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Children, Crime and Justice in Queensland

INTRODUCTION

The Criminal Justice Commission (CJC) published a discussion and information paper in 1992 titled *Youth, Crime and Justice in Queensland*. The Queensland juvenile justice system has changed significantly since that time as a result of the September 1993 introduction of the *Juvenile Justice Act 1992* and the *Childrens Court Act 1992*.

Children, Crime and Justice in Queensland updates the statistics presented in the original CJC paper and examines the operation and effect of the new legislation. The paper considers questions such as:

- What is the framework for juvenile justice in Queensland?
- What types of crimes are committed by children and how do juvenile offending patterns compare to those of adults?
- How are children who commit crime dealt with by the police and courts?
- Are some children more at risk than others of appearing in court?
- What has been the impact of the *Juvenile Justice Act*?

Publication of this paper is intended to promote informed discussion of juvenile justice issues and facilitate planning of responses to juvenile crime in Queensland.

The first section of the paper identifies the key features of the juvenile justice system in Queensland. The second section examines the extent and characteristics of the involvement of juveniles in crime in Queensland, as revealed through police crime statistics. The third section identifies which children appear in court and for what offences, and examines the courts' formal responses to offending by children. This section also describes the changes which have occurred since the implementation of the *Juvenile Justice Act*. The final two sections of the paper focus on children in detention and on the over-representation of Aboriginal and Torres Strait Islander children in the juvenile justice system.

THE JUVENILE JUSTICE SYSTEM IN QUEENSLAND

The juvenile justice system is that framework of laws, policies, institutions and practices which provide for the processing of children who have committed, or are suspected of having committed, an offence. The legal basis for dealing with offending children is set down in a range of laws. The laws which criminalise behaviour, such as the *Criminal Code*, apply to adults and children. Procedures for dealing with children who are suspected, or found guilty of committing offences are primarily set down in the *Juvenile Justice Act* and the *Children's Court Act*.

Most western societies have dealt with juvenile offenders and suspects separately from adults for the past century. The approach taken has varied over time and between locations, from simply a modified sentencing regime for convicted child offenders (the "justice" or "due process" model) to a totally separate system (the "welfare model") which has held children accountable for non-criminal as well as criminal behaviour, denied children formal due process legal rights, such as legal representation, and provided for indeterminate sentencing. In reality, for many years the Australian juvenile justice system has been a combination of justice and welfare approaches (Seymour 1988). With the implementation of the *Juvenile Justice Act*, Queensland has moved more towards the justice model end of the spectrum.

When Can Children be Charged With a Criminal Offence?

Children aged 15 years and older enjoy no immunity from the criminal law and are held criminally responsible in the same way as adults.

In the case of children aged from 10 years to 14 years, section 29 of the *Criminal Code* provides that a child is *presumed* not to be criminally responsible for any act or omission. In order for the child to be held responsible, the prosecution simply has to prove that at the time of the event the child had the capacity to know what he or she was doing was wrong.

Children under the age of 10 are not criminally responsible for any act or omission and therefore cannot be found guilty of a criminal offence. However, such children may be brought before a court on an application for care and protection under section 46(n) of the *Children's Services Act 1965*. This can result in the child being placed in the care of the Director-General of the Department of Family and Community Services (DFCS).¹

What Happens to Children Suspected of Committing an Offence?

Children aged 10 years and older may be held legally accountable for any offence they commit, subject to the proviso noted above in relation to criminal responsibility. Despite myths to the contrary, children may be apprehended and dealt with for any offence they commit. The major differences between the processing of children and adults suspected of committing an offence are:

- there is a statutory requirement for an independent adult to be present during questioning of a child
- the police have a discretion to caution rather than charge a child offender
- there is a statutory restriction on the circumstances in which the police may arrest a child
- a Children's Court with extended jurisdiction has been established to deal with many indictable offences
- there is a separate sentencing code for children.

These areas of difference are briefly discussed below.

The Independent Person

A fundamental presumption of our criminal justice system is that any statement made by an individual which implicates him or her in an offence must be freely and voluntarily given; that is, the statement cannot result from intimidation or inducement. The

¹ This Department was formerly known as the Department of Family Services and Aboriginal and Islander Affairs.

courts have long held that children, simply because of their age, may be vulnerable in a criminal investigation. The courts have therefore determined that in cases involving children any confessional evidence submitted by the prosecution will only be admitted if it is obtained in the presence of an independent adult (see Warner 1994).

Section 4 of the *Juvenile Justice Act* recognises that children tend to be vulnerable in their dealings with persons in authority and that they should be given 'the special protection allowed by this Act during an investigation or proceeding' in relation to an offence. Prior to the new Act, the safeguards in relation to the presence of an independent person during questioning of a child were based on case law. Section 36 of the Act provides some statutory base for this protection by requiring the presence of an independent person, such as a parent, lawyer, or adult nominated by the child, during questioning of a child. Evidence obtained in breach of this provision may be excluded by the court.

Cautioning

Because most young people who offend do not re-offend, efforts are made in most Australian and overseas jurisdictions to divert children from formal contact with the court system. In Queensland, the *Juvenile Justice Act* states:

if a child commits an offence, the child should be treated in a way that diverts the child from the court's criminal justice system, unless the nature of the offence and the child's criminal history indicate that a proceeding for the offence should be started. [s. 4(c)]

The Queensland Police Service (QPS) has long employed a cautioning scheme for first and minor offenders who admit guilt and consent to being cautioned. A formal caution involves a child attending a police station with his or her parents and being formally warned by a police officer about his or her behaviour and the consequences of further offending. Prior to the implementation of the Act, police cautioning was provided by way of a directive of the Commissioner of Police. The Act now gives statutory recognition to cautioning (ss. 11–20).

In the case of Aboriginal and Torres Strait Islander children, the Act allows for a respected member of the Aboriginal or Torres Strait Islander community to be involved in the process of administering a caution. However, it appears that, in practice, this has only occurred in a limited number of localities. The decision to administer a caution or proceed to

court is a police decision, but section 19 of the Act provides that a Magistrate may dismiss a charge if the court believes a caution should have been administered.

Under section 17 of the Act, a child who is cautioned is provided with a written certificate of the caution. A caution is confidential; it is not admissible in further proceedings (except in accordance with s. 19(2) of the Act) and cannot be disclosed by police.

Restrictions Upon Use of Arrest

Prior to the enactment of the *Juvenile Justice Act* there was no statutory restriction upon the circumstances under which police could proceed by arrest. Sections 20 and 21 now provide that a proceeding against a child must be started by way of complaint and summons or attendance notice, unless the police officer believes on reasonable grounds that the child is unlikely to appear before the Childrens Court in response to a summons or notice. These provisions recognise that the procedures involved in the arrest process, such as fingerprinting and photographing, are stigmatising and may contribute to the development of criminal self-images in young people.

Jurisdiction of the Childrens Court

The *Children's Services Act* established a separate Childrens Court which had the jurisdiction to hear and determine all simple offences and, where the child consented, most indictable offences, except those punishable by life imprisonment for an adult.

The *Childrens Court Act 1992* established the Childrens Court of Queensland. In effect a two-tiered system of Childrens Courts was created: one presided over by Magistrates and the other by Judges appointed from the District Court. The Act also provided for the appointment of one of these Judges as President of the Court.

The *Juvenile Justice Act* has introduced a number of jurisdictional changes:

- The range of indictable offences which can be dealt with summarily by the Childrens Court presided over by Magistrates is narrower than was the case under the *Children's Services Act*, although it is still broader than the Magistrates Court's jurisdiction over adults.

- For matters not dealt with summarily, the *Juvenile Justice Act* provides defendants with the right to elect to be dealt with as follows:
 - (a) in the case of a trial, by a District Court or Supreme Court Judge and jury, or by a Childrens Court constituted by a Childrens Court Judge sitting in the absence of a jury;
 - (b) in the case of a sentence, by a District Court or Supreme Court Judge or a Childrens Court Judge.
- A statutory process of sentence review by a Childrens Court Judge has been introduced.

