



National Standards for Youth Justice in Australia 2023

Australasian Youth Justice Administrators



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Acknowledgement of Country

The Australasian Youth Justice Administrators (AYJA) acknowledges Aboriginal and Torres Strait Islander people as the Traditional Owners and Custodians of this country and recognise their continuing connection to their lands, waters, kinships and communities.

We pay our respects to them, their cultures, and to the Elders and leaders past, present and emerging and acknowledge the important role of Aboriginal and Torres Strait Islander people in the community.

Message from the Australasian Youth Justice Administrators

AYJA is represented by the administrators of youth justice services from the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania, Victoria, and Western Australia, Aotearoa New Zealand.

AYJA is proud to present the revised AYJA National Standards for Youth Justice in Australia (the Standards), which provide a set of aspirational standards of practice for child-centred youth justice services in Australia.

These Standards are the result of extensive jurisdictional consultations including comprehensive review exercises with two of AYJA's key advisory groups: the Aboriginal, Torres Strait Islander, and Māori Advisory Group (IAG); and the Australasian Detention Centre Management Advisory Group (DCM). The IAG crafted Domain One: Cultural Responsiveness and Safety and provided cultural oversight of the other 11 Domains. The DCM provided a custodial lens across all 12 Domains to ensure they were operationally sound and achievable.

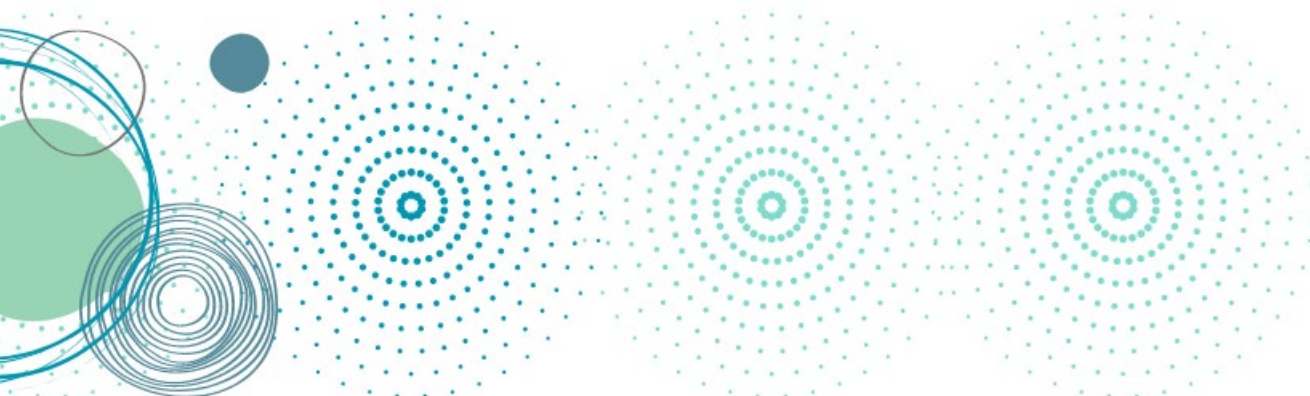
Special thanks to the AYJA National Youth Justice Policy Forum (NYJPF) representatives who led this significant project over a three-year period. Your time and efforts are greatly appreciated. Also, to Youth Justice NSW who generously undertook the design and formatting tasks to produce this publication.

We are grateful to everyone who contributed to its development and look forward to working together to implement the Standards in our youth justice departments. It is hoped that the revised Standards will promote better outcomes for young people, their families and communities who come into contact with the youth justice system.

AYJA would also like to acknowledge the dedication of all youth justice staff and the important work you do. Your hard work and commitment are fundamental to improving community safety, whilst providing essential services to the young people in our care.

