



**Queensland University of Technology**  
Brisbane Australia

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(2023)

The criminalisation of children and young people at the intersection of poverty, race, gender and gender identity: A public document analysis. In *School of Teacher Education and Leadership meeting: Research report, 2023-04-11 - 2023-04-11, Brisbane, Australia, AUS. (Unpublished)*

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# The criminalisation of children and young people at the intersection of poverty, race, gender and gender identity: A public document analysis

*We're going to have to do things that are uncomfortable and inconvenient, because we do not change the world by only doing the things that are comfortable and convenient. And that means that we're going to have to make a choice to do uncomfortable things to change things.*

(Lawyer and juvenile justice advocate in the US Bryan Stevenson argued in an address at John Hopkins University 2018)

Associate Professor Bronwyn Ewing: School of Teacher Education and Leadership,  
Creative Industries, Education and Social Justice Faculty 2023




## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

QUT acknowledges the Turrbal and Yugara, as the First Nations owners of the lands where QUT now stands. We pay respect to their Elders, lores, customs and creation spirits. We recognise that these lands have always been places of teaching, research and learning.

QUT acknowledges the important role Aboriginal and Torres Strait Islander people play within the QUT community.



# Overview

- How I arrived at this program
    - Investigative questions
  - Intersectionality
    - Data sources
  - History of youth justice
  - In 2023
    - Poverty
    - Race
    - Gender
    - Gender identity
- 
- Omissions of data

# How did I arrive at this program?

Over 16 projects focusing on teaching, learning (maths), leadership and school disengagement in, regional, remote and very remote communities of Australia

One year pilot project with one juvenile detention centre Qld  
Ewing, B. & Sarra, G. (2015)

ARC IN Unlocking the learning potential of Indigenous and low SES children and young people  
Sarra, G. & Ewing, B. (2016-2023)

Intersectionality of poverty, race, gender and gender identity  
Ewing, B (2022-2023)

# ... the Investigative Questions

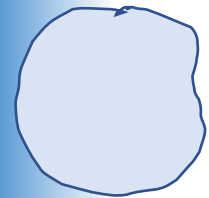
1. What are the rates of children and young people from low socioeconomic backgrounds, children with intellectual disabilities, Aboriginal and Torres Strait Islander, Māori and Pacific Islander children, males and females and LGBTIQASB+ children 10-17 years of age involved in community-based supervision or juvenile justice detention from 2017-2022 in Queensland, Australia?
2. How do these rates intersect with poverty, race, gender, and gender identity as reported in publicly available data and research literature?
3. Are poverty, race, gender, and gender identity used to criminalise children and young people (10-17 years) involved in community detention and juvenile justice systems?

# Scholarship informed by intersectionality...

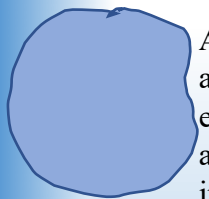
... can be found in interdisciplinary and traditional academic disciplines which emphasise different features of intersectionality itself as well as key categories of analysis (Collins, 2017; Lutz et al., 2011; May, 2015).

Because it straddles these disciplines and traditions, it is **uniquely positioned to develop critical theoretical analyses of multiple forms of oppression and inequality that reflect myriads of policies, societal contexts, and people** (CRIA/ICREFS, 2021; Hancock, 2016; Hill Collins & Bilge, 2016; May, 2015).

For children and young people involved in the juvenile justice system intersectionality is a framework for analysing **how aspects of identity, systems of power and institutional structures work to criminalise them. These multiple forms of discrimination/oppression are simultaneous and cannot be separated from their experiences of discrimination.**



Unique circumstances: power and privilege that come with **a person's personal unique identity**, e.g, What family you belong to, what opportunities you've had? etc.



**Aspects of identity:** personal identity aspect that are a mix of **identity factors that can change** (age, education, occupation, social status, religion etc) and **those that cannot change** (skin colour, indigeneity, caste, history)

