



States of Justice

Criminal justice trends across Australia

December 2016



Jesuit
Social Services
Building a Just Society

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Foreword

One of the most important tasks of any society is to ensure that people feel safe in their ordinary lives. To do this it must find effective ways of responding to crime.

The response must ensure that crime does not pay. People who offend must lose, not gain, from their actions. It must strengthen citizens' trust that they live in a just society that both deters people from offending and helps offenders change their ways. It must keep society safe from violence and threat.

To achieve all this presents a serious challenge. It is made more difficult by the panic that rises at times when people do not feel safe, and when fear is heightened by strident media campaigns. These usually portray offenders as "monsters" and demand a purely punitive response - usually long sentences of imprisonment. While this is necessary for a small group of offenders, it can be counterproductive for a large proportion of offenders within the criminal justice system.

For this reason it is important that as a society our response to crime should be built on a strong evidence base. This should involve understanding the extent of criminal activity in the community and the approaches taken to deal with it, and evaluating the success of current responses in keeping people and communities safe, rehabilitating offenders and ensuring that crime does not pay.

This Report presents some of the evidence on which good policy can be based. In preparing the Report we noted there are inadequacies in the data collected by governments. At times it is partial, and differs between states and territories.

Nevertheless, from our efforts we can see that across Australia in recent years crime and the number of offenders has declined rather than risen. But some offenders have perpetrated more crimes. At the same time the number of people who are detained has risen. Of these a high proportion come from relatively few geographical areas, suffer mental illness and are disproportionately Australian and Torres Strait Islander. Almost half of those in prisons reoffend within two years of their release.

This snapshot suggests that our current ways of dealing with crime, and particularly the emphasis on severe prison sentences, fails to deal with the complex challenges in making our communities safe. The rate of recidivism indicates that prisons do not deter reoffending, and may nurture it. The highly specific profile of the average prisoner suggests that the social factors which contribute to crime – including early childhood abuse and neglect, addiction, lack of education and access to work – need to be addressed systemically. Programs designed to help people connect with society and avoid reoffending need to be strengthened.

Prisons are a necessary part of the justice system, contributing to keep society safe in the short term. But they should be a last resort. In the longer term, society's response to crime needs to address the root causes of criminal behaviour by investing time and resources in people and communities.

Jesuit Social Services – Who we are

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

Jesuit Social Services works where the need is greatest and where it has the capacity, experience and skills to make the most difference. Jesuit Social Services values all persons and seeks to engage with them in a respectful way, that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

We do this by working directly to address disadvantage and by influencing hearts and minds for social change. We strengthen and build respectful, constructive relationships for:

- **Effective services** – by partnering with people most in need and those who support them to address disadvantage
- **Education** – by providing access to life-long learning and development
- **Capacity building** – by refining and evaluating our practice and sharing and partnering for greater impact
- **Advocacy** – by building awareness of injustice and advocating for social change based on grounded experience and research
- **Leadership development** – by partnering across sectors to build expertise and commitment for justice.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment.

Currently our direct services and volunteer programs are located in Victoria, New South Wales and Northern Territory, and include:

- **Brosnan Services:** supporting young people and adults in the justice system, and assisting them to make a successful transition from custody back into the community. Within the suite of services are Perry House, Dillon House and Youth Justice Community Support Services.
- **Jesuit Community College:** increasing opportunities for people constrained by social and economic disadvantage to participate in education, work and community life and reach their full potential.
- **Community and Settlement Programs:** working with newly arrived migrants across metropolitan Melbourne and in NSW, including the African Australian and Vietnamese communities.

- **Connexions:** delivering intensive support and counselling for young people with co-occurring mental health, substance and alcohol misuse problems.
- **Artful Dodgers Studios:** providing pathways to education, training and employment for young people with multiple and complex needs associated with mental health, substance abuse and homelessness.
- **The Outdoor Experience:** offering an alternative treatment service through a range of outdoor intervention programs for young people aged 15 – 25 years, who have or have had issues with alcohol and/or other drugs.
- **Support After Suicide:** supporting people bereaved by suicide, including children and young people.
- **Western Sydney Program:** through our social enterprise (store and opportunity shop) and other community building we engage young people in a number of capacity building activities, and we provide healthy affordable food, training and employment opportunities to people living in the area of Mount Druitt, Western Sydney.
- **Just Leadership:** Working in partnership with community and corporate enterprises to foster leadership for a just society. This includes the African Australian Inclusion Program, a professional bridging program developed in partnership with the National Australia Bank providing paid work experience and a pathway to ongoing employment.
- **Capacity building** activities in NSW (Just Reinvest project in Bourke) and the Northern Territory with Aboriginal and Torres Strait Islander (ATSI) communities to improve their situation and to have more control over their lives.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants' lives and improve approaches to address long term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to intervening with participants across our programs.

Jesuit Social Services acknowledges the traditional custodians of land and pays respect to their elders past and present.

Introduction

The *States of Justice* Report (the Report) provides a unique and comprehensive statistical snapshot of the adult and youth justice systems across Australia, including analysis and overview of trends in each Australian state and territory.

For the first time, this Report brings together key statistics that offer a full picture of how our criminal justice system is trending: what crimes people are committing, how many people are committing them, which offences are going up and down, how many people Australia is putting in prison, their profiles, and how much this all costs.

This is the first of a series of regular publications where Jesuit Social Services will take the pulse of Australia's justice system, offering a quick picture of its stated health. Over time we will include a spotlight on different areas of concern: this year we have incorporated a focus on youth offending and the Aboriginal and Torres Strait Islander (ATSI) population.

Over the past five years Australia has seen a stabilising of the offender rate nationally, however the national imprisonment rate and prison expenditure have both increased. We also find:

- Most offenders are male, and they commit more violent offences than women and girls
- The age of offenders is increasing
- Illicit drug offences are the most common offence
- Family violence is a significant contributor to the crime rate
- Social factors of those experiencing imprisonment include poor mental and physical health, self-harm, sexual abuse, child abuse, trauma, victimisation, disability, periods of homelessness, low education attainment, poor literacy and numeracy skills, and risky health behaviour such as tobacco smoking and heavy drinking – disadvantage and involvement in the justice system are inextricably linked
- There are more people on remand, as well as behind bars and serving time in the community
- There are fewer victims of crime
- Youth offending is down
- More people are returning to prison
- Young adults (18-29 years) are over-represented in prisons
- ATSI Australians are increasingly locked up
- ATSI youth are disproportionately under supervision
- Detention-based costs for young offenders are increasing
- Adult corrective services costs are increasing.

Jesuit Social Services hopes this Report offers a valuable resource for the public, media, academics, practitioners, community organisations and policy makers assisting us, as a society, to assess the purpose, effectiveness and public value of the criminal justice system. We hope it will help stimulate, and answer, critical questions Australian's face as a society: does locking up more people increase community safety? Is prison the best solution to crime? What really works to make our community safer?

About the data

This Report gathers together data from a number of key sources, including the following:

- Australian Bureau of Statistics
- Australian Institute of Criminology
- Australian Institute of Health and Welfare
- Jesuit Social Services and Catholic Social Services Australia
- Productivity Commission
- Official State and Territory-based Crime Statistics publications
- Various State and Territory-based crime and justice publications.

Where the data comes from

This Report presents descriptive statistics on the state of criminal justice in Australia. It draws together data sets from a number of sources, but in particular relies on crime and justice publications from the Australian Bureau of Statistics and the Productivity Commission's *Report on Government Services*. In order to analyse recent trends, data from the period 2010 to 2016 was the main focus of this Report. Where statistics are available, data is generally presented in five-year trend intervals with percentages rounded up to whole numbers, which can result in small discrepancies between sources.

In relation to prisoner numbers and imprisonment rates data was obtained from the Australian Bureau of Statistics' yearly issue of *Prisoners in Australia*. Data on prisoner numbers relates to the number in prison at a given point in time, rather than the total number of receptions over a whole year. This count of the number of prisoners is obtained from the *National Prisoner Census* which is taken on 30 June each year.

Remand data was sourced from the Australian Bureau of Statistics' quarterly issue of *Corrective Services*. In each year the final December quarter was used to indicate remand numbers.

Data on offending and offence type was obtained from the Australian Bureau of Statistics' yearly issue of *Recorded Crime – Offenders*. This source of data relates to the number of offenders per 100,000 adult population, not offence numbers. The data on offence numbers and crime rates have been collated from each individual State and Territory Crime Statistics reports.

Data from the Productivity Commission was obtained from its annual *Report on Government Services*, which provides information on a variety of areas. Specifically, the chapters on Corrective Services and Youth Justice Services were utilised.

The *Report on Government Services* provides the most comprehensive national picture of recidivism, measured by the proportion of prisoners who return to prison with a new sentence within two years. There are other measurements of recidivism which do not limit themselves to corrective services, including contact with police and courts. These were not canvassed in this Report.

National expenditure on prisons and community corrections was drawn from the *Report on Government Services*. This provided breakdowns of costs per prisoner and offender in each of the aforementioned corrective services categories.

Data on prisoner characteristics and the average prisoner profile were obtained from the Australian Institute of Health and Welfare's annual *The health of Australia's prisoners* report.

Figures on the number and rates of victims were drawn from the Australian Bureau of Statistics' publications on *Recorded Crime – Victims* and the *Crime Victimisation Survey*. Two perspectives are presented here: recorded victims of crime based on figures from each state and territory, as well as an overall picture of victimisation, including unrecorded incidents.

The section on family violence references two different sources – data from the Australian Bureau of Statistics' *Personal Safety Survey* and an ABC article. The data in the ABC is collated from individual state and territory sources in order to present a national picture.

Limitations of the data

There are some key limitations in attempting to present a national picture of criminal justice trends in Australia. The foremost of these is when there is a lack of national data on a particular indicator or data point. This requires scrutiny of state and territory-level data, which can make comparisons and analysis difficult.

There are challenges with collating national crime and offence numbers and rates. As mentioned previously, data on offence numbers and crime rates have been collated from individual State and Territory Crime Statistics reports. While this presents a credible overview of the landscape, there is a need to be cautious when interpreting it due to jurisdictional differences in legislative definitions for certain offences, or units of measurement and reporting. For example, Victoria and other states count public order offences in their crime statistics, while Western Australia does not.

Additionally, caution should be utilised when interpreting the number of offences, as this measure does not necessarily reflect to the level of crime in the community. This is due to a combination of the difficulty in accounting for the number of offences that go unrecorded, as well as the distortion that occurs when within a single incident of crime multiple offences are recorded.

Another key indicator which lacks national level data is family violence. Currently, there is no nationally consistent method for recording and reporting on this measure. This inconsistency is evident in the counting of family violence numbers which may include both criminal and civil acts, incidents where a sentence has been handed down or where an intervention order was put in place. However, it is understood that the Australian Institute of Health and Welfare is leading work on this in consultation with state and territory representatives with reference to the Victorian Royal Commission into Family Violence.

Recidivism also lacks an agreed national measure and definition. Recidivism may be measured as an offender's re-contact with police following an earlier police incident, return to courts, or return to prison following an earlier period of incarceration. Currently there is no data available on return to courts. Repeat offending rates are not weighted to account for the nature of the re-offence; for example, a return to prison for a traffic offence is counted in the same manner as a return for a more serious offence such as armed robbery. It also does not take into account re-offending that leads to outcomes that are not administered by corrective services, such as fines.

Our data recommendations

Given current limitations Jesuit Social Services believes there is a need to identify, collect and publish nationally consistent data for:

- Offence numbers and crime rates
- Family violence incidents and rates, using an agreed national definition
- Recidivism numbers and rates, using an agreed national definition.

Crime in Australia

This section outlines overall crime trends and offender characteristics in Australia, highlighting the key differences between jurisdictions.

Offender numbers are stable, but more offences are being recorded

The number of offenders^a proceeded against by police in Australia increased by **1.5 per cent** in 2014/15 (or 6,985 offenders) to a total of 411,686, up from 405,692 in 2013/14.

New South Wales, Queensland, Tasmania and Western Australia saw an increase in offender numbers, while all other states saw a decrease.

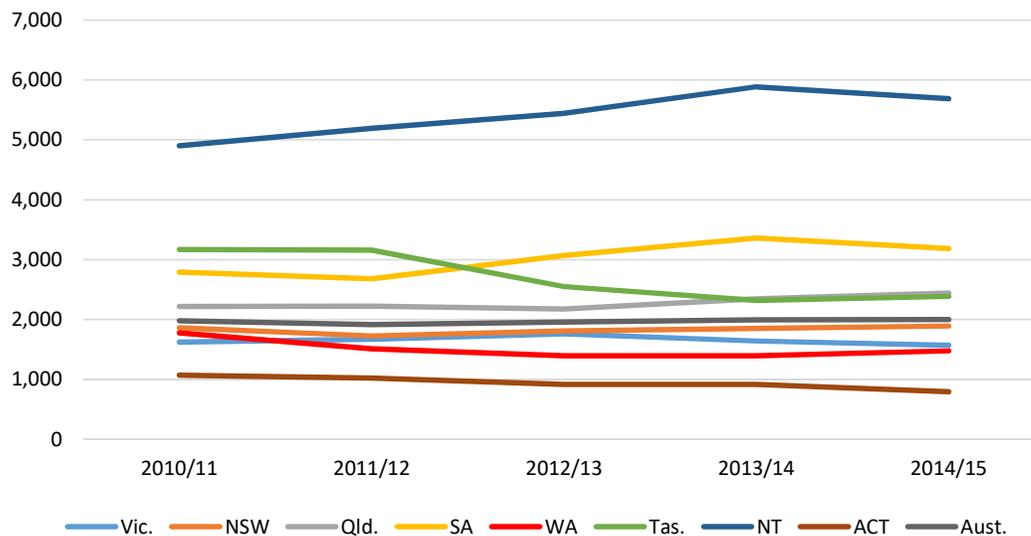
Offender numbers, 2010/11 to 2014/15

Year	VIC	NSW	QLD	SA	WA	TAS	NT	ACT	Australia
2010/11	80,413	113,281	79,708	38,947	33,892	13,122	8,833	3,322	371,040
2011/12	85,349	94,699	81,703	37,361	29,666	13,164	9,469	3,246	354,657
2012/13	87,694	116,056	86,807	44,905	30,140	11,465	11,022	3,031	391,117
2013/14	83,106	120,543	95,038	49,630	30,760	10,427	13,116	3,076	405,692
2014/15	80,933	124,797	100,294	47,451	33,023	10,793	11,733	2,665	411,686

Sources: Australian Bureau of Statistics, 4519.0 Recorded Crime – Offenders 2014-15 - Table 6 OFFENDERS, Principal offence by states and territories–2008–09 to 2014–15, ABS, Canberra.

Nationally, since 2010/11, the offender rate has remained essentially the same. Despite a slight increase in the past year there has been an overall **one per cent** increase between 2010/11 and 2014/15. This small increase is important because it demonstrates the relative stability of the offender rate while accommodating for population growth over the five-year period.