Preamble

- The Standards are the aspirational standards of practice required for child-and-family-centred youth justice services in Australia. The Standards recognise that children and young people are different to adults, with different needs, vulnerabilities and behaviours that require understanding and empathy.
- A principal purpose of the youth justice system is to support children and young people and their families and empower them to cease offending behaviour. Progressive youth justice systems focus on a path of growth for each child or young person, tailoring services and supports to meet individual needs. Children and young people in contact with the youth justice system often require additional mental health supports and have a high likelihood of trauma histories, including intergenerational trauma.
- To address reoffending behaviour, youth justice systems must target specific criminogenic needs and take into account responsivity issues such as the different needs of young people experiencing disability or developmental issues. Youth justice systems must also be responsive to, and draw on the strengths of, young people's diversity, especially in regard to culture, language and gender identity.
- The Standards align with the AYJA Principles of Youth Justice in Australia (the Principles) and acknowledge the need for inclusive services that reflect the cultural and linguistic diversity of Australian communities. The Standards emphasise the need to address the overrepresentation of Aboriginal and Torres Strait Islander children and young people in youth justice systems, and the need for services to be developed and delivered with cultural responsivity as a key consideration.
- Communities play a critical role in identifying and leading strategies and solutions to address youth offending. The Standards seek to empower local communities and non-Government organisations to drive positive change for children and young people at risk of offending or reoffending.
- The Standards are not prescriptive, nor are they intended to create boundaries for youth justice services. They are aspirational benchmarks for complex youth justice systems. As a result, jurisdictions have agreed to a peer review protocol to hold each other accountable on progress towards these aspirational standards of practice.
- Together, AYJA will continue to promote a consistent, coordinated and best practice national approach to youth justice.



Background

The original Standards for Custodial Facilities were developed in 1998, in response to the absence of a common accreditation mechanism for the quality of services provided to young people in youth justice facilities across Australia and New Zealand. In 1999, the first edition of the Standards was adopted by AYJA and subsequently published. The Standards was a comprehensive 67-page document outlining a total of 46 standards.

In 2009, the Standards were reviewed and revised. A succinct ten-page document Australasian Juvenile Justice Administrators Juvenile Justice Standards was produced describing a set of ten key practice standards youth justice agencies must aspire to meet. The Standards were reviewed again in 2012, however, the Standards in their current form were considered to still be relevant and useful.

In 2014, following the endorsement of the Principles AYJA members agreed that while the Standards remained relevant they needed to be refreshed and aligned to the Principles. It was also considered a timely opportunity to contemporise the language in the Standards to ensure consistent use of the terms youth, young person/people and youth justice, as opposed to juvenile, client, offender and juvenile justice.

In 2015, a Standards Review Reference Group was established to undertake a scoping exercise taking into consideration the Principles, current/contemporary youth justice policy, best practice, and outcomes of the Royal Commissions (the Royal Commission into the Protection and Detention of Children in the Northern Territory and the Royal Commission into Institutional Responses to Sexual Abuse). It was acknowledged that since the last review in 2012, youth justice had experienced significant change with multiple reviews/inquiries, reform, restructure, and policy direction.

In 2019, the AYJA National Youth Justice Policy Forum commenced the AYJA Standards Review project with the intention to ensure the content remains current, relevant and useful to guide youth justice practice and policy.

The AYJA Standards for Youth Justice in Australia (2023) voids and supersedes all previous versions of the Standards:

- Australasian Juvenile Justice Administrators Juvenile Justice Standards for Custodial Facilities (1999)
- Australasian Juvenile Justice Administrators Juvenile Justice Standards Part 1 & 2 (2009)
- Juvenile Justice Standards Evidence Guide (2010)
- Juvenile Justice Standards Assessment Framework (2010)



Summary – AYJA Standards for Youth Justice in Australia

Domain 1: Cultural Responsiveness and Safety

Purpose – To drive and strengthen resilience, self-determination, identity and connection to culture for children and young people.

Domain 2: Prevention, Early Support and Diversion

Purpose – To minimise entry and/or progression through the youth justice system.

Domain 3: Family and Community

Purpose – To reduce offending by working with families and/or support networks of children and young people who are involved in the youth justice system.

Domain 4: Partnerships

Purpose – To work in partnership with community and government organisations to improve and/or build integrated services.

Domain 5: Health and Wellbeing

Purpose – To provide services that optimises health and wellbeing.

Domain 6: Informed Advice

Purpose – To provide professional, timely, evidence-informed advice to courts, statutory authorities, communities, and other stakeholders.

