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**MEMBERSHIP OF THE
STANDING COMMITTEE ON SOCIAL ISSUES
AT THE COMMENCEMENT OF THE INQUIRY**

The Hon. Marlene Goldsmith, M.L.C., Chairman, Liberal Party

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The Hon. Doug Moppett, M.L.C., National Party

Rev. The Hon. Fred Nile, M.L.C.

Hon. John Ryan, M.L.C.

Hon. Helen Sham-Ho, M.L.C.

FUNCTIONS OF THE STANDING COMMITTEE ON SOCIAL ISSUES

The functions of the Standing Committee on Social Issues are to inquire into, consider, and report to the Legislative Council on:

- any proposal, matter or thing concerned with the social development of the people in all areas of New South Wales
- the equality of access to the services and benefits including health, education, housing and disability services provided by the Government and non-Government sector to the people in all areas of New South Wales
- recreation, gaming, racing and sporting matters; and
- the role of Government in promoting community services and the welfare of the people in all areas of New South Wales

OPERATIONS OF THE COMMITTEE

Matters for inquiry may be referred to the Committee by resolution of the Legislative Council, a Minister of the Crown, or by way of relevant annual reports and petitions.

The Committee has the legislative power to:

- summon witnesses
 - make visits of inspection within Australia
 - call upon the services of Government organisations and their staff, with the consent of the appropriate minister
 - accept written submissions concerning inquiries from any person or organisation
 - conduct hearings
-

TERMS OF REFERENCE

YOUTH VIOLENCE

That the Standing Committee on Social Issues:

- collect and analyse data on the occurrences of youth violence, including violent incidents in schools, and its underlying causes;
 - examine the policies, actions, research, and proposals of relevant Government Agencies and the impact of racial tensions, unemployment, family breakdown, media portrayal of violence and any other relevant factors in relation to youth violence; and
 - make recommendations to the New South Wales Parliament to assist all relevant Government Agencies to develop the most effective strategies with youth violence.
-

**PUBLICATIONS BY THE
STANDING COMMITTEE ON SOCIAL ISSUES**

- Report No. 1** *Accessing Adoption Information*
October 1989
- Report No. 2** *Drug Abuse Among Youth, Volume One*
December 1990
- Report No. 3** *Medically Acquired H.I.V.*
October 1991
- Report No. 4** *Juvenile Justice in New South Wales*
May 1992
- Report No. 5** *Births, Deaths and Marriages: An Open Register?*
March 1993
- Report No. 6** *Sexual Violence: The Hidden Crime: Part 1*
December 1993
- Report No. 7** *Suicide in Rural New South Wales*
November 1994
- Issues Paper No. 1** *Youth Violence*
September 1993
- Issues Paper No. 2** *Violence in Society*
November 1993

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The Committee extends particular thanks to Magda Lebon for her invaluable contribution to the preparation and production of this report, including responsibility for the format and layout, throughout its various drafts.

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CHAIR'S FOREWORD

The Social Issues Committee was asked, by the previous government, to examine the issue of youth violence. This Report represents the findings of that Inquiry. Having considered the issue in detail, the Committee is convinced the emphasis to be taken must be that of prevention, increased safety measures for the community and effective and integrated responses to offenders.

The Terms of Reference issued to the Committee were particularly broad and necessitated a thorough and extensive examination of youth violence in New South Wales. As a result of our investigations, this Report addresses a range of issues that are relevant to youth both as perpetrators and victims of violence. It looks, for example, at the role family breakdown, unemployment and the media play in violence. The Committee also spent considerable time examining and analysing data on the occurrences of youth violence with its findings and conclusions presented across several chapters.

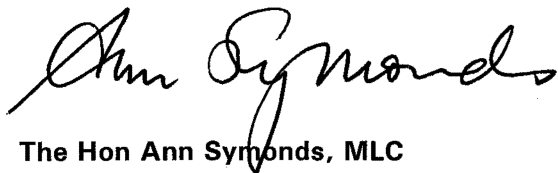
Although the recommendations call for State Government action, the Committee considers it imperative that all of society play a role in the prevention and management of violence. The responsibility cannot lie with government agencies alone. The Committee therefore calls upon the community and the business sector to take an active role in cooperating to limit the incidence of violence in our society.

I would like to thank all Committee members who participated in this Inquiry which spanned the life of two Parliaments. In addition to those Members who continue to sit on the Committee, the Hon Keith Enderbury, Hon Franca Arena, Hon Helen Sham-Ho, Hon John Ryan, Hon Lloyd Coleman, and Rev Hon Fred Nile were part of the Committee that commenced the Inquiry. This group heard most of the evidence, visited schools and organisations and set the Inquiry's overall direction and focus. The Hon Dr Marlene Goldsmith chaired the previous Committee and oversaw the bulk of the work. While I am happy to bring the Inquiry to its conclusion, I acknowledge the primary contribution made by Dr Goldsmith.

The Committee's Secretariat staff provided, as always, research assistance of the highest quality. The Inquiry was primarily coordinated by Senior Project Officer, Mr Glen Baird. In addition to research and preparation of the Report, Mr Baird coordinated the extensive schedule of hearings and site visits. His attention to detail and persistence in data gathering is greatly appreciated by all members. Committee Director, Dr Jennifer Knight, Senior Project Officer, Ms Alex Shehadie, and Committee Officer, Ms Heather Crichton provided invaluable input and assistance to realise this Report.

My Research Assistant, Ms Julie Langsworth, provided me with background briefing details and editorial input which was enormously valuable. Ms Magda Lebon worked with the staff in word processing and formatting the Report in its numerous draft forms. Her professional approach to the task and high standard of work is evident in the final product.

Finally, I would like to thank all those who appeared before the Committee. The range of people we spoke to was extremely broad ranging from Year 1 school students to Departmental Directors-General. All gave freely and generously of their time and experience and we are indebted to them for this.

A handwritten signature in black ink that reads "Ann Symonds". The signature is written in a cursive, flowing style.

**The Hon Ann Symonds, MLC
Committee Chair**

EXECUTIVE SUMMARY

This Report represents the results of an extensive Inquiry into Youth Violence conducted by the Legislative Council Standing Committee on Social Issues. The Inquiry was referred to the Committee in May 1993 by the Hon Virginia Chadwick, then Minister for Education, Training and Youth Affairs.

The scope of the Inquiry's Terms of Reference was particularly broad necessitating the Committee conduct an extremely wide-ranging investigation. During the course of its Inquiry, the Committee received 65 written submissions and heard testimony from 142 witnesses in hearings conducted in Sydney, Lismore, Broken Hill, Wellington, Dubbo and Wagga Wagga. The Committee also visited 10 schools to gain a first hand understanding of anti-violence programs currently underway in primary and secondary schools. During these visits the Committee was encouraged to observe positive, proactive strategies and perceived a strong sense of school and personal pride and self-esteem.

This final Report contains 181 recommendations. From these recommendations the Committee has drawn seven which they consider to be Key Recommendations. These deal with family support, employment and leisure, planning issues, alcohol, education and schools, police and community action and young offenders. The Committee recognises the scope for the community and Government to deal with violence at both the individual and social level, and recommendations deal with interventions at both these levels.

During the course of this Inquiry, considerable media attention was given to an alleged increase in "gang" activity. The Committee is fully aware that the term "gangs" is often used erroneously and emotively to denote any group of young people. Teenagers and young adults gravitate together through ties of friendship, sport, school, or ethnic background and form support networks. These are usually a normal and beneficial aspect in the lives of young people. The Committee acknowledges that a number of gangs involving young people do exist, but it feels their number and prevalence is greatly exaggerated by the media. The Committee heard evidence of gangs operating in schools, but no evidence of criminal behaviour was presented. The Committee feels that caution needs to be exercised in the usage of the term and it calls upon both the media and politicians to be responsible in their reporting of so-called youth "gangs".

Chapter One of the Report examines the issue of youth violence from a theoretical perspective and various approaches explaining violent behaviour are examined. The chapter reviews individual and psychological aspects of violence and the social and cultural aspects of society.

The Committee is very aware that violence cannot be viewed in isolation from the life experiences of young people and young people may learn violent behaviour through peers, the family and the media. The social climate in which young people develop is also significant and the Committee recognises that structural factors such as unemployment may alienate young people and lead to destructive behaviours directed against both property and other people.

This chapter also presents information on a number of alternative approaches to the prevention of crime and violence and reviews a range of crime prevention projects in a number of international and Australian jurisdictions to illustrate the variety of available approaches to

prevention. Programs that reduce the exposure of young people to violence, increase opportunities for them to contribute to their community and be financially secure and provide appropriate recreation and leisure options can all contribute to reducing youth violence.

Chapter Two provides an extensive review of available data on the incidence and characteristics of youth violence. The data are drawn from court statistics, police records and data from institutions including Juvenile Justice Centres and correctional centres. Having examined available data thoroughly, the Committee determined it is not possible to draw firm conclusions on trends in crime rates from annual statistics over a limited period of time.

