

AN OVERVIEW OF JUVENILE DETENTION IN AUSTRALIA

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We could send a teenage offender to a major public school for 11,000 pounds per year. Paying 20,000 pounds per year to send him [sic] to prison, where he learns nothing but how to commit more serious crimes, makes no sense in human or economic terms. (Richard Graef, quoted in Howard League for Penal Reform 1993, p. 26).

IF DETAINING JUVENILES IS SO COSTLY AND UNREHABILITATIVE WHY DO WE continue to incarcerate young people? Who do we send to detention/training/juvenile justice centres? What are the effects of detention, and what are the alternatives to incarceration? What knowledge is needed to promote reform; what factors exist to bolster resistance to change? The array of information in this overview is intended to provide background information to the discussion of these and other matters relating to juvenile detention.

History of Juvenile Detention in Australia¹

The history of juvenile detention in Australia goes back almost to the arrival of the first fleet. The convicts on the first fleet included three boys and two girls under sixteen (Hughes 1987). There is some irony in the fact that, as observed by Seymour (1988), deported child convicts were often benefiting from special measures, diversion from the death penalty and the gallows, due to their tender years. For them it was diversion into a penal institution—white Australia—rather than out of it.

If we follow the history of juvenile detention in Australia from 1788 to the present, some enduring themes emerge. In the 1990s we are concerned with issues such as the justice/welfare nexus and how this impacts on policy and practice in juvenile corrections; the distillation processes of the juvenile justice system such that powerless and marginalised groups are over-represented in detention centre populations; the unredeeming nature of juvenile detention; the role of the private sector in juvenile corrections; and, the myopia about

¹. Parts of this section will appear in Atkinson and Chappell (forthcoming).

girls in the system. If we look back briefly into history, we can see a long tradition of failing to solve or adequately address these issues.

In the nineteenth century the colonies of New South Wales and Van Diemen's Land received many young convicts. In the five years between 1833 and 1838, for example, nearly one thousand boys were transported to New South Wales. Two hundred convict boys were sent to Point Puer in Van Diemen's Land in 1838 alone (Seymour 1988).

Although at first no special treatment was accorded the young convicts, after a time alternative methods were considered and tried (Seymour 1988). In New South Wales in 1803, apprenticeships for juvenile convicts were introduced. Boys were apprenticed to learn trades, and girls became domestic servants. There was a strong financial incentive for the arrangements since costs associated with keeping the young convict apprentices were shouldered by the free settlers who took them on. The system was not a great success, however, proving to be little different from the labour assignment systems that applied to adult prisoners.

By 1820, boy convicts under sixteen, in theory anyway, were able to spend three years undertaking trade training before being assigned to labour in the colony. Moreover, for the first time separate accommodation, at Carters Barracks in Sydney, as well as a system of classification, was established for this group of young prisoners. However, the system did not live up to expectations. It was phased out and finally terminated in about 1835, along with the use of Carters Barracks as the first juvenile penal institution. The failure of the system was attributed by the Chief Justice of New South Wales to "the association of a body of young criminals together, and the incorrigible effects of their example and communications upon each other" (quoted in Seymour 1988, p. 13). Researchers since then have affirmed that juvenile detention is indeed unredeeming (Potas et al. 1990) and is in fact linked to increased recidivism (Forst & Blomquist 1991; The Howard League for Penal Reform 1993). The Chief Justice of the day, however, blamed the inmates rather than the regime for any undesirable outcomes.

In Van Diemen's Land convict boys had been taken to Point Puer at Port Arthur from 1834. It was intended that Point Puer be a place of rehabilitation and training for its young clientele, or "little depraved felons" as Governor Arthur, of Port Arthur fame, called them (quoted in Hughes 1987, p. 408). There is a truly heart wrenching rendition of life at Point Puer in Marcus Clarke's novel *His Natural Life* (1970). Hughes gives a more restrained version in his book *The Fatal Shore* (1987).

Over two thousand boys passed through the institution at Point Puer in its fifteen years of existence. The regime was disciplinarian and harsh and corporal punishment was a central feature. However, in an effort to redeem the boys, equip them with skills which would be useful to them in their later lives, and to meet the labour needs of the colony, a system of trade training was instituted for the very few boys fortunate to secure places.

The regime was also intended to provide the boys with religious instruction and basic literacy skills. However, there was little systematic effort and even fewer resources directed towards these intended rehabilitative measures. Reading matter was limited to the bible and a

handful of elementary readers and spelling books, and religious instruction, undertaken by a series of missionaries from different Christian denominations, failed to make a redeeming mark on the inmates. Given the context within which such instruction took place—the harshness of the regime and the pervasiveness of the inevitable prison culture—this is not surprising. The juvenile institution at Point Puer clearly failed to bridge the gap between its stated intention and philosophy, and its accomplishments in practice. This would come as no surprise to practitioners and researchers in the field today. Point Puer was closed in 1849, by which time the number of juveniles being transported from England had significantly decreased.

The development of Australian child welfare systems began in the early 1800s when the New South Wales Government and a committee of private citizens established a home for orphans and destitute children, mostly of convict parents (Seymour 1988). Other colonies followed suit towards the middle of the nineteenth century.

The second half of the nineteenth century witnessed the growth of reform and industrial schools to cater for both offending and destitute children. Attempts were made to classify and separate "criminal" and "neglected" youth. Reform and industrial schools were intended to contain and serve two, apparently distinct, juvenile populations: delinquents on the one hand and the merely destitute on the other.

As Seymour (1988) points out, however, and illustrates with a nineteenth-century quotation, the assumptions which supported mutually exclusive categorisations of young people as "neglected" or "offenders" were questionable:

The Council has learned by the experience gained in dealing with a large number of children that the so-called "criminal" children are not the worst class. Many children convicted of stealing and sent to reformatories are found to be moral and well-behaved, while very often it has been proved that children committed to the Industrial School as neglected or destitute are vicious, immoral, and altogether unfit to mix with decent children (South Australian State Children's Council, quoted in Seymour 1988, p. 48).