Domain 7: Procedural Fairness

Purpose – To deliver services that are procedurally fair and uphold the rights and responsibilities of those involved.

Domain 8: Accountability and Transparency

Purpose – To drive excellence in accountability and transparency to meet customer and public trust, through embedded practice that precludes a need for additional reporting or oversight mechanisms.

Domain 9: Service Delivery

Purpose – To provide services that support compliance, contribute to reducing offending and increase community safety.

Domain 10: Workforce, Organisational Culture and Staff Wellbeing

Purpose – To implement workforce practices that deliver effective youth justice services.

Domain 11: Safety and Security

Purpose – To lawfully detain children and young people in a safe and secure environment that is developmentally appropriate and provides for community safety.

Domain 12: Infrastructure

Purpose – To provide facilities and other resources required to deliver effective youth justice services.

AYJA endorsement

The current AYJA membership confirms its support for the revised AYJA Standards for Youth Justice in Australia as follows. While New Zealand is not a party to the Standards, the New Zealand AYJA membership endorse the Standards.

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Domain 1:

Cultural responsiveness and safety

Purpose – To drive and strengthen resilience, self-determination, identity and connection to culture for children and young people.

Standards

1. The workforce is ethical and complies with the code of conduct where there is bias and racism, it will be addressed.
2. Communities are empowered and valued, and families and services drive responses and solutions.
3. The workforce is culturally competent, and staff are equipped to deliver the services that young people need.
4. Governance processes are in place to empower Aboriginal and Torres Strait Islander staff to have the authority to practice culture.
5. Services provide a sense of belonging, identity and cultural safety.
6. Practice is conducted with respect, and all elements of a young person's wellbeing are understood.
7. Use of traditional language and localised cultural practices are supported and encouraged.
8. Opportunities are identified to embed cultural concepts and traditional language in policy and practices.
9. Young people and families participate in decisions that affect them this includes policy, practices and service delivery.

Reviewers Checklist

- Policies and procedures recognise overrepresentation and cultural responsiveness.
- Practice guides and SOPs are in place and are specific to working with Aboriginal and Torres Strait Islander children and young people.
- Elders and other Aboriginal and Torres Strait Islander leaders/organisations/advocates have access to visit children and young people in detention facilities.
- Aboriginal and Torres Strait Islander people participate in the development of policies and procedures, and in the review of performance in relation to those policies and procedures.
- Aboriginal and Torres Strait Islander staff have authority to practice culture.
- Non-indigenous staff are trained in cultural competence.
- Evidence of recruitment strategies – recruiting staff who can provide a specialist cultural response.
- Evidence of language – encouraging the use of language and being aware of local practice.
- Evidence of cultural practice – presence of art, flags, dedicated spaces, presence of apology, cultural features etc.
- Evidence that young people have access to a cultural response in all youth justice community and detention settings.

Domain 2:

Prevention, early support and diversion

Purpose – To minimise entry and/or progression through the youth justice system.

Standards

1. Children and young people are diverted appropriately from the youth justice system.
2. Evidenced-informed prevention, early support, and diversionary strategies and/or programs are implemented for young people throughout the continuum of the youth justice process.
3. Advocate with police, schools and health to implement early supports to reduce offending.
4. Children and young people are engaged in programs and services that promote responsibility and opportunities to return to families and communities.
5. Police services are provided with information about diversionary programs.

Reviewers Checklist

- Prevention, early support and diversion options are delivered.
- Prevention, early support and diversionary programs and strategies delivered or funded by the agency are evidence-informed.
- Evaluations and monitoring systems are in place regarding prevention, early support and diversionary programs and strategies.
- Evidence that Government agencies are working together to provide alternate support for at risk children and young people to be prevented from contact with or diverted from the justice system.
- Relevant training is provided to staff and funded service providers.
- Policies and procedures are in place.
- Evidence of funding certainty to ensure sustainability of programs.

Domain 3:

Family and community

Purpose – To reduce offending by working with families and/or support networks of children and young people who are involved in the youth justice system.

