



**AUDITOR GENERAL  
FOR WESTERN AUSTRALIA**

Serving the Public Interest

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**SUMMARY OF THE PERFORMANCE EXAMINATION**

**THE JUVENILE JUSTICE SYSTEM: DEALING  
WITH YOUNG PEOPLE UNDER  
THE YOUNG OFFENDERS ACT 1994**

**Report 4 – June 2008**

**Background**

The Young Offenders Act 1994 and its subsequent amendments (the YO Act) set out how young people will be dealt with in the justice system.

The YO Act recognises that the community must be protected from illegal behaviour. At the same time, when dealing with young people who have committed less serious offences, the YO Act requires police and other agencies to:

- Consider directing young people away from court.
- Detain young people in custody, including on remand, only as a last resort and for as short a time as necessary.
- Encourage adults to fulfil their responsibility for the care and supervision of their young people, including by supervising their young people when they are on bail.
- Give victims of crime the opportunity to participate in the process of dealing with young people.

Our performance examination focused on whether the Western Australia Police, Department of Corrective Services, and Department of the Attorney General are applying the general principles of juvenile justice, set out in the YO Act.

**What the examination found...**

Our examination found that application of the redirection options in the YO Act is declining. In particular, fewer young people are being directed away from court, more young people are being detained on remand, and police are having difficulty finding adults to supervise their young people while they are out on bail.

The juvenile justice system is becoming less effective in achieving the objectives for the treatment of young people set out in the YO Act.

It is critical to address the core problem of repeat offending. The indicative cost of dealing with the 250 young offenders with the most expensive pathways in the juvenile justice system, including periods of detention, is \$100 million.

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Other key findings of the examination included:

- There has been a slight increase in the rate at which indigenous young people have been directed away from court, however they remain over-represented in the justice system by 10 times.
- There is no structure or process to ensure that mental health and substance abuse problems associated with repeated offending are identified and treated.
- The main features of juvenile justice teams are not working as intended.
- Victims of crime were not always provided with the opportunity to participate meaningfully in juvenile justice team meetings.

### **What the examination recommended...**

The examination made a number of recommendations. Among them, the examination recommended that:

- Government agencies that have contact with young people in the justice system work together to ensure that young people who offend repeatedly are identified and case managed until the mental health, substance abuse and other problems that are associated with their offending are successfully managed.
- Western Australia Police ensure that officers consider redirection options in line with the YO Act, particularly by ensuring that officers:
  - use notices to attend (court) to direct young people towards court only when they have considered all redirection options
  - refer young people to juvenile justice teams where this is appropriate for the young person's offence and circumstance.
- Department of Corrective Services improve the juvenile justice team program, by improving timeliness and ensuring that action plans support the young person's rehabilitation and address the nature and causes of their offending.
- Department of Corrective Services and Western Australia Police work together to establish clear responsibilities for ensuring that all victims of juvenile crime have the opportunity to become involved in juvenile justice teams, including participation which does not involve them appearing in person.
- Department of Corrective Services and Department for Child Protection work together to provide state-wide alternatives to detention for young people who need supervision and accommodation while on bail.

A copy of the report can be accessed at [www.audit.wa.gov.au](http://www.audit.wa.gov.au)  
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