Church, state and charitable organisations were involved in the institutional control of these two groups of children, the state having primary responsibility for offenders, although it is clear that distinctions between the groups were blurred in practice.

Towards the end of the nineteenth century growing concern about the use of large institutions resulted in the growth of community-based arrangements. "Boarding out" placements in foster homes began to replace industrial schools (Seymour 1988). The dual schools system was eventually abandoned but the uneasy relationship between welfare and so-called justice responses is still with us today.

In sum then, the 200-year history of white Australia has given us blueprints for present concerns and dilemmas about juvenile detention. There is the ebb and flow between crime control and child-saving philosophies and practices (or justice and welfare), and the tension generated through the

polarisation of the debate. There is the failure of punitive detention to impact on recidivism or to address at an individual or systemic level the underlying issues which have propelled many of these young people into the justice system and into custody over 200 or so years. Whether we look at Hughes' documentation or Marcus Clarke's dramatic representations of Point Puer, or Howlett's (1993) profiles of juveniles and their deaths in detention between 1980 and 1992 (four out of nine being Aboriginal), it is clear that juvenile detention has been a repository for the marginalised and the powerless. (One of the nine young people in the Howlett study was a nineteen-year-old non-Aboriginal detained at an adult youth training centre in Victoria. The others, including all the Aboriginal young people, were under eighteen.)

There is also the shifting nexus between the public and private sector in the control of juveniles. The growing involvement of the private sector in juvenile corrections today is an issue which should be placed clearly on the agenda for discussion and debate.

Finally, we can note the tradition of ignoring the reality and needs of girls in detention, and linking their rehabilitation with the acquisition of domestic expertise.

The Contemporary Situation

In the 1990s, despite a lack of hard evidence to suggest that juvenile crime is out of control, the current popular notion of a juvenile law and order crisis has been remarkably influential at the policy making level. Witness the success of media driven law and order campaigns which have resulted in the passing, for example, of the Western Australian legislation, the now infamous *Crime (Serious and Repeat Offenders) Sentencing Act 1992*. One of the achievements of this Act was to place a renewed emphasis on "just deserts" manifesting as certain and prolonged detention of particular groups of juveniles.

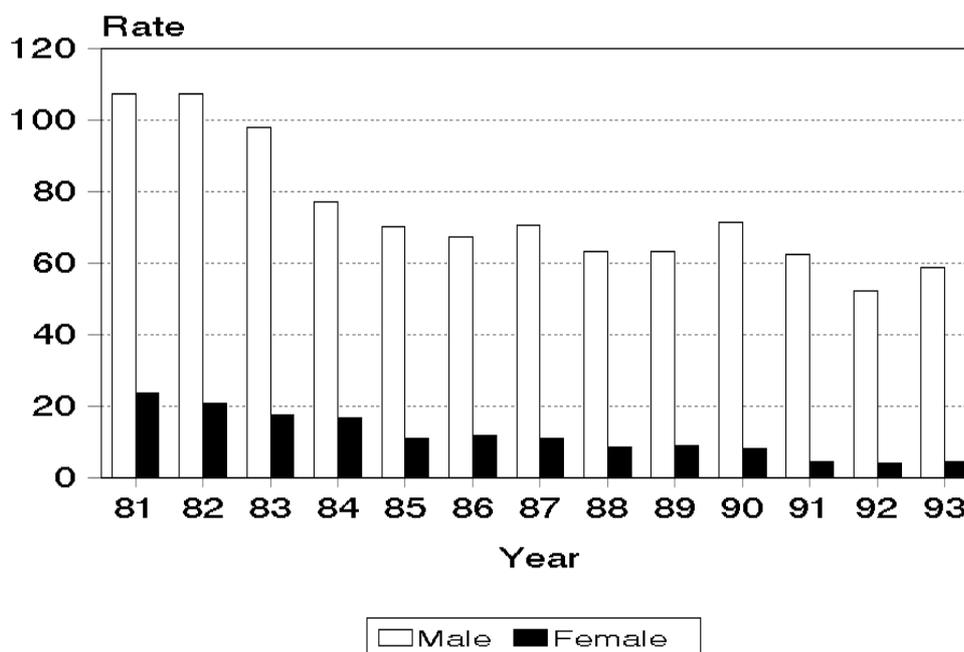
In Victoria, the new sentencing legislation places increased emphasis on the prison system to contain people deemed problematic and possibly dangerous to society. Although not including juveniles under seventeen in its reach, in Victoria young people over sixteen years of age usually appear in the adult jurisdiction and hence can come under its provisions. In New South Wales, the *Sentencing Act 1989*, intended to reduce the gap between the length of sentence and the actual time served, has resulted in a substantial increase in the amount of time served by juvenile offenders in custody (Cain & Luke 1991).

Another move which reflects the same punitive trend is the shifting of the administration of juvenile justice from departments of community welfare to form a separate department (NSW), or to be managed as a section of a department of corrections (NT, WA).

Despite the punitive drift over the last ten years the rate at which juveniles have been detained has, at the the same time, declined (*see* Figure 1).

Figure 1

**Persons aged 10-17 years in Juvenile Corrective Institutions
By Sex and Rate per 100,000 Population, Australia, as at June 1981 to 1993**



Philosophical and legislative changes have meant that young people on non-offence orders are seldom placed in detention in most jurisdictions, although some of these young people will be recycled through the system as offenders instead (*see* Angus & Wilkinson 1993). There is also a greater use of community based orders for those youth not considered to be at the extreme range of the offending spectrum.

Who then is targeted for the new get tough policy? The West Australian legislation aimed at "serious repeat offenders", seems to encapsulate the concerns of juvenile justice administrators in the different jurisdictions. Sumner (1993) put it clearly at the Adelaide conference on juvenile justice in 1992 when he stated that proposed changes in the South Australian juvenile justice system were specifically aimed at "the recidivist offender". He also described as a "justice initiative" increased incarceration levels in South Australia over the last six months of 1991.

Those youth distilled into the detention system then are becoming increasingly marginalised as less recalcitrant youth are dealt with in the community and attitudes harden towards the group defined as intractable and not amenable to non-custodial interventions (Howlett 1993, O'Connor 1993a). This minority group in detention risks having its needs and experiences ignored (Howlett 1993).