Standards

1. The safety and wellbeing, and views of children and young people are prioritised in relation to identifying and including family and community support.
2. Services to reduce reoffending are delivered within the context of family, carers and support networks.
3. Children, young people, their families and support networks are enabled to participate actively in assessment, case planning and decision making that affects them.
4. Family-led decision-making to be applied regarding Aboriginal and Torres Strait Islander children and young to inform service delivery.
5. Cultural advice regarding children and young people from a CALD background is actively sought from family, community and experts.
6. Regular and consistent family and community contact is facilitated for children and young people in custody.
7. Children and young people are involved and supported to participate with the community.
8. Children and young people are assisted to maintain appropriate relationships and establish new relationships that will provide them with support.
9. Work collaboratively with families, elders, kinship carers, and local communities to support a holistic and culturally appropriate approach to return to the community.

Reviewers Checklist

- Policies and procedures are in place that facilitate genuine family and community engagement.
- Policies and procedures are culturally safe and enable genuine involvement of Aboriginal and Torres Strait Islander staff, families, kin, community-controlled and/or non-government services in case planning, provision of cultural advice, service delivery and community integration activities.
- Evidence that case planning processes are reflective of the policies and procedures.
- Relevant training is provided to staff.
- Stakeholder feedback mechanisms are in place.



Domain 4: Partnerships

Purpose – To work in partnership with community and government organisations to improve and/or build integrated services.

Standards

1. Key agencies, programs and services operate in partnership.
2. Community organisations provide services and programs to children and young people.
3. Engage agencies, sectors, citizens and communities in preventing, intervening, advocating and responding to youth offending.
4. Selection processes are efficient while ensuring funded services demonstrate understanding of young peoples' needs and are outcomes focussed.
5. Work towards strengthening partnerships and empowering Aboriginal and Torres Strait Islander families and communities to achieve self-determination.
6. Agencies work together and with the community to design and provide integrated services so that children and young people can live well in their communities.
7. Appropriate case plans are in place when a young person returns to community to ensure continuity of service and support.
8. All parties have a shared understanding of what partnership is.

Reviewers Checklist

- Stakeholders are consulted about program development, delivery and research and engaged meaningfully in the design.
- Evidence that commissioning and co-design frameworks are in place.
- Interagency and intra-agency agreements, forums and MoUs are fit for purpose.
- Relevant training is provided to staff.
- Policies and procedures are in place that demonstrate clear and transparent engagement and co-design processes.
- Government and non-government services are available to support children and young people in justice settings through formal and/or informal policy and program partnerships/arrangements.

Domain 5: Health and wellbeing

Purpose – To provide services that optimises health and wellbeing.

Standards

1. Health, social and emotional wellbeing, cultural and spiritual needs of Aboriginal and Torres Strait Islander Children and young people are systemically addressed.
2. Comprehensive health assessments are undertaken as soon as practicable after admission to custody to identify all physical and mental health needs including disability, cognitive impairments and trauma.
3. Children and young people in custody have access to a continuum of health care, including mental health, disability supports, and family and social contact.
4. Services in the custodial environment meet health, nutrition and hygiene standards.
5. Children and young people are provided with access to a range of programs and activities that promote their development, wellbeing and learning.
6. Services provide a safe environment that maximises rehabilitation and minimises any form of harm or harassment.
7. The health and wellbeing of a child or young person is paramount during periods of isolation or separation.
8. Self-harm and suicide prevention and response strategies are in place.
9. All children and young people have access to services that are culturally appropriate.
10. Cultural, linguistic and spiritual observance is guaranteed.
11. A gender safe and empowering environment for LGBTIQA+ children and young people in custody is provided.
12. Online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed or harassed.

Reviewers Checklist

- Appropriate policies and procedures are in place.
- Relevant training is provided to staff.
- Evidence that health assessments are thorough and timely.
- Evidence that physical and mental health needs are addressed in a timely way.
- Evidence that health and mental health practices are respectful of diversity and are culturally safe and responsive.

Domain 6: Informed advice

Purpose – To provide professional, timely, evidence-informed advice to courts, statutory authorities, communities, and other stakeholders.