The Committee recognises the limitations of the various sources of data. Court statistics do not, for example, reveal the complete pattern of judicial intervention. Recorded crime statistics only record those offences reported to the police where police action has been taken against an alleged offender. These statistics record the offender's age. Different reporting and recording practices impact upon the reliability and comparability of data sets.

This chapter also examines a number of discernible characteristics of violent offending by young people. Included in the discussion are the rates of offending in the statistical divisions of New South Wales and statistical sub-divisions of Sydney, and the environments in which offenders allegedly commit assault offences. Other factors examined include the gender of alleged perpetrators; the extent to which weapons are involved; the ethnicity of youth, including Aboriginal youth, in the justice system; racial tension; gang violence; and violence against homosexuals and lesbians.

Chapter Three reviews data on the incidence of violence in schools brought to the attention of the Committee during the course of its Inquiry. Data are available from a number of different sources including the Department of School Education; police statistics; surveys and research papers; and evidence presented to the Committee.

While the available data show that in 1994 there were increases in violent critical incident reports made by schools to the Department of School Education, long and short suspensions, and reports to police of assaults on school grounds, the Committee recognises the methodological difficulties in determining the level of school violence with any certainty. For example, it is difficult to identify the extent to which increases in the new critical incident reporting mechanisms, introduced in 1991, are due to changes in reporting practices as more schools report or an actual increase in school violence. It will not be possible to identify a trend until uniform reporting practices have been in place for some years. The evaluation of the seriousness of different types of incidents, and reporting requirements to both the Department of School Education and the Police, remain ambiguous at the school level, and the Committee recommends action in this regard. Despite data limitations, the Committee is confident that the risk of being assaulted outside school grounds is substantially higher than that of being assaulted within school grounds. The most dangerous place for children in our society is the family home.

The Committee is particularly concerned with the occurrence of bullying in schools. While research suggests that one in seven children experience serious bullying, the Committee found it difficult to draw firm conclusions of the exact incidence of bullying in schools in New South Wales. However, it is clear bullying is a far more serious aspect of youth violence than has been acknowledged in the past.

Data also suggest that female students and teachers, students from ethnic minorities and homosexual and lesbian students experience victimisation in and around schools. The Committee has developed a number of recommendations to address these problems

The Inquiry's Terms of Reference required the Committee to consider a number of factors, including family breakdown, that may contribute to youth violence. **Chapter Four** considers this and other issues relating to the family environment. Violence within the family can result in behavioural problems in some young people. The Committee heard that many young violent offenders appearing before the court have either experienced or witnessed violence, often in their own family. The effect of this violence can lead to the victimisation of peers at school, and the perpetration of violence against family members. The Committee was not able to find a simple causal relationship between family breakdown and youth violence as family breakdown may have occurred in conjunction with, or be followed by, a range of factors contributing to feelings of anger and frustration. Family separation which removes children from violent situations can be beneficial.

The Committee recognises that not all children who have been abused will go on to abuse others. However, it appears the majority of those who abuse others have themselves been abused, and this learned behaviour must be addressed.

It is essential that appropriate advice and assistance be extended to those working with families experiencing violence. As teachers have a mandatory responsibility to report the abuse of children, they may benefit from additional training to assist them in this responsibility. Appropriate counselling and support for children taken into care is also necessary.

The Committee is aware that adverse social and economic pressures on parents may lead to a lack of support for children. Emphasis needs to be placed on providing adequate physical and emotional nurturing in all families, working or not. The issue of child-care is central to supporting families in this regard. As part of the Committee's key recommendation on employment and leisure, government agencies are called upon to develop appropriate after-school programs, particularly for students in the twelve to fifteen year old age group. Another of the Committee's key recommendations specifically endorses programs that support families, and believes they should be fully evaluated and successful programs offered to parents throughout the State, especially to parents of children in the crucial first three years of their life.

The Committee was asked to examine the impact of unemployment in relation to youth violence. To do this, the available evidence linking variables of socio-economic status with levels of violent crime is examined in **Chapter Five**. High levels of youth unemployment can lead to frustration and anger and may manifest in the form of violence. Unemployed people are highly represented among persons who appear before the courts. Poverty is also a concern: disadvantaged areas consistently tend to have higher rates of convictions for offences against the person and property offending.

The chapter looks at employment and job training, and alternate means for young people to be provided with support to enable them to contribute to their community. The Committee considers governments, in consultation with the community and business, have a responsibility to develop a range of opportunities for young people to contribute to their community in constructive ways. As a key recommendation the Committee proposes that government

agencies, in partnership with community organisations and the private sector, give priority to job creation in areas of high youth unemployment and sponsor the development of learning and recreational activities for unemployed youth. The Committee believes it fundamental to this key recommendation that all training and employment initiatives be structured to maximise the likelihood of on-going employment for young people.

The issue of homeless young people who, research suggests, are at particular risk of becoming involved in crime and violence, particularly violent victimisation, is also considered in this chapter. The chapter looks at the Supported Accommodation Assistance Program and the Young Homeless Allowance and recommendations relating to the availability of supported accommodation services for needy young people are made.

The experiences of, and attitudes towards, young people using public spaces are among issues considered in **Chapter Six**. For many young people, leisure and recreation includes congregating in public places such as shopping centres. However, young people experience a considerable level of harassment when they meet and gather in groups in such places. The Committee is concerned that this type of harassment can result in feelings of resentment and hostility toward authority figures. While anti-social behaviour cannot be condoned, it should be recognised that young people have the same rights to access and use of public places as any other group in the community.

The Committee wishes to see local campaigns developed to ensure young people are made aware of the range of facilities and recreational options available to them. Young people should have access to areas that offer recreational opportunities, and be empowered to participate in the planning and operation of youth programs. A key recommendation of the Committee is for the review of state planning provisions and the development of guidelines to ensure the needs of young people are considered in planning development decisions to contribute to the safety and enjoyment of the entire community.

The impact of sport on the lives of young people, both in terms of the positive benefits and its contribution to legitimising aggression and violence in society, is considered. The Committee is supportive of the positive benefits of sport played for fun and fitness and would like to see sporting programs for young people encourage the positive aspects of health and team-building, with an increased emphasis on non-competitive sport in schools.

The Committee acknowledges the proven health risks associated with boxing, and recommends the development, at the federal level, of a strategy to phase out amateur and professional boxing. The Committee believes an inquiry into the health risks associated with kick-boxing should be undertaken before an appropriate policy response to this sport can be considered.

The Committee considers alcohol to be a primary factor linked to violent behaviour. Chapter Six discusses issues surrounding the recreational use of alcohol and violence in and around licensed premises, and the link between violence and the abuse of alcohol and drugs and strategies for harm minimisation. The Committee believes that increasing the availability of alcohol exacerbates the problems associated with its use and abuse. As a key recommendation, the Committee calls for the revision of the Liquor Act to ensure it clearly indicates the responsibility of licensees to limit the likelihood of violence on their premises by initiatives encouraging responsible serving, design and management practices. Initiatives encouraging the non-violent management of conflict in licensed premises are also supported.

Violent behaviour may also be triggered by a reaction to such drugs as amphetamines or other stimulants, and to steroid abuse. Recommendations are made aimed at the allocation of appropriate resources to reduce drug and alcohol abuse by young people.

Chapter Seven examines the relationship between violence in the media and youth violence. In the Committee's opinion television alone cannot be blamed for increases in rates of violent crime. However, the Committee is concerned with a number of effects of television violence. Given the frequency with which children are bombarded with violent images, heavy viewers may be desensitised to the effects of violence. The media may also present a model of dispute resolution that is mainly confrontational and violent and contribute to the development of a youth culture that includes values which glamorise violence.

The Committee also examined strategies for addressing violence in films and videos. Recommendations address restricting access to violent films and videos; the adequacy of complaint mechanisms; reviewing media codes of conduct; promoting non-violence in the media; and encouraging responsible and critical viewing.

Violence in a number of other media including video and computer games, and issues relating to game parlours; computer bulletin boards; virtual reality; and music are also considered and recommendations for change made.

Chapters Eight, Nine and Ten review the Department of School Education's policies and actions on violence. In considering the role of schools in addressing violence, the Committee does not want them to be seen as the focus of the problem nor should they be solely responsible for addressing the problem. In the Committee's opinion, the community as a whole must share the responsibility for its young people. Collaboration between schools, parents, the community and government is therefore essential.

A number of broad issues are examined in **Chapter Eight** including the role and nature of schools, their relationship to the community and parents, and strategies in place to manage violence.

School staffing is considered. Specialist staff are seen as playing an important role in reducing youth violence and the Report makes a number of recommendations specifically addressing the needs of school counsellors. The role of classroom teachers is also fundamental and the Committee would like to see behaviour management training become an integral part of pre-service teacher training.

In recognising that authoritarian style schools tend to have discipline problems, there is a role for students in the development of anti-violence initiatives and decision-making processes in schools. Programs aiming to build self-esteem and mutual respect in students, such as peer support, are considered important violence prevention strategies. The Committee is particularly concerned about bullying which in its prevalence and impact on students may well be the most serious form of violence in schools. It is an area that needs attention.