Extent and Nature of Juvenile Custody

While juvenile detention rates have declined in recent years, through changes in philosophy and practice and through greater use of community based orders, some of the custodial population can nevertheless be found in other secure facilities (and in other cases in a poorly resourced voluntary sector). Some young women, previously candidates for welfare intervention and custodial control, have also been channelled into non-custodial streams of the juvenile justice system.

If we take a broad view of juvenile detention we find young people being detained not only in centres for offenders and remandees (including Victoria's Adult Youth Training Centres), but also in police custody, immigration centres and adult prisons. Our knowledge of children and their experiences in these facilities is particularly limited. At present it seems we must accept, virtually with blind faith, that reasonable safeguards and conditions apply for youth held in these places. What do we know about these other facilities in which young people are detained?

Police Custody

In his preliminary report on the 1992 Police Custody Survey, McDonald (1993) found that children as young as ten had been taken into custody, and that in the survey period, the month of August 1992, 1836 young people under eighteen had been detained by police.

McDonald points out that in most cases police custody is used for relatively short periods. (Half of those adults and juveniles in the survey were released within 4.7 hours; 87 per cent were released within 24 hours.) However, there are worrying exceptions to this and deep concerns about what can happen to young people in police custody when accountability is lacking. According to information supplied by the Deaths in Custody Monitoring Unit at the AIC there have been ten deaths of juveniles under eighteen in police custody between 1980 and 1992.

An incident which occurred in Western Australia highlights the issue of accountability. It took place at Fitzroy Crossing late in 1988, but it became public knowledge only in 1991. It concerned the illegal detention of an Aboriginal juvenile, who, it transpired, was never formally charged but who nevertheless was kept in police custody for eight days. When visiting, senior police discovered the boy in the lockup and immediately released him: the sergeant in charge of Fitzroy Crossing Police Station maintained he had forgotten about the youth. He also claimed to have forgotten to release the boy on an earlier occasion after he had been questioned by a Justice of the Peace (Saxon 1991a).

Although such incidents can be dismissed as rare and aberrant, nevertheless public disclosure of such events can bring forth a litany of further allegations of discriminatory and unjust police practices, as it did in the case of the Fitzroy Crossing incident (Saxon 1991b). Further, even if police mistreatment of youth in custody is the exception rather than the norm we

need only remember the recent Dethridge case in Perth² to appreciate the value for justice of better mechanisms for accountability.

Immigration Centres

An article in the *Canberra Times* (Kingston 1993) in June 1993 stated that there were thirty children in Villawood detention centre in Sydney, including twelve born in detention. There is very little publicly available information on this detained population, or on the conditions in which these young people are held.

There are broad issues relating to the prolonged detention of illegal immigrants seeking refugee status and these apply equally and perhaps more urgently to children. Kingston (1993) conveys images of despair and desperation amongst detainees in the Villawood detention centre and concludes that suicides in such places should come as no surprise. Such conclusions raise serious questions about the policy and practice of extended detention of, in this case, juvenile illegal immigrants, and about the issue of public accountability.

Adult Prisons

On 30 June 1991 there were fifty-eight juveniles under eighteen serving time in adult prisons (Walker 1992). Almost half the total number were serving time in Queensland gaols. Between 1980 and 1992 there were eight deaths of young people aged under eighteen in adult prisons (unpublished data, Deaths in Custody Monitoring Unit). Long sentences for serious juvenile offenders and terms in adult prisons are popular items on the law and order agenda. However, the scope for a rehabilitative experience, as opposed to a criminogenic one, is even more limited in our overcrowded, under-resourced and frequently violent prison system than it is in the traditional juvenile detention system (Forst & Blomquist 1991).

Eventually, these young graduates of the system will be recycled into the community. Whether our primary focus is the rehabilitation and welfare of the young offender, victims' rights, or the protection of society, the appropriateness of adult prison for juveniles must be seriously questioned.

Juvenile Detention Centres

Our prime concern at this conference, however, is with juveniles in detention centres across Australia. We have limited knowledge about this population. The Australian Institute of Criminology began its collection of limited data on

². A juvenile, Joseph Dethridge, accompanied a friend to the Fremantle Police Station, became embroiled in an argument with police, was assaulted by a police officer and then detained. The boy's parents eventually learned that the events at the police station had been recorded on video, and that the video was still intact. The video subsequently was produced in court to substantiate the boy's claims of police violence. In this instance the video recording made the difference between police ultimately being held accountable for their maltreatment of the juvenile, and their remaining where they had apparently believed themselves to be, that is, above the law.

juveniles in detention in 1977 by inviting directors of state welfare departments to submit quarterly returns on the numbers of juveniles held in detention. The Australian Institute Criminology has continued to collect and collate basic information on juveniles in detention in the juvenile justice system ever since. The Australian Institute of Health and Welfare collects information on juveniles under non-offence orders. A comprehensive national data base on juvenile corrections does not yet exist. The appropriate repository for such information, the purpose and nature of the data to be collected and the resourcing of the collection are all issues which remain to be addressed.

This paper offers a snapshot of juvenile detention on a particular date rather than an analysis of trends over time. The information in the following section was provided by the departments responsible for the administration of juvenile justice in each jurisdiction.

Juvenile justice offices were asked to provide information about juvenile detention facilities and details about detained populations as at 31 December 1992. The assistance of all jurisdictions in this regard is much appreciated. Some jurisdictions were unable to furnish information specific to this date but reported instead for the last day of a later quarterly period. Western Australia reported for 30 June 1993 and Queensland for 31 March 1993. Because of the aggregate reporting system in New South Wales the situation as at 8 January was chosen as being the closest reporting period to 31 December.

Australian Bureau of Statistics estimated residential population figures have been used where detention rates have been calculated or Aboriginal populations cited. In the juvenile detention data available, Aboriginal and Torres Strait Islander groups are undifferentiated. Because there are likely to be very few Torres Strait Islander young people in detention the term Aboriginal is used throughout.