Offender rate per 100,000, 2010/11 to 2014/15

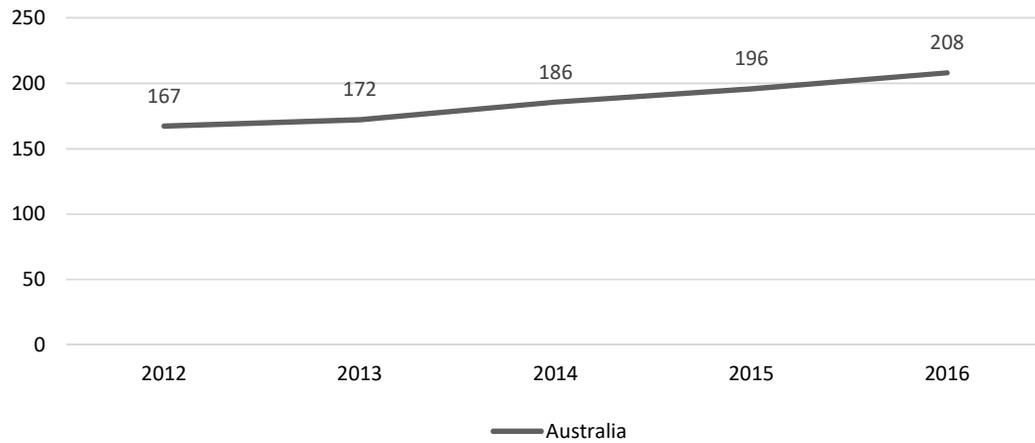


Source: Australian Bureau of Statistics (2015) 4519.0 – Recorded Crime – Offenders 2014-15, Table 6 OFFENDERS, Principal offence by states and territories 2008-09 to 2014-15, ABS, Canberra.

^a The ABS notes that for the offender population, an offender is only counted once, irrespective of how many offences he/she may have committed within the same incident or how many times he/she was dealt with by police during the reference period.

During the last five-year period the national imprisonment rate increased from 167 (per 100,000) in 2012 to 208 in 2016, representing a 25 per cent increase.

Imprisonment rate per 100,000, Australia, 2012-16



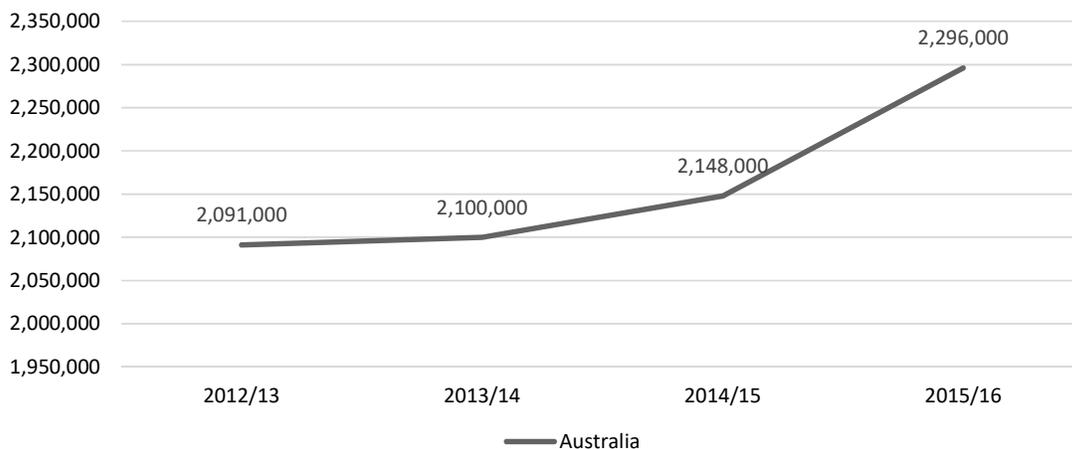
Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 - Table 18 CRUDE IMPRISONMENT RATE, state/territory, 2006–2016, ABS, Canberra.

So while the proportion of offenders has remained relatively unchanged, overall Australia is imprisoning more people. This is reflected in total prison expenditure increasing by 26 per cent from \$3 billion in 2010/11 to \$3.8 billion in 2014/15.

Nationally, the number of offences has increased by 10 per cent over the last four year period from 2011/12, resulting in an increase of six per cent in the offence rate. In 2015/16, Australians committed a total of 2.3 million offences in the last 12 month reporting period.

When excluding Victoria (the state with the largest increase in the number of offences) from the national calculation, the number of offences has only risen by six per cent over the last four years, and the offence rate by two per cent.

Offence numbers, Australia, 2012/13 to 2015/16



Sources: Various State and Territory Crime Statistics Agencies reports from 2010 to 2016.

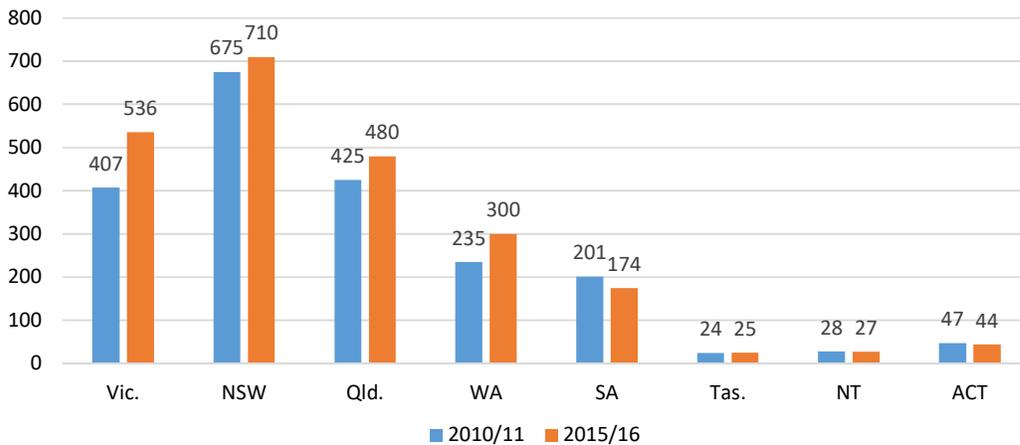
Some states have reduced their offence numbers and rates, or have seen only marginal increases, over the last five years.

- SA: **13.7 per cent** reduction in offence numbers, **16 per cent** reduction in offence rate
- ACT: **7.6 per cent** reduction in offence numbers, **10.4 per cent** reduction in offence rate (over last four years^b)
- NT: **3.5 per cent** reduction in offence numbers, **7.1 per cent** reduction in offence rate
- NSW: **5.2 per cent** increase in offence numbers, **1 per cent** increase in offence rate
- TAS: **1.5 per cent** increase in offence numbers, **0.2 per cent** increase in offence rate.

The other states experienced fairly significant increases in their offence numbers and rates over the last five years.^c

- VIC: **31.7 per cent** increase in offence numbers, **22.5 per cent** increase in offence rate
- WA: **27.8 per cent** increase in offence numbers, **18.8 per cent** increase in offence rate
- QLD: **13 per cent** increase in offence numbers, **6.7 per cent** increase in offence rate.

Offence numbers, states and territories, 2010/11 to 2015/16 ('000)



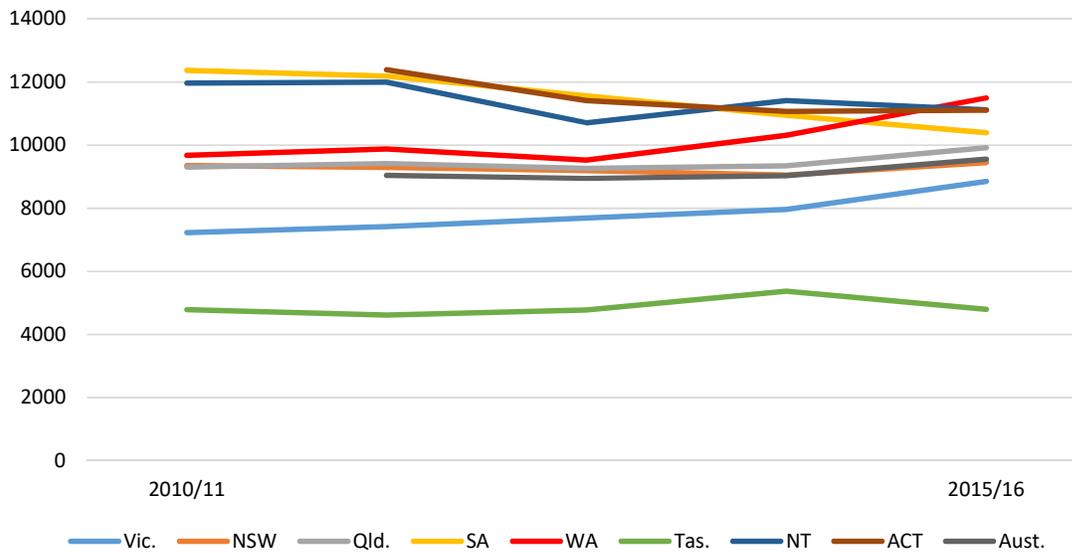
Sources: Various State and Territory Crime Statistics Agencies reports from 2010 to 2016.

The significant increases in Victoria and Western Australia are driven by large volumes of theft offences over the past two years. Since 2013/14, Victoria has recorded over 30,000 more thefts and Western Australia close to 15,000 more thefts.

^b Due to variations in the way states report, the time periods differ slightly by jurisdictions. Victoria, Queensland, Western Australia, Tasmania and the Northern Territory statistics are for the last five financial year periods from July 2011 to June 2016. New South Wales (2011 to 2015) and South Australia (2010 to 2014) statistics are based on a calendar year. ACT only has statistics back to November 2011, which means they do not have a complete set of five 12 month periods. Thus, only four 12 month periods are shown for the ACT and a combined Australian trend.

^c The large percentage changes in Victoria and WA are attributable to the last 12 months. For the four-year period July 2011 to June 2015 the percentage change in Victorian offence numbers was only 16.1 per cent and the offence rate change was 10.2 per cent. This is compared with 31.7 per cent and 22.5 per cent respectively, when including the Financial Year July 2015 to June 2016. The same can be said for WA, where the percentage change in offence numbers was only 13.7 per cent for the period July 2011 to June 2015, and the offence rate change was 6.6 per cent. This is compared with 27.8 per cent and 18.8 per cent changes over the five-year period July 2011 to June 2016.

Offence rate per 100,000 people, states and territories, 2010/11 to 2015/16



Sources: Various State and Territory Crime Statistics Agencies reports from 2010 to 2016.

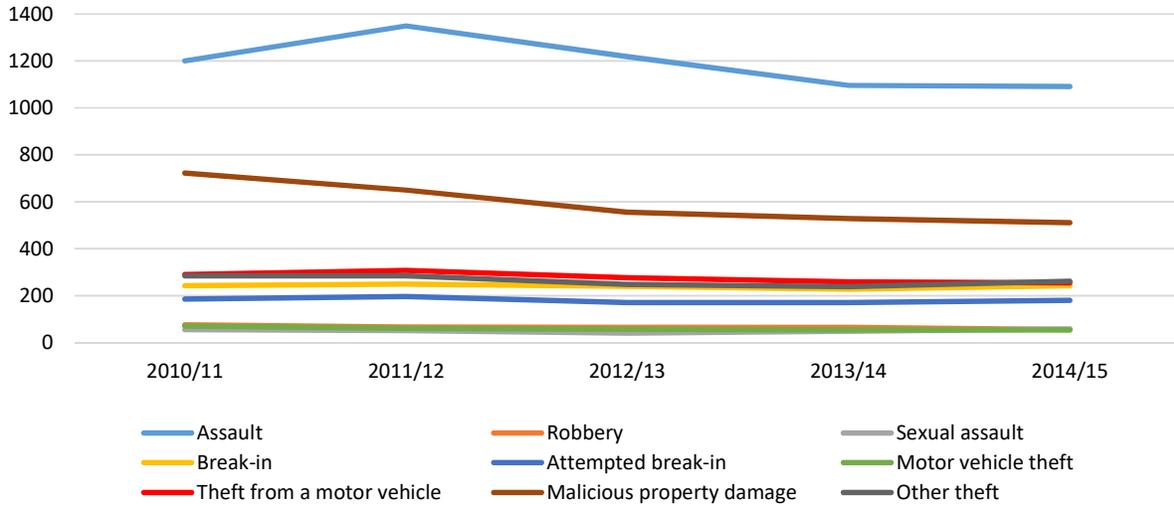
There are fewer victims of crime

Alongside the offender and offence numbers, a broad view of victimisation in Australia shows the total number of victims in the community at close to 2.7 million people in the last 12 months, a decrease from 3.1 million in 2010/11.^d These figures include reported and unreported victims, and thus provide a more complete picture of victims in the community. This should be taken into account when interpreting discrepancies in offender and offence numbers.

Assault, which includes physical and threatened assault, currently accounts for the vast majority of crimes experienced by victims (1,091,100 cases). Since 2010, the reduction of victims associated with malicious property damage (down **29.2 per cent**), robbery (down **27.8 per cent**) and motor vehicle theft (down **24 per cent**) has been notable. Meanwhile, the number of sexual assault victims has increased by **seven per cent**.

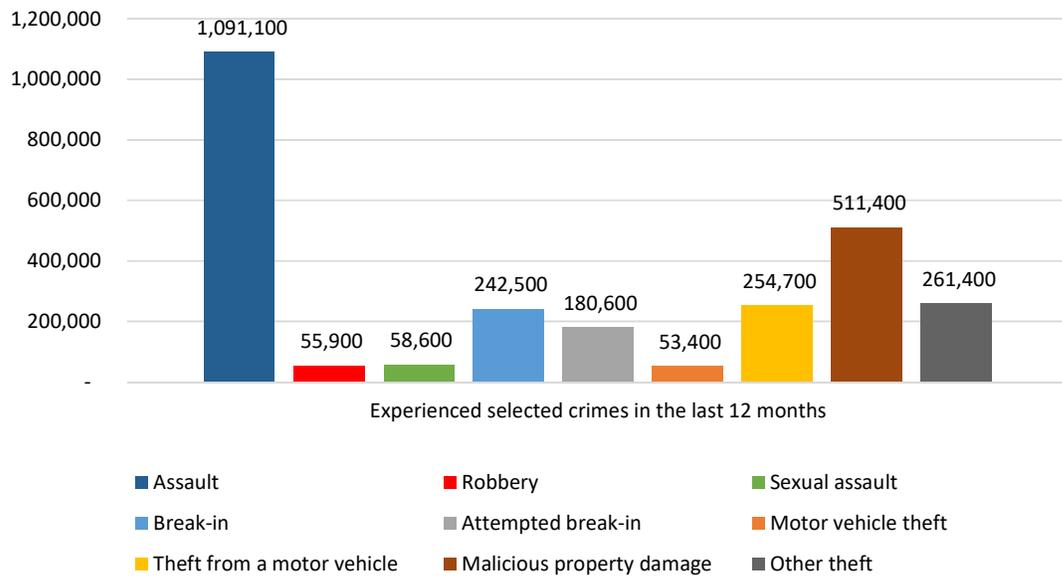
^d This is based on the Australian Bureau of Statistics' 2014/15 Crime Victimization Survey, conducted throughout Australia from July 2014 to June 2015. The survey presents estimates of the extent of victimisation experienced by Australians aged 15 years and over for selected types of crime, and whether or not the most recent incident of each crime type was reported to police.

Experience of selected personal and household crimes, 2010/11 to 2014/15 ('000)



Sources: Australian Bureau of Statistics (2016) 4530.0 – Crime Victimization, Australia, 2014-15, Table 4 EXPERIENCE OF SELECTED PERSONAL CRIMES, and Table 5 EXPERIENCE OF SELECTED HOUSEHOLD CRIMES, Victimization and reporting to police, by states and territories, Time series, ABS, Canberra.

