



Australian Women's Coalition Inc

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**Young Female Offenders – Gender responsive policies and
programs for young women and girls**

INTERIM REPORT AND DRAFT RECOMMENDATIONS

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1. Introduction

In the past decade there has been a concerted effort to promote gender-responsive approaches to policies and programs targeting women who come into contact with the adult justice system. In part this has been in response to a parallel increase in the numbers of women entering prisons as well as a better understanding of the unique needs of women in these circumstances. Advocacy groups and researchers have continued the push for more community-based interventions despite often negative public perceptions as regards the rights of offenders to access specialised services aimed at reducing both recidivism and harm.

However, the challenge remains to promote a better understanding of, and response to, the needs of *girls* who come into contact with the juvenile justice system. In short, the barriers faced by those advocating for more responsive services for at-risk *women* are magnified when we consider the juvenile cohort. This is true even though there is a well-documented and higher risk that those who are incarcerated as juveniles will come into contact with the adult system later in life. More importantly, there is a growing evidence base relating to abuse and neglect as pre-cursors to homelessness, drug abuse and later involvement in crime. Mental health outcomes among women and girls have also been – and continue to be – the focus of much of the recent Australian research in this area.

The consultancy project discussed in this paper aims to highlight ongoing issues in juvenile and corrective services and prisoner transitional support with an emphasis on how these issues relate, in particular, to the federal government's social inclusion agenda, national plan of action for violence against women and their children, the national homelessness strategy and the national research agenda. The draft recommendations tabled herein are mapped against these national issues and will be the focus of a full report scheduled for October 2009.

2. Background

In late 2008 the Australian Women's Coalition (AWC) initiated a project aimed at analysing service needs and gaps affecting young women and girls who come into contact with the justice system across Australian jurisdictions. The focus was on girls and young women aged 14 to 25, which meant that the project scope crossed between the juvenile and adult justice systems.

Several of AWC's member organisations and network contacts are involved in providing services to young women and girls at risk in the community and those residing in correctional facilities. Grass-roots knowledge of the challenges facing young women and girls who come into contact with the justice system prompted AWC to make this a priority area for investigation and future collective advocacy work. In particular, members of the AWC network expressed concern over the apparent increase in the numbers of young women and girls who are becoming homeless. The consensus was that a lack of preventative and transitional support services were at the heart of homelessness and other negative health and welfare outcomes for young women and girls in this group. Naturally, the network highlighted the additional challenges facing many Aboriginal women and girls in this context.

The AWC Steering Committee members for this project are:

- Chair – Ms Sharyl Scott, AWC Vice President and Delegate, Zonta International
- Margie Berlemon, AWC Secretary and Delegate, Girl Guides Australia
- Luisa Latukefu, Delegate, Pan Pacific and South East Asia Women’s Association of Australia
- Deane Bray, Delegate, Mother’s Union Australia
- Zubeda Raihman, Delegate, Muslim Women’s National Network of Australia Inc
- Anita-Bachan Sharma, Delegate, Hindu Women’s Council of Australia

The AWC Coordinator undertook an investigation of the key issues affecting young women and girls who come into contact with the justice system, with an emphasis on health and welfare needs and outcomes.

3. Project aims

The broad aims of the project can be summarised as:

- amplifying the voices of both women *and* girls in a marginalised and often ‘criminalised’ group with significant health and welfare needs
- bringing to Government the interests and priorities of this group of women and girls and of those involved in service provision within this context
- building on and strengthening already existing AWC network representation and advocacy in this important area

It should be noted that the above aims are also in keeping with the vision of the current Minister for the Status of Women for a contemporary women’s movement, namely to:

- amplify the voices of women
- ensure the interests and priorities of women are heard by government
- broaden women’s networks to better represent women’s views (including Indigenous women, women from culturally diverse backgrounds, women with disabilities, young women)

4. Purpose of this report

The present report provides an update of project progress to 29 May 2009, including a series of draft recommendations designed to:

- advocate for gender-responsive policy coordination and program funding activities at the federal government level
- generate further discussion and advocacy coordination within the AWC network

- provide a platform for continuing engagement with the networks AWC has established through this project.¹

5. Sources and approach

During March–May 2009, a broad-ranging investigation was undertaken comprising:

- a review of relevant national and international literature and key national data sources
- a series of face-to-face meetings and interviews with key informants from a selection of service provider and prisoner advocacy organisations, government departments and academia
- site visits to two New South Wales correctional facilities (Dillwynia Women’s Correctional Centre and Juniperina Juvenile Justice Centre).