New South Wales

New South Wales outstrips the other jurisdictions in the number of institutions it runs for juveniles. There are ten detention centres, called juvenile justice centres, operating in this state.

Young women can be detained after sentencing at six centres (Worimi, Cobham, Minda, Reiby, Keelong, Riverina), and on remand only at a further two institutions (Yasmar, Broken Hill). Typically, all centres except Reiby detain girls on a short-term basis only. None of these centres caters exclusively for young women, although separate accommodation units exist in the long-term accommodation centres for girls (Reiby, and Minda during Reiby's refurbishment). Only girls over fifteen years of age are detained at Cobham and Yasmar. On average, there are about twenty-five females in custody at any one time, sentenced or on remand.

Boys are detained at all of the above institutions, as well as at Kariong (a high security institution) and Mt Penang. Only boys over fifteen are held at Kariong, Mt Penang, Cobham and Yasmar. Yasmar is for remandees only.

The current total bed capacity for remandees and sentenced young people in New South Wales is 510. The only inner suburban centre in New South Wales is Yasmar remand centre, which has a twenty-one bed capacity³. A further six centres are within a ninety kilometre radius of Sydney. The three remaining centres are at Broadmeadow (Worimi, thirty-five bed capacity), Broken Hill (remand centre, five bed capacity) and Wagga Wagga (Riverina Juvenile Justice Centre, thirty-four bed capacity).

Table 1 (*see* Appendix 1) outlines New South Wales' detention centres and their populations as at 8 January 1993.

Information for 8 January 1993 reveals that a total of 341 young people were in custody on that day. There were seventy-three Aboriginal males and three Aboriginal females held in detention, and 258 non-Aboriginal males and seven non-Aboriginal females. Aboriginal youth comprised 22.3 per cent of the youth in detention on that day (they comprise less than two per cent of ten to eighteen-year-olds in the New South Wales population). The number of young people in custody on that day was in most cases less than the mean daily occupancy for each centre in 1992.

The juvenile justice centre populations in New South Wales include some eighteen-year-olds who committed their offences prior to their eighteenth birthdays. At the time in question (January 1993) there were over 100 young people aged eighteen years in juvenile justice centres.

Victoria

Victoria has witnessed a steady reduction in the number of institutions for young offenders and the number of beds in the institutions remaining. Langi Kal Kal adult youth training centre for males and Winlaton for girls have been the most recent closures. Victoria currently has the lowest juvenile detention rate of all the States and Territories. Few seventeen-year-old young people are contained in junior youth training (detention) centres. Some seventeen-year-olds who committed their offences prior to turning seventeen might still appear in the juvenile jurisdiction and be sentenced to a junior youth training centre. Youth between the ages of seventeen and twenty-one can be sentenced by the adult courts to an adult youth training centre, rather than prison. Adult youth training centres are administered by the Department of Health and Community Services, rather than by the adult corrective services system.

Victoria houses ten to sixteen-year-old offenders and remandees in two centres, both located at Parkville near the city centre. The Parkville youth residential centre provides fifteen beds for two groups: ten to fourteen-year-olds (boys and girls), and fifteen and sixteen-year-olds (girls only) who are detained or on remand. Turana Youth Training Centre has sixty beds for fifteen- and sixteen-year-old boys on remand or in detention. In all, seventy-five beds are provided for young people over ten and under seventeen years.

Sentenced young adults between seventeen and under twenty-one in Victoria can be placed in adult youth training centres rather than in the adult

³. The NSW Attorney-General announced in October 1993 that Yasmar would become a specialist detention centre for girls.

prison system. It is rare for young people aged twenty-one still to remain in an adult youth training centre rather than being in the adult prison system. A total of eighty-five beds are provided at three centres, Turana and Malmsbury for young men in this age group, and Parkville for women.

Girls from ten to sixteen, and young female adults to twenty-one years who have not been sentenced to prison, serve their time at Parkville, close to the city centre. Although the premises allow for the separation of remandees and detained young women, and for a separation between the three distinct age categories under which court orders are made, such separation does not necessarily happen in practice. The imperatives of staffing and programming mean the groups in reality do not remain discrete.

Parkville (the old Baltara complex) is the only institution in Victoria for detained females.

Victoria has a unique provision in its guardianship system, which is distinct from the juvenile justice system, which allows for juveniles requiring protective care to be held in secure detention for up to twenty-one days. Information about this population is not included in the Australian Institute of Criminology data base on juveniles in detention because these cases are now outside the jurisdiction of the juvenile justice system.

Table 2 (*see* Appendix 1) gives an outline of Victoria's detention centres and their populations at 31 December 1992.

On 31 December 1992 there were 105 young people in detention. Of these, there were three girls, all non-Aboriginal, and all under seventeen.

Of the 102 males in detention, thirteen were Aboriginal. Six were held in adult youth training centres; the remaining seven were under seventeen and held in junior centres. Of the eighty-nine non-Aboriginal males held, fifty-two were in adult youth training centres, and thirty-seven in junior centres. Aboriginal young people under seventeen comprised 14.9 per cent of all detained young people of that age group. They comprise about half a per cent of the relevant Victorian youth population.

Sixty-eight per cent of the available beds in juvenile detention centres and youth training centres were taken up, a figure slightly lower than the overall monthly average.

Queensland

Queensland has four detention centres. John Oxley Youth Centre in Brisbane houses up to twenty-six young people: sentenced and remanded young women aged ten to seventeen, and sentenced boys aged ten to fourteen years. Sir Leslie Wilson Remand Centre in Brisbane houses up to twenty remanded boys aged ten to fourteen. It also takes any overflow from Westbrook Youth Centre, which caters for seventy-two sentenced and remanded boys aged fifteen to seventeen and is located at Westbrook, 150 km from Brisbane. Cleveland Youth Centre at Townsville, 1300 km north of Brisbane accommodates up to sixteen remanded or sentenced males and females aged between ten and seventeen.

Table 3 (*see* Appendix 1) gives an outline of Queensland's juvenile detention centres and their populations as at 31 March 1993.