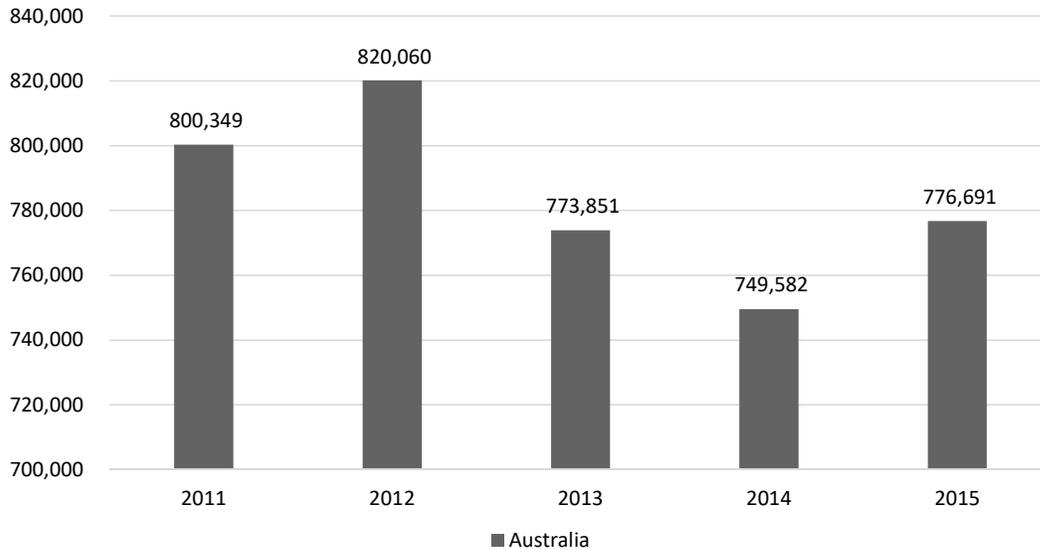
Experience of selected personal and household crimes, 2014/15



Sources: Australian Bureau of Statistics (2016) 4530.0 – Crime Victimization, Australia, 2014-15, Table 1 PERSONS AND HOUSEHOLDS, Experience of selected personal and household crimes. ABS, Canberra.

Isolating the data to solely reported cases show that reported victims increased between 2014 and 2015 by **four per cent**, from 749,161 to 776,278.¹ These national statistics are drawn from state and territory police records, and account for all offences officially reported directly to or detected by police, compared with those in the Australian Bureau of Statistics' 2014/15 Crime Victimization Survey which also incorporates unreported cases.

Number of reported victims in Australia, 2011-15

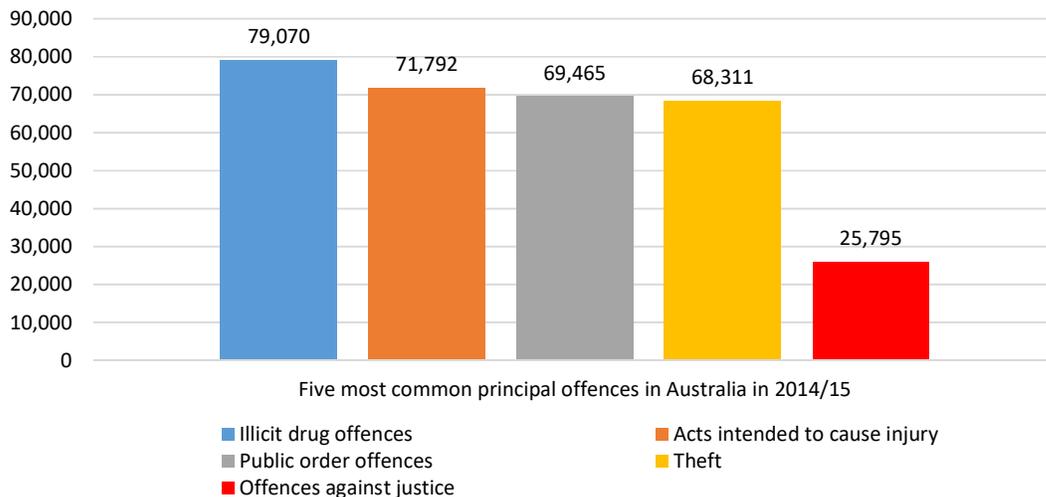


Sources: Australian Bureau of Statistics (2015) 4510.0 – Recorded Crime – Victims 2014-15, Table 1, VICTIMS, Selected offences, 2010–2015. Table 22 VICTIMS OF HOMICIDE, Australia, 2010–2015. ABS, Canberra.

Illicit drug offences are the most common offence

Offenders with a principal offence of illicit drugs^e increased in every state and territory. Overall the number of offenders with a principal offence of illicit drugs in Australia increased by **19 per cent** between 2013/14 and 2014/15. The number of offenders with a principal offence of illicit drugs has increased every year since the introduction of national data in 2008/09. This has resulted in an overall rise of **40 per cent** since 2008/09, with most of the increase occurring between 2013/14 and 2014/15.^f

Most common principal offences in Australia, 2014/15



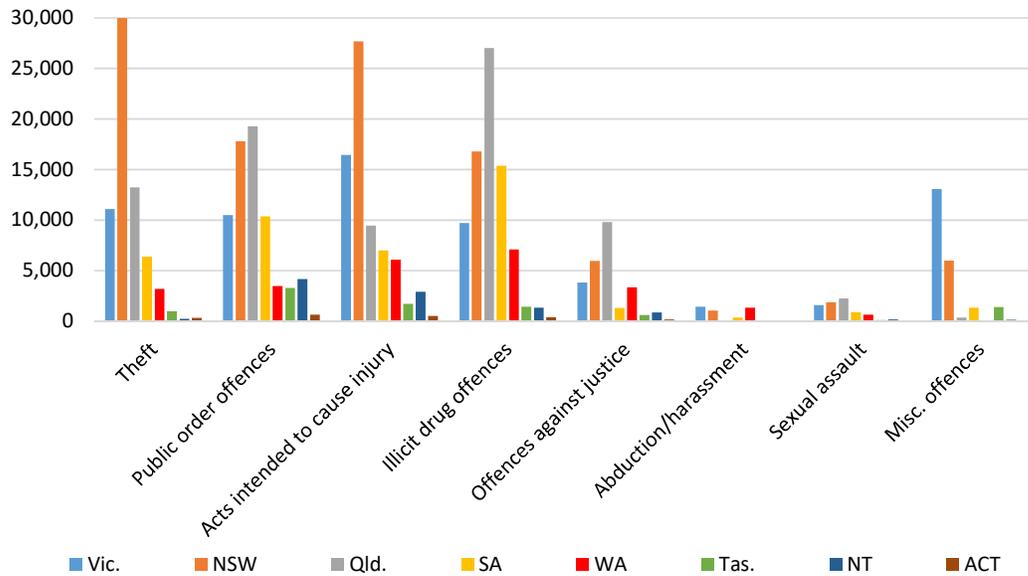
Source: Australian Bureau of Statistics (2015) 4519.0 – Recorded Crime – Offenders 2014-15, Table 1 OFFENDERS, Principal offence by sex 2008-09 to 2014-15, ABS, Canberra.

^e A brief description of offences by category is included in the Glossary.

^f It should be noted that these numbers may not fully reflect the true nature of crime in Australia, as they reflect only those offences that are officially recorded.

On a state-basis, New South Wales recorded much higher numbers in the Theft and Acts intended to cause injury offence categories than any other jurisdiction, while Queensland recorded a significantly higher number of Illicit drug offences than any other state and territory.

Most common principal offences, states and territories, 2014/15



Source: Australian Bureau of Statistics (2015) 4519.0 – Recorded Crime – Offenders 2014-15, Table 6 OFFENDERS, Principal offence by states and territories 2008-09 to 2014-15, ABS, Canberra.

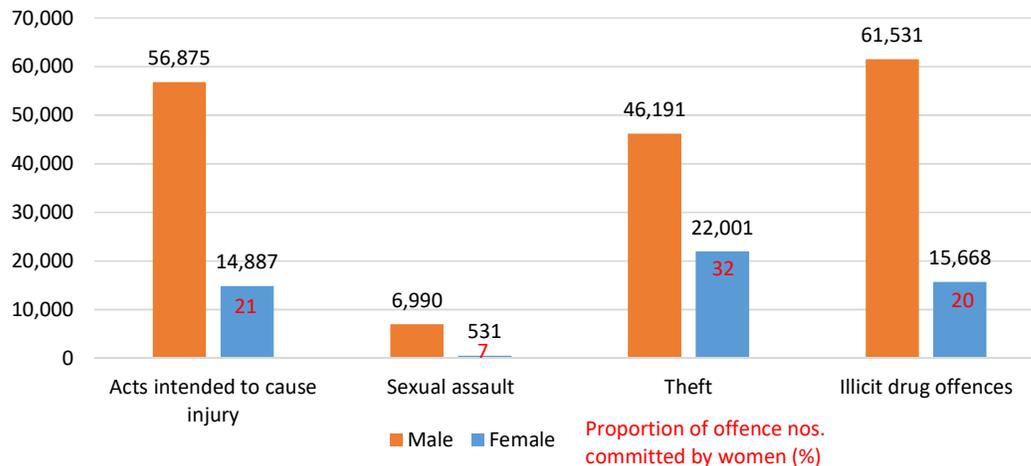
Most offenders are male, and they commit more violent offences than women

Overwhelmingly, the majority of offenders are male, accounting for 78 per cent of all offenders in 2014/15. The number of male offenders increased by **two per cent** nationally to 320,164 in 2014/15, while the number of female offenders increased by **one per cent** to 88,973.

The Northern Territory had the highest offender rate per 100,000 persons aged 10 and above for both male and female offenders (7,758 and 3,334 respectively).

The profile of offence type differs for male and female offenders. Violent offences – such as acts intended to cause injury, robbery, and sexual assault – are primarily committed by male offenders. In comparison, women are more likely to commit lower level, non-violent offences such as theft or drug offences.²

Principal offence by gender, 2014/15



Source: Australian Bureau of Statistics (2015) 4519.0 – Recorded Crime – Offenders 2014-15, Table 1 OFFENDERS, Principal offence by sex 2008-09 to 2014-15, ABS, Canberra.

Age of offenders is increasing

The median age for offenders is 28 years old, an increase from 25 years old in 2008/09. Reflecting this, the number of offenders aged 65 years and over proceeded against by police in Australia during 2014/15 increased by **12 per cent** (or 584) to a total of 5,358 offenders. This was the largest percentage change across all age groups during this period.

Family violence is a significant contributor to the crime rate

There is no standard definition of family violence across Australian states and territories, and data from police call-outs to family violence-related incidents can vary. This data can include:

- Attendance at suspected domestic and family violence incidents
- Domestic and family violence court orders made by the police
- Domestic and family violence assaults (encompassing threats and physical violence)
- Associated agencies reporting domestic and family violence to the police.

The following table displays family violence incidents according to these varying definitions.

Family violence related incidents in Australia

State	Year	Incident classification	Incident Nos.
Victoria	2015	Family incidents	74,385
Queensland	2014/15	Domestic violence occurrences	71,777
New South Wales	2014/15	Domestic violence related incidents	65,120
South Australia	2016	Domestic violence matters	25,029
Tasmania	2014/15	Family violence arguments incidents	4,410
Western Australia	2014/15	Domestic assaults	16,461
Northern Territory	2015	Domestic violence assaults	3,970
Australian Capital Territory	2014/15	Family violence incidents	2,876

Sources: Blumer, C. (2016). 'Australian police deal with domestic violence every two minutes', *ABC News*, 21 April 2016, accessed 29 August 2016, <http://www.abc.net.au/news/2016-04-21/domestic-violence/7341716>.

An alternative snapshot of family violence at a national level can be gleaned from the latest *Personal Safety Survey* conducted by the Australian Bureau of Statistics in 2012. The definition for family

violence used here is violence perpetrated by a partner, family member or relative.⁸ The survey reveals that 18 per cent of the population has experienced some form of family violence since the age of 15 – a quarter of women, and 8 per cent of men.

Looking specifically at family violence perpetrated by a partner in the last 12 months, 1.1 per cent of the population experienced this, up from 0.9 per cent in 2005.³ Around half of these incidents were committed by a previous partner and half by current partners. Females have experienced a higher prevalence of partner violence at 1.5 per cent of the population compared with males at 0.6 per cent. Since the age of 15, 17 per cent of women and 5 per cent of men have experienced violence by a partner.

It is important to note that this data is limited, including only adults and not including those living in residential care or people experiencing homelessness. Additionally, an accurate and reliable incidence rate at a national level is not available.

Sentencing

This section covers trends on the sentencing outcomes of offenders and alleged offenders when entering corrective services, highlighting the key differences between jurisdictions.

More people behind bars

Australia's imprisonment rate is steadily increasing, having risen **25 per cent** in five years. In 2016, the national adult imprisonment rate was 208 prisoners per 100,000 people, a **six per cent** increase from 196 per 100,000 in 2015. This compares with the USA, holding one of the highest international imprisonment rates at 693 per 100,000 adult population, and Scandinavian countries such as Denmark, Finland and Sweden, holding comparatively low rates of 61, 55, and 53 per 100,000 respectively.⁴

In Australia there is a wide disparity in imprisonment rates between states and territories. Tasmania, Victoria and the Australian Capital Territory hold the lowest imprisonment rates, while the Northern Territory and Western Australia have the highest. The Northern Territory's imprisonment rate is above even that of the USA, at 923 per 100,000 adult population.

At 30 June 2016, 38,845 prisoners were in adult corrective services custody, an increase of **eight per cent** from 36,134 prisoners in 2015. During this period all states and territories saw an increase in prisoner numbers.

Imprisonment numbers, state and territories, 2012-2016

Year	VIC	NSW	QLD	SA	WA	NT	TAS	ACT
2012	4,882	9,648	5,594	2,077	4,965	1,413	494	315
2013	5,340	9,899	6,079	2,269	4,923	1,434	481	352
2014	6,111	10,567	7,047	2,490	5,241	1,492	451	395
2015	6,219	11,797	7,318	2,732	5,555	1,593	519	396
2016	6,522	12,629	7,746	2,948	6,329	1,666	569	441

Sources: Australian Bureau of Statistics (2012) 4517.0 – Prisoners in Australia, 2012, Table 14 PRISONERS, state/territory by selected characteristics, 2006–2016, ABS, Canberra.

Australian Bureau of Statistics (2013) 4517.0 – Prisoners in Australia, 2013.

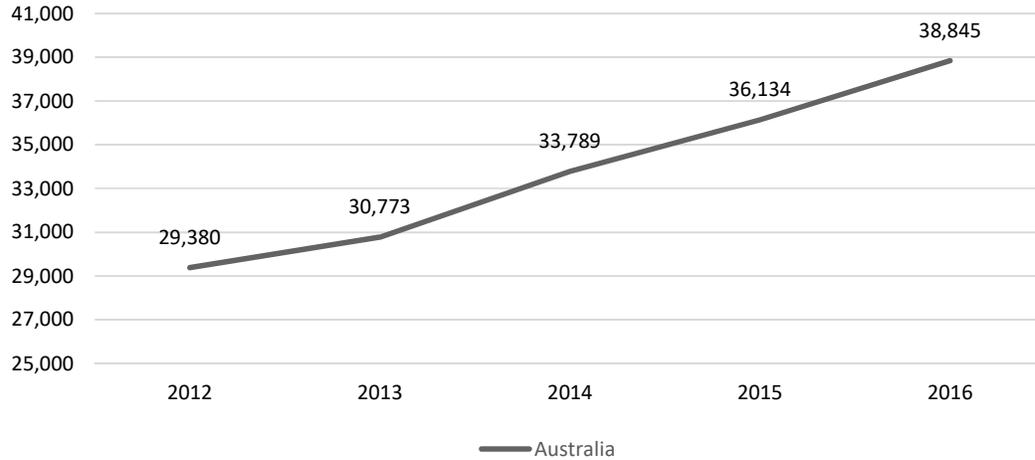
Australian Bureau of Statistics (2014) 4517.0 – Prisoners in Australia, 2014.

