

Principles of Youth Justice in Australia

Young people within the youth justice system represent some of the most disadvantaged young people in our communities. The Australasian Youth Justice Administrators (AYJA) acknowledge that the youth justice system cannot address youth crime in isolation from other systems such as welfare, drug and alcohol, disability, housing, mental health, education and employment. AYJA also acknowledge that the voices and views of young people, their families and communities must be respected and valued, and their concerns taken seriously and acted upon.

The youth justice system referred to in the Principles of Youth Justice in Australia (the Principles), is the collection of statutory and non-statutory activity that directly influences the administration of justice for young people.

The youth justice system, across all jurisdictions, seeks to hold young people accountable for their behaviour while ensuring they are supported to develop pro-social behaviour and effectively participate in the community, repair the harm caused to victims and balance community safety.

The Principles aim to draw together the evidence of best practice, the obligations stipulated by legislation and international covenants; and the advice of key stakeholders to arrive at a concise set of principles to guide effective policy making and implementation.

It is acknowledged that the context for the provision of youth justice is varied across Australia. While some universal principles are identified in this document, the degree of relevance and nature of implementation of each will be different in communities across Australia.

April 2019



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Offending behaviour is prevented and young people are diverted from the justice system

Consistent with the United Nations' Guidelines for the prevention of juvenile delinquency, the preventing of offending is a critical focus, requiring the development and application of early intervention approaches that prevent offending among young people, that seek to inhibit young people's offending trajectories, and that aim to rehabilitate young people in a more targeted and individual way.

The youth justice system holds young people accountable for their behaviour

Youth justice systems should work to teach young people to be accountable for their offending behaviour. Young people who are accountable for their offending behaviour are more likely to stop offending and develop pro-social behaviours. Evidence based sentencing, principles of restoring relationships, community connections and recognising harm to victims are important ways that help young people become accountable for their offending behaviour.

Effective support to victims of youth offending

Victims are key stakeholders in the youth justice system. An effective youth justice system protects the rights of victims, works to repair the harm caused by offending and provides a voice for victims.

Effective policy and service responses to address the over representation of Aboriginal and Torres Strait Islander young people in the justice system

Aboriginal and Torres Strait Islander young people are significantly over-represented at all stages of the youth justice system and particularly in detention. Such exposure to the justice system increases the likelihood of Aboriginal and Torres Strait Islander young people developing patterns of life-long offending and amplifies intergenerational trauma. Effective responses engage with family and community.

Authentic collaboration across service systems

The government and non-government sectors play important roles in the lives of young people involved with the youth justice system. Coordinated and integrated cross-agency service provision is critical for ensuring that young people receive effective support to prevent future offending and to participate fully in the community.

Developmental needs of young people are addressed

Research provides support for separate justice systems for young people and adults. It is important that services provided to young people in the justice system are appropriate and responsive to their developmental, cultural and individual needs. For instance, providing effective education, training and employment addresses a critical developmental need for young people and is a protective factor in preventing future offending. Youth justice systems should recognise young people's limited experience and maturity, and their capacity to stop offending. The application of child safe standards helps ensure the safety and best interests of young people who come into contact with the youth justice system and establishes clear expectations of appropriate behaviour with young people.

Service responses are evidence based

Youth justice policies and programs are most likely to be effective when based on a sound evidence base. Knowledge of what works to prevent, reduce and respond to youth offending has grown considerably in recent years, and should be used to inform policy and practice.

Interventions are informed by the drivers of offending and the assessed risk of future offending

A small proportion of young people with complex needs is consistently identified as responsible for a disproportionate amount of offending, while most young offenders will 'grow out' of offending. Matching interventions to young people according to their assessed criminogenic needs and their assessed risk of future offending will increase the effectiveness of intervention and the safety of the community.

Support to young people is individualised and reflects the diversity of cultures and communities in which they live

Young people in Australia who offend come from diverse social and cultural backgrounds. Recognising and responding to the diversity of young offenders and understanding the dynamics and the roles that their families, communities and culture play in their lives are key elements of effective youth justice policy and practice.

Health and mental health needs of young people are addressed

Poor health outcomes are related to increased risk of offending and re-offending. It is vital that young people in the justice system who present with mental health or health problems receive appropriate support. An effective youth justice system will provide quality access to primary, secondary and tertiary health services for young offenders and be informed by an understanding of the impact of trauma on children and young people.