On 31 March 1993 forty-eight Aboriginal youths were detained, including six girls. Forty-seven non-Aboriginal youths, including one girl, were detained in the same period. Aboriginal youth thus comprised more than 50 per cent of the detained youth population while representing about 3.6 per cent of the broader Queensland population of ten to seventeen-year-olds.

Western Australia

Western Australia also has closed juvenile institutions in recent years. It now operates three secure juvenile detention centres. Longmore Training Centre has a forty-eight bed capacity for sentenced males and females aged from ten to seventeen years. Longmore Remand Centre is designated to hold 32 male and female remandees aged from ten to seventeen although provision has been made, and is made use of in practice, for the institution to take up to 39 young people⁴. Riverbank has 34 beds for juvenile males over 14 and usually operates to capacity.

Since the move to co-corrections at Nyandi in 1987, and the institution's subsequent closure, there is no longer a separate secure facility especially for girls. Beds in the Longmore complex can be used for boys or girls, depending on current needs. However, notionally, there are eight beds for females at each of the two facilities.

The Longmore facilities are in inner suburban Perth. Riverbank is about 22 km from Perth.

Table 4 (*see* Appendix 1) gives an outline of Western Australia's juvenile detention centres and their populations as at 30 June 1993.

At 30 June 1993, 104 of the available 121 secure beds were filled. Three Aboriginal and four non-Aboriginal females were in detention on that day. Sixty-four Aboriginal boys were detained, compared with 40 non-Aboriginal boys. Aboriginal youth, who represent less than 4 per cent of the State's relevant youth population, comprised 61.5 per cent of youth in detention on this day.

South Australia

South Australia has two secure detention centres. The Youth Remand and Assessment Centre (SAYRAC) at Enfield, in metropolitan Adelaide functions as a remand, detention and, on the rare occasion, safekeeping centre. The seldom used safekeeping provisions allow for the detention of juveniles who are not subject to criminal proceedings. The Enfield institution can take a maximum of thirty-six young people, boys up to fifteen years of age and girls to eighteen years.

The institution at Magill, also in metropolitan Adelaide, holds a maximum of sixty boys up to eighteen years of age, and functions as a detention, remand and, occasionally, as a safekeeping centre. There are no separate accommodation units for males and females, nor for remanded and detained populations. This situation will be partially addressed with the

⁴. Longmore Remand was replaced by a new institution, Rangeview, in 1994.

opening of a new institution to replace one of the current institutions⁵. A result of the new institution will be an all round upgrading of security across the juvenile institutions.

Table 5 (*see* Appendix 1) gives an outline of South Australia's juvenile detention centres and their populations as at 31 December 1992.

On 31 December 1992 there was a total of forty-eight young people in detention. Eighteen Aboriginal young people, including two girls, were detained. Thirty non-Aboriginal males were detained, but no non-Aboriginal females. Half the total bed capacity was utilised on this day and the occupancy was significantly less than the daily average at both institutions.

Aboriginal youth, who represent less than 2 per cent of the State's relevant youth population, comprised 37.5 per cent of youth in detention on this day.

Tasmania

Tasmania has one secure institution for young people, Ashley Home, at Deloraine, about 250 km from Hobart. Ashley Home receives sentenced or remanded males and females from eight to under eighteen years. The detention of children under ten does not take place in practice unless all other alternatives have been exhausted.

It is possible for non-offenders to be detained at Ashley Home under Tasmania's welfare based juvenile justice legislation (which is under review and likely to change in the near future). However, in practice such placements are rare. In the year 1992-93 three non-offenders were admitted to Ashley.

Table 6 (*see* Appendix 1) gives an outline of Tasmania's juvenile detention centre and its population as at 31 December 1992.

On 31 December 1992 there were eleven young people in detention, one below the average occupancy, and less than half the official capacity (thirty beds) of Ashley Home. No Aboriginal children and no girls were detained on that day.

Northern Territory

Two juvenile detention centres operate in the Northern Territory, both in the Top End. Giles House in Alice Springs was closed in 1991 and children from the southern region remanded or sentenced to detention are now sent to join their Top End peers at the Don Dale Centre in Darwin. The Don Dale Centre has a higher level of security than the institutions it replaced (Northern Territory, Department of Correctional Services 1993). The southern region produced eight young people remanded to detention and sixteen sentenced to detention in 1992 (Northern Territory, Department of Correctional Services 1993).

⁵. The institution at Cavan is now open. SAYRAC, whose population is now housed at Magill, has closed. The Cavan clients are those who previously would have been detained at Magill.

Boys detained for long periods can be sent to the Wildman River Wilderness Work Camp 160 km out of Darwin.

Table 7 (*see* Appendix 1) gives an outline of the Northern Territory's juvenile detention centres and their populations as at 31 December 1992.

On 31 December 1992 fourteen Aboriginal young people were detained, including one Aboriginal girl. Three non-Aboriginal boys were detained at the same time, two at the Don Dale Centre and one at the Wilderness Work Camp. These overall numbers were significantly lower than the average daily occupancy for 1992. Aboriginal youth represented 82.4 per cent of the detained population on that day (Aboriginal youth represent about 35 per cent of the Northern Territory youth population).

Australian Capital Territory

The ACT has one secure detention centre, in inner suburban Canberra, with twenty-one beds for male and female sentenced juveniles and those on remand. Children as young as eight can be detained at Quamby, although the average age is between 16 and 17 years. At eighteen, a youth would usually not be eligible for a juvenile hearing and detention at Quamby except if the offence were committed before his or her eighteenth birthday and legal action had commenced before the young person had reached eighteen years and six months.

Quamby allows for the separation of remandees from sentenced young people, but does not have separate sections for males and females.

Table 8 (*see* Appendix 1) gives an outline of the ACT's juvenile detention centre and its population as at 31 December 1992.

On 31 December 1992 Quamby held 11 young people, all non-Aboriginal and all but one males. One boy was on remand, the rest had been committed by the courts. The average daily occupancy at Quamby is 11.6 young people.

