

Chapter 13

Social work and juvenile justice

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Chapter summary

This chapter is divided into four sections. The first introduces the juvenile justice system and raises issues of law and practice for both social workers and young people. The juvenile justice system is defined, and the ongoing debate about the most appropriate mode of response to juvenile offending is analysed. The second section overviews the nature and extent of juvenile offending in Australia. Then follows a discussion of how children are treated in the juvenile justice system. The concluding section suggests an inclusive approach to youth justice practice, one which addresses the personal and social circumstances of juveniles and pays attention to the international obligations to protect children's rights.

This is a preview. Not all pages are shown.

Websites

No claim is made as to the accuracy or authenticity of the content of the sites suggested in this chapter. Site addresses change – if the address is no longer accurate, search using keywords or the title of the organisation concerned.

- Australian Bureau of Statistics (Theme – Crime and Justice) <<http://www.abs.gov.au/websitedbs/c311215.nsf/web/National+Centre+for+Crime+and+Justice+Statistics>>
 Australian Clearinghouse for Youth Studies (Crime and Justice) <www.acys.info/topics/crime_and_justice>
 Australian Institute of Criminology (includes research reports and statistics) <www.aic.gov.au>
 Australian Institute of Health and Welfare (Youth justice) <<http://www.aihw.gov.au/youth-justice/>>
 National Children's and Youth Law Centre <www.lawstuff.org.au>
 Office of Juvenile Justice and Delinquency Prevention (US) <<http://www.ojdp.gov/>>
 The State of Queensland (Department of Justice and Attorney-General) (Youth justice) <<http://www.justice.qld.gov.au/youth-justice>>
 Youth Justice Board (UK) <www.yjb.gov.uk/en-gb>

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Notes

- * This chapter is based on the original work of Professor Ian O'Connor, formerly of the School of Social Work and Human Services at the University of Queensland, and now Vice Chancellor of Griffith University. The author would like to thank him for granting the right to use his earlier work in this chapter.
- 1 See AIC (2005); see also AIHW (2012).
 - 2 To have a better understanding of the creation of the juvenile court elsewhere, see Platt (1974) and Bottoms (1974).
 - 3 This belief explains the location of many older youth detention centres or training schools in rural locations.
 - 4 The failure of the welfare model in Australia is well documented in a number of government reports. See, for example, ALRC (1981); ALRC and Human Rights and Equal Opportunity Commission (1997); Child Welfare Practice and Legislation Review (1984); Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry) (1999).
 - 5 For a discussion of social worker's duty to disclose, see Chapter 20.
 - 6 See, for example, s 20 of *Childrens Court Act 1992* (Qld) regarding the sittings of the court.
 - 7 See, for example, ss 552 and 534 of *Children, Youth and Families Act 2005* (Vic).
 - 8 See, generally, Table 13.1. For instance, sentencing options available for juvenile offenders in New South Wales can be found in legislation such as *Children (Community Service Orders) Act 1987*; *Children (Detention Centres) Act 1987*; and *Young Offenders Act 1997*.
 - 9 *In Re Gault*, 387 US 1 (1967). Appeal rights are set out in the respective States and Territories legislation – see Table 13.1.

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- 10 For example, under the Victorian legislation 'dispute resolution conferences' are used in family welfare matters to identify matters which are not disputed, and to clarify and resolve those matters which the Children's Court must then consider – see *Children, Youth and Families Act 2005* (Vic) ss 217–227. In Victoria FGCs are not explicitly incorporated into child welfare legislation, as they are in NZ, though FGCs are incorporated into pre- and post-court practice in many Victorian regions – see Swain and Ban (1997: 35–52); Swain (1996: 232–44). Please consult Richards (2010) for an overview of the legislative and policy context of restorative justice measures for juveniles in different States and Territories in Australia.
- 11 See 'Part II – Care and protection of children and young persons' in the *Children, Young Persons and Their Families Act 1989* (NZ) ss 20–38.