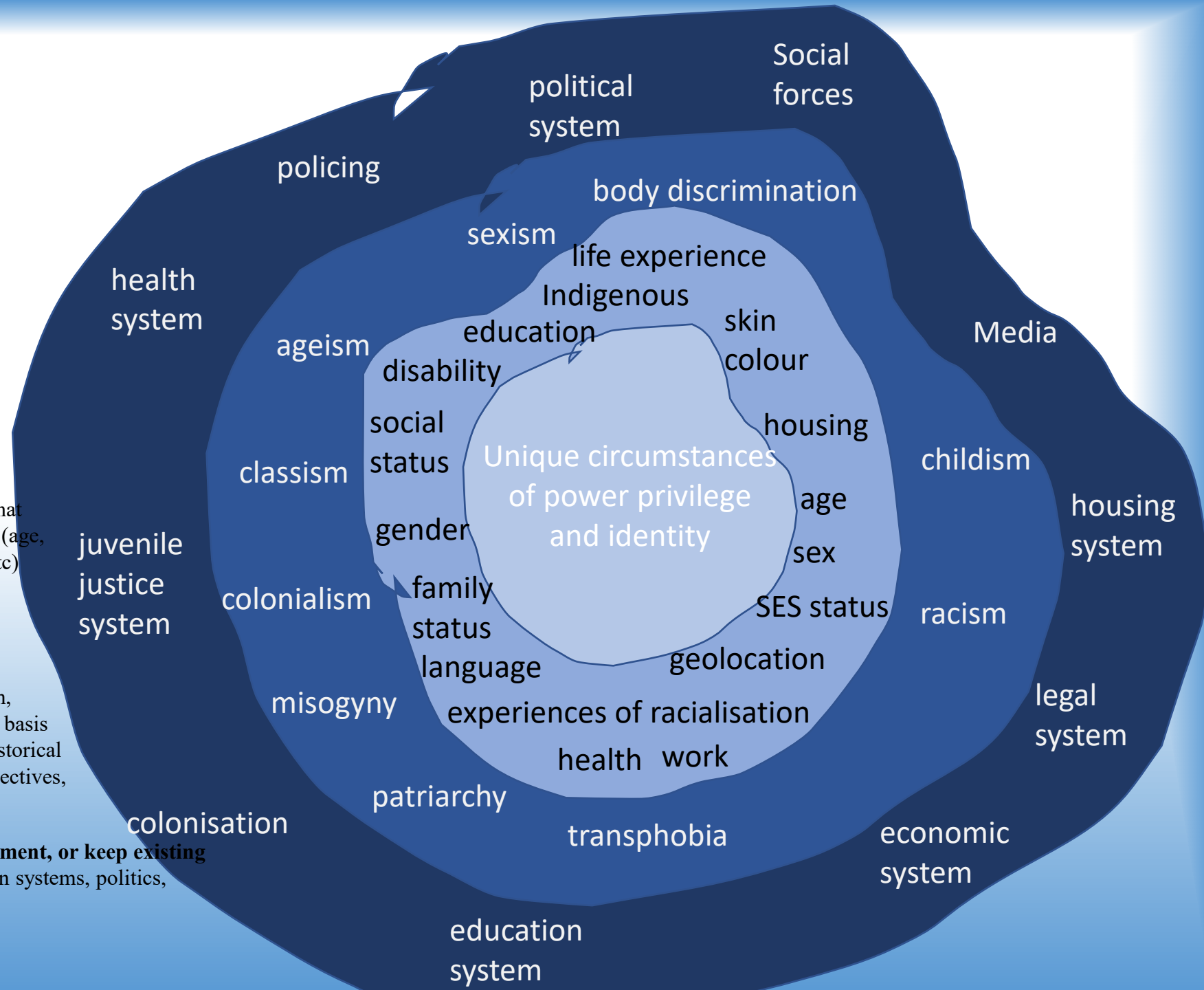


**Systems of power: discrimination that impacts identity**, e.g., racism, ableism, ageism, discrimination, heterosexism, sexism, etc. The basis for discrimination is often a combination of historical practices, e.g., discrimination, racialized perspectives, ignorance and fear around certain identities.



**Institutional structures: structures that augment, or keep existing discrimination alive** – the economy, education systems, politics, globalisation, war etc.

(CRIAW/ICREFS, 2021).





# Children and young people who are detained are complex ...

— they are more than their socioeconomic position, the hues of their skin and their gender identity. They intersect with their family(ies), culture(s), language(s), race(s), gender(s), sexuality(ies), ability(ies), religion(s) and spirituality(ies). Their complex identities cannot be discussed and explained in isolation from one another.

Data detail	Queensland
Agency source	Queensland Government Statistician's Office Department of Children, Youth Justice and Multicultural Affairs, Queensland MeteOR: Metadata Online Registry Australian Institute of Health and Welfare Queensland Statistician's Office Productivity Commission ABS Australian Institute of Family Studies Departments of Attorney-Generals
Definition	Detention admissions: committed offence between the ages of 10 and 17
Age of maturity	18 years
Observation period	Jan 2017-Feb 2023
Agency source	

# History of Youth Justice In Queensland 1896-2023

Queensland's youth justice system is a state-wide statutory system that **straddles the broader criminal justice and child welfare systems**. It is part of the overall criminal justice system, which is responsible for community safety (CYJMA, 2018b; McMillan & Davis, 2016). The history of youth justice in Australia documents the constant reviews, amendments and reforms to legislation, policy, and practice (Alder & Wundersitz, 2020). This continual process is attributed to the consequences of the complexity of objectives of youth justice which **have shifted between and attempted to reconcile two apparent competing agendas, one to punish children and young people for offending behaviour whilst at the same time acknowledging the implication of their particular age status and attending to their welfare needs**.

The Queensland youth justice system alone **cannot be disentangled from laws, policies, institutions, and practices that provide processing of children and young people who have committed, or suspected of having committed, an offence** (McMillan & Davis, 2016). It works closely with a range of stakeholders and across disciplines to address offending behaviour, meet the health and wellbeing, housing, employment and education rights of children and young people, and respond to their broader needs. The laws and procedures set out in the Children's Court Act 1992 (Queensland Government, 1992a) and the Youth Justice Act 1992 (Queensland Government, 1992c) deal with children and young people who are suspected or found guilty of committing an offence.