As a consequence of the jurisdictional changes introduced by the Act, many offences which previously could have been dealt with summarily must now be committed to a higher court for trial or sentence. For example, break and enter offences involving property worth more than \$500 must now be committed to a Childrens Court Judge or the District Court. Similarly, Childrens Court Magistrates may not order a detention order of greater than six months. Where a Magistrate believes a longer term of detention is appropriate, section 127 of the Act provides that he or she may commit the child for sentence before a Childrens Court Judge (see Smith 1993 for a discussion of the jurisdictional issues associated with the new Acts).

Separate Sentencing Code

Both the *Children's Services Act* and the *Juvenile Justice Act* provide separate sentencing codes for children found guilty of committing offences.

Unlike the *Children's Services Act*, the *Juvenile Justice Act* (s. 109) explicitly articulates sentencing principles. A key assumption of the Act is that children should be held accountable for their offending behaviour. According to section 4:

- (e) a child who commits an offence should be -
- (i) held accountable and encouraged to accept responsibility for the offending behaviour;
- and
- (ii) punished in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways;

...

Under the sentencing principles set down in section 109, the factors which the court is required to take account of include:

- the nature and seriousness of the offence
- the child's previous offending history
- any impact of the offence on the victim
- the fitting proportion between sentence and offence
- age as a mitigating factor
- the principle that a detention order should be imposed as a last resort.

The *Juvenile Justice Act* has also extended the sentencing options available to the court. The most notable changes are that a court can now impose community service orders and is empowered to directly order a child to be detained. Prior to making a detention order, a court must first order and receive a pre-sentence report. A child may be remanded in custody while the report is prepared. Under the *Children's Services Act*, the court was restricted to committing a child to care and control of the Director-General of the DFCS for up to two years. The decision to detain was an administrative decision, although the DFCS routinely acted on the recommendation of the court.

The range of dispositions available under the new Act are set out below.

TABLE 1: SENTENCE ORDERS AVAILABLE UNDER SECTIONS 120 AND 121 OF THE *JUVENILE JUSTICE ACT*

Type of Sentence Order	Maximum Which Can Be Imposed
Reprimand	
Good Behaviour Order	One year
Fine	Amount prescribed under Act in relation to specific offence
Probation Order	Magistrate - one year Judge - two years, or if serious offence - three years
Community Service Order	Child of 13-14 years - 20-60 hours Child of 15-16 years - 20-120 hours
Detention Order - immediate release	Maximum program period three months
Detention Order	Magistrate - six months Judge - two years, or if serious offence - half of maximum adult term or max. seven years; if life offence - 10 years; or if heinous violent offence - 14 years

Summary of Recent Legislative Changes

The *Juvenile Justice Act*, in conjunction with the *Childrens Court Act*, has brought about significant changes in the organisation and delivery of juvenile justice in Queensland. The Act has:

- spelled out the principles underpinning the manner in which offenders and suspects should be dealt with
- recognised the vulnerability of children in the investigatory stages
- expressed a preference for diversion from court, and the use of custodial sentences as a last resort
- extended the range of sentence orders, including by introducing detention orders and community service orders
- introduced a process designed to enable swift review of sentences by Childrens Court Judges.

It is within this framework that children who offend are processed in Queensland. It is to children's involvement in crime that we now turn.

CHILDREN, CRIME AND POLICE

There is widespread concern that children are responsible for much of the crime committed and that their involvement in crime is increasing. In this section, children's involvement in crime is examined through an analysis of official police statistics. The following questions are addressed:

- what types of crime, and how many crimes, do children commit?
- do children primarily offend alone, with other children, or with adults?
- what are the gender and age characteristics of offenders?
- is the pattern or extent of children's involvement in crime changing?
- how do police deal with children who commit offences?

It is not possible to definitively answer these questions because of limitations in crime records and statistics. Official police records of crime are restricted to the crimes and criminals that come to the attention of the authorities. Many crimes go unreported; many other crimes, especially against property, are reported but nothing is known about the offender.

The QPS maintains records of the crimes cleared by way of the apprehension of juveniles (see the QPS annual *Statistical Review* for counting rules used in the collection and collation of crime statistics). In this context a cleared offence is one which has resulted in the apprehension of the responsible offender(s). In a situation where two or more offenders are apprehended for the same offence, this is counted as one offence. On the other hand, offender statistics count the number of offenders involved in specific offences. For example, one offence involving three juveniles would be counted as one cleared juvenile offence and three juvenile offenders; one juvenile apprehended for 10 break and enters would be counted as 10 offences and 10 offenders.

Unfortunately, the police data presented in this paper are not comparable with the statistics reported for 1985/86 to 1990/91 in *Youth, Crime and Justice in Queensland*. In that paper it was noted that the QPS had warned about the very poor quality of the data which it had provided (CJC 1992, p. 8). The new data system introduced by the QPS in January 1991 sought to meet standards of accuracy and reliability. However, as a result of these changes it is not possible to examine trends prior to 1991.

What Crimes Do Juveniles Commit?

Type and Frequency of Offences

During 1993/94, 19,447 offences were cleared by the QPS through the apprehension of juveniles. Around 70 per cent of these offences were property related. The single most common offence for which juveniles were apprehended was stealing from shops ("shoplifting") which accounted for a fifth of juvenile offences. Break and enter offences accounted for 17.7 per cent of offences. Less than nine per cent of cleared offences attributed to juveniles involved offences against the person (Figure 1). By comparison, adults were more likely to be involved in offences against the person, or 'other offences' (particularly drug offences and good order offences). Only 39 per cent of cleared offences attributed to adults were property related.

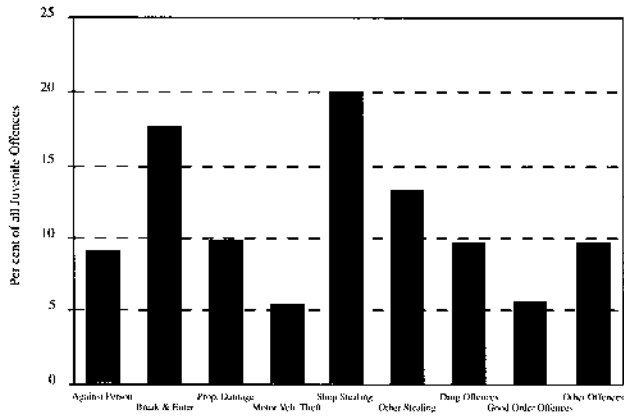


FIGURE 1: CLEARED OFFENCES ATTRIBUTED TO JUVENILES BY OFFENCE TYPE (QUEENSLAND, 1993/94)

Source: Unpublished data provided by QPS.

Offending Patterns

In 1993/94, 27,753 juveniles were apprehended by police, significantly more than the number of offences attributed to juveniles. This indicates that it is common for juveniles to offend in groups (Mukherjee 1985). For example, in 1993/94, 6,097 juvenile offenders were responsible for 3,450 break and enter offences.

Police data for 1 January 1991 to 31 December 1994 were also examined to assess the extent to which children offend alone, with other children, or with adults. Adult offending activities were similarly scrutinised.

Our analysis showed that juveniles were more likely to offend in groups; either with other children, or sometimes with adults. For example, only 31.6 per cent of cleared break and enter offences attributed to juveniles were committed by a lone offender (Figure 2). This contrasted to 43.7 per cent of cleared break and enter offences attributable to adults. Over half (52.9%) of juvenile break and enter offences involved groups of juveniles, whereas 42.5 per cent of cleared break and enter offences attributed to adults were committed in company. Adults tended to commit shop stealing and property damage offences alone, in contrast to juveniles.

