervision during each year (rather than on an average day) followed a similar pattern, rising from 52 per 10,000 in 2007–08 to a high of 57 per 10,000 in 2009–10, before falling to 40 per 10,000 in 2016–17 (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 (tables S1a and S36a). 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 2016–17 (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, 2007–08 to 2016–17 (rate)



Note: Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17.
Sources: Tables S12a, S47a, and S85a.

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).

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 184 per 10,000 in 2016–17, and from 17 to 11 per 10,000 non-Indigenous young people).

But between 2010–11 and 2016–17, 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 18 times the non-Indigenous rate).

The rate ratio of males to females under supervision fell over the 10-year period. In 2007–08, young males aged 10–17 were 5 times as likely as young females to be under youth justice supervision on an average day. By 2016–17, 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.

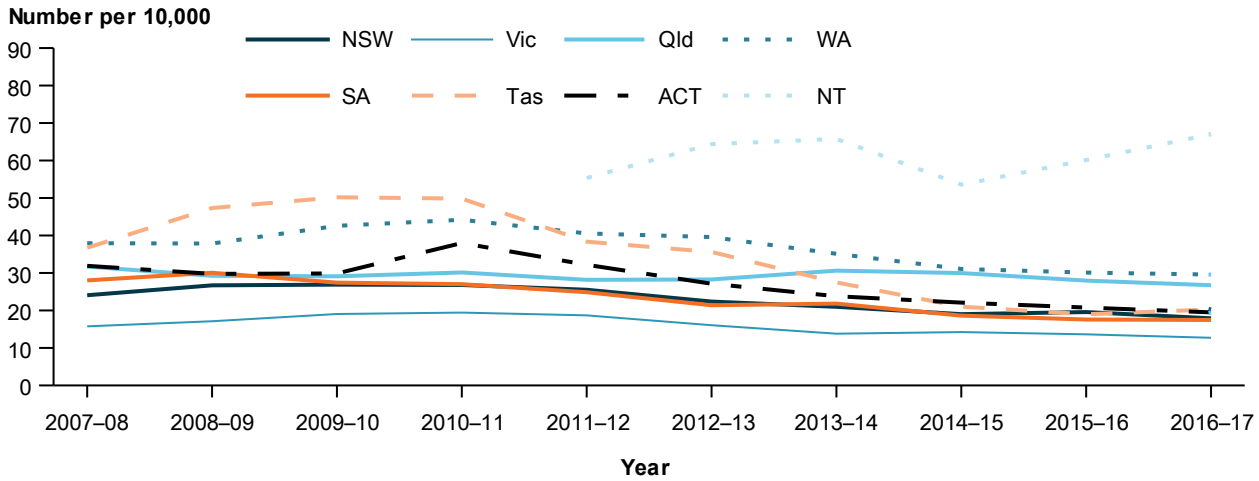
States and territories

Trend data are published for the 10 years from 2007–08 to 2016–17 for New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, and the Australian Capital Territory. Data for the Northern Territory are available for 2007–08 and from 2011–12 to 2016–17 (6 years), but include non-standard data from 2011–12 (see Appendix 1).

On an average day from 2007–08 to 2016–17, Victoria had the lowest rate of supervision, with 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 less 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 rose between 2014–15 to 2016–17.

Figure 8.4: Trends in young people under supervision on an average day, by state and territory, 2007–08 to 2016–17 (rate)



Notes
1. Includes non-standard data for the Northern Territory, as JJ NMDS data were not supplied for 2016–17.
2. Data are not available for the Northern Territory from 2008–09 to 2010–11.

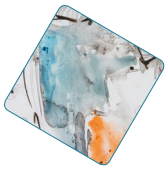
Source: Table S12a.

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 in the remaining years to 2016–17. The rate of young people in community-based supervision fell overall between 2007–08 and 2016–17 in all states, 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 2007–08 and 2016–17, detention rates fell overall in New South Wales, Western Australia, South Australia, Tasmania, and the Australian Capital Territory, and rose slightly in Victoria, Queensland, and the Northern Territory.

The level of Indigenous over-representation in supervision on an average day fluctuated over the decade to 2016–17 in most states and territories (Table S12).

