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# Juveniles' contact with the criminal justice system in Australia

Kelly Richards

**AIC Reports**  
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# Foreword

Australian research on juveniles and the criminal justice system usually focuses on their role as offenders and despite being the most vulnerable group to violence, little is known about juveniles' experience as victims. This report presents the first collection of data on juveniles' contact with the criminal justice system both as alleged offenders and complainants or victims. Primarily using published data from Australian states and territories (except Tasmania), the report provides a starting point for further research and ongoing monitoring in the area of juveniles' formal contact with police, courts and correctional systems.

From the information that is available, it seems that juvenile victims (that is anyone aged under 18 years) are primarily the victims of crimes against the person. However, there are important differences depending on the age and sex of victims. Similar to adult victims, male children are more likely to be victims of physical assault while female children are more likely to be victims of sexual assault. Child protection and homicide data indicate that very young children are more at risk than older children of child abuse and neglect, and of lethal violence. However, police and child protection data are influenced by the likelihood of matters being reported to authorities and any interpretation of victimisation patterns has to bear this in mind.

Over many decades, Australia has had juvenile justice policies focused on treating juveniles differently to adults and using custody as a last resort. As a result, and as this report shows, juveniles make up a declining proportion of the people who come into contact with the different stages of the criminal justice system, from police through to courts and finally, corrections.

The available data suggest that anywhere between one in 10 to one in four persons with whom police have contact as alleged offenders are juveniles (aged between 10 and 17 years). Approximately one-fifth of alleged juvenile offenders are female, with the majority of offenders being male and aged between 15 and 17 years. Typically, juveniles came into contact with police in relation to property crimes with less than one-fifth of offences relating to crimes against the person in most jurisdictions. Police use of diversionary measures varies by sex, age, Indigenous status and jurisdiction. For example, between one-third and three-quarters of juveniles may be diverted from the formal criminal justice system depending on the jurisdiction. This has an impact on the criminal courts as it seems that less than 10 percent of criminal matters heard in the courts relate to juveniles. Nearly all juveniles who appear in court plead or are found guilty, but the overwhelming majority (92%) receive a non-custodial penalty. The rate of juveniles in detention has declined over the past 25 years, but in recent years the numbers have stabilised with an average daily number of just under 800 juveniles held in custody nationally. This is a very small number when compared with adult prisoners, of whom there are about 20,000 serving a term of imprisonment.

The statistics presented in this monitoring report continue to demonstrate how Indigenous people have disproportionate contact with the criminal justice system, as both victims and offenders. It also indicates considerable variation in the volume and type of contact depending on jurisdiction, age and gender. However, because of information gaps and variations in data recording and collection, the national picture of juveniles' contact with the criminal

justice system is patchy. Despite these caveats, the intention of this report is to draw attention to overall trends and patterns that will be monitored over time and highlight both data gaps and limitations and key areas that require further research.

**Judy Putt**  
**General Manager, Research**  
**Australian Institute of Criminology**

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# Acronyms

<b>ABS</b>	Australian Bureau of Statistics
<b>AFP</b>	Australian Federal Police
<b>AIC</b>	Australian Institute of Criminology
<b>AIHW</b>	Australian Institute of Health and Welfare
<b>ANCO</b>	Australian National Classification of Offences
<b>ASOC</b>	Australian Standard Offence Classification
<b>ATSI</b>	Aboriginal or Torres Strait Islander
<b>BOCSAR</b>	NSW Bureau of Crime Statistics and Research
<b>CAYPINS</b>	Children and Young Persons Infringement Notice System
<b>CHIPS</b>	Children's Court and Petty Sessions
<b>IMS</b>	Information Management System
<b>LEAP</b>	Law Enforcement Assistance Program
<b>MSO</b>	Most serious offence
<b>NDICP</b>	National Deaths In Custody Program
<b>NHMP</b>	National Homicide Monitoring Program
<b>OCSAR</b>	Office of Crime Statistics and Research
<b>SCAN</b>	Suspected Child Abuse and Neglect
<b>SCRGSP</b>	Steering Committee for the Review of Government Service Provision



# Executive summary

This report presents the first collection of data on juveniles' contact with the criminal justice system as both alleged/convicted offenders and complainants/victims in New South Wales, the Australian Capital Territory, Victoria, Queensland, Western Australia, South Australia and the Northern Territory. Its primary objectives are to outline data from each of these jurisdictions on juveniles' contact with the policing, courts and correctional systems and to determine what we do and do not know about juveniles' contact with the criminal justice system. This report will form the basis of ongoing trend monitoring of juveniles' contact with the criminal justice system and may inform the future research agenda in this field.

Drawing together data on juveniles' contact with the criminal justice system across policing, courts and correctional systems highlights gaps in our knowledge about this contact in Australia. Additionally, it highlights the pathways of juveniles as a group through the criminal justice system.

Data on juveniles' contact with the criminal justice system in Tasmania are not currently publicly available and were not able to be made available for this report. Future reports of this nature may, however, include Tasmania and thus provide a national picture of juveniles' contact with the criminal justice system in Australia.

This report does not attempt to make comparisons among Australia's jurisdictions about juveniles' contact with the criminal justice system. The varying demographic, legislative and policy contexts among Australia's jurisdictions mean that direct comparisons among jurisdictions are almost always unsound. This report instead presents an overview of what is currently known about juveniles' contact with the criminal justice system, as complainants/victims and (alleged or convicted) offenders, in Australia.

'Juveniles', in this report, refers to those aged 17 years or under, unless otherwise stipulated. Where juveniles are discussed in this report as alleged or convicted offenders, the term 'juvenile' refers to those aged 10 to 17 years inclusive, unless stated otherwise.

## Juveniles as complainants and victims of crime

- Juveniles comprised 13 percent of all homicide victims during the 18 year period from 1989–90 to 2006–07. Over half of all juvenile homicide victims were under three years of age or in the 16 to 17 years inclusive age range.
- The annual number of homicides involving a juvenile victim has remained stable over this period, ranging from 30 in 2000–01 to 53 in 2001–02.
- A majority of juvenile complainants were alleged victims of offences against the person in each jurisdiction for which data on juveniles' victimisation are available. Assault was the most common offence type alleged in each of these jurisdictions. Sexual offences were usually the second most commonly recorded alleged crime against juveniles.
- Although males comprised a majority of alleged juvenile *offenders*, they comprised only approximately half of all juvenile *complainants*. The proportion of juvenile complainants comprised by males varies substantially, however, according to offence type.
- For the 2006–07 financial year, there were 309,517 child protection notifications made in Australia. Of these, 58,563 (19%) were confirmed by child protection services.

- Male and female children comprised fairly even proportions of all children subject to child protection substantiations for physical abuse, emotional abuse and neglect. Female children comprised a far greater proportion of child subjects of substantiations relating to sexual abuse.
- Indigenous children were five times as likely to be the subjects of child protection substantiations as other children.
- Children aged less than one year old were most likely to be the subject of a substantiation and a progressive decrease in the number of substantiations can be observed as children age. During the 2006–07 financial year, 14 percent of child subjects of substantiations were under one year of age.
- Alleged juvenile offenders typically came into contact with the police in relation to property crimes rather than crimes against the person. Although jurisdictions' definitions of offences against the person and offences against property vary, in most jurisdictions less than 20 percent of alleged juvenile offenders' contact with the police stemmed from alleged offences against the person.
- A substantial proportion of all alleged robbery offenders, however, were juveniles during jurisdictions' most recent counting periods. In a number of jurisdictions, juveniles were apprehended in relation to over one-third of robbery offences during the most recent counting period.
- Although police dealt with most alleged juvenile offenders via diversionary measures (such as warnings, cautions and conferences) rather than proceeding to court, this varied according to juveniles' sex, age and Indigenous status, as well as across jurisdictions. Additionally, the proportion of all alleged juvenile offenders diverted from the criminal justice system varies both among jurisdictions and within jurisdictions over time. For the 2006–07 financial year, substantial proportions of juveniles who came into contact with the police (ranging from 39% in the Northern Territory to 71% in Tasmania) were diverted from the formal criminal justice system.

## Juveniles' contact with the police as alleged offenders

- A minority of police contact in Australia involved juveniles as alleged offenders during the most recent counting period in each jurisdiction.
- More male than female alleged juvenile offenders came into contact with the police during the most recent counting period. Although this varied by jurisdiction, approximately one-fifth of juveniles who came into contact with the police were female.
- A disproportionately high number of Indigenous juveniles came into contact with the police. Although this varied substantially among jurisdictions, Indigenous juveniles appear to have been overrepresented in all jurisdictions for which these data exist.
- More alleged juvenile offenders aged 15 to 17 years came into contact with the police than did those aged 10 to 14 years. In every jurisdiction for which relevant data are available, 15 to 17 year olds comprised a majority of juveniles who came into contact with the police. With the exception of juveniles in the Northern Territory, two-thirds to three-quarters of all juveniles who came into contact with the police were aged 15 to 17 years.

## Juveniles' contact with the children's courts as alleged offenders

- Criminal matters in children's courts comprised seven percent of all criminal court matters during the 2006–07 financial year.
- Criminal hearings in the children's courts comprised varied proportions of states' and territories' total criminal court hearings during this period. This proportion varied from two percent in Tasmania to 11 percent in Victoria.
- There has been a decline in the number of cases being heard in the children's courts during the last decade.

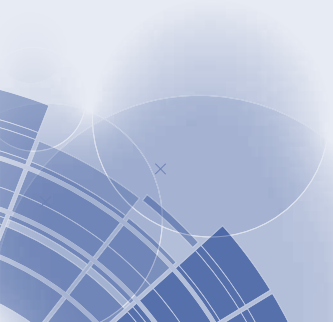


- Children’s court hearings overwhelmingly resulted in conviction during the 2006–07 financial year. During this period, 96 percent of defendants in Australia’s children’s courts were convicted (ABS 2008b).
- Penalties imposed on juveniles were primarily non-custodial. Ninety-two percent of convicted juveniles were sentenced to non-custodial penalties such as fines, good behaviour bonds or community supervision during 2006–07.
- Indigenous juveniles, males and juveniles aged 16–17 years were overrepresented in children’s court statistics during this period.
- ‘Deception’ was the principal offence type for which the highest proportion of juveniles was adjudicated in the children’s courts during 2006–07. Deception offences are defined as those aimed at dishonestly obtaining property, services or other advantage, including fare evasion.
- Eighty-three percent of juveniles under community supervision were male. Eighty percent of Indigenous juveniles under community supervision were male, compared with 86 percent of non-Indigenous juveniles. Indigenous females therefore comprised a higher proportion of female juveniles under community supervision than Indigenous males comprised in relation to all male juveniles.
- Most juveniles under community-based supervision were older juveniles (15 to 17 years). Although this was the case for both Indigenous and non-Indigenous juveniles, a higher proportion of Indigenous juveniles (31%) than non-Indigenous juveniles (19%) were aged 10 to 14 years.
- The rate of juveniles in detention at 30 June each year has declined substantially since the Australian Institute of Criminology’s (AIC’s) national data collection began in 1981. At 30 June 1981, approximately 65 per 100,000 juveniles were in detention, compared with approximately 29 per 100,000 at 30 June 2006.
- At 30 June 2006, 58 percent of juveniles in detention were on remand awaiting trial or sentencing. This demonstrates a slight increase in the juvenile remand population in recent years. Since 2002, the proportion of juveniles in detention who were on remand has been approximately 50 percent.

## Juvenile offenders and corrections

- During the 2006–07 financial year, 10,675 juveniles were under juvenile justice supervision in Australia. Eighty-three percent of these juvenile offenders were under community-based supervision and 46 percent were under detention-based supervision, meaning that 29 percent experienced both community- and detention-based supervision during the year.
- On an *average* day during the year, there were 5,351 10 to 17 year olds under juvenile justice supervision in Australia.
- Indigenous juveniles were overrepresented among juveniles in both community- and detention-based supervision. Slightly more than half (53%) of all juveniles in detention on an average day were Indigenous, as were 39 percent of juveniles under community supervision.
- The proportion of juveniles in detention who were remanded, rather than sentenced, varied by sex, with 57 percent of male juveniles on remand and 70 percent of female juveniles on remand.
- The proportion of juveniles in detention who were on remand at 30 June 2006 also varied by Indigenous status. Although for male juveniles the proportion of detained juveniles who were on remand was similar for Indigenous (58%) and non-Indigenous (57%) males, there was considerable variation for female juveniles in detention. Fifty percent of Indigenous females in detention were on remand at 30 June 2006, compared with 89 percent of non-Indigenous females.

- Thirty-seven juvenile deaths in custody have been recorded by the AIC's National Deaths In Custody Program (NDICP) during the previous 10 years of data collection (1998–2007 inclusive). Thirty-four of these deaths occurred in police custody (26 in motor vehicle pursuits, 1 in a police shooting and 7 in other types of police custody) and three in juvenile detention.



# Introduction

In this report, data relating to each of Australia's jurisdictions (except Tasmania) have been taken from jurisdictional sources, such as state and territory police departments and crime research agencies. National data on juveniles' contact with the criminal justice system, where these are available, have also been included in this report. In addition to data from the AIC's own monitoring programs, these have been taken from national sources including the Australian Bureau of Statistics (ABS), the Australian Institute of Health and Welfare (AIHW) and the Steering Committee for the Review of Government Service Provision (SCRGSP). Data provided in this report relate to the most recent data available at the time of writing; this varies by jurisdiction and by agency.

This report does not purport to present a complete picture of juveniles' contact with the criminal justice system in Australia. The data used in this report have been taken primarily from published sources. Where no data on juveniles' contact with the criminal justice system were publicly available for a jurisdiction, the relevant agency from that jurisdiction was approached to provide data on juveniles' contact with the police. This report therefore does not aim to provide complete coverage of juveniles' contact with the police,

courts and corrections in Australia, but rather provides a starting point for further research and ongoing monitoring in this area. Furthermore, although it is acknowledged that a substantial proportion of juveniles in Australia are dealt with via informal processes, this report focuses exclusively on juveniles' contact with the formal policing, courts and corrections systems and excludes informal and/or diversionary programs and measures that are not captured by police or court data.

Where possible, data have been broken down by juveniles' age, sex and Indigenous status. It is important to recognise, however, that data relating to the Indigenous status of juveniles may not adequately capture the extent of Indigenous juveniles' contact with the criminal justice system. Hunter and Ayyar's (2009: 16) research into the quality of data on Indigenous status in administrative data collections argues that

Indigenous involvement in the criminal justice system will be severely underestimated if no attempt is made to establish or estimate the true identity of the large number of people with unknown ATSI [Aboriginal or Torres Strait Islander] status within the criminal justice system.

## Terminology

Throughout this report, 'Indigenous' is defined as those of Aboriginal and/or Torres Strait Islander descent.

As stated earlier, the term 'juvenile' in this report, refers to those aged 17 years or below, unless otherwise stipulated. Where juveniles are discussed in this report as alleged or convicted offenders, the term 'juvenile' refers to those aged 10 to 17 years inclusive, unless it is stated otherwise. Where juveniles are discussed as complainants or victims, the term refers to persons aged less than 18 years, unless otherwise stipulated. Where data on child protection are discussed, the term 'child' is used in place of 'juvenile', as this is the convention of those agencies responsible for publishing data in this area.

As police data refer to juveniles who have not been convicted in relation to the offence(s) for which they have been apprehended, the term 'alleged juvenile offenders' has been adopted throughout this report. In New South Wales, the preferred term is 'juvenile persons of interest'; this has been used in reference to NSW data throughout this report. Juveniles defending children's court proceedings are referred to as 'alleged offenders', 'juvenile defendants' or 'juveniles adjudicated'. Juveniles who have been convicted of an offence are referred to as 'juvenile offenders' or, where they have been sentenced to detention, 'juvenile detainees'.

Similarly, juveniles who have notified the police that they have been the victim of an offence that has not resulted in a formal conviction are referred to as 'complainants' or 'alleged victims' rather than 'victims' throughout this report. Where a conviction has resulted from a complaint, or a substantiation of abuse has been made, juveniles are referred to as 'victims'.

## Organisation of this report

This report is divided into four main sections.

The first section on juveniles' contact with the police as complainants and victims of crime outlines ABS data on child victims of selected offences during 2007. Homicide data from the AIC, from the 18 year

period from 1989–90 to 2006–07, are also presented to indicate the extent of child homicide victimisation in Australia. The section then presents police data on juvenile complainants for each Australian jurisdiction from which such data are currently available. Child protection data from the AIHW for the 2006–07 financial year are outlined to provide an indication of the extent of child abuse and neglect in Australia. Finally, this section briefly outlines the few available data on long-term child abuse and protection trends.

The next section on juveniles' contact with the police as alleged offenders introduces sources of data on juvenile offenders' contact with the police in each jurisdiction and provides a brief discussion of the limitations of police data and issues of comparability among each jurisdiction's data on police contact with alleged juvenile offenders. After discussing the proportion of all police contact with alleged offenders that involves juveniles, this section outlines data on police contact with alleged juvenile offenders in each jurisdiction by gender, Indigenous status, age and offence type. Data from each jurisdiction on the outcomes of alleged juvenile offenders' contact with police are then outlined by gender, Indigenous status and age. Finally, data from the AIC's National Homicide Monitoring Program (NHMP) on juvenile perpetrators of homicide in Australia for the period 1989–90 to 2006–07 are presented.

The third section focuses on juveniles' contact with the children's courts as alleged offenders. It begins by outlining features of alleged juvenile offenders' contact with children's courts in Australia and introducing sources of data on alleged juvenile offenders' contact with the children's courts. Drawing primarily on ABS data, it then presents data on alleged juvenile offenders' contact with Australia's children's courts for the 2006–07 financial year by gender, age and offence type. Sentencing outcomes for alleged juvenile offenders are then presented, by gender, age, offence type and bail status. Finally, this section also presents the few available data on how juveniles plead in the children's courts and Indigenous juveniles' contact with the children's courts as alleged offenders.

The final section outlines data on alleged juvenile offenders' contact with correctional systems in

Australia, including community supervision and detention, from two national sources: the AIC's national Juveniles In Detention Monitoring Program, and the AIHW's *Juvenile Justice in Australia* publication. The section also provides a breakdown of data on juvenile offenders' contact with correctional systems in relation to age, gender

and Indigenous status. Data on juveniles under supervision by offence type are also presented for the Northern Territory, which is the only jurisdiction for which these data are currently available. Finally, this section presents data on juvenile deaths in custody from the AIC's NDICP.

# Juveniles' contact with the police as complainants and victims of crime

Juveniles are victimised more frequently than older people (ABS 2006), and are 'the most vulnerable group to violence' (Tucci, Mitchell & Goddard 2008: 8). Additionally, research indicates that substantial proportions of juveniles in Australia worry about being hurt by an adult (28%), fear being a victim of crime (27%) and worry about not being protected from abuse (19%; Tucci, Mitchell & Goddard 2008: 31).

Data on juveniles as victims of crime are scarce, however, particularly in comparison with data on juveniles as offenders. There are a number of reasons for this discrepancy. Media, community and political concern typically focuses on juveniles as offenders; it is rarely noted that juveniles are themselves often victims of crimes perpetrated both by other juveniles and adults. Interest in juveniles as victims tends to stem from interest in how juveniles progress from victims to offenders (see Chen et al 2005). Juveniles' pathways into offending, and the role of childhood victimisation in juveniles' subsequent offending trajectories, are therefore areas on which a growing body of research literature exists, although as Chen et al (2005) point out, Australian research on this topic is scarce. This is perhaps again related to media and broader community concern about juveniles as offenders. In the main, research has focused on ways of protecting the public from juveniles, rather than ways of protecting juveniles themselves from

becoming victims of crime. This section outlines the available data on juveniles' contact with the police as complainants or victims of crime.

## National data on juveniles' contact with police as victims of crime

The ABS publishes data on victims of selected offences that have been recorded by police in each jurisdiction (ABS 2008a). Table 1 shows the breakdown of victims by age, offence type and sex for these offences.

As Table 1 indicates, police recorded 5,305 victims of murder, attempted murder, kidnapping/abduction, robbery and blackmail/extortion aged 0 to 19 years across Australia's jurisdictions during 2007. It is important to highlight that the ABS published victimisation data in the age categories 0 to 9 years, 10 to 14 years and 15 to 19 years. As such, it is not possible to determine how many juvenile victims (ie those aged 0 to 17 years) there were during this period.

The data nonetheless indicate that juvenile males (78%) comprised a substantially higher proportion of victims of these selected offences than juvenile

females (21%). Importantly, data from individual jurisdictions indicate that overall, male and female juveniles are victimised at approximately the same rate. The limited categories of crime on which the ABS collects data, and the exclusion of sexual offences from this collection, may distort the true pattern of victimisation by gender. Additionally, the high incidence of robbery among males, particularly those aged 15–19 years, undoubtedly impacts on these proportions.

**Table 1** Number of juveniles as victims in Australia, 2007, by offence type, sex and age

	Males	Females	Total <sup>a</sup>
<b>0–9 year olds</b>			
Murder	11	7	18
Attempted murder	7	12	19
Kidnapping/abduction	40	68	108
Robbery	33	6	39
Blackmail/extortion	0	0	0
<b>10–14 year olds</b>			
Murder	3	3	6
Attempted murder	0	3	3
Kidnapping/abduction	58	101	159
Robbery	717	138	855
Blackmail/extortion	0	3	3
<b>15–19 year olds</b>			
Murder	10	3	13
Attempted murder	12	3	15
Kidnapping/abduction	41	103	144
Robbery	3,209	657	3,887
Blackmail/extortion	17	13	33
<b>Total</b>	<b>4,158</b>	<b>1,120</b>	<b>5,305</b>

a: Includes victims for whom sex was not specified

Source: ABS 2008a: 10

## Juvenile homicide victims in Australia

The AIC collects data on all homicides in Australia as part of its NHMP. The NHMP aims to identify the characteristics of individuals that place them at risk of homicide victimisation and offending and the circumstances that contribute to the likelihood of a homicide occurring. The program uses data from police records, information from individual investigating officers and coronial files.

The term homicide in the NHMP refers to an incident in which a person is unlawfully killed; a homicide incident is an event in which one or more persons are killed at the same place and time (Dearden & Jones 2008: 4). The NHMP collects data on the following incidents:

- all cases resulting in a person or persons being charged with murder or manslaughter (including the charge of ‘dangerous act causing death’, which applies in the Northern Territory). This excludes other driving-related fatalities, except those that immediately follow a criminal event such as armed robbery or motor vehicle theft
- all murder–suicides classed as murder by the police
- all other deaths classed by the police as homicides (including infanticides), whether or not an offender has been apprehended.

Attempted murders are excluded, as are deaths such as industrial accidents involving criminal negligence, unless a charge of manslaughter is laid. Lawful homicides, including those by police in the course of their duties, are also excluded (Dearden & Jones 2008: 5).

Data on juveniles from the NHMP indicate that during the period for which homicide data have been collected and analysed—1989–90 to 2006–07—753 juveniles (aged 0 to 17 years inclusive) have been victims of homicide in Australia.

Juveniles have comprised 13 percent of all homicide victims in Australia since the inception of the NHMP. The total number of homicide victims across Australia between 1989–90 and 2006–07 was 5,881. As stated above, the total number of juvenile victims of homicides during this time was 753. For

each year of the NHMP collection, the proportion of homicide victims that were juveniles has varied only slightly, from a low of nine percent in 2000–01 to 15 percent in 1999–2000 and 2005–06.

The largest proportions of juvenile homicide victims were aged less than one year (22%), 17 years (11%), one year (9%), 16 years (8%) and two years (7%). NHMP data therefore indicate that during the 18 years of data collection to date, over half of all juvenile victims of homicide have been under three years of age or 16 to 17 years of age inclusive.

The number of juvenile homicides for each 12 month counting period has remained reasonably stable since 1989–90, ranging from 30 in 2000–01 to 53 in 2001–02 (see Figure 1).

Fifty-five percent of juvenile homicide victims during the 18 year counting period to date were male, 45 percent were female and one percent did not have their gender recorded. Indigenous juveniles have comprised approximately 11 percent of all juvenile homicides in Australia during this period. This indicates a considerable overrepresentation of Indigenous juveniles among juvenile victims of homicide. It is important to note, however, that jurisdictions record Indigenous status in varied ways and as a result, these data must be interpreted with caution. Research by Hunter and Ayyar (2009) indicates that Indigenous involvement

in the criminal justice system is often underestimated by data collections of this nature.

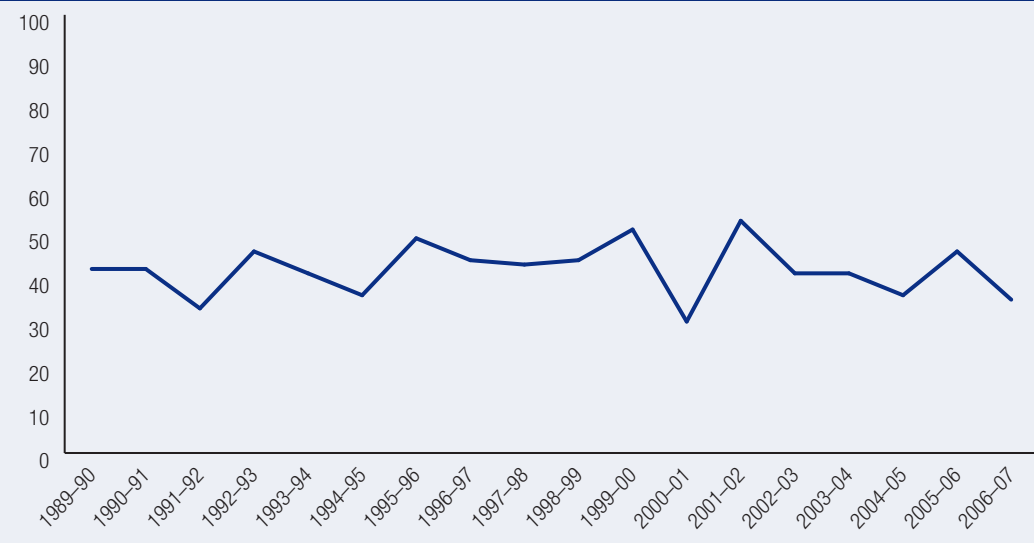
## Police data on juvenile victims by jurisdiction

In addition to these data on specific offences from the ABS and the AIC, data on juveniles' contact with the police as complainants or victims of crime are currently published by Victoria and South Australia. As New South Wales and the Northern Territory were approached as part of this research to provide data on alleged juvenile offenders, data on juvenile complainants from these jurisdictions have also been provided to the AIC. As noted earlier in this report, data on alleged juvenile victims or offenders from Tasmania were unable to be provided for this report. Future versions of this publication will aim to include data on both alleged juvenile offenders and complainants from all jurisdictions. The currently available data are outlined in the sections that follow.

### New South Wales

NSW police recorded up to 28,767 juvenile complainants (aged 0 to 17 years) during the 2007–08 financial year. To protect the identity of

**Figure 1** Homicides with a juvenile victim in Australia, 1989–90 to 2006–07 (%)



Source: AIC NHMP [computer file]. n=753



juvenile victims, the NSW Bureau of Crime Statistics and Research (BOCSAR) suppresses the exact numbers of complainants where, for any particular offence, the number falls between one and four. As a result, the exact number of juvenile complainants recorded by police is unknown, but was no more than 28,767. This figure assumes that all cells labelled one to four contained the maximum of four complainants. As exact numbers are not known, the remainder of this section uses this base figure for calculations. As such, these figures should be considered estimates rather than precise figures and are likely to be overestimates of actual figures.

During 2006–07, 50 percent of all recorded juvenile complainants were male and 50 percent were female. However, the gender of complainants varied by offence type. Juvenile males comprised a majority of all juvenile complainants of theft (60%), assault (58%) and 'other' offences (51%). Juvenile females comprised a majority of all juvenile complainants of sexual offences (79%), harassment, threatening behaviour and private nuisance (64%), 'other' offences against the person (58%), arson (51%) and malicious damage to property (51%). As these calculations are based on estimates, however, they should be interpreted with caution.

A considerable majority of juvenile complainants (78%) recorded by NSW police during the 2007–08 financial year were complainants of offences against the person. A further 18 percent were complainants of offences against property and the remaining four percent were complainants of other offences. It is important to note that children's capacity to be victims of property crimes, is, for obvious reasons, very limited in comparison with adults.

This pattern is broadly similar for male and female juvenile complainants, although a slightly higher proportion of female victims (81%) reported experiencing offences against the person compared with males (75%) and a slightly higher proportion of males (21%) reported experiencing offences against property compared with females (16%).

A slightly higher proportion of Indigenous juveniles (81%) were complainants of offences against the person than non-Indigenous juveniles (78%) and a lower proportion of Indigenous juveniles (12%) were complainants of offences against property than non-Indigenous juveniles (19%). Indigenous female complainants of offences against the person

comprised 85 percent of all Indigenous female victims, compared with 76 percent of Indigenous male complainants. Non-Indigenous female complainants of offences against the person comprised 80 percent of all non-Indigenous female complainants, compared with 75 percent of non-Indigenous male complainants.

Due to the suppression of detail in cells containing a count of between one and four complainants, it is only possible to provide estimates of the number of juvenile complainants of some offences. Nonetheless, data on complainants' contact with the police in New South Wales indicate only small numbers in relation to homicide, blackmail/extortion, arson, prohibited and regulated weapons offences, offences against justice procedures and transport regulatory offences. No juveniles were recorded as complainants in relation to betting and gaming offences, liquor offences, prostitution offences or driving offences.

Most recorded juvenile complainants experienced assault; this was the case for up to 12,480 juvenile complainants. Sexual offences were the next most commonly reported by juveniles. NSW police recorded up to 4,813 juvenile complainants of sexual offences during the 2007–08 financial year. Theft (up to 3,951) and harassment, threatening behaviour and private nuisance (up to 3,095) were also reported by large numbers of juvenile complainants in New South Wales during this time.

For most offences, a relationship appears to have existed between juveniles' increased age and an increased likelihood of reporting victimisation in New South Wales. For robbery, harassment, threatening behaviour and private nuisance, malicious damage to property and disorderly conduct offences, a clear pattern is evident, whereby an increase in juveniles' ages coincided with a higher number of complainants. This is also the case in relation to assault, if those under one year of age are excluded. While an increased number of assault complainants were recorded by police for each increase in juveniles' ages for those aged between one and 17 years, more infants under one year of age were recorded as victims of assault than those aged between one and five years.

Importantly, this was not the case for sexual offences. The number of sexual offence complainants increased with age for those

aged less than one year to five years old, fluctuated for the six to 10 year age bracket and then increased with age for 11 to 17 year olds.

## Victoria

Victoria Police recorded 12,019 juvenile complainants (aged 0 to 17 years) during the 2006–07 financial

year. Juveniles comprised six percent of the total 205,373 complainants recorded by Victoria Police during this period. Fifty percent of juvenile complainants were male and fifty percent were female. The proportion of male and female complainants varied by offence type as shown in Table 2 below. Slightly more than half of all juvenile complainants were aged 15 to 17 years during the

**Table 2** Number of juvenile complainants recorded by Victoria Police, 2006–07, by offence type, sex and age in years

	Male			Female			Total <sup>a</sup>			Total
	<10	10–14	15–17	<10	10–14	15–17	<10	10–14	15–17	
Homicide	5	0	9	7	0	3	12	0	12	24
Rape	9	28	16	32	127	191	41	155	207	403
Sex (non-rape)	162	201	105	543	1,017	496	706	1,223	602	2,531
Robbery	5	114	302	0	17	54	5	131	357	493
Assault	289	778	1,260	222	556	861	513	1,335	2,127	3,975
Abduction/ kidnapping	10	8	11	16	26	27	26	34	39	99
Arson	0	0	1	0	0	5	0	0	6	6
Property damage	8	29	91	8	19	117	16	49	208	273
Burglary (aggravated)	3	6	13	1	3	23	4	9	36	49
Burglary (residential)	11	38	114	4	11	106	15	49	220	284
Burglary (other)	0	0	7	0	1	7	0	1	14	15
Deception	0	0	14	1	2	11	1	2	25	28
Theft from motor vehicle	15	5	62	9	9	34	24	14	96	134
Theft (shopsteal)	0	1	3	0	0	3	0	1	6	7
Theft of motor vehicle	0	8	67	0	3	12	0	11	80	91
Theft of bicycle	62	579	516	8	44	41	70	625	560	1,255
Theft (other)	15	339	615	18	293	820	33	632	1,440	2,105
Justice procedures	0	1	0	0	0	2	0	1	2	3
Regulated public order	0	0	1	0	2	3	0	2	4	6
Weapons/ explosives	0	2	0	0	0	1	0	2	1	3
Harassment	3	4	9	8	53	69	11	57	78	146
Behaviour in public	0	0	0	1	0	2	1	0	2	3
Other	26	8	13	18	10	10	45	18	23	86
<b>Total</b>	<b>623</b>	<b>2,149</b>	<b>3,229</b>	<b>896</b>	<b>2,193</b>	<b>2,898</b>	<b>1,523</b>	<b>4,351</b>	<b>6,145</b>	<b>12,019</b>

a: Includes juveniles where sex is unspecified

Source: Adapted from Victoria Police 2008a: 24–26

period. Thirty-six percent were aged 10 to 14 years and the remaining 13 percent were aged less than 10 years.

Sixty-three percent of juvenile complainants reported experiencing offences against the person. A further 35 percent reported offences against property and just two percent were reported other offences. The most common offence that juveniles reported experiencing was assault (33%), followed by sex (non-rape) offences (21%) and theft (other) (18%).

As Table 2 indicates, female juveniles comprised a far higher proportion of complainants of rape and sex (non-rape) offences. Eighty-seven percent of rape complainants and 81 percent of sex (non-rape) complainants were female. Females also comprised high proportions of kidnapping/abduction complainants (70%) and harassment complainants

(89%). Male juveniles comprised high proportions of robbery complainants (85%) and complainants of theft of motor vehicle (82%) and theft of bicycle (92%).

Older juveniles comprised higher proportions of complainants of most offence types. Ten percent of rape complainants, for example, were aged less than 10 years, compared with 38 percent aged 10 to 14 years and 51 percent aged 15 to 17 years. Other offence types, including robbery, assault, property damage, burglary (aggravated), burglary (residential), burglary (other), theft (other) and harassment also followed this pattern. The number of complainants of a range of offence types is too small to fall into a meaningful pattern. A notable exception, however, is theft of bicycle, for which a larger proportion of complainants was aged 10 to 14 years (50%) than 15 to 17 years (45%).

**Table 3** Number of juvenile complainants recorded by Victoria Police, 2006–07, by ‘racial appearance’, sex and age in years

	Male			Female			Total <sup>a</sup>			Total
	<10	10–14	15–17	<10	10–14	15–17	<10	10–14	15–17	
Aboriginal	16	22	25	13	17	41	29	39	66	134
Asian	23	37	89	19	57	88	42	94	179	315
Caucasian	328	1,548	2,413	555	1,568	2,140	884	3,117	4,561	8,562
Other	33	78	123	30	48	102	63	127	225	415
Unspecified	223	464	579	279	503	527	505	974	1,114	2,593
Total <sup>a</sup>	623	2,149	3,229	896	2,193	2,898	1,523	4,351	6,145	12,019

a: Includes juveniles where sex is unspecified

Source: Adapted from Victoria Police 2008a: 32–33

**Table 4** Number of juvenile complainants recorded by Victoria Police, 2006–07, by number of times victimised during 2005–06, sex and age in years

	Male			Female			Total <sup>a</sup>			Total
	<10	10–14	15–17	<10	10–14	15–17	<10	10–14	15–17	
1	544	1,787	2,663	590	1,417	2,105	1,138	3,211	4,784	9,133
2	26	126	213	62	167	217	88	294	431	813
3	4	20	29	23	54	54	27	74	83	184
4	4	6	7	13	24	24	17	30	31	78
5	0	1	3	4	10	5	4	11	8	23
>5	1	3	4	14	13	6	15	16	10	41
Total	579	1,943	2,919	706	1,685	2,411	1,289	3,636	5,347	10,272

a: Includes juveniles where sex is unspecified

Source: Adapted from Victoria Police 2008a: 34

This might be explained by the larger proportion of older juveniles using motor vehicles rather than bicycles as transport.

Victoria Police also record data on the 'racial appearance' of juvenile complainants of crime. As these data are based on the subjective assessment of police officers, they must be interpreted with caution. Table 3 shows the 'racial appearance' of juvenile complainants of crime, by age and sex.

Juveniles of 'Caucasian appearance' comprised the majority of complainants, at 71 percent. Juveniles of 'Asian appearance' comprised three percent of the total number of complainants and juveniles of 'Aboriginal appearance' comprised one percent. Twenty-five percent of juvenile complainants were of 'other' or 'unspecified' 'racial appearance'. Females comprised slightly higher proportions of juvenile complainants of both 'Aboriginal appearance' (53%) and 'Asian appearance' (52%) than males (both 47%).

A relationship between age and reported victimisation appears to have existed for juveniles of each 'racial appearance', with juveniles aged 15 to 17 years comprising a higher proportion of complainants than those aged 10 to 14 years and in turn, those aged less than 10 years for each category of 'racial appearance'. A higher proportion of complainants of 'Aboriginal appearance' were aged less than 10 years (22%) than were complainants of 'Asian appearance' (13%) or 'Caucasian appearance' (10%).

Victoria is the only jurisdiction for which data are collected on the number of times juveniles are complainants. It has been well established in the criminological research literature that individuals often experience repeated incidents of victimisation (Bichler 2004; Menard 2000). Research has suggested that this may be particularly the case for juveniles. Menard (2000: 571) has argued that 'repeat victimization is the norm, not the exception, in the period from adolescence through early adulthood'. Table 4 shows the breakdown of juvenile complainants in Victoria for the 2006–07 financial year by the number of times victimised during the previous financial year period, age and sex.

The majority of juvenile complainants (89%) reported experiencing only one incident during

2006–07. A further eight percent reported experiencing two incidents, two percent three incidents, one percent four incidents and less than one percent each five incidents and more than five incidents. Importantly, however, the data indicate that the proportion of juveniles that reported experiencing repeated incidents varied considerably by sex, with females comprising higher proportions of juveniles that reported experiencing more than one incident of victimisation. Females comprised 55 percent of all juveniles that reported experiencing two incidents of victimisation, 71 percent of those that reported experiencing three incidents, 78 percent of those that reported experiencing four incidents, 83 percent of those that reported experiencing five incidents and 80 percent of those that reported experiencing more than five incidents. As only small numbers of juveniles reported experiencing either five or five or more incidents, however, these proportions must be interpreted with caution.

Victoria Police data also suggest that a relationship may exist between juveniles' ages and repeat victimisation, with higher proportions of juveniles aged less than 10 years reporting four, five and more than five incidents of victimisation than those experiencing one, two or three incidents.

Victoria Police data on the repeat victimisation of juveniles regrettably do not incorporate a breakdown of repeat victimisation by offence type or location. These variables could potentially provide an explanation for the disparity between juvenile males and females in relation to levels of repeat victimisation (see Bichler 2004).

## Queensland

The Children's Court of Queensland (2007) publishes a small amount of data on victims of juvenile offending. These data therefore are not intended to cover all *juvenile victims*, but all those *victimised by juveniles*. Importantly, these data indicate that a great deal of overlap existed between juvenile victims and offenders in Queensland during the 2006–07 financial year.

Sixty-two percent of the victims of juvenile offenders during this time were aged less than 20 years (31% were aged 10 to 14 years and 30% were

aged 15 to 19 years; Children's Court of Queensland 2007: 35).

## *South Australia*

South Australia Police collect, record and publish data on the numbers of juveniles (aged 0 to 17 years) that they deal with as complainants of crime during each financial year. The most recent data from the 2006–07 financial year are presented below. Tables 5, 6 and 7 respectively show the breakdown of complainants by age, sex and offence type for offences against the person, offences against property and 'other' offences.

In total, South Australia police report that there were 7,553 complainants aged 0 to 17 years during the 2006–07 financial year. Of these, 4,027 (53%) were males, 3,503 (46%) were females and less than one percent did not have their sex recorded.

Thirty-eight percent of juvenile victims (n=2,885) were aged 0 to 14 years; 14 percent (n=1,082) were aged 15 years, 18 percent (n=1,369) were aged 16 years and 29 percent (n=2,217) were aged 17 years.

Fifty-five percent of juvenile complainants reported offences against the person, 40 percent offences against property, and the remaining six percent 'other' offences, which South Australia police refer to as 'offences against public order'. The most common offences reported by juvenile complainants were minor assaults (34% of all juvenile victims), followed by theft not elsewhere classified (15%) and property damage (7%).

As Table 5 indicates, the majority of juvenile complainants of offences against the person recorded by South Australia police during 2006–07 experienced minor assaults. Sixty-two percent (n=2,540) of juvenile complainants who reported offences against the person reported experiencing minor assaults. A further 17 percent and three percent of this group of juvenile complainants respectively were complainants of sexual offences against females and sexual offences against males. Females comprised the majority of complainants of indecent behaviour/exposure (91%), sexual offences not elsewhere classified (78%), kidnapping/abduction (69%) and offences against the person not elsewhere classified (54%). Males comprised

the majority of juvenile complainants of robbery (89%), serious assaults (69%) and minor assaults (57%). For a number of offences, including homicide, persistent sexual abuse of a child and incest, analysis of the sex of complainants is not possible due to the very small number of recorded complainants.

As South Australia police data do not disaggregate the ages of juveniles aged less than 15 years, it is not possible to provide any more detail on the age profile of victims in this age category. Overall, juvenile complainants of offences against the person tended to be older juveniles during 2006–07, with 52 percent of these complainants aged 15 to 17 years and the remaining 48 percent aged less than 15 years.

Importantly, however, this was not the case in relation to all offence types. Juvenile complainants of sexual offences against females, sexual offences against males, indecent behaviour/exposure, sexual offences not elsewhere classified and kidnapping/abduction were concentrated in the 0 to 14 year old age group. Juveniles in the 0 to 14 years age group comprised 64 percent of juvenile complainants of sexual offences against females, 70 percent of juvenile complainants of sexual offences against males, 62 percent of juvenile complainants of indecent behaviour/exposure, 78 percent of juvenile complainants of sexual offences not elsewhere classified and 64 percent of juvenile complainants of kidnapping/abduction.

As Table 6 indicates, the highest proportion of juvenile complainants of offences against property (38%) recorded by South Australia police during 2006–07 reported theft not elsewhere classified. Substantial proportions of juvenile complainants of offences against property also reported property damage (18%) and bicycle theft (16%). Sixty-two percent of juvenile complainants of property damage and 94 percent of complainants of bicycle theft were male.

As might be expected, juvenile complainants of theft/illegal use of motor vehicle, theft from a motor vehicle and illegal interference of a motor vehicle were concentrated in the older age categories. Seventy-seven percent of juvenile complainants of theft/illegal use of motor vehicle were aged 17 years, as were 76 percent of complainants of theft from a motor vehicle and 71 percent of complainants of

**Table 5** Number of juvenile complainants of offences against the person recorded by South Australia police, 2006–07, by offence type, age and sex

	0–14 years old		15 years old		16 years old		17 years old		Total
	M	F	M	F	M	F	M	F	
Homicide	0	1	0	1	2	0	1	0	5
Serious assaults	53	21	14	12	33	11	48	24	216
Minor assault	688	465	206	196	239	220	316	210	2,540
Incest	0	1	0	1	0	0	0	2	4
Indecent behaviour/exposure	5	42	1	18	0	6	1	3	76
Sexual offences nec	3	11	0	2	0	1	1	0	18
Persistent sexual abuse of a child	1	0	0	0	0	0	0	0	1
Kidnapping/abduction	11	16	0	6	0	1	2	6	42
Against person nec	44	35	14	14	10	26	21	30	194
Robbery	58	7	46	5	38	4	47	8	213
Extortion	0	0	0	2	2	0	0	0	4
<b>Sexual offences against females</b>									
Rape	n/a	73	n/a	30	n/a	23	n/a	40	166
Attempted rape	n/a	4	n/a	0	n/a	0	n/a	0	4
Unlawful sexual intercourse	n/a	128	n/a	32	n/a	30	n/a	4	194
Gross indecency under 16	n/a	45	n/a	4	n/a	2	n/a	1	52
Indecent assault	n/a	188	n/a	38	n/a	18	n/a	23	267
<b>Sexual offences against males</b>									
Rape	7	n/a	3	n/a	3	n/a	2	n/a	15
Attempted rape	0	n/a	0	n/a	0	n/a	0	n/a	0
Unlawful sexual intercourse	13	n/a	1	n/a	3	n/a	1	n/a	18
Gross indecency under 16	14	n/a	5	n/a	0	n/a	1	n/a	20
Indecent assault	52	n/a	4	n/a	8	n/a	5	n/a	69
<b>Total</b>	<b>949</b>	<b>1,037</b>	<b>294</b>	<b>361</b>	<b>338</b>	<b>342</b>	<b>446</b>	<b>351</b>	<b>4,118</b>

nec = not elsewhere classified

Source: Adapted from South Australia Police 2007: 206

illegal interference of a motor vehicle. Most juvenile complainants of property damage (65%) were also aged 17 years. Conversely, the majority of juvenile complainants of bicycle theft (61%) were aged 0 to 14 years.