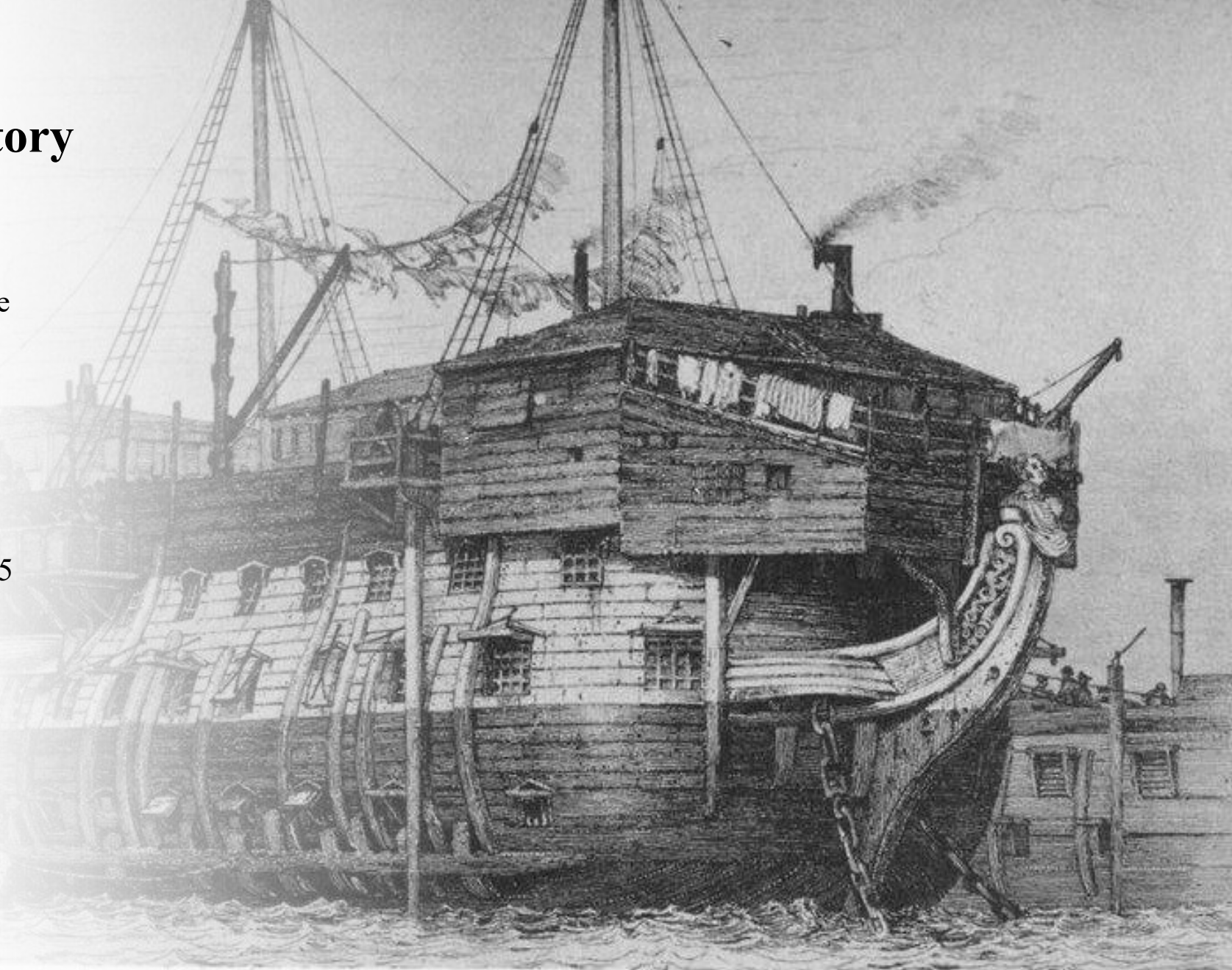
Over the past century, most Western societies dealt with juvenile offenders and suspects separately from adults (McMillan & Davis, 2016). Such dealings **varied from a justice framework which focused on due process and accountability of juvenile offenders, to the welfare framework which focused more on the rehabilitative needs of juvenile offenders**. In Australia, these frameworks were used in combination in the juvenile justice system. The purpose of establishing juvenile justice systems was to prevent the development of criminality in children and young people (Queensland Parliament, 2002). As such, the State had a responsibility to prevent the development of youth criminality in communities.

# Queensland Youth Justice System 1865-1992: Reformatory and Industrial Schools

The foundations of the Queensland youth justice system were built in the second half of the nineteenth century, at a time when the government commenced the establishment of industrial and reformatory schools.

**The Industrial and Reformatory Schools Act 1865 (ISRA) (Department of Children's Services, 1979)** mandated that children under 15 years “who had become unmanageable or incorrigible or had criminal tendencies were to be sent to reformatories, while those in unwholesome environments were to go to industrial schools. They were to be trained so they could be apprenticed or placed in employment”.

**The schools were established for the purpose of segregating neglected and convicted children from the negative influence of adult prisoners and promoting their reformation and rehabilitation.**



In 1871, six years after the IRSA Act was passed, the first reformatory was established on the hulk The Proserpine, anchored near Lytton, which served as a reformatory until 1881 (Queensland Archives, N.D.).

# Children who were deemed neglected in 1865 (Queensland Government, 1963, pp. 2213-2214) were described as

1. Any child found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms
2. Any child who shall be found wandering about or frequenting any street thoroughfare tavern or place of public resort or sleeping in the open air and who shall not have any home or settled place of abode or any visible means of subsistence
3. Any child who shall reside in any brothel or associate or dwell with any person known or reputed to be a thief prostitute or drunkard or with any person convicted of vagrancy under any Act now or hereafter to be in force
4. Any child who having committed an offence punishable by imprisonment or some less punishment ought nevertheless in the opinion of the justices regard being had to his age and the circumstances of his case to be sent to an industrial school
5. Any child whose parent represents that he wishes him to be sent to an industrial school and gives security to the satisfaction of the justices before whom such child may be brought for payment of the maintenance of such child in such school
6. Any child who at the time of the passing of this Act or at any subsequent period may be or become an inmate of any benevolent asylum or who may be maintained either wholly or in part by public or private charity
7. Any child born of an aboriginal or half-caste mother.

The Act was administered by the Home Secretary's Department. Children were dealt with by a Police Magistrate or Justices. Options for the Courts to commit children were either to an institution or returned to their parents. Parents of neglected and convicted children were required to financially contribute to the maintenance of their sons whilst in reformatories.

# Since 1865...

Acts and Legislation	Inquiries	International Covenants
14	5	7

# In 2023...

- Poverty
- Race
- Gender
- Gender identity

## What has Changed: Youth Justice in Australia in 2022-2023

After the disturbing TV report, Australia's Shame (ABC, 2016a), the release of the findings of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory (2017a) which ignited a plethora of reports into youth justice across Australia that sought to bring about changes in Youth Justice legislation, **what has changed?**

**In 2022 into 2023 youth justice issues continue to be reported and debated in State and Federal Parliament**, youth justice organisations, the media and the community. Parliamentary category searches of youth crime and offending within the Queensland Parliament (2023) website underscore this argument. The Hansard, Questions on Notice, Member Speeches, Tabled Papers and Notice Papers repeatedly refer to increasing youth justice, crime and offending.