Some Issues for Discussion

It is clear from this brief overview that some States incarcerate youth far more readily than others (*see* Table 9 in Appendix 1), and that the over-representation of Aboriginal youth in custody is a major problem in the juvenile justice system in many jurisdictions (Tables 9, 10 and 11 in Appendix 1; Figures 2 and 3). In fact, the levels of over-representation are often extreme, even when compared with the over-representation of Aboriginal people in the adult jurisdiction. Table 11 in Appendix 1 outlines the extent of Aboriginal over-representation in the juvenile detention system for the particular date in question.

Figure 2

Percentage Aboriginal and Non-Aboriginal Juvenile Detainees

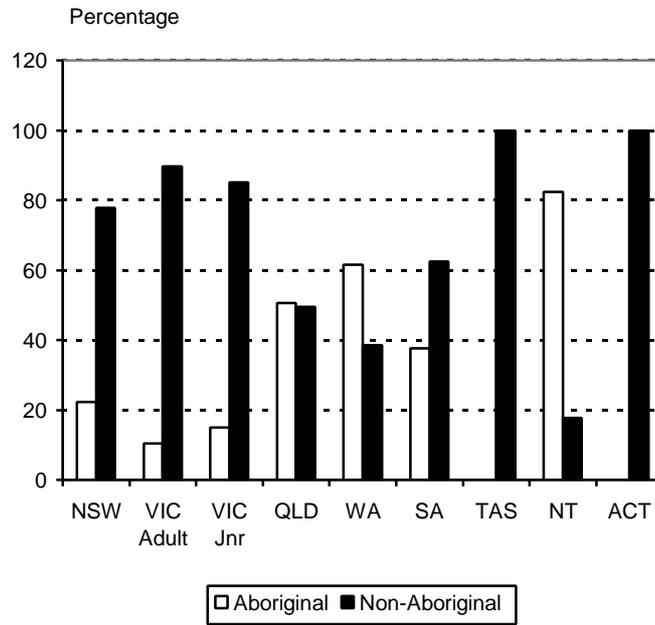
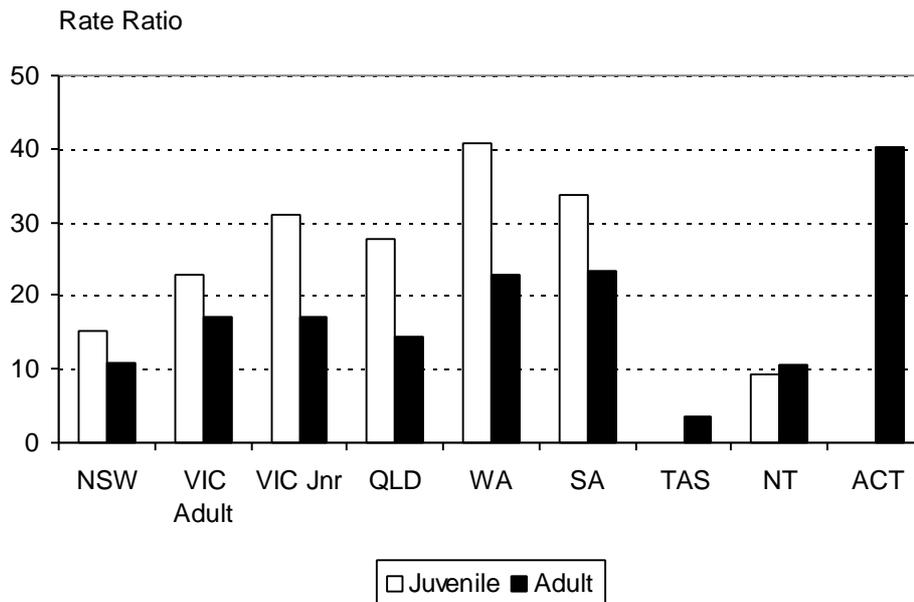


Figure 3

Aboriginal and Torres Strait Islander Level of Over-Representation in Juvenile/Adult Institutions



The over-representation of Aboriginal youth is not addressed in policies which aim to reduce overall detention centre populations but ultimately still ensure the longer, more certain incarceration of certain groups of young offenders. It is well known for example, that the major target group of the Western Australian Crime (Serious and Repeat Offenders) Sentencing Act—joy riders whose offences result in death or injury—contains an over-representation of Aboriginal youth (Atkinson & Chappell in press).

O'Connor (1993) points out that our tariff sentencing policy, focussing as it does on the offence, and succeeding as it does in incarcerating serious repeat offenders, ignores issues like inequitable police practices (including overpolicing) and racism. Underlying structural factors and racist and otherwise inequitable systems contribute to the selection of groups for entry into the juvenile justice system in the first place.

Reforms at all levels of the juvenile and criminal justice systems are needed to address Aboriginal over-representation, but we also need adequate data to map trends over the long term. (The kinds of reforms needed in our justice systems have been described by Warner & O'Connor in, for example, Alder et al. 1992, Warner 1993, O'Connor 1993a, O'Connor 1993b). The Australian Institute of Criminology is now seeking from the jurisdictions in their quarterly returns information about the Aboriginality of young people in detention centres. While this is a start, the AICs juveniles in detention data is nevertheless limited. What is needed is a national comprehensive data base.

A second problem is the exposure to increased levels of punishment experienced by many Aboriginal young people through being detained so far from home. Aboriginal youth detained in Perth or Darwin, for example, come from all corners of the State or Territory. As Wilkie (1991) points out for Western Australia, an overwhelming number of country admissions to juvenile detention centres are Aboriginal. This applies to other jurisdictions with high Aboriginal populations. Some Aboriginal young people are sent thousands of kilometres to custody "down south" or, in the case of the Northern Territory, "up north". Severed as they are from their cultural base, from family, country and language, the experience of these Aboriginal young people in the juvenile justice system is one of double jeopardy.

Creating more juvenile detention centres in outback areas is not the solution. Rather, there needs to be an increased and more creative use of diversion from custody, with detention used sparingly, only in extreme circumstances. Community education to gain support for these measures is essential.