The Indigenous rate ratio was higher in 2016–17 than in 2007–08 in all states and territories, except Western Australia and Tasmania. The largest rise in the level of Indigenous over-representation occurred in the Northern Territory, where Indigenous young people went from being 8 times as likely as non-Indigenous young people to be under supervision in 2007–08 to 24 times as likely in 2016–17.



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 2016–17, 233 per 10,000 young people aged 10–17 (the primary group in the youth justice system) were proceeded against by police, compared with about 188 per 10,000 among those aged 18 and over (ABS 2017b, 2017c).

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

In 2016–17, the most common principal offences among young people aged 10–17 were:

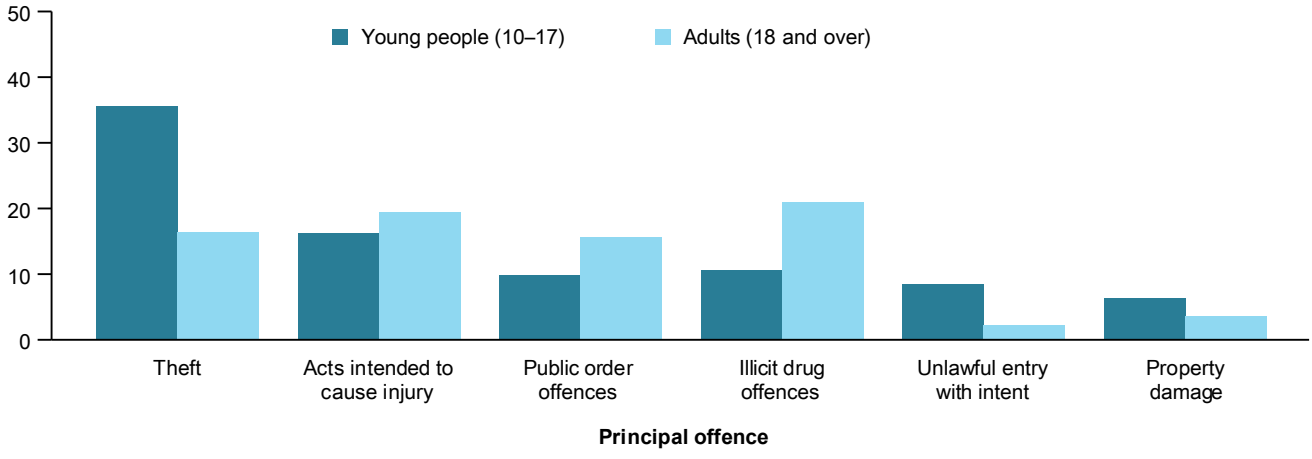
- theft (36%)
- acts intended to cause injury (16%)
- illicit drug offences (11%) (Figure 9.1).

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

- illicit drug offences (21%)
- acts intended to cause injury (19%)
- theft (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, 2016–17 (%)



Sources: ABS 2017a, 2018b.