Australian Bureau of Statistics (2015) 4517.0 – Prisoners in Australia, 2015.

Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016.

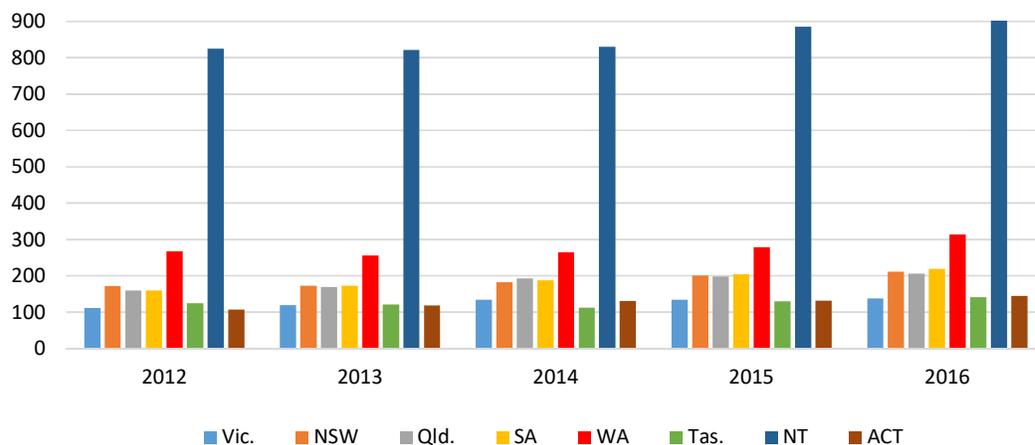
⁸ This includes the following categories: Father/Mother - Includes step-parents, Son/Daughter - Includes step-children, Brother/Sister - Includes step-siblings, Other male/female relative or in-law and a Partner. The survey uses the term 'partner' to describe a person with whom the respondent was living or with whom they lived at some point in a married or de facto relationship. It excludes violence perpetrated by a boyfriend, girlfriend or date.

Average daily imprisonment population, Australia, 2012-16



Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 - Table 2 PRISONERS, selected characteristics, 2006–2016, ABS, Canberra.

Imprisonment rate per 100,000, states and territories, 2012-16

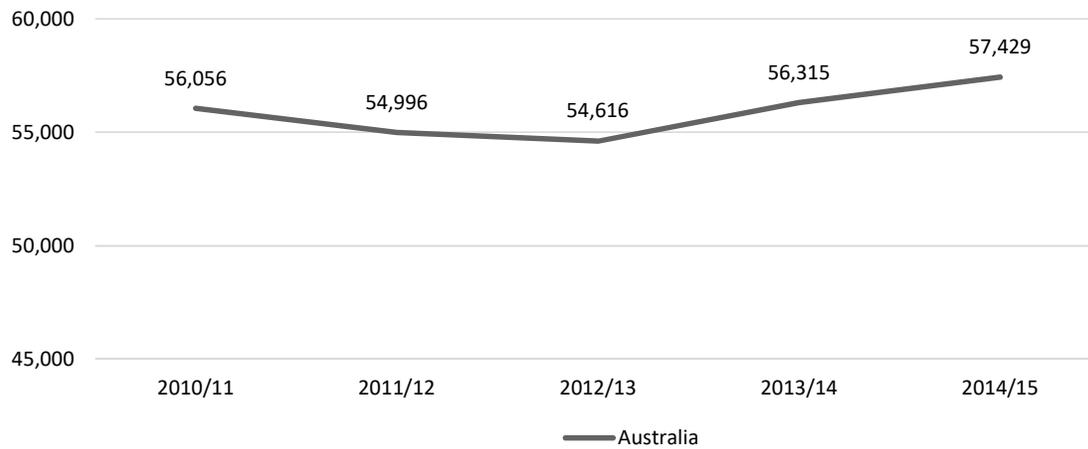


Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 - Table 18 CRUDE IMPRISONMENT RATE, state/territory, 2006–2016, ABS, Canberra.

More people serving time in the community

Imprisonment numbers alone do not reflect the true ‘footprint’ of the criminal justice system in Australia. When the number of offenders in community-based supervision is also taken into account, a more accurate picture of the total number of people engaged in the criminal justice system emerges. While there was an average daily prison population of 36,134 people in Australia in 2015, there were an additional 57,429 offenders in community corrections.⁵

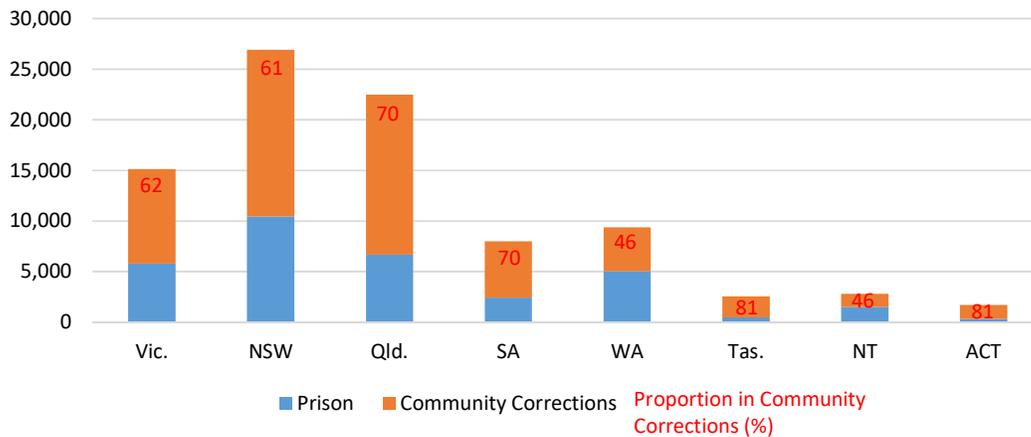
Average daily community corrections offender population, Australia, 2010/11 to 2014/15



Sources: Productivity Commission (2016) Report on Government Services 2016, Corrective services, attachment table 8A.3, Average daily community corrections offender population, Productivity Commission, Canberra.

Across all states and territories, the vast majority of people making up the average daily corrective services population are serving sentences in the community. In Queensland, South Australia, Tasmania and the Australian Capital Territory, this figure is close to or above 70 per cent of the total corrective services populations in these jurisdictions.

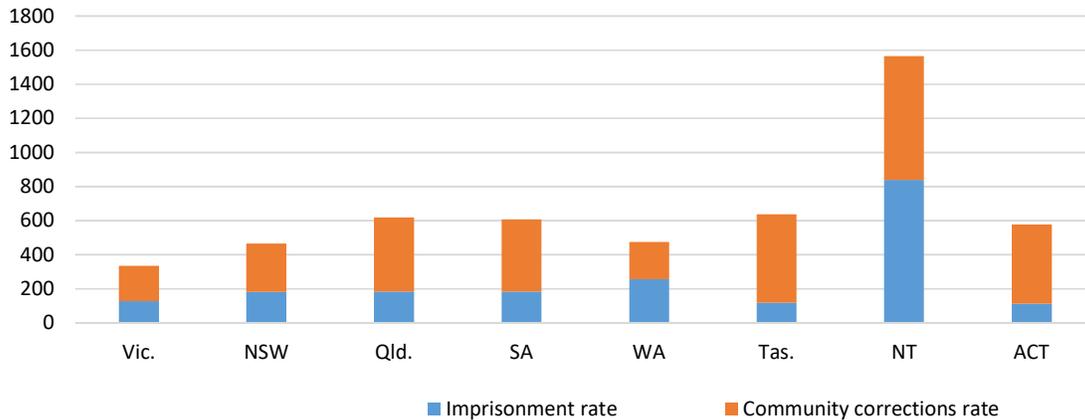
Average daily prison and community corrections population, states and territories, 2014/15



Sources: Productivity Commission (2016) Report on Government Services 2016, Corrective services, attachment tables 8A.1, Average daily prisoner population, and 8A.3, Average daily community corrections offender population, Productivity Commission, Canberra.

Western Australia (255 versus 220 per 100,000 adults) and the Northern Territory (838 versus 726 per 100,000 adults) are the only two jurisdictions in which the imprisonment rates are higher than the community correction rates.

Imprisonment and community corrections rates per 100,000 adults, states and territories, 2013/14

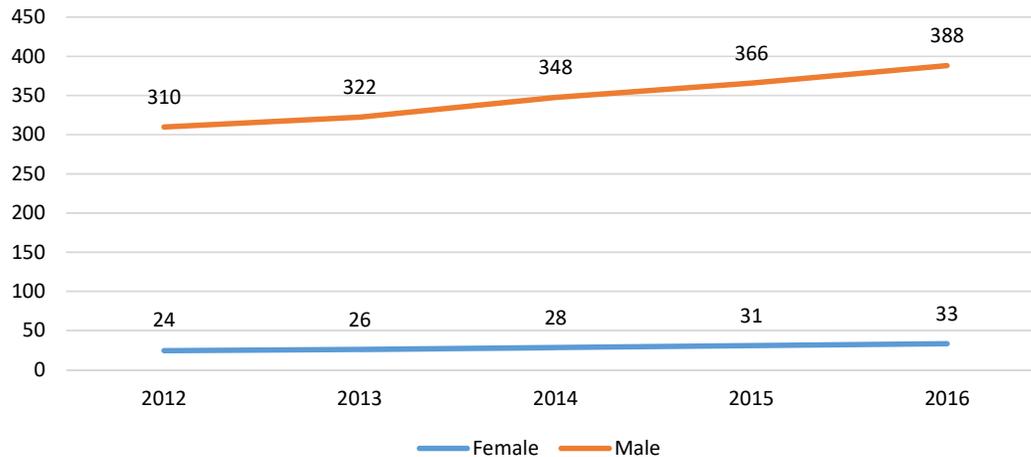


Sources: Productivity Commission (2016) Report on Government Services 2016, Corrective services, attachment table 8A.5, Imprisonment, periodic detention and community corrections rates, by year (per 100 000 adults), Productivity Commission, Canberra.

Males accounted for 92 per cent of the Australian prison population in 2016. The number of male prisoners increased **eight per cent** from 2015 to 2016, with 35,745 male prisoners in Australian prisons in 2016. Female prisoner numbers increased **eight per cent**, from 2,876 in 2015, to 3,094 in 2016.

While there are more male than female prisoners, the number of female prisoners is increasing at a faster rate. The male imprisonment rate was 388 per 100,000 male adult population in 2016, an increase of **25 per cent** since 2012.⁶ In comparison, the female imprisonment rate was 33 per 100,000 female adult population, an increase of **38 per cent** since 2012.

Imprisonment rates per 100,000, gender, 2012-16



Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 - Table 14 PRISONERS, state/territory by selected characteristics, 2006–2016, ABS, Canberra.

As Australia's imprisonment rate continues to rise across all jurisdictions, offence numbers have remained stable. Changes to bail and parole legislation, the abolition of suspended sentences in some jurisdictions, and the increasing use of remand have had a significant impact on imprisonment numbers in Australia, and have resulted in more people being imprisoned for longer periods of time.⁷

Remand numbers are on the rise

One of the largest contributing factors to Australia's rising imprisonment numbers is the increase in the number of prisoners being placed on remand.

Decisions on remand increasingly focus on the risk of offending while on bail.⁸ A shift to more risk-averse decision making in relation to granting bail, along with legislative changes across Australia, has seen the number of unsentenced prisoners in Australia increase by **22 per cent** between 2015 and 2016, with 12,111 prisoners on remand in Australian prisons, in comparison with 9,898 in 2015. Meanwhile, the proportion of sentenced prisoners rose by only **two per cent** in the same period.⁹ Since 2011 the number of unsentenced prisoners has risen by **76 per cent**.

The increase in remand numbers has been accompanied by an increase in the time spent on remand awaiting trial and/or sentence. Median time on remand increased by **seven per cent** from 2.7 to 2.9 months, with Victoria and the Australian Capital Territory the only jurisdictions to show decreases.

Number and percentage of prison population on remand, state and territories, 2012-16

Year	VIC	NSW	QLD	SA	WA	TAS	NT	ACT	Australia
2012	996 (20%)	2,476 (26%)	1,250 (22%)	650 (31%)	971 (20%)	86 (17%)	349 (25%)	91 (29%)	6,869 (23%)
2013	954 (18%)	2,765 (28%)	1,346 (22%)	767 (34%)	972 (20%)	114 (24%)	364 (25%)	90 (26%)	7,372 (24%)
2014	1,139 (19%)	2,745 (26%)	1,676 (24%)	868 (35%)	1,179 (23%)	98 (22%)	417 (28%)	88 (22%)	8,209 (24%)
2015	1,434 (23%)	3,651 (31%)	1,796 (25%)	981 (36%)	1,312 (24%)	143 (28%)	482 (30%)	107 (27%)	9,898 (27%)
2016	1,880 (29%)	4,149 (33%)	2,266 (29%)	1,196 (41%)	1,863 (29%)	155 (27%)	463 (28%)	139 (32%)	12,111 (31%)

Sources: Australian Bureau of Statistics (2012) 4517.0 – Prisoners in Australia, 2012, Table 13 PRISONERS, selected characteristics by state/territory, ABS, Canberra.

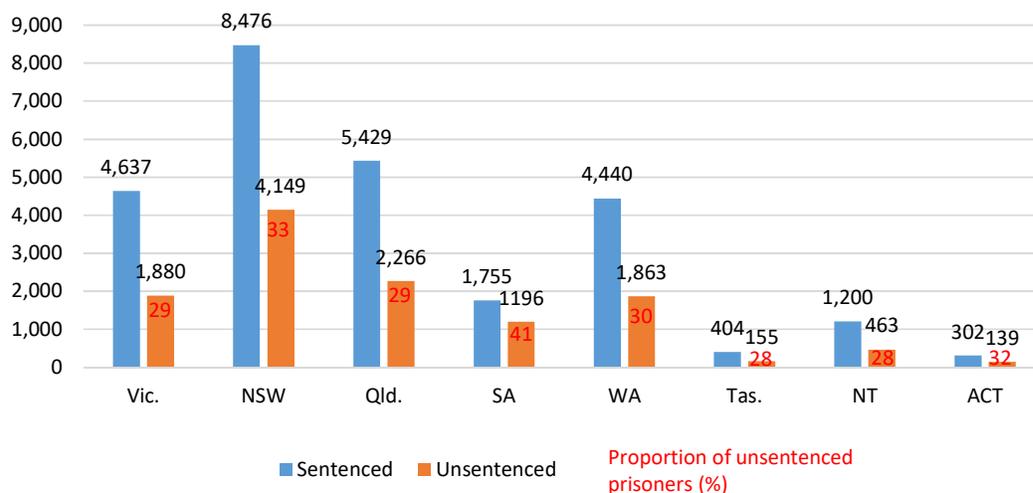
Australian Bureau of Statistics (2013) 4517.0 – Prisoners in Australia, 2013.

Australian Bureau of Statistics (2014) 4517.0 – Prisoners in Australia, 2014.

Australian Bureau of Statistics (2015) 4517.0 – Prisoners in Australia, 2015.

Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016.