Overall, 17 year olds formed the highest proportion of juvenile complainants of offences against property. Those aged less than 15 years

comprised 25 percent of all juvenile complainants; 15 year olds comprised 12 percent, 16 year olds 20 percent and 17 year olds 43 percent. This finding is somewhat unexpected, given that older juveniles have the capacity to earn an income and are more likely to own motor vehicles and other items that may be the targets of theft.

**Table 6** Number of juvenile complainants of offences against property recorded by South Australia police, 2006–07, by offence type, age and sex

	0–14 years old			15 years old			16 years old			17 years old			Total
	M	F	Unknown	M	F	Unknown	M	F	Unknown	M	F	Unknown	
Serious criminal trespass	10	5	1	14	12	0	19	30	0	44	33	0	168
Deception/dishonest dealings with documents	2	2	3	3	7	0	0	1	0	2	7	0	27
Theft by director/trustee/partner/employee	0	0	0	0	0	0	0	0	0	0	0	0	0
Counterfeiting	0	0	0	0	0	0	0	0	0	0	0	0	0
Receiving/dealing in tainted property	3	2	0	1	1	0	0	1	0	2	1	0	11
Theft/illegal use of motor vehicle	4	0	0	4	0	0	25	8	0	98	36	0	175
Bicycle theft	277	20	3	80	1	0	70	1	1	36	3	0	492
Vehicle theft nec	1	0	0	0	0	0	0	0	0	0	0	0	1
Theft from person	0	0	0	0	0	0	0	0	0	0	0	0	0
Livestock theft	1	0	0	0	0	0	0	1	0	0	0	0	2
Shop theft	0	0	0	0	0	0	0	0	0	0	0	0	0
Theft from a motor vehicle	8	9	2	1	3	0	39	34	0	194	102	0	392
Theft nec	162	154	3	100	109	0	119	143	0	156	188	0	1,134
Property damage	43	13	6	16	6	0	54	49	0	219	133	0	539
Illegal interference of a motor vehicle	6	0	0	2	0	0	5	3	0	24	15	0	55
<b>Total</b>	<b>517</b>	<b>205</b>	<b>18</b>	<b>221</b>	<b>139</b>	<b>0</b>	<b>331</b>	<b>271</b>	<b>1</b>	<b>775</b>	<b>518</b>	<b>0</b>	<b>2,996</b>

nec = not elsewhere classified

Source: Adapted from South Australia Police 2007: 208

**Table 7** Number of juvenile complainants of other offences recorded by South Australia police, 2006–07, by offence type, age and sex

	0–14 years old			15 years old			16 years old			17 years old			Total
	M	F	Unknown	M	F	Unknown	M	F	Unknown	M	F	Unknown	
Environmental offences	0	0	0	0	0	0	0	0	0	0	0	0	0
Good order offences	17	22	3	4	10	0	2	11	0	2	4	0	75
Pornography and censorship	1	6	0	0	3	0	0	2	0	0	0	0	12
Liquor licensing	0	0	0	0	0	0	0	0	0	0	0	0	0
Betting and gaming	0	0	0	0	0	0	0	0	0	0	0	0	0
Trespass	8	2	1	3	0	0	3	3	0	2	5	0	27
Prostitution and related offences	1	0	0	0	0	0	0	0	0	0	1	0	2
Other offences against public order	28	58	0	11	33	0	15	48	0	43	65	0	301
Possess/use drugs	0	0	0	0	0	0	0	0	0	1	0	0	1
Import/export drugs	0	0	0	0	0	0	0	0	0	0	0	0	0
Sell/trade drugs	0	0	0	0	1	0	0	0	0	2	0	0	3
Produce/manufacture drugs	0	0	0	0	0	0	0	0	0	0	0	0	0
Other drug related offences	0	0	0	0	0	0	0	0	0	0	0	0	0
Drink driving and related offences	0	0	0	0	0	0	0	0	0	0	0	0	0
Dangerous driving	0	0	0	0	0	0	1	0	0	0	0	0	1
Other offences nec	9	3	0	2	0	0	1	0	0	0	2	0	17
<b>Total</b>	<b>64</b>	<b>91</b>	<b>4</b>	<b>20</b>	<b>47</b>	<b>0</b>	<b>22</b>	<b>64</b>	<b>0</b>	<b>50</b>	<b>77</b>	<b>0</b>	<b>439</b>

nec = not elsewhere classified

Source: Adapted from South Australia Police 2007: 210–212



As Table 7 indicates, the majority of juvenile complainants of 'other' offences (69%) reported 'other' offences against public order. Other offences against public order include disorderly behaviour, offensive behaviour and public order offences not elsewhere classified. A considerable proportion of juvenile complainants (17%) reported good order offences. This category of offence includes breaches of restraint orders and bail, and weapons offences.

Interestingly, a higher proportion of female than male juveniles were complainants of both 'other' offences against public order and good order offences. A majority of juvenile complainants of good order offences (56%) were aged less than 15 years. Smaller proportions were aged 15 years (19%), 16 years (17%) and 17 years (8%). This pattern does not appear to have existed in relation to other offences against public order, however, with 29 percent aged less than 15 years, 15 percent aged 15 years, 21 percent aged 16 years and 36 percent aged 17 years.

### *Northern Territory*

Northern Territory Police recorded 1,363 complainants aged 0 to 17 years during the 2008 calendar year. Almost two-thirds (63%) of these complainants were female. The remaining 37 percent were male. Assault offences were the most common offences reported by victims aged 0 to 17 years, followed by theft offences and sexual offences. Forty-five percent of juvenile complainants reported assaults (including aggravated and common assaults), 22 percent theft offences (including theft of another person's vehicle, other than a motor vehicle) and 19 percent sexual offences (including sexual assaults, indecent assaults, gross indecency offences and other sexual offences against a child) during 2008. The highest proportion of female juveniles were complainants of assault offences (43%), followed by sexual offences (27%) and theft offences (12%). The highest proportion of male juveniles were complainants of assault offences (49%), followed by theft offences (39%) and sexual offences (4%).

Overall, most complainants aged zero to 17 years in the Northern Territory during 2008 were complainants of offences against the person (69%), followed by offences against property (24%) and other offences (7%). This varied according to gender, however,

with female juveniles substantially more likely to report offences against the person (76%) than male juveniles (57%) and substantially less likely to report offences against property (14%) than male juveniles (41%).

The types of offences reported by juvenile complainants in the Northern Territory also varied by Indigenous status. The highest proportion of Indigenous complainants suffered assault offences (59%), followed by sexual offences (22%) and breaches of domestic violence orders (12%). The highest proportion of non-Indigenous juvenile complainants also suffered assault offences (38%), followed by theft offences (31%) and sexual offences (17%).

## Child protection data in Australia

Data on child protection provide another insight into the extent of victimisation of people aged 0–17 years in Australia. Although child protection is the responsibility of each state and territory government, the AIHW collects, analyses and publishes national data on child protection each year. Since 1990, the AIHW has collected, analysed and published national data on child protection. Due to significant changes to policy and practice within and across jurisdictions, however, it is difficult to analyse trends in detail. Data reported in the remainder of this section have been adapted from the AIHW's (2008a) report, *Child Protection Australia 2006–07*.

Children suspected of being victims of abuse or neglect come into contact with state and territory child protection services in a variety of ways. Suspected maltreatment, ranging from physical and sexual abuse to emotional abuse, neglect and/or broader concerns about families (such as witnessing domestic violence) may be reported by children and families themselves, health and welfare workers, police and other justice personnel, or concerned community members (AIHW 2008a). In some jurisdictions, members of particular professions, such as the medical profession, are legally mandated to report suspected child abuse to the authorities. In others, any person who suspects a child is being abused or neglected is mandated to report to the appropriate agency (AIHW 2008a).

Other differences among jurisdictions in relation to child protection may also affect the data provided to the AIHW. These differences include differences in the way ‘notifications’, ‘substantiations’ and ‘investigations’ are defined in each jurisdiction and the inclusion of unborn children in some jurisdictions’ data collections but not others’ (AIHW 2008a). Importantly, while some jurisdictions substantiate harm (or risk of harm) to the child, others substantiate actions by parents that cause harm.

The AIHW’s child protection data collection uses the following definitions. These definitions therefore underpin the data reported in this section.

- child protection *notification*—reports made to authorised departments by persons or other bodies making allegations of child abuse or neglect, child maltreatment or harm to a child
- child protection *substantiation*—child protection notifications made to relevant authorities that were investigated and finalised, and it was found that there was reasonable cause to believe the child had been, was being or was likely to be abused, neglected or otherwise harmed. Importantly, a substantiation does not necessarily require sufficient evidence for a successful prosecution to occur
- child protection *investigation*—the process whereby the relevant child protection department obtains detailed information about a child who is the subject of a child protection notification and makes an assessment about the degree of harm to the child and his/her future needs (AIHW 2008a).

For the 2006–07 financial year, the AIHW (2008a) reports that there were 309,517 child protection

notifications made in Australia. Of these, 58,563 were substantiated during the 2006–07 period. As noted above, a substantiation does not necessarily require sufficient evidence for a successful prosecution to occur but is determined on the balance of probabilities. As such, data on substantiations of child abuse should not be considered to equate exactly to incidents of victimisation. They nonetheless provide some indication of the extent of child abuse and neglect in Australia.

As Table 8 shows, the proportion of finalised investigations that resulted in substantiations varied by jurisdiction and ranged from 35 percent of all child protection investigations in the Australian Capital Territory to 68 percent of all investigations in Tasmania. It is important to note, however, that varying policy environments in each state and territory impact considerably on rates of substantiations. Additionally, these data reflect only child protection notifications made to state and territory child protection authorities. Notifications made to other agencies, such as the police, are only included if these notifications were also referred to the relevant child protection authority. In every jurisdiction except the Australian Capital Territory, the highest proportion of child protection investigations stemmed from notifications by the police. In New South Wales, 29 percent of investigations resulted from notifications by police. In Victoria, the figure was 24 percent, in Western Australia 22 percent, in South Australia 20 percent, in Tasmania 29 percent and in the Northern Territory 30 percent. In the Australian Capital Territory, 18 percent of investigations stemmed from notifications made by police. The highest proportion of investigations,

**Table 8** Number of child protection notifications, finalised investigations and substantiations, 2006–07, by jurisdiction

	NSW	Vic	Qld <sup>a</sup>	WA	SA	Tas	ACT	NT	Total
Notifications	189,928	38,675	28,580	7,700	18,434	14,498	8,710	2,992	309,517
Substantiations	37,094	6,828	8,441	1,233	2,242	1,252	852	621	58,563
Investigations finalised	92,729	10,537	n/a	2,932	5,731	1,837	2,416	1,105	117,287 <sup>b</sup>
% finalised investigations substantiated	40	65	n/a	42	39	68	35	56	50 <sup>b</sup>

a: Due to changes in recording practices and information management systems, some data for Queensland were not provided to the AIHW

b: These figures represent approximations only, due to the absence of data from Queensland

Source: Adapted from AIHW 2008a

however, resulted from notifications made by social workers (19%). Data on the source of notifications in Queensland for 2006–07 had not been provided to the AIHW due to changes in information management systems.

### Type of maltreatment

Table 9 shows the number of children who were the subjects of child protection substantiations during the 2006–07 financial year by sex, jurisdiction and type of abuse. These data reflect the number of *children*, rather than the number of *substantiations* made. As a child can be the subject of multiple notifications, investigations and/or substantiations in any counting period, the number of children is

lower than the number of substantiations (AIHW 2008a: 15). The AIHW (2008a) defines these types of abuse as follows:

- physical abuse—any non-accidental physical act inflicted upon a child by a person having the care of a child
- sexual abuse—any act by a person having the care of the child which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards
- emotional abuse—any act by a person having the care of a child that results in the child suffering any kind of significant emotional deprivation or trauma

**Table 9** Number of child subjects of substantiations, 2006–07, by sex, type of abuse and jurisdiction

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Males</b>									
Physical	1,445	1,148	848	138	135	87	41	83	3,925
Sexual	516	208	141	49	21	33	7	9	984
Emotional	2,560	1,422	1,603	104	406	103	137	83	6,418
Neglect	2,096	543	1,026	243	320	166	102	68	4,564
Total	6,617	3,321	3,618	543	882	389	287	243	15,891
<b>Females</b>									
Physical	1,275	1,109	802	123	118	84	36	99	3,646
Sexual	1,501	260	333	168	68	64	11	51	2,456
Emotional	2,465	1,371	1,719	95	422	114	137	80	6,403
Neglect	1,813	495	829	240	258	120	89	69	3,913
Total	7,054	3,235	3,683	626	866	382	273	299	16,418
<b>Unknown</b>									
Physical	7	14	30	0	0	6	0	0	57
Sexual	6	1	3	0	1	2	0	0	13
Emotional	56	11	26	0	7	7	2	0	109
Neglect	29	9	42	0	1	14	2	0	97
Total	98	35	101	0	9	29	4	0	276
<b>All children</b>									
Physical	2,727	2,271	1,680	261	253	177	77	182	7,628
Sexual	2,023	469	477	217	90	99	18	60	3,453
Emotional	5,081	2,804	3,348	199	835	224	276	163	12,930
Neglect	3,938	1,047	1,897	483	579	300	193	137	8,574
Total <sup>a</sup>	13,769	6,591	7,402	1,160	1,757	800	564	542	32,585

a: Includes children whose age was unknown

Source: Adapted from AIHW 2008a: 69

- neglect—any serious omissions or commissions by a person having the care of a child which, within the bounds of cultural tradition, constitute a failure to provide conditions which are essential for the healthy, physical and emotional development of a child.

Male children comprised 49 percent, and female children 50 percent, of all children that were subjects of substantiations of notifications during the 2006–07 financial period. The remaining one percent did not have their sex recorded. The highest proportion of both male (40%) and female (39%) children were subjects of substantiations relating to emotional abuse, followed by neglect (29% and 24% respectively), physical abuse (25% and 22% respectively) and sexual abuse (6% and 15% respectively).

Male and female children comprised quite even proportions of all children subject to child protection

substantiations for physical abuse, emotional abuse and neglect. Males comprised 51 percent of physical abuse substantiations compared with 48 percent for females, 50 percent of emotional abuse substantiations compared with 50 percent for females and 53 percent of neglect substantiations compared with 46 percent for females. Female children comprised a far greater proportion of child subjects of substantiations relating to sexual abuse, however. Females comprised 71 percent of all sexual abuse substantiation subjects, compared with 28 percent for male children.

### Indigenous status

Table 10 shows child subjects of child protection substantiations for the 2006–07 financial year by Indigenous status, type of abuse and jurisdiction. Although slightly lower proportions of Indigenous children than other children were the subjects

**Table 10** Number of child subjects of substantiations, 2006–07, by Indigenous status, type of abuse and jurisdiction

	NSW	Vic	Qld	WA	SA	Tas <sup>b</sup>	ACT	NT	Total
<b>Indigenous children</b>									
Physical	541	218	274	86	44	3	12	119	1,297
Sexual	287	32	60	55	12	6	3	39	494
Emotional	1,217	312	479	77	221	3	30	119	2,458
Neglect	1,239	135	401	221	165	19	31	118	2,329
Total	3,284	697	1,214	439	442	31	76	395	6,578
<b>Other children<sup>a</sup></b>									
Physical	2,186	2,053	1,406	175	209	174	65	63	6,331
Sexual	1,736	437	417	162	78	93	15	21	2,959
Emotional	3,864	2,492	2,869	122	614	221	246	44	10,472
Neglect	2,699	912	1,496	262	414	281	162	19	6,245
Total	10,485	5,894	6,188	721	1,315	769	488	147	26,007
<b>All children</b>									
Physical	2,727	2,271	1,680	261	253	177	77	182	7,628
Sexual	2,023	469	477	217	90	99	18	60	3,453
Emotional	5,081	2,804	3,348	199	835	224	276	163	12,930
Neglect	3,938	1,047	1,897	483	579	300	193	137	8,574
Total	13,769	6,591	7,402	1,160	1,757	800	564	542	32,585

a: Children of unknown Indigenous status have been included as 'other children'

b: The high number of children in substantiation with an unknown Indigenous status in Tasmania makes the counts for both Indigenous children and other children unreliable

Source: AIHW 2008a: 71

of substantiations for physical abuse (20% and 24% respectively), sexual abuse (8% and 11% respectively) and emotional abuse (37% and 40% respectively), a considerably higher proportion of Indigenous than other children were the subjects of substantiations relating to neglect (35% and 24% respectively). Research on a cohort of children in South Australia (Hirte, Rogers & Wilson 2008) also found that Indigenous children were more likely than their non-Indigenous counterparts to be reported in relation to neglect.

Overall, Indigenous children were more than five times as likely to be the subjects of child protection substantiations as other children.

As Table 11 shows, the rate ratio of Indigenous to other children varied by jurisdiction. In Victoria, for example, 56.6 per 1,000 Indigenous children were the subjects of substantiations, compared with 5.3 per 1,000 other children. In Tasmania, 4.0 per 1,000 children were the subjects of substantiations compared with 7.5 per 1,000 other children. Data from Tasmania, however, must be interpreted with caution as a high proportion of investigations were in process at the end of the counting period. In addition, there are only a very small number of children in Tasmania who identify as Indigenous and a high number of children in substantiation with an unknown Indigenous status.

**Table 11** Number and rate of child subjects of substantiations, 2006–07, by Indigenous status and jurisdiction<sup>a</sup>

	Number			Rate per 1,000 children			Rate ratio Indigenous/other
	Indigenous	Other	Total	Indigenous	Other	Total	
NSW	3,276	10,414	13,690	53.5	7.1	9.0	7.5
Vic	697	5,891	6,588	56.6	5.3	5.9	10.6
Qld	1,203	6,138	7,341	20.3	6.9	7.7	3.0
WA	438	716	1,154	15.0	1.6	2.4	9.3
SA	439	1,314	1,753	39.0	4.1	5.3	9.4
Tas <sup>b</sup>	31	768	799	4.0	7.5	7.2	0.5
ACT	75	483	558	41.3	6.9	7.8	6.0
NT	395	145	540	16.8	4.2	9.3	4.0
Total	6,554	25,869	32,423	31.8	5.8	7.0	5.4

a: Children aged 17 years have been excluded, due to their very small numbers

b: The high number of children in substantiation with an unknown Indigenous status in Tasmania makes the counts for both Indigenous children and other children unreliable

Source: AIHW 2008a: 29

**Table 12** Child subjects of substantiations received during 2006–07, by age in years and jurisdiction (rate per 1,000 children)<sup>a</sup>

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<1	21.3	15.5	17.3	6.4	16.3	17.8	15.6	20.9
1–4	10.0	6.4	8.5	2.8	7.2	7.3	9.7	10.7
5–9	8.5	5.3	7.3	2.4	5.1	6.2	7.3	8.3
10–14	8.1	5.3	7.0	2.1	3.8	5.0	6.8	8.5
15–16	4.6	3.3	4.5	0.7	1.3	2.5	4.0	4.2
Total <sup>b</sup>	9.0	5.9	7.7	2.4	5.3	7.2	7.8	9.3

a: Total includes children whose ages were unknown

b: Children aged 17 years have been excluded due to very small numbers

Source: AIHW 2008a: 28

## Age

As Table 12 indicates, a relationship appears to have existed between children's ages and the likelihood of being the subject of a child protection substantiation. Children aged less than one year were most likely to be the subject of a substantiation and children aged 15 to 16 years were least likely. This was the case for all jurisdictions (see Table 12).

A higher proportion of Indigenous children who were the subjects of child protection substantiations during the year were aged less than one year (17%) and one to four years (27%) than other children (13% and 25% respectively). Conversely, slightly lower proportions of Indigenous child subjects of

substantiations were aged 10 to 14 years (24%) and 15 to 17 years (5%) than other children (27% and 7% respectively). Table 13 shows all children for whom there was a substantiation of child protection concerns for the 2006–07 period by age, Indigenous status and jurisdiction. South Australian research by Hirte, Rogers and Wilson (2008) also found that Indigenous children were more likely than non-Indigenous children to have a first child protection notification at a younger age. Further, Hirte and colleagues found that the younger a child's age at first notification, the more likely multiple notifications, substantiations of abuse and alternative care placements were.

**Table 13** Number of child subjects of substantiations of notifications received during 2006–07, by age in years, Indigenous status and jurisdiction

	NSW	Vic	Qld	WA	SA	Tas <sup>c</sup>	ACT	NT	Total
<b>Indigenous children</b>									
<1	558	109	197	77	81	5	11	65	1,103
1–4	909	183	325	108	132	5	21	125	1,808
5–9	839	191	315	137	123	10	21	91	1,727
10–14	817	177	297	109	89	7	18	96	1,610
15–17	160	37	80	8	16	3	5	18	327
Total <sup>a</sup>	3,284	697	1,214	439	442	31	76	395	6,578
<b>Other children<sup>b</sup></b>									
<1	1,375	929	707	102	216	110	56	10	3,505
1–4	2,572	1,441	1,509	188	386	170	138	26	6,430
5–9	2,903	1,502	1,722	195	365	187	128	52	7,054
10–14	2,859	1,604	1,743	196	299	163	129	47	7,040
15–17	769	418	507	40	42	33	37	12	1,858
Total <sup>a</sup>	10,485	5,894	6,188	721	1,315	769	488	147	26,007
<b>All children</b>									
<1	1,933	1,038	904	179	297	115	67	75	4,608
1–4	3,481	1,624	1,834	296	518	175	159	151	8,238
5–9	3,742	1,693	2,037	332	488	197	149	143	8,781
10–14	3,676	1,781	2,040	305	388	170	147	143	8,650
15–17	929	455	587	48	58	36	42	30	2,185
Total <sup>a</sup>	13,769	6,591	7,402	1,160	1,757	800	564	542	32,585

a: Totals include children of unknown age

b: Children of unknown Indigenous status have been included as 'other children'

c: The high number of children in substantiation with an unknown Indigenous status in Tasmania makes the counts for both Indigenous children and other children unreliable

Source: Adapted from AIHW 2008a: 70

## Child abuse and protection trends

There are few detailed and long-term trend data available on child abuse and protection. Although child protection activity has increased considerably across Australia in recent years, few research studies on long-term trends have been undertaken (Faulkner 2008). Faulkner's (2008) study of 6,669 referrals to one of Queensland's Suspected Child Abuse and Neglect (SCAN) teams for the period 1980 to 2005, however, provides an insight into trends in Queensland. The study found that with the exception of sexual abuse, 'increases in the level of concerns reported for each abuse and neglect type exceeded population increases' (Faulkner 2008: 5). Importantly, however, this varied greatly by the type of abuse. For the period 1984 to 2004, for which trends were examined, referrals to the Brisbane-based SCAN team for sexual abuse increased eight percent, for physical abuse increased 77 percent, for neglect increased 128 percent, for emotional abuse increased 247 percent and for domestic violence

increased 867 percent. During this period, the population of Brisbane increased approximately 70 percent (Faulkner 2008).

A number of potential explanations for these trends identified by Faulkner (2008) include:

- changes to child protection legislation
- the release of a Crime and Misconduct Commission report on child protection
- media coverage of a number of high-profile child abuse cases
- changes to child protection referral practices by Queensland Police.

Faulkner (2008: 6) also argues that the relative stability of child sexual abuse referrals, compared with referrals for other types of child abuse, may reflect an actual decrease in child sexual abuse.

Further detailed research into child abuse and protection across a number of decades, in jurisdictions other than Queensland as well as nationally, would help elucidate long-term trends in this area.

# Juveniles' contact with the police as alleged offenders

It is widely acknowledged in Australia and around the world that juveniles should be subject to a system of criminal justice that is separate from the adult system and recognises their inexperience and immaturity. As such, juveniles are typically dealt with separately from adults and treated less harshly than their adult counterparts. For example, there are only a small number of jurisdictions that condone capital punishment for juveniles (see McGhee & Waterhouse 2007: 117).

This is not to say, however, that there is a widespread consensus on precisely how juveniles should be treated. In fact, there are many and varied approaches to dealing with juveniles currently utilised around the world. The age at which juveniles become legally responsible for their actions, for example, varies greatly among nations and has recently been subject to change in western nations such as Australia and the United Kingdom. In Australia, the minimum age of legal responsibility has, in recent years, been made uniform at 10 years.

Furthermore, within Australia, each jurisdiction deals with juveniles in the criminal justice system in different ways. States and territories have their own legislation, definition of what constitutes a juvenile and measures for dealing with juvenile offenders.

Little has been documented about the numbers and characteristics of juveniles coming into contact with

the police as alleged offenders or 'persons of interest'. Little is known, for example, about the numbers and characteristics of juveniles apprehended by police and how many subsequently appear in court. This is important information, given that as the 'gatekeepers' of the criminal justice system, police are responsible for making critical decisions about whether and how juveniles enter the criminal justice system.

Addressing these questions is, however, a challenging task for a variety of reasons. As noted above, each state and territory in Australia has a discrete criminal justice system and thus a different way of policing juveniles. In effect, therefore, there are eight separate juvenile justice systems in Australia. Each of these systems is governed by different legislation and varying approaches to juvenile justice. Table 14 outlines the primary legislation governing juvenile justice in each of Australia's states and territories.

## Sources of police data on juveniles

Each state and territory jurisdiction collects and records data on individuals who come into contact with the police in a different way. A different



**Table 14** Major juvenile justice legislation in Australia

NSW	<p>Amendments to <i>Children's (Detention Centre) Regulation 2005</i></p> <p><i>Children (Criminal Proceedings) Act 1987</i></p> <p><i>Children (Community Service Orders) Act 1987</i></p> <p><i>Children (Detention Centres) Act 1987</i></p> <p><i>Children (Detention Centres) Act 1987</i></p> <p><i>Children (Interstate Transfer of Offenders) Act 1988</i></p> <p><i>Young Offenders Act 1997</i></p>
ACT	<p><i>Bail Act 1992</i></p> <p><i>Children and Young People Act 2008</i></p> <p><i>Crimes (Restorative Justice) Act 2004</i></p> <p><i>Crimes (Sentencing) Act 2005</i></p> <p><i>Rehabilitation of Offenders (Interim) Act 2001</i></p>
Vic	<p><i>Bail Act 1977</i></p> <p><i>Children and Young Persons Act 1989</i></p> <p><i>Children, Youth and Families Act 2005</i></p> <p><i>Crimes Act 1958</i></p> <p><i>Sentencing Act 1991</i></p>
Qld	<p><i>Child Protection (Offender Reporting) Act 2004</i></p> <p><i>Children's Court Act 1992</i></p> <p><i>Juvenile Justice Act 1992</i></p> <p><i>Juvenile Justice Regulations 2003</i></p> <p><i>Young Offenders (Interstate Transfer) Act 1987</i></p>
WA	<p><i>Bail Act 1982</i></p> <p><i>Children's Court of Western Australia Act 1988</i></p> <p><i>Child Welfare Act 1947</i></p> <p><i>Court Security and Custodial Services Act 1999</i></p> <p><i>Inspector of Custodial Services Act 2003</i></p> <p><i>Sentence Administration Act 2003</i></p> <p><i>Young Offenders Act 1994</i></p> <p><i>Young Offenders Amendment Act 2004</i></p> <p><i>Young Offenders Amendment Regulations 1995</i></p>
SA	<p><i>Bail Act 1985</i></p> <p><i>Criminal Law (Sentencing) Act 1988</i></p> <p><i>Family and Community Services Act 1972</i></p> <p><i>Young Offenders Act 1993</i></p> <p><i>Youth Court Act 1993</i></p>
Tas	<p><i>Youth Justice Act 1997</i></p> <p><i>Youth Justice Amendment Act 2003</i></p> <p><i>Youth Justice Regulations 1999</i></p>
NT	<p><i>Youth Justice Act 2005</i></p> <p><i>Youth Justice Regulations 2005</i></p>

Source: Adapted from AIHW 2007

computerised database system—such as South Australia's Information Management System (IMS) or Victoria's Law Enforcement Assistance Program (LEAP)—is used in each jurisdiction. Although statistical data are published regularly by each state and territory, the data contained in these reports vary considerably. Table 15 lists the sources of data on police contact with alleged offenders in each state and territory.

A further source of police data is the SCRGSP annual review of government services. As the 'proportion of juvenile diversions' is included as one indicator of governments' effective service, this annual review collects data from each state and territory on the number of juveniles diverted by police who would otherwise have been taken to court (excluding juveniles diverted via informal cautions or warnings who would otherwise have been sent to court) (SCRGSP 2008: 6.55).

**Table 15** Sources of police data in each jurisdiction

NSW	New South Wales Police <i>Annual report</i>
ACT	Australian Federal Police <i>ACT policing annual report</i> ACT Department of Justice and Community Safety <i>ACT criminal justice statistical profile</i>
Vic	Victoria Police <i>Annual report</i> Victoria Police <i>Annual crime statistics</i>
Qld	Queensland Police Service <i>Annual report</i> Queensland Police Service <i>Annual statistical review</i>
WA	Western Australia Police <i>Annual report</i> Western Australia Police <i>Crime statistics</i> Crime Research Centre <i>Crime and justice statistics for Western Australia</i>
SA	South Australia Police <i>Annual report</i> Office of Crime Statistics and Research <i>Crime and justice in South Australia</i>
Tas	Tasmania Department of Police and Emergency Management <i>Annual report</i>
NT	Northern Territory Police, Fire and Emergency Services <i>Annual report</i> Northern Territory Department of Justice <i>Quarterly crime and justice statistics</i>

This section outlines the data on juveniles collected, recorded and reported by each state and territory's police service.

## New South Wales

There is a paucity of published data on juveniles' contact with police in New South Wales. NSW police force's (2007) *Annual report* details only the total number of juveniles processed by police by way of warnings, diversionary options and infringement notices and the total number referred to the children's court.

The NSW Department of Juvenile Justice's (2007) *Annual report* contains information on the total number of referrals for Youth Justice Conferences that police made to the Department, as well as the number of referrals processed and the number of juveniles who participated in Youth Justice Conferences. Detailed data on juveniles' contact with the police in New South Wales, outlined in this report, were requested from the NSW BOCSAR.

## Australian Capital Territory

Information on juveniles' contact with police is similarly sparse in the Australian Capital Territory. Although the ACT Department of Justice and Community Safety publishes quarterly data covering offences committed within the Australian Capital Territory, these data do not indicate the age of offenders (see ACT Department of Justice and Community Safety 2008a).

The Australian Federal Police's (AFP's; 2007) *ACT policing annual report* reveals only the total number of juveniles taken into police custody or referred to diversionary programs by police, but not the total number of juveniles apprehended by police.

## Victoria

Victoria Police's (2008a) *Crime statistics* publication contains data on both *alleged offenders* and *distinct alleged offenders*. Alleged offender statistics cover persons counted on each occasion they are processed and for each offence they have allegedly committed. Data on distinct alleged offenders covers only the first offence for which an alleged offender is processed during the counting period. Both of these categories include alleged offenders who were apprehended but not charged (Victoria Police 2008a).

Victoria Police report data on *alleged offenders'* age, sex, offence category, country of birth, racial appearance and the method via which they were processed by police. Victoria Police report data on *distinct alleged offenders'* age, sex, occupation, racial appearance, country of birth and marital status.

Victoria Police's (2008b) *Annual report* contains no further statistical data on juveniles' contact with the criminal justice system.

## Queensland

Queensland Police Service's (2007a) *Annual statistical review* provides comprehensive data on offences committed by juveniles. Although in Queensland juveniles are defined as 10 to 16 years old inclusive (in contrast with all other states and territories in which juveniles are categorised as 10–17 years old inclusive), Queensland police statistics include some data on 17 years olds, allowing some comparison with other jurisdictions. Throughout this report, the term 'juveniles' in relation to Queensland juveniles refers to 10 to 16 year olds. Where data exist on 10 to 17 year olds, the term '10 to 17 year olds' is used.

Data on age, sex, offence type and method of processing are reported by Queensland Police. These data relate to *offences* rather than *offenders* cleared. An offender charged with multiple offences would therefore appear multiple times in cleared offence data.

Queensland Police Service's (2007b) *Annual report* details the total number of offences recorded by police by offence category, but does not disaggregate for offenders' ages. As such, this source of data cannot add to an overall picture of juvenile offenders in Queensland.

## Western Australia

Although Western Australia Police's *Annual report* and *Crime statistics* publications include no data on the age of offenders (see Western Australia Police 2007; 2008), comprehensive data on juveniles' contact with the criminal justice system is provided by the University of Western Australia's Crime Research Centre (see Loh et al 2007). The analysis

Loh et al (2007) undertook of juveniles' contact with the criminal justice system includes both the total number of juvenile arrests and the total number of distinct juveniles arrested, as well as the total number of police referrals to juvenile justice teams and a breakdown of police cautions issued to juveniles. Data are presented on arrests by age, sex, Indigenous status, method of processing and offence type. Data on distinct persons arrested and juvenile cautions are also presented by sex, Indigenous status and offence type.

## South Australia

There are two sources of data on juveniles' contact with police in South Australia which combine to give a comprehensive overview. South Australia police's (2007) *Annual report* details apprehended juveniles by age, gender and offence category, as well as actions taken by police in relation to apprehended juveniles.

The Office of Crime Statistics and Research's (OCSAR 2006a) report on juvenile justice is another detailed source of data on juveniles' contact with the police in South Australia. This publication includes data on the total number of police apprehensions of juveniles, the method of apprehension and method of processing of all apprehended juveniles, as well as the outcomes of all juvenile offender processing. OCSAR (2006a) also provides information on the age, racial appearance and offence category of apprehended juveniles. Importantly, this report provides data on both *offences* and *offenders*.

## Tasmania

There are few helpful sources of information on juveniles' contact with the police in Tasmania. Although the Tasmania Department of Police and Emergency Management (2007) publishes some police statistics in its *Annual report*, these statistics do not give any indication as to the age of offenders. As noted earlier in this report, Tasmania police were unable to provide data on juveniles' contact with the police for this report. These data may, however, be able to be provided in future.

## Northern Territory

Northern Territory Police, Fire and Emergency Services' (2007) *Annual report* details only the

number of juvenile offenders proceeded against by court action. Figures therefore exclude all non-court actions, such as cautions, infringement notices and juvenile diversionary programs. Data on juveniles' contact with the court are outlined in the following section of this report.

The Northern Territory's Department of Justice publishes comprehensive crime statistics each quarter (see Northern Territory Department of Justice 2008a). Unfortunately, however, these statistics do not indicate the age of offenders.

Data on juveniles' contact with the police in the Northern Territory, outlined in this report, have been provided by Northern Territory Police. Additionally, there are some publicly available data on the Northern Territory's Pre-court Diversion Scheme. This scheme, which commenced operation in 2000, allows police to divert juveniles via a verbal or written warning, or a referral to a restorative justice conference.

The following section provides an overview of data on juveniles' contact with the police as alleged offenders in Australia. As noted above, these data are not currently available for Tasmania.

## Interpreting police data on alleged juvenile offenders

Police data need to be interpreted with a great deal of caution for a number of reasons:

- Police record information relating only to those offences that are reported by a victim or witness, or for which a person is apprehended. As many offenders are not reported or apprehended, police data can only provide a partial account of the extent of crime in the community.
- Data from various jurisdictions are rarely directly comparable. While some state and territory police departments count the number of *arrests* or *arrest events* (a person being arrested or summonsed in relation to one of more criminal charges), others count the number of *offences*, and others still, the number of *offenders*. A number of offenders committing multiple offences that result in an arrest could therefore be recorded in several different ways depending on jurisdictional counting methods.

- Police also typically record only the most serious offence (MSO) committed by an offender. This is the case in most, but not all, jurisdictions. As maximum statutory penalties vary among states and territories, this method of recording data may obscure differences among jurisdictions.
- States and territories also utilise varying definitions of ‘offences cleared’; that is, police departments adopt varying guidelines as to whether particular offences/offenders are recorded in the first instance. Moreover, while some jurisdictions clearly articulate the guidelines they utilise in making these decisions (see Queensland Police Service 2007a: 141), others do not make these guidelines transparent.

The limitations of police data are widely understood and accepted among researchers in the criminal justice sphere. There are, however, a number of additional limitations in relation to police data on juveniles specifically that should be considered. These are outlined below.

### *Exclusion of infringement notices and/or traffic offences*

Police services in some Australian jurisdictions are not responsible for recording infringement notices (such as public transport fines) or minor traffic offences (such as speeding). In some jurisdictions, this is the responsibility of other agencies, such as a state debt recovery office (SCRGSP 2008). As these offences are among those commonly committed by juveniles, their omission from police records potentially results in a significant proportion of juveniles being excluded from official police data. Moreover, jurisdictions’ varied approaches to recording this data results in a lack of comparability among the jurisdictions (ABS 2008b).

### *Juveniles often commit offences in groups*

Juveniles tend to commit offences in groups more so than adult offenders (Cunneen & White 2007: 56). This is related to the spontaneous and gregarious nature of most juvenile offending (Cunneen & White 2007: 56). Whether police record numbers of *arrests*, *offences* or *offenders* is therefore likely to

be of greater significance where juveniles rather than adults are concerned. If police record arrest events rather than numbers of offenders, for example, the true number of juveniles involved is likely to be obscured.

### *Informal police contact with juveniles*

Police engage with juveniles via a variety of informal measures in Australia’s states and territories. In addition to warnings and informal cautions (discussed later in this report), police may have the powers to break up or move on groups of juveniles (Farrell 2009) and/or return juveniles to their parents’/caregivers’ homes. Police may therefore engage in a great deal of contact with juveniles and alleged juvenile offenders that is not necessarily or consistently recorded. The often minor nature of juveniles’ offending may further facilitate this.

### *Police warnings and informal cautions*

Each state and territory in Australia also has a system of police warnings and/or cautions for juveniles. While formal cautions are usually recorded by police, warnings and informal cautions are often not recorded. Procedures governing the recording of warnings and informal cautions vary among jurisdictions, however. Additionally, such guidelines may not be strictly adhered to by police. South Australia’s OCSAR (OCSAR 2006a: 161), for example, admits that although legislation dictates that no records of informal cautions be kept, police do make reports of informal cautions for intelligence gathering purposes. The reverse scenario—police not recording warnings or informal cautions that they are supposed to—is also likely to occur.

### *Legislation relating to juveniles is subject to change*

Changes to legislation, policy and/or offence categories can all impact police data on the extent of crime. This may be particularly the case in relation to juvenile crime, which, as it is a popular topic in the media (White & Wyn 2008: 164) and has considerable political currency, is especially susceptible to change. Changes to legislation

and policy can affect the comparability of data among jurisdictions and within jurisdictions over time. New offence categories relating to public order, such as those introduced in Victoria in 1997 (Victoria Police 2008a: 10), are particularly likely to affect police data on juveniles, given that public order offences are among the most common crimes committed by juveniles (White & Wyn 2008: 164).

### *Juveniles are more likely than adults to come to police attention*

Although many of the factors discussed above suggest that, for a variety of reasons, juveniles are less likely to be captured in police data, it is widely accepted that in contrast, juveniles are more likely to come to police attention than adults. In addition to committing public and attention-seeking crimes and acting in groups, juveniles tend to be inexperienced and unplanned, commit offences close to their homes and offend in visible areas, such as shopping centres (Cunneen & White 2007: 56; White & Wyn 2008: 161).

The opportunistic and impulsive nature of juvenile offending may be compounded by mental health problems and substance misuse among juveniles (Audit Office of New South Wales 2007). Some offences committed disproportionately by juveniles, such as motor vehicle theft, have high reporting rates due to insurance requirements (Cunneen & White 2007: 56). Additionally, some behaviours (such as drinking alcohol) are illegal precisely because of the age of juveniles.

It is also important to note that broad legislative or policy changes can disproportionately impact upon juveniles. Farrell's (2009) analysis of police 'move on' powers clearly demonstrates, for example, that the introduction of these powers has disproportionately affected particular groups of citizens, including juveniles.

### *Other factors*

A number of other factors must be considered when interpreting police data on juvenile crime, including the following:

- The age at which a person is considered an adult varies among state and territory jurisdictions.

Additionally, some police departments record an alleged offender's age at the *time of the offence*, while others record an alleged offender's age at the time an *offence is reported*, or the date an *action is commenced* against an alleged offender. Police data from South Australia show that juveniles in that jurisdiction were slightly more likely to be reported (54%) than arrested (46%) during 2005 (OCSAR 2006a: 64). Although a substantial proportion of juveniles are likely to be apprehended during the commission of an offence, therefore, this difference may impact the comparability of police data across jurisdictions.

- State and territory jurisdictions also adopt varied counting periods for published police data. While most jurisdictions' data is reported for each financial year, others' is reported monthly, quarterly or for each calendar year. This again may affect the comparability of police data in Australian states and territories.
- Finally, some jurisdictions do not report any data that indicates the age of alleged offenders captured in police records. That is, juveniles and adults are not separately reported. As a result, there is comprehensive data available on juvenile offenders in some states and territories and very little or none in others. Furthermore, of the jurisdictions that publish police data on juveniles, some provide a detailed description of data collection methods, while others do not.

Table 16 outlines some of the differences among jurisdictions within Australia in relation to police data on alleged juvenile offenders. Most jurisdictions use *offenders* as their primary counting unit. That is, their data reflect the number of offenders that come into contact with police. If two offenders commit three offences each, therefore, these jurisdictions would record the two offenders. For other jurisdictions, *offences* is the primary counting unit. Police in these jurisdictions record the number of offences they apprehend individuals in relation to. In the above example—of two offenders each committing three offences—these jurisdictions would record six offences. Arrests can refer to either the number of *offences* that arrests are made in relation to, the number of alleged *offenders* arrested, or the number of arrest *events*. These differences are important to note and are noted where relevant throughout this report.