Table 1 Queensland Parliamentary Record of Proceedings

Search for <i>with all these words</i>	Qld Parliamentary category	Found documents	Focus
<b>2022</b> , with all these words: <b>youth crime</b> , with this exact phrase: <b>offending</b> , last updated: <b>any-time</b> found <b>40</b> documents	Hansard	40	Weak on crime, Youth justice system need to do more, youth justice complexities, restorative justice waste of time.
<b>2022</b> , with all these words: <b>youth crime</b> , with this exact phrase: <b>offending</b> , last updated: <b>any-time</b> found <b>15</b> documents	Questions on Notice	15	Youth justice programs, reforms, youth justice offenders, youth crime, restorative Justice Conference, offenders, reviews and Dept CYJMA
<b>youth crime</b> , with this exact phrase: <b>offending</b> , last updated: <b>any-time</b> , facets: <b>facetyear sm: 2022</b> found <b>85</b> documents	Member Speeches	85	Private members bill, Cairns Youth Justice, Adjournment – Cairns, Mareeba, Townsville, Palm Beach Curriculum, Mermaid Beach, Harvey Bay...
<b>youth crime</b> , with this exact phrase: <b>offending</b> , last updated: <b>last12months</b> , facets: <b>facetyear sm: 2022</b> found <b>36</b> documents	Tabled papers	36	Reducing youth crime, preventing youth crime, causes of offending, corrective services budget, emerging technologies
<b>2022</b> , with all these words: <b>youth crime</b> , with this exact phrase: <b>offending</b> , last updated: <b>any-time</b> found <b>23</b> documents	Notice Papers	23	West Moreton Detention Centre, Toowoomba, 18 years old, reoffending



**Table 2. Queensland Parliamentary record of proceedings 2023**

Search for with all these words	Qld Parliamentary category	Found documents	Focus
<b>2023</b> , with all these words: <b>youth crime</b> , with at least one of these words: <b>offending</b> , last updated: <b>anytime</b> found <b>3</b> documents	Hansard	3	Target serious offenders, continue to fight the complex causes of youth crime; invest \$100 million in additional funds into programs proven to make a real and substantial difference
<b>2023</b> , with all these words: <b>youth crime</b> , with at least one of these words: <b>offending</b> , last updated: <b>anytime</b> found no documents.	Questions on Notice	0	
<b>2023</b> , with all these words: <b>youth crime</b> , with at least one of these words: <b>offending</b> , last updated: <b>anytime</b> found no documents.	Member Speeches	0	
<b>youth crime</b> , with at least one of these words: <b>offending</b> , last updated: <b>last3months</b> , facets: <b>facet year_sm: 2023</b> found <b>9</b> documents	Tabled papers	9	Recidivist/repeat offenders, 17% of youth offending account for 48% of youth crime, human rights, trends in youth offending, epidemic
<b>2023</b> , with all these words: <b>youth crime</b> , with at least one of these words: <b>offending</b> , last updated: <b>last3months</b> found <b>3</b> document	Notice Papers	3	Contact with Child Safety in the two years prior to their youth justice offending

**Table 3 Average daily number of young people (e) young people aged 10-17 years in detention, by sex 2016-2022**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i> <i>(a)</i>	<i>SA</i>	<i>Tas</i> <i>(b)</i>	<i>ACT</i> <i>(c)</i>	<i>NT</i>	<i>Aust</i> <i>(d)</i>
<b>2021-22</b>									
Male	no.	135	72	237	25	7	9	46	623
Female	no.	13	6	30	4	1	2	6	75
All people (f)	no.	147	78	267	29	8	10	52	697
<b>2020-21</b>									
Male	no.	137	94	195	19	7	6	29	574
Female	no.	14	8	23	6	1	2	3	66
All people (f)	no.	151	102	219	24	8	8	32	640
<b>2019-20</b>									
Male	no.	175	109	167	27	14	11	22	617
Female	no.	18	10	23	8	1	4	2	76
All people (f)	no.	193	119	190	34	14	14	24	693
<b>2018-19</b>									
Male	no.	184	100	204	33	11	6	33	682
Female	no.	21	11	33	4	1	2	3	88
All people (f)	no.	205	111	237	37	12	8	36	770
<b>2017-18</b>									
Male	no.	207	108	178	38	9	10	37	714
Female	no.	23	12	30	4	1	2	3	83
All people (f)	no.	230	119	208	43	10	12	40	797
<b>2016-17</b>									
Male	no.	196	105	155	41	8	7	35	668
Female	no.	21	9	27	6	1	2	3	76
All people (f)	no.	217	113	181	46	9	9	39	744

(Australian Government Productivity Commission, 2023)

Publicly available data from the Report on Government Services (Australian Government Productivity Commission, 2023) shows that children and young people's involvement in youth justice fluctuates from year to year.

Nationally in 2020-21, the average cost per day per young person subject to detention-based supervision was \$2518, an increase of 34 per cent from 2019-20 (\$1883). This national increase was driven by both an increase in expenditure and decrease in the average daily number of young people in detention.

Table 4 **Proportion of young people released from sentenced supervision, aged 10-16 years at time of release, who returned to sentenced supervision within 12 months, by State or Territory of index sentence (a)**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld (b)</i>	<i>WA</i>	<i>SA</i>	<i>Tas (c)</i>	<i>ACT (d)</i>	<i>NT</i>	<i>Aust</i>
Young people released from sentenced supervision										
Who returned to sentenced supervision within 12 months										
Year of release from sentenced supervision										
2019-20	%	44.4	56.3	56.8	49.1	41.2	49.2	44.8	54.8	50.9
2018-19	%	47.9	50.0	61.2	54.0	52.6	52.6	38.1	64.6	54.9
2017-18	%	53.1	60.6	65.5	55.8	48.9	58.3	39.3	69.0	59.0
2016-17	%	47.6	60.9	61.0	56.2	59.4	51.8	30.0	60.1	56.4
2015-16	%	49.6	55.4	59.3	59.3	57.6	57.7	25.0	63.3	56.4
2014-15	%	50.9	53.6	60.4	56.6	55.4	54.2	33.3	63.3	56.5

Data are not comparable across jurisdictions, but are comparable (subject to caveats) within jurisdictions over time.

Data are complete (subject to caveats) for the current reporting period.