The analysis resulted in a series of draft recommendations which were presented to all AWC member delegates at a forum held on 16–17 May 2009 in Sydney. The discussion resulted in valuable sharing of information about the project findings and further discussion about AWC’s future advocacy role in this important area.

6. Network reach

In addition to the external consultations summarised above, it is important to note that many of the individuals and organisations making up AWC’s membership have both direct and indirect contact with programs assisting young women and girls who are involved with the adult and juvenile justice systems.

From the outset of the project, both the steering committee and other AWC member organisations and individual delegates provided valuable information and insights into the nature of some of the issues faced by young women and girls at risk of offending and those serving both custodial and non-custodial sentences, as well as those exiting custody. Furthermore, the network reach of many AWC members facilitated access to people and information relevant to the project, including access to two correctional centres housing women and girls.

In addition to the NSW site visits made during the study, AWC member organisations and individual delegates are involved in programs in community settings and in correctional centres in other jurisdictions, including:

- Aboriginal Legal Rights Movement in South Australia
- Soroptimist International programs in the Brisbane Women’s Correctional Centre
- Girl Guides Australia programs in South Australia’s Magill Training Centre

Zonta International members facilitated access to NSW Corrective Services staff, including access to a program at Dillwynia Women’s Correctional Centre in Windsor. The Conflict Resolving Women’s Network and the Hindu Women’s Council

¹ Note these networks include advocates, service providers, government agencies and academics who are specialising in the needs of women and girls involved in the criminal justice system.

delegates provided information about community sector-based and inter-departmental programs running at Juniperina Juvenile Justice Centre.

7. Project timeline and future directions

The forthcoming report and any future supporting material produced from this work will inform AWC network initiatives and advocacy in this area. It will also be fed back through the external networks of advocacy organisations, service providers, academics and government agencies consulted during the project. The timeline for completion of the final report is October 2009.

8. Draft recommendations

Below is a set of draft recommendations based on findings to date. These recommendations are also elaborated on in the next section.

It is recommended that the Australian Government:

1. encourage and facilitate a **gender-responsive** approach to early intervention and rehabilitation for *both* women *and* girls who come into contact with the justice system
2. make specific provisions in its **Social Inclusion Agenda** to address the complex needs of both women *and* girls involved in the adult and juvenile justice systems
3. recognise the significance of historical abuse and neglect in the profiles of ‘criminalised’ women and girls by making them a priority population group in the **National Plan to Reduce Violence Against Women and their Children**
4. ensure State/Territory responses to the **National Homelessness Strategy** address the unique needs of women and girls who are at risk of becoming or have been involved with the criminal justice system
5. support and promote initiatives that **improve links** between governments, community-based organisations and this specific group of women and girls
6. recognise the fact that although the numbers of incarcerated women are proportionally much smaller than men, incarcerated women are much more likely than men to be **primary and often sole carers of children**, thus inflating the familial and generational health and welfare costs associated with poor outcomes in this population group
7. promote gender-sensitive research on strategies for community-based early intervention and transitional support, and include this as a priority area in the **National Research Agenda**

The final report will provide more detailed supporting evidence under-pinning the above recommendations. Selected evidence only is used below to support the draft recommendations within the context of this interim report.

9. Selected evidence supporting each of the recommendations

9.1 Encouraging gender-responsive policies for women *and* girls

Draft Recommendation 1

That the Australian Government encourage and facilitate a **gender-responsive** approach to early intervention and rehabilitation for *both* women *and* girls who come into contact with the justice system

The international prisons reform literature recognises the need for gender-responsive approaches to the way that women in prisons are treated. This recognised need for gender responsiveness extends to pre- and post-incarceration services.