**Table 16** Differences in police data on juveniles among jurisdictions

	Definition of juvenile (by years of age, inclusive)	Counting unit used by police
NSW	10–17	Offenders
ACT	10–17	Offenders taken into police custody or referred to diversionary programs
Vic	10–17	Offenders
Qld	10–16	Offences
WA	10–17	Arrests and offenders
SA	10–17	Offences and offenders
Tas	10–17	n/a
NT	10–17	Offenders

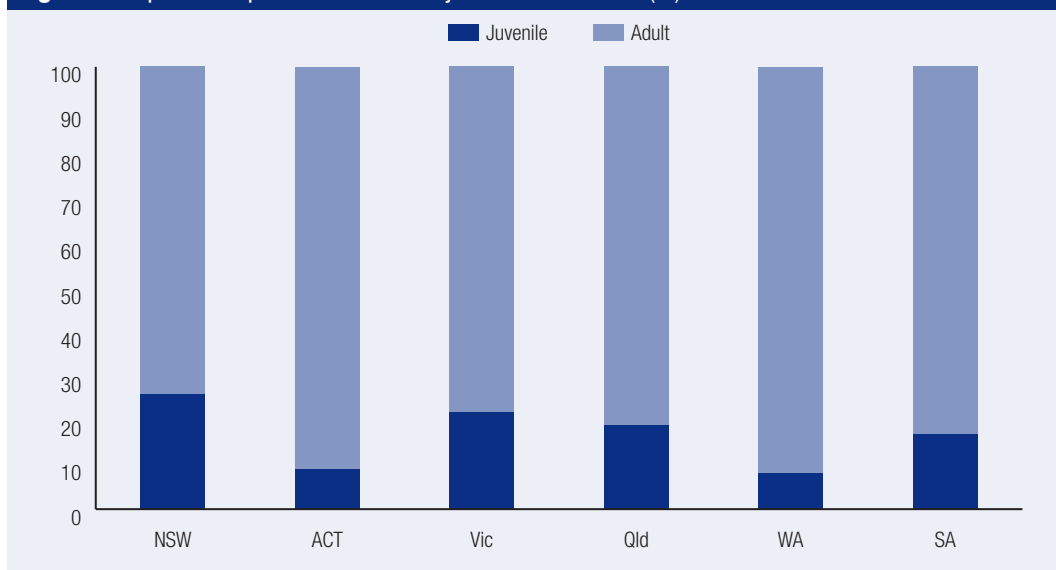
### Proportion of crime for which juveniles are apprehended

Police data provide an insight into the proportion of crime for which juveniles are the alleged offenders. In New South Wales, juveniles comprised 26 percent of all persons of interest proceeded against by police in the 2006–07 financial year. In the Australian Capital Territory, juveniles comprised nine percent of all persons taken into police custody during the same period (AFP 2007: 50). Juveniles comprised 22 percent of all offenders processed by Victoria Police during the 2007–08 financial year (Victoria Police 2008a: 16). Queensland police apprehended juveniles (10 to 17 year olds) in relation to 19 percent of all offences during the 2006–07 financial year (Queensland Police 2007a: 74–75). In South Australia, police data for this period indicate that juveniles comprised 17 percent of all accused persons (South Australia Police 2007: 204). In 2005, juveniles comprised 11 percent of all discrete individuals apprehended by South Australia police and were the subjects of 12 percent of all charges laid (OCSAR 2006b: 48, 56). Juveniles in Western Australia comprised eight percent of distinct persons arrested during 2005 (Loh et al 2007: 42; see Figure 2).

## What do we know about alleged juvenile offenders' contact with police in Australia?

This section outlines the currently available data on juveniles' contact with the police as alleged offenders.

**Figure 2** Proportion of police contact<sup>a</sup> with juveniles and adults (%)



a: These data relate variously to arrests, distinct persons arrested, offenders and offences. As the counting unit used for these calculations vary, these figures must be interpreted with a high degree of caution

Source: Adapted from AFP 2007; BOCSAR data file 2008; Loh et al 2007; Queensland Police Service 2007a; South Australia Police 2007; Victoria Police 2008a

Although legislation, police practice and data collection methods among the states and territories vary considerably, a number of observations can be made about juveniles' contact with the police in Australia. Recorded offending by juveniles has been declining steadily in recent years. Rates of offending by 10 to 14 year olds has been declining since 1995–96 and rates of offending by 15 to 19 year olds has been declining since approximately 1999–2000 (AIC 2008). Offending rates have been consistently highest among 15 to 19 year olds, followed by 20 to 24 year olds and 10 to 14 year olds (AIC 2008).

Additionally, police data indicate that, in general:

- more juvenile males than juvenile females come into contact with the police
- a disproportionately high number of Indigenous juveniles come into contact with the police
- more older juveniles (15 to 17 year olds) than younger juveniles (10 to 14 year olds) come into contact with the police
- juveniles typically come into contact with the police in relation to property crimes rather than crimes against the person
- police deal with most juveniles via diversionary measures (such as warnings, cautions and conferences) rather than traditional legal measures (proceeding to court).

The following sections explore each of these observations and the police data that support them in detail.

## Police contact with alleged juvenile offenders, by gender

In jurisdictions where data on the gender of juveniles coming into contact with the police are collected, they indicate that police deal with a far higher number of juvenile males than juvenile females.

### *New South Wales*

In New South Wales, police dealt with 66,366 persons of interest aged 10 to 17 years during the

2007–08 financial year. Of these, 51,197 (81%) were juvenile males and 15,161 (19%) were juvenile females.

### *Australian Capital Territory*

In the Australian Capital Territory, police dealt with 396 male juveniles by way of arrest in 2006–07, compared with 140 female juveniles. Sixty-two male juveniles were held in custody for intoxication during this period, compared with 14 female juveniles (AFP 2007: 50).

### *Victoria*

Victoria Police dealt with 13,203 distinct alleged juvenile offenders during the 2006–07 financial year. Of these, 9,568 (72%) were male and 3,617 (27%) were female. The sex of the remainder of alleged juvenile offenders was not recorded (Victoria Police 2008a: 67).

### *Queensland*

In Queensland during this period, police recorded dealing with male 10 to 17 year olds in relation to 38,282 offences (77%) and 10 to 17 year old females in relation to 11,400 offences (23%; Queensland Police 2007a: 74).

### *Western Australia*

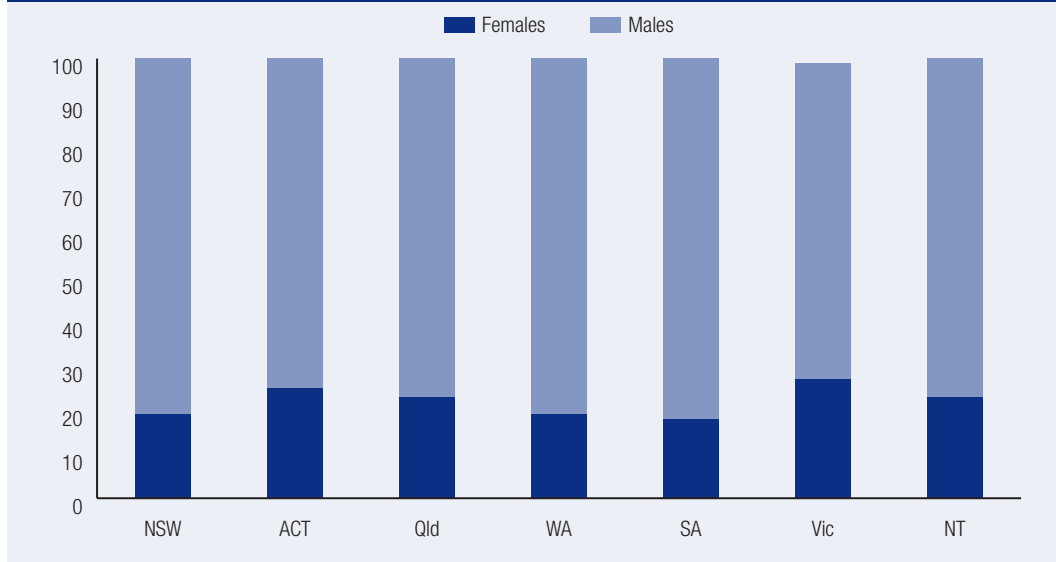
Western Australia Police arrested 2,432 male juveniles (80%), compared with 569 female juveniles (19%) in 2005 (Loh et al 2007: 45).

### *South Australia*

In 2006–07, South Australia Police apprehended 9,906 male juveniles (82%) compared with 2,193 female juveniles (18%; South Australia Police 2007: 205).

Although these data refer to varied time periods and counting units—arrests, apprehensions, persons of interest and/or distinct offenders—and must be interpreted with caution, they indicate that in general, police deal with more male than female juveniles. As Figure 3 shows, approximately one-fifth of offenders that came into contact with police were female.

**Figure 3** Proportion of police contact<sup>a</sup> with male and female juveniles<sup>b</sup> (%)



a: As the counting unit used for these calculations vary, these figures must be interpreted with caution

b: As the counting unit used for these calculations also vary, these figures must be interpreted with caution

Source: Adapted from AFP 2007; BOCSAR data file 2008; Loh et al 2007; Northern Territory Police data file 2009; Queensland Police Service 2007a; South Australia Police 2007; Victoria Police 2008a

## Gender and offence type

The proportion of male and female juveniles who come into contact with the police varies, however, by the type of offence allegedly committed. The following section provides an overview of the gender of alleged juvenile offenders by offence type in each jurisdiction for which these data are available.

### *New South Wales*

Data for New South Wales show that juvenile males comprised a majority of persons of interest for most offence types for the 2007–08 financial year. There were only five exceptions to this rule. Juvenile females comprised 100 percent of persons of interest recorded by police in relation to dealing or trafficking in ‘other’ drugs offences, 60 percent in relation to possession and/or use of narcotics offences and 50 percent in relation to possession and/or use of cocaine and manufacture drug offences. As very small numbers of juveniles were recorded as persons of interest for these offences, however, these figures must be cautiously interpreted. The final exception is for ‘steal from retail store’ offences, in relation to which females

comprised 52 percent of the 4,395 juvenile persons of interest recorded by police.

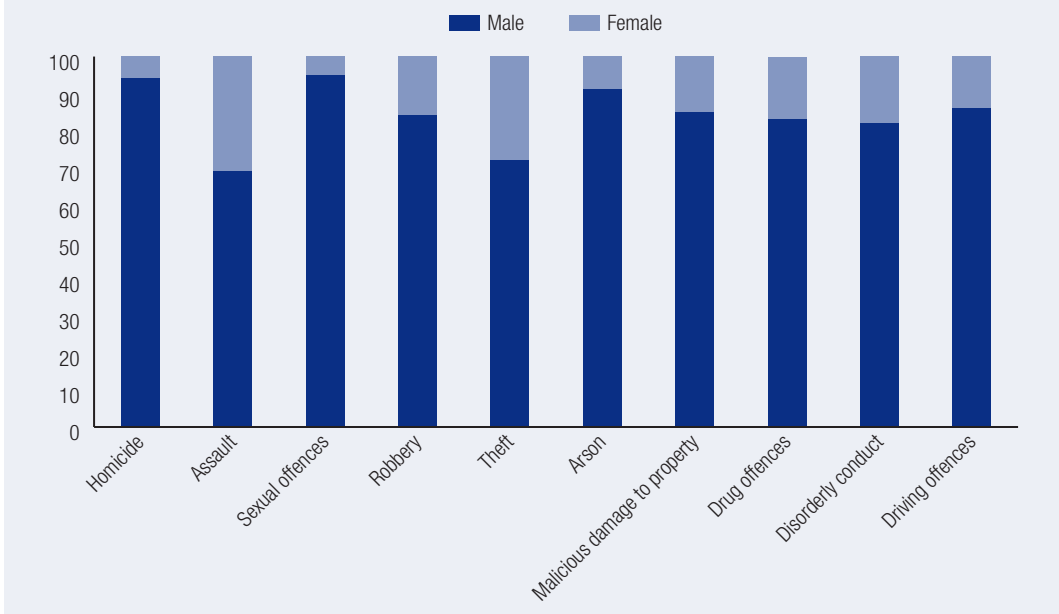
Figure 4 shows the proportions of male and female juveniles recorded as persons of interest by NSW police for selected offences for the 2007–08 financial period.

Females comprised approximately one-third of juvenile persons of interest recorded in relation to assault (both domestic violence related and non-domestic violence related), harassment, threatening behaviour and private nuisance, fraud, possession and/or use of amphetamines, offensive language and breach of domestic violence order offences. Females also comprised approximately one-third of juvenile persons of interest recorded in relation to betting and gaming offences, prostitution offences and parking offences and 41 percent of deal or traffick amphetamines offences, although the very small numbers recorded by police in relation to these offences mean that these figures must be interpreted with caution.

As Figure 5 shows, females comprised 27 percent of all juvenile persons of interest recorded by NSW police in relation to offences against the person,

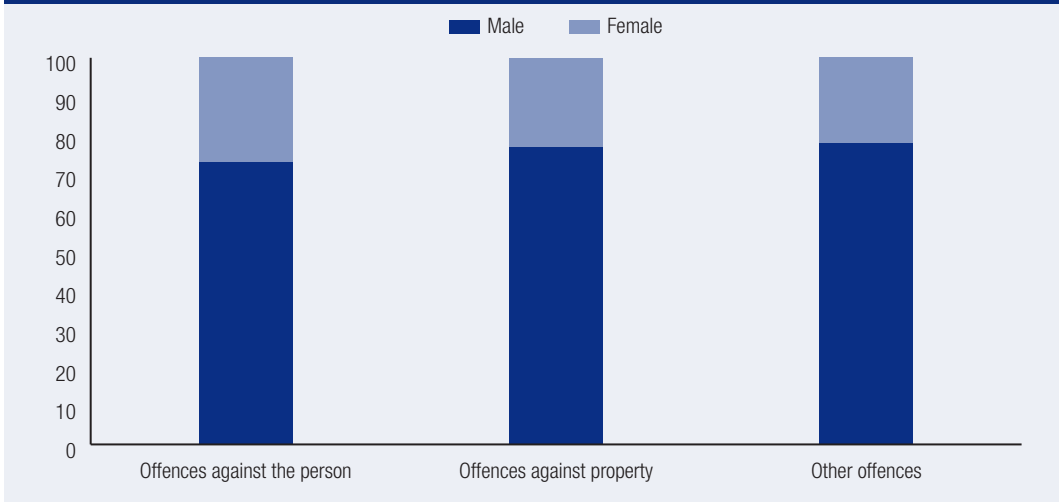


**Figure 4** Juvenile persons of interest recorded by NSW police, 2007–08, by offence type and sex (%)



Source: Adapted from BOCSAR data file 2008

**Figure 5** Juvenile persons of interest recorded by NSW police, 2007–08, by offence category and sex (%)



Source: Adapted from BOCSAR data file 2008

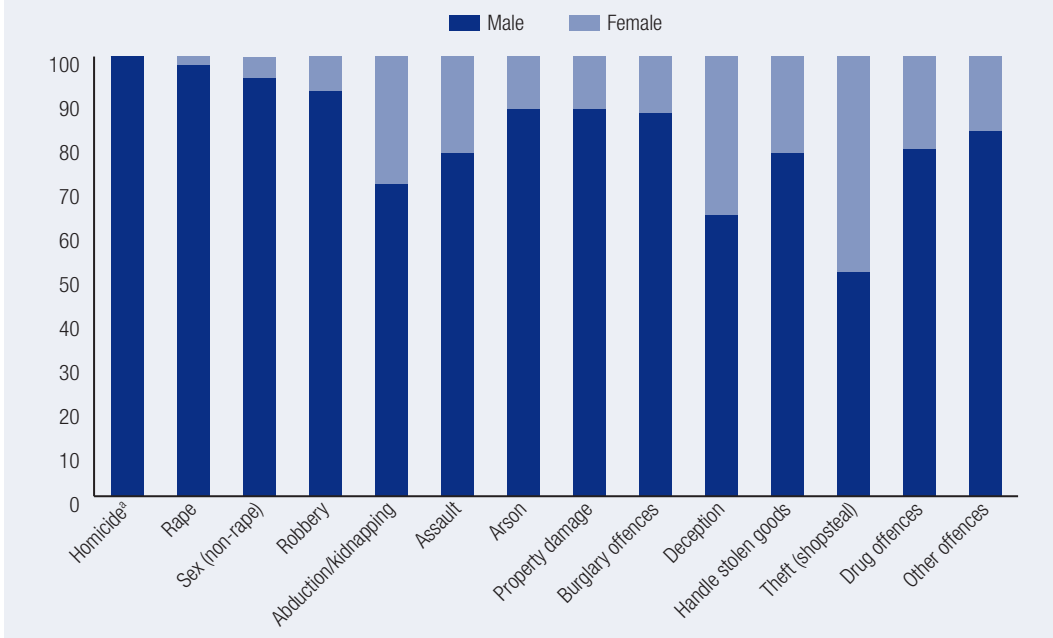
23 percent in relation to offences against property and 22 percent in relation to ‘other’ offences.

## Victoria

Police data for Victoria show that males comprised a majority of alleged juvenile offenders for all offence

types for the 2006–07 financial year. The proportion of alleged juvenile offenders comprised by females ranged from zero percent in relation to homicide offences to 49 percent for theft (shopsteal) offences. Figure 6 shows alleged juvenile offenders that came into contact with Victoria Police during the 12 month period, by sex and offence type.

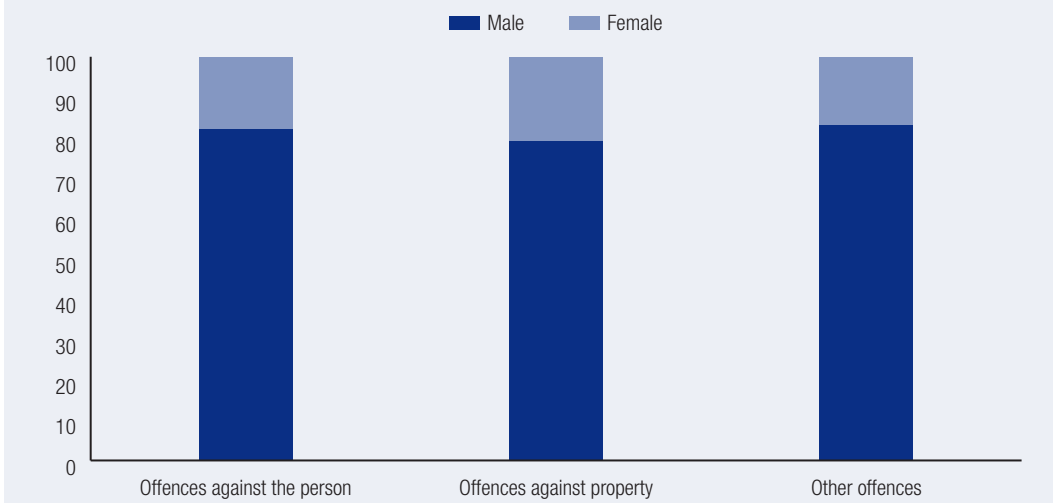
**Figure 6** Alleged juvenile offenders recorded by Victoria Police, 2006–07, by offence type and sex (%)



a: Due to the very small number of juveniles apprehended for homicide offences, this figure must be interpreted with caution

Source: Adapted from Victoria Police 2008a: 36

**Figure 7** Alleged juvenile offenders recorded by Victoria Police, 2006–07, by offence category and sex (%)



Source: Adapted from Victoria Police 2008a: 36

As Figure 7 shows, females comprised 23 percent of alleged juvenile offenders apprehended by Victoria Police during the 2006–07 financial year in relation to offences against property. During this time, females also comprised 18 percent of juveniles apprehended in relation to offences against the person and

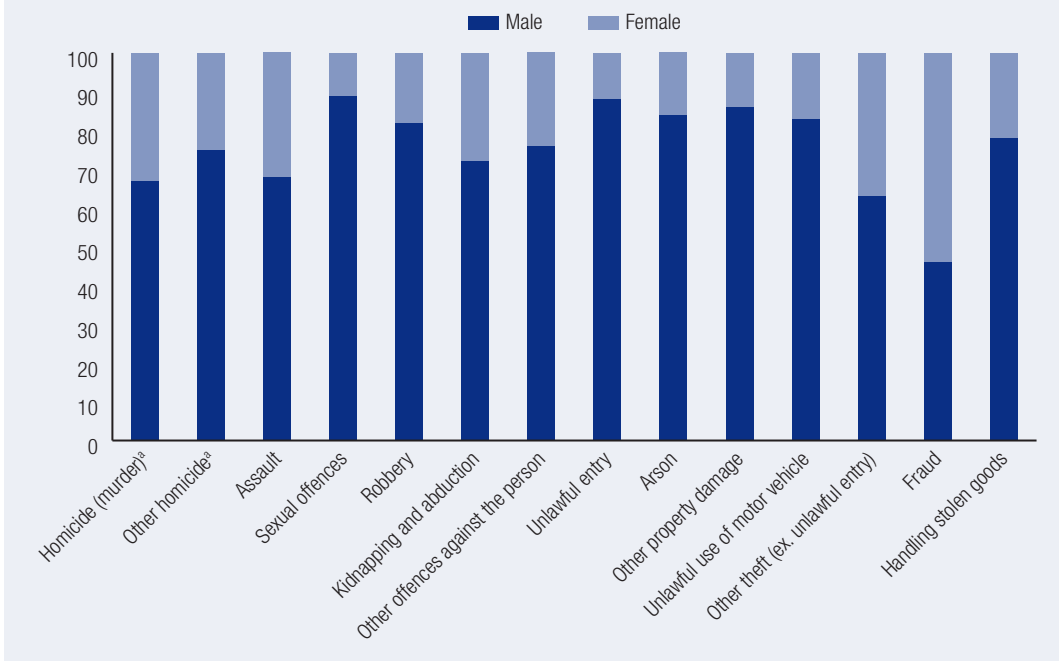
17 percent in relation to ‘other’ offences. In contrast to the other jurisdictions for which these data are available, females in Victoria comprised a higher proportion of juveniles apprehended in relation to offences against property than offences against the person during the 2006–07 financial year.

## Queensland

In Queensland, police data show that more male 10 to 17 year olds were apprehended than female 10 to 17 year olds for almost all offences

(Queensland Police Service 2007a: 74). There were six exceptions to this rule. Female 10 to 17 year olds were apprehended by police in relation to 58 percent of shop stealing offences compared with 42 percent for male 10 to 17 year olds. Queensland police also

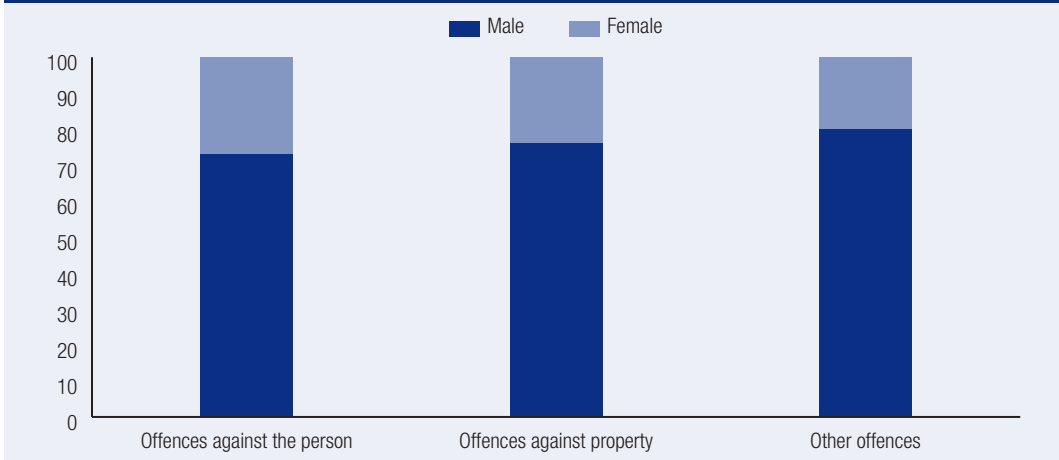
**Figure 8** Offences for which 10 to 17 year olds were apprehended by Queensland police, 2006–07, by sex (%)



a: Due to the very small number of juveniles apprehended by police in relation to homicides, these percentages must be interpreted with caution

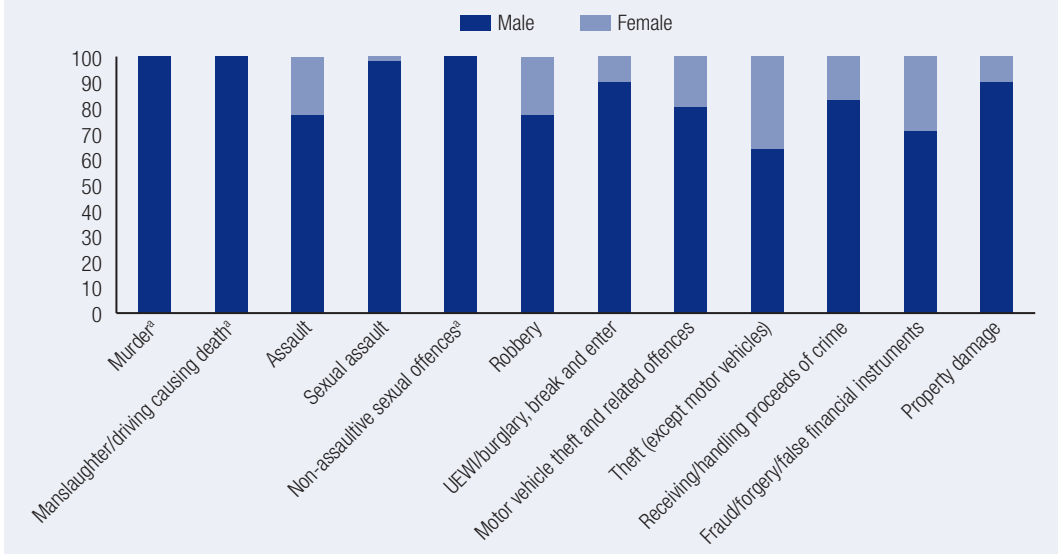
Source: Adapted from Queensland Police Service 2007a

**Figure 9** Offence categories for which 10 to 17 year olds were apprehended by Queensland police, 2006–07, by sex (%)



Source: Adapted from Queensland Police Service 2007a

**Figure 10** Distinct juveniles arrested by Western Australia Police in 2005, by offence type and sex (%)



a: Due to the very small number of juveniles arrested by police in relation to these offences, percentages must be interpreted with caution

Source: Adapted from Loh et al 2007

apprehended females 10 to 17 year olds in relation to 69 percent of frauds by credit card and 62 percent of frauds by cheque, compared with 31 percent and 38 percent respectively for male 10 to 17 year olds. Queensland police also apprehended female 10 to 17 year olds in relation to more 'other handling stolen goods' offences (3 for females compared with 2 for males) and prostitution offences (1 for females compared with 0 for males). It is important to note the very small numbers in the latter two offence categories and exercise caution in interpreting these data. Figure 8 shows the proportions of male and female 10 to 17 year olds apprehended by Queensland police for selected offences during the 2006–07 financial year.

Twenty-seven percent of apprehensions for offences against the person were made against female 10 to 17 year olds, compared with 24 percent of apprehensions for offences against property and 20 percent for other offences (see Figure 9). This finding may challenge the widely-held view that females are likely to comprise a greater proportion of those arrested for property crimes.

### Western Australia

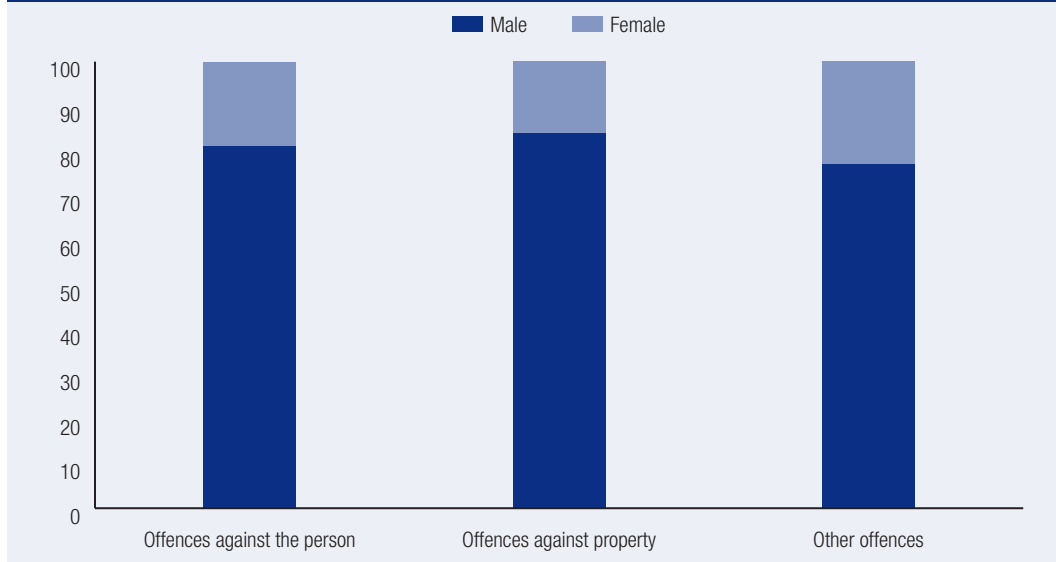
Western Australia police arrested more distinct male juveniles than distinct female juveniles for almost all

offence categories in 2005 (Loh et al 2007: 55). The only exceptions were 'other' offences against justice procedures (36 females compared with 33 males), dishonest conversion (5 females, compared with 4 males) and 'other' miscellaneous offences (1 female compared with 0 males). Due to the small numbers of juveniles arrested in relation to the latter two offences, however, meaningful conclusions cannot be drawn about the gender breakdown of alleged perpetrators.

When considering all *juvenile arrests*, rather than distinct *juveniles arrested*, the only offences for which Western Australia Police arrested more female than male juveniles were dishonest conversion (5 female arrests compared with 4 male arrests) and 'other' miscellaneous offences (1 female arrest compared with 0 male arrests). These numbers are again very small and must be interpreted with a high degree of caution. Figure 10 shows the proportions of distinct male and female juveniles arrested by Western Australia Police for selected offences.

Females comprised a slightly higher proportion of all distinct juveniles arrested for 'other offences' (23%) than offences against the person (19%) and offences against property (16%)(see Figure 11). These findings may again challenge the view that females

**Figure 11** Distinct juveniles arrested by Western Australia Police in 2005, by offence category and sex (%)



Source: Adapted from Loh et al 2007

are likely to comprise a greater proportion of those arrested for property crimes rather than violent crimes.

When considering juvenile arrests made by Western Australia Police (rather than distinct juveniles arrested), females comprised 21 percent of arrests for 'other' offences, 19 percent of arrests for offences against the person and 13 percent of arrests for offences against property (not shown in a Figure). This further challenges the view that females are likely to comprise a higher proportion of arrests for property crime than violent crimes. It suggests, in addition, that in some instances at least, Western Australia Police may have repeatedly arrested the same young women during 2005. As the proportion of juvenile *females arrested* for offences against property, for example, is greater than the proportion of *arrests of female juveniles* for offences against property, it appears that a small number of juvenile females may have been arrested multiple times each.

### South Australia

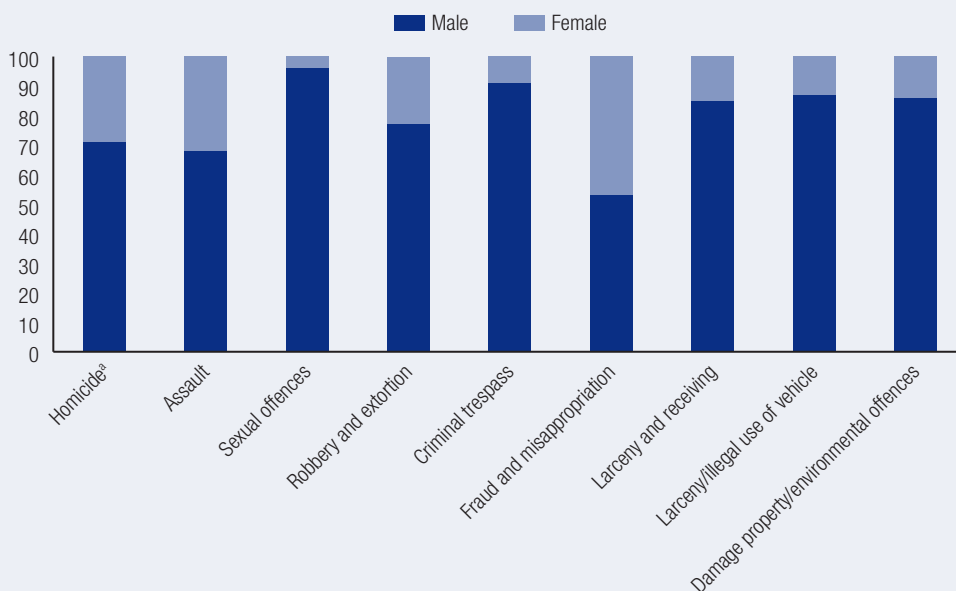
South Australia Police apprehended more male juveniles than female juveniles for every offence category in 2005 (OCSAR 2006a: 56–57). During the 2006–07 financial year, South Australia Police

(2007: 198–204) apprehended more juvenile males than females for all offences except manslaughter (1 female and no males), 'cards' offences (58 females compared with 19 males), soliciting (3 females compared with 0 males), refuse alcotest/BA (5 females and 5 males) and sell/trade amphetamine (3 females and 3 males). These very small numbers of juveniles mean that these figures must be interpreted with caution.

Figure 12 shows the proportions of male and female juveniles apprehended by South Australia Police in 2005 for selected offence types. Males comprised a majority of juveniles arrested for all offence categories, including good order offences, drug offences and driving offences (not represented in Figure 12). Females comprised a very small proportion of juveniles apprehended for sexual offences (4%), as might be expected. Although females comprised a large proportion of juveniles apprehended for fraud and misappropriation offences (47%), male juveniles still comprised a majority.

As Figure 13 shows, females comprised 28 percent of all juveniles apprehended by South Australia Police for offences against the person, 19 percent of juveniles apprehended for offences against property and 17 percent of juveniles apprehended for other offences.

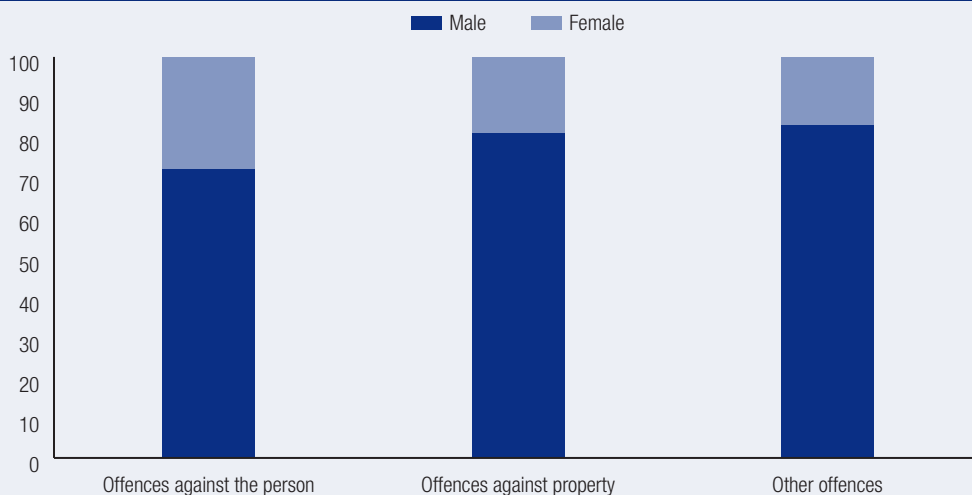
**Figure 12** Juveniles apprehended by South Australia Police in 2005, by offence type and sex (%)



a: Due to the very small number of juveniles apprehended by police in relation to homicides, percentages must be interpreted with caution

Source: Adapted from OCSAR 2006a: 56–57

**Figure 13** Juveniles apprehended by South Australia Police, by offence category and sex (%)



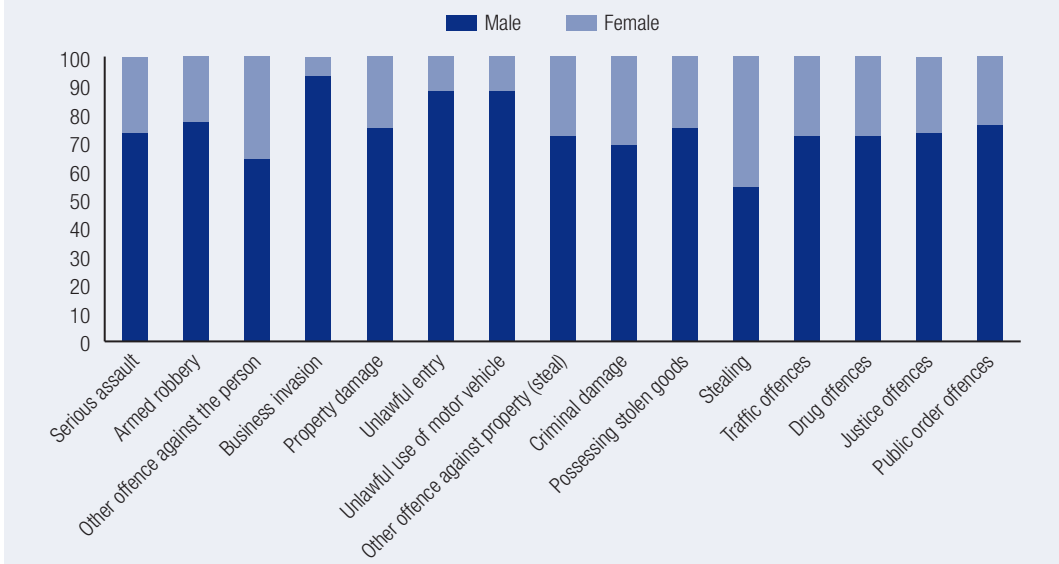
Source: Adapted from OCSAR 2006a: 55–57

## Northern Territory

During 2008, male juveniles were overrepresented in the Northern Territory for every offence type for which meaningful data exist. Although females comprised a majority (71%) of juveniles apprehended for assault with intent to steal, and 50 percent of

those apprehended in relation to home invasion offences, too few juveniles were apprehended for these offences to draw meaningful conclusions about the gender breakdown of alleged juvenile perpetrators. Males comprised over three-quarters of juveniles apprehended in relation to non-

**Figure 14** Juveniles apprehended by Northern Territory Police for selected offences, 2008, by sex (%)



Source: Adapted from Northern Territory Police data file 2009

consensual sex, armed robbery, business invasion, property damage, unlawful entry, unlawful use of motor vehicle, possessing stolen goods and public order offences, and over two-thirds of juveniles apprehended in relation to serious assaults, criminal damage, traffic offences, drugs offences, justice offences and 'other' offences against property (steal). The offences for which females comprised the highest proportions of apprehended juveniles (and for which meaningful data exist) were stealing (46%) and 'other' offences against the person (36%).

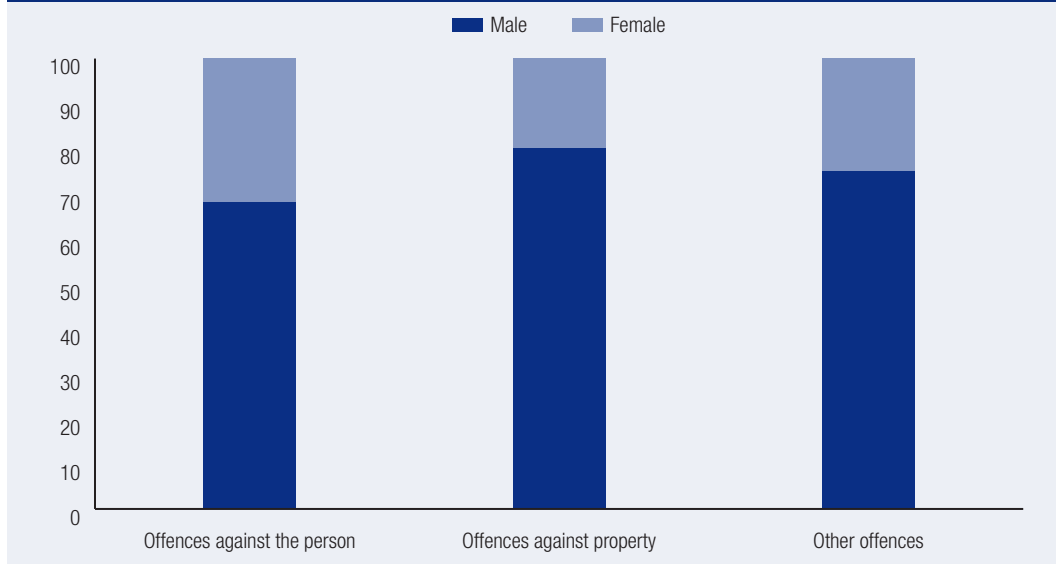
As Figure 15 shows, females comprised 32 percent of juveniles apprehended in relation to offences against the person, 25 percent of those apprehended in relation to 'other' offences and 20 percent in relation to offences against property.

Police data from New South Wales, Queensland, Western Australia, South Australia and the Northern Territory indicate that females comprised a greater proportion of juveniles that came into contact with the police for offences against the *person* than offences against *property*. This is a somewhat unexpected finding, given that females are generally considered to commit less serious crimes than their male counterparts. Data on alleged juvenile offenders and offence types are not publicly available from the Australian Capital Territory.

It is important to highlight, however, that although a greater proportion of female juveniles came into contact with police in relation to offences against the person, males still comprised the majority of all juveniles apprehended for offences against the person, offences against property and other offences. Additionally, offences against property usually comprised a considerably higher proportion of offences for which female juveniles were apprehended than offences against the person. In Queensland, for example, female juveniles were apprehended by police in relation to 7,025 offences against property, in comparison with 3,172 other offences and 1,203 offences against the person. In South Australia, 538 female juveniles were apprehended by police for crimes against property, in comparison with 366 for other offences and 245 for crimes against the person. It is therefore only as a *proportion of all juveniles* that females comprised a greater proportion of juveniles apprehended for crimes against the person than crimes against property.

In Western Australia, however, this pattern was far less pronounced. One hundred and ninety-five juvenile females were arrested for offences against property, 193 for crimes against the person and 181 for other offences. When considering the number of *juvenile arrests* made by police in Western Australia

**Figure 15** Juveniles apprehended by Northern Territory Police, 2008, by offence category and sex (%)



Source: Adapted from Northern Territory Police data file 2009

(in contrast with *distinct juveniles arrested*), however, there is greater variation. Police made 472 arrests of juvenile females in relation to ‘other offences’, 408 in relation to crimes against property and 240 in relation to crimes against the person in 2005 (Loh et al 2007). That a far more pronounced variation is present in the number of *juvenile arrests* than *juveniles arrested* may suggest that Western Australia Police arrest a small number of juvenile females multiple times each. It might also suggest that while many more female juveniles are *apprehended* by police for offences against property than offences against the person (as evidenced by the Queensland and South Australia Police data), the numbers of female juveniles *arrested* by police for these two categories of offence may not vary so noticeably.

## Police contact with alleged juvenile offenders, by Indigenous status

Police data suggest that Indigenous juveniles come into contact with the police disproportionately in comparison with their non-Indigenous counterparts.

### New South Wales

In New South Wales, 11,049 Indigenous juvenile persons of interest (17%) were recorded by police during the 2007–08 financial year, compared with 55,309 non-Indigenous juvenile persons of interest (83%).

### Australian Capital Territory

In the Australian Capital Territory, 117 Indigenous juveniles (19%) compared with 495 non-Indigenous juveniles (81%) were taken into police custody during the 2006–07 financial year (AFP 2007: 50).

### Victoria

Victoria Police processed 13,203 distinct alleged offenders in total during the 2006–07 financial year. Juveniles of ‘racial appearances’ other than Aboriginal comprised 97 percent of the total, and juveniles of ‘Aboriginal appearance’ the remaining three percent (Victoria Police 2008a: 68).

### Queensland

In Queensland, police apprehended Indigenous juveniles in relation to 12,276 offences (33%) and non-Indigenous juveniles in relation to 24,465



offences (67%) in 2006–07 (Queensland Police Service 2007a: 76–77).

### Western Australia

In Western Australia, police arrested 1,463 Indigenous juveniles (49%) and 1,448 non-Indigenous juveniles (48%) during 2005. The Indigenous status of a further 90 juveniles (3%) was unknown (Loh et al 2007: 55).

### South Australia

Police in South Australia apprehended 1,248 (20%) juveniles of ‘Aboriginal appearance’ and 4,439 (72%) juveniles of ‘non-Aboriginal appearance’ in 2005. Seven percent of juveniles apprehended by South Australia Police were of unknown ‘racial appearance’ (Loh et al 2007: 59).