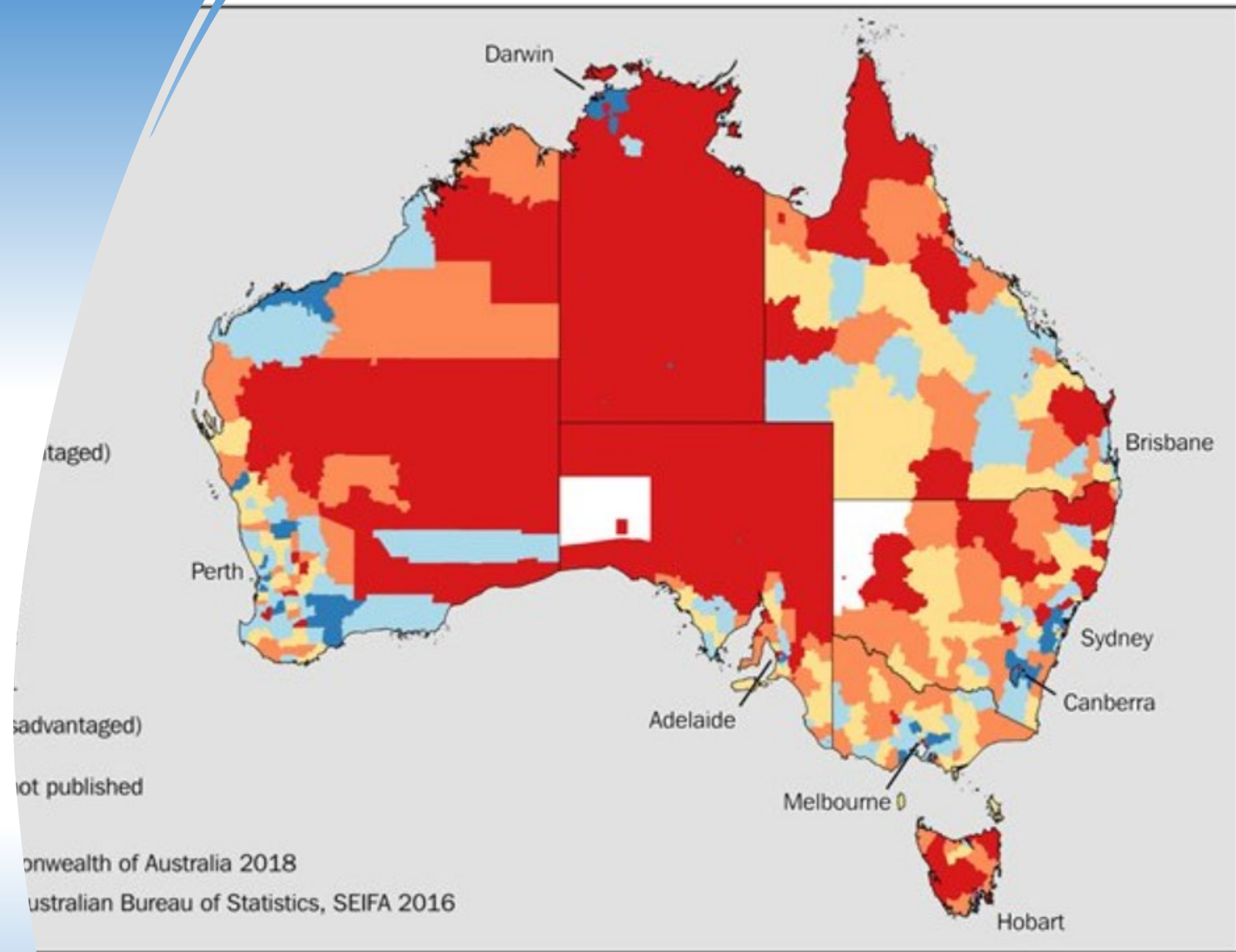
- (a) Data may differ from those published in earlier editions of AIHW Young people returning to sentenced youth justice supervision due to data revisions and improvements in data linkage methods.
- (b) In Queensland, from 12 February 2018, 17 year old offenders are treated as juvenile offenders in the youth justice system. In prior years they were treated as adult offenders and were not eligible for a return to supervision as a youth justice client. Therefore, data for returns to sentenced supervision within 12 months for young people released in 2017–18 are not comparable with data for previous years.
- (c) As Tasmanian data are subject to small numbers of young people in detention, trend information should be interpreted with caution.
- (d) The ACT has only one youth justice detention centre with relatively small numbers in detention and under supervision, trend information should be interpreted with caution.

Source: AIHW (unpublished) *Youth Justice National Minimum Dataset*.

(Australian Government Productivity Commission, 2023)

# Poverty: children from areas of greatest socioeconomic disadvantage

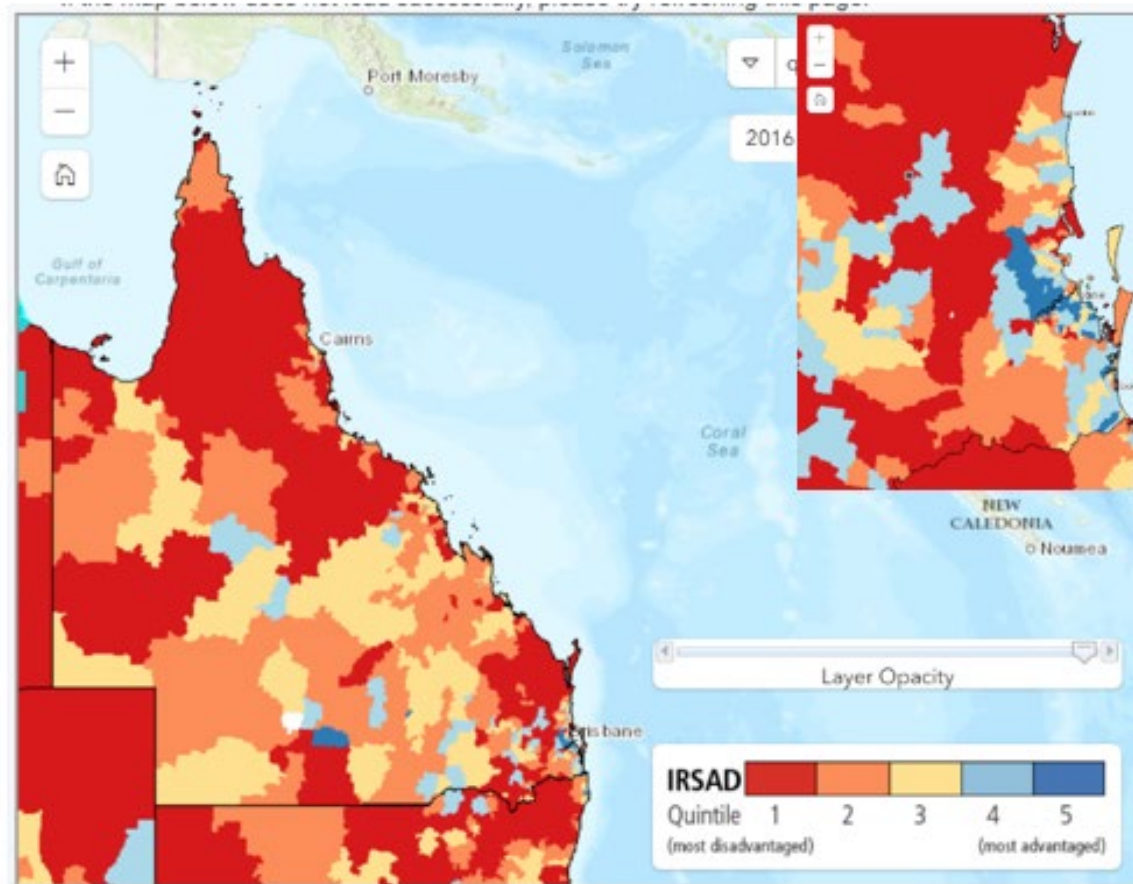
**Children from areas of greatest socioeconomic disadvantage are ten times more likely than those living in areas of least disadvantage to be under supervision (140 per 100,000 compared with 14 per 100,000) (AIHW, 2020b). Socioeconomic position is a measure of how 'well off' a person, group or area is (AIHW, 2020).**