Community-based supervision, detention, and prison

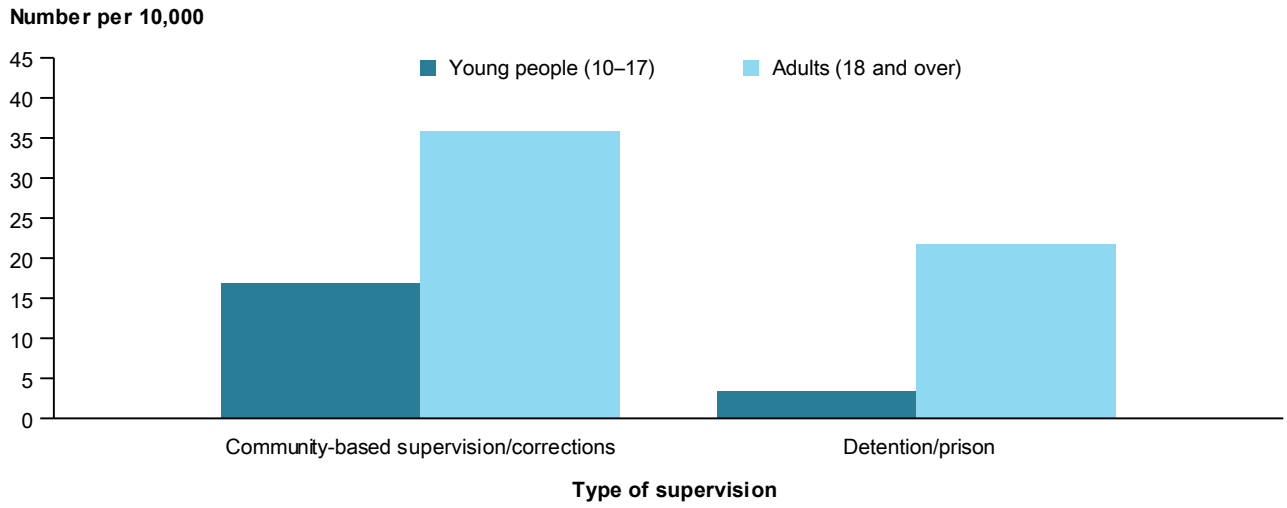
Although young people were more likely than adults to be proceeded against by police, adults were more likely to be placed under formal supervision.

On an average day during the June quarter 2017, 36 per 10,000 adults aged 18 and over were in 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 2016–17.

At the same time, 22 per 10,000 adults were in full-time prison, compared with 3 per 10,000 young people in detention (Figure 9.2).

Figure 9.2: Young people aged 10–17 and adults under supervision on an average day, by type of supervision, 2016–17 (rate)



Note: Data on young people under supervision are for 2016–17; data on adults under supervision are for the June quarter 2017.
Sources: ABS 2017a, 2017b, 2017c; tables S39 and S77.

Young people under youth justice supervision were more likely that adults under supervision to be Indigenous. On an average day in 2016–17, more than half (58%) of young people aged 10–17 in detention were Aboriginal or Torres Strait Islander, compared with more than one-quarter (28%) of adults in full-time prison.

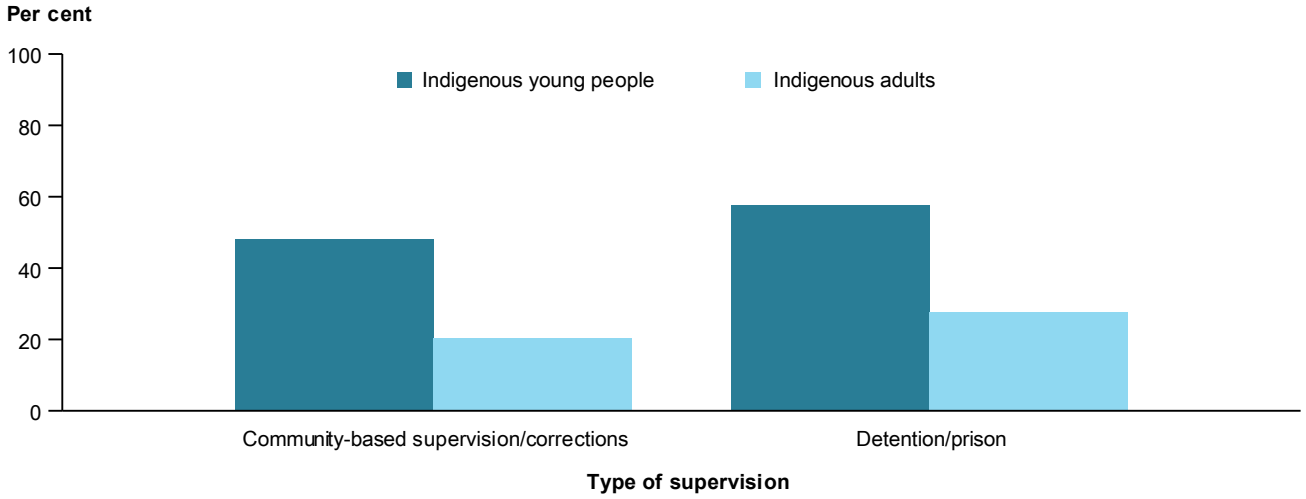
Similarly, almost half (48%) of young people supervised in the community, and 1 in 5 (20%) of adults in community corrections were Aboriginal or Torres Strait Islander (Figure 9.3).