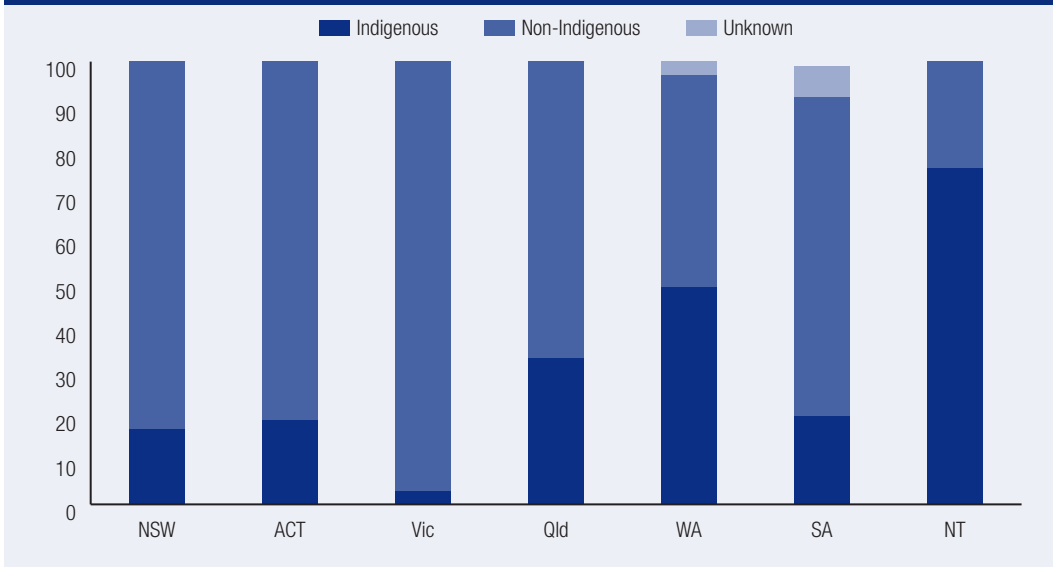
Figure 16 shows police contact with alleged juvenile offenders by Indigenous status and jurisdiction.

As Figure 16 shows, figures from the Queensland, Western Australia and the Northern Territory indicate a more profound difference between the proportions

of Indigenous and non-Indigenous juveniles coming into contact with police. Jurisdictions’ varied demographic, legislative and policy contexts may impact on the proportion of Indigenous juveniles who come into contact with the police. It is also important to stress that counting units used for calculations in the above figure vary by jurisdiction and that police use varied measures for assessing Indigenous status across Australia’s jurisdictions.

Importantly, the high proportion of Indigenous juveniles in Western Australia in Figure 16 is likely to be at least partly an artefact of the counting unit used in Western Australia (ie arrests rather than offenders or offences). Although one might expect Indigenous juveniles to comprise a smaller proportion of juveniles arrested in Western Australia, given the seriousness of arrests in comparison with police contact more broadly, the high proportion of juveniles arrested by Western Australia Police who are Indigenous may reflect the relative seriousness of these juveniles’ offending in comparison with that of juveniles more broadly. In the absence of data to better illuminate this issue, cautious interpretation of this figure is recommended.

**Figure 16** Police contact<sup>a</sup> with Indigenous<sup>b</sup> and non-Indigenous juveniles, by jurisdiction (%)



a: The counting units used for these calculations vary

b: Police use varied measures for determining Indigenous status in Australia’s states and territories

Note: Totals may not sum to 100 due to rounding

Source: Adapted from AFP 2007; BOCSAR data file 2008; Loh et al 2007; Northern Territory Police data file 2009; OCSAR 2006a; Queensland Police Service 2007a; Victoria Police 2008a

## Gender and Indigenous status of juveniles

Police data suggest that in some jurisdictions, Indigenous female juveniles are disproportionately apprehended by police in comparison with Indigenous male juveniles (see Figure 17). Although in these jurisdictions, far higher numbers of male juveniles than female juveniles come into contact with the police, Indigenous females come into contact with police at a disproportionate rate compared with their male counterparts.

In Western Australia, for example, police arrested 2,432 distinct male juveniles in 2005. Of these, 1,103 were Indigenous (45%). Five hundred and sixty-nine distinct female juveniles were arrested by Western Australia police during this time. Three hundred and sixty (63%) of these were Indigenous (Loh et al 2007: 55).

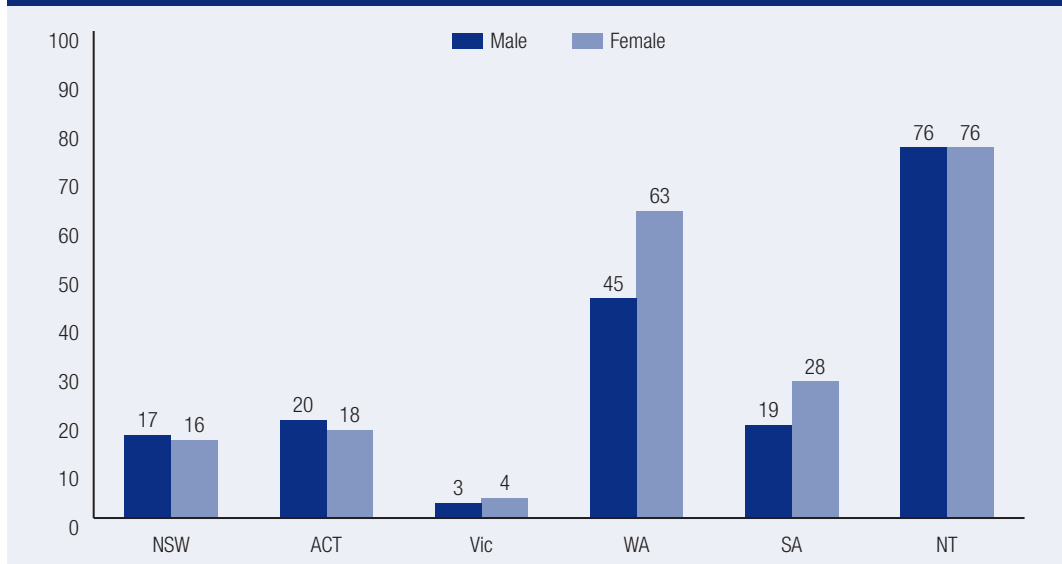
In 2005, South Australia police apprehended 4,791 juvenile males, of which 899 (19%) were of 'Aboriginal appearance'. South Australia Police apprehended 1,149 juvenile females during this time, of which 318 (28%) were of 'Aboriginal appearance' (OCSAR 2006a: 60; see Figure 17).

In contrast, figures from New South Wales, the Australian Capital Territory, Victoria and the Northern Territory show similar levels of police contact with Indigenous male and female juveniles. NSW police recorded 51,197 juvenile male persons of interest during the 2007–08 financial year. Of these, 8,670 (17%) were Indigenous. Similarly, NSW police recorded 15,161 juvenile female persons of interest during the period. Of these, 2,394 (16%) were Indigenous.

Police in the Australian Capital Territory held in police custody 90 Indigenous males (20% of male juveniles in police custody) and 368 non-Indigenous males (80% of male juveniles in police custody). For female juveniles, the figures are similar. ACT Policing held in police custody 27 Indigenous females (18% of female juveniles in police custody) and 172 non-Indigenous females (82% of female juveniles in police custody).

In Victoria, police apprehended 13,203 distinct juvenile alleged offenders during the 2006–07 financial year, with juveniles of 'Aboriginal appearance' comprising three percent of this total. Juvenile females of 'Aboriginal appearance' comprised four percent of all juvenile females apprehended by police during this time, compared

**Figure 17** Proportion of police contact<sup>a</sup> with Indigenous<sup>b</sup> juveniles, by jurisdiction and sex (%)



a: The counting units used for these calculations vary

b: Police use varied measures for determining Indigenous status in Australia's states and territories

Source: Adapted from AFP 2007; BOCSAR data file 2008; Loh et al 2007; OCSAR 2006a; Northern Territory Police data file 2009; Victoria Police 2008a

with three percent of males (Victoria Police 2008a: 69).

In the Northern Territory during 2008, 699 of 922 male juveniles (76%) apprehended by police were Indigenous, as were 212 of 280 female juveniles (76%).

## Police contact with alleged juvenile offenders, by age

Police data indicate that in general, police have more contact with older juveniles. Most juveniles apprehended by police are aged 15 to 17 years old.

### *New South Wales*

Only one percent of juvenile persons of interest recorded by NSW police during 2007–08 were aged 10 years. One percent were aged 11 years, three percent 12 years, eight percent 13 years, 14 percent 14 years, 19 percent 15 years, 24 percent 16 years and 29 percent 17 years.

### *Victoria*

Less than one percent of juvenile alleged offenders apprehended by police in Victoria during the 2006–07 financial year were aged less than 10 years. Of the remaining alleged juvenile offenders, 32 percent were aged 10 to 14 years and the remaining 68 percent were aged 15 to 17 years (Victoria Police 2008a: 46).

### *Queensland*

In Queensland, 10 to 14 year olds were apprehended in relation to 33 percent of offences, 15 year olds in relation to 19 percent of offences, 16 year olds for 22 percent of offences and 17 year olds for 26 percent of offences (17 year olds are considered adults in Queensland; Queensland Police Service 2007a: 74).

### *Western Australia*

In Western Australia, 25 percent of juveniles arrested by police were aged 10 to 14 years. The remaining

75 percent were aged 15 to 17 years (Loh et al 2007: 45).

### *South Australia*

In South Australia, two percent of juveniles apprehended by police in 2005 were aged 10 years, two percent were aged 11 years, five percent were 12 years, nine percent 13 years, 14 percent 14 years, 18 percent 15 years, 22 percent 16 years and 29 percent 17 years.

### *Northern Territory*

During 2008, one percent of juveniles apprehended by Northern Territory Police were aged 10 years, two percent were aged 11 years, eight percent were 12 years, 11 percent 13 years, 16 percent 14 years, 18 percent 15 years, 20 percent 16 years, 21 percent 17 years and three percent 18 years or above.

## Indigenous status and age of juveniles

The relationship between juveniles' ages and contact with the police is less clear in relation to Indigenous juveniles, however.

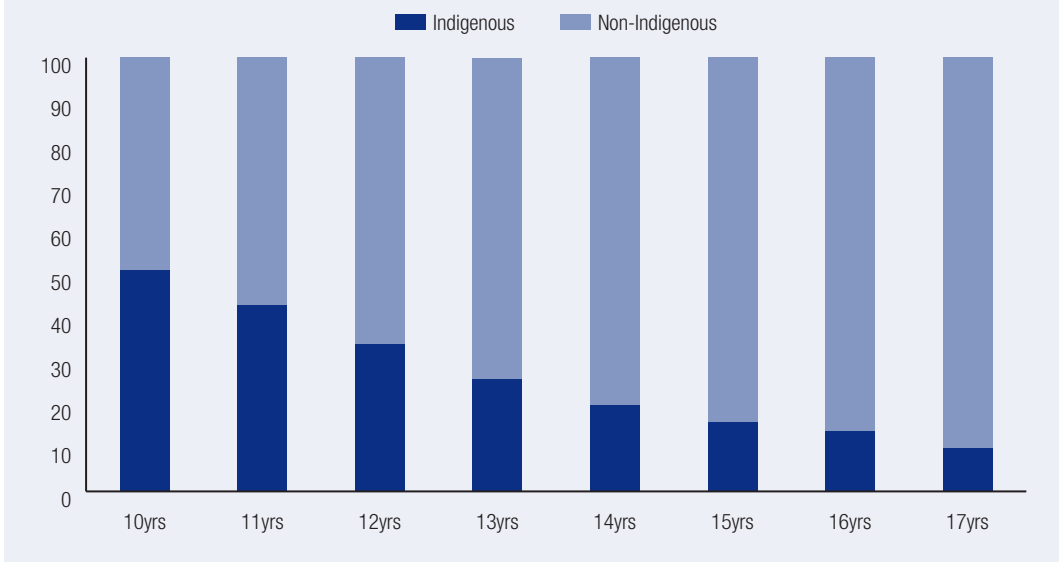
### *New South Wales*

In New South Wales, an inverse relationship exists between juveniles' ages and the amount of contact had with the police. That is, a higher proportion of 10 year old than 11 year old persons of interest was Indigenous during the 2007–08 collecting period. This pattern can be observed for all the age groups, with Indigenous juveniles comprising a greater proportion of 11 year old than 12 year old persons of interest and so on. Figure 18 shows the proportion of recorded persons of interest that was Indigenous from each age group during the 2007–08 financial year.

### *Victoria*

In Victoria, juveniles of 'Aboriginal appearance' comprised a higher proportion of those aged less

**Figure 18** Juvenile persons of interest recorded by NSW police, 2007–08, by age and Indigenous status (%)



Source: Adapted from BOCSAR data file 2008

than 10 years apprehended by police (10%), than those aged 10 to 14 years (4%) and those aged 15 to 17 years (2%; Victoria Police 2008a: 68). This suggests that a relationship may have existed between juveniles' ages and 'racial appearance', with juveniles of 'Aboriginal appearance' comprising a higher proportion of younger juveniles apprehended by police.

### *Western Australia*

Police data from Western Australia indicate that Indigenous juveniles comprised a higher proportion of arrests of 10 to 13 year olds than arrests of 14 to 17 year olds (Loh et al 2007: 60–62). Police data show that in 2005, police made 1,099 arrests of 10 to 13 year olds, of which 86 percent involved Indigenous juveniles. Also during this time, Western Australia Police made 5,526 arrests of 14 to 17 year olds, of which 56 percent involved Indigenous juveniles. These data clearly indicate that Indigenous juveniles were more overrepresented among younger juveniles (10 to 13 year olds) than older juveniles (14 to 17 year olds) arrested in Western Australia.

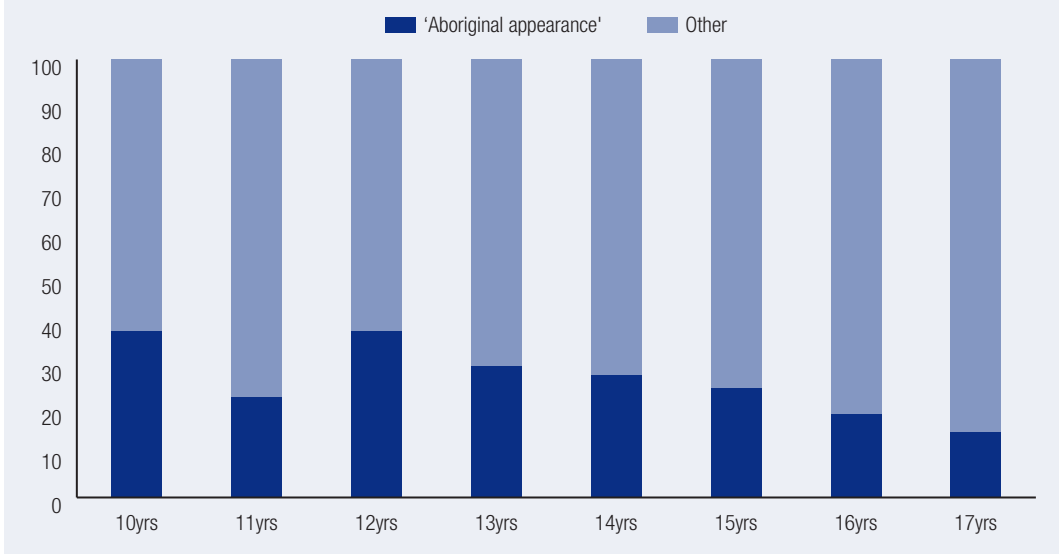
### *South Australia*

In South Australia, police data indicate that an inverse relationship existed between the age of juveniles and the proportion of juveniles of 'Aboriginal appearance' apprehended by police during 2006–07. As Figure 19 shows, with the exception of 11 year olds, juveniles of 'Aboriginal appearance' comprised a lower proportion of juveniles arrested by South Australian police as the age of juveniles increased.

### *Northern Territory*

In the Northern Territory during 2008, there also appears to have been an inverse relationship between the age of juveniles and the proportion of Indigenous juveniles apprehended by police. During this time, all 10 year old juveniles apprehended by police in the Northern Territory were Indigenous. As only seven 10 year olds were apprehended during 2008, however, caution is advised in the interpretation of this figure. Eighty-two percent of 11 year olds apprehended by police were Indigenous, as were 90 percent of 12 year olds, 80 percent of 13 year olds, 75 percent of 14 year

**Figure 19** Juveniles arrested by South Australia Police, 2006–07 by ‘Aboriginal appearance’ and age (%)



Source: Adapted from OCSAR 2006a: 61–62

olds, 77 percent of 15 and 16 year olds, 67 percent of 17 year olds and 66 percent of those aged 18 or over but dealt with as juveniles.

## Gender and age of juveniles

The relationship between juveniles’ ages and contact with the police is also more complex in relation to female juveniles.

### *New South Wales*

Less than one percent of female juveniles recorded by police as persons of interest in New South Wales were aged 10 years during the 2007–08 financial year. One percent were aged 11 years, three percent 12 years, nine percent 13 years, 17 percent 14 years, 22 percent 15 years, 22 percent 16 years and 26 percent 17 years. One percent of male juveniles recorded by police as persons of interest in New South Wales were aged 10 years during the 2007–08 financial year. Two percent were aged 11 years, four percent 12 years, eight percent 13 years, 13 percent 14 years, 19 percent 15 years, 24 percent 16 years and 30 percent 17 years.

While a relationship appears to have existed in relation to male juveniles’ contact with New South Wales police—with a pattern showing increased age coinciding with increased police contact—this relationship was less clear in relation to female juveniles. Data on South Australia, outlined below, also indicate that the relationship between age and police contact is less clear for female juveniles than for male juveniles.

### *Victoria*

In Victoria, juvenile alleged offenders aged less than 10 years comprised less than one percent of both males and females apprehended by police during the 2006–07 financial year. For male juveniles, a clear pattern existed, whereby increased age coincided with increased contact with the police. Thirty-one percent of male juveniles who came into contact with police were aged 10 to 14 years; the remaining 69 percent were aged 15 to 17 years (Victoria Police 2008a: 44). While this pattern also existed in relation to female juvenile alleged offenders, however, a higher proportion of female than male juveniles were aged 10 to 14 years and a lower proportion of females than males were aged 15 to 17 years. Thirty-six percent of female juveniles

were aged 10 to 14 years, compared with 31 percent of males and 64 percent of females were aged 15 to 17 years, compared with 69 percent of males (Victoria Police 2008a: 45).

### Western Australia

Police data from Western Australia indicate that a slightly higher proportion of distinct juvenile males arrested were under 14 years old in 2005. Thirteen percent of distinct juvenile males arrested by Western Australia police were under 14 years old, compared with 10 percent of distinct juvenile females arrested (Loh et al 2007: 56–58). Although this difference is slight, it may suggest that police are more reluctant to arrest females in the younger age brackets than males.

### South Australia

Police data from South Australia do not appear to support this argument, however. The data show a clear relationship between juveniles' ages and their contact with the police. An inverse relationship existed between the age of juveniles and the proportion of juveniles apprehended by police. Ten year old males comprised two percent of all male juveniles apprehended by police, 11 year olds comprised three percent, 12 year olds five percent, 13 year olds eight percent, 14 year olds 12 percent, 15 year olds 17 percent, 16 year olds 23 percent and 17 year olds 30 percent (OCSAR 2006a: 60).

Police data on female juveniles do not adhere strictly to this pattern. Ten year olds and 11 year olds comprised less than one percent and one percent respectively of female juveniles apprehended by South Australia police, 12 year olds comprised three percent, 13 year olds 12 percent, 14 year olds 19 percent, 15 year olds 21 percent, 16 year olds 17 percent and 17 year olds 25 percent (OCSAR 2006a: 60). These data show that among female juveniles, 14 and 15 year olds each comprised a higher proportion of police apprehensions in South Australia than 16 year olds. The relationship that existed between male juveniles' increased ages and their increased contact with the police therefore appears to have existed less clearly in relation to female juveniles.

### Northern Territory

In the Northern Territory, a clear pattern exists for data on male juveniles apprehended by police during 2008. Less than one percent of male juveniles were aged 10 years, two percent were aged 11 years, eight percent were 12 years, nine percent were 13 years, 16 percent 14 years, 19 percent 15 years, 20 percent 16 years, 22 percent 17 years and three percent 18 years or older. For male juveniles, therefore, increased age was positively associated with increased police contact during 2008 (those aged 18 years or over were aged 17 years at the time an incident is alleged to have occurred).

For female juveniles, however, this pattern is again not as unambiguous. Fewer than one percent of female juveniles apprehended by police in the Northern Territory during 2008 were aged 10 years, two percent were aged 11 years, seven percent 12 years, 18 percent 13 years, 15 percent 14 years, 16 percent 15 years, 21 percent 16 years, 18 percent 17 years and three percent 18 years or older.

## Police contact with alleged juvenile offenders, by offence type

Police data indicate that more juveniles were apprehended by police for *offences against property* than for *offences against the person* during the most recent counting periods in each jurisdiction.

### New South Wales

Twelve percent (n=7,769) of juvenile persons of interest recorded by NSW police during the 2007–08 financial year were apprehended in relation to offences against the person. Twenty-nine percent (n=19,333) were apprehended in relation to offences against property and 59 percent (n=39,256) in relation to 'other' offences. The highest proportion of juvenile persons of interest apprehended in relation to offences against the person were apprehended in relation to assault (8% of all apprehended juvenile persons of interest), followed by robbery (2%). The most common offences against property for which

juvenile persons of interest were apprehended by the police in New South Wales were malicious damage to property (9%), followed by steal from retail store (7%). The most common 'other' offences for which juveniles came into contact with the police were transport regulatory offences (18%), disorderly conduct (9%) and liquor offences (9%).

## Victoria

In Victoria, 18 percent (n=5,416) of juvenile alleged offenders were apprehended by police in relation to offences against the person during the 2006–07 financial year. A further 18 percent (n=5,577) were apprehended in relation to 'other' offences and the remaining 19,669 alleged juvenile offenders (64%) were apprehended by police in relation to offences against property. The offences against the person for which most juveniles were apprehended by Victoria Police were assault (13% of all apprehended juveniles) and robbery (3% of juveniles). The 'other' offences for which juveniles most frequently came into contact with the police were regulated public order offences and offences against justice procedures (both 3%). The offences against property for which most juveniles were apprehended by Victoria Police during the period were theft (shop steal; 16% of all apprehended juveniles), property damage (15%) and burglary (other) (7%).

## Queensland

In Queensland in 2006–07, juveniles were apprehended in relation to 29,367 offences against property (59%), 15,829 (32%) 'other offences' and 4,486 (9%) offences against the person (Queensland Police Service 2007a: 74). The offences against *property* for which most juveniles came into contact with the police were 'other' theft (excluding unlawful entry; 22% of all juvenile offences), 'other' property damage and unlawful entry (including unlawful entry of dwelling, shop and other; both 14%). The 'other' offences for which most juveniles came into contact with the police were good order offences (10% of all juvenile offences), drug offences (8%) and trespassing/vagrancy offences (4%). The offences against the *person* for which most juveniles came into contact with the police were assault (including grievous

assault, serious assault, serious assault (other) and common assault; 6% of all juvenile offences), sexual offences (including rape and attempted rape and other sexual offences) and robbery (including armed and unarmed robbery; both 1%).

## Western Australia

In Western Australia in 2005, a total of 3,001 distinct juveniles were arrested by police (Loh et al 2007: 55). Of these, 1,226 (41%) were arrested in relation to offences against property, 1,003 (33%) in relation to offences against the person and 772 (26%) in relation to 'other' offences. The offences against *property* for which the largest number of distinct juveniles were arrested were unlawful entry with intent/burglary, break and enter (22% of all juveniles arrested), property damage (7%) and theft (except motor vehicles; 6%). The offences against the *person* for which the largest number of distinct juveniles were arrested were assault (22% of all juveniles arrested), robbery (5%) and dangerous operation of a vehicle (4%). The 'other' offences for which the largest number of distinct juveniles was arrested were disorderly conduct and regulatory driving offences (both 5% of all juveniles arrested) and 'other' offences against justice procedures (2%).

## South Australia

In South Australia in 2005, police made 5,940 juvenile apprehensions in total. Of these, 2,788 (47%) were in relation to 'other' offences, 2,269 (38%) were in relation to offences against property and 883 (15%) were in relation to offences against the person (OCSAR 2006a: 58). The 'other' offences to which most police apprehensions related were criminal trespass (10% of all juvenile apprehensions), public order offences—miscellaneous (8%) and graffiti and related offences (5%). The offences against *property* to which most police apprehensions related were larceny from shops and damage property and environmental offences (both 11% of all juvenile apprehensions) and larceny/illegal use of a vehicle (motor or other; 6%). The offences against the *person* to which most police apprehensions related were 'other' assault (9% of all juvenile apprehensions), serious assault (2%) and sexual offences (1%).

## Northern Territory

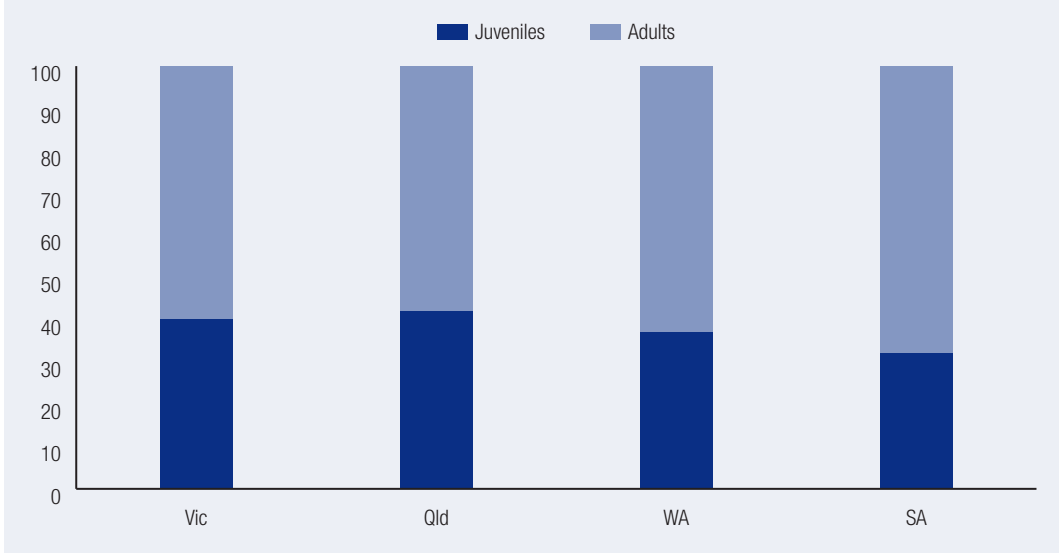
During 2008, Northern Territory Police apprehended 1,202 juveniles in total. Of these, 672 (56%) were apprehended in relation to offences against property, 278 (23%) in relation to 'other' offences and 252 (21%) in relation to offences against the person. Nearly half (47%) of all juveniles apprehended in relation to offences against property were apprehended for unlawful entry offences. This was followed by offences against property (steal) and unlawful use of motor vehicle (both 14%). Nearly half (46%) of all juveniles apprehended in relation to 'other' offences were apprehended for public order offences. This was followed by traffic offences (38%) and drug offences (6%). Seventy-two percent of juveniles apprehended in relation to offences against the person were apprehended for 'other' offences against the person (including assaults other than serious assaults). Small proportions of apprehended juveniles were apprehended in relation to armed robbery offences (9%) and business invasions (6%).

In some cases, these data challenge the widely-accepted view that juveniles commit primarily minor offences. Although police data clearly show that juveniles are more frequently apprehended by police in relation to property offences than offences against

the person, they also show that in some instances at least, juveniles are apprehended by police for considerable proportions of serious and violent crimes.

In Queensland, for example, police data indicate that 10 to 17 year olds constituted nearly half of 'other' property damage offenders (47%) and trespassing and vagrancy offenders (46%), considerable proportions of robbery and arson offenders (both 42%) and unlawful use of motor vehicle and 'other' theft (excluding unlawful entry) offenders (both 40%) in 2006–07. In Western Australia, juveniles comprised considerable proportions of distinct persons arrested for unlawful entry with intent (38%) and robbery (37%) in 2005. In South Australia in 2005, juveniles comprised 39 percent of all larceny/illegal use of motor vehicle charges laid by police, 30 percent of robbery/extortion charges laid and 27 percent of all damage property and environmental offences charges laid (OCSAR 2006b: 49). In South Australia in 2006–07, juveniles comprised 42 percent of all persons accused of theft/illegal use of a motor vehicle, 34 percent of those accused of serious criminal trespass, 32 percent of those accused of robbery and 30 percent of all persons accused of 'other' theft (South Australia Police 2007).

**Figure 20** Proportion of police contact<sup>a</sup> in relation to robbery, juveniles and adults (%)



a: The counting units used for these calculations vary

Source: Adapted from Loh et al 2007; Queensland Police Service 2007a; South Australia Police 2007; Victoria Police 2008a



Figure 20 shows the proportion of juveniles and adults apprehended in relation to robbery offences in Western Australia in 2005 and South Australia and Victoria in 2006–07 and the proportion of robbery offences for which juveniles and adults were apprehended in Queensland in 2006–07. It is important to note that police apprehensions should not be equated with the commission of offences. That is, the proportion of juveniles apprehended in relation to a type of offence does not accurately reflect the proportion of those offences that were committed by juveniles. As discussed earlier in this report, juveniles are more likely than adults to come to the attention of police for a variety of reasons.

## Police contact with alleged juvenile offenders, by offence type and Indigenous status

Police data from jurisdictions that record the Indigenous status or ‘Aboriginal appearance’ of alleged juvenile offenders indicate that Indigenous juveniles (or those of ‘Aboriginal appearance’) are overrepresented among juveniles coming

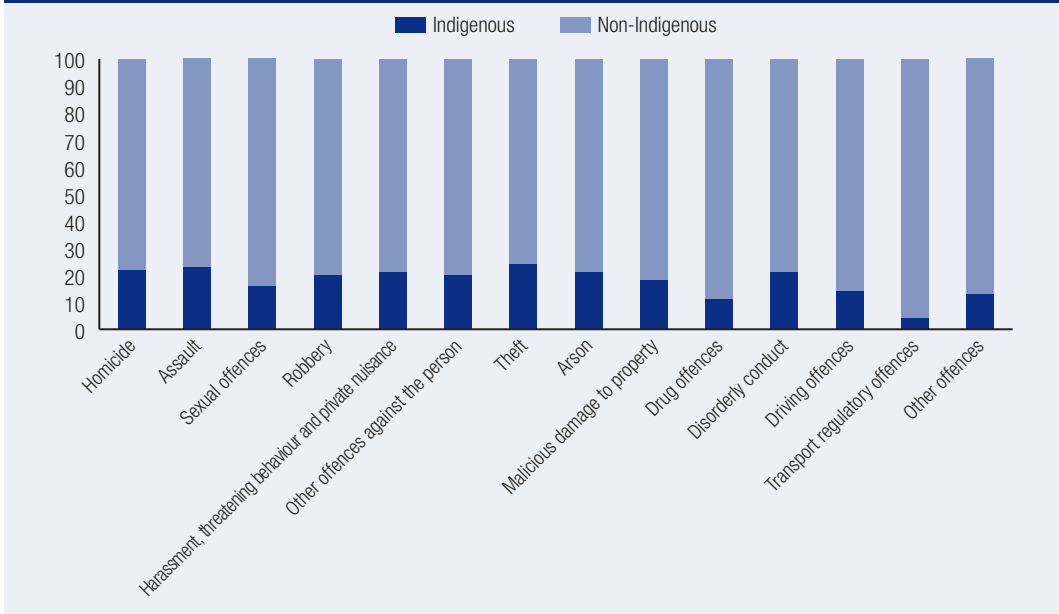
into contact with the police. The level of overrepresentation of Indigenous juveniles varies, however, by jurisdiction and offence type, as the following sections demonstrate.

### New South Wales

Indigenous juveniles were overrepresented for almost all offence types for which persons of interest were recorded by NSW police in the 2007–08 financial year. Although Indigenous 10 to 17 year olds comprised only four percent of all 10 to 17 year olds in New South Wales, according to the most recent census data (ABS 2006), they typically comprised far higher proportions of juveniles recorded by NSW police as persons of interest. Figure 21 shows the proportions of recorded persons of interest by Indigenous status for the period.

There were a small number of offences for which Indigenous juveniles were not overrepresented among recorded juvenile persons of interest for the period. Only three percent of the 71 juveniles recorded as persons of interest in relation to possession and/or use of ecstasy were Indigenous and less than one percent of the 274 juveniles

**Figure 21** Juvenile persons of interest recorded by NSW police, 2007–08, by offence type and Indigenous status (%)



Source: Adapted from BOCSAR data file 2008

recorded in relation to exceeding the legal speed limit were Indigenous. Just three percent of the 742 juvenile persons of interest recorded in relation to driving licence offences not elsewhere classified were Indigenous. Indigenous juveniles were not overrepresented for a range of other offences, including murder accessory/conspiracy, manslaughter, driving causing death, blackmail and extortion, stock theft, deal or traffick cocaine, deal or traffick narcotics, deal or traffick amphetamines, deal or traffick ecstasy, deal or traffick other drugs, manufacture drugs, import drugs, betting and gaming offences, pornography offences, fail to appear, culpable driving, PCA, drive while disqualified, drive in a manner or with speed dangerous and roadworthiness offences. Only very small numbers of juveniles were recorded as persons of interest by NSW police for these offences, however, and these data must be interpreted with caution.

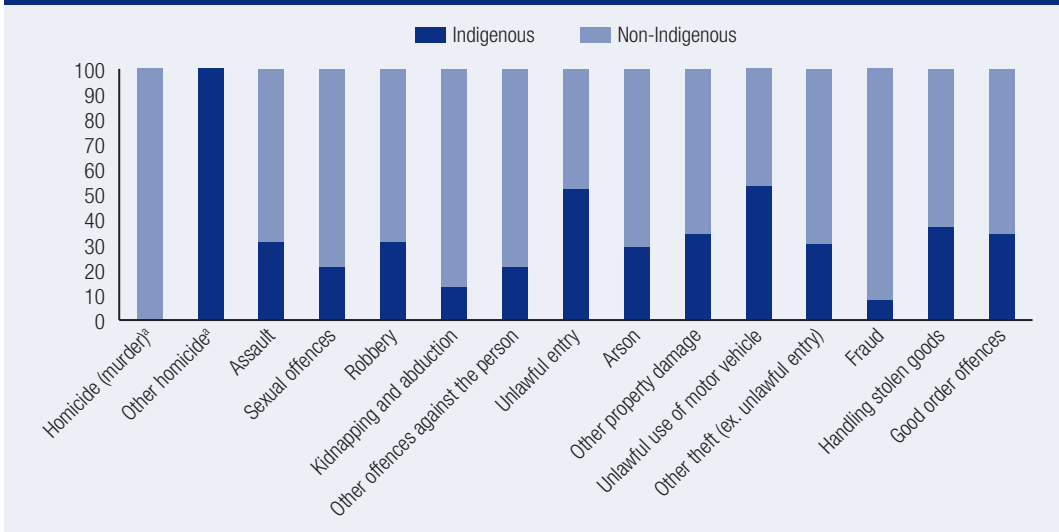
### Queensland

In Queensland, Indigenous juveniles (10 to 16 year olds) were overrepresented in police statistics for all offence types for which meaningful police data exist for the 2006–07 financial year. For homicide, other

homicide, extortion, prostitution offences, gaming, racing and betting offences and stock offences, the number of offences for which juveniles were apprehended was too small to meaningfully determine whether Indigenous juveniles were overrepresented in police statistics. As Figure 22 shows, in Queensland in 2006–07, Indigenous juveniles were overrepresented as a proportion of police apprehensions for the major offence types. Indigenous juveniles were also disproportionately apprehended by Queensland police for the remaining offence types not shown in Figure 22: drug offences, liquor offences (excluding drunkenness), breach domestic violence order, trespassing and vagrancy offences, *Weapons Act* offences, traffic and related offences, other offences against the person and miscellaneous offences (Queensland Police Service 2007a).

Importantly, although census data suggest that Indigenous 10 to 16 year olds comprised only approximately six percent of Queensland’s total population of 10 to 16 year olds (ABS 2007) during the 2006 census, Indigenous juveniles comprised much higher proportions of police counts for most offences during 2006–07. For two offence categories—unlawful entry and unlawful use of motor vehicle—Queensland police data attributed

**Figure 22** Offences for which juveniles apprehended by Queensland police, 2006–07, by offence type and Indigenous status (%)

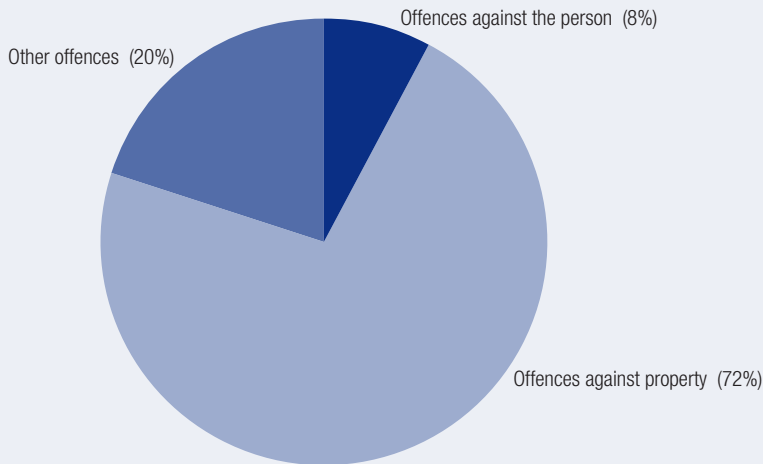


a: As the number of offences in this category was very small, this result must be interpreted with a high degree of caution  
 Source: Adapted from Queensland Police Service 2007a

a greater proportion of offences to Indigenous than non-Indigenous juveniles (see Figure 23). Indigenous juveniles were apprehended in relation to 3,014 unlawful entry offences and 852 unlawful use of motor vehicle offences. In comparison, non-Indigenous juveniles were apprehended in

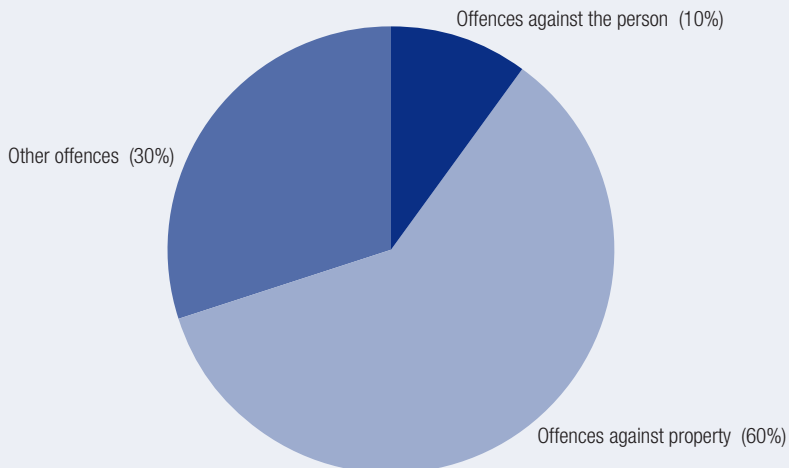
relation to 2,760 unlawful entry offences and 762 unlawful use of motor vehicle offences. These are extraordinary findings, given the very small proportion of Queensland juveniles who are Indigenous. Police data indicate that in Queensland in 2006–07, Indigenous juveniles

**Figure 23** Offences for which Indigenous juveniles apprehended by Queensland police, 2006–07, by offence category (%)



Source: Adapted from Queensland Police Service 2007a

**Figure 24** Offences for which non-Indigenous juveniles apprehended by Queensland police, 2006–07, by offence category (%)



Source: Adapted from Queensland Police Service 2007a

were overrepresented for all offence types; the level of overrepresentation varies considerably, however, by type of offence.

Indigenous and non-Indigenous juveniles were apprehended by Queensland police for similar types of offences during 2006–07. Police data show that the most common offences for which Indigenous juveniles were apprehended were unlawful entry (3,014 offences), ‘other’ theft (2,719 offences), ‘other’ property damage (1,819 offences), good order offences (1,051 offences) and unlawful use of motor vehicle (852 offences). The most common offences for which non-Indigenous juveniles were apprehended by police were ‘other’ theft (6,276 offences), ‘other’ property damage (3,605 offences), unlawful entry (2,760 offences), good order offences (2,031 offences) and assault (1,590 offences).

As Figures 23 and 24 show, offences against the person comprised a similar proportion of the offences for which Queensland police apprehended Indigenous (8%) and non-Indigenous (10%) juveniles in 2006–07. Offences against property comprised a higher proportion of all offences for which Indigenous juveniles were apprehended (72% compared with 60% for non-Indigenous juveniles). ‘Other’ offences comprised a lower proportion of offences for which Indigenous juveniles were

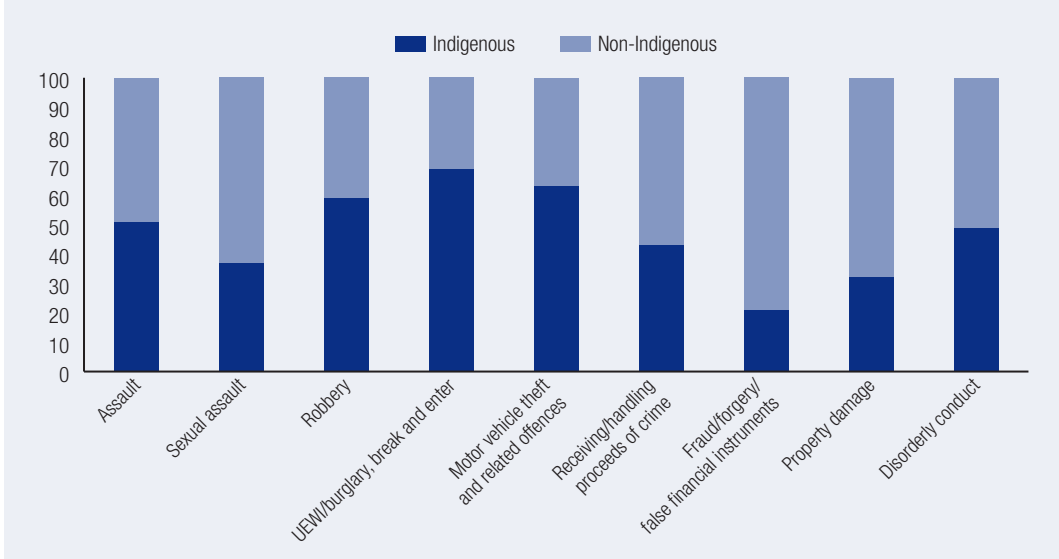
apprehended (20% compared with 30% for non-Indigenous juveniles).

### Western Australia

In Western Australia, Indigenous juveniles were overrepresented in police statistics for almost every type of offence during 2005. For a number of offences—murder, manslaughter and driving causing death, other acts intended to cause injury, abduction and kidnapping, non-assaultive sexual offences, ‘other’ dangerous or negligent acts, deprivation of liberty/false imprisonment, blackmail and extortion, counterfeiting currency and related offences, bribery, ‘other’ deception offences, ‘other’ illicit drug offences, environmental pollution, regulated public order offences, road vehicle registration and roadworthiness offences, offences against government security, offences against government operations, commercial/industry and financial regulations offences and ‘other’ miscellaneous offences—too few data exist to make meaningful comparisons between Indigenous and non-Indigenous juveniles.

As Figure 25 shows, Indigenous juveniles were overrepresented in police arrests for the major offence types for which meaningful data exist.

**Figure 25** Distinct juveniles arrested by Western Australia Police in 2005, by offence type and Indigenous status (%)



Source: Adapted from Loh et al 2007

These figures are based on data relating only to juveniles whose Indigenous status was known by police. Data on all juveniles, including those whose Indigenous status was unknown, indicate that Indigenous juveniles comprised 50 percent of those arrested in relation to assault, 58 percent in relation to sexual assault, 59 percent in relation to robbery, 66 percent in relation to unlawful entry with intent/burglary, break and enter, 61 percent in relation to motor vehicle theft and related offences, 39 percent in relation to receiving/handling proceeds of crime, 19 percent in relation to fraud, forgery or false financial instruments, 32 percent in relation to property damage and 45 percent in relation to disorderly conduct.

Where meaningful data exist, there was only one offence type for which Indigenous juveniles were not overrepresented in police arrest data for Western Australia in 2005 (see Loh et al 2007: 55). Nine non-Indigenous juveniles were arrested in relation to dishonest conversion offences, compared with zero Indigenous juveniles. As the number of juveniles arrested for this offence was, however, very small, this information should be cautiously interpreted.