In Australia, the past decade has seen a steady increase in attempts to make incarceration and rehabilitation more responsive to the needs of women. To illustrate, at the Seventh National Women Offenders Conference (2007), the Corrective Services Administrators Council (CSAC) identified the following themes common to all Australian jurisdictions:

- *The complex, multiple needs which many women offenders presented with*
- *The need for a joined-up, whole of government approach to managing women offenders, and partnering with the non-government sector, with improved communication all round*
- *The significance of accommodation and transitional housing issues, and the maintenance of housing for women while they are in custody*
- *The need to maintain the momentum to keep women's issues on the wider correctional agenda*
- *The impact of sentencing on children of women offenders up to the age of 15-16 years*
- *The high prevalence of mental health issues in the system*
- *The significant over-representation of Indigenous women in the system*
- *The importance of training for staff in managing the specific needs of women offenders*
- *The need to maintain a continuum of care and co-ordinated case management approach in supervising women offenders.*

Despite recognising the above themes, the Conference Convenor conceded that unfortunately '*there is still no national consensus about the need for a gender-specific approach to women's offending*'.²

When it comes to adolescents and girls involved in the juvenile justice system, the inequities are potentially even more pronounced. This may in part be due to the fact that there is no nationally consistent 'voice' for best practice across jurisdictions with regard to female juvenile offenders, let alone a consensus.

In its 2009 review of gender-responsiveness in the European prisons context, the United Nations Office of Drugs and Crime (UNODC) made the following statement regarding imprisoned girls:

² Corrective Services Administrators Council (CSAC), 7th National Women Offenders Conference, Summary of Proceedings, Melbourne, 4-5 December 2007

‘Little is known about the health needs of imprisoned girls, but concern is emerging regarding substance misuse, mental health problems, poor sexual health and poorer general physical health on a range of indicators (Douglas & Plugge, 2008). For instance, girls are increasingly at risk of HIV infection and may also be mothers’³

The following sections describe some of the current research underway in Australia that looks at the health and welfare needs of imprisoned girls and those on community service orders.

9.2 Addressing the needs of both women *and* girls (social inclusion)

Draft Recommendation 2

That the Australian Government make specific provisions as part of its **Social Inclusion Agenda** to address the complex needs of women *and* girls involved in the adult and juvenile justice systems.

As discussed in section 9.1, there is no nationally consistent voice for gender-responsive policies and programs for younger women and girls caught up in the juvenile justice system. This is despite a growing body of evidence pointing to significant inequities for this group, both in custodial and non-custodial settings.

In mid 2008 the Australian Institute of Health and Welfare (AIHW) reported that nationally in the period 2006-07:

- 6.5% of young people under supervision were female
- there was a slightly younger age structure for the young females experiencing juvenile justice supervision over the period, compared to the young males
- the population of females who experienced juvenile justice supervision had a slightly younger age structure than the equivalent male population
- when looking at the age structure among ATSI young people, their numbers were proportionally higher at younger age groups and this was particularly the case for young females
- there were proportionally more ATSI females (43%) when compared with ATSI males (35%)⁴

Many administrators might simply stop at the 6.5% figure and look no further. However, what the above statistics tell us is that there are complex gender-based issues at play that require more attention to be directed at understanding the unique circumstances and needs of young female offenders.

Compared to the growing body of research on adult female offenders, there is a relative lack of publicly available information relating to the juvenile cohort. Much of what is available points to significant added disadvantage among girls, particularly with regard to histories of abuse and neglect and associated psychological and emotional health outcomes (this issue is discussed further in section 9.3, below).

Victoria is widely regarded as being at the forefront nationally in terms of funding and

³ United Nations Office on Drugs and Crime (2009), ‘Women’s health in prison: correcting gender inequity in prison health’, World Health Organisation 2009.

⁴ AIHW ‘Juvenile Justice in Australia 2006–07’, Juvenile Justice Series Number 4, August 2008.

more holistic and gender-sensitive approaches. Recent reforms in Victoria were preceded by a comprehensive literature and service review commissioned in 2003 which concluded that adolescent female offenders have unique health and psychosocial needs, namely:

- much higher prevalence and frequency of physical or sexual abuse compared to boys
- higher needs in terms of major mental health issues resulting from abuse histories
- likelihood of specific health needs related to pregnancy, parenting and sexually transmitted diseases
- likelihood of multiple sex contacts from an early age
- history of running away from home and truancy
- learning disability
- substance abuse issues
- a high likelihood of having been state wards
- greater concerns regarding economic and social dependency (namely pressing needs for an income, housing and medical services after release)
- facing more pronounced stigmatisation after release⁵

The evidence that *is* available therefore points to the fact that younger female offenders face even greater barriers to inclusion than older women, men and boys.