A further issue which should be prominent on the juvenile corrections discussion agenda is the question of private sector involvement. The private sector has been involved with delivering community based programs in the United States (Bakal & Lowell 1992) and Britain (Nellis 1989) for some time. Further, the delivery of services in juvenile institutions and indeed the management of these institutions in the United States has seen some private sector involvement since the 1950s (Curran 1988). In 1989, 39 per cent of young people confined in correctional facilities in the United States were in the care of the private sector, mostly in halfway houses, but also in training

schools and a very few (396, or about 1 per cent of the total in private facilities) in private detention centres (Krisberg et al. 1992).

No doubt many will conclude that private management of juvenile detention in Australia and its alternative manifestations, such as home detention, is of little import now, since the days have passed of substantial involvement by church and charitable organisations. However, the private sector is already involved in program delivery in juvenile corrections. There is a private sector representative at this conference, for example, who is involved in running training courses for the management of violent behaviour in detention centres. In the adult corrections context, Australia has embraced the concept of private prisons. One private prison, the Arthur Gorrie Correctional Centre, has generated much concern and some criticism. There have been two suicides this year at Arthur Gorrie and a death in suspicious circumstances (unpublished data, Deaths in Custody Monitoring Unit). These deaths and a near riot at the prison in October 1992 (Harding 1993) raise urgent questions about management and accountability in privatised correctional services.

The issues relating to private sector involvement are complex. We need to be well informed in order to be proactive about this growing trend, and to ensure the level and nature of private sector involvement has a rationality which goes beyond supposed cost savings.

Conclusion

Juvenile detention has been a neglected area. This can be seen both in the limited nature of the hard data available (compared with, say, adult corrections data), and by the fact that issues and problems relating to juvenile detention have been recycled down the generations. We need to remember history and to learn from it, if we are to create a fairer and better juvenile corrections system.

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APPENDIX 1

Table 1

Juvenile Detention - New South Wales, January 1993

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Approx. distance from Sydney	Intended juvenile population	Official no. of beds	No. of juveniles in detention as at 8/1/93*			
					Aboriginal Male	Female	Non-Aboriginal Male	Female
Worimi	Remand and Sentenced	Broadmeadow 180 km	10 - 18 years males and females	5	4	0	19	0
Kariong	High Security - serious management problems	Kariong 88 km	16 - 18 years males only	36	2	-	21	-
Mt Penang	Sentenced	Kariong 88 km	16 - 18 yrs males only	160 (plus 12 reserve)	18	-	107	-
Cobham	Remand and Sentenced (limited number sentenced)	St Marys 50 km	16 - 18 years males and females	46 21 (11 bed unit to be closed)	7	0	19	1
Yasmar	Remand	Haberfield 8 km	16 - 18 years males and females	52 **	6	0	13	0
Minda	Remand and Sentenced (Multi-function)	Lidcombe 26 km	10 - 18 years males and females	93 (Female unit temp. located at Minda due to refurbishment)	9	0	21	0
Reiby	Sentenced	Campbelltown 45 km	10 - 18 years males and females	28	13	3	37	6
Keelong	Remand and Sentenced	Unanderra 79 km	10 - 18 years males and females	34	4	0	9	0
Riverina	Remand and Sentenced	Wagga Wagga 480 km	10 - 18 years males and females	5	10	0	12	0
Broken Hill	Remand (facility used on a needs only basis)	Broken Hill 1 260 km	10 - 18 years males and females	510	0	0	0	0
Totals					73	3	258	7

*Extracted from Client Information System Aggregated Management Report as at 8/1/93.

** (plus temporary unit of 10) Includes 16 bed unit for management problems (males under 16 years)

***Explanatory Notes**

1. Although normal age is 10 years to 18 years, nearly 100 detainees in custody are aged over 18 years.

2. The female population fluctuates, however, there is an average of 25 females on remand and sentenced at any time.

Normally, females are accommodated at Whitten Cottage (Reiby). Currently, Whitten Cottage is being refurbished and female appropriate facilities and programs are being developed for that site. Other centres may hold females but typically only on a short term basis.

Table 2

Juvenile Detention - Victoria, December 1992

<i>Name of institution</i>	<i>Type of institution: detention and/or remand and/or non-offenders</i>	<i>Location Approx. distance from Melbourne</i>	<i>Intended juvenile population</i>	<i>Official no. of beds</i>	<i>No. of juveniles in detention on 31/12/92</i>			
					<i>Aboriginal Male</i>	<i>Female</i>	<i>Aboriginal Male</i>	<i>Non-Aboriginal Male</i>
Turana Youth Training Centre (Adult and juvenile)	Remand and Sentenced	Parkville, 3 km	15 - 17 years, males only	60	-	6	32	-
Malmsbury Adult and Youth Training Centre	Sentenced	Malmsbury, 95 km	17 - 21 years, males only	20	-	-	18	-
Parkville Youth Residential Centre	Remand and Sentenced	Parkville 3 km	17 - 21 years, males only	60	-	3	34	-
	Remand and Sentenced		10 - 14 years males and females	10	0	1	5	0
	Remand and Sentenced		15 - 17 years, females only	5	0	-	-	3
	Sentenced		17 - 21 years, females only	5	0	-	-	0
Total Adult (17 - 21 years)				85	0	6	52	0
Total Juvenile (10 - 17 years)				75	0	7	37	3

Table 3

Juvenile Detention - Queensland, March

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Approx. distance from Brisbane	Intended juvenile population	Official no. of beds	No. of juveniles in detention on 31/3/93			
					Aboriginal Male	Non-Aboriginal Male	Aboriginal Female	Non-Aboriginal Female
John Oxley Youth Centre	Sentenced Remand and Sentenced	Wacol, Brisbane Westbrook 140 km	10 - 14 years, males only 10 - 17 years, females 15 - 17 years, males only	26	7	6	4	1
Westbrook Youth Centre	Remand and Sentenced		10 - 14 years, males only Overflow from Westbrook Youth Centre	72	25	-	33	-
Sir Leslie Wilson Youth Centre	Remand	Windsor, Brisbane		20	1	-	7	-
Cleveland Youth Centre	Remand and Sentenced	Townsville 1300 km	10 - 17 years, males and females	16	9	0	2	0
Totals				134	42	6	46	1