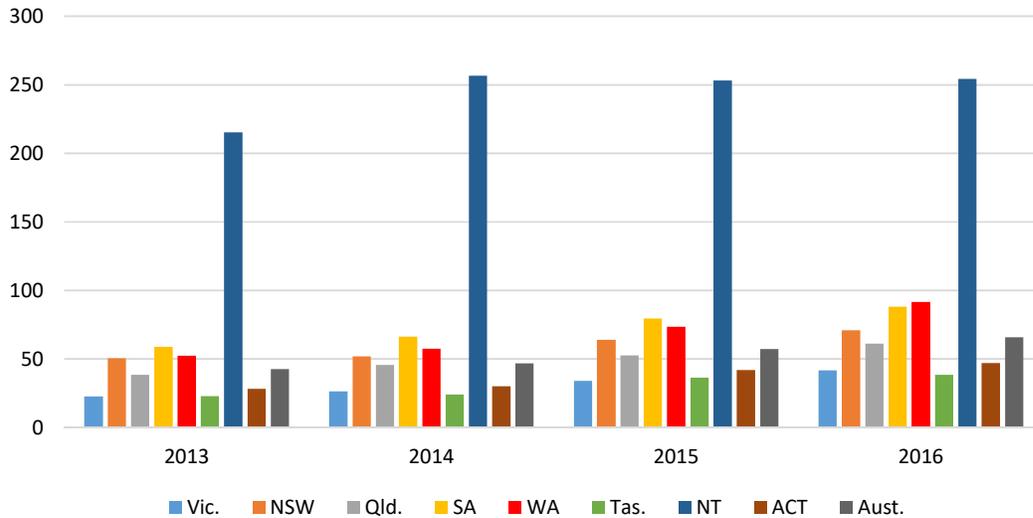
Sentenced and unsentenced prisoners, states and territories, 2016



Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 - Table 13 PRISONERS, selected characteristics by state/territory, ABS, Canberra.

South Australia and the Northern Territory have consistently had the highest remand rates across jurisdictions. South Australia’s remand rate in the September quarter of 2016 was 88.1 per 100,000 adult population, a 50 per cent increase from 58.7 in 2013. In the Northern Territory the remand rate is 254.2 per 100,000 adult population, markedly higher than the national average which is 65.8 per 100,000 adult population.

Remand rates per 100,000, states and territories, 2013-16



Sources: Australian Bureau of Statistics (2016) 4512.0 – Corrective Services, Australia, September Quarter 2016 - Table 9 Imprisonment rates, By legal status, ABS, Canberra.

Recidivism

This section covers trends on repeat interaction with the criminal justice system, highlighting key differences between jurisdictions.

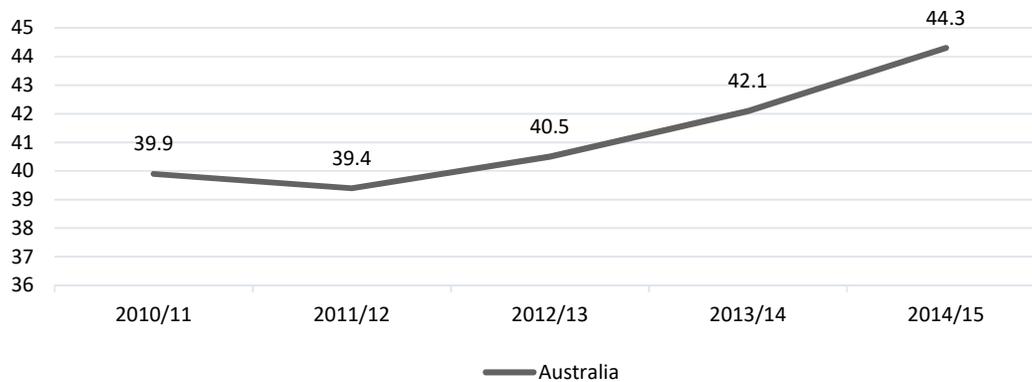
More people are returning to prison

Recidivism rates are a standard key measure of the effectiveness of the criminal justice system in rehabilitating offenders.^h

The recidivism rate (i.e. those returning to prison within two years) has been steadily increasing over the past five years with the latest figures showing that 44.3% of prisoners returned to prison.

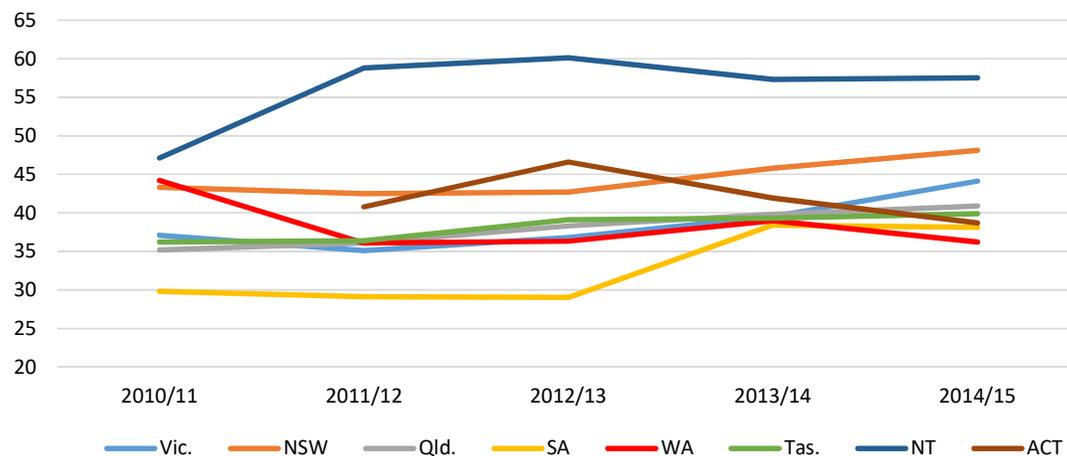
^h It should be noted that recidivism rates can mask a more complex view of the state of the justice system. While they show us how many people are returning to prison, re-offending rates do not necessarily give an accurate picture of recidivism. For example, a return to prison for a minor traffic offence is weighted equivalent to a return for a more serious offence, which may obscure the reality of offending.

Return to prison rate within two years, Australia, 2010/11 to 2014/15



Sources: Productivity Commission (2016) Report on Government Services 2016, Volume C: Justice, Table C.5, Prisoners released who returned to prison under sentence within two years (per cent), Productivity Commission, Canberra.

Return to prison rate within two years, states and territories, 2010/11 to 2014/15



Sources: Productivity Commission (2016) Report on Government Services 2016, Volume C: Justice, Table C.5, Prisoners released who returned to prison under sentence within two years (per cent), Productivity Commission, Canberra.

Note: The ACT did not report on either indicator, because for most of the reporting period the majority of full-time prisoners sentenced in the ACT were held in NSW prisons.

Over half (51.1%) of prisoners who were released in 2012/13 returned to corrective servicesⁱ within two years.

Prisoners released who returned to corrective services with a new correctional sanction within two years (per cent), 2012/11 to 2014/15

Year	VIC	NSW	QLD	SA	WA	NT	TAS	ACT	Australia
2010/11	37.1	43.3	35.2	29.8	44.2	47.1	36.2	..	39.9
	44.8	46.2	41.1	43.4	55.7	48.1	42.2	.. ^j	45.6
2011/12	35.1	42.5	36.1	29.1	36.1	58.8	36.4	40.8	39.4
	44.6	46.9	43.1	41.3	49.8	53.2	48.0	56.1	46.1

ⁱ Corrective services includes prison custody, periodic detention and a range of community corrections orders and programs for adult offenders (for example, parole and community work orders). Both public and privately operated correctional facilities are included.

^j The ACT did not report on either indicator, because for most of the reporting period the majority of full-time prisoners sentenced in the ACT were held in NSW prisons.

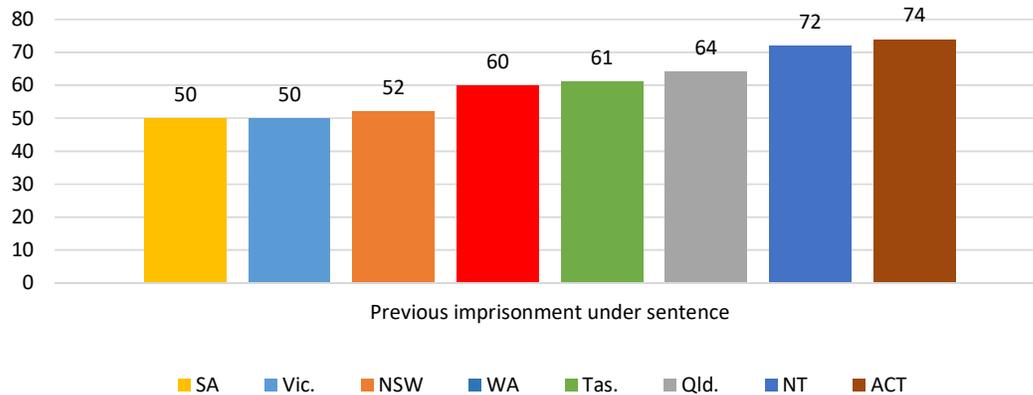
2012/13	36.8	42.7	38.3	29.0	36.3	60.1	39.1	46.6	40.5
	45.3	47.9	43.5	41.0	43.2	58.4	50.6	58.4	46.4
2013/14	39.5	45.8	39.8	38.4	39.0	57.3	39.3	41.9	42.9
	48.7	50.3	44.7	48.7	45.2	53.6	49.4	62.9	48.2
2014/15	44.1	48.1	40.9	38.1	36.2	57.5	39.9	38.7	44.3
	53.7	52.9	49.1	46.0	42.7	59.6	50.0	59.8	51.1

= prison
= corrective services

Sources: Productivity Commission (2016) Report on Government Services 2016, Volume C: Justice, Productivity Commission, Canberra.

According to ABS data, 56 per cent of prisoners in Australia in 2016 had previously been in prison.¹⁰ Notably, there are variations in prior imprisonment rates according to the most serious offence committed or charge laid. For example, 70-80 per cent of those committing unlawful entry with intent or theft and related offences have experienced prior imprisonment, whereas more serious offenders (such as those who commit sexual assault and related offences or illicit drug offences) are less likely to have previously been imprisoned (between 30-35%).

Prisoners who have previously been imprisoned under sentence per 100,000, states and territories, 2016



Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 Table 29 PROPORTION OF PRISONERS, Indigenous status, sex and prior imprisonment by state/territory, ABS, Canberra.

State and Territory snapshot

This section covers key highlights and trends in criminal justice across each Australian state and territory.

Victoria

- Historically low imprisonment rates, but over the four years from 2012 to 2016 has witnessed an increase of **24 per cent**.
- Victoria has the highest median prison age of any state or territory, at 36 years.
- Victoria has the largest proportion of overseas born prisoners of any state or territory, at 25 per cent.
- Victoria has the smallest proportion of ATSI prisoners of any state or territory (535 prisoners) at eight per cent. Nevertheless, the State has seen a significant increase in ATSI prisoners of **147 per cent** since 2006.¹¹

New South Wales

- The number of adult prisoners in New South Wales prisons was 12,629 in 2016, an increase of **seven per cent** (832 prisoners) from 2015.
- New South Wales has the largest adult prisoner population, accounting for 33 per cent of the total Australian adult population in custody.

Queensland

- Queensland has the largest proportion of adult prisoners aged under 25 years (20% or 1,568 prisoners).¹²
- The median time spent on remand by unsentenced prisoners was 3.5 months, the longest of all states and territories.

South Australia

- Unsented prisoners account for 41 per cent of South Australia's adult prison population. This was both the highest proportion of unsentenced prisoners for the state over the past decade, and the highest proportion nationally in 2016.
- Since 30 June 2015, the male imprisonment rate increased from 392 to 417 prisoners per 100,000 male adult population. This was the highest male imprisonment rate for South Australia since 2005.

Western Australia

- Western Australia's prison population accounts for 16 per cent of Australia's overall prison population, despite accounting for only 11 per cent of the general population.¹³
- The number of adult prisoners in Western Australia is 6,239, an increase of 14 per cent (774 prisoners) since 2015. This was the highest percentage increase across all states and territories.¹⁴
- Western Australia has a significant overrepresentation of ATSI people in its prisons. ATSI people account for three per cent of Western Australia's population, but 38 per cent of the prison population.¹⁵
- 2016 saw Western Australia's highest imprisonment rate since 2005, with the female imprisonment rate reaching 63 prisoners per 100,000 of the female adult population. In comparison, the national female imprisonment rate for 2015 was 33 per 100,000.¹⁶

Northern Territory

- The Northern Territory has consistently had a significantly higher imprisonment rate, reaching 923 per 100,000 in 2016, an increase from 885 in 2015.
- At 30 June 2016, ATSI comprised 84 per cent (1,393 prisoners) of the adult prison population, the largest proportion of ATSI prisoners of any state or territory.¹⁷
- The ATSI imprisonment rate was 13 times the non-ATSI imprisonment rate (2,504 prisoners per 100,000 ATSI adult population compared with 193 prisoners per 100,000 adult non-ATSI population).^k

^k This is the age standardised imprisonment rate, as calculated by the ABS, due to the age disparity between the ATSI and non-ATSI populations.

Tasmania

- Tasmania has the lowest imprisonment rate of any state or territory, at 141 per 100,000. However, this is trending upwards from 112 in 2014, and 130 in 2015.
- Since 30 June, 2015 the female imprisonment rate in Tasmania has nearly doubled, increasing from 16 to 31 prisoners per 100,000 female adult population in 2016. This is the highest female imprisonment rate for Tasmania in 10 years.

Australian Capital Territory

- The Australian Capital Territory has one of the lowest imprisonment rates, however this rate is rising steadily, increasing 34 per cent between 2012 and 2016.
- Nearly three-quarters of prisoners (74% or 324 prisoners) had previously been imprisoned under sentence, the highest proportion of any state or territory.

Social determinants of justice

This section offers a brief discussion on social determinants that contribute to people ending up in corrective services.

Social factors of those experiencing imprisonment include poor mental and physical health, self-harm, sexual abuse, child abuse, trauma, victimisation, disability, periods of homelessness, low education attainment, poor literacy and numeracy skills, and risky health behaviour such as tobacco smoking and heavy drinking. Disadvantage and involvement in the justice system are inextricably linked.

Entrenched disadvantage continues to be experienced in a small number of locations across Australia. Our *Dropping off the Edge 2015* report found that a small number of Australian communities experience a web-like structure of disadvantage, with significant problems including unemployment, a lack of affordable and safe housing, low educational attainment, and poor quality infrastructure and services.¹⁸ Across Australia, this entrenched disadvantage is demonstrated by:

- Only six per cent of male and 14 per cent of female prisoners in Victoria having completed secondary education or equivalent,¹⁹ while only 36 per cent of eligible people in prison in 2014/15 were enrolled in education programs.²⁰
- Those living in the three per cent most disadvantaged post codes in New South Wales being three times as likely to experience long term unemployment.²¹
- An individual in the three per cent most disadvantaged post codes in Tasmania being 50 per cent more likely to have had some form of personal contact with the criminal justice system.²²

According to the Australian Institute of Health and Welfare, a snapshot of prisoners on 30 June 2014 shows:²³

- Three in 10 prison entrants and discharges were ATSI people
- A third of prisoners had completed Year 10, and only 16 per cent had completed Year 12
- Half of prison entrants were unemployed in the 30 days before prison entry, and one in four was homeless in the four weeks before entering prison
- One in three prison entrants had a chronic health condition
- Half of prison discharges said their health got better while in prison, for ATSI people this was three in five
- Three in four prison entrants were smokers. This is over five times the rate of the general population. Half of these smokers would like to quit

- Two in three prison entrants used illicit drugs in the 12 months prior to entering prison
- Two in five prison entrants drank alcohol at risky levels before prison; this was more than half for ATSI people
- One in four prisoners received medication for mental health related issues while in prison
- One in three had a long-term health condition or disability that limited daily activities, or restricted participation in education or employment.