The Committee recognises that all students have a right to receive an education. However, this involves balancing the rights of a minority who may be disruptive with the rights of the majority of students to have a safe and harmonious learning environment.

The Report looks at current disciplinary options including corporal punishment, and the provisions to suspend, exclude or expel a student. Recommendations include, among other concerns, the responsibility of the state to ensure the welfare, educational and behavioural needs of these students are met. In the Committee's opinion, corporal punishment must be removed as a disciplining option in government schools.

Chapter Nine examines a range of anti-violence initiatives and programs that are being developed or have been introduced in certain schools, regions or throughout the school education system. A range of staff development, whole school programs and programs for targeted groups of students with problem behaviours are discussed. As a key recommendation, the Committee wishes to see sufficient resources made available to schools to enable them to function as models of co-operative, tolerant and non-violence communities.

Issues relating to the school curriculum, retention rates and alternative approaches to education are also examined. The Committee recognises that the student population is changing, with more young people for whom an academic curriculum may not be appropriate remaining in the education system. A commitment to a general education must be maintained in a changing society to give people knowledge and skills which extend beyond any particular job which may become obsolete. However, the education system needs to examine the broadest possible range of abilities young people may have and ensure these abilities are fostered and nurtured. Vocational courses and extended educational pathways may be the most appropriate way of ensuring a particular range of non-academic abilities are nurtured.

Chapter Ten examines the responses of the Department of School Education to specific forms of violence in schools and factors underlying this behaviour. Procedures for resolving complaints about discrimination against students are discussed, together with initiatives targeting sex-based harassment, bullying and racism.

The Department's response to specific groups of students including Aboriginal students, students with conduct/learning disorders, homosexual and lesbian students and homeless students is discussed and a range of recommendations made.

The Committee makes recommendations calling for the development a number of specific policies and strategies in the areas of anti-harassment, gender equity, bullying and anti-racism. In implementing these recommendations the Committee calls for input from the entire school community to achieve a sense of ownership and contribute to a change in the culture of the school.

The police play a major role in many aspects of youth violence. For most young violent offenders, they are the first point of contact with the juvenile justice or adult criminal justice systems. **Chapter Eleven** deals with a range of strategies and approaches used by the police in dealing with youth violence.

The Committee considers there is sufficient legislation to give police powers to deal with youth violence. The provisions of the Summary Offences Act dealing with offensive language should not, however, be used by police officers to harass young people. The maximum penalty for offensive language by juveniles should be a formal police caution.

The Committee identified a need for a number of education campaigns. It recommends a campaign directed at police officers to ensure they are aware of their powers to act regarding weapons and a second to discourage young people from carrying offensive implements and prohibited weapons. With regard to the training of police, the Committee calls for training to emphasise non-violent policing methods and the needs of special groups.

The Committee considers it important that the NSW Police Service reflects the state's ethnic diversity. It calls for positive recruitment strategies and increased numbers of male and female Ethnic Community Liaison Officer and Aboriginal Police Liaison Officers.

It is recommended that positions of one or more Police Youth Liaison Officer should be established in every police patrol where there is a significant youth population, and young people be appropriately represented in existing and new consultative mechanisms. A key recommendation is made suggesting all patrols of the NSW Police Service collaborate with community and government agencies to undertake Safety Audits to identify potential, perceived and/or actual locations of violent activity. Appropriate strategies are to be devised to deal with such violence and ensure public environments are conducive to community safety.

The Committee was particularly concerned with evidence it received concerning the inappropriate and violent methods used at times by some police in their interactions with young people. Accordingly, the Committee recommends an independent state-wide review be undertaken to examine the extent of alleged police violence against young people and strategies developed to deal with incidents of police violence against young people. Recommendations directed at the Office of the Ombudsman are made including the creation of a position of Children's Ombudsman.

In **Chapter Twelve** the Committee examines a range of issues relevant to the young violent offender who has been processed through the Juvenile Justice and adult criminal justice and correctional systems. Issues such as court diversion, recidivism, community based and institutional sentences are discussed as well as the existing and proposed programs that focus on the violent behaviour of young offenders. Chapter Twelve also discusses sentencing and court-related issues including parole and supervision, and the emergence of so-called homosexual panic defence in homicide trials. Fundamental to Chapter Twelve is the notion that young violent offenders be accountable for their deeds but that they also be provided with appropriate intervention, supervision and management at both the community and custodial level. Accordingly, the Committee recommends that the government provide adequate resources to ensure effective intervention at the time young violent offenders first come in contact with the justice system, that the multiplicity of problems of incarcerated young violent offenders, such as alcohol and drug abuse, are adequately addressed and that effective preventative strategies are developed to break the cycle of recidivism among young violent offenders. The Committee considers that the Department of Juvenile Justice and the Department of Corrective Services have a responsibility to ensure that violent offenders who come into their system are provided with appropriate and effective management to maximise their successful reintegration into the community.

The chapter identifies a number of programs and initiatives undertaken by the Department of Juvenile Justice that are violence-focussed. Among them are the Violent Offenders Program, Robinson Program for Boys and the Sex Offenders Program. It also discusses programs within and initiatives proposed by the Department of Corrective Services such as the Special Care

Unit, the Violence Prevention Unit, the Young Offenders' Program and Crisis Support Units which the Committee recommend be established as a matter of priority. A Crisis Support Unit is especially urgently needed at Mulawa Correctional Centre.

Chapter Thirteen examines the responses of a range of other government departments to youth violence. The Department of Community Services, through its responsibilities for young people in care, supported accommodation assistance, and responding to child abuse, has, for example, particular importance. The Committee is aware that many offenders have a history of contact with the welfare system. Services provided by the Department of Community Services are therefore relevant to violence prevention. The Committee wishes to see a continuum of services for young people in supported accommodation, recognising that the primary needs of these young people include long-term secure accommodation, reintegration into the education system and drug and alcohol counselling. The needs of young people under sixteen years of age, either accompanying their parents or entering supported accommodation alone, must be met, as a primary means of deflecting them from destructive behaviour.

Crime prevention strategies in place on government transport services are reviewed. The Committee would like to see current pricing policies continue to encourage young people to use public transport to increase their access to venues providing recreation and leisure options, and reduce the risk of drink-driving and road accidents.

The Committee would like to see public housing integrated into the broader community. In particular, it calls for access to adequate indoor and outdoor facilities for young people in private and public housing estates, and families with children and teenagers to be housed in areas with adequate facilities for the whole family. Strategies for increasing the access of young people to public housing, such as special purpose-built housing for single unsupported young people, should also be pursued.

The Committee reviews the government's responsibility for youth affairs and recommends the re-establishment of the Office of Youth Affairs.

The Committee envisages that the new Juvenile Crime Prevention Unit in the Attorney General's Department has a role in the development of public education campaigns targeting boys and young men. The campaigns would encourage non-violent conflict resolution, non-sexist and non-violent relationships and condemn violence against minority groups.

An integrated approach to dealing with violence in the community is essential. Interagency collaboration through initiatives such as the Community Youth Support initiatives in Moree, Walgett and Marrickville are promising and, dependent upon the project's evaluation, the Committee would like to see the initiatives extended to other areas of the state.

After extensive consultation with the community, the Committee recommends the report as a thorough, considered examination of public policies affecting youth violence and offers an integrated set of proposals to reduce violent behaviour in our community.

RECOMMENDATIONS

KEY RECOMMENDATIONS

KEY RECOMMENDATION ONE - POLICE AND COMMUNITY ACTION

That the Minister for Police ensure all patrols of the New South Wales Police Service collaborate with government and community agencies to:

- undertake a Safety Audit in their Local Government Area to identify potential, perceived, and/or actual locations of violent activity;
- devise appropriate strategies to deal with such violence and ensure public environments are conducive to community safety (see Recommendation 127).

KEY RECOMMENDATION TWO - EDUCATION AND SCHOOLS

That the Minister for Education ensure sufficient resources are available to schools to enable them to function as models of cooperative, tolerant and non-violent communities. In achieving these goals schools are to:

- provide programs which foster tolerance and acceptance;
- offer integrated programs which provide skills in acceptable problem solving behaviour;
- work to eliminate the destructive practices of bullying; and
- support students exhibiting problem behaviours through appropriate means and environments with the well-being of all students being paramount (see Recommendation 86).

KEY RECOMMENDATION THREE - ALCOHOL

That the Minister for Gaming and Racing review the Liquor Act to ensure it clearly indicates the responsibilities of licensees to limit the likelihood of violence on their premises by measures including:

- ensuring appropriate hotel management and design practices affecting alcohol consumption and the safety of patrons are a condition of licence renewal;
- requiring all licence applicants to undertake a course on strategies to minimise such violence; and
- ensuring the Licensing Court can compel attendance at training courses for licensees who fail to meet these standards (see Recommendation 42).

KEY RECOMMENDATION FOUR - FAMILY

That the Minister for Community Services and Minister for Health ensure that family support programs are fully evaluated and coordinated and successful programs offered state-wide, especially to parents of children in the crucial first three years of their life (see Recommendation 12).