Standards

1. Advice is child-centred, and developmentally-informed, inclusive of diversity factors and takes into account levels of understanding and comprehension.
2. Advice complies with legislative and court requirements.
3. Advice is accurate and comprehensive.
4. Advice meets stakeholder needs.
5. Advice meets cultural consideration for children and young people.

Reviewers Checklist

- Policies and procedures are in place to guide advice provision to courts, statutory authorities and other stakeholders.
- Relevant training is provided to staff.
- Evidence of informed-advice and how it is implemented in practice.
- Evidence of stakeholder feedback mechanisms (including from children and young people).

Domain 7:

Procedural fairness

Purpose – To deliver services that are procedurally fair and uphold the rights and responsibilities of those involved.

Standards

1. Principles of procedural justice are applied, and are compliant with and accountable to legislation and conventions.
2. Children, young people and families are provided with information about their rights and responsibilities in the justice system in various formats that they understand and can access.
3. Victims' rights and responsibilities are upheld.
4. Human rights underpin all interactions with children and young people.
5. Access to legal representation and advocacy is facilitated.
6. Individual needs, including age, sex, gender, culture, disability and personal circumstances, are considered.
7. Privacy and confidentiality rights are protected.
8. Feedback, review and complaints procedures are in place and are appropriate and accessible.
9. Children and young people's right to have access to their own information are upheld.

Reviewers Checklist

- Policies and procedures are in place that support each procedural fairness standard.
- Policies and procedures are accessible (eg.in terms of disabilities, plain language to reflect reading age and English proficiency) and can be accessed by all clients, their advocates, victims, and staff in multiple formats (e.g. fact sheets, infographics, web content, videos).
- Evidence to demonstrate that clients, families, victims, and staff rights are upheld in all interactions.



Domain 8: Accountability and transparency

Purpose – To drive excellence in accountability and transparency to meet customer and public trust, through embedded practice that precludes a need for additional reporting or oversight mechanisms.

Standards

1. National Principles of Child Safe Organisations are applied.
2. Effective and efficient internal quality assurance processes are in place.
3. High quality, appropriately resourced evaluation processes are in place that are culturally appropriate.
4. Comprehensive and robust investigation are conducted in a timely manner.
5. Comprehensive and robust policy and practice review processes are in place.
6. Helpfully engage with independent oversight or inspection mechanisms for youth custodial facilities.
7. Share recommendations and data through transparent practice, where practicable.
8. Proactively engage with community through sharing information and collecting feedback through appropriate forums and mechanisms so that communities have the data to inform decisions to make difference in a safe way.

Reviewers Checklist

- Evidence of leaders promoting a culture of continuous quality improvement of service delivery.
- Governance and oversight processes are in place.
- Formal quality assurance reviews are conducted on a systematic basis.
- Policies and procedures are available on agencies' internet sites or otherwise accessible to stakeholders and the community (unless security is compromised).
- Stakeholder feedback mechanisms are in place and there is evidence of feedback being actioned or responded to.
- Evidence of responses to and/or implementation of recommendations of various youth justice reviews.
- Evidence of how child safe principles are considered and actioned.

Domain 9: Service delivery

Purpose – To provide services that support compliance, contribute to reducing offending and increase community safety.

Standards

1. Continuity of service is provided.
2. A comprehensive assessment system is provided to all children and young people and considers cultural concepts.
3. A case management system guides service delivery.
4. Evidence-informed policies and practice are designed to reduce reoffending.
5. Services and responses foster an understanding in children and young people using cultural concepts of the impact of offending on victims and communities.
6. Children and young people in custody are provided with access to suitable and culturally appropriate educational and accredited vocational programs.
7. Appropriate and evidence-informed behaviour management systems are in place and are implemented in the custodial environment.
8. Children and young people are provided with the opportunity and support to behave responsibly.
9. Responses to unacceptable behaviour are fair, consistent and proportionate.
10. Aboriginal and Torres Strait Islander children and young people are connected to culture and receive specialist responses.
11. Cultural, linguistic and religious diversity is recognised and acknowledged.
12. Trauma-informed responses are applied to work with children and young people.
13. The voices of young peoples and their families are reflected in service delivery and continuous improvement.

14. Implement policies and practice in a responsive way to accommodate individual needs.
15. Services can be delivered in a contemporary way, using technology where appropriate and available.