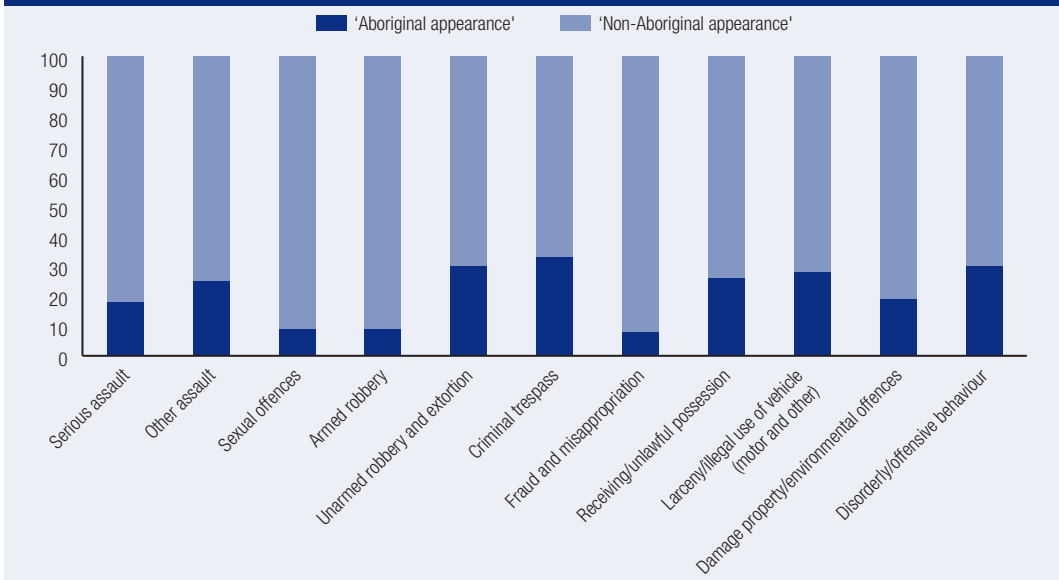
Indigenous juveniles comprised only five percent of the total population of juveniles in Western Australia during the 2006 census (ABS 2007). These figures therefore indicate that Indigenous juveniles were

heavily overrepresented among arrested juveniles in Western Australia during 2005. It is important to consider here that these figures, in contrast with the other jurisdictions, relate to juveniles *arrested* rather than *apprehended*. The high proportion of Indigenous juveniles in Western Australia in this figure is likely to be at least partly a result of the counting unit used in Western Australia (juveniles arrested rather than apprehended). Although one might expect Indigenous juveniles to comprise a smaller proportion of juveniles arrested in Western Australia, given the seriousness of arrests in comparison with police contact more broadly, the high proportion of juveniles arrested by Western Australia police who are Indigenous may reflect the relative seriousness of these juveniles' offending in comparison with that of juveniles more broadly. In the absence of data to better illuminate this issue, cautious interpretation of this figure is recommended.

### South Australia

Police data on South Australia indicates that juveniles of 'Aboriginal appearance' were overrepresented in apprehension figures for almost all offence types in 2005. Although according to ABS census figures, Indigenous juveniles comprised only three percent of all juveniles in South Australia

**Figure 26** Police apprehensions in South Australia, 2005, by offence type and 'racial appearance' (%)



Source: Adapted from OCSAR 2006a

during the 2006 census, juveniles of ‘Aboriginal appearance’ represent much higher proportions of juveniles apprehended by police for many offences (see Figure 26).

Juveniles of ‘Aboriginal appearance’ were not overrepresented in police apprehension data for only one offence type—dangerous, reckless or negligent driving. In 2005, only seven juveniles of ‘Aboriginal appearance’ were apprehended by police in relation to dangerous, reckless or negligent driving, compared with 204 juveniles of ‘non-Aboriginal appearance’.

### Northern Territory

Indigenous juveniles were overrepresented among juveniles apprehended by police in the Northern Territory during 2008 for every offence type except kidnapping and dangerous acts. It is important to note, however, that as only one juvenile was apprehended for each of these offences during this period, these data cannot be meaningfully interpreted. In addition, too few juveniles were apprehended in relation to a range of other offence types—attempted murder, sexual offences, serious assaults, assault with intent to steal, home invasion, firearms offences and ‘other’ serious offences—to make meaningful comparisons.

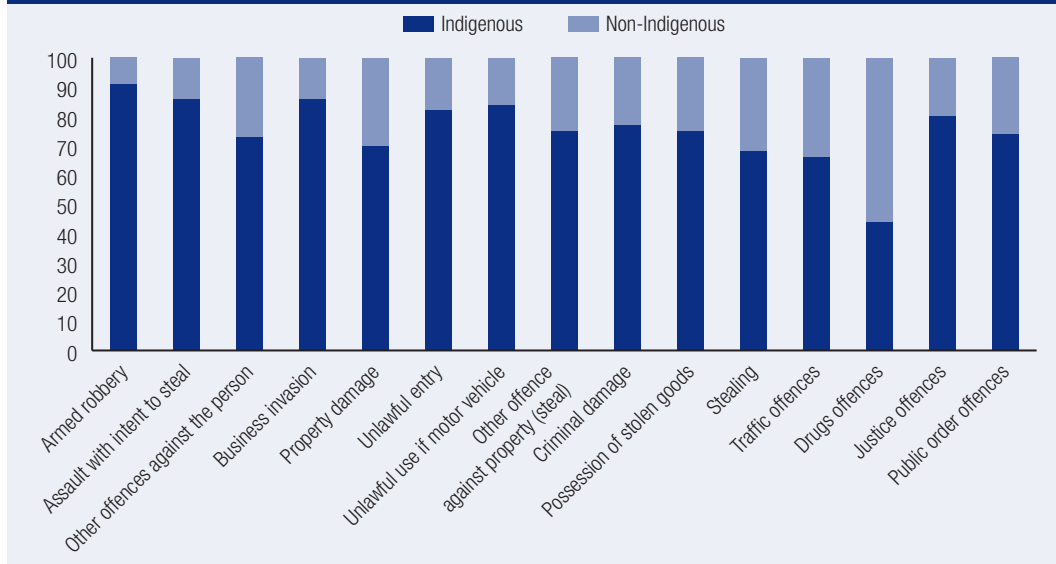
Nonetheless, as Figure 27 shows, Indigenous juveniles—who comprised approximately 39 percent of juveniles in the Northern Territory during 2006 (ABS 2007)—were dramatically overrepresented in relation to many offence types during 2008.

The overrepresentation of Indigenous juveniles in police data therefore varies considerably among jurisdictions and offence types. The variation among jurisdictions may be partly explained by differences in legislation and police policy. It might also be partly explained by the difference in data collection techniques between capturing data on Indigenous status and on ‘Aboriginal appearance’. It is possible, for example, that South Australia Police fail to capture a proportion of juveniles who identify as Indigenous but who do not have a physical appearance that police officers consider to be ‘Aboriginal’.

## Outcomes of alleged juvenile offenders’ contact with police

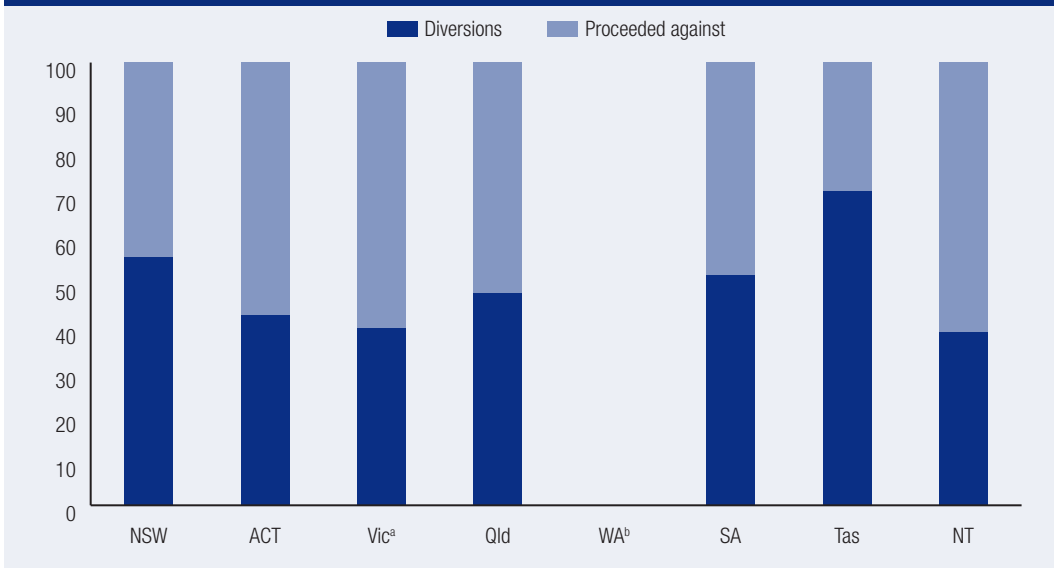
Police data from Australia’s states and territories indicate that in the main, juveniles are dealt with via diversionary measures such as warnings, cautions

**Figure 27** Juveniles apprehended by Northern Territory Police, 2008, by Indigenous status and offence type (%)



Source: Adapted from Northern Territory Police data file 2009

**Figure 28** Proportion of juvenile diversions, 2006–07, by jurisdiction (%)

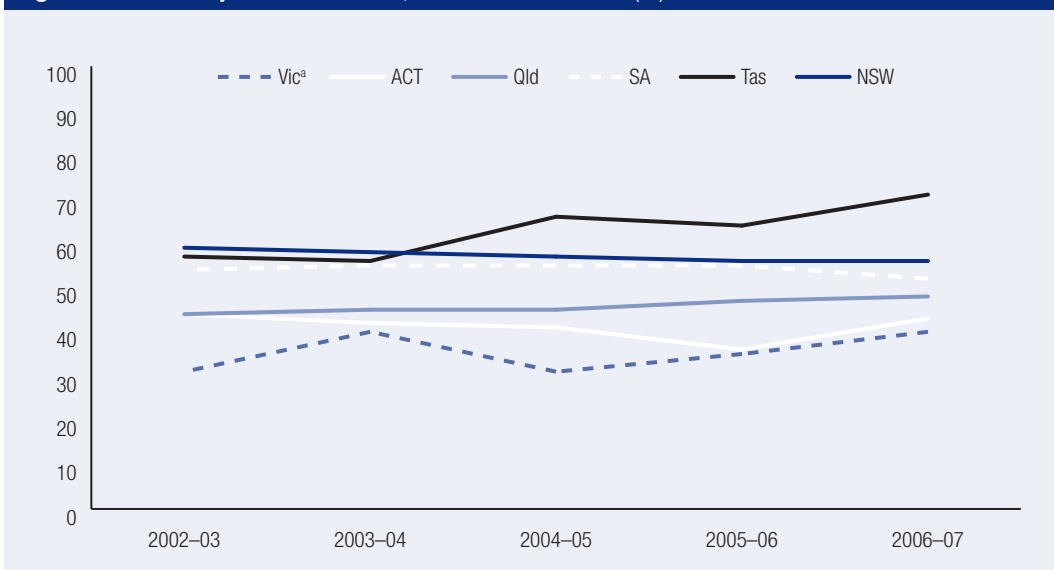


a: Results for Victoria reflect only instances where a juvenile is taken into custody and subsequently issued a formal caution

b: Data are not available for Western Australia for the 2006–07 counting period

Source: SCRGSP 2008

**Figure 29** Trends in juvenile diversions, 2002–03 to 2006–07 (%)



a: Data for Victoria reflect only those instances in which a juvenile is taken into police custody and subsequently issued with a formal caution. Instances in which a juvenile is released into non-police care or involving a safe-custody application are not included

Source: Adapted from SCRGSP 2008: 6.56

and conferences, rather than being transferred to children's courts.

The SCRGSP (2008: 6.55) publishes data on the proportion of juveniles diverted by police across Australia. *Proportion of juvenile diversions* is one of SCRGSP's indicators of effective government service provision. *Proportion of juvenile diversions* is defined as

the number of juveniles who would otherwise be proceeded against (ie taken to court) but who are diverted by police, as a proportion of all juvenile offenders formally dealt with by police.

The figures do not include juveniles who would not normally be sent to court and who are dealt with by police in a less formal manner such as with an infringement notice. Figure 28 shows the proportion of juvenile diversions for each jurisdiction.

As Figure 29 illustrates, the proportion of juvenile diversions varies both within jurisdictions, and among jurisdictions over time.

Some states and territories also publish data on the outcomes of juveniles' contact with police. These are outlined in the remainder of this section.

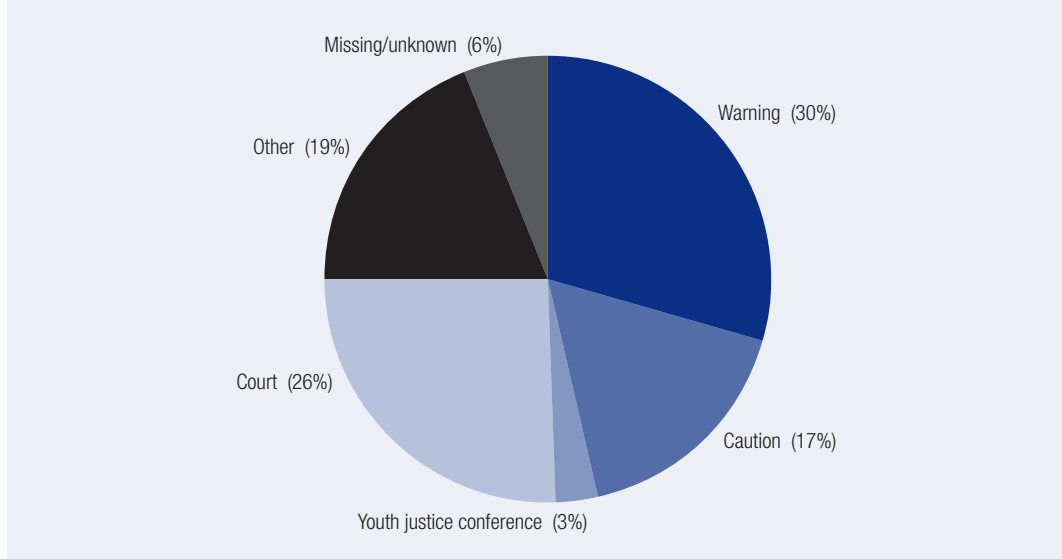
## New South Wales

As Figure 30 shows, half of all juvenile persons of interest were diverted from the formal criminal justice system by NSW police during the 2007–08 financial year, either via a warning, caution or youth justice conference. In New South Wales, cautions can include cannabis cautions, other drug cautions and cautions administered under the *Youth Justice Act (NSW) 1997*. Around one-quarter of juvenile persons of interest (26%) were proceeded against to court and the remaining one-quarter were either missing/unknown outcomes, or dealt with via 'other' measures. 'Other' measures include infringement notices, criminal infringement notices and legal processes not further classified.

## Victoria

In Victoria during the 2006–07 financial year, 41 percent of juveniles were processed via a summons, 30 percent via a caution and 24 percent via an arrest. The remaining five percent were processed via an 'other' method, such as a warrant issued or withdrawn complaint (Victoria Police 2008a: 38).

**Figure 30** Outcomes of police contact with recorded juvenile persons of interest, New South Wales, 2007–08, by outcome type (%)



Note: Total may not sum to 100 due to rounding

Source: Adapted from BOCSAR data file 2008



## Queensland

In Queensland during the 2006–07 financial year, 41 percent of juveniles were processed via a caution, 24 percent via an arrest, 23 percent via a notice to appear, seven percent via a conference, four percent via ‘other’ measures and less than one percent via warrants and summonses (Queensland Police Service 2007a: 76–77).

## Western Australia

Loh et al (2007) do not disclose the outcomes of all police contact with juveniles in Western Australia for 2005. Nonetheless, they reveal that the police arrested 3,001 distinct juveniles, cautioned 6,087 distinct juveniles and referred 1,327 distinct juveniles to a juvenile justice team.

## South Australia

Police data for South Australia indicate that nearly half of juveniles apprehended (46%) are dealt with via diversionary measures of a formal caution or being transferred to a family conference. Forty-two percent are transferred to the Youth Court (see Figure 31).

## Northern Territory

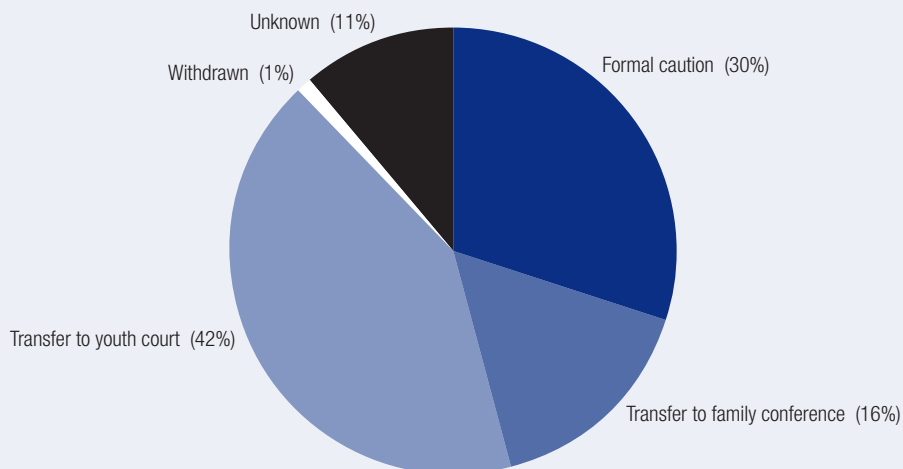
In the Northern Territory during 2008, over half of all juveniles apprehended by police were transferred to court (see Figure 32). Fifty-one percent were denied a diversionary option by police (ie they were transferred to court) and six percent ‘declined’ a diversionary option. One-quarter of apprehended juveniles were diverted to family group conferences in total. Fourteen percent were diverted to victim–offender conferences and 11 percent to family conferences. Eighteen percent of juveniles apprehended by Northern Territory Police were given warnings (14% written warnings and 4% verbal warnings).

## Outcomes of alleged juvenile offenders’ contact with the police, by gender

### New South Wales

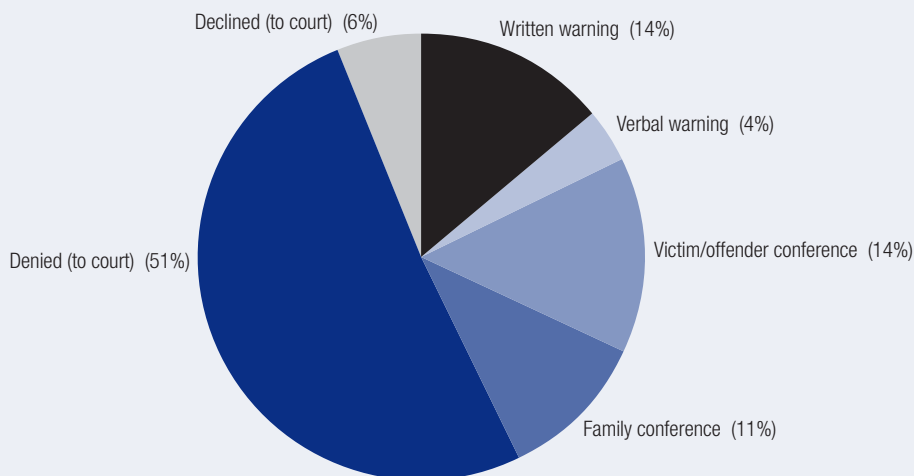
Of male juvenile persons of interest recorded by NSW police during the 2007–08 financial period, 14,582 (28%) were administered warnings, 7,795

**Figure 31** Juvenile apprehensions in South Australia, 2005, by type of action (%)



Source: Adapted from OCSAR 2006a

**Figure 32** Juveniles apprehended in the Northern Territory, 2008, by type of action (%)



Source: Adapted from Northern Territory Police data file 2009

(15%) were administered a caution, 1,862 (4%) were transferred to a youth justice conference, 13,987 (27%) were proceeded against to court, 9,753 (19%) were dealt with in an 'other' manner and 3,223 (6%) were missing or unknown.

Of female juvenile persons of interest recorded by NSW police during the 2007–08 financial period, 5,003 (33%) were administered warnings, 3,221 (21%) were administered a caution, 336 (2%) were transferred to a youth justice conference, 3,030 (20%) were proceeded against to court, 2,715 (18%) were dealt with in an 'other' manner and 859 (6%) were missing or unknown.

These data suggest that female juvenile persons of interest in New South Wales were more likely than their male counterparts to be proceeded against via the less severe diversionary options of warnings and cautions. Conversely, male juvenile persons of interest were more likely than their female counterparts to be proceeded against via the more onerous dispositions of youth justice conferencing and court. It is important to be aware, however, that outcomes for juveniles are likely to be strongly influenced by offence seriousness. Outcomes and offence types are discussed below.

### Victoria

Of the 24,155 male juveniles apprehended by Victoria Police during the 2006–07 financial year, 10,140 (42%) were processed via a summons. Twenty-six percent of male alleged juveniles were processed via arrest (n=6,373) and cautions (n=6,355). The remaining five percent (n=1,287) were processed via other measures, including warrants issued and withdrawn complaints.

Of the 6,489 female alleged juveniles apprehended by Victoria Police during the 12 month period, 2,891 (45%) were processed via a caution. A further 2,374 (37%) were processed via a summons 933 via arrest (14%) and the remaining 291 (4%) via other measures.

### Western Australia

Of the 6,087 distinct juveniles cautioned by Western Australia police in 2005, 64 percent were male and 27 percent female (9% did not have their gender recorded; Loh et al 2007: 66). Of the 3,001 juveniles arrested by police, 81 percent were male and 19 percent female, and of the 1,327 juveniles referred by police to a Juvenile Justice Team, 74 percent were male and 21 percent were female

(5% did not have their gender recorded; Loh et al 2007: 123).

### South Australia

As Figure 33 indicates, female juveniles comprise slightly higher proportions of juveniles proceeded against via formal cautions (25%) and transfers to family conferences (21%) than transfers to court (16%).

A higher proportion of female juveniles (38%) were issued a formal caution than male juveniles (28%) during 2005 (OCSAR 2006a: 66). A slightly higher proportion of female juveniles (17%) were transferred to a family conference than male juveniles (16%). Conversely, a higher proportion of males (43%) were transferred to the youth court than females (35%). One percent of both male and female juveniles had charges withdrawn and 12 percent of males and nine percent of females did not have a known action recorded (OCSAR 2006a: 66).

### Northern Territory

Of the 922 male juveniles apprehended by police in the Northern Territory in 2008, 12 percent were administered a written warning, three percent a verbal warning, 13 percent were transferred to a victim-offender conference and 13 percent to a family conference, 53 percent were denied diversion

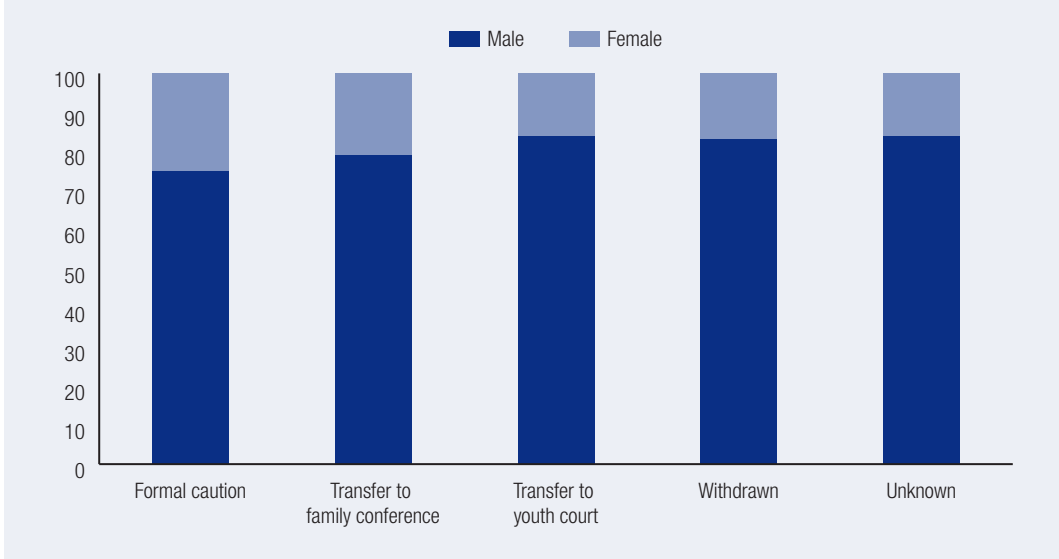
and sent to court and a further six percent 'declined' diversion and were therefore sent to court. Of the 280 female juveniles apprehended by police during this time, 20 percent were administered a written warning, four percent a verbal warning, 18 percent were transferred to a victim-offender conference and eight percent to a family conference, 43 percent were denied a diversionary option and sent to court and a further seven percent were 'declined' diversion and therefore sent to court.

Similar proportions of apprehended male and female juveniles in the Northern Territory 'declined' diversionary options and were transferred to a conference during 2008. In contrast, a substantially higher proportion of female than male juveniles were administered a warning (20% compared with 12%) and a substantially higher proportion of male than female juveniles were denied a diversionary option and transferred to court (53% compared with 43%).

## Outcomes of alleged juvenile offenders' contact with the police, by Indigenous status

Figures 34 and 35 compare the outcomes of police processing of Indigenous and non-Indigenous juvenile persons of interest in New South Wales for

**Figure 33** Juvenile apprehensions in South Australia, 2005, by type of action and sex (%)

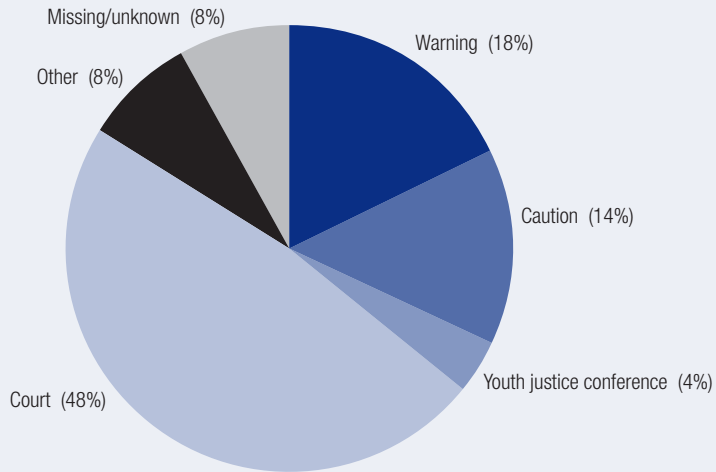


Source: Adapted from OCSAR 2006a

the 2007–08 financial year. While proportions of Indigenous and non-Indigenous juveniles processed via cautions and youth justice conferences are similar, a far higher proportion of non-Indigenous juveniles are processed via warnings than their Indigenous

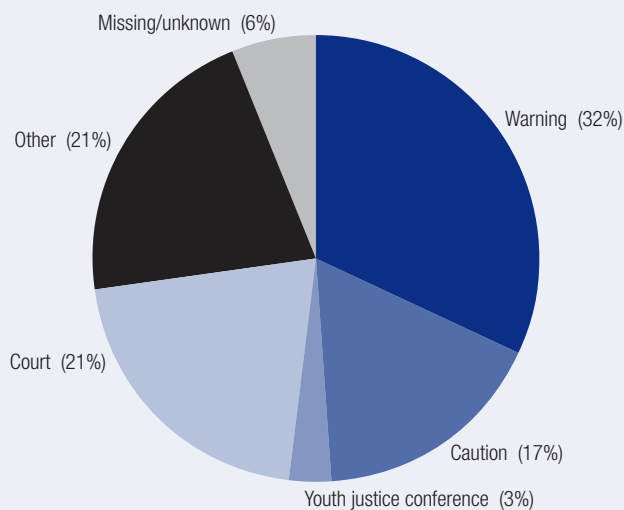
counterparts. Conversely, a far higher proportion of Indigenous juveniles are transferred to court than their non-Indigenous counterparts. As Figures 34 and 35 show, 48 percent of Indigenous juveniles were transferred to court, compared with 21 percent

**Figure 34** Indigenous juvenile persons of interest apprehended by NSW police, 2007–08, by type of action (%)



Source: Adapted from BOCSAR data file 2008

**Figure 35** Non-Indigenous juvenile persons of interest apprehended by NSW police, 2007–08, by type of action (%)



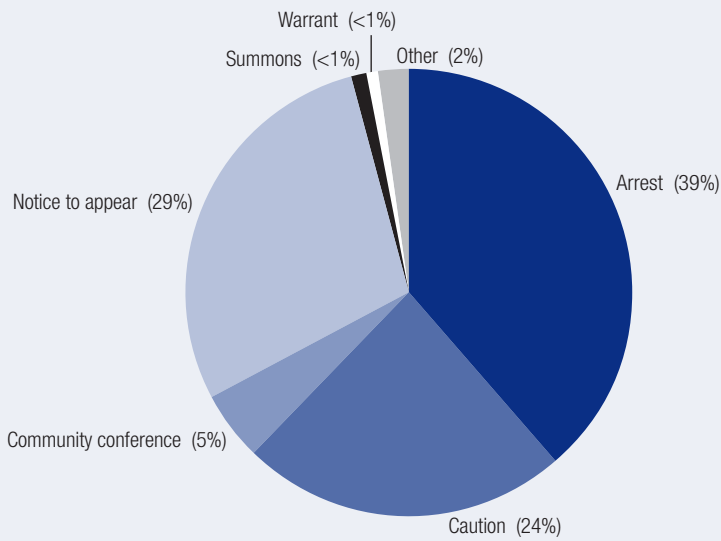
Source: Adapted from BOCSAR data file 2008

of non-Indigenous juveniles and 32 percent of non-Indigenous juveniles receive warnings, compared with 18 percent of Indigenous juveniles.

Figures 36 and 37 compare the methods used to process Indigenous and non-Indigenous juveniles

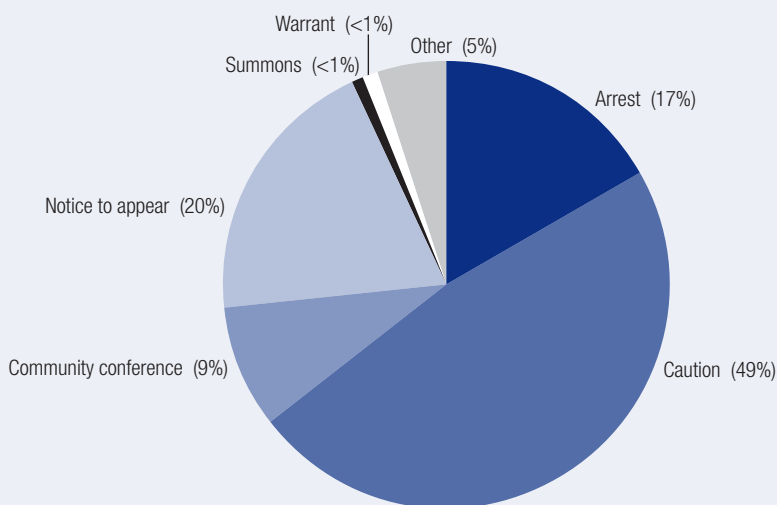
by Queensland police for the 2006–07 counting period. Indigenous juveniles were more likely to be processed by way of arrest (39%) than any other method, while non-Indigenous juveniles were more likely to be dealt with via a caution (49%) than other method of processing. For four of the five juvenile

**Figure 36** Offences for which Indigenous juveniles processed by Queensland police, 2006–07, by method of processing (%)



Source: Adapted from Queensland Police Service 2007a. n=12,276

**Figure 37** Offences for which non-Indigenous juveniles processed by Queensland police, 2006–07, by method of processing (%)



Source: Adapted from Queensland Police Service 2007a. n=24,465

offences most commonly processed by Queensland police (offences against property, 'other' theft (excluding unlawful entry), 'other' property damage and unlawful entry), Indigenous juveniles were more likely to be arrested than dealt with via any other method. For other offences, Indigenous juveniles were more likely to receive a notice to appear. Non-Indigenous juveniles were more likely to be dealt with via a caution than any other method of processing for all of the five juvenile offences most commonly processed by Queensland police during the counting period.

In Western Australia, 50 percent of juveniles arrested were Indigenous, compared with 26 percent of adults (Loh et al 2007: 43). Twenty-nine percent of cautions issued were to Indigenous juveniles and 71 percent were to non-Indigenous juveniles (Loh et al 2007: 52). In 2005, 33 percent of distinct juveniles referred to juvenile justice teams by Western Australia police were Indigenous and the remaining 67 percent were non-Indigenous (Loh et al 2007: 123).

Western Australia is the only jurisdiction for which data are published on arrest processing methods used by police in relation to juveniles. Police have a

number of options available to them for dealing with arrested juveniles. Table 17 shows the method of processing used for juvenile arrestees in Western Australia during 2005.

**Table 17** Distinct juveniles arrested by Western Australia Police, 2005, by method of processing and Indigenous status (%)

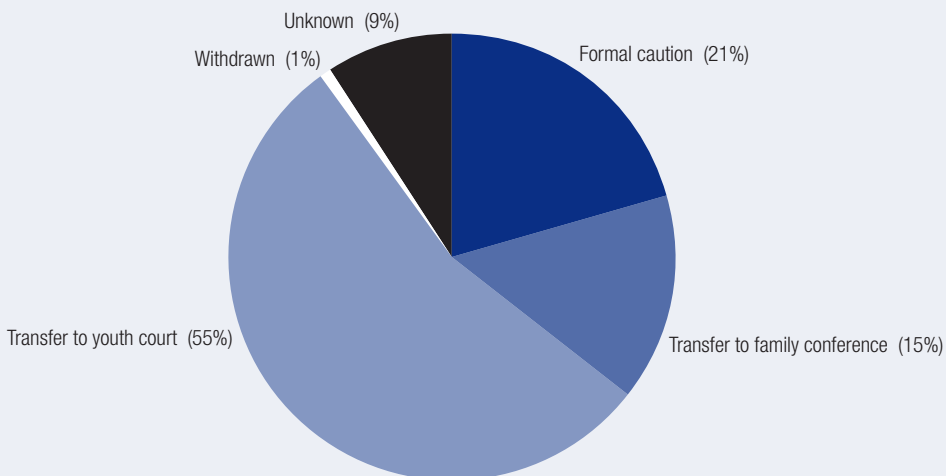
	Indigenous	Non-Indigenous
Bail	79	64
Custody	0	<1
Summons	21	36
Unknown	1	1
Total	100	100

Note: Totals may not sum to 100 due to rounding

Source: Loh et al 2007: 47

These data indicate that very few juveniles, and no Indigenous juveniles, were remanded in custody by Western Australia Police during 2005. A majority of both Indigenous (79%) and non-Indigenous (64%) juveniles were granted bail. Most of the remainder of Indigenous (21%) and non-Indigenous (36%) juveniles were issued with a summons. Indigenous juveniles were therefore more likely to be granted

**Figure 38** Juvenile apprehensions ('Aboriginal appearance') by South Australia police, 2005, type of action<sup>a</sup> (%)

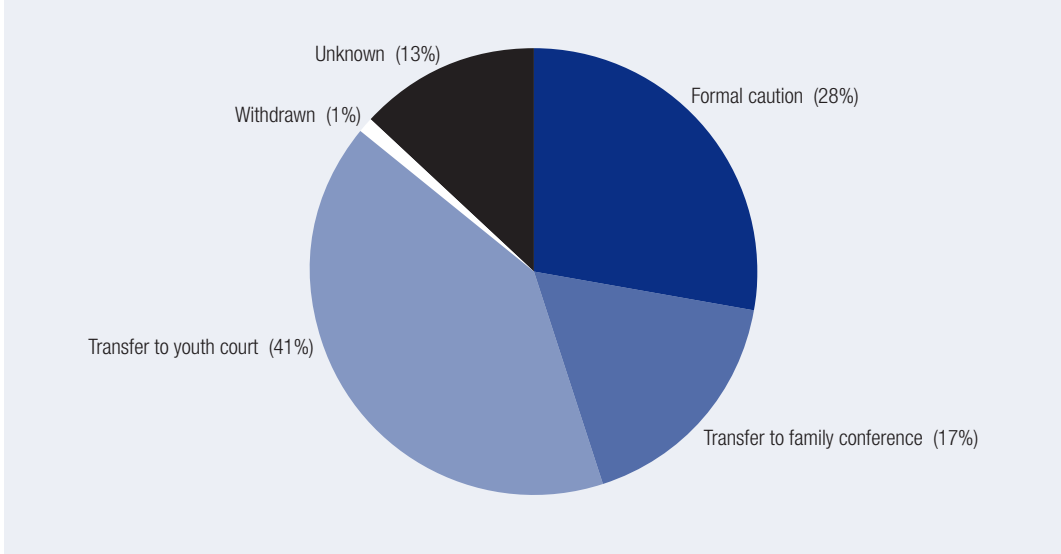


a: These data exclude 440 cases for which 'racial appearance' was not recorded

Note: Total may not sum to 100 due to rounding

Source: Adapted from OCSAR 2006a

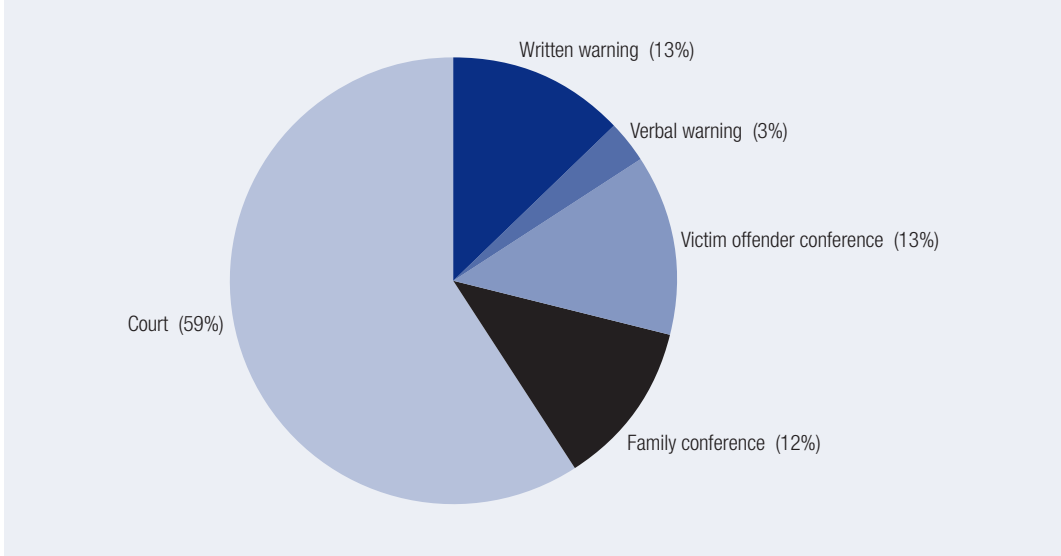
**Figure 39** Juvenile apprehensions ('non-Aboriginal appearance') by South Australia police, 2005, by type of action<sup>a</sup> (%)



a: These data exclude 440 cases for which 'racial appearance' was not recorded

Source: Adapted from OCSAR 2006a

**Figure 40** Indigenous juveniles apprehended by Northern Territory Police, 2008, by type of action (%)

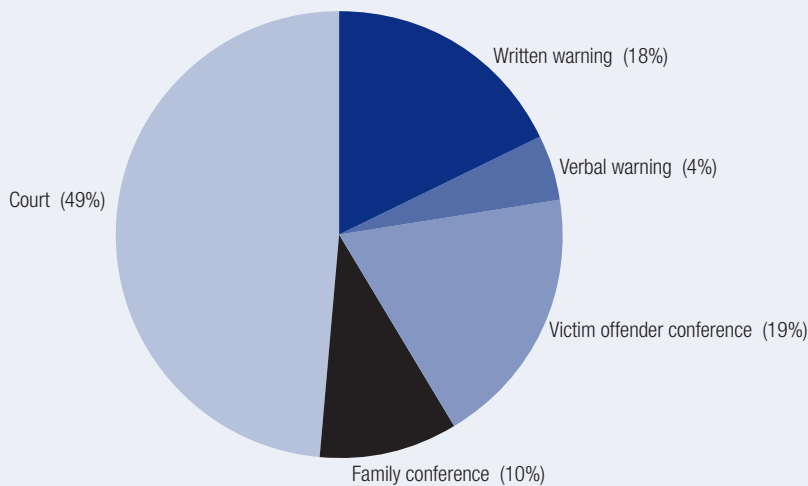


Source: Adapted from Northern Territory Police data file 2009

bail and less likely to receive a summons than their non-Indigenous counterparts. Although these data are not representative of jurisdictions other than Western Australia, arrest methods used by police may impact upon sentencing outcomes for juveniles.

In South Australia, police data show that juveniles of 'Aboriginal appearance' were more likely than juveniles of 'non-Aboriginal appearance' to be transferred to the youth court. Although being transferred to the youth court was the most likely

**Figure 41** Non-Indigenous juveniles apprehended by Northern Territory Police, 2008, by type of action (%)



Source: Adapted from Northern Territory Police data file 2009

outcome for both juveniles of ‘Aboriginal appearance’ (55%) and ‘non-Aboriginal appearance’ (41%), this was the case for a higher proportion of juveniles of ‘Aboriginal appearance’. The proportion of transfers to family conferences was similar for juveniles of ‘Aboriginal appearance’ (15%) and ‘non-Aboriginal appearance’ (17%). Formal cautions were administered to a higher proportion of juveniles of ‘non-Aboriginal appearance’ (28%) than those of ‘Aboriginal appearance’ (21%; see Figures 38 and 39).

In the Northern Territory, police data for 2008 show that higher proportions of non-Indigenous juveniles apprehended by police were administered a warning than Indigenous juveniles (23% compared with 16%). A slightly higher proportion of non-Indigenous than Indigenous juveniles were also transferred to a conference (29% compared with 25%). Conversely, a higher proportion of Indigenous juveniles (59%) were transferred to court than was the case for non-Indigenous juveniles (49%). Fifty-two percent of Indigenous juveniles were denied a diversionary option and transferred to court; the remaining seven percent declined a diversionary option. Forty-six percent of non-Indigenous juveniles were denied a diversionary option by police; the remaining three percent declined a diversionary option (see Figures 40 and 41).

## Outcomes of alleged juvenile offenders’ contact with the police, by age

### *New South Wales*

Data on juvenile persons of interest recorded by NSW police for the 2007–08 financial year suggested that a relationship existed between juveniles’ ages and outcomes of police contact. The number of juvenile persons of interest transferred to both youth justice conferences and court increased with juveniles’ age categories (see Table 18). A clear relationship also existed between juveniles’ ages and outcomes of police contact in relation to warnings and cautions, although these ‘peak’ at 16 years and 15 years respectively; that is, more 16 year olds than 17 year olds received warnings during the period and more 15 year olds than 16 and 17 year olds received cautions during the period.