\* Socioeconomic position is a measure of how 'well off' a person, group or area is (AIHW, 2020). Youth Justice National Minimum Dataset reporting uses the Socio-Economic Indexes for Areas (SEIFA), developed by the Australian Bureau of Statistics (ABS), to analyse the socioeconomic position of the usual residence of children and young people under supervision.

of relative advantage and disadvantage quintiles (20 per cent lots) for Local Government Areas cover incorporated areas of Australia legally designated parts of incorporated local governing bodies have responsibility.

**Table 5 Areas of Socioeconomic Advantage and Disadvantage, Queensland  
with Southeast Queensland insert**



Risk factors associated with socio-economic position, such as:

- inadequate housing
- homelessness,
- poor health,
- education failures and life event

render these children and young people as highly vulnerable and more likely to be involved in the juvenile justice system (AHRC, 2020; Cashmore, 2011; Cunneen, White & Richards, 2013; Homel, 2015).

Their vulnerability increases if they are male and Indigenous.

**Table 6 Young people aged 10–17 under supervision on an average day(a) by socioeconomic position of usual residence, states and territories, 2020–21**

Socioeconomic areas	NSW	Vic	Qld	WA	SA	Tas	AC T	NT	Aus
1 (lowest)	325.7	143.	476.6	79.0	102.	54.9	0.3	31.9	1,213.4
2	289.7	86.8	326.5	154.3	26.1	10.6	0.2	4.5	898.7
3	144.3	130.5	213.1	124.6	18.0	7.6	0.7	29.2	667.8
4	86.0	37.3	80.8	65.7	5.7	5.8	18.0	6.9	306.3
5 (highest)	99.5	24.8	38.0	28.9	3.1	1.3	32.2	3.3	231.2
Total under supervision	1,037.6	449.8	1,135.4	452.9	161.8	80.1	54.3	84.8	3,456.7

(a) Number of young people on an average day may not sum to total due to rounding. – represents zero or rounded to zero


Risk factors associated with socio-economic position, such as inadequate housing or homelessness, poor health, education failures and life events render these children and young people as highly vulnerable and more likely to be involved in the juvenile justice system (AHRC, 2020; Cashmore, 2011; Cunneen, White & Richards, 2013; Homel, 2015). Their vulnerability increases if they are male and Indigenous.

# Race: Why history is relevant to understanding overrepresentation in juvenile justice systems

History and its myriad of contexts provide understandings of race and identity. How “race” works can be viewed through the historical legacy of colonialism. Settler colonialism – the violent and, at times, genocidal dispossession of Indigenous peoples from their lands, followed by systematic racial discrimination which directly controlled all aspects of Indigenous life for much of the 19<sup>th</sup> and 20<sup>th</sup> centuries, and the ongoing denial of political sovereignty (Behrendt et al., 2019; Cunneen, 2020). The continuity and maintenance role of the juvenile justice system works to preserve colonial order, controlling Indigenous families and communities through large-scale removal and incarceration of children and young people, contradicting self-determination (Cunneen et al., 2016; Libesman, 2019; Wearne, 1980).

Throughout Australia’s colonial history, Aboriginal and Torres Strait Islander children and young people have been over-represented in juvenile justice systems (including child welfare systems) (Marks, 2022; Tilbury, 2009).

**There are disproportionate numbers of Aboriginal and Torres Strait Islander children involved in the juvenile justice system compared to the general population of children.**



The latest release of population data by the Australian Bureau of Statistics shows that in 2021 there were **812,728 people identified as being of Aboriginal and/or Torres Strait Islander origin, representing 3.2 per cent of the total population of Australia which was 25,766,605 (ABS, 2022a, 2022c). Of the juvenile justice population, there were 819 young people, 10 to 17 years of age, in detention on an average night in the June quarter 2021. Half (50%) were Aboriginal and Torres Strait Islander (AIHW, 2021b).**

**Table 7** Young people under supervision on an average day(a) by sex, Indigenous status and socioeconomic position of usual residence, Australia, 2020–21

Sex	Socioeconomic areas	Indigenous	Non-Indigenous	Not stated	Total
Male	1 (lowest)	704.6	655.7	17.7	1,378.1
	2	473.2	447.2	9.5	929.9
	3	292.8	427.8	11.8	732.3
	4	113.1	244.4	5.1	362.6
	5 (highest)	50.3	181.1	4.9	236.2
Female	1 (lowest)	161.3	124.4	3.5	289.2
	2	159.2	84.5	4.1	247.8
	3	74.4	97.5	1.5	173.4
	4	31.3	45.4	0.4	77.1
	5 (highest)	15.1	47.9	0.2	63.3
Total	1 (lowest)	865.9	780.1	21.3	1,667.3
	2	633.4	531.7	13.7	1,178.8
	3	367.1	525.2	13.3	905.7
	4	144.4	289.8	5.5	439.7
	5 (highest)	65.4	229.0	5.1	299.5
	Total under supervision	2,140.7	2,481.8	72.3	4,694.8

(a) Number of young people on an average day may not sum to total due to rounding. – represents zero or rounded to zero

Note: Some young people excluded due to missing or invalid postcodes or because the postcode was not listed in the SEIFA file.