9.3 Identifying target populations at greatest risk of violence

Recommendation 3

That the Australian Government recognise the significance of historical abuse and neglect in the profiles of ‘criminalised’ women and girls, by making them a priority population group in the **National Plan to Reduce Violence Against Women and their Children**

The National Council to Reduce Violence Against Women and their Children recently released its report titled ‘Time For Action’, which sets out strategies and actions to ensure communities are safe and free from violence. Action 1.1.1 highlights the need to ‘prioritise key settings and population groups in which to coordinate primary prevention initiatives and actions’.⁶

It is a widely accepted view that ‘criminalised’ women and girls have much higher rates of abuse and neglect in their life histories and this assumption is borne out by research. For example, a recent Australian analysis explored gender-based differences in abuse histories. The researchers concluded that:

‘intensive early intervention with families is called for to reduce opportunities for child abuse as family environments appear to be distal predictors of substance abuse, mental illness and crime’⁷

⁵ Andrew Day, Kevin Howells and Debra Rickwood, ‘The Victorian Juvenile Justice Review’, prepared for the Department of Human Services, Victoria, January 2003.

⁶ National Plan to Reduce Violence against Women (April 2009)

⁷ Lennings, C. J., Kenny, D. A., Mackdacy, E., Arcuri, A., Howard, J. (2007). The Relationship Between Substance Abuse And Delinquency In Female Adolescents In Australia. *Psychiatry, Psychology and the Law*. 14 (1), 100-110.

Further, a recent ARC Linkage research project looking at the health and welfare needs of young offenders on community-based orders found that:

- 74% of the sample (both males and females) reported some form of abuse or neglect
- Severe abuse was reported by 23% of the males and 38% of the females
- Females were four times more likely to report three or more severe forms of abuse
- Females reported higher rates of suicide attempts and self harm⁸

The research described above highlights the complex inter-play between gender, histories of abuse, drug use and crime. As it is among the few Australian research studies focusing on juveniles in *non*-custodial settings, it adds even greater depth to existing Australian research, which has tended to focus more on the health and welfare of those offenders who are actually incarcerated.

In short, the available evidence strongly suggests that gender-specific interventions are necessary for more effective rehabilitation and support for girls and young women. There is a strong case for targeting early abuse prevention services within this specific population.

Also of note here is the wealth of evidence relating to poorer mental health outcomes for women and girls. However, a cautionary note is needed in examining mental health statistics. Analysts run the real risk of stereotyping individuals and making this an individual-level issue while ignoring the underlying social pre-cursors of mental health and substance abuse problems in this group. Rather, it is imperative to consider the importance of gendered responses to economic disadvantage, physical and sexual violence and trauma as precursors to poorer mental health outcomes for ‘criminalised’ women and girls.

9.4 Enhanced targeting of homelessness risk groups

Recommendation 4

That the Australian Government ensure State/Territory responses to the **National Homelessness Strategy** address the unique needs of **women and girls** who are at risk of becoming or have been involved with the criminal justice system

The 2008 National Homelessness White Paper rightly acknowledged the risks associated with people leaving prisons as well as those who are homeless prior to incarceration.⁹ However, there is evidence from both Australia and other countries suggesting that women may be at even greater risk than men when it comes to homelessness following a period of incarceration. Research conducted in both Victoria and New South Wales supports this view. For example, a 2008 University of New South Wales study, which focused on the post-release needs of Aboriginal women in Western Sydney, summarised the evidence as follows:

‘Research establishes the importance of stable housing for women post-release,

⁸ see for example the Justice Health, ‘NSW Inmate Health Survey’ (2001) and the forthcoming 2008 survey due for publication in July 2009

⁹ ‘The Road Home – a National Approach to Reducing Homelessness’, Commonwealth of Australia, 2008, p. 9

and for recidivism in particular. Women ex-prisoners suffer worse housing problems and higher levels of homelessness, debt, depression, isolation and social exclusion than men. There is a dearth of women specific appropriate post-release support services. They have a significant need for assistance with accommodation, finances, employment, family reunification and are at a high risk of poor mental and physical health outcomes'.¹⁰

A related issue is the lack of funding for gender-specific transitional support services. It is widely acknowledged that the burden of care and/or rehabilitation falls on already over-stretched community organisations struggling to cope with the demand. The complex nature of needs in this area means that service providers must be 'all things to all people'. Ensuring that women-centred post-release support services are targeted for specific funding is key to improvement in this area. A nationally consistent, gender-responsive, approach under the Homelessness Strategy is crucial.