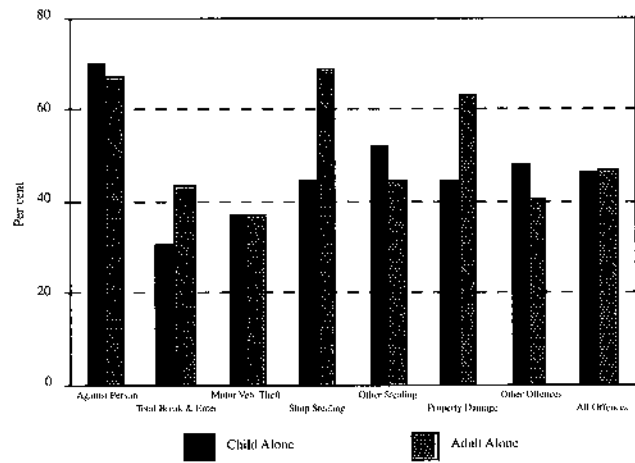


FIGURE 2: EXTENT OF SOLE OFFENDING BY ADULTS AND JUVENILES BY OFFENCE TYPE (QUEENSLAND, 1991-1994)

Source: Unpublished data provided by QPS.

Note: Figure shows for each offence category the proportion of adult and juvenile offences committed by a single offender.

For both juveniles and adults, offences against the person, such as assault, were most frequently committed alone. This finding runs counter to the image of young violent offenders preying on people in groups.

For juveniles, the high volume offences of break and enter and motor vehicle theft were most likely to involve adult co-offenders. However, further analysis of the data indicated that many of the adult co-offenders were actually only 17 years of age and part of the same peer group.

Gender and Age of Juvenile Offenders

Of the juvenile offenders apprehended by the police in 1993/94, 82.4 per cent were male.

Male and female offending patterns differ substantially. In 1993/94 45.5 per cent of all young female offenders were apprehended for shoplifting, compared to only 13.8 per cent of male offenders. Conversely, a greater proportion of young male offenders were involved in offences such as break and enter, and property damage (Figure 3).

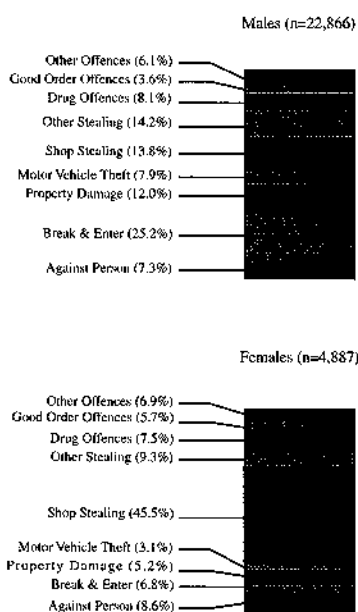


FIGURE 3: OFFENDING PATTERNS OF MALE AND FEMALE JUVENILES (QUEENSLAND, 1993/94)

Source: Unpublished data provided by QPS

The extent of involvement in offending increases with age. Sixteen year olds represented 28.8 per cent of juvenile offenders, but only about 14 per cent of the

total population of persons aged 10–16 years. Together, 15 and 16 year olds constituted 56.1 per cent of juvenile offenders.

The pattern of offending also changes with age. Twenty per cent of male offenders aged 14 years or younger were apprehended for shoplifting compared to only 6.9 per cent of 16 year old offenders. Older males had a higher involvement in drug and good order offences. A similar pattern is evident for young women offenders.

Is Children's Crime Increasing?

Table 2 compares for 1991/92 and 1993/94 the number of offences and offenders and the rate per 1,000 juveniles for each offence type. As discussed, because of changes in the data collection system, police data from 1991/92 onwards are not comparable with previous years.

The number of offences attributed to juveniles increased from 17,503 in 1991/92 to 19,447 in 1993/94. Offences against the person attributed to juveniles increased by 33 per cent, but total offences against property attributed to juveniles increased by only 3.7 per cent. Significant percentage increases

TABLE 2: NUMBER AND RATE OF JUVENILE OFFENDERS AND CLEARED OFFENCES ATTRIBUTED TO JUVENILES, SELECTED OFFENCE CATEGORIES (QUEENSLAND, 1991/92 AND 1993/94)

OFFENCE TYPE	Number			Rate Per 1,000 Children Aged 10–16 Years		
	1991/92	1993/94	% Change	1991/92	1993/94	% Change
OFFENDERS						
Assaults	1,083	1,475	36.2	3.4	4.4	29.9
Total Against Person	1,610	2,097	30.2	5.1	6.3	24.3
Break and Enters	5,848	6,097	4.3	18.4	18.3	-0.5
Motor Vehicle Theft	1,756	1,965	11.9	5.5	5.9	6.8
Stealing from Shop	4,741	5,373	13.3	14.9	16.1	8.1
Total Stealing	9,271	9,083	-2.0	29.1	27.2	-6.5
Total Property Offences	20,081	20,725	3.2	63.1	62.1	-1.5
Drug Offences	1,382	2,211	60.0	4.3	6.6	52.6
Good Order Offences	677	1,099	62.3	2.1	3.3	54.9
Total All Offences	25,443	27,753	9.1	79.9	83.1	4.1
OFFENCES						
Assaults	927	1,256	35.5	2.9	3.8	30.5
Total Against Person	1,308	1,740	33.0	4.1	5.2	28.1
Break and Enters	3,464	3,450	-0.4	10.8	10.3	-4.1
Motor Vehicle Theft	941	1,062	12.9	2.9	3.2	8.7
Stealing from Shop	3,428	3,884	13.3	10.7	11.6	9.1
Total Stealing	6,459	6,483	0.4	20.1	19.4	-3.3
Total Property Offences	12,897	13,377	3.7	40.1	40.1	-0.1
Drug Offences	1,202	1,872	55.7	3.7	5.6	50.0
Good Order Offences	656	1,074	63.7	2.0	3.2	57.7
Total All Offences	17,503	19,447	11.1	54.5	58.3	7.0

Source: Unpublished data provided by QPS.

Note: The '% change' figures were calculated before the 'rate' figures were rounded.

occurred in the relatively low volume offences of serious assaults, good order offences and drug offences.

The number of juvenile offenders apprehended by the police increased by 9.1 per cent from 25,443 in 1991/92 to 27,753 in 1993/94. The number of juvenile offenders apprehended for offences against the person increased by 30.2 per cent, largely due to an increase in the number of juveniles apprehended for assaults. There was also a significant increase in the number of juveniles apprehended for drug offences (60%). The number of juveniles apprehended for offences against property grew by only 3.2 per cent.

The increase in the number of juvenile offenders apprehended was substantially less than the increase in adult offenders over the same period (21.6%). However, the number of juveniles apprehended for offences against the person increased at a higher rate than was the case for adults.

Trends in juvenile involvement in crime can also be stated in terms of the rate per 1,000 young people aged 10 to 16 years of age. This measure takes account of the impact of population changes on the number of offences reported to the police.

Between 1991/92 and 1993/94 the rate of cleared offences attributed to juveniles increased slightly from 54.5 to 58.3 per 1,000 children (Table 2). The rate of cleared property offences attributed to juveniles per 1,000 population remained static and there was a significant decrease in the rate for cleared break and enter offences. By contrast, the rate for clear offences against the person rose by 28.1 per cent.

The number of young women apprehended for offences increased by 24.9 per cent, compared to only a 6.2 per cent increase for young males. Increases in female offending occurred particularly in the areas of assault, break and enter, stealing from shops, drug offences and offences against good order.

How is Children's Crime Dealt With by Police?

In Queensland, children who admit having committed an offence may be dealt with by way of a formal caution, or by referral to court. In the latter case, the police may arrest and charge the child, or issue a summons or a Court Attendance Notice (CAN). The police also have the discretion to simply informally warn the child. However, no data are available as to the frequency of this action.

Cautioning

The QPS has operated a cautioning scheme for first and minor offenders since 1963. This scheme is a major response to juvenile crime in Queensland.