As might be expected, if ‘other’ and missing/unknown outcomes are excluded, younger juvenile persons of interest (10, 11 and 12 year olds) were most likely to receive a warning, followed by a caution. That is, younger juveniles received a greater proportion of less serious outcomes stemming from police contact. For older juvenile persons of interest



**Table 18** Outcomes of police contact with recorded juvenile persons of interest, New South Wales, 2007–08, by outcome type and age (n)

	Warning	Caution	Youth justice conference	Court	Other	Missing/unknown	Total
10yrs	358	88	25	62	19	53	605
11yrs	467	235	34	95	32	90	953
12yrs	914	542	102	466	82	206	2,312
13yrs	1,941	1,202	198	1,405	308	429	5,483
14yrs	2,874	2,022	350	2,381	982	577	9,186
15yrs	3,858	2,439	457	3,284	2,042	811	12,891
16yrs	4,629	2,304	471	4,179	3,220	873	15,676
17yrs	4,544	2,184	561	5,145	5,783	1,043	19,260
Total	19,585	11,016	2,198	17,017	12,468	4,082	66,366

Source: Adapted from BOCSAR data file 2008

**Table 19** Number of distinct juveniles cautioned by Western Australia Police in 2005, by sex, age and Indigenous status<sup>a</sup>

	Female		Male	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
10yrs	16	3	94	53
11yrs	33	13	120	72
12yrs	56	52	156	137
13yrs	108	172	148	279
14yrs	131	223	132	418
15yrs	85	256	115	558
16yrs	82	222	108	682
17yrs	45	165	82	710
Total	556	1,106	955	2,909

a: Excludes 542 cases of unknown sex and 15 cases of cautions administered to 18 year olds

Source: Adapted from Loh et al 2007

**Table 20** Number of juvenile apprehensions by South Australia Police, 2005, by type of action and age

	Formal caution	Transfer to family conference	Transfer to youth court	Withdrawn	Unknown	Total
10yrs	42	22	17	2	12	95
11yrs	67	29	38	2	2	138
12yrs	99	61	87	3	26	276
13yrs	176	104	209	8	19	516
14yrs	263	166	334	10	33	806
15yrs	332	198	457	10	62	1,059
16yrs	355	176	578	11	189	1,309
17yrs	440	191	762	23	325	1,741
Total	1,774	947	2,482	69	668	5,940

Source: Adapted from OCSAR 2006a

(13 to 17 year olds), warnings were the most common outcome, followed by transfers to court (see Table 18). Interestingly, transfers to court were a more common outcome than transfers to youth justice conferences for all age groups. The greater likelihood of being transferred to court rather than a youth justice conference is particularly pronounced, however, for older juveniles aged 13 to 17 years.

### Western Australia

In Western Australia, of a total of 1,327 distinct juveniles referred to juvenile justice teams, 576 were aged 10 to 14 years and 751 were aged 15 to 17 years (Loh et al 2007: 123). Table 19 shows the number of distinct juveniles cautioned by Western Australia Police in 2005 by age, sex and Indigenous status.

As Figure 42 shows, over half of all distinct juveniles cautioned by Western Australia Police in 2005 were aged 15 to 17 years.

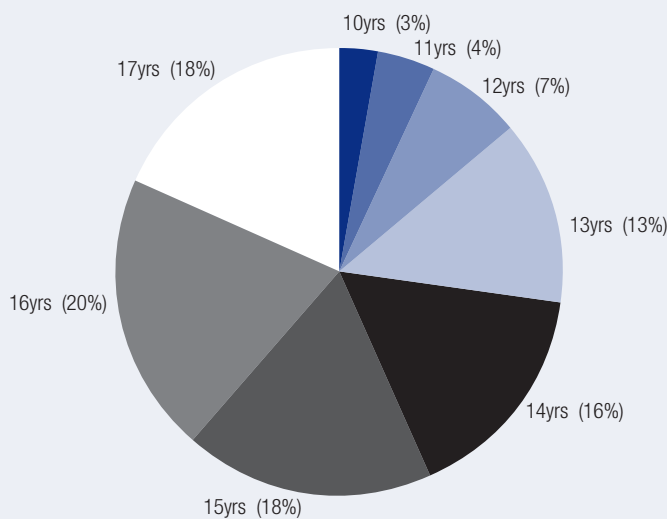
### South Australia

OCSAR (2006a) provide data on courses of action taken following juveniles' contact with the police by

age (see Table 20). Transfers to family conferences were used less frequently than formal cautions and transfers to the youth court for all ages except 10 year olds, for whom cautions and transfers to family conferences were used more frequently than transfers to youth court. For 10 to 12 year olds, more cautions than transfers to the youth court were used; for 13 to 17 year olds, transfers to youth court were more frequently used than cautions. This is consistent with the more serious offending that older juveniles are usually apprehended in relation to, compared with younger juveniles.

The data show a consistent pattern for 10 to 12 year olds, with more cautions than transfers to family conferences and more transfers to family conferences than transfers to youth court being administered by police. This is largely unsurprising, given the minor nature of most offending by younger juveniles. The data for 13 to 17 year olds, however, do not adhere to this pattern. For this age group, transfers to youth court are the measure most often administered by police, followed by cautions, then transfers to family conference (see Table 20). This is somewhat unexpected, given that transferring a juvenile to the youth court is the most serious approach police can take, followed by a transfer to a family conference, followed by administering

**Figure 42** Distinct persons cautioned by Western Australia police, 2005, by age<sup>a</sup> (%)



a: Excludes 542 cases of unknown sex and 15 cautions administered to 18 year olds

Note: Total may not sum to 100 due to rounding

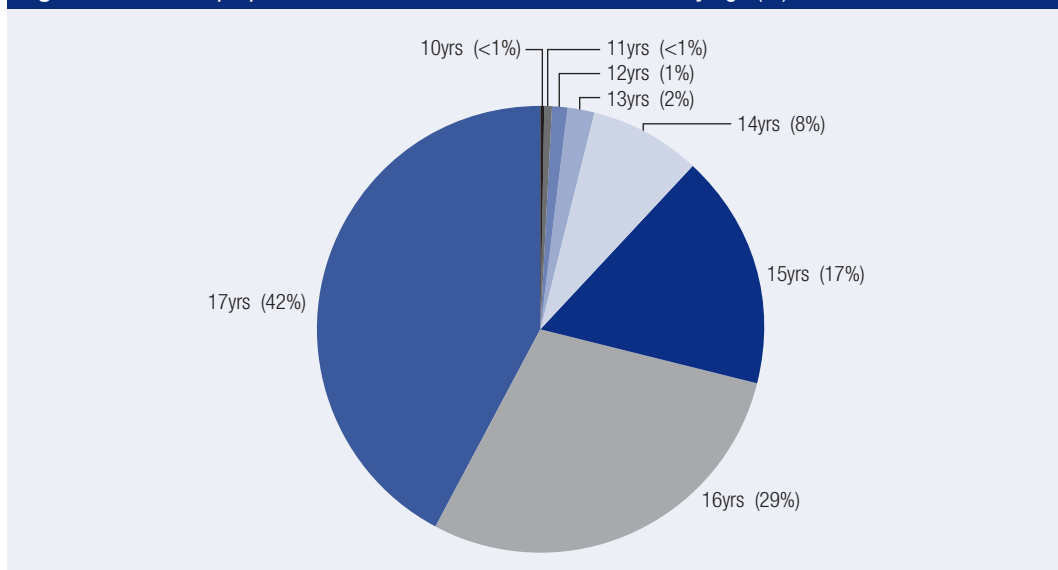
Source: Adapted from Loh et al 2007

**Table 21** Number of alleged juvenile offenders apprehended by Northern Territory Police, 2008, by type of outcome and age

	Written warning	Verbal warning	Total warnings	Victim-offender conference	Family conference	Total conferences	Court (denied)	Court (declined)	Total court	Total
10yrs	3	0	3	4	0	4	0	0	0	7
11yrs	14	3	17	3	3	6	4	1	5	28
12yrs	26	5	31	16	11	27	29	5	34	92
13yrs	31	8	39	18	15	33	55	10	65	137
14yrs	29	12	41	29	25	54	83	11	94	189
15yrs	27	6	33	30	34	64	104	18	122	219
16yrs	19	6	25	33	24	57	147	14	161	243
17yrs	18	3	21	25	18	43	176	12	188	252
18+yrs	2	0	2	10	8	18	14	1	15	35
Total	169	43	212	168	138	306	612	72	684	1,202

Source: Adapted from Northern Territory Police data file 2009

**Figure 43** Juvenile perpetrators of homicide 1989–90 to 2006–07 by age (%)



Source: AIC NHMP [computer file]. n=466

a caution. It is important to consider, however, that offence seriousness and/or the number of times a juvenile has been apprehended by police are likely to impact on outcomes for juveniles.

### Northern Territory

Data on juveniles' contact with the police in the Northern Territory for 2008 indicate that overall,

more serious outcomes were applied to older juveniles. As Table 21 indicates, while written warnings, verbal warnings and warnings as a whole 'peaked' at 14 years, family conferences 'peaked' at 15 years and victim-offender conferences at 16 years. Taken as a whole, conferences peaked at 15 years. A positive association can be observed between the increasing age of juveniles and the number of transfers to the court system. That is,

the number of transfers to court 'peaked' at 17 years during 2008.

## Juvenile perpetrators of homicide in Australia

A further source of data on juveniles' contact with the police in Australia is the AIC's NHMP, under which data on all homicides in Australia since 1989–90 have been collected. As outlined earlier in this report, the NHMP aims to identify the characteristics of individuals that place them at risk of homicide victimisation and offending and the circumstances that contribute to the likelihood of a homicide occurring. The program uses data from police records, information from individual investigating officers and coronial files.

Although the nature of juvenile homicide offenders' contact with the police is not the focus of the NHMP, data collected for this program nonetheless provide an insight into the number of juveniles that are charged with homicide each year and the characteristics of these juveniles and their offences. The NHMP also collects data on juvenile victims of homicide, as discussed earlier in this report.

During the 18 year period from 1989–90 to 2006–07, the NHMP has recorded 466 juvenile (aged 10 to 17 years) perpetrators of homicide. The number of juvenile perpetrators of homicide ranged from 13 in 2004–05 to 42 in 1993–94. During this time, there were 337 homicide incidents involving juvenile

perpetrators, indicating that more than one juvenile perpetrator is sometimes involved in a homicide incident. These homicide incidents resulted in 348 victims, suggesting that homicides perpetrated by juveniles only very occasionally have more than one victim.

Juveniles represented less than eight percent of all homicide perpetrators in Australia for the 1989–90 to 2006–07 period. The proportion of homicide perpetrators that were juvenile ranged from five percent in 2000–01 and 2004–05 to 11 percent in 1993–94, 1996–97 and 2005–06.

As Figure 43 shows, NHMP data indicate that juvenile perpetrators of homicide have tended to be older juveniles, with 16 and 17 year olds comprising nearly three-quarters of all juvenile homicide perpetrators.

The majority of juvenile homicide offenders (86%) were male; the remaining 14 percent were female. Twenty-four percent of all juvenile homicide offenders captured by the NHMP in the period from 1989–90 to 2006–07 were Indigenous. It is important to note that jurisdictions record Indigenous status in varied ways, and as a result, these data must be interpreted with caution.

During the 18 year period of NHMP data collection, 65 homicide incidents have involved both a juvenile perpetrator and victim. This represents one percent of all homicide incidents during this time. The number of homicide incidents involving both juvenile victims and perpetrators in any year ranged from one to seven.

# Juveniles' contact with the children's courts as alleged offenders

Like data on juveniles' contact with the police, data on juveniles' contact with the court system in Australia is limited, nebulous and challenging to interpret. In addition to a number of sources from the state and territory jurisdictions, there are two main sources of information on children's courts across Australia. The ABS (2008b: 5) *Criminal Courts Australia* publication presents statistical data on defendants dealt with in the criminal courts of Australia, including the children's courts. Data for this publication are extracted from each state and territory's courts administration records. The SCRGSP (2008: 7.1) report on government service provision in Australia presents data on the performance of court administration for the major courts in Australia (excluding the High Court of Australia). Many of these data consider the performance of the courts in relation to matters of costs, expediency and clearance rates. The report nonetheless contains some important data on children's courts in Australia. Table 22 lists the sources of children's court data in Australia.

## Features of children's court jurisdictions in Australia

A number of broad features and trends can be identified from both commonwealth and state and

territory data sources on children's court systems across Australia. These are outlined below.

### *Fewer cases being heard*

The last decade has seen a decline in the volume of cases heard in children's courts in Australia. The emergence of a general trend towards diverting juveniles from the criminal justice system has resulted in fewer cases being heard in Australia's children's courts. Commonly-utilised diversionary measures include drug and alcohol courts and programs, family group conferencing, youth justice conferencing, juvenile justice teams and Indigenous-specific courts and programs. In Western Australia, for example, although there have been increases in recent years of data collection, numbers of offences committed by juveniles and distinct juvenile persons are dramatically lower than they were in the early 1990s (Loh et al 2007: 112).

### *Types of offences heard*

The ABS (2008b: 63) data on Australia's children's courts lists deception, acts intended to cause injury, theft, unlawful entry with intent and road traffic offences as the most common alleged offences of juvenile defendants. Although the most frequently adjudicated offences vary among states and

**Table 22** Sources of data on children's courts in Australia

NSW	New South Wales Bureau of Crime Statistics and Research (BOCSAR) 2008. <i>New South Wales criminal court statistics 2007</i> . Sydney: BOCSAR
ACT	ACT Department of Justice and Community Safety 2007. <i>Annual report 2006–07</i> . Canberra: ACT Department of Justice and Community Safety ACT Department of Justice and Community Safety 2007. <i>ACT criminal justice statistical profile</i> . Canberra: ACT Department of Justice and Community Safety
Vic	Children's Court of Victoria 2007. <i>Annual report 2005–2006</i> . Melbourne: Children's Court of Victoria Victoria Sentencing Advisory Council 2007. <i>The number of people sentenced in Victorian Courts, 1999–2000 to 2006–07</i> . Melbourne: Victoria Sentencing Advisory Council Victoria Sentencing Advisory Council 2007. <i>Children's Court sentencing statistics, 1999–00 to 2006–07</i> . Melbourne: Victoria Sentencing Advisory Council
Qld	Children's Court of Queensland 2007. <i>Annual report 2006–2007</i> . Brisbane: Children's Court of Queensland
WA	Loh et al 2007. <i>Crime and justice statistics for Western Australia: 2005</i> . Perth: Crime Research Centre University of Western Australia
SA	Office of Crime Statistics and Research (OCSAR) 2006a. <i>Crime and justice in South Australia, 2005: juvenile justice</i> . Adelaide: OCSAR
NT	n/a
Tas	Tasmania Magistrates Court 2007. <i>Annual report</i> . Hobart: Tasmania Magistrates Court
All states and territories	Australian Bureau of Statistics (ABS) 2008. <i>Criminal courts 2006–07</i> . Canberra: ABS Steering Committee for the Review of Government Service Provision (SCRGSP) 2008. <i>Report on government services 2008</i> . Canberra: SCRGSP

territories, children's court data typically list burglary/theft, assault and dangerous/negligent driving as common offences heard in children's courts. Very violent offences such as homicide and sexual assault are adjudicated infrequently in Australia's children's courts.

## Offences overwhelmingly result in conviction

The majority of criminal trials involving juveniles result in conviction. Convictions result from juveniles either pleading guilty or being found guilty. According to ABS (2008b: 62–63) data, 82 percent of defendants in Australia's children's courts were finalised via a guilty plea, a finding of guilt or an acquittal and the remaining 18 percent were finalised via the withdrawal of charges, transfers to other courts or non-court agencies. Of those charged, 96 percent were convicted during the counting period 2006–07.

## Penalties are overwhelmingly non-custodial

Only a small minority of convicted juveniles are sentenced to periods of detention in Australia. Ninety-two percent of convicted juveniles were sentenced to non-custodial penalties such as fines, good behaviour bonds or community supervision orders during 2006–07 (ABS 2008b: 65). Of the remaining juveniles, five percent were ordered to serve time in a correctional facility and one percent each were sentenced to suspended sentences and custody in the community (ABS 2008b: 65). Although the states and territories that report rates of incarceration of convicted juveniles define 'custodial sentences' in varied ways (with only some including periodic detention and/or suspended sentences, for example), figures are low across all jurisdictions.

## Characteristics of defendants

Indigenous juveniles, males and juveniles aged 16 to 17 years are overrepresented in children's court statistics. Fifty-one percent of children's court defendants across Australia were 16 or 17 years of age during 2006–07 (ABS 2008b: 64). Data for NSW children's court similarly show that 50 percent of defendants were aged 16 to 17 years (BOCSAR 2007: 68).

Forty-one percent of juvenile defendants in Western Australia children's courts were Indigenous in 2005—representing a significant overrepresentation of Indigenous juveniles (Loh et al 2007: 113). In South Australia's children's courts, defendants of

'Aboriginal appearance' comprised 24 percent of all juveniles during 2005 (Loh et al 2007: 127–128).

Male juveniles make up the majority of children's court defendants in all jurisdictions where data on the sex of defendants are available. The ABS (2008b: 64) puts this figure at 77 percent nationally. In New South Wales (BOCSAR 2008: 69–73) and Western Australia (Loh et al 2007: 116), the figure is 82 percent and in South Australia, 86 percent (OCSAR 2006a: 124–125).

## Children's court data on juveniles

Like police departments in Australia's states and territories, courts across Australia's criminal jurisdictions collect, record and report data in varied ways. As a result, data on states' and territories' children's courts are often not directly comparable. A brief discussion of the variances in jurisdictions' recording of court data follows.

### *Person counts versus offence counts and case counts*

While some court administration systems capture data on the number of *defendants* finalised in the courts, others record *offences* or *cases finalised*. The ABS (2008b: 90), for example, records data on *defendants finalised* in all states and territories in Australia except New South Wales. Finalised defendants are defined as 'a person or organisation for which all charges relating to the one case have been formally completed so that the defendant ceases to be an item of work to be dealt with by the courts'. For New South Wales, however, *finalised appearances* are recorded. A finalised appearance is defined as 'a group of one or more charges against an individual, disposed of by the Children's Courts' (BOCSAR 2008: 128). For juveniles with multiple charges, only the most serious charge is presented. The SCRGSP's (2008) data relate to finalised matters.

The ACT Department of Justice and Community Services records the disposition of cases, rather than *persons*. Defendants may have more than one disposition (such as a fine, periodic detention

or licence disqualification) imposed by the children's court. As such, counts of cases are likely to be higher than counts of defendants. Victoria's Sentencing Advisory Council records the number of *distinct juveniles sentenced* in the Victorian children's court. The Children's Court of Queensland (2007) records finalised appearances and charges. A juvenile is counted multiple times if they are disposed of by the court on more than one occasion during the counting period. Although South Australian data, like those from the Australian Capital Territory, record cases, these are defined as 'a group of matters involving the one defendant which were finalised before the same judge or magistrate in the same court on the same day' (OCSAR 2006a: 172). As such, multiple offences may be recorded as one case. This counting method is therefore likely to result in a smaller overall count. The Children's Court of Victoria (2007: 20) records all matters initiated, finalised and pending. In Western Australia, data are recorded on distinct persons, final appearances and offence counts finalised (Loh et al 2007). Data recorded by the Tasmanian Magistrates Court (2007) relate to lodgements of complaints for all offences.

As discussed earlier in this report, counts of juvenile offences or cases, rather than offenders, are likely to be affected by juveniles' tendency to commit crimes in groups.

### *Measuring age*

As discussed above, a juvenile is a person aged 10 to 16 years of age in Queensland and 10 to 17 years of age in all other states and territories. In Australian jurisdictions, children's courts hear cases relating to actions committed when an alleged offender was defined as a juvenile. That is, if a person turns 18 years after the commission of the alleged offence, the case will still be heard in the children's court. Most jurisdictions' data reports the age of defendants at the time of the court hearing; defendants aged 18 years therefore feature in these data in substantial numbers. Almost 18 percent of defendants in NSW children's court were aged 18 years and over during 2006, for example (BOCSAR 2008 68). In Western Australia, this figure was 15 percent for 2005 (Loh et al 2007: 113). In South Australia, however, data on juveniles' ages are reported as the age of a defendant at the date

of the offence (OCSAR 2006a: 173) rather than the court hearing.

### *Measuring most serious offence*

In most jurisdictions, where an offender is charged with multiple offences, only the most serious offence is recorded. The most serious offence is determined in varied ways across children's court jurisdictions in Australia.

In New South Wales and Western Australia, offence categories are based on the ABS Australian Standard Offence Classification (ASOC). Although the ASOC does not rank offences in order of seriousness, Western Australia's Crime Research Centre has developed a seriousness index to be used in conjunction with ASOC (Loh et al 2007: 3). In New South Wales, the principal offence is defined as the offence attracting the most severe outcome. If more than one offence receives the same outcome, the most serious offence is deemed to be the one with the lowest ASOC code (BOCSAR 2008: 129).

In South Australia, OCSAR (2006a: 172) uses a more complex process to determine the principal offence, based on the highest maximum penalty prescribed for the major offence proved.

Methods of measuring the most serious offence differ both across jurisdictions and across time. Although the ASOC system replaced the previous system—the Australian National Classification of Offences (ANCO)—in 1997, for example, it has been adopted at different times in each state and territory. Western Australia, for example, adopted the ASOC system only for its most recent collection of data (Loh et al 2007: 2, footnote 2).

### *Recording the 'racial appearance' of juveniles*

As discussed above, data on the 'race' of defendants are collected in varied ways by police. This is also the case with court data. In addition to the obvious problem that a person's 'race' cannot necessarily be correctly determined based on appearance alone, there are a number of problems with this approach. Firstly, jurisdictions have varied ways of assessing 'racial appearance'. In South Australia, for example, 'racial appearance' is

assigned based on a 'majority opinion' contained in each police apprehension report lodged for a particular individual (OCSAR 2006a: 173). Although this approach may resolve inconsistencies among police reports, the data still reflect police opinion rather than defendants' own identity (OCSAR 2006a: 173). In Western Australia, the Crime Research Centre's database of de-identified persons in the criminal justice system is used to include data on defendants' ethnic background where this has not been recorded in the Children's Court and Petty Sessions (CHIPS) database (Loh et al 2007: 113, footnote 6). The Crime Research Centre's data on ethnicity is sourced from police files; information on defendants' ethnic background may therefore be sourced from either police or court records in Western Australia (Loh et al 2007: 68, footnote 4). Where court data simply reflect police records on 'racial appearance', errors made by police are carried over into court data.

### *'Deception' offences, infringements and traffic offences*

Traffic infringements and 'deception' offences such as fare evasion—which constitute a significant proportion of offences committed by juveniles—usually proceed straight to children's courts or other regulatory body such as a state debt recovery office. Although these offences are usually minor, they are often represented in court rather than police statistics, and could therefore contribute towards a distorted picture of the level of juvenile offending in Australia's states and territories. As these offences comprise a high number of children's court appearances in jurisdictions where they are dealt with by children's courts, jurisdictions utilising other statutory bodies in place of the courts may appear to have smaller overall numbers of juveniles before the courts. As published data on the states' and territories' electronic infringement and enforcement systems do not disaggregate offenders' ages (see SCRGSP 2008: 7.19), it is impossible to determine the number of juveniles dealt with in this manner.

In a number of jurisdictions, the Children and Young Persons Infringement Notice System (CAYPINS) has been or will be introduced to deal with fare evasions (ABS 2008b: 91; Children's Court of Victoria 2007: 16). Data on these sorts of offences, which make up



a considerable proportion of juvenile crime in Australia, therefore suffer from a lack of comparability among Australia's states and territories.

### *Court-referred restorative justice programs*

Each of Australia's jurisdictions operates a program for juveniles that is based on restorative justice principles, such as family group conferencing, youth justice conferencing or juvenile justice teams. Most of these programs accept referrals from both police and courts. Victoria, however, has adopted a restorative justice program for juveniles that only accepts referrals from the Children's Court of Victoria. As a result, juveniles who may be diverted by the police in other states and territories appear before Victoria's children's court, before being diverted via a restorative justice program. This may inflate the number of juveniles appearing before the court in Victoria in comparison with other jurisdictions.

### *Other factors*

A number of other factors affect court data on juveniles in Australia. Like police data, counting periods for court data vary and there is more information on some jurisdictions than others. Detailed information on the children's courts in Queensland and the Northern Territory, for example, is not currently publicly available.

Children's courts are highly susceptible to legislative and policy changes. In Western Australia in 2005, for example, the jurisdiction of the children's court broadened to allow magistrates to hear both summary and indictable offences and to apply both adult and juvenile penalties (ABS 2008b: 92). In the Northern Territory, the introduction of the *Youth Justice Act* allows the diversion of juveniles to youth justice conferencing or other diversionary measures (ABS 2008b: 93) and the *Children and Young People Act 2008* was recently passed in the Australian Capital Territory. Shifts in legislation and policy such as these impact not only on the administration of juvenile justice in these jurisdictions, but on the collection and reporting of these jurisdictions' children's court data. This

is the case both across jurisdictions, as described above, and across time. The most recent ABS (2008b: 89) data, for example, are not directly comparable with earlier court data, which is considered experimental in nature.

Finally, while some jurisdictions provide detailed information on the data collection methods, counting methods and definitions they employ, others provide little or no information on these areas. As such, data on some children's courts is much richer than on others.

## Juveniles' contact with children's courts as alleged offenders

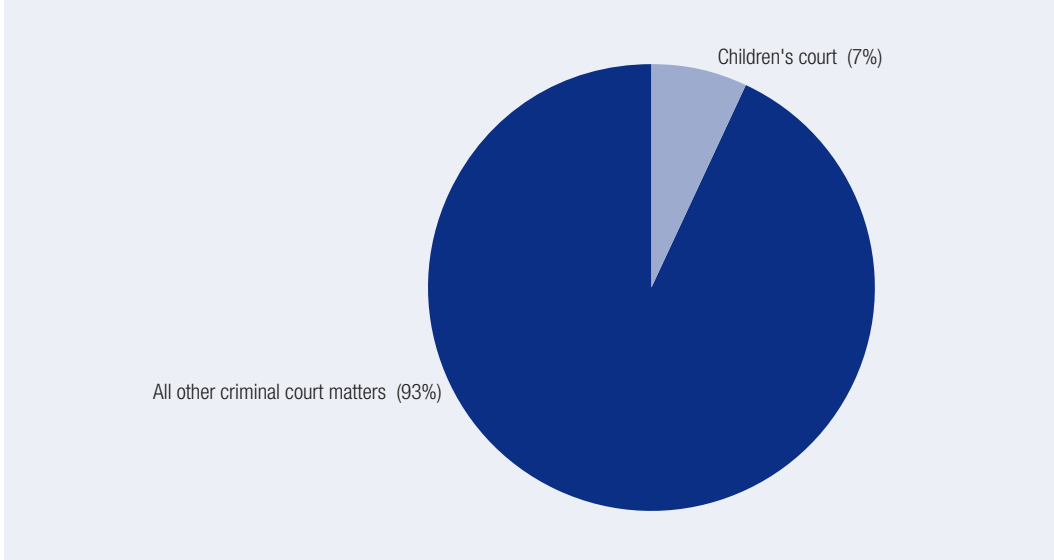
The total number of criminal defendants in Australia's children's courts during the 2006–07 financial year was 41,158 (ABS 2008b: 62). The number of finalisations in the criminal children's courts during this period was 59,800 (SCRGSP 2008: 7.19). As Figure 44 shows, during this period, Australia's criminal courts finalised 808,400 matters; criminal matters in children's courts made up seven percent of these matters (SCRGSP 2008: 7.19).

The figures reported by the ABS, and drawn on in the following sections, exclude the following:

- bail reviews
- applications to amend sentences or penalties that do not require any adjudication of charges
- breach of bail cases
- breach of parole cases
- appeal cases
- tribunal matters
- matters against defendants for whom a bench warrant has been issued but not executed
- any defendants finalised in the Drug Courts, Electronic Courts, Fine Recovery Units, Family Violence Courts and/or Indigenous Courts (ABS 2008b: 62, 85).

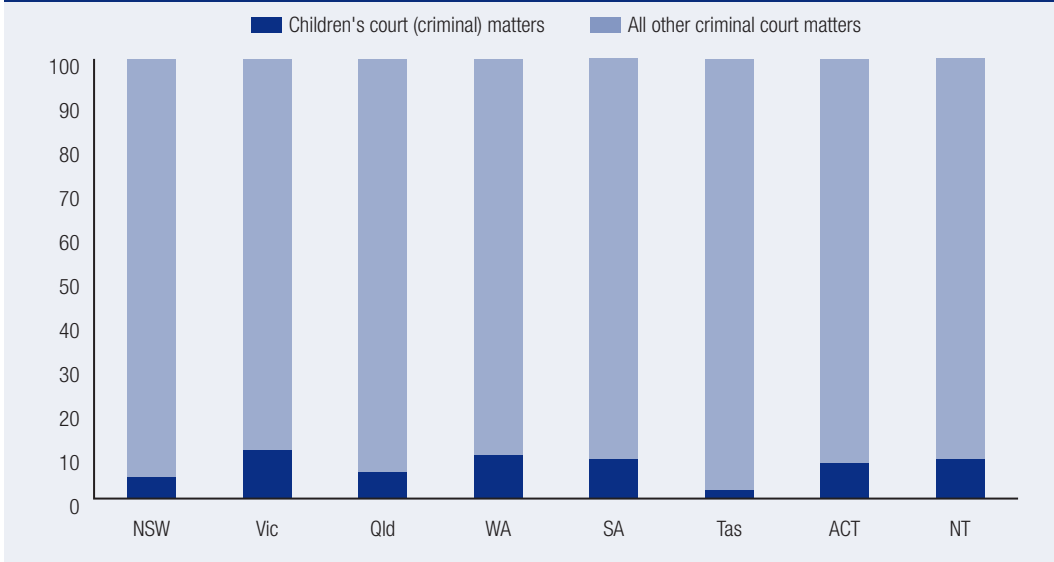
Criminal hearings in children's courts comprised varied proportions of states' and territories' total criminal court hearings during 2006–07. As Figure 45 shows, this proportion varied from two percent in Tasmania to 11 percent in Victoria.

**Figure 44** Children's criminal court finalisations as a proportion of all Australian criminal court matters, 2006–07 (%)



Source: SCRGSP 2008. n=808,400

**Figure 45** Proportion of each state and territory's criminal court matters heard in children's courts, 2006–07 (%)

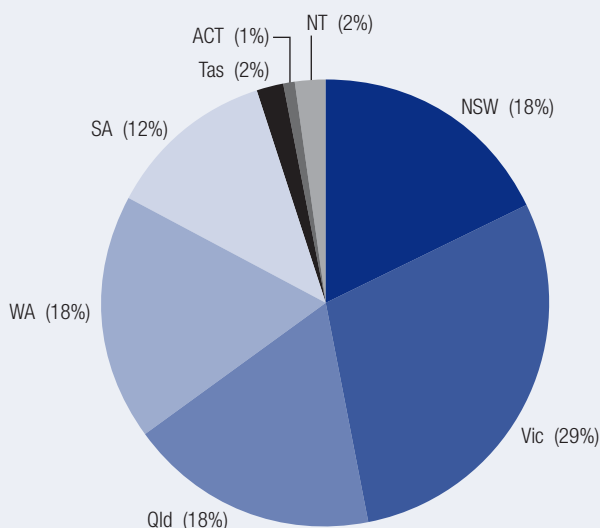


Source: SCRGSP 2008: 7.19

Children's criminal court finalisations in each state and territory jurisdiction also comprised varied proportions of total criminal court matters in Australia during 2006–07. As Figure 46 shows, this ranges from less than one percent for the Australian Capital Territory to 29 percent for Victoria.

Importantly, these figures do not capture the number of charges that juveniles appear before the children's courts in relation to. Data from Queensland show that on average, juveniles appear in court in relation to more than one charge. During 2006–07, for example, 6,333 juveniles were adjudicated by

**Figure 46** Children’s criminal court finalisations, 2006–07, by jurisdiction (%)



Source: SCRGSP 2008: 7.19. n=59,800

Queensland courts in relation to 16,500 charges. This represents an average of 2.6 charges per juvenile. Although these data relate only to Queensland, and should not be considered representative of other jurisdictions or of Australia as a whole, they indicate that juveniles may appear before the courts in relation to multiple charges. It is important to consider, therefore, that counts of juveniles adjudicated by the courts in Australia do not equate to the number of charges in relation to which juveniles appear before the courts.

## Juveniles adjudicated in the children’s courts, by gender and age

Seventy-seven percent (n=31,709) of criminal defendants finalised in the children’s courts during 2006–07 were male; the remaining 23 percent (n=9,449) were female.

Of juveniles adjudicated (ie those finalised via a guilty plea or finding of guilt), the largest proportion of juvenile defendants was aged 17 years (29%), followed by 16 years (22%). Figure 47 shows the proportion of defendants adjudicated in the children’s courts in 2006–07 by age. As defendants’

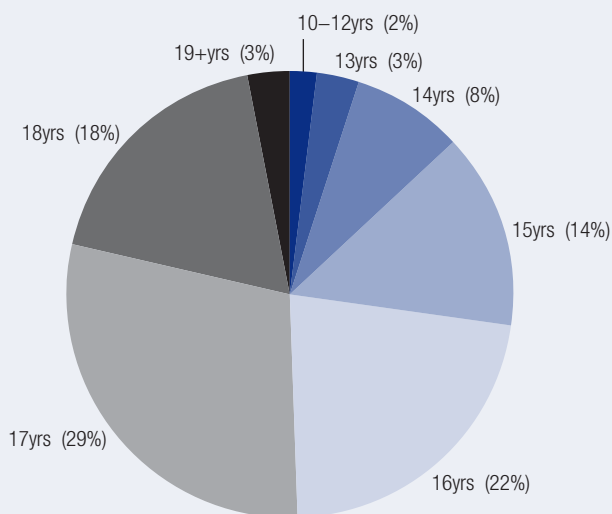
ages are recorded at the time cases are finalised, rather than at the time of the alleged offence, a considerable proportion of defendants are aged 18 years or more.

## Juveniles adjudicated in the children’s courts, by offence type

The types of offences for which juveniles are adjudicated in the children’s courts vary among jurisdictions. The ABS reports that for the 2006–07 financial year, deception was the offence for which most defendants were adjudicated in Australia’s children’s courts. The total number of defendants adjudicated in the children’s courts for deception and related offences during this time was 6,497. This represents 19 percent of all defendants adjudicated in the children’s courts for the period (see Table 23).

The types of offences for which juveniles were adjudicated in the children’s courts varied considerably by jurisdiction, however. In New South Wales and Tasmania, the offence for which the highest proportion of juveniles was adjudicated was acts intended to cause injury. In the Northern

**Figure 47** Defendants adjudicated in the children's courts, 2006–07, by age (%)



Note: Total may not sum to 100 due to rounding

Source: ABS 2008b: 72. n=33,782

Territory, unlawful entry with intent formed the highest proportion of offences for which juveniles were adjudicated in the children's courts. In South Australia, road traffic offences were most common and in Victoria, deception offences accounted for more than half of the offences for which juveniles were adjudicated in the children's courts. In Western Australia, dangerous or negligent acts endangering persons were the most commonly adjudicated offences. In Queensland and the Australian Capital Territory, theft offences were the most common (ABS 2008b: 63–64).

These variations among jurisdictions clearly demonstrate the impact of differences in legislation and policy in Australia's states and territories. In Victoria, for example, unlike other jurisdictions, fare evasion is adjudicated in the children's court as a deception offence. This contributes towards the much higher level of deception offences for which juveniles are adjudicated in Victoria, in comparison with other jurisdictions. Table 23 shows the offence types for which juveniles were adjudicated in the children's courts for the 2006–07 financial year.

The offence type for which juveniles are adjudicated also varies considerably by age and gender. Table 24 shows the breakdown of defendants adjudicated in the children's courts by offence type and age.

As Table 24 shows, for the majority of offences, 17 year olds comprised the highest proportion of juveniles adjudicated in the children's courts. For most offences, a pattern can be observed, whereby the number of defendants adjudicated increases with age until 17 years, then decreases for 18 year olds and those aged 19 years old and above. For unlawful entry with intent, theft and related offences, property damage and environmental pollution, and public order offences, this pattern remains the same, but 'peaks' at 16 years rather than 17 years. Abduction and related offences and homicide and related offences were the only offence categories that did not adhere to this pattern. Too few homicide and abduction offences were recorded to enable patterns related to age to be observed.

Table 25 shows the offences for which male and female juveniles were adjudicated in children's courts for the 2006–07 period. More male defendants than female defendants were adjudicated for every offence type. The proportion of male defendants adjudicated ranged from 57 percent for abduction and related offences to 98 percent for sexual offences. Male defendants comprised 77 percent of all defendants adjudicated in the children's courts during the period (ABS 2008b).

**Table 23** Number of defendants adjudicated in the children's courts, 2006–07, by principal offence and jurisdiction

	NSW <sup>a</sup>	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	% total
Homicide and related offences	5	0	0	0	5	0	3	0	13	<1
Acts intended to cause injury	1,787	866	587	211	710	198	92	57	4,508	13
Sexual assault and related offences	80	72	78	19	62	7	11	0	329	1
Dangerous or negligent acts endangering persons	113	194	97	226	1,047	27	28	9	1,741	5
Abduction and related offences	6	0	3	0	3	0	0	0	12	<1
Robbery, extortion and related offences	549	199	111	30	177	4	0	36	1,106	3
Unlawful entry with intent	866	570	1,084	175	808	96	137	19	3,755	11
Theft and related offences	1,202	1,003	1,206	299	534	121	39	88	4,492	13
Deception and related offences	157	6,107	156	15	45	11	3	3	6,497	19
Illicit drug offences	175	76	187	25	172	23	9	0	667	2
Weapons and explosives offences	47	177	89	46	58	3	15	11	446	1
Property damage and environmental pollution	572	449	533	189	311	62	16	15	2,147	6
Public order offences	621	665	1,062	173	369	68	19	5	2,982	9
Road traffic and motor vehicle regulatory offences	328	411	632	763	732	173	104	58	3,201	9
Offences against justice procedures, government security and operations	233	124	270	97	160	50	12	5	951	3
Miscellaneous offences	192	581	34	13	62	3	0	28	913	3
Total <sup>b</sup>	6,933	11,497	6,129	2,281	5,255	846	505	334	33,780	100
% total	21	34	18	7	16	3	1	1	100 <sup>b</sup>	–

a: These data refer to appearances finalised rather than finalised defendants, resulting in a possible increase

b: Includes defendants for whom offence data are missing or a principal offence could not be established

Source: ABS 2008b: 82

## Juveniles adjudicated in the children's courts, by offence type by prior proven offences

Children's court data from the ABS and from most state or territory sources do not indicate whether offenders are first-time or repeat offenders. Instead, these data offer a snapshot of defendants in the children's court without reference to juveniles' offending histories. Data on young people's previous

contact with the court is nonetheless important to consider, as prior convictions are likely to have an impact on sentencing outcomes for juveniles. Additionally, data on juveniles' offending histories might help begin to explain disparities between male and female and Indigenous and non-Indigenous juveniles, in relation to sentencing outcomes.

BOCSAR (2008) publishes data on the prior proven offences of defendants before the Children's Court of New South Wales, making this the only jurisdiction for which these data are currently publicly available. These data cannot be taken as representative of the

**Table 24** Number of defendants adjudicated in the children's courts, 2006–07, by offence type and age in years

	10–12	13	14	15	16	17	18	19+	Total <sup>a</sup>
Homicide and related offences	0	0	0	0	3	5	5	3	16
Acts intended to cause injury	113	185	459	719	1,041	1,248	633	110	4,508
Sexual assault and related offences	5	13	40	48	66	84	46	28	330
Dangerous or negligent acts endangering persons	8	14	34	124	287	948	311	13	1,739
Abduction and related offences	3	0	0	0	0	0	0	0	3
Robbery, extortion and related offences	10	45	111	197	238	322	159	26	1,108
Unlawful entry with intent	202	264	546	727	820	681	307	208	3,755
Theft and related offences	149	299	629	872	1,076	915	451	102	4,493
Deception and related offences	5	13	71	249	1,064	2,264	2,653	180	6,499
Illicit drug offences	3	11	41	80	213	224	80	15	667
Weapons and explosives offences	10	17	53	79	113	119	48	6	448
Property damage and environmental pollution	85	128	252	403	511	475	247	46	2,147
Public order offences	61	111	284	518	891	780	300	36	2,981
Road traffic and motor vehicle regulatory offences	16	40	116	331	781	1,274	593	47	3,201
Offences against justice procedures, government security and operations	5	19	84	166	252	297	120	7	950
Miscellaneous offences	8	16	39	63	163	319	283	23	914
Total <sup>b</sup>	686	1,175	2,762	4,579	7,522	9,960	6,239	853	33,782

a: Includes defendants with unknown age

b: Includes defendants for whom offence data or missing, or a principal offence could not be established

Source: Adapted from ABS 2008b: 72

other jurisdictions within Australia; they nonetheless provide a limited insight into the offending histories of juveniles before the children's court (see Table 26).

These data show that for most offence types, defendants were most likely to have no prior convictions. This is somewhat unsurprising, given defendants' youth and the focus on diverting juveniles from the criminal justice system across Australia's states and territories. Aside from abduction and related offences, for which few data exist, the only exception was offences against justice procedures, government security and government operations, for which defendants were more likely to have prior convictions, but not of the same type.

This is also somewhat unsurprising, given that some offences against justice procedures, such as breach bail conditions, breach apprehended domestic violence order or fail to appear require contact with the criminal justice system by definition and are likely to be related to offences of a different nature.

Juveniles convicted of unlawful entry with intent/burglary, break and enter in 2007 were almost as likely to have prior convictions of a different nature (n=227) or prior offences of the same type without imprisonment (n=214) as no prior convictions (n=256). These juveniles were also more likely than those convicted of most other offences to have had prior convictions of the same type with imprisonment

**Table 25** Number of defendants adjudicated in the children's courts, 2006–07, by offence type and sex

	Males	Females	Total <sup>a</sup>	% males
Homicide and related offences	11	4	15	73
Acts intended to cause injury	3,421	1,083	4,508	76
Sexual assault and related offences	322	7	329	98
Dangerous or negligent acts endangering persons	1,476	255	1,740	85
Abduction and related offences	4	3	7	57
Robbery, extortion and related offences	943	165	1,108	85
Unlawful entry with intent	3,390	359	3,755	90
Theft and related offences	3,398	1,089	4,493	76
Deception and related offences	3,821	2,678	6,499	59
Illicit drug offences	567	97	667	85
Weapons and explosives offences	406	37	443	92
Property damage and environmental pollution	1,805	341	2,149	84
Public order offences	2,447	529	2,983	82
Road traffic and motor vehicle regulatory offences	2,602	590	3,201	81
Offences against justice procedures, government security and operations	706	243	952	74
Miscellaneous offences	659	255	914	72
Total <sup>b</sup>	25,993	7,741	33,784	77

a: Includes defendants with unknown sex

b: Includes defendants for whom offence data are missing or a principal offence could not be determined

Source: Adapted from ABS 2008b: 73–74

(n=96). Juveniles convicted of theft and related offences in 2007 were almost as likely to have had prior convictions of the same type without imprisonment (n=377) as no prior convictions (n=431). This cohort of juveniles was also more likely than those convicted of most other offence types to have had prior convictions of the same type with imprisonment (n=104).

Overall, 45 percent of juveniles convicted in the NSW Children's Court during 2007 had no prior convictions recorded since 1998. Fifty-five percent had prior convictions of some kind: 26 percent for a different type of offence, 23 percent for the same type of offence without imprisonment and only six percent for the same type of offence with imprisonment. Of those with prior convictions (n=3,421), 47 percent were for offences of a different type and 53 percent for offences of the same type.

## Sentencing outcomes for juveniles adjudicated in the children's courts

As discussed above, the majority of juveniles adjudicated in the children's courts are convicted. During 2006–07, only a small proportion overall (4%) were acquitted. Table 27 shows the proportions of defendants acquitted and convicted in children's courts for the 2006–07 financial year. Proportions of juveniles convicted and acquitted vary by offence type, however. Homicide and related offences has the lowest conviction rate, at 53 percent, and abduction and related offences the highest rate, at 100 percent. It is important to note that only very small numbers of defendants were adjudicated for these offences; as such, these figures must be interpreted with caution.

**Table 26** Number of convicted defendants, NSW Children's Court, 2007, by principal offence and whether prior proven offences<sup>a</sup>

	No prior proven offences	Prior offences proven (not same type)	Prior offences of same type without imprisonment	Prior offences of same type with imprisonment	Total
Homicide and related offences	1	0	0	0	1
Acts intended to cause injury	602	211	243	54	1,110
Sexual assault and related offences	31	14	1	2	48
Dangerous or negligent acts endangering persons	75	28	6	2	111
Abduction and related offences	1	4	0	0	5
Robbery, extortion and related offences	267	117	31	23	438
Unlawful entry with intent/ burglary, break and enter	256	227	214	96	793
Theft and related offences	431	222	377	104	1,134
Deception and related offences	35	15	9	0	59
Illicit drug offences	96	76	24	0	196
Weapons and explosives offences	24	11	2	0	37
Property damage and environmental pollution	229	193	134	22	578
Public order offences	346	177	190	14	727
Road traffic and motor vehicle regulatory offences	225	62	81	7	375
Offences against justice procedures, government security and government operations	171	192	143	22	528
Miscellaneous offences	66	62	5	4	137
<b>Total</b>	<b>2,856</b>	<b>1,611</b>	<b>1,460</b>	<b>350</b>	<b>6,277</b>
<b>% total</b>	<b>45</b>	<b>26</b>	<b>23</b>	<b>6</b>	<b>100</b>

a: Since 1998

Source: Adapted from BOCSAR 2008: 74

Convicted defendants in the children's courts were overwhelmingly sentenced to non-custodial sanctions during the 2006–07 financial year. As Figure 48 shows, large proportions of juveniles were sentenced to monetary orders, community supervision and work orders and other non-custodial sanctions.