As a result, the level of Indigenous over-representation was higher among the youth detention population on an average day in 2016–17 than among adults in full-time prison on an average day in the June quarter 2017.

Indigenous young people were 24 times as likely as non-Indigenous young people to be in detention (36 and 1.5 per 10,000, respectively), while Indigenous adults were 15 times as likely as non-Indigenous adults to be in full-time prison (243 and 16 per 10,000, respectively) (ABS 2017c; 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 91% of young people in detention, and 92% of adults in prison were male, as were 78% of young people, and 81% of adults supervised in the community (ABS 2017c; tables S38 and S76).

Figure 9.3: Young people and adults under youth justice supervision and adult criminal justice supervision on an average day that were Indigenous, by type of supervision, 2016–17 (%)



Note: Data on young people under supervision are for 2016–17; data on adults under supervision are for the June quarter 2016.
Sources: ABS 2017b, 2017c; 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 2016–17, 68% of young people aged 10–17 in detention were unsentenced, compared with 33% of adults in prison in the June quarter 2017 (ABS 2017c; Table S110).

Australian and international approaches to youth justice

International agreements, standards, and guidelines

Over the past couple of decades, many countries have developed or revised their youth justice policies and practices.

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 older (Table 9.1)—although young people in New Zealand under the age of 14 can only be prosecuted 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 2016.

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, except Queensland, where it is 17 (Queensland has passed legislation to raise the age limit to 18, which was enacted in February 2018).

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 2016–17, the rate of young people in youth detention in Australia (3 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) (see Table 9.2 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 (6).

Table 9.2: Young people aged 10–17 in detention on an average day, selected countries, 2016–17

	Australia[a]	England and Wales	Canada[b]	United States of America
Number	785	1048[c]	998	45,567[d]
Number per 10,000	3.4	2.0	5.0	13.7

(a) Data for 2016–17, including non-standard data for the Northern Territory.

(b) Data for young people aged 12–17 in detention on an average day during 2015–16. The rate is available to the nearest whole number only.

(c) Average monthly population in youth detention between April 2016 and March 2017 (remand and sentenced).

(d) Number in youth detention on a given day in 2016. Rate only includes individuals aged 13–17, because too few juveniles aged under 13 and over 17 were available for accurate calculation.

Sources: JJ NMDS tables S76 and S77; Office for National Statistics 2018; Office for Juvenile Justice and Delinquency Prevention 2018; Sickmund et al. 2017; Statistics Canada 2017; Youth Justice Board & Ministry of Justice 2018.

Glossary

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. Unsentenced community-based legal orders include supervised or conditional bail and home detention bail. Sentenced community-based orders include probation and similar orders, suspended detention, and parole or supervised release.

detention: A legal arrangement that requires a young person to be detained in a youth justice facility. This 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: Unsentenced 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 outcome of the trial. 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.

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 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.

References

ABS (Australian Bureau of Statistics) 2017a. Australian demographic statistics, June 2017. ABS cat. no. 3101.0. Canberra: ABS.

ABS 2017b. Corrective services, Australia, June quarter 2017. ABS cat. no. 4512.0. Canberra: ABS.

ABS 2017c. Prisoners in Australia, 2017. ABS cat. no. 4517.0. Canberra ABS.

ABS 2018a. Criminal courts, Australia, 2016–17. ABS cat. no. 4513.0. Canberra: ABS.

ABS 2018b. Recorded crime—offenders, 2016–17. ABS cat. no. 4519.0. Canberra: ABS.

CRIN (Child Rights International Network) 2016. Minimum ages of criminal responsibility around the world. London: Child Rights International Network. Viewed 10 April 2017, <www.crin.org/en/home/ages>.

Fagan A & Western J 2005. Escalation and deceleration of offending behaviours from adolescence to early adulthood. The Australian and New Zealand Journal of Criminology 38:59–76.