Table 4

Juvenile Detention - Western Australia, June 1993

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Perth	Approx. distance from Intended juvenile population	Official no. of beds	No. of juveniles in detention as at 30/6/93			
					Aboriginal Male	Non-Aboriginal Male	Aboriginal Female	Non-Aboriginal Female
Longmore Training Centre (Also Nyandi)	Sentenced	Bentley 6 km	10 - 17 years males and females	48	26	0	9	4
Longmore Remand Centre	Remand and Default	Bentley 6 km	10 - 17 years males and females	39*	17	3	11	0
Riverbank	Sentenced	Caversham 22 km	15 - 17 years males only	34	18	-	16	-
Totals				121	61	3	36	4

*(includes 5 extra to capacity but often used)

Table 5

Juvenile Detention - South Australia, December 1992

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Approx. distance from Adelaide	Intended juvenile population	Official no. of beds	No. of juveniles in detention on 31/12/92			
					Aboriginal Male	Aboriginal Female	Non-Aboriginal Male	Non-Aboriginal Female
South Australian Youth Remand and Assessment Centre	Remand, Sentenced and Safekeeping (rarely used)	Enfield (Metropolitan area)	10 - 15 years, males and 10 - 17 years, females	36	2	2	11	0
South Australian Youth Training Centre	Remand, Sentenced and Safekeeping (rarely used)	Magill (Metropolitan area)	10 - 17 years, males only	60	14	-	19	-
Totals				96	16	2	30	0

Table 6

Juvenile Detention - Tasmania, December 1992

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Approx. distance from Hobart	Intended juvenile population	Official no. of beds	No. of juveniles in detention on 31/12/92			
					Aboriginal Male	Aboriginal Female	Non-Aboriginal Male	Non-Aboriginal Female
Ashley Home*	Remand and Sentenced	Deloraine 250 km	10 - 17 years males and females	30	0	0	11	0

*On very rare occasions non-offenders are placed in Ashley.

3 Non-offenders were admitted during 1992-93.

Table 7

Juvenile Detention - Northern Territory, December 1992

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Approx. distance from Darwin	Intended juvenile population	Official no. of beds	No. of juveniles in detention on 31/12/92			
					Aboriginal Male	Non-Aboriginal Male	Aboriginal Female	Non-Aboriginal Female
Don Dale Centre	Remand and Sentenced	Darwin	10 - 16 years males and females	24 (4 for females)	8	1	2	0
Wilderness Work Camp	Long-term remand and Sentenced	Wildman River 160 km	10 - 16 years males only	16	5	-	1	-
Totals				40	13	1	3	0

Table 8

Juvenile Detention - Australian Capital Territory, December 1992

Name of institution	Type of institution: detention and/or remand and/or non-offenders	Location Approx. distance from Canberra	Intended juvenile population	Official no. of beds	No. of juveniles in detention on 31/12/92			
					Aboriginal Male	Non-Aboriginal Male	Aboriginal Female	Non-Aboriginal Female
Quamby	Remand and Sentenced	Symonston 6 km	8 - 18 years males and females	21	0	0	10 (1 remand 9 sentenced)	1 (sentenced)

Table 9

**Number of Juveniles Detained, Beds Available and
Rate per 100 000 Youth Population**

<i>Jurisdiction* Date+</i>	<i>No. Beds Available</i>	<i>No. Beds Occupied (No. of Juveniles Detained)</i>	<i>Rate of Incarceration (all detainees) Per 100 000 Youth Population</i>
NSW (8.1.93)	510	341	44.61
VIC (Adult YTC 31.12.92)	85	58	15.87
VIC (Junior YTC 31.12.92)	75	47	9.36
QLD (31.3.93)	134	95	25.70
WA (30.6.93)	121	104	52.01
SA (31.12.92)	96	48	30.12
TAS (31.12.92)	30	11	19.32
NT (31.12.92)	40	17	88.52
ACT (31.12.92)	21	11	29.78

*The relevant youth population is used for each jurisdiction to calculate rates and includes the age groups actually represented in detention centres. New South Wales juvenile population includes 18-year-olds since so many of them were in juvenile justice centres on the relevant date.

+Date for which total numbers of juveniles in juvenile detention centres reported.

Table 10

**Number of Detainees and Rate of Incarceration by Aboriginality,
and Percentage Detained**

<i>Jurisdiction* Date+</i>	<i>No. of Detainees</i>		<i>Rate of Incarceration</i>		<i>% Detained</i>	
	<i>Aboriginal</i>	<i>Non- Aboriginal</i>	<i>Aboriginal Juveniles (Per 100 000 Aboriginal Juvenile Population)</i>	<i>Non-Aboriginal Juveniles (Per 100 000 Non- Aboriginal Juvenile Population)</i>	<i>Aboriginal</i>	<i>Non- Aboriginal</i>
NSW	76	265	541.23	35.32	22.29	77.71
VIC (Adult YTC)	6	52	326.62	14.30	10.34	89.66
VIC (Junior YTC)	7	40	247.96	8.01	14.89	85.11
QLD	48	47	363.80	13.18	50.53	49.47
WA	64	40	848.69	20.79	61.54	38.46
SA	18	30	648.18	19.16	37.50	62.50
TAS	0	11	0.00	19.96	0.00	100.00
NT	14	3	218.96	23.42	82.35	17.65
ACT	0	11	0.00	30.05	0.00	100.00

*See note Table 9

+As per Table 9

Table 11

**Aboriginal and Torres Strait Islander Level of Over-Representation in
Juvenile/Adult Institutions (Rate Ratio)**

<i>Jurisdiction* Date+</i>	<i>Aboriginal Juvenile</i>	<i>Aboriginal** Adult</i>
NSW	15.33	10.96
VIC (Adult YTC)	22.83	17.11
VIC (Junior YTC)	30.95	17.11
QLD	27.59	14.48
WA	40.83	22.72
SA	33.83	23.36
TAS	-	3.66
NT	9.35	10.65
ACT	-	40.22

*See note Table 9

** As at 30 June 1992

+As per Table 9