Homelessness is an area where girls are further disadvantaged by the fact there is no consistent national approach to their accommodation needs. Housing and homelessness issues are central to poorer outcomes for women and girls, many of whom have had disrupted accommodation due to histories of neglect and abuse.

The complex relationship between unstable accommodation, out-of-home-care histories and juvenile justice involvement is recognised to a degree at the national level. The Australian Institute of Health and Welfare (AIHW) is in the process of finalising a dataset linking three relevant existing datasets, namely: the SAAP, child protection and juvenile justice data collections.¹¹ This approach reflects a recognition of the complex interplay of abuse/neglect and homelessness. However, future users of this data will run the risk of further marginalising girls if they simply report on the lower overall numbers of girls compared to boys and fail to examine the deeper links between recidivism, homelessness and abuse histories among girls in particular.

9.5 Improved service links

Recommendation 5

That the Australian Government support and promote initiatives that **improve links** between government departments, community-based organisations and this specific group of women *and* girls

As discussed in section 9.1, it is widely accepted both within correctional and ex-prison transitional support services that many women are not able to access adequate supports post-release to aid their transitions back into the community. In most jurisdictions, funding for transitional support services, particularly those targeting women, is relatively poor.

In 2004 the Australian Human Rights Commission conducted consultations and research into the unmet needs of Indigenous women exiting prison. Among the main findings of this research were:

¹⁰ 'Aboriginal Women with Dependent Children Leaving Prison Project–Needs Analysis Report', prepared by Associate Professor Eileen Baldry (UNSW), Jackie Ruddock & Jo Taylor, January 2008, Auspiced by Homelessness NSW, Commissioned by WSSPAH

¹¹ The linked set is due for release in early 2010. For more information see for example, AIHW, 'Linking SAAP, child protection and juvenile justice data collections—a feasibility study', June 2008.

‘...the importance of housing and emergency accommodation options for Indigenous women when released from prison; the importance of being able to access a broad range of programs upon release, including healing; and the lack of coordination of existing government and community services, which has the result of limiting the accessibility of services to Indigenous women. Anecdotal evidence suggests that Indigenous women have difficulty in accessing support programs upon their release and are left to fend for themselves, sometimes leading them to homelessness, returning to abusive relationships or re-offending.’¹²

Similarly, research conducted by the Australian Housing and Urban Research Institute (AHURI) in 2004 highlighted the fact that women are at greater disadvantage than men, with women participants in their study being more likely to return to prison than men during the nine-month period of the research. AHURI concluded that:

‘Women appear to have had greater problems than their male counterparts securing suitable accommodation. Proportionally far fewer were living with parents, partners or close family than men’¹³

It can be argued that the access and equity issues identified by HREOC and AHURI in 2004 are magnified in the young offender population, as younger women and girls are not generally in a position to advocate collectively for their rights as regards basic health and welfare needs.

As one informant in the present consultation put it:

‘the issues for adults and juveniles are the same, really, but it’s harder for girls because they don’t have the same rights and abilities as women. It’s about wisdom, knowledge and experience. When they come out, they’re estranged from their families, so getting housing and support is impossible’.¹⁴

In their 2003 review of the Australian and international literature (see discussion above), Day and colleagues also highlighted the fact that young women offenders face greater stigmatisation upon release from incarceration. Discussions with informants for the present paper suggests stigmatisation can form a barrier to community reintegration for girls in particular, as well as leading to insensitive responses towards young women and girls by law enforcement agencies and magistrates.

9.6 Generational impacts—women as primary and sole carers

Recommendation 6

That the Australian Government recognise the fact that although the numbers of incarcerated women are proportionally much smaller than men, incarcerated women are much more likely than men to be **primary and often sole carers of children**, thus inflating the familial and generational health and welfare costs associated with poor outcomes in this population group

¹² Human Rights and Equal Opportunity Commission Social Justice Report 2004, Chapter 2: ‘Walking with the Women - Addressing the needs of Indigenous women exiting prison’.