Farrington D 1986. Age and crime. In: Tonry M & Morris N (eds). Crime and justice: an annual review of research. Vol. 7. Chicago: The University of Chicago Press.

Hazel N 2008. Cross-national comparison of youth justice. London: Youth Justice Board for England and Wales.

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011. Doing time—time for doing: Indigenous youth in the criminal justice system. Canberra: Commonwealth of Australia.

Johnston E 1991. Royal Commission into Aboriginal Deaths in Custody: national reports. Volumes 1–5. Canberra: Australian Government Publishing Service.

Noetic Solutions 2010. Review of effective practice in juvenile justice: report for the Minister for Juvenile Justice. Sydney: New South Wales Department of Human Services. Viewed 10 April 2017, <www.juvenile.justice.nsw.gov.au/Documents/Juvenile%20Justice%20Effective%20Practice%20Review%20FINAL.pdf>.

Office for National Statistics 2018. Population estimates for England and Wales, mid-2016. Newport: Office of National Statistics. Viewed 14 April 2018, <www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets populationestimatesforukenglandandwales scotlandandnorthernireland>.

Office of Juvenile Justice and Delinquency Prevention 2018: Juvenile residential facility census data book. Viewed 14 April 2018, <www.ojjdp.gov/ojstatbb/jrfcdb/>.

Office of Juvenile Justice and Delinquency Prevention 2018: United States: Year by Population data book. Viewed 14 April 2018, <www.ojjdp.gov/ojstatbb/ezapop/asp/profile_selection.asp>.

Richards K 2011. Technical and background paper: measuring juvenile recidivism in Australia. Canberra: Australian Institute of Criminology.

Sickmund M, Sladky TJ, Kang W & Puzzanchera C 2017. Easy access to the Census of Juveniles in Residential Placement: 1997–2015. Pittsburgh, PA: National Center for Juvenile Justice. Viewed 17 January 2018, <www.ojjdp.gov/ojstatbb/ezacjrp>.

Statistics Canada 2017. Youth correctional statistics in Canada, 2015–2016. Ottawa: Statistics Canada. Viewed 10 April 2017, <www.statcan.gc.ca/pub/85-002-x/2017001/article/14702-eng.htm>.

UN (United Nations) 1985. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Geneva: Office of the United Nations High Commissioner for Human Rights. Viewed 10 April 2017, <www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf>.

UN 1989. Convention on the Rights of the Child. Geneva: Office of the United Nations High Commissioner for Human Rights. Viewed 10 April 2017, <www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

UN Committee on the Rights of the Child 2007. General comment no. 10: children's rights in juvenile justice. Geneva: Office of the United Nations High Commissioner for Human Rights. Viewed 10 April 2017, <www2.ohchr.org/english/bodies/crc/docs/GC10_en.doc>.

US DHHS CDC (United States Department of Health and Human Services Centers for Disease Control and Prevention) & National Center for Health Statistics 2015. Bridged-race population estimates on CDC Wonder online. Atlanta: CDC. Viewed 10 April 2017, <http://wonder.cdc.gov/bridged-race-v2012.html>.

Youth Justice Board & Ministry of Justice 2018. Youth justice annual statistics: 2016–2017. Viewed 14 April 2018, <www.gov.uk/government/statistics/youth-justice-annual-statistics-2016-to-2017>.

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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 2017. Young people in child protection and under youth justice supervision 2015–16. Data linkage series no. 23. Cat. no. CSI 25. Canberra: AIHW.
- AIHW 2017. Young people returning to sentenced youth justice supervision 2015–16. Juvenile justice series no. 21. Cat. no. JUV 104. Canberra: AIHW.
- AIHW 2017. Youth detention population in Australia 2017. Bulletin no. 143. Cat. no. AUS 220. Canberra: AIHW.

Of the 5,359 young people under youth justice supervision on an average day in 2016–17, most were male (82%) and supervised in the community (83%). Overall rates of supervision varied among the states and territories, from 13 per 10,000 in Victoria to 67 per 10,000 in the Northern Territory. Despite the overall fall in supervision over the 5 years from 2012–13 to 2016–17, for both detention and community-based supervision, Indigenous over-representation continued to rise.

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