RECOMMENDATION FIVE - YOUNG OFFENDERS

That the Government provide adequate resources to ensure:

- **effective intervention at the time young violent offenders first come in contact with the justice system;**
- **the multiplicity of problems of incarcerated young violent offenders, such as alcohol and drug abuse, are adequately addressed; and**
- **effective preventative strategies are developed to break the cycle of recidivism among young violent offenders (see Recommendation 132).**

KEY RECOMMENDATION SIX - EMPLOYMENT AND LEISURE

That Government agencies, in partnership with community organisations:

- **develop appropriate after-school programs, particularly for students in the twelve to fifteen years age group (see Recommendation 11);**
- **sponsor the development of learning and recreational activities for unemployed youth (see Recommendation 20); and, with the private sector,**
- **give priority to job creation in areas of high youth unemployment (see Recommendation 15).**

KEY RECOMMENDATION SEVEN - PLANNING

That the Minister for Planning review state planning provisions to develop guidelines which ensure the needs of young people are considered in:

- **public places, parks and recreation areas;**
- **the planning and development of new housing estates; and**
- **the development of commercial premises involving public access;**

to contribute to the safety and enjoyment of the entire community (see Recommendation 29).

RECOMMENDATIONS

The Committee's recommendations are listed under the responsible Ministers as follows:

- Minister for Education
- Minister for Community Services
- Minister for Police
- Attorney General and Minister for Industrial Relations
- Minister for Corrective Services
- Minister for Health
- Minister for Urban Affairs and Planning and Minister for Housing
- Minister for Local Government
- Minister for Gaming and Racing
- Minister for Sport and Recreation
- Minister for Transport
- Minister for Consumer Affairs
- Treasurer
- Premier and government agencies

Minister for Education

RECOMMENDATION 1

That the Minister for Education ensure that records relating to the suspension of students include

- the sex of the student; and
- the reason for the suspension

so that information on suspensions for violent behaviour can be obtained, trends monitored, and appropriate intervention strategies developed.

RECOMMENDATION 2

That the Minister for Education ensure that suspension, exclusion and expulsion data are published in the Department of School Education's Annual Report.

RECOMMENDATION 3

That the Minister for Education ensure that information is distributed to all government schools which:

- contains a comprehensive definition covering the types of violent behaviour which should be the subject of a Critical Incident Report;

- contains a comprehensive definition covering the types of violent behaviour which should be the subject of a Critical Incident Report;
- includes examples of these types of violent incidents; and
- advises that the degree of malice and the nature of injuries incurred should be considered in decisions on completing Critical Incident Reports.

RECOMMENDATION 4

That the Minister for Education

- amend the guidelines on suspension, exclusion and expulsion to clarify the parameters of the discretion of principals regarding the reporting of violent incidents to the police and define cases in which reporting is essential;
- require schools to review procedures for decisions relating to reports to police when judgment must be exercised, with appropriate input by the school community; and
- require schools to lay down a set of clear guidelines on the reporting of violent incidents to police that apply both to cases in which reporting is essential and cases in which the exercise of judgment is required.

RECOMMENDATION 6

That the Minister for Education appoint sufficient specialist officers to ensure school counsellors and teachers are appropriately trained to recognise and provide support to children experiencing violence in their homes and meet their mandatory reporting obligations.

RECOMMENDATION 11

That the Ministers for Community Services, Sport and Recreation and Education collaborate on the expansion of outside school hours programs specifically designed to meet the needs of 12 to 15 year olds.

RECOMMENDATION 30

That the Minister for Education encourage principals and School Councils to ensure that school sporting and recreation facilities are available to young people after hours.

RECOMMENDATION 39

That the Minister for Education, and Minister for Sport and Recreation ensure

- that sporting programs offered to young people encourage the positive aspects of health and team-building;
- increased emphasis is placed on non-competitive sport in schools; and
- the establishment of a code of ethics to apply to the conduct of contact sports.

RECOMMENDATION 49

That the Minister for Education review the K-6 syllabus and Year 7-10 English syllabus to ensure that students are equipped with adequate media criticism skills to facilitate a responsible approach to their media diet.

RECOMMENDATION 59

That the Minister for Education encourage the extension of the use of schools for community-based programs and services, especially for initiatives providing support, training and leisure activities for young people.

RECOMMENDATION 60

That the Minister for Education authorise and encourage school administrators and teachers to involve youth workers in the development of school based strategies to prevent and respond to violence at school.

RECOMMENDATION 61

That the Minister for Education continue and extend the Department of School Education's involvement in parenting programs, both within the Department and in conjunction with other government departments.

RECOMMENDATION 62

That the Minister for Education, in consultation with other relevant agencies:

- develop interagency policies and protocols on dealing with school violence and violent students; and
- produce resource material outlining the roles and responsibilities of all agencies that have a role in confronting and addressing youth violence.

RECOMMENDATION 63

That the Minister for Education encourage education regions to consider the involvement of outside experts working in the areas of youth programs, youth education and violence prevention in the development and implementation of programs addressing youth violence.

RECOMMENDATION 64

That the Minister for Education ensure that schools establish and disseminate procedures for decision-making, with clearly delineated areas of responsibility and with a view to improving opportunities for teacher, student and parent input.

RECOMMENDATION 65

That the Minister for Education increase the number of homework centres in schools.

RECOMMENDATION 66

That the Minister for Education ensure that the Department of School Education support, encourage and extend peer support programs linking Year 6 students to secondary schools for all Year 6 students.

RECOMMENDATION 67

That the Minister for Education encourage the involvement of parents on matters relating to student welfare and discipline, and ensure that schools:

- develop effective processes in their management plans which guarantee genuine community participation; and
- inform parents of their rights, responsibilities and opportunities for involvement in the school community.

RECOMMENDATION 68

That the Minister for Education require the Department of School Education to review, on a regional basis, existing policies for non-violent schools and produce a resource for schools that outlines standards of best practice and encourages student involvement in developing such a policy, including an outline of their rights and responsibilities.

RECOMMENDATION 69

That the Minister of Education undertake a review of the school counsellor service to examine:

- the adequacy of counsellor numbers in each region;
- the basis upon which the allocation of counsellors occurs; and
- the services provided by school counsellors.

RECOMMENDATION 70

That the Minister for Education allow the appointment of selected experienced psychologists without teaching diplomas to the position of school counsellor.

RECOMMENDATION 71

That the Minister for Education:

- introduce a policy regarding the operations and protocols of the school counselling service;
- ensure students are advised of the availability of school counsellors and support teachers; and
- ensure that all students have access to appropriate guidance and counselling and that, if necessary, this be enshrined in legislation.

RECOMMENDATION 72

That the Minister for Education ensure that school counsellors have access to:

- telephones with sufficient privacy to deal with student issues in schools, in accordance with the registered psychologists' Code of Conduct; and
- accommodation within schools which ensures privacy and confidentiality.

RECOMMENDATION 73

That the Minister for Education bring the issue of adequate pre-service teacher training in strategies to deal with violence, including behaviour management, to the attention of University Vice-Chancellors.

RECOMMENDATION 74

That the Minister for Education examine the feasibility of recruiting mature age persons with appropriate skills into the teaching profession.

RECOMMENDATION 75

That the Minister for Education:

- **review student involvement in decision-making in schools;**
- **urge schools to ensure that students are consulted in the development of anti-violence initiatives; and**
- **produce information on standards of best practice regarding student participation for dissemination to all schools.**

RECOMMENDATION 76

That the Minister for Education

- **ensure that education regions develop inservice courses for teachers to provide them with the skills for developing peer mediation programs and offering training to students; and**
- **trial and evaluate the New Zealand model of mediation involving mediators from outside the school system.**

RECOMMENDATION 77

That the Minister for Education amend the Department of School Education's Fair Discipline Code to remove corporal punishment as a disciplinary option in government schools.

RECOMMENDATION 78

That the Minister for Education amend the suspension, exclusion and expulsion procedures to

- **include definitions of the type of violent behaviour that should lead to suspension, while maintaining the discretionary power of principals; and**
- **ensure that the welfare and behavioural needs of such students are met through means such as informing school counsellors of all short suspensions and involving them in discussions on appropriate actions to be taken.**

RECOMMENDATION 79

That the Minister for Education ensure that appropriate alternative education strategies are introduced in all regions for students displaying inappropriate and aggressive behaviour, and that these strategies include:

- tutorial centres offering in-school suspension programs; and
- pre-suspension programs offered at off-campus facilities.

RECOMMENDATION 80

That the Minister for Education ensure that:

- students excluded from schools for violent behaviour are offered behavioural or social skills programs that assist in addressing that behaviour and facilitate placement in an alternative school; and
- schools in isolated areas have access to appropriate strategies to provide alternatives to exclusion to deal with aggressive and violent students.

RECOMMENDATION 81

That the Minister for Education ensure decisions to recommend the expulsion of students are made by the principal in consultation with school welfare and discipline committees, and parents/care-givers.

RECOMMENDATION 82

That the Minister for Education recognise the right of students to receive an education by ensuring:

- appropriate alternative education options for those students expelled from the state education system who are less than 15 years of age; and
- appropriate liaison with agencies offering education and training options to inform young people expelled from the state education system who are aged 15 years or over of their options.