Data supplied for this paper by the QPS show that in 1993/94 55.1 per cent of juvenile offenders were cautioned, compared with 46 per cent in 1991/92 and 1992/93.

Some offences are more likely to result in a caution than others (Figure 4). For example, in 1993/94, 87.6 per cent of shop stealing offences attributed to juveniles were cleared by way of a caution.² Motor vehicle theft (21.4%) and break and enter of dwellings (42.1%) were much less likely to be cleared by way of a caution, as were good order offences (6.3%).

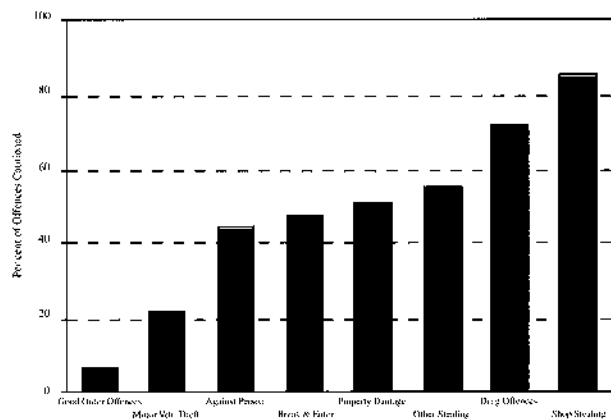


FIGURE 4: USE OF CAUTIONS BY OFFENCE TYPE – JUVENILE OFFENCES (QUEENSLAND, 1993/94)

Source: Unpublished data provided by QPS.

There is some evidence that the proportion of child offenders being cautioned has increased since the introduction of the *Juvenile Justice Act*. As noted, this Act explicitly endorsed the principle of diversion and gave statutory recognition to the cautioning scheme.

Figure 5 shows that the rate of cautioning was higher in 1993/94 than in the two previous years. More specifically, in the two months immediately prior to the proclamation of the Act – 1 July to 31 August 1993 – 47.1 per cent of child offenders were

² The extent of reliance on cautioning revealed in this period is somewhat lower than stated in the CJC's previous paper on youth crime. Data supplied by the QPS for the years 1985/86 to 1990/91 (CJC, 1992), indicated that at least two-thirds of offenders were cautioned, rather than arrested or summonsed. However, as noted, the QPS has warned of the poor quality of pre-1991/92 data.

cautioned whereas, between 1 September 1993 and 30 June 1994, 56.6 per cent were cautioned. The increased reliance on cautioning occurred across most offence categories.

A greater proportion of young women offenders are cautioned than young men. In 1993/94, 68.8 per cent of young women were cautioned, in comparison to 52.2 per cent of young men. This difference arises because most offences for which young women are apprehended relate to shoplifting, which has a very high cautioning rate.

Arrest, Summons, Court Attendance Notice

When police decide to charge rather than caution a child, it is necessary to secure the child's attendance at court by way of arrest, summons or CAN. The latter was introduced by the *Juvenile Justice Act* as a simpler alternative to a complaint and summons. The CAN, which is served personally on the child, contains the general particulars of the offence, and the date that the child is to appear in court. The child's parents and the Chief Executive of the DFCS must be promptly advised of the CAN. Subject to some limitations, a warrant can be issued by the court if the child does not attend court.

In 1993/94, 29.5 per cent of all children processed by the police were arrested and 15.4 per cent were proceeded against by way of a CAN or summons. As shown in Figure 5, the arrest rate in 1993/94 was well below that for the previous two years, when around 45 per cent of young offenders were arrested.

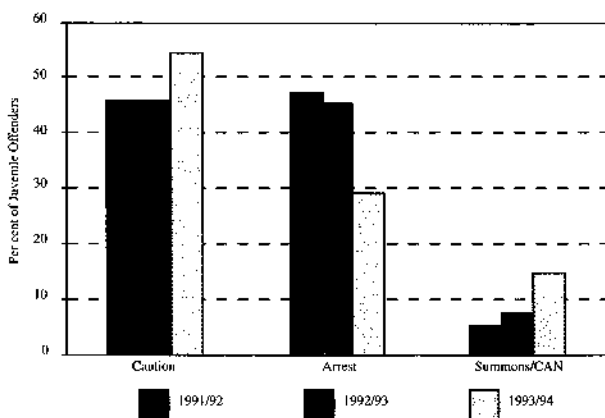


FIGURE 5: MODE OF PROCEEDING AGAINST JUVENILE OFFENDERS (QUEENSLAND, 1991/92 – 1993/94)

Source: Unpublished data provided by QPS.

Of those juvenile offenders dealt with other than by a caution in 1993/94, 65.7 per cent were arrested and 34.2 per cent were dealt with by way of summons or CAN. In the two months prior to the new Act, 84.8

per cent were dealt with by way of arrest. This was similar to the arrest rate in 1991/92 (89.2%) and 1992/93 (85%). In the nine months after implementation of the Act, the proportion of arrests declined to 65.8 per cent, suggesting that the Act has had some impact on police use of the arrest power in relation to juveniles.

Children, Crime and Police: Summary

Data provided by the QPS indicate that:

- Children are primarily involved in offences against property, most of them minor in terms of the value of the property.
- Between 1991/92 and 1993/94 there was a slight overall increase in the volume of crimes identified as involving juveniles and the rate of offences and offenders per 1,000 juvenile population.
- While crimes against the person are not commonly committed by juveniles, there is evidence of an increased number of juveniles being apprehended for minor and serious assaults. On the other hand, the extent of children's involvement in property crime appears not to have changed.
- Males are still responsible for over 80 per cent of cleared crimes involving juveniles, but the rate of increase in the apprehension of young females has been higher than for young males.
- Children are more likely than adults to offend in groups, particularly where property crimes are concerned.
- Following the introduction of the *Juvenile Justice Act* there was an increase in the use of cautions and CANs and a fall in the proportion of juvenile offenders who were arrested. (It is not possible to tell whether these trends were sustained in 1994/95 because the necessary data are not yet available).

CHILDREN AND COURT

Children who offend and who are not dealt with informally or by way of a caution are referred to court. The courts are of major importance to our system of juvenile justice for they determine guilt and impose sanctions for the offending behaviour. Potentially, through their review function, courts can also monitor the operation of the system and the behaviour of the participants in the system (see Warner 1994).

This section of the paper primarily relies on data from the DFCS Court Statistical System and Client Information System. These data enable some examination of recent trends in offending and outcome patterns for children appearing before courts, although there are some comparability problems associated with the new legislation and changes in the DFCS's information systems.

Trends in Appearances and Offences

The Appendix to this paper provides data on the total number of final appearances, the number of final appearances where the most serious offence charged was proved (proven appearances), offences charged, number of distinct children appearing and rates per 1,000 children, for matters determined by the Childrens Court in the period 1988/89 – 1993/94.³ For 1993/94, this table also presents data on finalised appearances before all courts. Previously, District and Supreme Court outcomes were not recorded in the database.

A final appearance is any matter, or matters, finalised in the same court on the same day for the same child. A final appearance may involve one or more offences. This means that a child may make more than one final appearance in a year, if he or she is charged and processed on separate occasions in that year. On the other hand, statistics on distinct children count each child only once, regardless of how many times the child appears in court in a given year.

For the purposes of this paper, the final appearance data from the courts were analysed on the basis of the outcome for the most serious offence charged. An alternative way of presenting the data would be to show the most serious outcome for the finalised appearance. However, this would make little difference to the patterns presented here.

³ As discussed above, the jurisdiction of Childrens Court Magistrates is more limited under the *Juvenile Justice Act* than under the *Children's Services Act*. This means that 1993/94 data are not directly comparable to preceding years.

Between 1988/89 and 1993/94:

- the number of finalised appearances dealt with annually by Childrens Court Magistrates increased by 3.3 per cent from 4,364 to 4,508
- the number of offences charged before a Childrens Court Magistrate increased by 5.5 per cent from 12,642 in 1988/89 to 13,331 in 1993/94
- the rate of appearances per 1,000 children aged 10–16 years decreased by 1.5 per cent (Figure 6).