Reviewers Checklist

- Assessment tools are age appropriate and responsive to disability and culture.
- Referrals are purposeful to provide meaningful connections and support.
- Programs are evidence-informed.
- Case planning is collaborative and consistently delivered.
- Services are visible, strengths-based, fair and consistent, and meet individual needs and circumstances.
- Restorative justice initiatives are available.
- Evidence that cultural safety and competence are key considerations in service design and delivery.
- Policies and procedures are in place regarding effective services.
- Relevant training is provided to staff.
- Evidence of stakeholder feedback mechanisms (including from children and young people) to inform program design and improvements.
- Evaluation and monitoring systems are in place for programs and services.

Domain 10:

Workforce, organisational culture and staff wellbeing

Purpose – To implement workforce practices that deliver effective youth justice services.

Standards

1. Staff are competent to deliver youth justice services including with complex clientele.
2. Staff demonstrate organisational, professional and ethical values and behaviour.
3. Staffing arrangements meet service requirement.
4. Structured supervision is provided to staff by competent supervisors.
5. Cultural supervision is provided to identified staff.
6. Supervisors are competent to undertake supervision.
7. Staff undertake ongoing cultural capability, induction and mandatory training that must include localised cultural awareness.
8. Staff participate in ongoing learning and development.
9. Processes are in place to recruit and retain and advance Aboriginal and Torres Strait Islander staff, and have more Aboriginal and Torres Strait Islanders in leadership roles.
10. Processes are in place to recruit, retain and advance a culturally diverse workforce.
11. Workforce safety and wellbeing is prioritised.
12. Staff are appropriately screened.
13. Staff are provided with clear policies, procedures, training and supervision to ensure they are able to respond to challenging behaviour in a consistent way that is culturally safe.
14. The AYJA Standards are embedded in the leadership and management governance structures.
15. Provide joint opportunities for funded staff to participate in departmental training.

Reviewers Checklist

- Policies and procedures are in place to meet workforce standards.
- Relevant training is in place.
- Staff engagement and feedback mechanisms are in place (e.g. work place engagement, surveys, feedback channels etc.).
- Evidence to demonstrate best practice recruitment and retention strategies.
- Evidence that recruitment strategies are achieving the recruitment and retention of diverse and appropriately skilled staff who demonstrate suitable values and attitudes.
- Evidence of dedicated strategies for workforce development and staff wellbeing.
- Evaluation and monitoring mechanisms are in place to assess workforce trends and the impact of workforce development and staff wellbeing strategies.

Domain 11:

Safety and security

Purpose – To lawfully detain children and young people in a safe and secure environment that is developmentally appropriate and provides for community safety.

Standards

1. Custodial environments should be designed to be therapeutic, and are safe and secure.
2. Management of emergencies or critical incidents prioritise the protection of life.
3. The least intrusive developmentally appropriate options are deployed in responding to security and safety risks posed by children and young people in custody.
4. Staff engage respectfully at all times when using force, restraints, and separation/isolation and is only used as a last resort and when absolutely necessary.
5. Use of force, restraints and separation is only used as a last resort and when they are absolutely necessary.
6. Decisions to initiate use of force, restraints and separation is communicated to young people (where possible).
7. If use of force, restraints and separation is used, it is used in accordance with legislation and for the shortest possible period of time.
8. Young people are provided with a range of supports (including multi-disciplinary support, cultural support, access to complaints mechanisms, and restorative practice) if they feel that they were not treated fairly and respectfully.

Reviewers Checklist

- Appropriate policies and procedures are in place and are clear, regularly reviewed, and available to detained young people and their significant adults.
- Relevant training is provided to staff.
- Safety and security breaches are clearly documented, managed and available for review by independent observers.
- Quality and incident review processes are in place and inform continuous improvement related to safety and security.
- Young people are provided with support when they raise concerns and provided information about how to make a complaint.
- Evidence that custodial setting meets or exceeds statutory standards.
- Evidence that the facility demonstrates a commitment to therapeutic best practice.
- Evidence that use of force, restraints, and separations are documented, monitored and systematically reviewed against legislated powers.