Housing

Australian Institute of Health and Welfare data shows that in 2015 one quarter of prison entrants in Australia experienced homelessness in the four weeks prior to imprisonment, with 19 per cent in short-term or emergency accommodation.²⁴

Education

On average, prisoners have lower levels of formal education than the general population, with just under a third of prison entrants in 2015 completing Year 10.²⁵

Employment

Many people exiting prison find it extremely difficult to reintegrate back into the community due to stigma. This has a significant impact on their job prospects, and leaves many unable to secure employment. In 2015 the Australian Institute of Health and Welfare found that 79 per cent of prison discharges were expected to receive government payments through Centrelink,²⁶ and nearly half (48%) of prison entrants were unemployed in the 30 days prior to imprisonment.²⁷

Health

Prisoners experience poorer health compared with the wider Australian community, with higher rates of mental illness, drug and alcohol abuse, chronic health conditions and communicable diseases. They are also more likely to be victims of violence, with many prisoners having a history of trauma and abuse. The inextricable link between disadvantage and imprisonment means many of those who end up in prison have fallen through gaps in health and social services, and therefore may be treated for multiple problems for the first time while in prison.

Almost one half (49%) of prison entrants in 2015 reported having been told by a medical professional that they had a mental health disorder, including substance abuse. This was an increase from 30 per cent in 2012.²⁸ Meanwhile, nearly one quarter (23%) of prison entrants reported ever having intentionally harmed themselves, a 16 per cent increase on 2012.²⁹

Drug and alcohol use

Sixty seven per cent of prison entrants in 2015 reported illicit drug use in the 12 months prior to prison entry, with the most commonly used substances being methamphetamine (50%) and cannabis (41%).³⁰ Additionally, 39 per cent of prison entrants consumed alcohol at risky levels during the 12 months prior to imprisonment, with this number increasing to 54 per cent for ATSI entrants.³¹

Women's health

Women in prison are more likely to be victims of violence, trauma, child abuse and sexual abuse.³² They experience higher rates of mental health problems, including drug and alcohol dependencies, with 62 per cent of female prison entrants in Australia in 2015 reporting a history of mental health problems, in comparison with 40 per cent of male entrants.³³

As a large majority of female prisoners are mothers, issues arise regarding who will assume responsibility for care of children and child protection when they are imprisoned.³⁴ Women are more likely to be the primary caregiver in a household. When a father is imprisoned, children often stay with the mother; however when a mother is imprisoned, children are more often placed in the care of a grandparent, other family members, or foster care, rather than in the care of their other parent.³⁵ Furthermore, experience of women's separation from their children negatively impacts on their

mental wellbeing, with mothers citing this loss of contact as one of the hardest aspects of imprisonment.³⁶

Aboriginal and Torres Strait Islanders

ATSI people suffer poorer mental and physical health than the non-ATSI population. The most recent life expectancy figures from 2010-12 estimate ATSI life expectancy for males is 69.1 years, and females 73.7 years. This reflects a gap of 10.6 and 9.5 years between ATSI and non-ATSI male and females respectively.³⁷ ATSI prisoners experience higher rates of tobacco use, alcohol and cannabis misuse, diabetes, and other health-related illnesses than non-ATSI prisoners.³⁸

Family violence

Men and boys are over-represented in key indicators of harmful social behaviours and negative social outcomes: the perpetration of violence and other crimes, in suicide rates, and in various measures of social and economic exclusion and disadvantage. The reasons for these manifestations of systemic dysfunction are complex and multi-faceted. They derive from deeply embedded social norms and structures that have evolved over generations in myriad cultural contexts, and major shifts in social and economic conditions.

While both men and women can be victims of violence, women and children are most often the victims of family violence. Men are overwhelmingly the perpetrators of violence, whether it be in intimate and other family relationships, between peers, or in the broader community. Male violence is deeply rooted in notions of male dominance, patterns of behaviour that reflect power imbalances reinforced by gender norms and stereotypes, and the normalisation of the use of violence.

Many social and individual factors such as exposure to violence as a boy, lack of self-esteem, addictions, mental illness, financial pressures and precarious connections with society through work and education are associated with men who use violence.

Prisoner profiles

	Male	Female
Average age	34.2	34.3
Cultural background	Born in Australia (90% of prison entrants).	Born in Australia (90% of prison entrants).
Education level	Unlikely to have finished high school (36% of prison entrants reported Year 10 to be their highest level of schooling)	Unlikely to have finished high school (36% of prison entrants reported Year 10 to be their highest level of schooling)
Employment status	More likely to be working than their female counterparts (37% and 21% respectively). However, 47% of male prison entrants reported being unemployed immediately prior to prison.	Likely to be unemployed, with 57% of female prison entrants unemployed.
Mental health (including drug and alcohol abuse)	Likely to have a mental health issue, with 47% of male prison entrants reporting a history of mental health issues.	Likely to have a mental health issue, with 62% of female prison entrants reporting a history of mental health issues.
Illicit drug use	67% of male prison entrants reported illicit drug use, methamphetamine being the most common drug reported (50%).	65% of female prison entrants reported illicit drug use, methamphetamine being the most common drug reported (52%).

Sources: Australian Institute of Health and Welfare (2015). *The health of Australia's prisoners 2015*. AIHW, Canberra.

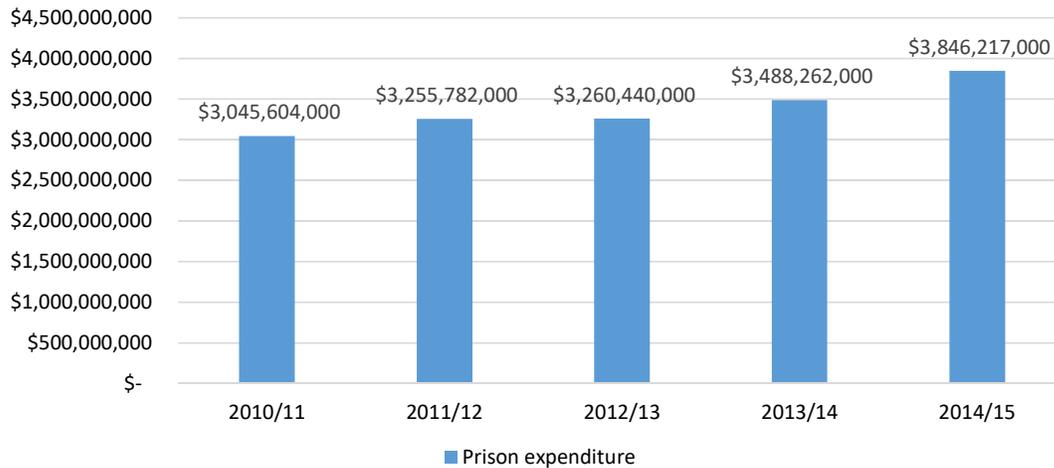
Expenditure

This section covers government investment in the criminal justice system in relation to prison and community corrections.

Adult corrective services costs are increasing

The cost of imprisonment in Australia continues to rise, up **26 per cent** from \$3 billion in 2010/11 to \$3.8 billion in 2014/15.

Australia's total net recurrent prison expenditure, 2010/11 to 2014/15

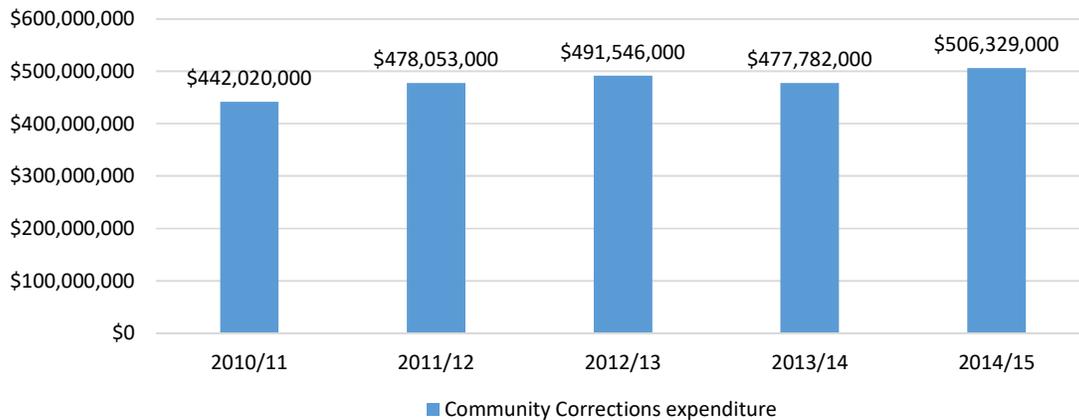


Sources: Productivity Commission (2016) Report on Government Services 2016, Corrective services, Attachment table 8A.6, Expenditure of prisons and community corrections, 2014-15, Productivity Commission, Canberra.

The growth in justice investment is far outstripping that of other critical areas, such as education. Over the period 2009/10 to 2013/14 education expenditure only rose by **10 per cent** compared with prison expenditure which rose **19 per cent**.

The cost of supervising individuals in community corrections is also increasing, up **15 per cent** from \$442 million in 2010/11 to \$506 million in 2014/15.

Australia's total net recurrent Community Corrections expenditure, 2010/11 to 2014/15

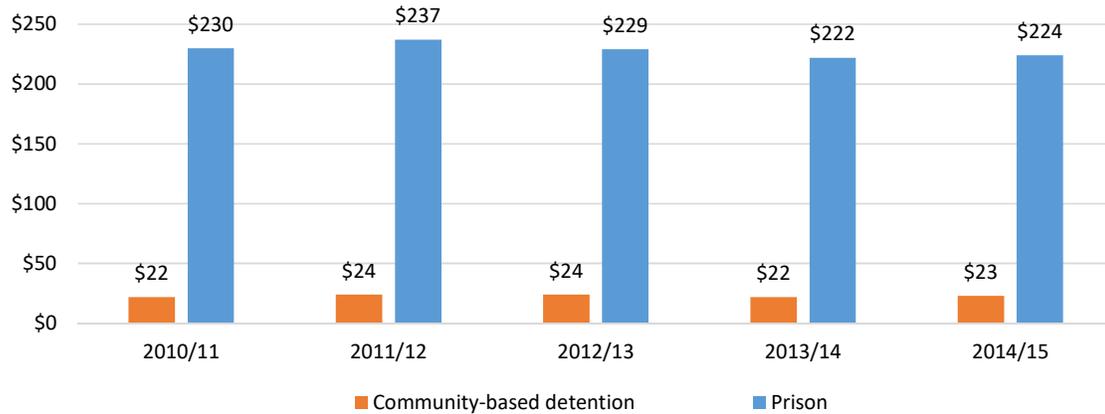


Sources: Productivity Commission (2016) Report on Government Services 2016, Corrective services, Attachment table 8A.6, Expenditure of prisons and community corrections, 2014-15, Productivity Commission, Canberra.

Australian data around expenditure per adult prisoner or young offender is limited. For example, a yearly breakdown of what it costs per adult prisoner or young offender to be remanded in a prison facility or held in community supervision is not available.

In 2014/15, the cost per adult offender, per day of community-based supervision is much less than prison at 10 per cent of the cost (\$23 and \$224 respectively). The per day cost for prison has fallen by **three per cent** since 2012/13 versus an increase of **five per cent** for community-based detention.

Cost per adult, per day in community and prison based detention, 2010/11 to 2014/15

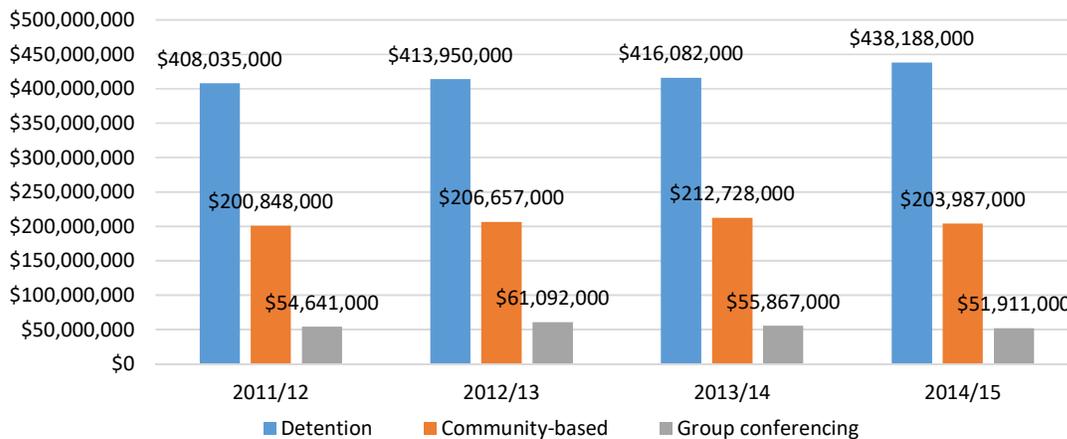


Sources: Sources: Productivity Commission (2016) Report on Government Services 2016, Corrective services, Attachment table 8A.9, Real net operating expenditure, per prisoner per day (2014-15 dollars), AND Attachment table 8A.11, Real net operating expenditure, per offender per day (2014-15 dollars), Productivity Commission, Canberra.

Detention costs for young offenders are increasing

Meanwhile, national expenditure on detaining young people in custody has increased by **seven per cent** since 2011/12, up from \$408 million to \$438 million in 2014/15. For youth offenders serving community-based sentences, costs have increased by **two per cent**, up from \$201 million in 2011/12 to \$204 million in 2014/15. During the same period, group conferencing investment declined by **five per cent** from \$55 million to \$52 million.

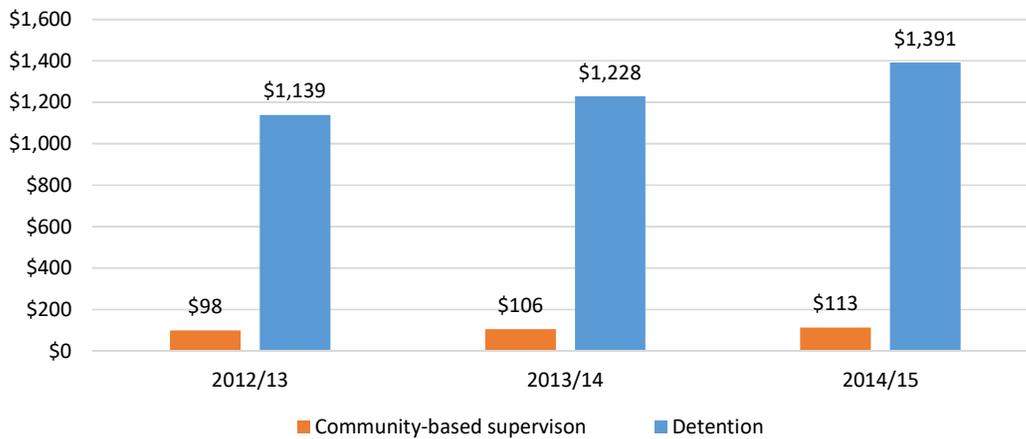
Real recurrent expenditure on detention, community-based and group conferencing youth justice services, 2011/12 to 2014/15



Sources: Productivity Commission (2016) Report on Government Services 2016, Youth justice, Attachment table 16A.1, State and Territory government real recurrent expenditure on youth justice services, Productivity Commission, Canberra.

