

Young Offender Plan

2025



Government of
South Australia





The safety of the community is a top priority of the State Government. While South Australia has relatively low levels of crime, we know that more work is needed.

South Australia has the second lowest rate of youth offenders across Australia, after the ACT.

In the last 10 years, there has been a significant and continuing decrease in the youth offender rate in South Australia (from 2,823 per 100,000 in 2012-13, to 1,268 per 100,000 in 2022-23). However, recently we have seen a slight increase in the rate (from 1,161 per 100,000 in 2021-22).

Advice from South Australia Police is that a small number of young offenders are responsible for a disproportionate rate of offending.

In 2023-24, 20 young people were responsible for 11 per cent of all charges in the Youth Court.

The State Government is considering a number of measures to ensure that the justice system is able to effectively manage this issue and that there are significant consequences for serious repeat young offenders.

Bail

In South Australia, young offenders are to be dealt with in accordance with the law of the State relating to criminal investigation, arrest, bail, remand and custody¹.

Therefore, young offenders are subject to the operation of the *Bail Act 1985 (SA)* (**Bail Act**) on the question of bail. The Bail Act does not prescribe or carve out specific provisions for young offenders but operates at large with respect to all relevant offenders in South Australia.

Failure to comply with bail agreements has the been the most common charge for youth offenders for the last seven years, representing 19% of all matters lodged in the Youth Court.

Areas for improvement

Some jurisdictions have specific youth offender bail provisions which limit the grant of bail in prescribed circumstances. Consideration will be given to strengthening bail laws with respect to serious repeat young offenders.

In addition, a referral will be made to the South Australian Law Reform Institute related to a review of bail laws in South Australia. The interplay between the young offender legislation and the *Bail Act 1985* will form part of that review.

¹ Section 14 of the *Young Offenders Act 1993*.

Sentencing

South Australia has seen a decrease in the number of young people who are either in youth detention or under community supervision orders who have previously been in detention or on community supervision orders (from 64% in 2018-19 to 54% in 2022-23).

However, the percentage of young offenders who were charged, cautioned or had other legal action initiated against them by police two or more times, has increased recently from 28% in 2020-21 to 31% in 2022-23.

The current scheme

The current scheme for recidivist young offenders has been ineffective at ensuring those youths who repeatedly offend are sentenced more harshly by the court.

When the scheme was introduced in 2009, its intent was to address the disproportionate harm caused by a small number of young offenders who persist in serious crime despite best attempts at diversion and rehabilitation.

However, since the introduction of the scheme, only two young offenders have been declared as a recidivist young offender.

The current scheme sits within the adult serious repeat offender framework in Part 3 of Division 4 of the *Sentencing Act 2017*, which was originally tailored at addressing the harm caused by those adult offenders who repeatedly commit very serious offences.

It now appears that the pattern of offending by the cohort of young offenders who are causing the greatest concern differs from adult serious repeat offenders, with higher rates of reoffending often involving lower-level offending.

The most common charges lodged in the Youth Court in the last seven years were:

- failure to comply with bail agreement (19%)
- dishonestly take property without consent (17%)
- damage building or motor vehicle (7%).

Areas for improvement

Consideration is being given to options for ensuring that sentences imposed on this small cohort of serious repeat young offenders appropriately reflects their significant criminal history.

This includes considering options to ensure the recidivist young offender scheme is fit for purpose.

Youth gangs

Youth gangs or street gangs consist of teenagers and young adults who associate with each other, and may commit criminal offences in company with each other, or engage in antisocial behaviour.

Areas for improvement

Consideration will be given to whether mechanisms to restrict association with members of a youth gang can assist in the rehabilitation and diversion of a serious repeat young offender.

Reforms will be considered in order to ensure that police have adequate tools and powers to deal with young people and street gangs.

Immediate actions



\$1 million per annum over three years in funding from the Justice Rehabilitation Fund will be used to **fund specialised initiatives** to target recidivism amongst the cohort of serious repeat young offenders and provide effective diversions from the criminal justice system.



The Attorney-General will convene a **stakeholder roundtable** with industry and sector leaders to discuss appropriate response and interventions for serious repeat young offenders.



A review of the Bail Act will be referred to the South Australian Law Reform Institute. The review will relate to the Bail Act's practical operation and role in the criminal justice system.



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