These data, compiled by the ABS, adhered to the following definitions:

- custody in a correctional institution. Requires a convicted person to be detained within a facility built especially for the purpose of incarceration
- custody in the community. Requires a convicted person to have restricted liberty for a set period of time while living within the community (eg home detention)
- fully suspended sentence. A custodial order that provides that all of the sentence not be served, subject to the person being of good behaviour
- community supervision/work order. Requires a person to perform work within the community or report to a person (such as a corrections officer) nominated by the court. Referrals to family group conferences and juvenile justice conferences are included in this category



**Table 27** Number of defendants adjudicated in the children's courts, 2006–07, by offence type and adjudication type<sup>a</sup>

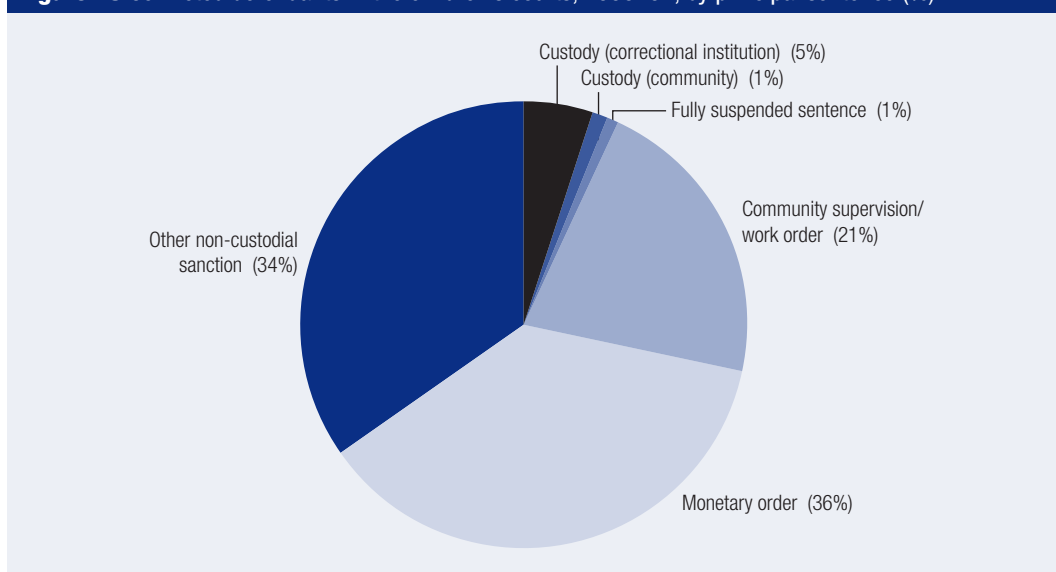
	Acquitted	Proven guilty	Total	% convicted
Homicide and related offences	7	8	15	53
Acts intended to cause injury	316	4,192	4,508	93
Sexual assault and related offences	65	264	329	80
Dangerous or negligent acts endangering persons	15	1,725	1,740	99
Abduction and related offences	0	7	7	100
Robbery, extortion and related offences	81	1,027	1,108	93
Unlawful entry with intent	136	3,619	3,755	96
Theft and related offences	199	4,294	4,493	96
Deception and related offences	135	6,364	6,499	98
Illicit drug offences	16	651	667	98
Weapons and explosives offences	7	436	443	98
Property damage and environmental pollution	115	2,034	2,149	95
Public order offences	200	2,783	2,983	93
Road traffic and motor vehicle regulatory offences	58	3,143	3,201	98
Offences against justice procedures, government security and operations	55	897	952	94
Miscellaneous offences	40	874	914	96
Total <sup>b</sup>	1,453	32,331	33,784	96

a: Includes defendants with unknown sex

b: Includes defendants for whom offence data or missing, or a principal offence could not be established

Source: ABS 2008b: 75

**Figure 48** Convicted defendants in the children's courts, 2006–07, by principal sentence (%)



Note: Total may not sum to 100 due to rounding

Source: Adapted from ABS 2008b: 76–77. n=32,329

- monetary orders. Includes fines, orders to pay restitution or compensation to a victim and other monetary orders. Court fees are not included in this category
- other non-custodial orders. Sentences that do not require custody, are not fully suspended and are not elsewhere classified. Examples include good behaviour bonds, licence disqualification and suspension and forfeiture of property (ABS 2008b).

## Sentencing outcomes for juveniles adjudicated in the children’s courts, by gender

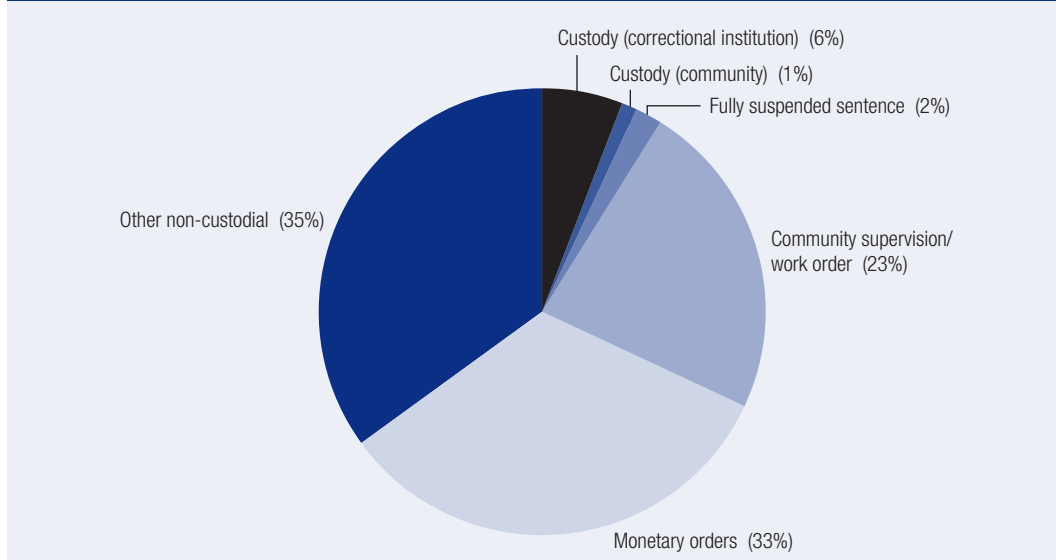
A higher proportion of male defendants (9%) than female defendants (3%) were sentenced to custodial orders during the 2006–07 financial year. As Figures 49 and 50 show, a higher proportion of convicted males (23%) than females (17%) were also sentenced to community supervision/work orders. Around one-third of both males and females convicted in the children’s courts were sentenced to ‘other’ non-custodial sanctions. Around one-third of males but almost half of females were subject to monetary penalties.

## Sentencing outcomes for juveniles adjudicated in the children’s courts, by age

Sentencing outcomes also vary by juveniles’ ages. Table 28 shows the numbers of juveniles sentenced in the children’s courts for the 2006–07 financial period by age, sex and principal sentence. For the majority of sentence outcomes, 17 year olds comprised the highest proportion of juveniles adjudicated in the children’s courts. For most sentence outcomes, a pattern can be observed for males, whereby the number of defendants adjudicated increased with age until 17 years, then decreased for 18 year olds and those aged 19 years old and above. For community supervision/work orders and other non-custodial sanctions, this pattern remained the same, but ‘peaked’ at 16 years rather than 17 years for both males and females. This is also the case for fully suspended sentences imposed on female juveniles, although the very small number of females given this type of sentence necessitates a cautious analysis of these figures. This pattern is commensurate with the age profile of juveniles adjudicated in the children’s courts (see Table 24).

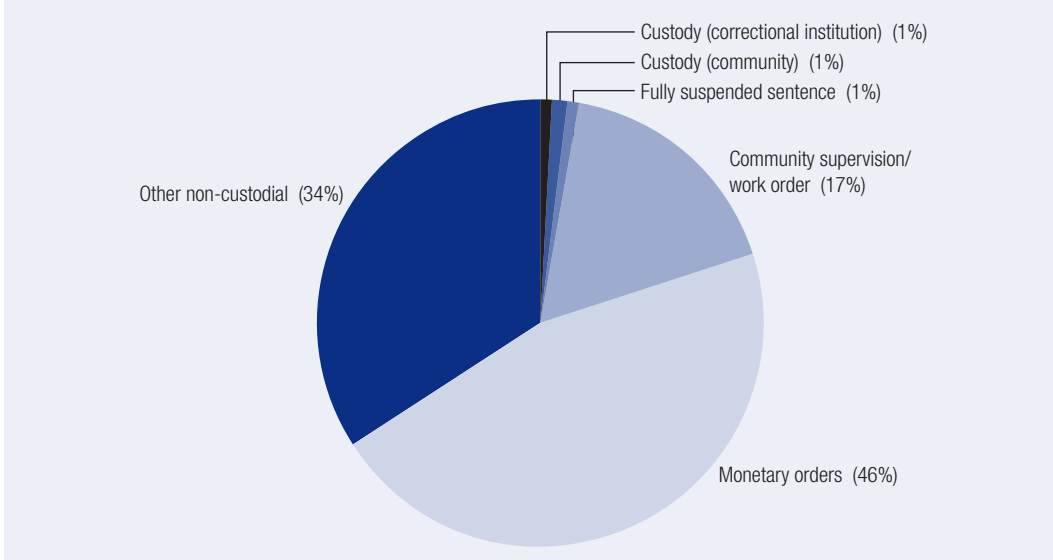
It is important to note that defendants aged 18 years old and above represented in Table 28 represent

**Figure 49** Convicted defendants (males) in the children’s courts, 2006–07, by principal sentence (%)



Source: Adapted from ABS 2008b: 78. n=24,800

**Figure 50** Convicted defendants (females) in the children's courts, 2006–07, by principal sentence (%)



Source: Adapted from ABS 2008b: 78. n=7,477

**Table 28** Number of convicted defendants in the children's courts, 2006–07, by age in years, sex and principal sentence

	10–12	13	14	15	16	17	18	19+	Total <sup>a</sup>
<b>Males</b>									
Custody (correctional institution)	17	57	124	267	342	445	212	61	1,525
Custody (community)	0	0	27	43	89	120	54	5	338
Fully suspended sentence	4	8	18	45	90	106	101	26	398
Community supervision/work order	208	377	771	1,105	1,482	1,184	424	66	5,617
Monetary orders	8	31	112	372	1,393	3,420	2,705	243	8,284
Other non-custodial	303	414	957	1,524	2,156	2,137	882	209	8,585
Total males <sup>b</sup>	540	890	2,012	3,360	5,558	7,429	4,386	622	24,800
<b>Females</b>									
Custody (correctional institution)	3	3	14	22	32	14	8	8	104
Custody (community)	0	0	4	7	8	16	6	0	41
Fully suspended sentence	0	0	5	3	17	9	6	3	43
Community supervision/work order	35	89	234	304	324	198	67	10	1,261
Monetary orders	3	6	36	153	582	1,306	1,273	104	3,463
Other non-custodial	51	132	331	530	687	549	216	47	2,543
Total females <sup>b</sup>	92	230	624	1,023	1,654	2,092	1,585	177	7,477
Total <sup>c</sup>	635	1,123	2,640	4,387	7,222	9,535	5,975	799	32,322

a: Includes defendants with unknown age

b: Includes defendants for whom principal sentence is unknown

c: Includes defendants with unknown sex

Source: Adapted from ABS 2008b: 78

only those adjudicated in the children’s courts and not all those aged 18 years and above adjudicated in criminal courts during the 2006–07 financial period.

As might be expected, monetary orders were rarely utilised for very young defendants, who are unlikely to have the capacity to pay fines, or compensate victims. Figure 51 clearly shows that monetary orders, while widely used among older juveniles, comprise only a small proportion of sentencing outcomes for juveniles aged 10 to 14 years. Conversely, community supervision/work orders were widely used for younger juveniles. Their use decreases, however, as juveniles’ ages increase. The widespread use of community supervision/work orders for younger juveniles may reflect the relatively minor nature of younger juveniles’ offending behaviour.

## Sentencing outcomes for juveniles adjudicated in the children’s courts, by offence type

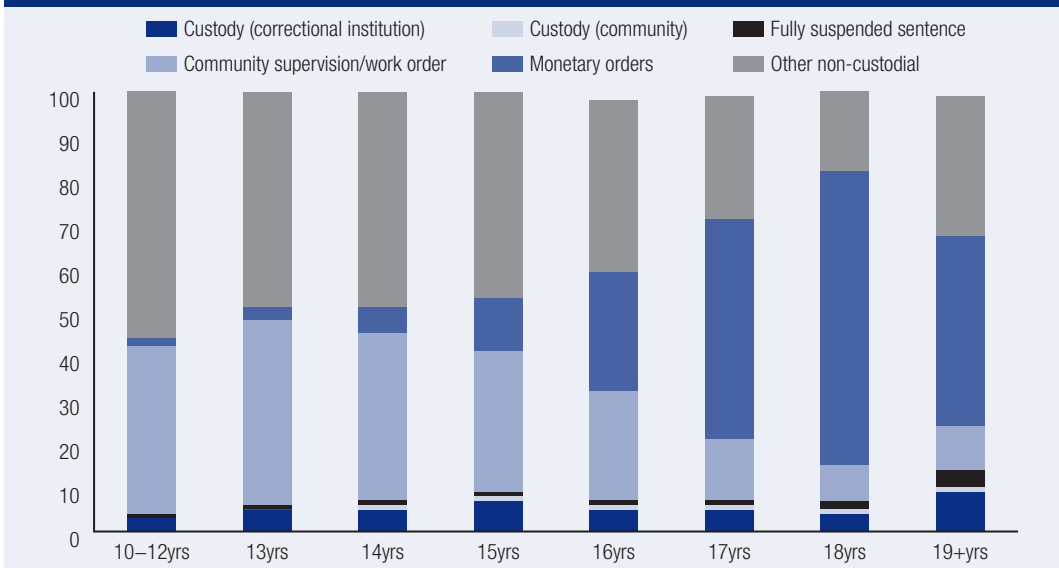
Table 29 shows the numbers of defendants in the children’s courts for the 2006–07 financial year by

offence type and principal sentence. As would be expected, sentences varied considerably by offence type. Homicide and related offences was the offence category for which the highest proportion (70%) of defendants convicted in the children’s courts was sentenced to a custodial sanction (either custody in a correctional centre, custody in the community or a fully suspended sentence). Deception and related offences was the offence category for which the lowest proportion of convicted defendants were sentenced to custodial sanctions, at less than one percent. As might be expected, offences against the person, such as homicide, acts intended to cause injury, sexual offences and robbery resulted in higher than average proportions of defendants being sentenced to custody. In contrast, offences against property, such as theft, deception, property damage, public order offences, road and traffic offences and offences against justice procedures resulted in lower than average proportions being sentenced to custody (see Table 29).

## How juveniles plead in the children’s courts

Little is known about how juveniles plead in the children’s courts and/or the relationship between

**Figure 51** Convicted defendants in the children’s courts, 2006–07, by age and principal sentence (%)



Note: Totals may not sum to 100 due to rounding

Source: Adapted from ABS 2008b: 78. n=32,322

**Table 29** Number of convicted defendants in the children's courts, 2006–07, by offence type and principal sentence

	Custody	Community				Monetary order	Other non-custodial	Total <sup>a</sup>	% custodial
		custody	Suspended sentence	supervision/work order	order				
Homicide and related offences	4	0	3	3	0	0	10	70	
Acts intended to cause injury	417	125	130	1,478	288	1,738	4,192	16	
Sexual assault and related offences	34	16	10	139	4	62	265	23	
Dangerous or negligent acts endangering persons	30	13	8	228	1,209	237	1,725	3	
Abduction and related offences	0	0	0	4	0	0	4	0	
Robbery, extortion and related offences	221	45	72	479	24	186	1,027	33	
Unlawful entry with intent	526	60	103	1,682	195	1,043	3,619	19	
Theft and related offences	212	46	43	1,104	525	2,353	4,294	7	
Deception and related offences	13	11	6	129	5,829	362	6,364	<1	
Illicit drug offences	18	8	9	152	133	328	651	5	
Weapons and explosives offences	11	11	3	107	70	236	438	6	
Property damage and environmental pollution	67	23	20	607	350	962	2,032	5	
Public order offences	33	0	8	385	640	1,711	2,782	1	
Road traffic and motor vehicle regulatory offences	12	6	15	188	1,792	1,121	3,143	1	
Offences against justice procedures, government security and operations	14	6	4	110	189	571	897	3	
Miscellaneous offences	13	11	9	95	520	225	873	4	
Total <sup>b</sup>	1,625	381	443	6,893	11,768	11,142	32,329	8	

a: Includes defendants for whom principal sentence is unknown

b: Includes defendants for whom offences data or missing, or a principal offence could not be established

Source: Adapted from ABS 2008b: 76–77

juveniles' pleas and rates of conviction. Little is known, furthermore, about relationships between plea and offence type and between plea and offender characteristics such as age, gender and Indigenous status. Data from the ABS and jurisdictional sources rarely consider this aspect of juveniles' contact with the children's courts. Although the ABS report that a decisive majority (96%) of children's courts defendants are convicted via either a guilty plea or finding of guilt, few data have been published on this process.

The ACT Department of Justice and Community Safety (2008b) publishes data from the ACT Children's Court on the charge–plea indications of juveniles. This cannot be considered representative of all of Australia's children's courts, as differences

in policy and legislation among jurisdictions affect outcomes for juveniles considerably. Nonetheless, these are the only data available on this aspect of children's court convictions and provide at least a partial insight into this area. Table 30 shows all charge–plea indications in the ACT Children's Court for the three month period ending 31 March 2008.

Table 30 shows that for the three-month period to which the data relate, almost half of defendants in the ACT Children's Court (45%) pleaded guilty and had a conviction recorded. A further 25 percent pleaded guilty, but did not have a conviction recorded. Almost one in five defendants (18%) pleaded not guilty and did not have a conviction recorded and only five percent pleaded not guilty and had a conviction recorded nonetheless.

**Table 30** Number of charge–plea indications, ACT Children's Court, January–March quarter, 2008

	Plea of guilty, conviction recorded	Plea of guilty, conviction not recorded	Plea of not guilty, conviction recorded	Plea of not guilty, conviction not recorded	Plea of not guilty, acquittal	Not indicated	Total
Homicide and related offences	0	0	0	0	0	0	0
Acts intended to cause injury	10	10	3	6	0	2	31
Sexual assault and related offences	7	0	7	0	0	0	14
Abduction and related offences	0	0	0	5	0	1	6
Robbery, extortion and related offences	2	0	1	1	0	4	8
Burglary and related offences	33	5	0	10	0	2	50
Deception and related offences	36	19	0	10	0	1	66
Property damage and environmental pollution	10	6	0	0	0	0	16
Offences against justice procedures and government	17	3	1	2	0	1	24
Weapons and explosives offences	1	3	0	1	0	0	5
Public order offences	0	1	0	0	0	0	1
Illicit drug offences	2	1	0	0	0	0	3
Dangerous or negligent acts endangering persons	2	7	1	3	0	0	13
Road traffic and motor vehicle regulatory offences	20	20	3	17	0	11	71
Other offences	0	2	0	0	0	0	2
<b>Total</b>	<b>140</b>	<b>77</b>	<b>16</b>	<b>55</b>	<b>0</b>	<b>22</b>	<b>310</b>
<b>% total</b>	<b>45</b>	<b>25</b>	<b>5</b>	<b>18</b>	<b>0</b>	<b>7</b>	

Source: Adapted from ACT Department of Justice and Community Safety 2008b: 12–13

**Table 31** Number of defendants in the NSW Children's Court, 2007, by outcome of hearing and bail status

	Bail not required or dispensed with	On bail	In custody, bail refused	In custody, prior offence	Total
<b>Proceeded to defended hearing</b>					
All charges dismissed	169	405	54	2	630
Guilty of at least one charge	211	392	150	3	756
Proceeded to defended hearing—other <sup>a</sup>	66	144	38	0	248
<b>Other hearing outcomes</b>					
Sentenced after guilty plea	1,944	2,553	706	22	5,225
Convicted ex parte	353	365	6	0	724
Arrest warrant issued	40	84	0	0	124
All charges dismissed without hearing	293	842	31	2	1,168
All charges otherwise disposed of	21	53	118	0	192
At least one charge committed to a higher court	2	47	25	0	74
<b>Total</b>	<b>3,099</b>	<b>4,885</b>	<b>1,128</b>	<b>29</b>	<b>9,141</b>

a: Includes juveniles for whom one or more charges were dismissed after a defended hearing, but who pleaded guilty to other charges or were convicted ex parte of other charges

Source: Adapted from BOCSAR 2008: 62

**Table 32** Number of finalised appearances of juveniles of 'Aboriginal appearance', South Australia, 2005, by age in years and major charge<sup>a</sup>

	10	11	12	13	14	15	16	17	Unknown	Total	% total
Homicide	0	0	0	0	0	0	0	0	0	0	0
Serious assault	0	0	0	2	2	4	6	10	0	24	4
Other assault	3	0	1	2	2	9	17	12	1	47	8
Offences against the person—misc	0	0	0	3	0	1	2	3	0	9	2
Sexual offences	0	1	0	0	2	1	3	1	0	8	1
Robbery and extortion	0	0	1	3	2	5	0	7	1	19	3
Criminal trespass	0	1	10	10	29	24	34	24	1	133	24
Fraud and misappropriation	0	0	0	0	0	0	0	0	0	0	0
Larceny and receiving	2	3	13	23	32	34	22	23	1	153	27
Damage property and environmental offences	0	0	2	9	6	4	8	14	1	44	8
Offences against good order	1	3	3	7	8	15	25	23	2	87	16
Drug offences	0	0	0	0	2	0	2	1	0	5	1
Driving offences	0	0	1	1	0	1	8	11	0	22	4
Other offences	0	0	0	1	1	2	3	2	0	9	2
<b>Total</b>	<b>6</b>	<b>8</b>	<b>31</b>	<b>61</b>	<b>86</b>	<b>100</b>	<b>130</b>	<b>131</b>	<b>7</b>	<b>560</b>	<b>100</b>
% total	1	1	6	11	15	18	23	23	1	100	–

a: Excludes 86 defendants for whom 'racial appearance' was not recorded by police

Note: Totals may not sum to 100 due to rounding

Source: Adapted from OCSAR 2006a: 127

Overall, 43 percent of convictions in the ACT Children's Court were not recorded during the three-month period. This proportion varied by offence type, ranging from zero percent for homicide and related offences and sexual assault and related offences to 100 percent for public order offences. These percentages are based on very small numbers and must be interpreted cautiously. Nonetheless, considerable proportions of defendants did not have convictions recorded for offence categories involving higher numbers of juveniles. Forty-four percent of those convicted of deception and related offences, and 30 percent of those convicted of burglary and related offences, for example, escaped having a conviction recorded. This indicates that in the Australian Capital Territory at least, the principle of avoiding the stigmatisation of juveniles by not recording their convictions occurs on a regular basis. It is impossible to say, however, whether this is the case in other jurisdictions.

## Sentencing outcomes for juveniles adjudicated in the children's courts, by bail status

Sentencing outcomes for juveniles may also be impacted by bail status—that is, whether juveniles who appear before the children's court have been on bail or in custody at the time of their trial, or have been summonsed to appear. Data on the bail status of children's court defendants are only available for New South Wales (BOCSAR 2008: 62). Table 31 shows the sentencing outcomes of defendants in the NSW Children's Court during 2007, by bail status.

As Table 31 shows, the majority of defendants from each bail status were sentenced after a guilty plea in the NSW Children's Court in 2007. As might be expected, high proportions of juveniles in custody for either a prior offence or a current charge were found guilty of at least one charge. Again somewhat expectedly, higher proportions of juveniles either summonsed to appear or on bail than those remanded in custody had all of their charges dismissed.

These data represent only one jurisdiction and must not be considered representative of others. Additionally, both juveniles' hearing outcomes and bail statuses are likely to be impacted by the seriousness of the charges laid. It is not possible to disaggregate offence seriousness and bail status to determine which has greater influence on hearing and sentencing outcomes using only these data. Nonetheless, bail status should be considered when analysing juveniles' sentencing outcomes; this is one area future research on juveniles contact with the criminal justice system might focus on.

## Indigenous juveniles' contact with the children's courts as alleged offenders

Little is known about Indigenous juveniles' contact with the children's courts in Australia. Data from the ABS on children's courts do not provide detail on the Indigenous status of juveniles. It is unknown, for example, what proportion of juveniles before the courts are Indigenous, what types of offences Indigenous juveniles are adjudicated in relation to, how Indigenous juveniles plead and what types of sentences are imposed on Indigenous juveniles. Although many jurisdictions report *policing* data on the Indigenous status of juveniles, Indigenous status is not reported in most sources of children's court data.

Two states—South Australia and Western Australia—publish data on Indigenous juveniles' contact with the children's courts within those jurisdictions. Due to differences in legislation and policy among the states and territories, these data cannot be considered representative of other jurisdictions or of Australia's children's courts generally. They nonetheless provide an important, albeit partial, insight into the contact that Indigenous juveniles have with the children's courts in two jurisdictions.

### South Australia

OCSAR (2006a) publishes data on the contact that juveniles of 'Aboriginal appearance' have with the youth court in South Australia. Data on 'Aboriginal



**Table 33** Number of finalised appearances of juveniles of ‘non-Aboriginal appearance’, South Australia, 2005, by age in years and major charge<sup>a</sup>

	10	11	12	13	14	15	16	17	Unknown	Total	% total
Homicide	0	0	0	0	0	0	4	3	0	7	<1
Serious assault	0	0	1	3	2	4	16	26	0	52	3
Other assault	0	1	5	15	19	31	43	50	0	164	9
Offences against the person—misc	0	0	0	0	3	2	7	12	0	24	1
Sexual offences	0	1	8	5	7	11	10	10	1	53	3
Robbery and extortion	0	0	2	1	2	6	21	18	0	50	3
Criminal trespass	0	2	2	16	27	48	59	66	3	223	13
Fraud and misappropriation	0	0	0	0	0	0	1	3	0	4	<1
Larceny and receiving	1	4	6	22	49	61	98	104	1	346	20
Damage property and environmental offences	2	3	7	13	21	19	29	41	1	136	8
Offences against good order	0	1	3	16	18	37	69	94	4	242	14
Drug offences	1	0	0	3	4	9	13	23	0	53	3
Driving offences	0	0	0	1	5	6	109	272	5	398	23
Other offences	0	0	1	1	2	1	2	0	0	7	<1
<b>Total</b>	<b>4</b>	<b>12</b>	<b>35</b>	<b>96</b>	<b>159</b>	<b>235</b>	<b>481</b>	<b>722</b>	<b>15</b>	<b>1,759</b>	<b>100<sup>b</sup></b>
<b>% total</b>	<b>&lt;1</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>9</b>	<b>13</b>	<b>27</b>	<b>41</b>	<b>1</b>	<b>100<sup>b</sup></b>	<b>–</b>

a: Excludes 86 defendants for whom ‘racial appearance’ was not recorded by police

b: Percentages may not total 100 due to rounding

Source: Adapted from OSCAR 2006a: 128

appearance’ are based on the perceptions of police only and should be considered with caution. Table 32 shows the numbers of finalised appearances of juveniles of ‘Aboriginal appearance’ before the youth court, by age and major charge.

Twenty-three percent of all finalised appearances in the youth court during 2005 involved juveniles of ‘Aboriginal appearance’. Seventy-three percent involved juveniles of ‘non-Aboriginal appearance’ and four percent juveniles whose ‘racial appearance’ had not been recorded. This compares with 20 percent of juveniles of ‘Aboriginal appearance’, 72 percent of juveniles of ‘non-Aboriginal appearance’ and seven percent of juveniles of unrecorded ‘racial appearance’ apprehended by South Australia police during 2005. A slightly higher proportion of finalised appearances in the youth court therefore involved juveniles of ‘Aboriginal appearance’ than police apprehensions for the period.

Tables 33 and 34 indicate that for juvenile defendants of both ‘Aboriginal appearance’ and ‘non-Aboriginal

appearance’, charges were concentrated within the offences of criminal trespass, larceny and receiving, and offences against good order. Twenty-seven percent of juveniles of ‘Aboriginal appearance’ were defending charges of larceny and receiving, 24 percent of criminal trespass and 16 percent offences against good order. This compares with 13 percent of juveniles of ‘non-Aboriginal appearance’ defending charges of criminal trespass, 20 percent larceny and receiving, and 14 percent offences against good order. Driving offences were also common charges against juveniles of ‘non-Aboriginal appearance’, with 23 percent of these juveniles having this as their major charge, compared with only four percent of juveniles of ‘Aboriginal appearance’.

The data contained in Tables 34 and 35 also suggest that juveniles of ‘Aboriginal appearance’ may appear before the courts in relation to offences allegedly committed at a younger age on average than their counterparts of ‘non-Aboriginal

**Table 34** Number of finalised appearances of juveniles of 'Aboriginal appearance', South Australia, 2005, by age in years and major charge, where at least one charge is proved<sup>a</sup>

	10	11	12	13	14	15	16	17	Unknown	Total	% total
Homicide	0	0	0	0	0	0	0	0	0	0	0
Serious assault	0	0	0	1	2	1	3	4	0	11	3
Other assault	0	0	1	1	0	5	11	8	0	26	6
Offences against the person—misc	0	0	0	2	0	1	1	2	0	6	2
Sexual offences	0	0	0	0	2	1	0	1	0	4	1
Robbery and extortion	0	0	1	0	2	0	0	2	0	5	1
Criminal trespass	0	1	7	4	13	15	28	11	2	81	20
Fraud and misappropriation	0	0	0	0	0	0	0	0	0	0	0
Larceny and receiving	1	2	8	18	29	26	14	20	1	119	29
Damage property and environmental offences	0	0	1	10	5	2	5	11	1	35	9
Offences against good order	0	2	3	6	8	12	26	28	2	87	21
Drug offences	0	0	0	0	2	0	2	1	0	5	1
Driving offences	0	0	1	1	1	1	8	9	0	21	5
Other offences	0	0	0	0	1	2	3	2	0	8	2
Total	1	5	22	43	65	66	101	99	6	408	100
% total	<1	1	5	11	16	16	25	24	1	100 <sup>b</sup>	–

a: Excludes 67 defendants for whom 'racial appearance' was not recorded by police

b: Percentages may not total 100 due to rounding

Source: Adapted from OSCAR 2006a: 135

appearance'. Sixty-eight percent of juveniles of 'non-Aboriginal appearance' were aged 16 to 17 years at the time of their offence, compared with only 46 percent of juveniles of 'Aboriginal appearance'. These data relate to the age of the juvenile at the time of the alleged offence, rather than at the time of the court hearing.

OCSAR (2006a) also publishes court data relating only to finalised appearances in the youth court where at least one charge is proved. Tables 34 and 35 show finalised appearances where at least one charge was proved during 2005 for juveniles of 'Aboriginal appearance' and 'non-Aboriginal appearance'.

The data included in Tables 33 and 34 indicate that for finalised appearances where at least one charge was proved, for juveniles of both 'Aboriginal appearance' and 'non-Aboriginal appearance', charges were concentrated within the offences of criminal trespass, larceny and receiving, and

offences against good order. Twenty-nine percent of juveniles of 'Aboriginal appearance' were found guilty of charges of larceny and receiving offences, 21 percent of offences against good order and 20 percent of criminal trespass. This compares with 18 percent of juveniles of 'non-Aboriginal appearance' found guilty of larceny and receiving, 17 percent offences against good order and 12 percent of criminal trespass. Driving offences were the most common convictions against juveniles of 'non-Aboriginal appearance', with 28 percent of these juveniles having this as their major offence proved, compared with only five percent of juveniles of 'Aboriginal appearance'. Finalised appearances in the youth court and finalised appearances where at least one charge was proved therefore relate to similar patterns of offending.

Juveniles of 'Aboriginal appearance' again appeared before the court at a younger age on average than their counterparts of 'non-Aboriginal appearance'. As Tables 33 and 34 show, while 49 percent of

**Table 35** Number of finalised appearances of juveniles of ‘non-Aboriginal appearance’, South Australia, 2005, by age in years and major charge, where at least one charge is proved<sup>a</sup>

	10	11	12	13	14	15	16	17	Unknown	Total	% total
Homicide	0	0	0	0	0	0	1	0	0	1	<1
Serious assault	0	0	0	0	2	4	7	15	0	28	2
Other assault	0	0	4	11	14	23	31	40	0	123	9
Offences against the person—misc	0	0	0	0	1	1	0	6	0	8	<1
Sexual offences	0	0	3	2	4	3	4	2	0	18	1
Robbery and extortion	0	0	1	0	1	2	14	11	0	29	2
Criminal trespass	0	2	2	11	26	39	40	46	2	168	12
Fraud and misappropriation	0	0	0	0	0	0	1	1	0	2	<1
Larceny and receiving	1	2	7	20	38	52	67	74	1	262	18
Damage property and environmental offences	1	2	5	10	15	16	26	30	1	106	7
Offences against good order	0	1	4	14	19	38	69	91	4	240	17
Drug offences	0	0	0	2	3	8	8	21	0	42	3
Driving offences	0	0	0	1	5	8	108	267	4	393	28
Other offences	0	0	0	1	2	1	2	0	0	6	<1
<b>Total</b>	<b>2</b>	<b>7</b>	<b>26</b>	<b>72</b>	<b>130</b>	<b>195</b>	<b>378</b>	<b>604</b>	<b>12</b>	<b>1,426</b>	<b>100<sup>b</sup></b>
<b>% total</b>	<b>&lt;1</b>	<b>&lt;1</b>	<b>2</b>	<b>5</b>	<b>9</b>	<b>14</b>	<b>27</b>	<b>42</b>	<b>1</b>	<b>100<sup>b</sup></b>	<b>–</b>

a: Excludes 67 defendants for whom ‘racial appearance’ was not recorded by police

b: Percentages may not total 100 due to rounding

Source: Adapted from OSCAR 2006a: 136

juveniles of ‘Aboriginal appearance’ with at least one charge proved were aged 16 to 17 years, 69 percent of juveniles of ‘non-Aboriginal appearance’ were in this age bracket. As these data relate to the age of the juvenile at the time of the alleged offence, rather than at the time of the court hearing, they may indicate that juveniles of ‘Aboriginal appearance’ come into contact with police at an earlier age than juveniles of ‘non-Aboriginal appearance’.

Overall, 73 percent of finalised appearances of juveniles of ‘Aboriginal appearance’, compared with 81 percent of juveniles of ‘non-Aboriginal appearance’, resulted in a finding of guilt on at least one charge.

### Western Australia

Loh et al (2007) provide data on the Indigenous status of juveniles adjudicated in the children’s court for 2005. Like the above data on South Australia, these data must not be considered representative

of other jurisdictions or of Australia’s children’s courts in general. Nonetheless, they provide an important insight into Indigenous juveniles’ contact with the children’s court in one jurisdiction.

The mean age of juveniles dealt with by the children’s court was 16.1 years during 2005. This was slightly higher for non-Indigenous juveniles, at 16.5 years, and slightly lower for Indigenous juveniles at 15.6 years (Loh et al 2007: 113).

Table 36 shows distinct juveniles dealt with by the Western Australia children’s court during 2005 by sex, age and Indigenous status. The data in this table highlight the relative youth of distinct Indigenous juveniles, compared with non-Indigenous juveniles appearing before the court.

Data on children’s court outcomes for both Indigenous and non-Indigenous juveniles in Western Australia are also provided by Loh et al (2007). These are important, as although the ABS (2008b) reports that across Australia, an overwhelming

**Table 36** Number of distinct juveniles dealt with by the Western Australia children's court, 2005, by age, sex and Indigenous status<sup>a</sup>

	Male			Female			Total
	Indigenous	Non-Indigenous	Unknown	Indigenous	Non-Indigenous	Unknown	
10yrs	12	1	1	1	0	0	15
11yrs	37	4	0	7	0	0	48
12yrs	51	15	0	7	1	0	74
13yrs	109	39	0	36	9	1	194
14yrs	147	94	5	73	23	1	343
15yrs	192	184	21	71	41	3	512
16yrs	275	344	64	105	54	20	862
17yrs	320	719	279	111	95	58	1,582
18yrs	104	223	76	37	28	24	492
19+yrs	44	59	5	12	4	2	126
Unknown	3	6	1	1	2	2	15
Total	1,294	1,688	452	461	257	111	4,263

a: Excludes 9 juveniles of unrecorded gender

Source: Adapted from Loh et al 2007: 131

**Table 37** Children's court outcomes for distinct juveniles in Western Australia, 2005, by sex and Indigenous status<sup>a</sup>

	Male			Female			Total
	Indigenous	Non-Indigenous	Unknown	Indigenous	Non-Indigenous	Unknown	
Dropped	8	11	2	1	2	1	25
Guilty	1,061	1,285	423	363	170	92	3,394
Referral to juvenile justice team	210	372	26	92	82	18	800
Not guilty	1	2	0	0	0	0	3
Other	14	16	1	5	3	0	39
Total	1,294	1,686	452	461	257	111	4,261

a: Excludes 9 cases of unknown sex and 2 cases of unknown outcome

Source: Adapted from Loh et al 2007: 135

majority (96%) of children's criminal court cases result in conviction, the data of Loh et al (2007) indicate that this may vary by sex and Indigenous status. Table 37 shows the breakdown of children's court outcomes for Western Australia in 2005 by sex and Indigenous status. These data indicate that rates of convictions varied considerably by sex and Indigenous status during this period. Eighty-two percent of Indigenous males were found guilty, compared with 76 percent of non-Indigenous

males before the children's court. For female juveniles, this disparity was even more pronounced, with 79 percent of Indigenous females found guilty, compared with 66 percent of non-Indigenous females.

Loh et al (2007) also provide data on sentencing outcomes for juveniles, by Indigenous status. They use four broad offence categories:

- dismissed—this refers to juveniles dismissed following a conviction

- fines
- non-custodial orders—these include community-based orders, good behaviour bonds and combined orders. Importantly, suspended sentences are also included in this category, although they are categorised as custodial sentences in other jurisdictions
- custodial orders—includes detention and conditional release orders (Loh et al 2007: 115, footnote 9).

Table 38 shows distinct juveniles' most serious penalties for 2005, by Indigenous status.

Table 38 indicates that a considerably higher proportion of distinct Indigenous juveniles (22%) were sentenced to custodial penalties than non-Indigenous juveniles (9%) during 2005. Higher proportions of final appearances (16%) and conviction counts (22%) for Indigenous juveniles also involved custodial sentences than for non-Indigenous juveniles (8% and 10% respectively).

**Table 38** Sentencing outcomes in Western Australia's children's court, 2005, by Indigenous status (%)

	Indigenous	Non-Indigenous	Unknown
<b>Distinct juveniles</b>			
Dismissed (with conviction)	12	14	8
Fine	15	35	80
Non-custodial	51	42	11
Custodial	22	9	<1
Total	100	100	100 <sup>a</sup>
<b>Final appearances</b>			
Dismissed (with conviction)	24	18	10
Fine	14	35	79
Non-custodial	46	39	11
Custodial	16	8	1
Total	100	100	100 <sup>a</sup>
<b>Conviction counts</b>			
Dismissed (with conviction)	23	19	13
Fine	8	26	72
Non-custodial	47	45	15
Custodial	22	10	1
Total	100	100	100 <sup>a</sup>

a: Percentages may not total 100 due to rounding

Source: Adapted from Loh et al 2007: 115–118

**Table 39** Sentencing outcomes for distinct juveniles in Western Australia, 2005, by sex and Indigenous status<sup>a</sup>

	Male			Female			Total
	Indigenous	Non-Indigenous	Unknown	Indigenous	Non-Indigenous	Unknown	
Dismissed (with conviction)	102	157	32	68	42	10	411
Fine	147	463	340	65	49	72	1,136
Non-custodial	542	545	49	183	72	10	1,401
Custodial	270	119	2	47	7	0	445
Total	1,061	1,284	423	363	170	92	3,393

a: Excludes 6 cases of unknown sex and 1 case of unknown penalty

Source: Adapted from Loh et al 2007: 135–137

Conversely, a considerably higher proportion of distinct non-Indigenous juveniles (35%) received a fine than distinct Indigenous juveniles (15%). Higher proportions of final appearances (35%)

and conviction counts (26%) for non-Indigenous juveniles also involved fines than for Indigenous juveniles (14% and 8% respectively).

**Table 40** Penalties of distinct juveniles in the Western Australia Children’s Court, 2005, by offence type and Indigenous status (n)

	Dismissed			Fine			Non-custody			Custody			Total
	I	O	U	I	O	U	I	O	U	I	O	U	
Homicide offences	0	1	0	0	0	0	0	0	0	0	1	0	2
Assault	44	57	1	15	18	1	163	149	4	79	46	1	578
Sexual offences	3	11	0	1	1	0	13	13	0	13	12	0	67
Dangerous or negligent operation of a vehicle	4	8	10	58	291	315	35	42	19	2	1	0	785
Dangerous or negligent acts endangering person	1	12	0	0	0	0	3	2	0	1	1	0	20
Deprivation of liberty/false imprisonment	0	0	0	0	0	0	0	1	0	0	0	0	1
Robbery	5	6	0	0	0	0	21	9	0	65	16	1	123
UEWL/burglary, break and enter	27	18	2	18	12	0	217	111	5	118	30	0	558
Motor vehicle theft and related offences	5	4	1	3	6	0	33	21	2	9	5	0	89
Theft (except motor vehicles)	8	12	0	14	15	2	49	40	1	3	0	0	144
Receiving or handling proceeds of crime	4	1	1	2	3	1	10	8	0	3	0	0	33
Illegal use of motor property (except motor vehicles)	0	0	0	0	0	0	1	0	0	0	0	0	1
Dishonesty/deception offences	1	3	2	0	8	1	4	14	3	0	0	0	36
Drug offences	10	21	0	5	16	0	18	46	0	3	0	0	119
Weapons/explosives offences	0	0	0	4	2	0	13	17	0	2	1	0	39
Property damage/environmental pollution	5	14	0	9	29	1	31	57	0	11	6	0	163
Disorderly conduct/public order offences	18	10	1	21	25	2	50	21	3	1	1	0	153
Other offences	35	21	24	62	86	89	64	66	22	7	6	0	482
<b>Total</b>	<b>170</b>	<b>199</b>	<b>42</b>	<b>212</b>	<b>512</b>	<b>412</b>	<b>725</b>	<b>617</b>	<b>59</b>	<b>317</b>	<b>126</b>	<b>2</b>	<b>3,393</b>

Note: I = Indigenous, O = other, U = unknown

Source: Adapted from Loh et al 2007: 136–137

These data suggest that fines might be considered a more appropriate penalty for non-Indigenous than Indigenous juveniles. As Table 39 shows, a higher proportion of non-Indigenous females (29%) than Indigenous females (18%) were fined by the children's court in Western Australia during 2005. This disparity is even more pronounced for male juveniles, with 36 percent of non-Indigenous males receiving a fine, compared with just 14 percent of Indigenous males. Higher proportions of both Indigenous males (25%) and Indigenous females (13%) were sentenced to custody, compared with their non-Indigenous counterparts (9% and 4% respectively).