The cost per young offender, per day of community-based supervision is much less than prison at eight per cent of the cost (\$113 and \$1,391 respectively). The per day cost for detention based supervision has risen by 22 per cent since 2012/13, compared with an increase of 15 per cent for community-based supervision.

Cost per young person, per day in community-based supervision and detention, 2012/13 to 2014/15



Sources: Productivity Commission (2016) Report on Government Services 2016, Youth justice, Attachment table 16A.23, Cost per young person subject to community-based supervision, (2014-15 dollars), Productivity Commission, Canberra.

SPOTLIGHT on Youth

This section provides a snapshot of young offenders in the criminal justice system.

In all states and territories, young people aged 10 and over can be charged with a criminal offence. Separate justice systems exist for young people and adults, each with specific legislation. In most cases, the upper age limit in the youth justice system is 17 at the time of the offence.

Evidence demonstrates that early contact with the justice system leads to reoffending. Australian Institute of Health and Welfare data shows that young people aged 10-12 who were released from community-based supervision in 2013/14 were almost twice as likely to return to some form of sentenced supervision within 12 months, in comparison with those who were first supervised at an older age.³⁹

In recognition of the particular vulnerabilities of children, most modern youth justice systems both in Australia and overseas aim to divert children away from the criminal justice system.

Following recent events at Don Dale Youth Detention Centre in the Northern Territory, there has been a national focus on the issues of youth detention and youth justice. Alongside the Royal Commission into the Protection and Detention of Children in the Northern Territory, the Queensland Attorney-General ordered an independent review into youth justice centres in Queensland. Meanwhile, following the findings of an independent review of the Ashley Youth Detention Centre in Tasmania, the Tasmanian Children’s Commissioner called for independent monitoring of youth justice detention centres. Reports of males between the age of 16 and 21 self-harming after being locked up for 23 hours a day during periods of isolation under the Chisolm Behaviour Program have come to light in New South Wales. The program, which closed in May 2016, had a total of 66 inmates. In response, the

Corrections Minister initiated inquiries into the treatment of young offenders in the program and announced an independent advisory committee to provide guidance on juvenile justice. In Victoria, incidents at the Parkville and Malmsbury Youth Justice Centres have prompted the Government to consider tougher measures and legislative changes to youth justice.

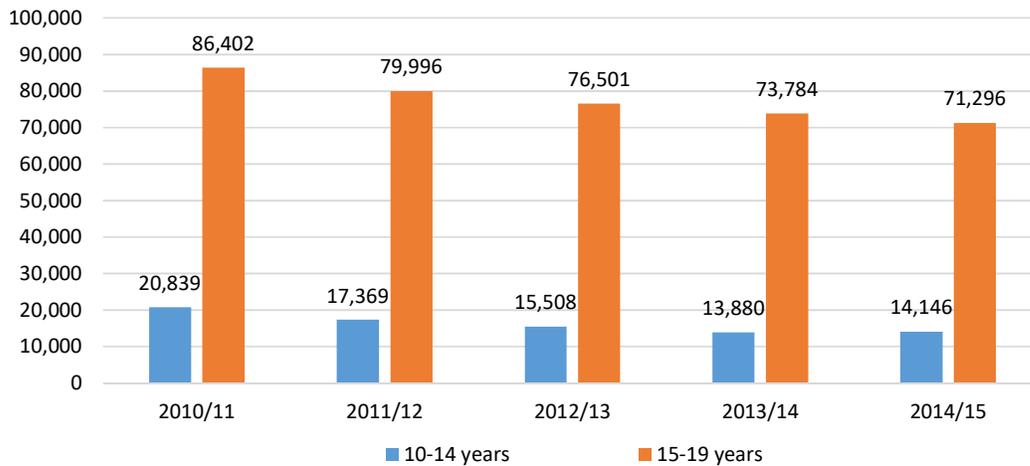
Youth offending is down

Youth offender numbers continue to decrease, while the numbers of young people under supervision (community or detention-based) is also decreasing.

The number of youth offenders (aged between 10 and 19 years) proceeded against by police in Australia during 2014/15 decreased by **three per cent** (or 2,223) to a total of 85,442, and by **20 per cent** since 2010/11.

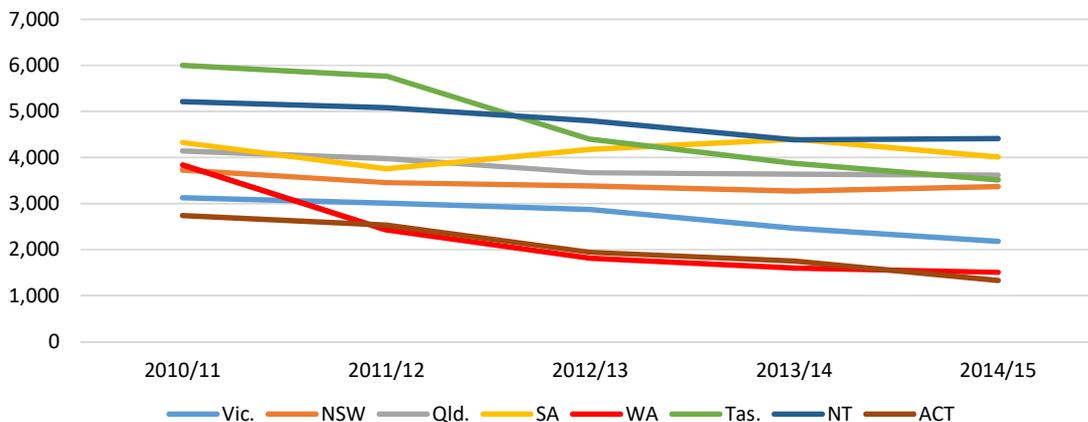
The largest decrease by principal offence for youth offending was public order offences, which decreased by **15 per cent** (or 2,115). The most prevalent principal offence among youth offenders was theft (24,525 youth offenders, or 29%).

Offenders, 10-19 years, 2010/11 to 2014/15



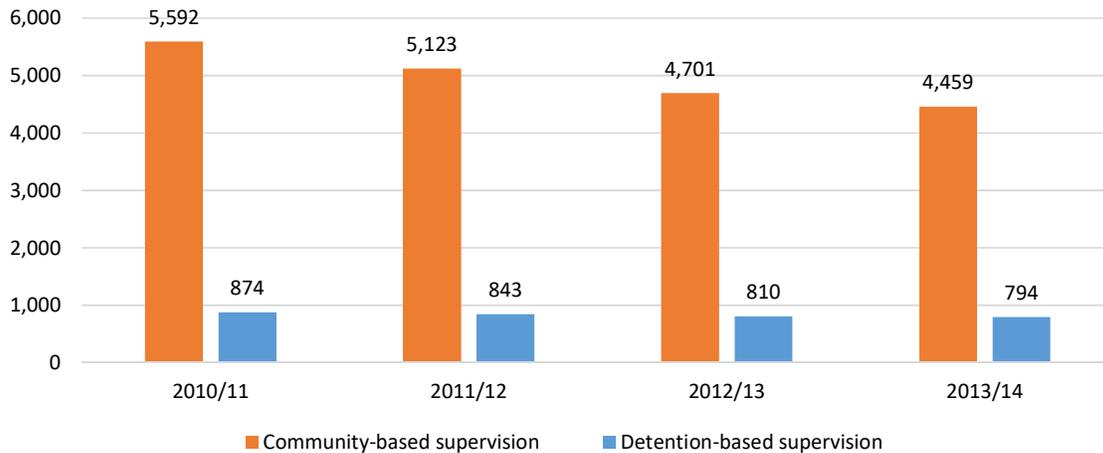
Sources: Australian Bureau of Statistics (2015) 4519.0 Recorded Crime – Offenders, 2014-15, Table 5 OFFENDERS, Age by sex–2008–09 to 2014–15, ABS, Canberra.

Rate of youth offending, state and territories, 2010/11 to 2014/15



Sources: Australian Bureau of Statistics (2015) 4519.0 Recorded Crime – Offenders, 2014-15, Table 19 YOUTH OFFENDERS, Principal offence by states and territories–2008–09 to 2014–15, ABS, Canberra.

Daily average number of young people (10-17 years old) who were supervised in the community and in detention, nationally, 2010/11 to 2013/14



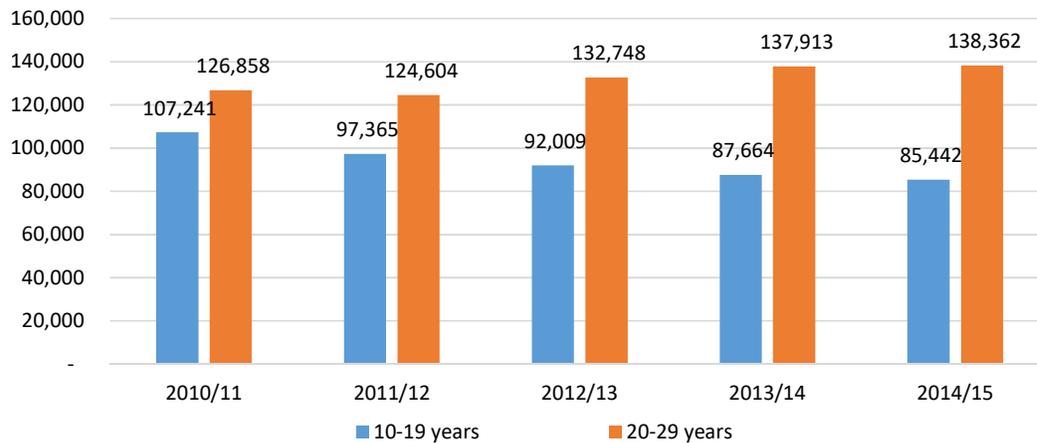
Sources: Productivity Commission (2016) Report on Government Services 2016, Youth justice, attachment table 16A.4, Daily average number and rate of young people aged 10-17 years who were supervised in the community and in detention centres, Productivity Commission, Canberra.

Young adults are over-represented in prisons

Offenders are regarded as adults from 18 years in most legal systems.⁴⁰ In the 18 to 25 age bracket, developmental psychologists have identified a new developmental period in contemporary societies – ‘emerging adulthood’ – that markedly differs from adolescence (e.g. 18 year olds have new rights and responsibilities, have gone through puberty and have typically completed secondary schooling). A shift to recognising that cognitive development continues into a young adult’s mid-20s should be reflected in policy and practice, increasing the opportunities for 18-25 year olds to be held under similar conditions to those in the youth justice system.

Recent data shows that young adults (18-24 years) comprise 16 per cent of the total Australian prison population,⁴¹ but make up only 10 per cent of the general population.⁴² The number of 20-29 year old offenders has increased by **nine per cent** since 2010/11 from 126,858 to 138,362, compared with the **20 per cent** reduction in offenders aged 19 years and below.

Offenders, 10-19 years and 20-29 years, 2010/11 to 2014/15



Sources: Australian Bureau of Statistics (2015) 4519.0 Recorded Crime – Offenders, 2014–15, Table 5 OFFENDERS, Age by sex–2008–09 to 2014–15, ABS, Canberra.

The age of criminal responsibility

A small number of vulnerable children enter the criminal justice system at a very young age. Research and historical experience showed that this group is among the most vulnerable in our community. Moreover, the younger a person is on first encountering the justice system, the more likely he/she is to have sustained contact throughout life.

Currently in all Australian jurisdictions children as young as ten are considered to be criminally responsible at law and are subject to criminal hearings and sanctions in Children’s Courts. Yet evidence about brain development shows that the brains of children under 12 are not sufficiently developed to enable them to have the necessary skills for full criminal responsibility – and that these skills do not adequately develop in many children until around 15. For this reason, the United Nations has ruled that age 12 is an absolute minimum for jurisdictions to hold children criminally responsible; currently breached by each Australian state and territory. In Australia the minimum age is intended to be mitigated by the principle of *doli incapax*, which assumes that children aged 10 to less than 14 years are ‘criminally incapable’ unless proven otherwise.

International comparison of age of criminal responsibility

According to an international study of 90 countries, 68 per cent had a minimum criminal age of 12 or higher, with the most common age being 14 years (Hazel 2008).

AUS	NZ	CAN	ENG	USA**	FRA	GER	SWE	NED	CHN	JPN
10	10-14*	12	10	6-12	13	14	15	12	14	14

*Age varies on type and severity of crime

**Varies across states

The most effective approach to prevent these children’s trajectories into the justice system is to address the issues driving their vulnerability such as family dysfunction, trauma, abuse and neglect.

In line with international standards, raising the age of criminal responsibility to the age of 12 at a minimum and putting in place evidence-based approaches to supporting vulnerable children who are below this age should be a national priority. This should include less punitive methods of holding them to account, such as restorative justice and family centred approaches as well as preventative measures which target the social and economic factors which lead to anti-social behaviour.

SPOTLIGHT on Aboriginal and Torres Strait Islanders

This section provides a snapshot of ATSI offenders in the criminal justice system.

Both ATSI males and females are highly overrepresented in the Australian prison population. ATSI prisoners accounted for just over a quarter (27%) of the total Australian prisoner population, despite this group accounting for only approximately three per cent of the Australian population.

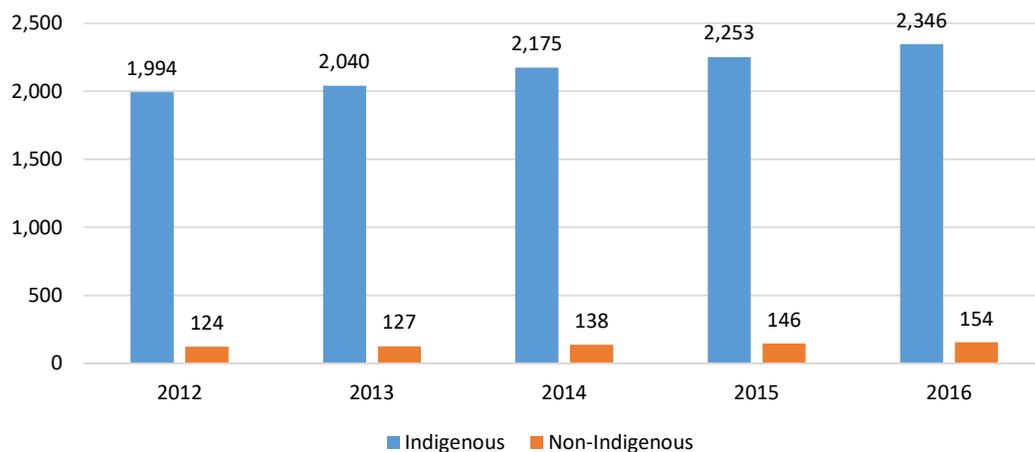
Dropping off the Edge 2015 offered some explanations for the overrepresentation of ATSI people in the Australian prison population, including connections to other forms of disadvantage such as ‘alcohol consumption and drug use, limited education, being on welfare, financial stress, unemployment, living in a crowded house, and social disruption in the early family environment.’⁴³

ATSI people are increasingly locked up

According to the Productivity Commission’s most recent *Overcoming Indigenous Disadvantage* report, the ATSI adult imprisonment rate has been rising steadily, increasing by **77 per cent** in the 15 years to 2015.⁴⁴

The national ATSI imprisonment rate increased **four per cent** to 2,346 in 2016 from 2,253 per 100,000 ATSI adults in 2015. In 2015 the imprisonment rate for ATSI prisoners was 13 times higher than the rate for non-ATSI prisoners.⁴⁵ In particular, the imprisonment rate for ATSI women has grown faster than that of men, increasing **119 per cent** versus **51 per cent** since 2000.