RECOMMENDATION 83

That the Minister for Education commission an independent review of the declaration of place vacant option, including the reasons underlying such declarations, to assess the appropriateness of this option.

RECOMMENDATION 84

That the Minister for Education ensure procedures for suspension, exclusion and expulsion are:

- written in plain English;
- distributed widely to students and parents; and
- available in community languages.

RECOMMENDATION 85

That the Minister for Education instruct the various regional offices of the Department of School Education to examine and report on the allegations that many young people have been removed from schools through means other than the formal mechanisms of expulsion, exclusion and declaration of place vacant.

RECOMMENDATION 86

That the Minister for Education ensure sufficient resources are available to schools to enable them to function as models of cooperative, tolerant and non-violent communities. In achieving these goals schools are

- to provide programs which foster tolerance and acceptance;
- offer integrated programs which provide skills in acceptable problem solving behaviour;
- work to eliminate the destructive practices of bullying; and
- support students exhibiting problem behaviours through appropriate means and environments with the wellbeing of the student being paramount.

RECOMMENDATION 87

That the Minister for Education ensure

- the Department of School Education produce and distribute to all schools standards of best practice in playground supervision and programs; and
- schools review their playground supervision practices to minimise the potential for playground violence.

RECOMMENDATION 88

That the Minister for Education recognise the diverse range of abilities and talents that young people may possess and make provisions for developing such abilities within the education system, through initiatives such as extended educational pathways.

RECOMMENDATION 89

That the Minister for Education ensure that the current initiatives being trialed in schools and TAFE colleges based on competency assessment are appropriately evaluated.

RECOMMENDATION 90

That the Minister for Education ensure regional education offices assist schools to recognise and address sex-based harassment by:

- offering appropriate information resources to schools;
- developing in-service workshops for teachers; and
- developing in-service workshops for school counsellors providing counselling for boys regarding their behaviour towards girls.

RECOMMENDATION 91

That the Minister for Education encourage schools to formulate a school anti-harassment policy, with appropriate attention to sex-based harassment by students and teachers, and appropriate input from students, teachers and parents.

RECOMMENDATION 92

That the Minister for Education evaluate mentoring programs for boys with a view to their possible extension as an interim measure to develop positive constructions of masculinity.

RECOMMENDATION 93

That the Minister for Education develop a gender equity strategy which includes:

- an acknowledgment of the gendered nature of violence;
- strategies to eliminate gender stereotyping in schools;

- an appropriate focus on communication and alternative conflict resolution; and
- strategies to encourage alternative non-violent constructions of masculinity.

RECOMMENDATION 94

That the Minister for Education ensure regional education offices:

- offer appropriate information resources to schools to assist them in identifying and intervening appropriately when bullying occurs;
- develop in-service workshops for teachers to assist them in addressing bullying;
- direct schools to formulate a school policy on bullying, with appropriate input from students and parents; and
- develop or approve self-administered, anonymous questionnaires to offer to schools to assist them in evaluating the extent of the problem and in developing an appropriate, co-ordinated response to bullying.

RECOMMENDATION 95

That the Minister for Education collate and review regional reports on the implementation of the Anti-racism policy to produce standards of best practice for distribution to all schools.

RECOMMENDATION 96

That the Minister for Education allocate adequate resources to fund appropriate numbers of Community Liaison Officers to ensure ethnic communities are involved in the education and welfare of their young people, and potential ethnic disputes impacting on schools can be identified and addressed.

RECOMMENDATION 97

That the Minister for Education support the continued development of appropriately resourced Language High Schools, in areas with high proportions of students from non-English speaking backgrounds, provided such schools continue to demonstrate the acquisition of English is also facilitated.

RECOMMENDATION 98

That the Minister for Education ensure that, in areas with significant Aboriginal populations:

- strategies are in place to develop appropriate links between schools and the Aboriginal community; and
- adequate numbers of both male and female Aboriginal Community Liaison Officers are employed in schools to establish and maintain these links and increase awareness of Departmental practices and policies, support at-risk students, and encourage parental involvement in programs.

RECOMMENDATION 99

That the Minister for Education ensure the *Resources for Teaching Against Violence* kit continues to be reviewed, and that this review includes an analysis of attitudes towards homosexuals and lesbians among high school students.

RECOMMENDATION 100

That the Minister for Education develop strategies to

- encourage the introduction of the revised *Resources for Teaching Against Violence* kit in the Personal Development, Health and Physical Education curriculum; and
- monitor its use and effectiveness.

RECOMMENDATION 101

That the Minister for Education ensure students identifying as homosexual or lesbian and reporting harassment are advised of appropriate agencies and counselling services.

RECOMMENDATION 102

That the Minister for Education ensure

- all school counsellors are adequately prepared and receptive to handling sexual orientation inquiries from all students, and to provide support for students with HIV; and
- teachers have access to in-service training to assist them in countering negative attitudes towards homosexuals and lesbians by school students, both within and outside the classroom.

RECOMMENDATION 103

That the Minister for Education undertake a review of educational services for students with long-term psychiatric disorders.

RECOMMENDATION 104

That the Minister for Education review the support available in schools for students with learning disorders and disabilities which result in violent behaviour, recognising the need for a multi-disciplinary approach involving, where desirable, experts from fields other than education.

RECOMMENDATION 105

That the Minister for Education ensure students entering or returning to mainstream schools from alternative education facilities are provided with appropriate support.

RECOMMENDATION 106

That the Minister for Education and the Minister for Health ensure additional alternative day and residential programs are made available for conduct disordered students.

RECOMMENDATION 107

That the Minister for Education, in consultation with other relevant agencies, develop protocols on dealing with homeless young people attending school.

Minister for Community Services

RECOMMENDATION 5

That the Ministers for Community Services and Health develop an awareness campaign and training strategies to assist those working with families where violence by young people towards parents or other family members is occurring.

RECOMMENDATION 8

That the Minister for Community Services ensure that sufficient resources are provided for adequate investigation and follow-up of reports of child abuse received in response to campaigns.

RECOMMENDATION 9

That the Minister for Community Services develop and implement community education campaigns to discourage the physical punishment of children and provide information about non-violent disciplinary methods.

RECOMMENDATION 11

That the Ministers for Community Services, Sport and Recreation and Education collaborate on the expansion of outside school hours programs specifically designed to meet the needs of 12 to 15 year olds.

RECOMMENDATION 12

That the Minister for Community Services and Minister for Health ensure that family support programs are fully evaluated and coordinated and successful programs offered state-wide, especially to parents of children in the crucial first three years of their life.

RECOMMENDATION 13

That the Minister for Community Services ensure that pilot programs to assist Aboriginal parents are fully evaluated and successful programs are offered statewide.

RECOMMENDATION 20

That the Government, in partnership with community organisations, sponsor the development of learning and recreational activities for unemployed youth. As one means of advancing this process, the Minister for Community Services should seek expressions of interest and fund the development of a pilot scheme providing training for unemployed young people to develop anti-violence programs and workshops to educate their peers.

RECOMMENDATION 22

That the Minister for Community Services ensure that adequate funding is allocated to programs attempting to develop work preparation skills in behaviour-disordered young people.

RECOMMENDATION 23

That the Minister for Community Services closely monitors the delegation of accommodation, care and maintenance of wards to the non-government sector to ensure his statutory obligation to provide adequate support is met.

RECOMMENDATION 24

That the Minister for Community Services ensure that appropriate placements are available to young people with severe acting-out behaviours, and that these placements minimise risks to other residents and staff.

RECOMMENDATION 25

That the Minister for Community Services ensure that staff of supported accommodation services are provided with information on best practices in intervening in violent incidents, to reduce risks to themselves and other residents, and on appropriate strategies for encouraging residents to deal with anger and aggression in non-violent ways.

RECOMMENDATION 26

That the Minister for Community Services ensure that

- **services funded under the Supported Accommodation Assistance Program which target young people with behaviour disorders are provided with adequate resources to ensure two staff members are on duty at any one time; and**
- **the additional staffing be used to provide further services, especially training for residents in the management of violence.**

RECOMMENDATION 27

That the Minister for Community Services urge his Federal counterpart to ensure that adequate services are available through the Supported Accommodation Assistance Program to provide needy young people in all areas with appropriate accommodation services.

RECOMMENDATION 28

That the Minister for Community Services urge Federal counterparts to develop further mediation services for families of children applying to receive the Young Homeless Allowance.

RECOMMENDATION 118

That the Minister for Community Services and the Minister for Police ensure Aboriginal communities are consulted on policing practices, and a report on the outcome of these consultations is prepared. The report should include strategies for the recruitment of Aborigines to the Police Service.

RECOMMENDATION 134

That the Minister for Community Services and the Minister for Police implement recommendation numbers 35 to 50 of the Standing Committee on Social Issues Report into Juvenile Justice in New South Wales, 1992.

RECOMMENDATION 136

That the Minister for Community Services ensure, as a matter of priority, that adequate resources are available to Department of Juvenile Justice Offices throughout New South Wales to enable the consistent and relevant supervision and counselling of young violent offenders serving community based sentences.