Indigenous juveniles comprised 41 percent of distinct juveniles dealt with by the Western Australia Children's Court during 2005; a further 13 percent were of unknown Indigenous status. Indigenous males comprised 38 percent of all male juveniles before the court in 2005; 56 percent of female juveniles before the court were Indigenous. A further 13 percent of both male and female juveniles were of unknown Indigenous status (Loh et al 2007: 131). These data indicate that Indigenous juveniles were considerably overrepresented in the children's courts in Western Australia during 2005; this was particularly the case for juvenile females.

Sentencing outcomes are likely to be strongly influenced by the offence types for which juveniles

are before the court. Loh et al (2007) publish data on juveniles' sentencing outcomes by offence type and Indigenous status. These data, presented below, can provide an insight into the relationships between juveniles' Indigenous status, offence seriousness and sentencing outcomes (see Table 40). This is important to consider, as it may provide some insight into apparent disparities between sentencing outcomes for Indigenous and non-Indigenous juveniles.

As outlined above, a higher proportion of distinct Indigenous juveniles (22%) were sentenced to custodial penalties than non-Indigenous juveniles (9%) in Western Australia during 2005. Data on sentencing outcomes by Indigenous status suggest that higher proportions of Indigenous juveniles than non-Indigenous juveniles are sentenced to custody for the same offence type. Of Indigenous juveniles sentenced for assault, for example, 26 percent received a custodial penalty, compared with 17 percent of non-Indigenous juveniles. Of Indigenous juveniles sentenced for unlawful entry with intent, 31 percent received a custodial penalty, compared with 18 percent of non-Indigenous juveniles. It is nonetheless not possible to determine from these data the circumstances surrounding these offences or the characteristics of the juveniles involved in them, including mitigating circumstances and offending histories.

# Juvenile offenders' contact with corrections systems



There are two major sources of national data on juveniles' contact with correctional systems in Australia: the AIC's national Juveniles In Detention Monitoring Program and the AIHW's *Juvenile Justice in Australia* publication. These programs differ considerably in their scope and focus.

The AIC's national Juveniles In Detention Monitoring Program collects data on the number of juveniles in detention centres in Australia's states and territories on the last day of each quarter (31 March, 30 June, 30 September and 31 December). Data on six variables are collected: sex, age, Indigenous status, legal status (remanded or sentenced), jurisdiction and quarterly census date. Juveniles detained in NSW Kariiong Juvenile Correctional Centre, which is administered by the NSW Department of Corrective Services (rather than the NSW Department of Juvenile Justice), are included in this collection.

The AIHW's *Juvenile Justice in Australia* program is broader in scope. Rather than collecting census data, the AIHW collects 'flow' data, which captures the movements of juveniles entering and exiting the juvenile justice system. In addition to data on juveniles in detention, the AIHW collects data on all juveniles under juvenile justice supervision. The majority of these juveniles are under supervision in the community, rather than in juvenile detention centres. Juveniles detained in NSW Kariiong Juvenile

Correctional Centre are not, however, included in this collection.

This section outlines the available data on juveniles' contact with corrections authorities in Australia.

## Juvenile offenders under community- and detention-based supervision

During the 2006–07 financial year, 10,675 juveniles (aged 10 to 17 years) were under juvenile justice supervision in Australia (AIHW 2008b: ix). Eighty-three percent of these juveniles (n=8,911) were under community-based supervision and 46 percent were under detention-based supervision (n=4,912), meaning that 29 percent (n=3,148) experienced both community-based and detention-based supervision during the year. Table 41 shows the numbers of juveniles under supervision during the year, by jurisdiction and type of supervision.

The proportion of all juveniles under supervision in community-based supervision varied considerably among jurisdictions, as Table 41 shows. New South Wales had the lowest proportion, at 67 percent and Queensland and Tasmania the highest, at 96 percent. Similarly, the proportion of all juveniles under



**Table 41** Number of juveniles under supervision, 2006–07, by jurisdiction and type of supervision

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Community supervision	2,041	1,462	2,339	1,528	797	346	199	199	8,911
Percentage of juveniles under community supervision	67	95	96	81	86	96	92	78	83
Detention	2,104	311	754	924	444	111	133	131	4,912
Percentage of juveniles in detention	69	20	31	49	48	31	61	51	46
All juveniles <sup>a</sup>	3,044	1,541	2,438	1,892	925	362	217	256	10,675
Percentage of juveniles under both community- and detention-based supervision	36	15	27	30	34	26	53	29	29

a: Numbers of juveniles under community supervision and in detention will not sum to the 'all juveniles' figure, as some juveniles were under both community- and detention-based supervision

Source: Adapted from AIHW 2008b: 28

**Table 42** Average daily number of juveniles under community supervision, 2006–07, by jurisdiction and age

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total <sup>a</sup>
10yrs	0	1	4	2	0	1	0	0	8
11yrs	8	1	14	5	10	6	2	0	44
12yrs	19	8	33	17	6	7	2	3	96
13yrs	41	32	103	55	22	27	7	7	294
14yrs	127	96	200	83	50	30	13	19	618
15yrs	232	133	349	129	81	43	20	24	1,009
16yrs	303	221	419	141	96	53	30	40	1,303
17yrs	315	234	221	165	102	77	36	34	1,182
Total	1,045	726	1,343	597	367	244	110	127	4,554

a: Totals may not sum due to rounding

Source: Adapted from AIHW 2008b: 46

supervision in detention varied among jurisdictions, from 20 percent in Victoria to 69 percent in New South Wales. Proportions of juveniles under both community- and detention-based supervision ranged from 15 percent in Victoria to 53 percent in the Australian Capital Territory. It is important to note that proportions of juveniles under different types of supervision are affected by differences in legislation and policy in each jurisdiction.

On an average day during the year, there were 5,351 10 to 17 year olds under juvenile justice supervision in Australia. Of these, 4,554 (85%) were under community-based supervision and 797 (15%) were in detention. Table 42 shows the

average daily number of juveniles under community supervision by jurisdiction and age.

Data on the average daily number of juveniles under community-based supervision indicate that:

- Indigenous juveniles are overrepresented among juveniles on community-based supervision. Thirty-nine percent of all juveniles under community-based supervision were Indigenous
- Indigenous juveniles comprised a higher proportion of all female juveniles under community-based supervision (47%) than Indigenous males comprised in relation to all male juveniles under community-based supervision (38%)

**Table 43** Average daily number of juveniles under community supervision, 2006–07, by age in years, sex and Indigenous status

	10	11	12	13	14	15	16	17	Total <sup>a</sup>
<b>Male</b>									
Indigenous	5	29	51	148	209	334	369	288	1,433
Non-Indigenous	2	11	30	86	256	443	668	682	2,178
Unknown	0	0	2	6	15	40	51	66	180
Total	7	40	83	240	481	817	1,088	1,036	3,792
<b>Female</b>									
Indigenous	1	3	9	33	69	90	98	53	356
Non-Indigenous	0	1	4	19	64	92	104	83	367
Unknown	0	0	0	1	3	10	12	11	37
Total	1	4	12	54	136	192	215	147	761
<b>All juveniles</b>									
Indigenous	6	32	60	182	278	424	467	341	1,790
Non-Indigenous	2	12	34	105	321	536	773	764	2,547
Unknown	0	0	2	7	18	50	63	77	217
Total <sup>a</sup>	8	44	96	294	618	1,009	1,303	1,182	4,554

a: Totals may not sum due to rounding

Source: Adapted from AIHW 2008b: 48

- 83 percent of juveniles under community supervision were male. Eighty percent of Indigenous juveniles under community supervision were male, compared with 86 percent of non-Indigenous juveniles. Indigenous females therefore comprised a higher proportion of female juveniles under community supervision than Indigenous males comprised in relation to all male juveniles
- most juveniles under community-based supervision were from the higher age bracket (15 to 17 years)
- although this was the case for both Indigenous and non-Indigenous juveniles, a higher proportion of Indigenous juveniles (31%) than non-Indigenous juveniles (19%) were from the younger age bracket (aged 10 to 14 years).

Table 43 below shows the average daily number of juveniles under community supervision by age, sex and Indigenous status.

There were 797 juveniles in detention on an average day during the 2006–07 financial year. Table 44 shows the average daily number of juveniles in detention by jurisdiction and age.

Data on juveniles in detention on an average day indicate that:

- slightly over half (53%) of all juveniles in detention on an average day were Indigenous. Indigenous juveniles comprised a higher proportion of juveniles in detention (53%) than juveniles under community supervision (39%)
- the majority of juveniles in detention (92%) were male. Similar proportions of Indigenous juveniles (92%) and non-Indigenous juveniles (91%) in detention were male
- females comprised a smaller proportion of juveniles in detention (8%) than juveniles under community supervision (17%)
- 23 percent of juveniles in detention were aged 10 to 14 years. A higher proportion of Indigenous juveniles in detention (29%) were aged 10 to 14 years than their non-Indigenous counterparts (16%). Similarly, a higher proportion of female juveniles in detention (37%) were aged 10 to 14 years than their male counterparts (21%). Table 45 shows the average daily number of juveniles in detention by age, sex and Indigenous status.

**Table 44** Average daily number of juveniles in detention, 2006–07, by jurisdiction and age

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total <sup>a</sup>
10yrs	0	0	0	0	0	0	0	0	0
11yrs	1	0	1	2	0	0	0	0	5
12yrs	6	0	6	4	1	3	0	1	22
13yrs	16	2	10	7	6	3	1	1	44
14yrs	43	6	29	14	9	5	3	2	110
15yrs	71	13	39	25	12	8	4	6	178
16yrs	92	14	47	34	11	10	3	11	221
17yrs	117	26	11	31	9	10	5	8	217
Total <sup>a</sup>	346	61	143	117	48	39	16	29	797

a: Totals may not sum due to rounding

Source: Adapted from AIHW 2008b: 51

**Table 45** Average daily number of juveniles in detention, 2006–07, by age in years, sex and Indigenous status

	10	11	12	13	14	15	16	17	Total <sup>a</sup>
<b>Male</b>									
Indigenous	0	3	17	25	63	89	107	82	386
Non-Indigenous	0	0	3	13	30	66	99	122	333
Unknown	0	0	1	0	1	3	2	5	12
Total	0	4	21	38	94	159	207	209	732
<b>Female</b>									
Indigenous	0	1	1	3	7	11	7	3	33
Non-Indigenous	0	0	0	3	10	8	6	5	32
Unknown	0	0	0	0	0	1	0	0	1
Total	0	1	1	6	17	20	14	8	67
<b>All juveniles</b>									
Indigenous	0	5	18	28	69	100	114	86	420
Non-Indigenous	0	0	3	16	40	74	105	127	365
Unknown	0	0	1	0	1	5	2	5	14
Total <sup>a</sup>	0	5	22	44	110	178	221	217	797

a: Totals may not sum due to rounding

Source: Adapted from AIHW 2008b: 53

The AIC's national data on juveniles in detention indicates that the number of juveniles in detention fluctuates both during any given year and from one year to another. Quarterly census data from the 2005–06 financial year—the last period for which data on juveniles in detention have been published—indicate that the number of juveniles in detention ranged from 579 on 30 September 2005 to 703 on

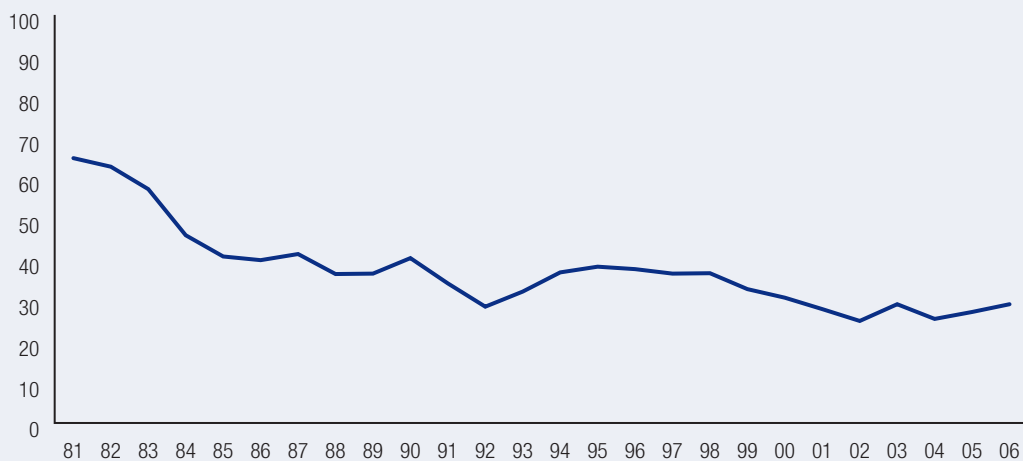
31 March 2006. Although the number of juveniles in detention may fluctuate above or below these figures, they give an indication as to approximate numbers of juveniles in detention in Australia.

As Figure 52 shows, the rate of juveniles in detention at 30 June has declined substantially since data collection began in 1981.

**Table 46** Number of juveniles in detention, 2005–06, by jurisdiction and sex

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
<b>Male</b>									
30 Sep	224	48	85	94	35	25	9	6	526
31 Dec	208	51	111	117	35	18	16	11	567
31 Mar	249	51	148	118	33	23	18	13	653
30 Jun	244	31	125	98	39	27	24	13	601
<b>Female</b>									
30 Sep	18	10	6	9	3	6	0	1	53
31 Dec	7	4	9	6	6	1	0	1	34
31 Mar	13	8	11	9	3	3	1	2	50
30 Jun	12	7	12	9	2	3	1	4	50
<b>All juveniles</b>									
30 Sep	242	58	91	103	38	31	9	7	579
31 Dec	215	55	120	123	41	19	16	12	601
31 Mar	262	59	159	127	36	26	19	15	703
30 Jun	256	38	137	107	41	30	25	17	651

Source: AIC National Juveniles in Detention Monitoring Program 1981–2006 [computer file]

**Figure 52** Rates of juveniles in detention, per 100,000 population at 30 June 1981 to 2006

Source: AIC National Juveniles in Detention Monitoring Program 1981–2006 [computer file]

## Juveniles under supervision, by gender

Across Australia, the majority of juveniles under supervision during the 2006–07 financial year were male (82%). Although a majority of juveniles under

supervision in every jurisdiction was male for the 2006–07 financial year, the proportion varied among jurisdictions. As Table 47 shows, the proportion of juveniles under supervision that was male ranged from 77 percent in the Australian Capital Territory to 93 percent in the Northern Territory. Similarly,

although the rate per 1,000 juveniles was higher for males than for females in all jurisdictions, it varied from 4.9 per 1,000 in Victoria to 18.7 per 1,000 in Western Australia.

## Juveniles under supervision, by Indigenous status

Indigenous juveniles were overrepresented among juveniles under supervision in all jurisdictions during the 2006–07 financial year, although this varied considerably by jurisdiction (see Table 48).

As Table 48 shows, 39 percent of all juveniles under supervision were Indigenous during the 2006–07 financial year. Although these data must be interpreted with caution, as Indigenous status is determined in varied ways among Australia's states and territories, they nonetheless indicate that Indigenous juveniles are dramatically overrepresented among juveniles under supervision in Australia. Non-Indigenous juveniles were under supervision at a rate of 2.8 per 1,000 during the period, compared with 39.3 per 1,000 Indigenous juveniles.

Indigenous juveniles were therefore under supervision at a rate 14 times that of non-Indigenous

juveniles. The rate ratio of Indigenous juveniles under supervision to non-Indigenous juveniles under supervision varied considerably by jurisdiction, however, from 4.2 in Tasmania to 24.9 in Western Australia.

The AIHW (2008b) identified a number of relationships between the age, sex and Indigenous status of juveniles under supervision during the 2006–07 financial year:

- On average, Indigenous juveniles under supervision were slightly younger than non-Indigenous juveniles under supervision. The proportion of Indigenous juveniles in each age group of juveniles decreased steadily from 73 percent of 10 year olds to 30 percent of 17 year olds.
- Indigenous juveniles comprised a higher proportion of all female juveniles under supervision (44%) than all male juveniles under supervision (38%).

Table 49 shows all juveniles (10 to 17 year olds) under supervision during the 2006–07 financial period by age, sex and Indigenous status.

The AIC's national Juveniles in Detention Monitoring Program collects data on the legal status of juveniles in detention—that is, whether juveniles in detention are *remanded* or *sentenced*. At 30 June 2006,

**Table 47** Number of juveniles under supervision, 2006–07, by jurisdiction and sex

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total <sup>a</sup>
<b>Number of juveniles</b>									
Male	2,593	1,293	1,961	1,495	762	289	167	239	8,799
Female	451	248	477	391	163	73	50	17	1,870
Total	3,044	1,541	2,438	1,892	925	362	217	256	10,675
<b>Percentage of juveniles</b>									
Male	85	84	80	79	82	80	77	93	82
Female	15	16	20	21	18	20	23	7	18
Total	100	100	100	100	100	100	100	100	100
<b>Rate per 1,000 juveniles</b>									
Male	7.2	4.9	8.6	13.2	9.5	10.8	9.7	18.7	8.0
Female	1.2	0.9	2.0	3.2	1.9	2.6	2.8	1.2	1.6
Total	4.1	2.8	5.2	8.1	5.6	6.6	6.2	9.6	4.7

a: Totals include juveniles of unknown sex

Source: Adapted from AIHW 2008b: 29

**Table 48** Number of juveniles under supervision, 2006–07, by jurisdiction and Indigenous status

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number of juveniles</b>									
Indigenous	1,027	182	1,162	1,165	279	79	41	228	4,163
Non-Indigenous	1,792	1,152	1,275	709	596	251	176	27	5,978
Unknown	225	207	1	18	50	32	0	1	534
Total	3,044	1,541	2,438	1,892	925	362	217	256	10,675
<b>Percentage of juveniles</b>									
Indigenous	34	12	48	62	30	22	19	89	39
Non-Indigenous	59	75	52	37	64	69	81	11	56
Unknown	7	13	<1	1	5	9	0	<1	5
Total	100	100	100	100	100	100	100	100	100
<b>Rate per 1,000 juveniles</b>									
Indigenous	31.8	26.2	38.1	79.8	49.7	20.5	42.1	20.3	39.3
Non-Indigenous	2.6	2.1	2.9	3.2	3.8	4.9	5.2	1.8	2.8
Unknown	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rate ratio Indigenous/ non-Indigenous	12.2	12.5	13.1	24.9	13.1	4.2	8.1	11.3	14.0
Total	4.1	2.8	5.2	8.1	5.6	6.6	6.2	9.6	4.7

Source: Adapted from AIHW 2008b: 34

**Table 49** Number of juveniles under supervision, 2006–07, by age in years, sex and Indigenous status

	10	11	12	13	14	15	16	17	Total
<b>Male</b>									
Indigenous	16	55	146	272	496	694	858	794	3,331
Non-Indigenous	7	18	60	190	534	968	1,469	1,793	5,039
Unknown	0	3	7	14	39	78	114	174	429
Total	23	76	213	476	1,069	1,740	2,441	2,761	8,799
<b>Female</b>									
Indigenous	3	5	26	50	152	206	229	156	827
Non-Indigenous	0	2	11	57	152	211	269	236	938
Unknown	0	0	0	4	14	22	38	27	105
Total	3	7	37	111	318	439	536	419	1,870
<b>All juveniles</b>									
Indigenous	19	60	173	323	649	901	1,088	950	4,163
Non-Indigenous	7	20	71	247	687	1,179	1,738	2,029	5,978
Unknown	0	3	7	18	53	100	152	201	534
Total <sup>a</sup>	26	83	251	588	1,389	2,180	2,978	3,180	10,675

a: Totals include juveniles of unknown sex

Source: Adapted from AIHW 2008b: 38

**Table 50** Number of juveniles in detention, 2005–06, by sex, jurisdiction and legal status

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
<b>Male</b>									
<b>Remanded</b>									
30 Sep	114	18	59	50	12	16	4	6	279
31 Dec	116	21	85	62	17	13	8	6	328
31 Mar	139	25	106	70	16	16	9	6	387
30 Jun	127	12	92	50	19	24	16	5	345
<b>Sentenced</b>									
30 Sep	110	30	26	44	23	9	5	0	247
31 Dec	92	30	26	55	18	5	8	5	239
31 Mar	110	26	42	48	17	7	9	7	266
30 Jun	117	19	33	48	20	3	8	8	256
<b>Female</b>									
<b>Remanded</b>									
30 Sep	11	2	4	6	2	3	0	1	29
31 Dec	2	1	4	5	4	0	0	1	17
31 Mar	6	5	9	8	2	2	0	2	34
30 Jun	6	5	9	7	2	2	0	4	35
<b>Sentenced</b>									
30 Sep	7	8	2	3	1	3	0	0	24
31 Dec	5	3	5	1	2	1	0	0	17
31 Mar	7	3	2	1	1	1	1	0	16
30 Jun	6	2	3	2	0	1	1	0	15
<b>All juveniles</b>									
<b>Remanded</b>									
30 Sep	125	20	63	56	14	19	4	7	308
31 Dec	118	22	89	67	21	13	8	7	345
31 Mar	145	30	115	78	18	18	9	8	421
30 Jun	133	17	101	57	21	26	16	9	380
<b>Sentenced</b>									
30 Sep	117	38	28	47	24	12	5	0	271
31 Dec	97	33	31	56	20	6	8	5	256
31 Mar	117	29	44	49	18	8	10	7	282
30 Jun	123	21	36	50	20	4	9	8	271
% remanded at 30 June	52	45	74	53	51	87	64	53	58

Source: AIC national Juveniles in Detention Monitoring Program 1981–2006 [computer file]

**Table 51** Remanded juveniles in detention as a proportion of total detainees, 2005–06, by sex, Indigenous status and jurisdiction (%)

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
<b>Male</b>									
<b>Indigenous</b>									
30 Sep	52	25	69	58	29	100	50	100	56
31 Dec	56	71	73	55	40	75	53	33	59
31 Mar	53	39	69	63	33	50	53	17	58
30 Jun	48	25	75	52	67	100	70	50	58
<b>Non-Indigenous</b>									
30 Sep	50	40	70	39	38	53	0	100	50
31 Dec	55	36	82	48	55	71	0	80	57
31 Mar	58	53	76	51	57	71	0	72	61
30 Jun	57	41	72	50	41	86	0	29	57
<b>Total</b>									
30 Sep	51	38	69	53	34	64	44	100	53
31 Dec	56	41	77	53	49	72	50	55	58
31 Mar	56	49	72	59	49	70	50	46	59
30 Jun	52	39	74	51	49	89	67	39	57
<b>Female</b>									
<b>Indigenous</b>									
30 Sep	56	14	100	67	0	0	n/a	n/a	46
31 Dec	67	0	50	83	100	n/a	n/a	100	67
31 Mar	29	67	100	86	n/a	100	0	100	70
30 Jun	33	0	50	71	100	50	0	n/a	50
<b>Non-Indigenous</b>									
30 Sep	67	33	50	67	100	60	n/a	100	63
31 Dec	0	50	40	n/a	50	0	n/a	n/a	31
31 Mar	67	60	60	100	67	0	n/a	100	65
30 Jun	67	83	100	100	100	100	n/a	100	89
<b>Total</b>									
30 Sep	61	20	67	67	67	50	n/a	100	55
31 Dec	29	25	44	83	67	0	n/a	100	50
31 Mar	46	63	82	89	67	67	0	100	68
30 Jun	50	71	75	78	100	67	0	100	70

Source: AIC national Juveniles in Detention Monitoring Program 1981–2006 [computer file]

58 percent of juveniles in detention were on remand awaiting trial or sentencing (Taylor 2007: 34). The proportion of juveniles in detention who were remanded, rather than sentenced, varied by sex

however, with 57 percent of male juveniles on remand and 70 percent of female juveniles on remand (Taylor 2007: 35). Due to the low numbers of female juveniles in detention, however, these



proportions must be interpreted cautiously. Table 50 shows the numbers of juveniles in detention during the 2005–06 financial year by sex, jurisdiction and legal status.

As Table 50 indicates, the proportion of juveniles in detention who were on remand at 30 June 2006 varied by jurisdiction, from 45 percent in Victoria to 87 percent in Tasmania. Due to the low numbers of juveniles in detention in Tasmania, however, this proportion must be considered with caution.

The proportion of juveniles in detention who were on remand at 30 June 2006 also varied by Indigenous status. Although for male juveniles the proportion of detained juveniles who were on remand was similar for Indigenous (58%) and non-Indigenous (57%) males, there was considerable variation for female juveniles in detention. Fifty percent of Indigenous females in detention were on remand at 30 June 2006, compared with 89 percent of non-Indigenous females. The lower numbers of female detainees means, however, that these proportions must be considered with caution. Table 51 shows juveniles remanded in detention as a proportion of juvenile detainees by sex, Indigenous status and jurisdiction.

## Juveniles under supervision, by age

Most juveniles under supervision during the 2006–07 financial year were aged 16 years and over. Table 52 shows the number of juveniles under juvenile justice

supervision during the 2006–07 financial year by jurisdiction and age.

In each jurisdiction, the majority of juveniles under supervision were from the higher age bracket (15 to 17 years). This proportion varied by jurisdiction, however. On average, 10 to 14 year olds comprised 22 percent of all juveniles under supervision. This figure ranged from a low of 16 percent in the Northern Territory to a high of 26 percent in Western Australia.

## Juveniles under supervision, by offence type

Data on the offence type in relation to which juveniles come under the supervision of correctional authorities are lacking from data collections on juveniles' contact with the criminal justice system. These data are only publicly available for the Northern Territory. The Northern Territory Government (2006) releases data on the most serious offence for which juveniles commence episodes of supervision with the Northern Territory Department of Justice. As Table 53 shows, a majority of juveniles were under supervision in relation to property offences for the 2005–06 financial year—the most recent period for which these data are available. Fifty-six percent of juveniles were under supervision in relation to property offences, followed by 34 percent for offences against the person and 10 percent for other offences. The offence in relation to which most

**Table 52** Number of juveniles under supervision, 2006–07, by jurisdiction and age

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
10yrs	3	1	9	8	4	1	0	0	26
11yrs	21	0	26	18	13	3	2	0	83
12yrs	65	23	63	65	15	10	6	4	251
13yrs	139	60	143	141	59	21	15	10	588
14yrs	380	176	364	260	116	45	22	26	1,389
15yrs	618	275	581	380	187	57	38	44	2,180
16yrs	814	442	783	479	231	94	61	74	2,978
17yrs	1,004	564	469	541	300	131	73	98	3,180
Total	3,044	1,541	2,438	1,892	925	362	217	256	10,675

Source: Adapted from AIHW 2008b: 31

**Table 53** Juvenile episode commencement, Northern Territory, 2005–06, by age in years and most serious offence (n)

	10–14	15–16	17	Total
Homicide	0	2	2	4
Assault	14	25	23	62
Sexual assault	1	2	0	3
Other offences against the person	0	2	3	5
Robbery	0	5	2	7
Break and enter	23	53	17	93
Fraud	0	0	0	0
Stealing	4	5	0	9
Unlawful use of motor vehicle	8	15	6	29
Property damage	1	2	0	3
Property other	0	0	0	0
Justice offences	3	3	5	11
Good order	0	0	0	0
Drug offences	0	1	0	1
Drive under the influence of alcohol	0	1	2	3
Other driving/traffic offences	0	0	2	2
Other	3	2	1	6
Total	57	118	63	238

Source: Adapted from Northern Territory Government 2006: 26

juveniles were under supervision was break and enter (39%).

These data relate only to the Northern Territory and as such, must not be considered representative of other jurisdictions. They nonetheless provide an insight into an important aspect of the nature of juvenile detention in Australia.

## Juvenile deaths in custody

The AIC collects, analyses and publishes national data on deaths in custody (prison, police custody and juvenile detention) from all Australian jurisdictions. The AIC's NDICP aims to provide comprehensive data on all deaths that occur in custody and custody-related police operations each year (Joudo & Curnow 2008: 5). Police services and correctional authorities from each jurisdiction are required to notify the NDICP of deaths that meet the following criteria:

- a death, wherever occurring, of a person who is in prison custody, police custody or detention as a juvenile
- a death, wherever occurring, of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care, while in such custody or detention
- a death, wherever occurring, of a person who dies, or is fatally injured, in the process of police or prison officers attempting to detain that person
- a death, wherever occurring, of a person attempting to escape from prison, police custody or juvenile detention (Joudo & Curnow 2008: 5).

Deaths in prison custody are defined as those deaths that occur in prison or juvenile detention facilities, including during transfers to or from prison or juvenile detention and in medical facilities following transfer from prison or detention.

Deaths in police custody are divided into two categories:

- Deaths in institutional settings (such as prisons, detention centres, police stations, hospitals, and police vehicles) and other deaths that occur during police operations in which police were in close contact with the deceased person (such as police raids)
  - Deaths in police custody where police did not have sufficiently close contact with the deceased to exert control over his/her behaviour (such as sieges, motor vehicle pursuits, police shootings and attempts to detain).
- theft-related offences—including break and enter, other theft, property damage and fraud
  - drug-related offences—including possessing, using, dealing, trafficking or manufacturing drugs
  - traffic offences—including road traffic, licence and driving offences
  - good order offences—including public drunkenness, protective custody for intoxication in jurisdictions where public drunkenness is not an offence, justice procedure offences, breaches of sentences (including fine default) and other offences against good order, such as prostitution, betting and gaming offences, disorderly conduct, vagrancy and offensive behaviour
  - other/unknown offences—including offences not elsewhere classified and cases where the most serious offence is unknown (Joudo & Curnow 2008: 27).

Data from the NDICP indicate that only very small numbers of juveniles die in custody each year. In total, 37 juvenile deaths in custody have been recorded by the NDICP during the previous 10 years of data collection (1998–2007 inclusive). Thirty-four of these deaths have occurred in police custody (26 in motor vehicle pursuits, 1 in a police shooting and 7 in other types of police custody) and three in juvenile detention.

As might be expected, given the highly gendered nature of juvenile crime and detention, male juveniles comprise the majority of juvenile deaths in custody. During the 10 year period, 28 deaths of male juveniles, compared with nine deaths of female juveniles, were recorded. Juvenile deaths in custody were concentrated in the older age bracket of juveniles, with two 12 year olds, one 13 year old, five 14 year olds, five 15 year olds, 10 16 year olds and 14 17 year olds dying in custody during the period.

This is also somewhat unsurprising, given that older juveniles comprise a greater proportion of juvenile detainees than younger juveniles. Fifteen Indigenous juveniles died in custody during the period, compared with 22 non-Indigenous juveniles. It is important to note, however, that Indigenous status is determined in varied ways by the authorities that report to the NDICP and as such, these data should be interpreted with caution.

The AIC's NDICP collects and analyses information on the most serious offence for which those who died in custody had been detained. Offences are grouped into six categories as follows:

- violent offences—including homicide, assault, sexual offences, other offences against the person and robbery

As Table 54 shows, for the 37 recorded juvenile deaths in custody during the 10 years from 1998 to 2007, two were in custody for violent offences, 18 for theft-related offences, eight for traffic offences, five for good order offences and one for 'other' offences. No juveniles who were in custody as a result of drug offences died during the period. Data on most serious offence are missing for three juvenile deaths in custody.

### *Motor vehicle pursuit deaths of juveniles, 1998–2007*

Of the 37 juvenile deaths in custody during the 10 year period from 1998–2007, 26 were the result of a motor vehicle pursuit. Eighteen of these 26 deaths in custody were of male juveniles; the remaining eight were of female juveniles. Seven of the juveniles were recorded as Indigenous; the remaining 19 were recorded as non-Indigenous.

Most deaths of juveniles resulting from motor vehicle pursuits occurred in relation to older juveniles. Two juveniles were aged 12 years, one was aged 13 years, five were aged 14 years, three were 15 years, six were 16 years and nine were 17 years.

The most serious offence category in relation to which most of the juvenile motor vehicle pursuit deaths occurred was theft-related offences

**Table 54** Number of juvenile deaths in custody, 1998–2007, by most serious offence

	Violent	Theft-related	Drug-related	Traffic	Good order	Other/unknown	Total <sup>a</sup>
1998	0	1	0	0	1	1	3
1999	2	1	0	0	0	0	3
2000	0	2	0	0	0	0	2
2001	0	6	0	2	1	0	9
2002	0	1	0	5	0	0	6
2003	0	2	0	1	0	0	3
2004	0	2	0	0	1	0	3
2005	0	2	0	0	0	0	2
2006	0	1	0	0	1	0	2
2007	0	0	0	0	1	0	1
Total <sup>a</sup>	2	18	0	8	5	1	34

a: 3 cases with missing data on this variable have been excluded

Source: AIC NDICP [computer file]

**Table 55** Number of juvenile motor vehicle pursuit deaths, 1998–2007, by most serious offence

	Violent	Theft-related	Drug-related	Traffic	Good order	Other/unknown	Total <sup>a</sup>
1998	0	0	0	0	0	0	0
1999	2	0	0	0	0	0	2
2000	0	1	0	0	0	0	1
2001	0	6	0	2	0	0	8
2002	0	1	0	4	0	0	5
2003	0	1	0	1	0	0	2
2004	0	2	0	0	0	0	2
2005	0	2	0	0	0	0	2
2006	0	1	0	0	0	0	1
2007	0	0	0	0	0	0	0
Total <sup>a</sup>	2	14	0	7	0	0	23

a: 3 cases with missing data on this variable have been excluded

Source: AIC NDICP [computer file]

(see Table 55). Fourteen of the deaths occurred following pursuits in relation to theft-related offences, compared with seven in relation to traffic offences, two in relation to violent offences and zero in relation

to drug-related, good order and 'other' offences. Three cases of juvenile motor vehicle pursuit deaths have missing data in relation to most serious offence.



# Conclusion

This report is the first collection of data on juveniles' contact with the police, courts and correctional systems from New South Wales, the Australian Capital Territory, Victoria, Queensland, Western Australia, South Australia and the Northern Territory. Drawing on published data from the Australian Capital Territory, Victoria, Queensland, Western Australia and South Australia, as well as unpublished data from New South Wales and the Northern Territory, it provides a summary and analysis of juveniles' contact with the criminal justice system as both complainants/victims and alleged or convicted offenders. National data on juveniles' contact with the criminal justice system from the ABS, the AIHW and the SCRGSP, have also been included in this report. Data from the AIC's national Juveniles in Detention Monitoring Program, NHMP and NDICP have also been included in this study to provide additional information on juveniles' contact with the criminal justice system as both victims and perpetrators of homicide and as detainees.

This report therefore outlines the data currently available on juveniles' contact with the formal criminal justice system in Australia. Although it does not provide complete coverage of juveniles' contact with the police, courts and corrections in Australia, it provides a starting point for further research and ongoing monitoring in this area. This report also highlights areas on which few data are available

and little is known about juvenile victims of crime and alleged or convicted juveniles' contact with the police, courts, and corrections. These areas are detailed below.

## What don't we know about juveniles as complainants and victims in Australia?

### *Juveniles as victims of abuse and neglect*

Detailed and long-term trend data on child abuse and neglect in Australia are not widely available. As described earlier in this report, trend analyses of national child protection data are difficult to conduct, due to changes to policy and practice within the child protection field. Faulkner (2008) has recently researched this in Queensland, but such analyses of child abuse and neglect are lacking in relation to all other states and territories.

The relationship between cultural background and child protection notifications and substantiations could also be examined in greater detail. It has been identified, for example, that there are increased barriers to accessing services for juveniles from culturally- and linguistically-diverse and Indigenous families.

## *Juveniles as complainants and victims of crime generally*

As noted earlier in this report, there are fewer publicly available data on juvenile victims than on juvenile offenders in Australia. It is not known, for example, what proportion of all complainants and victims are juveniles, or conversely, what proportion of all juveniles become complainants or victims, in any given period of time. Rates of juvenile victimisation by offence type, Indigenous status, sex, age and jurisdiction would provide a detailed account of juveniles as complainants and victims in Australia.

Where victim data are available, they are often grouped into broad age brackets (such as 0 to 14 years) rather than being disaggregated into single year age categories. This approach may obscure important variations in victimisation rates between, for example, infants and adolescents.

Data are also not widely available on the frequency of juvenile victimisation. Rates of repeat victimisation, disaggregated by offence type, would provide a clear picture of this. This is pertinent given criminological evidence about the high level of repeat victimisation among adults and especially among adult victims of particular types of offences.

## What don't we know about juveniles and the police in Australia?

### *Characteristics of alleged juvenile offenders*

Police data on alleged juvenile offenders in Australia's states and territories typically capture characteristics including juveniles' gender, age and Indigenous status (or 'Aboriginal appearance'). Other characteristics, such as country of birth and ethnic background, are less often recorded; only Victoria Police publish such data.

Few jurisdictions publish data on both alleged juvenile offenders and *distinct* alleged juvenile offenders. Data on both of these variables would provide an insight into the proportion of alleged

offenders who commit one offence and/or offences on one occasion only, compared with those who commit multiple offences and/or offences on multiple occasions. These data would indicate the proportion of juvenile crime that is committed by chronic repeat offenders. Furthermore, disaggregating these data may show variations in offending patterns by age, sex, Indigenous status or other demographic characteristics.

In addition, most jurisdictions do not publish data on the geographical location of juvenile offending. Data aggregated to jurisdictional level undoubtedly obscure differences in levels of offending in various locations. Data on geographical locations may also be useful given the current interest in crime mapping and geospatial criminology.

In a number of jurisdictions, data on alleged juvenile offenders are not fully disaggregated by juveniles' ages into year categories; that is, alleged juvenile offenders, as per juvenile victims, may be grouped into age *brackets*. Disaggregating these data into year categories would enable more finely-grained analyses to be conducted.

### *Police processing of alleged juvenile offenders*

South Australia is the only jurisdiction for which data are published on the proportion of alleged juvenile offenders who are *arrested* by police, compared with those who are *reported* to police. These data would be particularly useful to collect in relation to the Indigenous status of juveniles. As outlined earlier in this report, data from South Australia indicate that a far higher proportion of juveniles of 'Aboriginal appearance' were arrested in 2005 than their counterparts of 'non-Aboriginal appearance'. Data on the proportion of juveniles *arrested* compared with those *reported* in other states and territories would allow useful comparisons to be made across jurisdictions with varied policy and legislative contexts. Future research could also explore the factors that explain the apparent divergence between Indigenous and non-Indigenous juveniles in this regard.

As discussed earlier in this report, there are few data available on police methods of processing juvenile persons of interest. Data on the proportions and

characteristics of alleged juvenile offenders who are processed via bail or summonses, or remanded in custody, could be usefully collected. It is certainly possible, for example, that police decisions about how to process alleged juvenile offenders may affect both the likelihood of a juvenile being convicted of an offence and the nature and severity of any sentence imposed by the court. It may also be fruitful to explore the impact of police *discretion* on decisions about processing juvenile persons of interest and the impacts that legislation and policy in each jurisdiction may have on such decisions.

In addition, police decisions on the processing of juveniles who are diverted from the formal criminal justice system could be explored in more detail. For example, there has been little published on how police make decisions about whether a particular juvenile should be warned, cautioned or referred to a restorative justice conference.

As this report illustrates, police in each state and territory categorise juvenile persons of interest as either Indigenous/non-Indigenous or as of 'Aboriginal/non-Aboriginal appearance'. It is unknown, however, how police determine Indigenous status or 'Aboriginal appearance'. Future research might explore how police determine Indigenous status in jurisdictions in which this is not based on appearance. Police methods for determining 'Aboriginal appearance' might also be usefully documented.

### *Outcomes of police contact with alleged juvenile offenders*

In a number of jurisdictions, a considerable proportion of juveniles' outcomes following police contact are classified as 'missing' or 'unknown'. This appears to be particularly the case for non-Indigenous juveniles. Why this happens, what happens to these juveniles and the reasons behind their disappearance from police data could be fruitfully explored by future research.

## What don't we know about juveniles and the children's courts in Australia?

### *Indigenous juveniles in the children's courts*

Data on juveniles' contact with the children's courts in Australia rarely disaggregate juveniles by Indigenous status. It is unclear in most jurisdictions, for example, what proportion of juveniles adjudicated in the children's courts are Indigenous. Additionally, the lack of court data on juveniles' Indigenous status has resulted in limited knowledge on the following issues:

- the offence types for which Indigenous juveniles are adjudicated in court, in comparison with non-Indigenous juveniles
- sentencing outcomes for Indigenous juveniles compared with non-Indigenous juveniles
- the age at which Indigenous juveniles first appear before the children's courts, in comparison with non-Indigenous juveniles
- rates of acquittal and conviction by Indigenous status
- the combined influence of age, sex, Indigenous status and offence type on juveniles' court outcomes.

It may also be useful to compare the profile of Indigenous juveniles in the children's courts with Indigenous adults in the criminal courts. As the mean age of the Indigenous population of Australia is younger than the mean age of the non-Indigenous population, such a comparison may assist in more accurately determining levels of Indigenous overrepresentation in the children's courts.

More detailed analysis of the Indigenous status of juveniles appearing in the children's courts is important given the heavy overrepresentation of Indigenous juveniles in detention. A closer examination of court data would provide an insight into the stage of the criminal justice system at which the overrepresentation of Indigenous juveniles becomes entrenched.

## *Juveniles' outcomes in the children's courts*

Children's court outcomes, and factors influencing these outcomes, are areas on which few data exist. It is unknown, for example, what proportion of juvenile convictions are formally recorded by the children's courts and the implications of this. The impact of demographic characteristics and/or offence type on the recording of juvenile convictions, and the implications of this, could also be explored.

The impact of a range of factors on sentencing, including offence type and offending history, would also provide a useful insight into the process of juvenile sentencing in the children's courts. In addition, data on how juveniles plead in the children's courts, and the impacts of juveniles' pleading behaviours on sentencing outcomes, could be explored.

## What don't we know about juveniles and corrections in Australia?

Data on juvenile corrections in Australia lacks a focus on offence type; the Northern Territory is the only jurisdiction to publish this information. The offence types for which juveniles are placed under either community- or detention-based supervision are therefore largely unknown. These data, disaggregated by demographic characteristics such as age, sex and Indigenous status, would provide a more detailed picture of juvenile corrections in Australia. It is important to note, however, that the very small numbers of juveniles in detention in Australia is likely to make the collection of such data difficult, due to the need to maintain juveniles' privacy.

## Other gaps in data on juveniles' contact with the criminal justice system

Data on juvenile diversion in Australia are nebulous and challenging to collate and interpret. This is the result of a variety of factors, including jurisdictions'

varied approaches to diversion and the diverse range of organisations, including both government and non-government organisations, responsible for the operation of juvenile diversion across Australia. In addition, data on juvenile diversions are often intentionally not recorded to avoid stigmatising juveniles. As a result, there is a lack of detailed and consistent data available on the types of diversionary measures undertaken by juveniles, the outcomes of these measures and their impact on recidivism and the number of juveniles appearing before the children's courts or under supervision.

In many cases, juveniles and/or their parents must consent to participating in diversionary measures, such as restorative justice conferencing. It is not currently known, however, in what proportion of cases this occurs, or whether this proportion varies by demographic characteristics such as age, gender and/or Indigenous status. The lack of data on diversionary measures for juveniles may be masking a proportion of juveniles who decline to participate in such measures, as well as any impacts that this may have on juveniles' appearances in the children's courts and sentences imposed by the children's courts.

It has been well documented that substantial proportions of all victims and offenders are juveniles (see Chen 2009). It has not been clearly established what proportion of offences against juveniles are perpetrated by other juveniles, although a small amount of available data on this issue from Queensland were outlined earlier in this report. Such data would be useful from other jurisdictions, particularly if disaggregated by offence type.

It has also been well documented that there is a substantial overlap between the juvenile justice and child-protection systems; that is, that the 'clients' of the juvenile justice system are likely to have also been clients of the child-protection system. It is not clear from current data collections, however, to what extent this is the case. Future research could therefore document the proportion of juveniles who have had contact with both systems, their demographic characteristics and outcomes of contact with these systems. The AIHW (2008c) recently produced a report on the feasibility of linking child protection, juvenile justice and supported accommodation data collections and are currently



working towards this aim with state and territory jurisdictions.

Finally, data on Indigenous juveniles' contact with the criminal justice system could be considered in more detail. As outlined above, little is known about Indigenous juveniles' contact with the

children's courts in Australia. In addition to this, Hunter & Ayyar's (2009) research has highlighted the importance of addressing data quality on the Indigenous status of those who come into contact with the criminal justice system.

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