Source: AIHW Youth Justice National Minimum Dataset (YJ NMDS) 2000–01 to 2020–21.



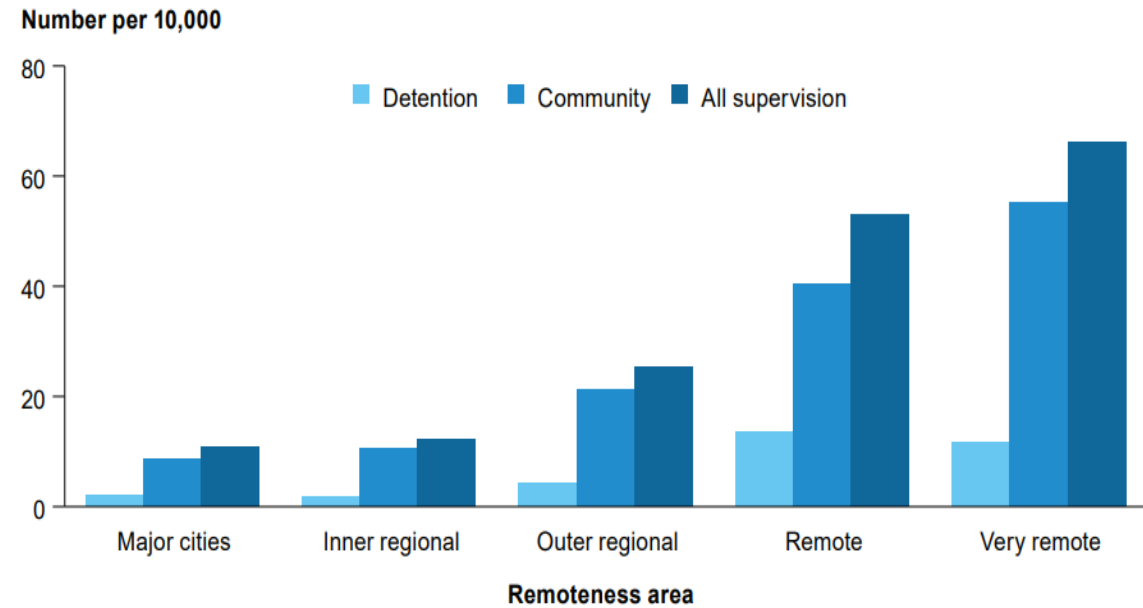
On an average day in 2020–21, **young people aged 10–17 who were from very remote areas were 6 times as likely to be under supervision as those from major cities.** This largely reflects the higher proportions of Indigenous Australians living in these areas (AIHW, 2022c).

Almost half (49%) of the young people under supervision on an average day in 2020–21 were Indigenous Australians (AIHW, 2022c, p. vi).

**Omissions of data:** There are several reasons for the obscurity of Māori and Pacific Islander and Sudanese children and young people in Australia’s juvenile justice system.

- In Australia the focus of juvenile justice statistics is on the distinction between Indigenous and non-Indigenous Peoples.
- Police are less likely to record specific ethnicities of other groups resulting in incomplete data of groups involved in the juvenile justice system (Shepherd & Ilallo, 2016).
- It is likely that the representation of Māori, Pacific Islander and Sudanese children and young people involved in the juvenile justice system in Australia is higher.

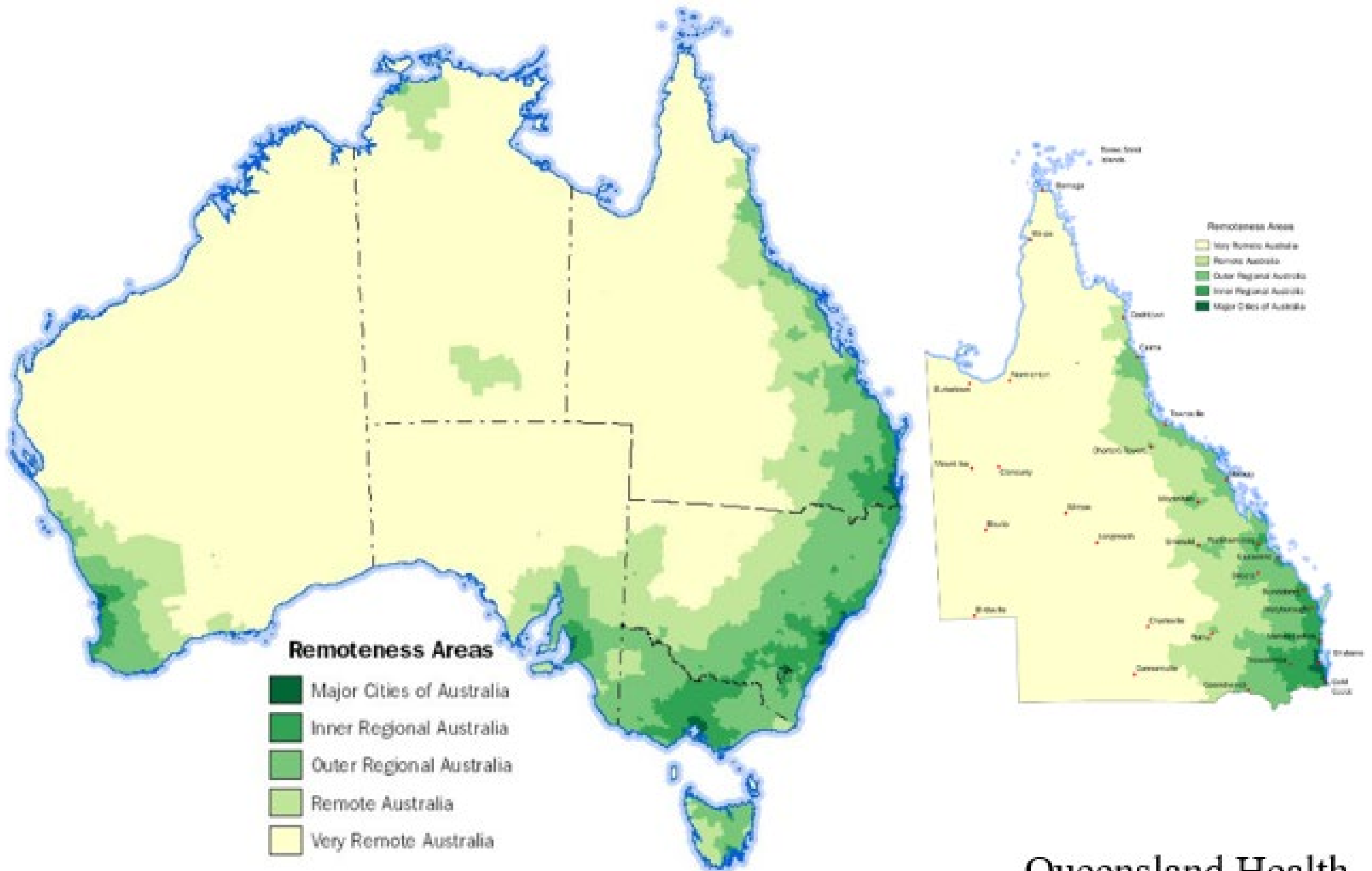
Figure 3.4: Young people aged 10–17 under supervision on an average day, by remoteness of usual residence and supervision type, Australia, 2020–21