RECOMMENDATION 137

That in order for Juvenile Justice Offices to adequately supervise and counsel a young violent offender in the community the Minister for Community Services must ensure that there is a wide range of suitable programs within the community from which they can draw assistance. Those community organisations offering relevant services should be provided with adequate government funding so that co-operative service delivery between the government and the non-government sector can be fostered.

RECOMMENDATION 138

That the Minister for Community Services ensure that:

- **adequate resources are available and relevant support services able to be drawn upon to assist Juvenile Justice officers in all regions to adequately supervise and to offer a range of community work to those young offenders placed on Community Service Orders; and**
- **counselling programs for violent offenders on Community Service Orders can be offered as part of the fulfilment of Community Service Orders in addition to other work orders.**

RECOMMENDATION 139

That conditional upon the implementation of Recommendation 138 the Minister for Community Services amend the Children (Community Service Orders) Act, 1987 to allow the maximum number of hours which can be given to young offenders under a Community Service Order to be 250 hours.

RECOMMENDATION 140

That the Minister for Community Services ensure appropriate counselling and support is extended to violent offenders on conditional release.

RECOMMENDATION 141

That the Minister for Community Services establish the violent offenders program as a priority and ensure that it is appropriately resourced to enable its utilisation throughout New South Wales.

RECOMMENDATION 142

That the Attorney General and Minister for Community Services ensure that judicial education is undertaken by members of the magistracy and judiciary likely to preside over matters involving violent juvenile offenders, to facilitate such offenders being referred to the Violent Offenders Program as appropriate.

RECOMMENDATION 143

That the Minister for Community Services ensure that, having regard to the evaluation of the pilot scheme, Attendance Centres and programs are established throughout New South Wales.

RECOMMENDATION 144

That the Minister for Community Services ensure that, in developing guidelines for the Attendance Centre orders and programs:

- **due regard is given to the availability of the Attendance Centre sentencing option to violent offenders, where appropriate; and**
- **programs are developed which address violent offending behaviour.**

RECOMMENDATION 145

That the Minister for Community Services ensure that:

- **the level of recidivism among young offenders in the juvenile justice system is consistently monitored to assess the rate of graduation to more serious and violent offences; and**
- **the impact of detention on recidivism and the nature of offending behaviour is evaluated.**

RECOMMENDATION 146

That the Minister for Community Services and the Minister for Corrective Services conduct research, involving the Department of Juvenile Justice and the Department of Corrective Services, that examines the graduation of juvenile offenders to the adult system.

RECOMMENDATION 147

That the Minister for Community Services ensure that the Robinson Program for Boys addresses the underlying causes of violence, including issues relating to gender construction.

RECOMMENDATION 148

That the Minister for Community Services ensure adequate resources are consistently provided to the Department of Juvenile Justice's Sex Offender Program so that the program can function effectively.

RECOMMENDATION 149

That the Minister for Community Services ensure adequate funding is provided to meet the management and treatment needs of juvenile sex offenders in rural areas.

RECOMMENDATION 150

That the Minister for Community Services assess the need for and feasibility of providing specialist, community based residential services for juvenile sex offenders who do not receive control orders or who are released into the community.

RECOMMENDATION 151

That the Minister for Community Services facilitate the introduction of pilot Aboriginal Juvenile Bail Support Schemes, and evaluate the potential to extend the Scheme to other communities.

RECOMMENDATION 152

That the Minister for Community Services ensure that any program developed by the Department of Juvenile Justice that targets young violent offenders both in custody and the community, and includes young Aboriginal offenders, has appropriate input from Aboriginal communities and is culturally sensitive.

RECOMMENDATION 153

That the Minister for Community Services ensure that any program developed by the Department of Juvenile Justice that targets young violent offenders both in custody and the community, and includes young offenders of non-English speaking background, has appropriate input from relevant ethnic communities and is culturally sensitive to the offender's background.

RECOMMENDATION 154

That the Minister for Community Services:

- develop appropriate programs and counselling services for young female offenders in the community and in detention, that focus on violent offending among young women; and
- ensure that such programs and counselling services are sensitive to the specific needs of young female offenders.

RECOMMENDATION 155

That the Minister for Community Services ensure adequate pre-discharge units are established, and the programs offered from these units are extended into community settings and to all young offenders leaving custody.

RECOMMENDATION 156

That the Minister for Community Services ensure

- the potential for all young offenders to be reintegrated into their families is assessed prior to their release from Juvenile Justice Centres;
- a family mediation project is developed for young offenders to assist in this reintegration, where desirable; and,
- where re-integration is not possible, the young offenders are given appropriate support in re-entering the community.

RECOMMENDATION 165

That the Minister for Community Services and the Attorney General ensure, following the amendment of s.27(4) of the *Sentencing Act*, judicial education is provided to ensure that the changes to the legislation are understood and accepted to facilitate the use of appropriately supervised parole as a feature of custodial sentences for young offenders.

RECOMMENDATION 167

That the Minister for Community Services maintain a commitment to ensuring programs for young people at Ormond and Minali address the needs of young people with acting-out or violent behaviour.

RECOMMENDATION 168

That the Minister for Community Services

- monitor the audits conducted by the Department of Community Services to ensure that the needs of each young person currently in the Department's care will be met by future services under the substitute care reforms; and
- evaluate the effectiveness of the reforms after three years to ensure these needs are being met.

RECOMMENDATION 169

That the Minister for Community Services ensure the NSW Government's funding commitment to SAAP is maintained at a level enabling the program to meet the needs of young people through support services which

- provide appropriately supervised accommodation for unaccompanied children under 16 years;
- assist children under 16 years accompanying their parents in other crisis accommodation facilities; and
- address the long term needs of all groups of young people.

RECOMMENDATION 170

That the Minister for Community Services undertake a review of the Department's responsiveness, and adequacy of staff to respond, to notification of child physical abuse and ensure immediate action is taken to guarantee the safety of the child by

- prompt investigation; and, where desirable
- removal of the child.

Minister for Police

RECOMMENDATION 43

That the Minister for Police, together with the liquor industry and relevant trade unions, review the training pre-requisites for the issues of Class 1 Security Licences to ensure that doormen of licensed premises have appropriate training in interpersonal skills, non-violent restraint and conflict resolution.

RECOMMENDATION 47

That the Minister for Police act to:

- monitor cinemas to ensure that they adhere to the law and not admit underage children to MA and R rated films; and
- monitor video outlets in regard to access and hiring of R-rated material by underage children.

RECOMMENDATION 51

That the Minister for Police act to monitor retail outlets selling classified video games and computer software to ensure that the demonstration and sale of games and software rated MA is restricted to adults and children under 15 who have parental or guardian consent.

RECOMMENDATION 52

That the Minister for Police act to monitor video game parlours to ensure that access to games rated MA (15+) is appropriately restricted.

RECOMMENDATION 108

That the Minister for Police ensure the provisions of the *Summary Offences Act, 1988*, dealing with offensive language are not used by police officers to harass young people.

RECOMMENDATION 110

That the Minister for Police develop and conduct a community education campaign to discourage young people from carrying offensive implements and prohibited weapons and informing them of the law in this respect.

RECOMMENDATION 111

That the Minister for Police conduct an education campaign to ensure all police officers are aware of their powers to act regarding offensive weapons and that knives which are clearly being carried for unlawful purposes are confiscated.

RECOMMENDATION 112

That the Minister for Consumer Affairs and Minister for Police:

- survey and review the local manufacture and sale of cutting weapons to determine whether a broader range of knives and weapons should be prohibited under the *Prohibited Weapons Act 1989*; and, if so,
- support a ban on the import of such weapons in the Ministerial Council for the Administration of Justice.

RECOMMENDATION 113

That the Minister for Police introduce positive recruitment strategies to ensure an increasingly representative membership of the New South Wales Police Service and to reflect the State's ethnic diversity.

RECOMMENDATION 114

That the Minister for Police develop a Police Service Anti-Racism Policy and Prevention Plan as a matter of priority.

RECOMMENDATION 115

That the Minister for Police ensure anti-discrimination and anti-racism modules are key components in police training and extend these as in-service modules for senior officers.

RECOMMENDATION 116

That the Minister for Police develop initiatives that encourage better relations and facilitate communication between local police and ethnic communities.

RECOMMENDATION 117

That the Minister for Police establish additional positions of Ethnic Community Liaison Officer to enhance community relations.

RECOMMENDATION 118

That the Minister for Community Services and the Minister for Police ensure Aboriginal communities are consulted on policing practices, and a report on the outcome of these consultations is prepared. The report should include strategies for the recruitment of Aborigines to the Police Service.

RECOMMENDATION 119

That the Minister for Police:

- **increase the number of positions of Aboriginal Community Liaison Officers to make the service provided by them available to more communities; and**
- **develop and implement strategies to encourage more Aboriginal women to take up positions as Aboriginal Community Liaison Officers.**

RECOMMENDATION 120

That the Minister for Police encourage police to use alternatives to arrest, such as court attendance notices and summons, when dealing with young Aboriginal people.

RECOMMENDATION 121

That the Minister for Police inform media organisations that stories on gangs risk creating the problem they purport to reveal.