¹³ Australian Housing and Urban Research Institute, February 2004, ‘The tole of housing in preventing re-offending’, AHURI Research and Policy Bulletin, Issue 36.

¹⁴ From an interview with a transitional support worker.

Both national and international commentators have highlighted the importance of generational impacts for incarcerated women and girls.

In 2009 the United Nations Office on Drugs and Crime (UNODC)¹⁵ identified a number of key themes relevant to women in prisons internationally, with an emphasis on the role of imprisoned women as mothers. The UNODC made the following points:

- Most women in prison are mothers
- Imprisoned mothers are usually the primary or sole carer for their children.

The UNODC also pointed out, based on research from many countries, that when fathers are imprisoned, the mother usually continues to care for the children. In contrast, fathers often do not continue caring for the children when mothers are imprisoned, thus leading to large numbers of children being institutionalised. An example cited by UNODC is the United Kingdom, where in a reported 80% of cases where a mother is imprisoned the father does not look after the child. Furthermore, families can also break up when mothers are remanded in custody or are serving short sentences.¹⁶

In recent years Australian researchers have also recognised the greater impacts associated with incarcerating mothers, as illustrated by the following quote:

‘Children of prisoners are at high risk of negative health outcomes and are themselves at an increased risk of offending later in life. The needs of these children must be recognised and policies introduced to reduce the adversities they face. The social, politico-legal and economic conditions that are contributing to the continuing rise in incarceration rates must be recognised, and measures must be taken to reduce this trend.’¹⁷

Traditional justice models tend to take an individualistic approach. An holistic approach that recognises and respects the importance of family relationships in women’s lives is clearly needed.

9.7 National Research Agenda

Recommendation 7

That the Australian Government promote gender-sensitive research on strategies for community-based early intervention and transitional support, and include this as a priority area in the **National Research Agenda**

In her address to the women’s Alliances in February 2009, the Minister for the Status of Women highlighted the need for more gender-disaggregated data to guide policy decision-making.

¹⁵ United Nations Office on Drugs and Crime (2009), ‘Women’s health in prison: correcting gender inequity in prison health’, World Health Organisation 2009.

¹⁶ “Women’s health in prison: Correcting gender inequity in prison health”, United Nations Office on Drugs and Crime (2009).

¹⁷ Simon Quilty, Michael H. Levy, Kirsten Howard, Alex Barratt and Tony Butler, 2007, ‘Children of prisoners: a growing public health problem’, Australian and New Zealand Journal of Public Health, Volume 28 Issue 4, pp 339-343, Published Online: 25 September 2007

However, the justice landscape is one where simple analysis of overall percentages of women/girls compared to men/boys is *not* sufficient to give a true picture of what is really happening at the coalface. If anything, administrators may be tempted to dismiss the need for gender-responsive policies and programs citing the relatively small numbers of women and girls compared to men and boys. Given the depth of gender differences discussed in this paper, a deeper understanding of what works for women and girls is clearly needed.

A further gender bias lies in the fact that much of the research already conducted is based on institutional samples. That is, researchers in this field are more likely to be able to gain access to people already incarcerated, leading to a lack of evidence about outcomes for those who are *not* incarcerated. Exceptions to this bias have been mentioned above but are relatively speaking few and far between. We therefore lack a sufficiently clear picture of the extent to which pre- and post-incarceration support impacts on health, welfare and recidivism outcomes for this group of women and girls. The high health, familial and broader social costs associated with this marginalised group over the long term would make it a sensible priority area for research funding.

10. Conclusion

This report highlights some of the inequities faced by young women and girls who represent an often silent minority in the Australian corrective services and juvenile justice landscapes. Adequate funding of early intervention and transitional support services that are gender-responsive is crucial if Australia is to address the significant health and welfare needs present in this group of women and girls.

The consultation to date has revealed that while there has been some reform in the way Australian corrective services think about gender responsive policies and programs for women, there is a long way to go as regards gender responsiveness in the juvenile justice setting. There is a clear and pressing need for a nationally consistent ‘voice’ for young women and girls caught up in the juvenile justice system.