It is possible to get some indication of the longer term trends in juvenile offending by examining data on the number and rate of distinct children appearing before the court. In 1988/89, 2,937 children appeared one or more times before a Childrens Court constituted by a Magistrate. In 1993/94, 3,117 children charged with a criminal offence appeared in court in Queensland. Adjusting for population growth, there was virtually no change in the rate per 1,000 young people aged 10–16 years (Figure 6). As the 1993/94 figure encompasses all courts, these data indicate a relatively stable level of juvenile involvement in crime.

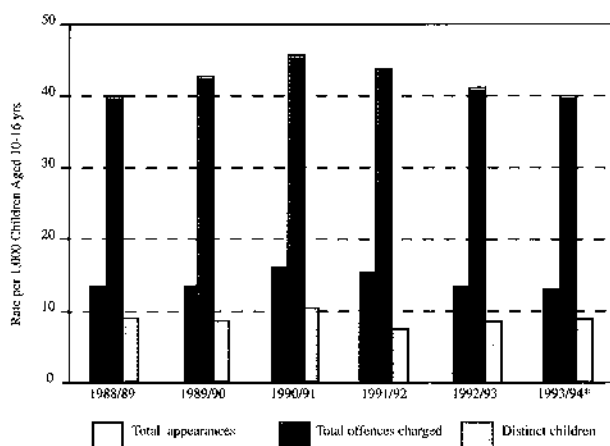


FIGURE 6: TOTAL APPEARANCES, OFFENCES CHARGED AND DISTINCT CHILDREN, CHILDRENS COURT (QUEENSLAND, 1988/89 – 1993/94)

Source: See Appendix.

Notes: Figure shows the rate per 1,000 children aged 10–16 years for total appearances, total offences charged and distinct children, in the Childrens Court in the period 1988/89 – 1993/94. The 1993/94 distinct children rate is based on the total of distinct children appearing in all courts and so is not directly comparable with earlier years.

In 1993/94 there was an increase in the proportion of finalised appearances where the most serious offence charged was withdrawn or dismissed. There was also an increase in the proportion of children committed for trial or sentence in higher courts

(Figure 7). This was due to the more restricted jurisdiction exercised by Magistrates constituting a Childrens Court following the proclamation of the *Juvenile Justice Act*.

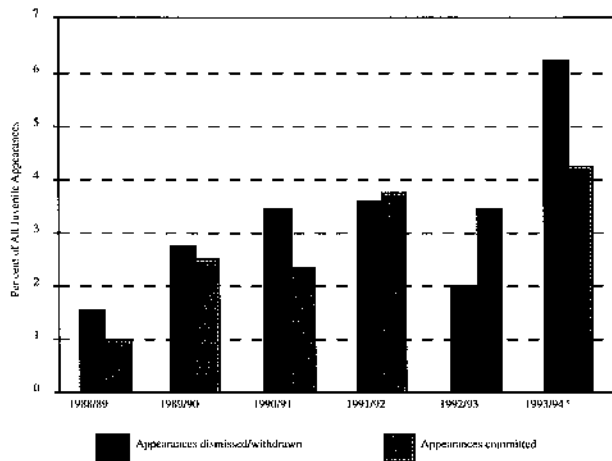


FIGURE 7: PROPORTION OF CHILDRENS COURT APPEARANCES RESULTING IN DISMISSAL/ WITHDRAWAL OR COMMITTAL (QUEENSLAND, 1988/89 – 1993/94)

Source: See Appendix.

Note:

* Not directly comparable to previous years due to change in jurisdiction of Childrens Court Magistrates.

Jurisdiction

The *Childrens Court Act* provided for the appointment of one or more District Court Judges as Childrens Court Judges, and one of those judges as President of the Court. Judge McGuire was appointed President of the Childrens Court of

Queensland in 1993. As required by the Act, in 1994 he presented his first annual report, detailing the operation of the court and discussing issues of concern (McGuire 1994).

The *Juvenile Justice Act* allows children to elect for a trial or sentence before the Childrens Court or a higher court of competent jurisdiction. There was an increase in the number of committals in 1993/94, but 91 per cent of matters were still dealt with at the level of Childrens Court Magistrates. Of those children committed, most were dealt with in the District or Supreme Court (6.1% of all finalised appearances) rather than by a Childrens Court Judge (3.1%).

Type of Offence

Children primarily appear in court for property-related offences. As shown by Figure 8, in 1993/94 slightly over half of proven appearances related to theft and breaking and entering. "Other offences", including street and public order offences, were the next major offence category. The high proportion of offences in this category reflects the relative frequency with which young people are apprehended for such offences (see above) and the low rate of cautioning.

Between 1988/89 and 1993/94, the number of finalised appearances for the various property offences declined or remained stable. In contrast, appearances for assault, robbery and extortion offences increased substantially. However, some of

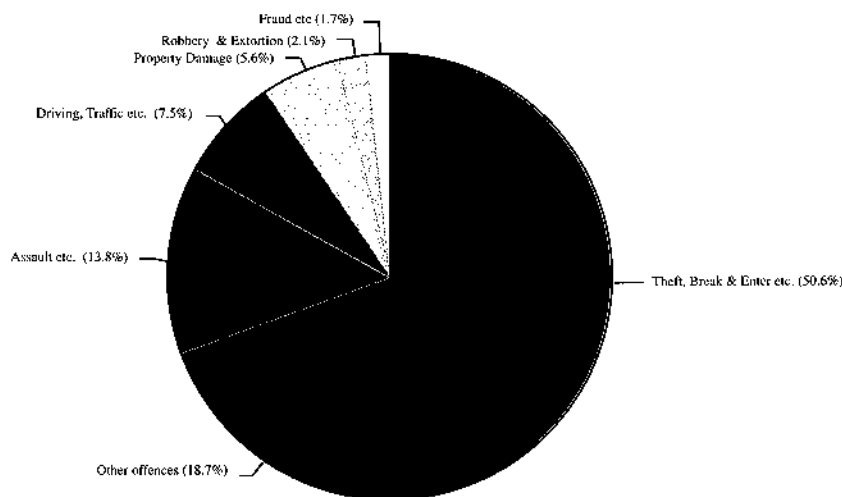


FIGURE 8: PROVEN JUVENILE OFFENDER APPEARANCES BY OFFENCE TYPE – ALL COURTS (QUEENSLAND, 1993/94)

Source: DFCS Information Services, Juvenile Justice Court Statistics, 1988/89 – 1993/94.

Note: n=4,422

this increase came about because the outcomes of matters determined in higher courts in 1993/94 (such as serious assaults, robbery and extortion) were also counted in the DFCS's Court Statistical System. As a result, the same matter could have been counted as finalised by way of committal in the lower court and as finalised in the higher court. It should also be noted that, because of the relatively low frequency of juvenile appearances for serious offences against the person, even fairly small numerical increases can result in large proportionate increases.

Age and Gender

Of the juveniles appearing before the Childrens Court in 1993/94, 85.2 per cent were male. However, between 1988/89 and 1993/94 female appearances increased by 34.4 per cent, in contrast to only a 10.8 per cent increase in male appearances. This is consistent with the trend identified in the police data.

Older children are more likely than younger children to appear in court (Figure 9). In 1993/94, children aged 16 years or over accounted for 47.5 per cent of all male final appearances and 40.7 percent of female appearances. A further 25.3 per cent of males and 26.4 per cent of females were 15 years of age. Only 11.6 per cent of final appearances involved children in the 10–13 year age bracket.