RECOMMENDATION 122

That the Minister for Police ensure police liaise with school personnel in patrols in which extortion is identified as occurring against young people.

RECOMMENDATION 123

That the Minister for Police ensure positions of one or more Police Youth Liaison Officer are established in every police patrol where there is a significant youth population.

RECOMMENDATION 124

That the Minister for Police:

- **ensure police training emphasises non-violent policing methods;**

- introduce Youth Violence Studies into the Police Academy curriculum; and
- implement in-service training for police on the needs of special groups, including young women, young Aborigines and young people from a non-English speaking background.

RECOMMENDATION 125

That the Minister for Police encourage appropriate youth representation on Community Consultative Committees and Customer Councils.

RECOMMENDATION 126

That the Minister for Police establish Police-Youth Liaison Committees as a pilot project in selected patrols.

RECOMMENDATION 127

That the Minister for Police ensure all patrols of the New South Wales Police Service collaborate with government and community agencies to:

- undertake a Safety Audit in their Local Government Area to identify potential, perceived, and/or actual locations of violent activity;
- devise appropriate strategies to deal with such violence and ensure public environments are conducive to community safety.

RECOMMENDATION 128

That the Minister for Police establish and enhance high profile community policing activities within specific communities where youth violence is identified.

RECOMMENDATION 134

That the Minister for Community Services and the Minister for Police implement Recommendation numbers 35 to 50 of the Standing Committee on Social Issues Report *Juvenile Justice in New South Wales* (1992).

RECOMMENDATION 171

That the Minister for Police examine the feasibility of establishing a specialist unit to be responsible for investigating child abuse cases.

Attorney General and Minister for Industrial Relations

RECOMMENDATION 7

That the Attorney General direct the Juvenile Crime Prevention Unit to review peer education projects that address family violence, such as the Victorian Young People in Need project, and consider supporting the development of a New South Wales equivalent.

RECOMMENDATION 38

That the Attorney General urge the Standing Committee of Attorneys General to request the federal government to pressure media organisations to develop tighter controls to reduce violence in the advertising and promotion of sport in the electronic media.

RECOMMENDATION 45

That the Attorney General urge the Standing Committee of Attorneys General to commission a national research project to examine the effects of television, film and video game violence on the learning outcomes and behaviour of Australian children.

RECOMMENDATION 46

That the Attorney General consider legislation requiring video outlets to prevent access to MA and R-rated material by underage children by displaying such material in restricted areas.

RECOMMENDATION 48

That the Attorney General encourage the Standing Committee of Attorneys General to call on the federal government to:

- pressure television networks to eliminate television violence during children's viewing hours;
 - monitor the televising of MA material after 9.00 p.m. and consider extending it to 9.30 p.m;
 - pressure the media to review its code of conduct to ensure that material that condones, glorifies or promotes violence is appropriately recognised and restricted;
-

- review the effectiveness of the complaints process in responding to community concerns;
- levy a fee on commercial television networks to be allocated to the Australian Children's Television Fund for the production of prosocial programs encouraging non-violence; and
- develop programs to educate parents and other adults to assist children to become more discerning media consumers.

RECOMMENDATION 54

That the Attorney General urge the Standing Committee of Attorneys General to develop national strategies to reduce violence in the electronic visual media, including Bulletin Board Systems accessed through computers.

RECOMMENDATION 55

That the Attorney General urge the Standing Committee of Attorneys General to review interactive virtual reality technology and assess policy options that could ensure appropriate restrictions on violent materials are introduced and enforced.

RECOMMENDATION 56

That existing powers to restrict the sale of audio and compact discs that contain violent lyrics be investigated by:

- the Commissioner of Police reporting to the Attorney General on the reasons police are reluctant to act on complaints relating to the sale and distribution of such materials considered by the Attorney General's Department to be indecent articles under the provisions of the *Indecent Articles and Classified Publications Act*; and, if considered necessary following this report,
- the Attorney General reviewing the provisions of the *Indecent Articles and Classified Publications Act* to ensure that provisions relating to indecent articles extend to audio tapes and compact discs.

RECOMMENDATION 57

That the Attorney General urge the Standing Committee of Attorneys General to

- support and encourage the introduction of state and federal legislation to classify audio music;

- prohibit the sale of restricted material to minors; and
- refuse classification to material that promotes violence.

RECOMMENDATION 58

That the Attorney-General develop a public education campaign outlining the illegality of incitement to violence, as provided in the Crimes Act and anti-vilification legislation.

RECOMMENDATION 109

That the Attorney General ensure the maximum penalty for offensive language by juveniles be a formal police caution.

RECOMMENDATION 133

That the Attorney General ensure young people are appropriately represented on and consulted by the Juvenile Crime Prevention Advisory Committee and the Juvenile Crime Prevention Division in developing strategies to prevent or reduce violence.

RECOMMENDATION 135

That the Attorney General ensure that where appropriate, courts continue to utilise community based options in the sentencing of young offenders, including young violent offenders.

RECOMMENDATION 142

That the Attorney General and Minister for Community Services ensure that judicial education is undertaken by members of the magistracy and judiciary likely to preside over matters involving violent juvenile offenders, to facilitate such offenders being referred to the Violent Offenders Program as appropriate.

RECOMMENDATION 164

That the Attorney General amend s.27(4) of the *Sentencing Act* to ensure

- all parole involving young offenders is supervised; and
- the Department of Juvenile Justice accepts responsibility for the supervision of juvenile offenders where the court has failed to specify a parole agency.

RECOMMENDATION 165

That the Minister for Community Services and the Attorney General ensure, following the amendment of s.27(4) of the *Sentencing Act*, judicial education is provided to ensure that the changes to the legislation are understood and accepted to facilitate the use of appropriately supervised parole as a feature of custodial sentences for young offenders.

RECOMMENDATION 166

That upon the release of the report from the Criminal Law Review Division the Attorney General give priority to examining the validity and legality of the "homosexual panic defence".

RECOMMENDATION 181

That the Attorney General ensure the responsibilities of the Juvenile Crime Prevention Unit include the development of public education campaigns targeting boys and young men and

- encouraging non-violent conflict resolution;
- encouraging non-sexist and non-violent relationships; and
- condemning violence against minority groups.

RECOMMENDATION 10

That the Minister for Industrial Relations ensure the continuation of workplace reform to provide more flexible working arrangements to support families.

RECOMMENDATION 14

That the Minister for Industrial Relations encourage the Federal Minister for Employment, Education and Training to extend the Youth Strategy Action Grants Program to ensure funding continues beyond the establishment grant.

RECOMMENDATION 16

That the Minister for Industrial Relations act to ensure that appropriate opportunities are provided for part-time work and job sharing to increase the availability of employment options.

RECOMMENDATION 17

That the Minister for Industrial Relations ensure, in consultation with Federal counterparts, that all training and employment initiatives are structured to maximise the likelihood of on-going employment for young people.

RECOMMENDATION 18

That the Minister for Industrial Relations consult appropriate Federal Ministers to ensure that taxation penalties against Aboriginal workers in CDEP programs are removed.

RECOMMENDATION 19

That the Minister for Industrial Relations, in consultation with appropriate Federal counterparts, consider the expansion of the CDEP scheme to non-Aboriginal unemployed young people in selected communities.

RECOMMENDATION 21

That the Minister for Industrial Relations, in consultation with his federal counterparts and community groups, ensure that unemployed young people are given information on alternative ways of contributing to the community through volunteer programs.

Minister for Corrective Services

RECOMMENDATION 145

That the Minister for Community Services ensure that:

- the level of recidivism among young offenders in the juvenile justice system is consistently monitored to assess the rate of graduation to more serious and violent offences; and
- the impact of detention on recidivism and the nature of offending behaviour is evaluated.

RECOMMENDATION 146

That the Minister for Community Services and the Minister for Corrective Services conduct research, involving the Department of Juvenile Justice and the Department of Corrective Services, that examines the graduation of juvenile offenders to the adult system.

RECOMMENDATION 157

That the Minister for Corrective Services ensure systematic programs such as the Special Care Unit are supported by the provision of appropriate follow-up programs for inmates when they leave the Special Care Unit and return to the mainstream prison system.

RECOMMENDATION 158

That the Minister for Corrective Services:

- facilitate the establishment of the Violence Prevention Unit at Long Bay Correctional Centre; and
- examine the feasibility of extending the therapeutic program developed for the Violence Prevention Unit to other Correctional Centres.

RECOMMENDATION 159

That the Minister for Corrective Services:

- establish, as a matter of priority, a Crisis Support Program at Mulawa Correctional Centre; and
- continue to establish Crisis Support Units and Programs throughout New South Wales Correctional Centres.

RECOMMENDATION 160

That the Minister for Corrective Services develop pilot programs:

- for victims of sexual assaults in prisons; and
- for victims of past sexual assaults, including a program designed specifically for female inmates.

RECOMMENDATION 161

That the Minister for Corrective Services:

- develop prison and community-based pilot programs for young sex offenders; and
- evaluate the effectiveness of such programs after a reasonable time.