Imprisonment rate, Indigenous status, 2012-16



Sources: Australian Bureau of Statistics (2016) 4517.0 – Prisoners in Australia, 2016 - Table 19 CRUDE IMPRISONMENT RATE, Indigenous status by state/territory, 2006–2016, ABS, Canberra.

High levels of repeat offending continues to characterise ATSI imprisonment trends. As of June 2015, 77 per cent of ATSI prisoners had a known prior imprisonment, compared with 50 per cent of non-ATSI prisoners. These proportions have remained relatively unchanged since 2000.⁴⁶

ATSI young people are disproportionately under supervision

A look at the data on Australian youth shows there is a significantly disproportionate number of ATSI Australians being placed under supervision on a daily basis.

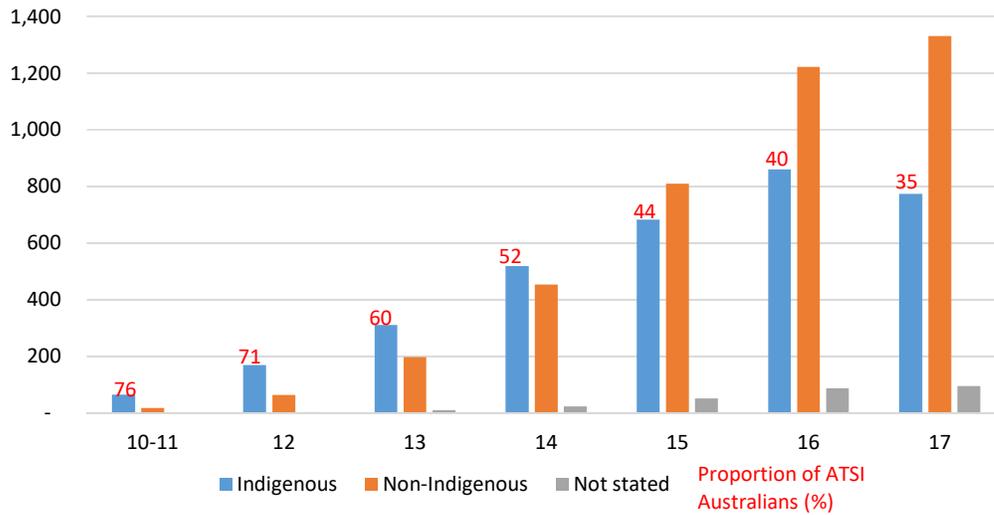
While the juvenile detention rate for ATSI young people overall has decreased since 2007/08, they were in detention at 24 times the rate for non-ATSI young people.⁴⁷ In 2014/15, 53 per cent of ATSI young people returned to youth justice supervision, similar to 2013/14 and 1.6 times the rate of non-ATSI young people.⁴⁸

Of those under the age of 12, 100 per cent of 10 year old and 80 per cent of 11 year old males under supervision on an average day are ATSI young people, while female ATSI Australians represented 100 per cent of supervised females under the age of 12 (see tables below).

In fact, ATSI young people account for more than half of the average daily number of supervised young people up to, and including, the age of 14. This is true among both ATSI males and females. Thereafter, for the ages 15 to 17, non-ATSI young people outweigh ATSI young people.

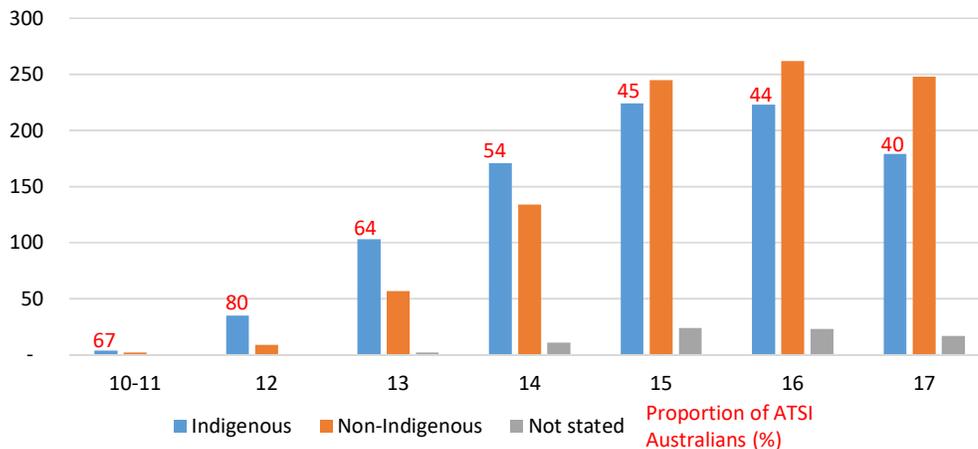
ATSI women appear to be particularly vulnerable to being exposed to supervision in the criminal justice system, demonstrating slightly higher proportions of daily supervision across all ages (10 to 17) than ATSI men.

Number of young males under supervision during 2014/15, age and Indigenous status, Australia



Sources: Australian Institute of Health and Welfare (2016) Youth justice in Australia 2014–15. AIHW bulletin no. 133. Cat. no. AUS 198. Canberra: AIHW.

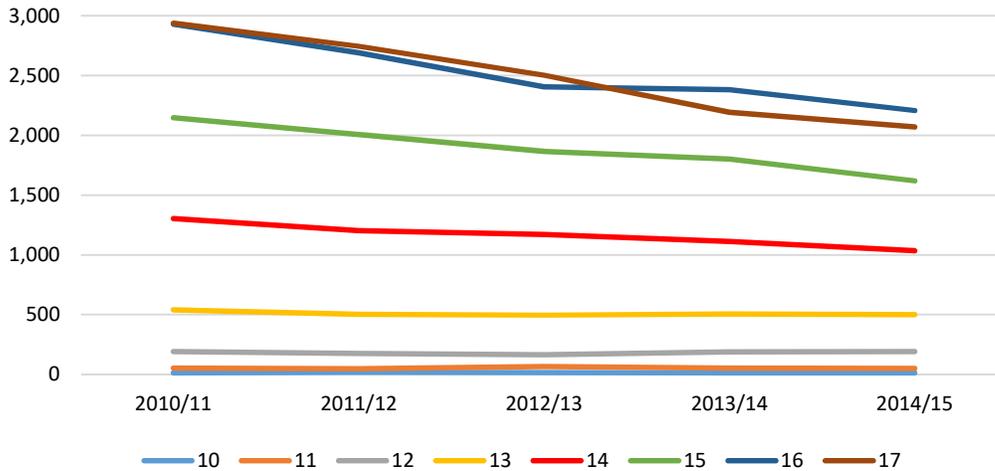
Number of young females under supervision during 2014/15, age and Indigenous status, Australia



Sources: Australian Institute of Health and Welfare (2016) Youth justice in Australia 2014–15. AIHW bulletin no. 133. Cat. no. AUS 198. Canberra: AIHW.

A look at the numbers of young people under supervision (aged 13 and below) show minimal change since 2010/11, while among the older age brackets (14 to 17) there have been noticeable reductions. For the older cohort this is positive, but it is concerning that a similar reduction has not occurred among the younger (and acutely more vulnerable) age group, particularly as this group is subject to *doli incapax*.

Number of young people aged 10-17 under supervision during the year, by age, nationally (excluding WA and NT), 2010/11 to 2014/15



Sources: Australian Institute of Health and Welfare (2016) Youth justice in Australia 2014–15. AIHW bulletin no. 133. Cat. no. AUS 198. Canberra: AIHW.

ATSI young people are less likely to be diverted from the youth justice system than non-ATSI young people. A nationally consistent measure of diversion rates is not available, but state and territory variations show that diversion rates for ATSI young people are between two-fifths to two-thirds that of non-ATSI young people.⁴⁹

It is also worth noting that in the 10 years to 2014/15, the rate of ATSI children on care and protection orders increased from 21 per 1,000 to 58, more than nine times the rate of non-ATSI children.⁵⁰

Conclusion

This first *States of Justice* Report has canvassed a wide range of crime and justice statistics in an attempt to provide an overview of Australia's criminal justice system. In doing so, it has revealed that as a nation, and as individual states and territories, our society is functioning well in some areas and not so in other areas.

Broadly speaking, the statistics show that in 2015 Australia had approximately the same rate of people committing crimes as five years ago – while notably rates for young offenders are falling. As a nation, we are experiencing an increase in the number of overall crimes committed, led by three states – Victoria, Western Australia and Queensland. We are imprisoning more people, including keeping more on remand, and are increasing government expenditure on prisons by 25 per cent when compared with five years ago.

What these numbers suggest is open to interpretation – including that there is a small number of offenders who are repeatedly committing crimes; that spending more to put more people behind bars is not having a positive impact on reducing overall crime in our communities; that those individuals being locked up are more likely to have higher rates of mental illness, unemployment, educational disadvantage and the like.

In the Report's introduction, we stated our hope that this publication would offer a valuable resource for anyone working, or interested, in the purpose, effectiveness and public value of the criminal justice system in Australia. We reiterate this hope, along with a further hope that this Report will prompt robust, informed discussion about what is an effective way forward for 2017 and beyond.

Glossary

Term	Definition
<i>Aboriginal and Torres Strait Islander (ATSI) offender</i>	An offender who identifies as being of Aboriginal or Torres Strait Islander origin, or both, on at least one occasion on which they are proceeded against by police during the reference period.
<i>Acts intended to cause injury</i>	Acts, excluding attempted murder and those resulting in death, which are intended to cause non-fatal injury or harm to another person and where there is no sexual or acquisitive element.
<i>Age standardisation</i>	Age standardisation is a statistical method that adjusts crude rates to account for age differences between study populations. Age standardisation enables better comparisons between populations with differing age structures
<i>Armed robbery</i>	The unlawful taking of property, with intent to permanently deprive the owner of the property, from the immediate possession, control, custody or care of a person or organisation, accompanied by the use, and/or threatened use, of immediate force or violence. This offence is divided into sub categories of Armed Robbery (where a weapon was used in the commission of the offence) and Unarmed Robbery.
<i>Assault</i>	The direct (and immediate/confrontational) infliction of force, injury, or violence upon a person or persons, or the direct (and immediate/confrontational) threat of force, injury or violence where there is an apprehension that the threat could be enacted.
<i>Bail</i>	This is generally a pre-sentence option where a person is released into the community for a period before they appear in court for trial or final sentencing. Bail orders can require a financial surety to be lodged with the court, and a number of conditions including supervision and residential requirements designed to ensure the re-appearance of the person at court
<i>Community-based corrections</i>	This refers to the community-based management of court-ordered sanctions, post-prison administrative arrangements and fine conversions, which principally involve the provision of one or more of the following activities: supervision, programs or community work.
<i>Corrective services custody</i>	Confinement in a place intended primarily for the purpose of confining prisoners, such as a prison, prison farm, Periodic Detention Centre or Community Custody Centre
<i>Crude offender rates</i>	Crude offender rates are the basic measure of the prevalence of offenders within a population. They are published as the number of offenders per 100,000 of the target population
<i>Family and domestic violence offence</i>	No standard definition, but may be deemed an offence involving at least two persons who are in a specified family or domestic relationship and which has been determined by police officers to be family and/or domestic violence related as part of their investigation.
<i>Homicide and related offences</i>	The unlawful killing, attempted unlawful killing or conspiracy to kill another person, including murder, attempted murder and manslaughter.

<i>Illicit drug offences</i>	The possessing, selling, dealing or trafficking, importing or exporting, manufacturing or cultivating of drugs or other substances prohibited under legislation.
<i>Imprisonment rate</i>	Imprisonment rates are expressed as the number of persons in prison per 100,000 adult population. Imprisonment rates enable comparison of prisoner populations across states and territories.
<i>Jurisdiction</i>	The state or territory in which a prisoner is held in custody, regardless of which state or territory has imposed the sentence being served.
<i>Most serious offence</i>	For sentenced prisoners, the most serious offence is the offence for which the prisoner has received the longest sentence in the current episode for a single count of the offence
<i>Non-ATSI offender</i>	Offenders who identify as neither Aboriginal nor Torres Strait Islander.
<i>Offence</i>	Any act or omission by a person or persons for which a penalty could be imposed by the Australian legal system.
<i>Offences against justice</i>	Includes breach of custodial order offences, breach of community-based orders, breach of violence and non-violence orders, offences against government operations, offences against government security, and offences against justice procedures.
<i>Offender</i>	A person aged 10 years or over who is proceeded against and recorded by police for one or more criminal offences. An offender is only counted once during the reference period irrespective of the number of offences committed or the number of separate occasions that police proceeded against that offender.
<i>Parole</i>	A parole order is made following a period of imprisonment and requires an offender to be subject to supervision in the community. Additional conditions may also be applied such as programs, counselling or drug testing.
<i>Partner</i>	Where the victim and the offender are married, in a de facto relationship or where the offender is the victim's boyfriend or girlfriend.
<i>Principal offence</i>	The offence category which describes the most serious offence type for which a person has been proceeded against by police during the reference period. The principal offence is determined by the ranking of offences in the NOI (see National Offence Index).
<i>Prior imprisonment</i>	Persons known to have been imprisoned under sentence in an adult prison. Prior sentence of periodic detention is included as prior imprisonment. Prisoners who have had previous adult imprisonment in another state or territory may not be counted as having prior imprisonment.
<i>Prisoner</i>	A person held in custody. For the purposes of this collection, prisoners are those whose confinement is the responsibility of a corrective services agency.

<i>Public order offences</i>	Offences involving personal conduct that involves, or may lead to, a breach of public order or decency, or that is indicative of criminal intent, or that is otherwise regulated or prohibited on moral or ethical grounds. In general these offences do not involve a specific victim or victims; however some offences, such as offensive language and offensive behaviour, may be directed towards a single victim.
<i>Remand (unsentenced)</i>	A legal status indicating that a person is confined to custody while awaiting the outcome of their trial. They may be unconvicted (remanded in custody for trial), convicted but awaiting sentence (remanded in custody for sentence) or awaiting deportation.
<i>Sentenced</i>	A legal status indicating that a person has received a custodial or community-based order from a court in response to a conviction for an offence.
<i>Sexual assault and related offences</i>	Physical contact, or intent of contact, of a sexual nature directed towards another person where that person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship).
<i>Supervision</i>	This includes community-based orders other than those categorised as restricted movement or reparation (e.g. parole, bail and sentenced probation).
<i>Theft and related offences</i>	The unlawful taking or obtaining of money or goods, not involving the use of force, threat of force or violence, coercion or deception, with the intent to permanently or temporarily deprive the owner or possessor of the use of the money or goods, or the receiving or handling of money or goods obtained unlawfully.
<i>Time on remand</i>	For unsentenced prisoners, time on remand is calculated as the period between the date of reception and the prisoner census date. It represents only that period of time spent on remand up to 30 June of the reference year.
<i>Traffic and vehicle regulatory offences</i>	Offences relating to vehicles and most forms of road traffic, including offences pertaining to the licensing, registration, roadworthiness or use of vehicles, bicycle offences and pedestrian offences.
<i>Unlawful entry with intent/burglary, break and enter</i>	The unlawful entry of a structure with the intent to commit an offence where the entry is either forced or unforced.
<i>Victim</i>	A person or household who has experienced an incident of a selected type of crime.
<i>Victimisation rate</i>	The total number of victims of a crime type in a given population, expressed as a percentage of that population. This is a measure of how prevalent a crime type is in a given population.
<i>Youth offenders</i>	Alleged offenders aged 10 to 19 years proceeded against by police during the reference period.

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