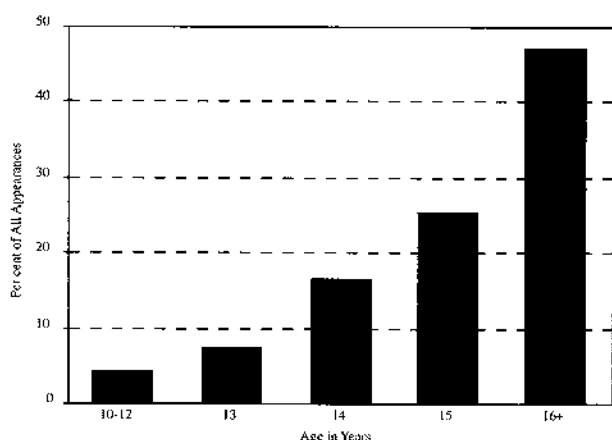


FIGURE 9: APPEARANCES BY AGE OF CHILD - ALL COURTS (QUEENSLAND, 1993/94)

Source: DFCS Information Services, Juvenile Justice Court Statistics, 1988/89 — 1993/94.

Note: n=4,965

Sentencing Trends

As with adult defendants, most children who appear before courts admit their guilt or are found guilty. Table 3 records the outcomes for finalised appearances from 1988/89 to 1993/94, and for the 12 months after the *Juvenile Justice Act* came into effect.

Around half of all appearances concluded with the child being admonished and discharged (or in 1993/94 being reprimanded or placed on a good behaviour order). The proportion of children placed under some form of supervised order (e.g. a supervision, care and control, probation, community service, or detention order) increased from 38.6 per cent in 1988/89 to 45.6 per cent of proven appearances in all courts in 1993/94. The use of supervision orders increased quite dramatically between 1990/91 and 1992/93.

Sentencing Under the Juvenile Justice Act

The *Juvenile Justice Act* introduced a number of new penalties and processes for speedy review of penalties. The following section describes how these various sentences and processes were used in the first 12 months after the introduction of the new Act, and compares this usage to sentencing under the *Children's Services Act* (see Figures 10a and 10b and Table 3).

Cautions

Section 19 of the Act allows the determining court to dismiss a charge instead of accepting a plea of guilty, if the court is satisfied that the child should have been cautioned instead of charged. During 1993/94 there were 23 applications under section 19 of the Act, of which 20 were successful. No similar provisions existed under the *Children's Services Act*.

Reprimand, Good Behaviour Orders, Fines

In 1992/93, 46.3 per cent of appearances for proven offences in the Childrens Court were finalised by way of the child being admonished and discharged. Following the implementation of the *Juvenile Justice Act*, only 32 per cent of final proven appearances in all courts resulted in reprimands. However, another

19.2 per cent were placed on good behaviour orders (this option was not available under the old legislation). Almost twice as many young people were ordered to pay fines than was the case in the last year of operation of the *Children's Services Act*.

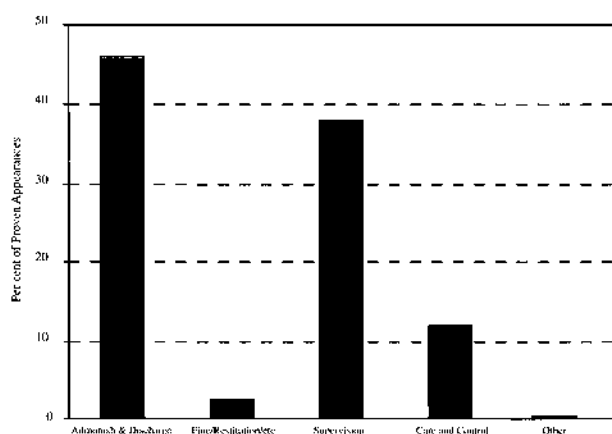


FIGURE 10A: SENTENCING OUTCOMES UNDER THE CHILDREN'S SERVICES ACT (QUEENSLAND, 1992/93)

Source: DFCS.
Note: n=4,294

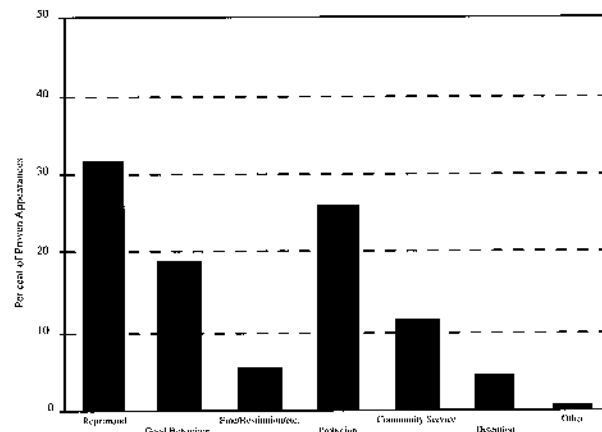


FIGURE 10B: SENTENCING OUTCOMES UNDER THE JUVENILE JUSTICE ACT (QUEENSLAND, SEPTEMBER 1993 - AUGUST 1994)

Source: DFCS.
Note: n=4,449

Probation

The *Children's Services Act* provided for two main orders which allowed state sanctioned intervention: supervision orders and care and control orders (under which a child could be committed to a custodial

TABLE 3: OUTCOME FOR MOST SERIOUS PROVEN OFFENCE - FINALISED APPEARANCES BY JUVENILES (QUEENSLAND, 1988/89 - 1993/94)

	Matters Determined by Childrens Court Magistrate						All Courts ²	
	1988/89	1989/90	1990/91	1991/92	1992/93	1993/94 ¹	1993/94	Sep. 1993-Aug. 1994
Total Proven Appearances	4,252	4,143	4,857	4,599	4,294	4,036	4,422	4,449
	Per cent of Appearances							
Admonished/Reprimand	52.1	50.4	54.8	48.8	46.3	36.7	33.7	32.0
Good Behaviour ³						16.8	15.9	19.2
Fine/Restitution/etc.	8.0	8.9	8.2	3.8	2.9	5.2	4.8	5.6
Supervision	19.6	20.1	20.0	32.1	38.3	7.0	6.9	0.0
Probation ³						19.5	22.5	26.5
Community Service ³						9.6	10.0	11.8
Care and Control	19.0	19.8	16.7	15.0	12.3	2.2	2.4	0.0
Detention ³						2.9	3.8	4.7
Other	1.3	0.7	0.3	0.3	0.1	0.1	0.1	0.5

Source: DFCS, Information Services, 1995, Juvenile Justice Court Statistics, Queensland, 1988/89 to 1993/94.

Notes:

1. Not directly comparable to previous years due to change of jurisdiction of Childrens Court Magistrates.
2. Includes matters determined in higher courts as well as Childrens Courts constituted by Magistrates.
3. New orders introduced by *Juvenile Justice Act* (September, 1993).

institution). In 1992/93, 38.3 per cent of finalised proven appearances resulted in supervision orders (an historic high, see Table 3). Under the *Juvenile Justice Act*, 26.5 per cent of proven appearances resulted in probation orders. In the first 12 months of the Act 1,015 distinct children were placed on probation orders for 4,530 offences. Action was taken for a breach of an order on 47 occasions, and the order revoked and the child resentenced on 26 occasions.

Community Service Order

Until the introduction of the *Juvenile Justice Act* there had been no equivalent of community service orders for children. Such orders are considered to be the most serious non-custodial sanction. In the first 12 months of the Act, 553 distinct children were sentenced to perform community service in relation to 2,061 offences. This represented around 12 per cent of proven appearances. There were 27 actions for breaching the order and the order was discharged and the child resentenced on 16 occasions.

Detention

Only 4.7 per cent of proven appearances in the first 12 months of the new Act resulted in detention orders, whereas care and control orders were imposed in 12.3 per cent of the appearances in the preceding financial year. Between 1 September 1993 and 31 August 1994, 160 distinct children were sentenced to a detention order. These orders resulted from finalised appearances for 1,793 offences. Thirty-seven of these children were released on immediate release orders by the court, under section 176 of the Act. Children so released must participate in a specified program of activities. If the child fails to satisfy the conditions of the order, the child may be brought before the court to revoke the order. Eleven immediate release orders were revoked due to a breach by the child.