Domain 12: Infrastructure

Purpose – To provide facilities and other resources required to deliver effective youth justice services.

Standards

1. Physical resources support safe and positive environments for staff, children and young people.
2. Facilities provide a physical environment that is safe, secure and promotes rehabilitation.
3. Physical resources are properly maintained and kept in working order.
4. Information systems facilitate operational roles, integrated case management and reporting.
5. Facilities and resource usage are environmentally sustainable.
6. Facilities provide a safe and healthy work environment.
7. Physical resources and facilities provide a culturally safe environment and cultural rights are upheld.
8. Physical resources, facilities and online spaces provide a physically, spiritually and psychologically safe environment.
9. Youth custodial facilities are designed and/or improved to reflect the community environment as much as possible, and should provide opportunities to support skills development for successful reintegration.

Reviewers Checklist

- Facilities meet legislative, industry and signatory requirements to support health, safety, security and engagement of young people, staff and others accessing facilities and resources.
- Policies and procedures are developed, reviewed and updated to align with best practice.
- Relevant training is provided to staff.
- Evidence of stakeholder feedback mechanisms to inform facility design, operations and service improvement.
- Evidence that Aboriginal and Torres Strait Islander young people, families and other stakeholders are engaged about facilities and resources that support their presence and create culturally welcoming spaces and resources.
- Quality and incident review processes are in place and inform continuous improvement of facilities, and resources, to support effective service delivery.
- Physical resources and/or other resources and approaches/mechanisms are fit for purpose.
- Young people, staff and stakeholders identify physical resources, other resources and approaches/mechanisms as safe environments/options.
- Leadership and staff report that available physical resources support effective service delivery.
- There is an infrastructure strategy in place to assess industry and is easy to access.

Appendix 1 – International Covenant and Legislative Context

The AYJA Standards for Youth Justice in Australia have been developed in accordance with the requirements of all jurisdictional legislation and take into account:

- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)
- AYJA Principles of Youth Justice in Australia
- National Principles for Child Safe Organisations
- ANZSOG 10 Pillars of Youth Justice
- The Royal Commission into the Protection and Detention of Children in the Northern Territory

Jurisdiction	Legislation
Australian Capital Territory	<ul style="list-style-type: none">• Bail Act 1992• Bail Regulation 1992• Children and Young People Act 2008• Crimes Act 1900• Crimes (Restorative Justice) Act 2004• Crimes (Sentence Administration) Act 2005• Crimes (Sentencing) Act 2005• Criminal Code 2002

Jurisdiction	Legislation
New South Wales	<ul style="list-style-type: none"> • Children (Detention Centres) Act 1987 • Children (Detention Centres) Regulation 2015 • Children (Criminal Proceedings) Act 1987 • Children (Criminal Proceedings) Regulation 2021 • Young Offenders Act 1997 • Young Offenders Act Regulation 2016 • Children’s (Community Service Orders) Act 1987 • Children’s (Community Service Orders) Regulation 2020 • Bail Act 2013 • Bail Act Regulation 2021 • Crimes (Administration of Sentences) Act 1999 • Crimes (Administration of Sentences) Regulation 2014
Northern Territory	<ul style="list-style-type: none"> • Youth Justice Act (2005) • Youth Justice Regulations (2006)
Queensland	<ul style="list-style-type: none"> • Youth Justice Act 1992 • Youth Justice Regulation 2016 • Young Offenders Interstate Transfers Act • Child Protection (Offender Reporting and Offending Prohibition Order) Act 2004 • Child Protection Act 1999 – specifically s. 245
South Australia	<ul style="list-style-type: none"> • Youth Justice Administration Act 2016 • Youth Justice Administration Regulations 2016 • Young Offenders Act 1993 • Young Offenders Regulations 2023 • Youth Court Act 1993 • Youth Court Regulations 2020 • Bail Act 1985 • Bail Regulations 2015 • Criminal Law Consolidation Act 1935 • Controlled Substances Act 1984 • Controlled Substances (Youth Treatment Orders) Regulations 2021 • Sentencing Act 2017

