

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

**Question No. 70**

**Senator Wright asked the following question at the hearing on 30 May 2013:**

1. Currently, how many people aged under 18 are detained in adult facilities?
2. If possible, please provide breakdowns according to:
  - a. State-by-state location.
  - b. Age.
  - c. Aboriginal or Torres Strait Islander identity.
3. Do the figures indicate that the practice of detaining people aged under 18 in adult facilities is increasing?
4. What is the proportion of Aboriginal or Torres Strait Islander (ATSI) people being held in adult facilities compared to juvenile facilities?
  - a. What is the proportion for non-ATSI detainees?
5. Please provide information about the range and nature of offences resulting in the incarceration of people aged under 18 in adult facilities.
6. Please provide information about any sentencing measures or legislation which direct, or allow, magistrates or judges to specifically detain people aged under 18 in adult facilities.
7. Please provide information about what proportions of their sentences people aged under 18 are serving in adult facilities.
8. Legislation in some jurisdictions allows detaining people aged 16 and 17 in certain circumstances. What are the reasons, eg overcrowding, for detaining youths in adult facilities?
9. What research has the Institute conducted into the impact of detaining people aged under 18 in adult facilities?
  - a. Does any of this research focus on Indigenous people?
10. What are the Institute's recommendations about best practice for detaining people aged under 18, including whether adult facilities are suitable?

**The answer to the honourable senator's question is as follows:**

1. – 8. The Australian Institute of Criminology does not hold this information. These questions should be directed to the relevant State and Territory corrective services.
2. Although the Institute has undertaken extensive research on young people in the juvenile justice system, including indigenous young people, (see [http://aic.gov.au/crime\\_types/in\\_focus/juvenilejustice.html](http://aic.gov.au/crime_types/in_focus/juvenilejustice.html)), no research has been undertaken specifically on this topic to date.
3. It is important that the principles under international normative frameworks be applied to young people in the criminal justice system. This includes detention being used as a last resort and young people being separated from adult detainees.