While direct comparisons cannot be drawn between care and control orders and detention orders, the court data suggest that the number of potential custodial orders has been reduced. However, since September 1993 the number of children in custody has risen significantly. This apparent paradox is discussed further below.

Sentence Review

The *Juvenile Justice Act* also provided the new mechanism of sentence review to allow speedy review of sentences (Allison 1993). For the first 12 months of the Act there were 32 reviews, resulting in 11 discharges and re-sentencing and seven variations of the order.

Children and Court: Summary

DFCS data on court appearances by children indicate that:

- Between 1988/89 and 1993/94 there was little change in the number of children appearing in court.
- Children primarily appeared for theft and break and enter offences, and street and public order offences.
- Over this six year period appearances for various property offences declined or remained stable, whereas appearances for offences such as assault, robbery and extortion increased.
- The use of potential custodial orders appeared to decline in the first twelve months following the introduction of the *Juvenile Justice Act*, although the actual number of children in custody increased (see below).
- It is difficult to compare the various types of orders under the *Children's Services Act* and the *Juvenile Justice Act*, but overall there is no evidence that the new Act resulted in children receiving more lenient treatment from the courts.

CHILDREN IN DETENTION

Children who are remanded in custody or who are sentenced to a detention order are detained in the DFCS's detention centres. As discussed, under the old legislation children remanded in custody and committed to care and control could be detained in the Department's detention centres, but the decision to detain was an administrative decision of the Director-General of DFCS.

Figure 11 shows on a monthly basis the number of children in detention from January 1993 to November 1994. The figure shows that following the proclamation of the Act there was a substantial

increase in the number of children in detention centres. According to the DFCS, on 24 May 1995 there were 140 children in detention, indicating that the number of juveniles in custody continues to be well above pre-*Juvenile Justice Act* levels.

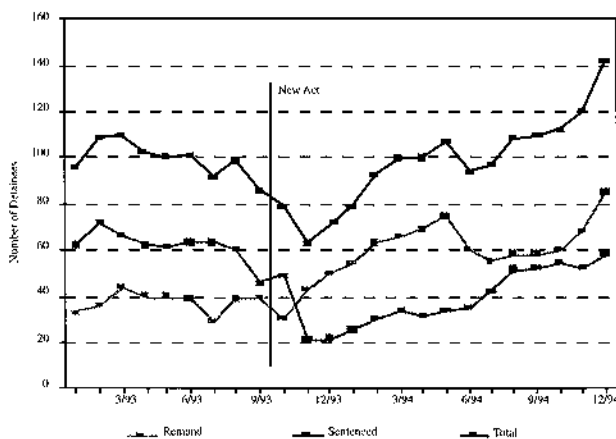


FIGURE 11: JUVENILES IN DETENTION (QUEENSLAND, JANUARY 1993 – DECEMBER 1994)

Source: DFCS.

Figure 11 further indicates that the actual number of children in custody on sentences remained fairly static between January 1993 and December 1994, but the number of children in custody on remand doubled. It appears from these data that some children are being remanded in custody though they are not receiving a custodial sentence at determination, or are being released on sentence because they have already served their time.

A number of factors have contributed to this seemingly unintended increase in the number of children being remanded in custody:

- The *Juvenile Justice Act* requires the court to consider a pre-sentence report prior to imposing a detention order. Children may be remanded in custody while the report is prepared. It is possible that, in some situations, a remand in custody is serving as a defacto detention order, allowing the court to impose a short custodial order.
- The change in the summary jurisdiction of the Childrens Courts has resulted in increased numbers of committal hearings and, consequently, delays until the matter is heard in the higher court. Children are thus spending longer in custody on remand.
- Time in custody while the matter is determined is counted as part of the sentence (*Juvenile Justice Act* s. 174). This means that, in some cases, even

if the child receives a detention order, he or she may have served the requisite period in custody and must be released.

As far as long term trends in the use of detention are concerned, Queensland contrasts with the rest of Australia. From December 1980 to March 1994, the number of children in custody in Australia declined by 37.8 per cent, whereas in Queensland the number remained relatively unchanged (Australian Institute of Criminology unpub.).

ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN

The over-representation of Aboriginal and Torres Strait Islander young people in the juvenile justice system was noted as an issue of concern in the preceding *Youth, Crime and Justice* paper (CJC 1992). The Royal Commission into Aboriginal Deaths in Custody documented the underlying causes of this over-representation and the long term negative impact on children and communities of involvement in the juvenile justice system (see Royal Commission into Aboriginal Deaths 1991; O'Connor 1993, 1994).

Prior to 1993/94, it was not possible to identify the exact numbers of appearances by, and outcomes for, Aboriginal and Torres Strait Islander children appearing before courts in Queensland. The DFCS Court Statistical System now allows this examination. These data indicate that, in 1993/94, 33.7 per cent of all final appearances of children in Queensland courts were by Aboriginal and Torres Strait Islander children, even though such children constituted only 3.6 per cent of the persons aged 10 to 16 years in Queensland.

Overall, Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander children appeared before court for similar reasons. A slightly smaller proportion of Aboriginal and Torres Strait Islander appearances were for theft and break and enter offences. Conversely, the proportion of assault matters was slightly higher than for non-Aboriginal and Torres Strait Islander offenders.

A third of all appearances involved Aboriginal and Torres Strait Islander children, but this group accounted for only 25 per cent of those who were reprimanded and 21 per cent of those who were fined. In contrast, at the higher end of the sentencing scale Aboriginal and Torres Strait Islander children

accounted for 49.1 per cent of community service orders, 56 per cent of detention orders and 51 per cent of the care and control orders made in the final months of operation of the *Children's Services Act*.

This pattern is in direct contrast to that for non-Aboriginal and Torres Strait Islander children. This group accounted for 96.4 per cent of the total Queensland population aged 10–16 years, 66.3 per cent of all finalised court appearances, 75 per cent of all appearances resulting in reprimands, 79.1 per cent of fines, 68.3 per cent of good behaviour orders, 62.5 per cent of probation orders, 51 per cent of community service orders and only 44 per cent of detention orders.

The profile is even more concerning when the rates for finalised appearances per 1,000 children are considered (Table 4). In 1993/94 the finalised court appearance rate for Aboriginal and Torres Strait Islander children was 13.6 times that of non-Aboriginal and Torres Strait Islander children. The rate for community service orders was 25.8 times that of non-Aboriginal and Torres Strait Islander children and detention orders 34 times.

TABLE 4: RATE OF FINALISED APPEARANCES AND JUVENILE JUSTICE ORDERS – ABORIGINAL AND TORRES STRAIT ISLANDER AND OTHER CHILDREN (QUEENSLAND, 1993 – 1994)

	Rate per 1,000 Population Aged 10–16		
	ATSI	Other	Ratio of ATSI to 'Other'
Finalised Appearances	139.3	10.2	13.6
Proven Appearances	122.7	9.2	13.4
Sentences			
Reprimand	31.0	3.5	8.9
Good Behaviour Order	1.9	0.2	12.4
Fine	3.5	0.5	7.1
Probation	31.0	1.9	16.0
Community Service	18.1	0.7	25.8
Detention	7.8	0.2	34.0

Source: DFCS, 1995 Table 31.33 Children in Court: Appearances for Offences in all Courts.

Note: The over-representation ratios were calculated before the 'rate' figures were rounded.

The over-representation of Aboriginal and Torres Strait Islander children is most apparent in the data on distinct children's appearances. During 1993/94, 70.4 of every 1,000 Aboriginal and Torres Strait Islander children in Queensland aged 10 to 16 years made at least one appearance before a court. In

contrast, only 7.1 per 1,000 non-Aboriginal and Torres Strait Islander children appeared before a court. Aboriginal and Torres Strait Islander children were 10 times more likely to appear in court.