Notes

1. Remoteness area could not be determined for about 5.1% of young people under youth justice supervision.
2. Age on an average day is calculated based on the age a young person is each day that they are under supervision. If a young person changes age during a period of supervision, the average daily number under supervision will reflect this. Average daily data broken down by age will not be comparable with data in *Youth justice in Australia* releases before 2019–20.

Source: tables S22c, S57c and S97c.



# Gender: female and male

In the juvenile justice research literature and publicly available data the gender of children and young people are referred to as a binary gender--female and male (Australian Institute of Family Studies, 2022b). **There is very limited acknowledgement of non-binary including people who have no binary gender at all and people who have some relationship to binary gender/s.** Gender has been described as the characteristics of women, men, girls and boys (World Health Organization, 2022). These descriptions and characteristics are viewed as socially constructed and include norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other.

Males are much more likely than females to become involved with the juvenile justice system and they are more likely to reoffend than female offenders (Cutuli et al., 2016; Sentencing Advisory Council, 2016). Of the young people involved in youth justice supervision in Queensland, 78% were male.

**Omissions of data:** Research literature and publicly available reports and data focus primarily on male and female involvement in the juvenile justice. **There is very limited to no data available to this point in time that shifts from a focus on the female/male binary.**

**Table 9** Young people under supervision on an average day(a) by sex, Indigenous status and socioeconomic position of usual residence, Australia, 2020–21

Sex	Socioeconomic areas	Indigenous	Non-Indigenous	Not stated	Total
Male	1 (lowest)	704.6	655.7	17.7	1,378.1
	2	473.2	447.2	9.5	929.9
	3	292.8	427.8	11.8	732.3
	4	113.1	244.4	5.1	362.6
	5 (highest)	50.3	181.1	4.9	236.2
Female	1 (lowest)	161.3	124.4	3.5	289.2
	2	159.2	84.5	4.1	247.8
	3	74.4	97.5	1.5	173.4
	4	31.3	45.4	0.4	77.1
	5 (highest)	15.1	47.9	0.2	63.3
Total	1 (lowest)	865.9	780.1	21.3	1,667.3
	2	633.4	531.7	13.7	1,178.8
	3	367.1	525.2	13.3	905.7
	4	144.4	289.8	5.5	439.7
	5 (highest)	65.4	229.0	5.1	299.5
	Total under supervision	2,140.7	2,481.8	72.3	4,694.8

(a) Number of young people on an average day may not sum to total due to rounding. – represents zero or rounded to zero

Note: Some young people excluded due to missing or invalid postcodes or because the postcode was not listed in the SEIFA file.

Source: AIHW Youth Justice National Minimum Dataset (YJ NMDS) 2000–01 to 2020–21.

# Omissions of data: Lesbian, Gay, Bisexual, Transgender, Intersex, Queer or Questioning, asexual and other sexually or gender diverse (LGBTIQ+) children and young people

In Australia research has documented policing methods towards young LGBTIQ+ youth (Cunneen, Goldson & Russell, 2016; Dwyer, 2011). For these youth, the surveillance usually commences within the school and may result in criminal sanction and/or punishment (Snapp et al., 2015).

Dwyer et al., (2015) found that LGBTIQ youth were found to have learnt from interactions with police, that is, not to draw attention to their queerness, and, to evade police by changing their appearance so as not to appear queer.

Aboriginal and Torres Strait Islander young people can not do this, as their appearance is used as a racial profiling practice by police and is a contributing factor in the overrepresentation of Aboriginal and Torres Strait Islander people, in general, within the criminal justice system. The policing methods in relation to Aboriginal and Torres Strait Islander young people and LGBTIQ+ youth have impacted on the overrepresentation of these populations within youth justice.

**I have used the collective term LGBTIQ+ children and young people because they are a diverse group that nevertheless faces some common challenges, for example, stigma, discrimination, and violence because of their sexual orientation, gender identity or expression, and sex characteristics. This definition is neither exclusive nor final; other concepts, terms, or identities may be relevant in different settings, and conceptions may evolve over time.**

# Omissions of data...

**Children and young people with learning difficulties, intellectual disability and alcohol and drug use, or other social detriments**, are more likely to experience contact with police and the justice system than young people with no impairment and who are non-Indigenous (MacGillivray & Baldry, 2013).

There are many young people in the youth justice system who **are diagnosed and undiagnosed with disabilities, such as, cognitive impairment, intellectual disability or disorders in the area of language and communication, which have contributed to significant disruptions in their education** (Drinan, 2018; Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, 2017b). Many of them fall within the age of compulsory education (up to 17 years).

**There is limited to no publicly available data that focuses on diagnosed and undiagnosed young people and children with disabilities**