Jurisdiction	Legislation
Tasmania	<ul style="list-style-type: none"> • Youth Justice Act 1997 • Children, Young Persons and Their Families Act 1997
Victoria	<ul style="list-style-type: none"> • Bail Act 1977 • Children, Youth and Families Act 2005 (enacted in April 2007) • Crimes Act 1958 • Sentencing Act 1991 • Crimes (Mental Impairment and Unfitness to be Tried) Act 1997
Western Australia	<ul style="list-style-type: none"> • Young Offender Acts 1994 • Young Offender Regulations 1995 • Bail Act 1982 • Children's Court of Western Australia Act 1988 • Court Security and Custodial Services Act 1999 • Inspector of Custodial Services Act 2003 • Sentence Administration Act 2003 • Young Offenders Act 1994 • Young Offenders Regulations 1995

Appendix 2 – AYJA Standards peer review protocol

Intention

The AYJA Standards are the aspirational standards of practice for child-centred youth justice services in Australia. Children and young people are different to adults, with different needs, vulnerabilities and behaviours that require expertise, understanding and empathy.

Progressive youth justice systems focus on a path of growth for each child or young person, tailoring services and supports to meet individual needs. They provide inclusive services that reflect the cultural and linguistic diversity of Australian communities. The Standards emphasise the need to address the overrepresentation of Aboriginal and Torres Strait Islander children and young people in youth justice systems, and they drive a culturally responsive system. The Standards also support the establishment of safe and secure institutions, where the opportunity for violence is minimised, and where incidents are managed well.

Youth Justice administrators across Australia can use these Standards to inform their own policy and practice, their own reform agenda, their partnerships and their internal quality assurance agenda. It is important to note however, that the Standards are not binding, and were never intended to be binding. Each administrator needs to respond to various oversight agencies in their own jurisdiction, and these Standards do not seek to compete with or duplicate these regulatory systems.

Peer Review Process

For the Standards to be as useful as possible, youth justice administrators will work together as peer reviewers. This will generate some confidence that we are managing any unconscious bias in the way that we assess our own systems.

A peer reviewer from an interstate jurisdiction will visit a youth justice administrator (host), and work with them to review local policy, practices and frameworks. As an independent, critical peer, the visitor will assist the AYJA administrator to identify areas where the local youth justice system complies with the Standards, and where there might be gaps, or opportunities to explore new approaches.

Peer reviewers are never judgemental in their approach, nor do they have powers to access documents or data without the invitation or consent of the host. It is expected that this process will benefit

both the peer reviewer and their host, in terms of validating good practice and generating new ideas. It may also trigger ongoing collaboration between agencies. The review is to be carried out in a spirit of curiosity, understanding and respect.

Host Requirements

Youth justice administrators should consider if and when they would like to participate in this peer review process, whether review findings would be shared more broadly, and when the review should occur.

There are some aspects of the peer review that require physical inspections and face-to-face conversations. Peer review visits should be funded by the host agency, although they could be funded by the reviewing agency, if there is a reciprocal arrangement. Costs and/or resource requirements should be negotiated between the two agencies. Interstate review visits should be brief as many of the tasks that are set out in the reviewer checklists are desktop activities that can be completed remotely at little or no cost.

Reviewer Requirements

Heads of each youth justice jurisdiction should carefully consider which person/people in their agency is best suited to the role of peer reviewer, given the maturity and interpersonal skills that will clearly be essential to the role.

The Standards and the Reviewer Checklists will provide some structure for a peer review however, hosts may wish to identify areas of focus for their review. Review Reports and recommendations should be written collaboratively, and the host will determine how they will use the Review Report.

AYJA

AYJA members are required to support this Peer Review initiative as a commitment to, and as champions of the Standards. AYJA members also note that participation is voluntary.

AYJA does not fund any travel-related costs associated with the Peer Review initiative.

Endorsed by AYJA 25 January 2023

Artwork Acknowledgement – The artwork on the cover entitled 'Community' was created by a young person at the Kurlana Tapa Youth Justice Centre (South Australia) in 2015. Young people residing in Kurlana Tapa at the time gave AYJA permission for several of their artworks to be used in AYJA documents and displayed on the AYJA website on the proviso that their names and identities were not shown.



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