The rate per 1,000 distinct children under juvenile justice orders is set out in Figure 12. When data for distinct children coming under orders are examined, the same pattern is evident: the extent of the over-representation is magnified as children progress through the scale of tariffs. Aboriginal and Torres Strait Islander children are 31 times more likely to be on a detention order.

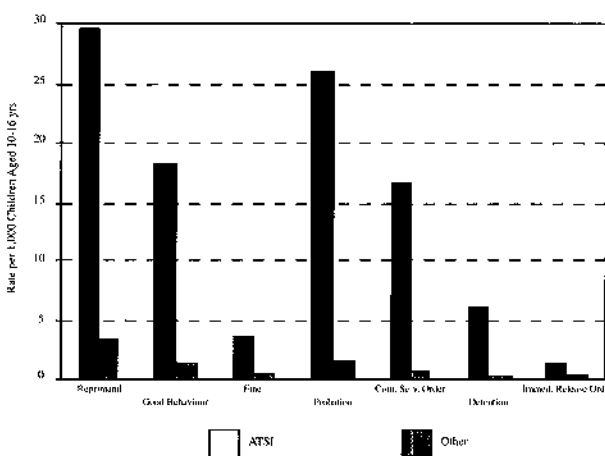


FIGURE 12: RATE OF ATSI AND OTHER CHILDREN UNDER JUVENILE JUSTICE ORDERS – DISTINCT CHILDREN (QUEENSLAND, 1993/94)

Source: DFCS.

Note: Figure shows data for distinct children.

There is also a tendency for Aboriginal and Torres Strait Islander children to come into the system at an earlier age. For example, 56 per cent of distinct children aged 13 who were admitted to detention orders were Aboriginal and Torres Strait Islander children, as were 81 per cent of 14 year olds. Unfortunately, earlier entry into the juvenile justice system, and particularly into detention centres, is a predictor of longer term contact with the criminal justice system.

Consistent with the higher numbers of children receiving detention orders, Aboriginal and Torres Strait Islander children constitute a disproportionate number of children in custody. On 30 September 1993, shortly after the introduction of the *Juvenile Justice Act*, 40 of the 82 children (49%) in custody were Aboriginal and Torres Strait Islander children. On 1 September 1994, 59 (54%) of the 109 children in custody were Aboriginal and Torres Strait Islander children.

CONCLUSION

The main findings reported in this issue of *Children, Crime and Justice* are as follows:

Children, Crime and Police

- Police data indicate that juvenile involvement in crime increased only slightly between 1991/92 and 1993/94.
- Children are primarily involved in relatively minor property crimes. Less than nine per cent of cleared offences attributed to juveniles involved offences against the person, a substantially lower proportion than for offences involving adults.
- There was little change in the extent of juvenile involvement in property crime, but there is evidence of an increase in children's involvement in offences against the person, particularly assaults. This trend requires further investigation.
- Around 80 per cent of the juvenile offenders apprehended by police are males, but the apprehension rate of females has been increasing at a greater rate than for males.
- Children are more likely than adults to offend in groups, particularly where property crimes are concerned.
- In the first twelve months following the implementation of the *Juvenile Justice Act*, police use of arrest declined and proportionally more children were dealt with by way of a CAN or summons. Over the same period, police also made greater use of cautioning.

Children and Court

- Of the children apprehended by police, only around half were required to appear in court; the remainder received a caution or an informal warning from the police.
- Between 1988/89 and 1993/94 there was little change in the number of children appearing in court.
- Children primarily appeared for theft and break and enter offences, and street and public order offences.

- Between 1988/89 and 1993/94 appearances for various property offences declined or remained stable, but appearances for offences such as assault, robbery and extortion increased.
- Although it is difficult to compare the various types of orders under the *Children Services Act* and the *Juvenile Justice Act*, overall there is no evidence that the new Act has resulted in children receiving more lenient treatment from the courts.

Children in Detention

- Following the introduction of the *Juvenile Justice Act*, there was a significant increase in the number of children in custody. The growth in the custodial population appears to have been due almost entirely to an increase in the number of children being remanded in custody prior to trial or sentence.
- As of 24 May 1995 there were 140 children in custody in Queensland.

Aboriginal and Torres Strait Islander Children

- Aboriginal and Torres Strait Islander children are dramatically over-represented in the Queensland juvenile justice system.
- The extent of over-representation is greatest among children in custody. Aboriginal and Torres Strait Islander children account for only 3.6 per cent of the total Queensland population aged 10–16, but half of all children in custody.

APPENDIX

Appearances, Proven Appearances, Offences and Rates per 1,000 for Children

	Matters determined by Childrens Court Magistrate							All Courts**	
	1988/89	1989/90	1990/91	1991/92	1992/93	1993/94*	1993/94	Sept. 1993 - Aug. 1994	
Total Appearances	4,364	4,371	5,153	4,965	4,539	4,508	4,965	5,104	
Total Proven Appearances	4,252	4,143	4,857	4,599	4,294	4,036	4,422	4,449	
Dismissed, Withdrawn	68	119	176	179	90	281	344	414	
Committed	44	109	120	187	155	191	199	241	
Total Offences Charged	12,642	13,645	14,615	14,216	13,545	13,331	15,818	15,522	
Dismissed Withdrawn	289	342	361	443	235	617	757	908	
Committed	141	343	323	535	641	901	955	1,096	
Distinct Children	2,937	2,867	3,357	2,542	2,918	n/a	3,117 ***	n/a	
Population Aged 10-16 years	317,509	316,994	318,442	321,450	327,705	333,777	333,777	333,777	
Rates per 1,000 Population									
Total Appearances	13.7	13.8	16.2	15.5	13.9	13.5	14.9	15.3	
Total Proven Appearances	13.4	13.1	15.3	14.3	13.1	12.1	13.3	13.3	
Total Offences Charged	39.8	43.0	45.9	44.2	41.3	39.9	47.4	46.5	
Distinct Children	9.3	9.0	10.5	7.9	8.9	n/a	9.3	n/a	

Source: DFCS, Information Services, Juvenile Justice Court Statistics, 1988/89 to 1993/94.

Notes:

* Not directly comparable to previous years due to change in jurisdiction of Childrens Court Magistrates.

** The 1993/94 figure includes matters determined in higher court as well as Childrens Courts constituted by Magistrates.

*** The distinct children count from 1988/89 to 1991/92 is an estimate (see O'Connor 1992, p. 26 for details).

REFERENCES

- Australian Institute of Criminology (unpub.), *Children in Detention, States and Territories, 1980 to 1995*.
- Criminal Justice Commission 1992, *Youth, Crime and Justice in Queensland: An Information and Issues Paper*, GOPRINT, Brisbane.
- Childrens Court of Queensland 1994, *First Annual Report September 1993 – August 1994*.
- Mukherjee, S. 1985, 'Juvenile Delinquency: The Dimensions of the Problem', in A. Borrowski and J.M. Murray (eds) *Juvenile Delinquency in Australia*, Meuthen, Sydney.
- O'Connor, I. 1993, 'Aboriginal Child Welfare Law, Policy and Practice in Queensland', *Australian Social Work*, vol. 46, no. 3, pp. 11–22.
- O'Connor, I. 1994, 'The new removals – Aboriginal youth and the juvenile justice system', *International Social Work*, vol. 37, pp. 197–212.
- Royal Commission into Aboriginal Deaths in Custody 1991, *Final Report*, AGPS, Canberra.
- Seymour, J. 1988, *Dealing with Young Offenders*, Law Book Co., Sydney.
- Smith, P. E. 1993, 'Experiences of the Childrens Court and Juvenile Justice: Comments on the Juvenile Justice Act', in Queensland Law Society, Continuing Legal Education *Childrens Court Papers* presented at a seminar, Brisbane, April.
- Warner, K. 1994, 'The Legal Framework of Juvenile Justice', in R. White and C. Alder (eds), *The Police and Young People in Australia*, Cambridge University Press, Melbourne.

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