RECOMMENDATION 162

That the Minister for Corrective Services

- investigate the feasibility of allowing the Alternatives to Violence Project (AVP) to conduct weekend workshops in Correctional Centres;
- provide appropriate premises within Correctional Centres to conduct AVP workshops; and
- ensure disruptions to AVP workshops in Correctional Centres are minimised and participants are not removed during the course of the workshops.

RECOMMENDATION 163

That the Minister for Corrective Services consider including Alternatives to Violence Project workshops as a staff training option for personnel of the Department of Corrective Services.

Minister for Health

RECOMMENDATION 5

That the Ministers for Community Services and Health develop an awareness campaign and training strategies to assist those working with families where violence by young people towards parents or other family members is occurring.

RECOMMENDATION 12

That the Minister for Community Services and Minister for Health ensure that family support programs are fully evaluated and coordinated and successful programs offered state-wide, especially to parents of children in the crucial first three years of their life.

RECOMMENDATION 40

That the Minister for Health, in liaison with his federal counterparts, consider a strategy to phase out amateur and professional boxing.

RECOMMENDATION 41

That the Minister for Health conduct an Inquiry into the health aspects of kick-boxing.

RECOMMENDATION 44

That the Minister for Health ensure that appropriate resources are allocated to

- prioritise the reduction of alcohol and drug abuse by young people as a primary objective;
- continue publicity campaigns on the dangers of steroid use to target young people; and
- monitor prescription practices to minimise the abuse of prescription drugs by young people.

RECOMMENDATION 176

That the Minister for Health review the availability of counselling at Community Health Centres for young people aged 18 to 24 years, particularly the perpetrators of violence.

RECOMMENDATION 177

That the Minister for Health ensure adequate funding levels are provided for sexual assault, drug and alcohol, mental illness and crisis and long term support services for young people.

Minister for Urban Affairs and Planning and Minister for Housing

RECOMMENDATION 29

That the Minister for Planning review state planning provisions to develop guidelines which ensure the needs of young people are considered in:

- public places, parks and recreation areas;
- the planning and development of new housing estates;
- the development of commercial premises involving public access;

and contribute to the safety and enjoyment of the entire community.

RECOMMENDATION 173

That the Minister for Housing pursue a policy of integrating public housing into the broader community, both in new and existing housing developments.

RECOMMENDATION 174

That the Minister for Housing ensure consideration is given to

- providing access to adequate indoor and outdoor facilities for young people in housing estates; and
- housing families with young people in areas with adequate facilities for young people.

RECOMMENDATION 175

That the Minister for Housing examine strategies for increasing the access of young people to public housing, including special purpose-built housing for single unsupported young people.

Minister for Local Government

RECOMMENDATION 31

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government agencies to ensure that sporting and recreation facilities are accessible for extended hours.

RECOMMENDATION 32

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government agencies to consult with youth service providers and allocate appropriate resources to developing campaigns informing young people of the range of youth facilities and recreational options available to them.

RECOMMENDATION 33

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government to:

- ensure that young people are actively consulted regarding planned youth facilities;
- seek sponsorship in developing youth facilities; and
- encourage retail shopping centre management to develop youth facilities on their premises.

RECOMMENDATION 53

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government agencies to limit the number of game machines in local business establishments where this is considered appropriate for the community.

Minister for Gaming and Racing

RECOMMENDATION 35

That the Minister for Gaming and Racing ensure that hotels be permitted to hold alcohol-free events in closed-off areas while allowing alcohol to be served in other areas.

RECOMMENDATION 36

That the Minister for Gaming and Racing amend the Registered Clubs Act to allow young people to join non-sporting clubs as junior members.

RECOMMENDATION 37

That the Minister for Gaming and Racing ensure that restricted areas can be defined in terms of "physical separation" from the rest of the clubhouse to enable smaller clubs to allow access for junior members and encourage their integration.

RECOMMENDATION 42

That the Minister for Gaming and Racing review the Liquor Act to ensure it clearly indicates the responsibilities of licensees to limit the likelihood of violence on their premises by measures including:

- ensuring appropriate hotel management and design practices affecting alcohol consumption and the safety of patrons are a condition of licence renewal;
- requiring all licence applicants to undertake a course on strategies to minimise such violence; and
- ensuring the Licensing Court can compel attendance at training courses for licensees who fail to meet these standards.

Minister for Sport and Recreation

RECOMMENDATION 11

That the Ministers for Community Services, Sport and Recreation and Education collaborate on the expansion of outside school hours programs specifically designed to meet the needs of 12 to 15 year olds.

RECOMMENDATION 39

That the Minister for Education, and Minister for Sport and Recreation ensure

- that sporting programs offered to young people encourage the positive aspects of health and team-building;
- increased emphasis is placed on non-competitive sport in schools; and
- the establishment of a code of ethics to apply to the conduct of contact sports.

Minister for Transport

RECOMMENDATION 172

That the Minister for Transport continue to ensure

- crime prevention strategies are considered in the provision of transport services; and

- pricing policies encourage young people to use public transport.

Minister for Consumer Affairs

RECOMMENDATION 112

That the Minister for Consumer Affairs and Minister for Police:

- survey and review the local manufacture and sale of cutting weapons to determine whether a broader range of knives and weapons should be prohibited under the *Prohibited Weapons Act 1989*; and, if so,
- support a ban on the import of such weapons in the Ministerial Council for the Administration of Justice.

Treasurer

RECOMMENDATION 178

That the Treasurer review the limitation on the availability of pick-up funding for Departments sponsoring projects under the Area Assistance Scheme.

Premier and Government Agencies

RECOMMENDATION 15

That Government agencies, in partnership with community organisations and the private sector, give priority to job creation schemes in areas of high youth unemployment.

RECOMMENDATION 20

That the Government, in partnership with community organisations, sponsor the development of learning and recreational activities for unemployed youth. As one means of advancing this process, the Minister for Community Services should seek expressions of interest and fund the development of a pilot scheme providing training for unemployed young people to develop anti-violence programs and workshops to educate their peers.

RECOMMENDATION 34

That NSW Government agencies funding youth programs encourage the participation of young people in the planning and operation of these programs.

RECOMMENDATION 50

That the Government develop a campaign explaining ratings and penalties for retailers selling classified video games and computer software.

RECOMMENDATION 129

That the Government commission an independent state-wide review examining the extent of police violence against young people and developing strategies to deal with incidents of violence against young people.

RECOMMENDATION 130

That the Premier ensure the Office of the Ombudsman has sufficient resources to:

- **monitor the investigation of complaints of police violence referred to the Police Internal Affairs Branch when the complainant is 17 years of age or younger; and where desirable,**
- **deal directly with these complaints, and refer appropriate cases to the Director of Public Prosecution for suitable action.**

RECOMMENDATION 131

That a position be created in the Office of the Ombudsman, with the status of Deputy Ombudsman, responsible for the coordination of complaints made by children and young people, including those in the Juvenile Justice system, and that:

- **adequate resources be made available to assist in the creation of this position; and**
- **an information campaign for children and young people about the role of the Ombudsman be conducted.**

RECOMMENDATION 132

That the Government provide adequate resources to ensure:

- **effective intervention at the time young violent offenders first come in contact with the justice system;**

- the multiplicity of problems of incarcerated young violent offenders, such as alcohol and drug abuse, are adequately addressed; and
- effective preventative strategies are developed to break the cycle of recidivism among young violent offenders.

RECOMMENDATION 179

That the Premier re-establish the Office of Youth Affairs as a matter of urgency and ensure it is sufficiently resourced to meet its objectives fully.

RECOMMENDATION 180

That NSW Government agencies support the Community Youth Support initiatives in Moree, Walgett and Marrickville as models for interagency co-operation and, dependent on the evaluation of the operation of the initiatives, they be extended to other areas of the state.

INTRODUCTION

BACKGROUND TO THE INQUIRY

In April 1993, the then Minister for Education, Training and Youth Affairs, the Hon Virginia Chadwick, M.L.C. referred an Inquiry into Youth Violence to the Standing Committee on Social Issues. In September 1993, the Committee released an Issues Paper on Youth Violence that served as the basis for gathering further information on youth violence, including the preparation of submissions.

With the prorogation of Parliament in December 1994, the Committee was dissolved and the Youth Violence Inquiry suspended. However, in May 1995, the new Parliament re-referred the Inquiry to the re-constituted Social Issues Committee. The Terms of Reference of the Inquiry are:

That the Standing Committee on Social Issues:

- *collect and analyse data on the occurrences of youth violence, including violent incidents in schools, and its underlying causes;*
- *examine the policies, actions, research, and proposals of relevant Government Agencies and the impact of racial tension, unemployment, family breakdown, media portrayal of violence and any other relevant factors in relation to youth violence; and*
- *make recommendations to the New South Wales Parliament to assist all relevant Government Agencies to develop the most effective strategies to deal with youth violence.*

The scope of the Terms of Reference has demanded a thorough and detailed analysis of youth violence in New South Wales.

During the course of the Inquiry the Committee received 65 submissions, heard formal evidence from 142 witnesses, and met with an additional 170 persons during visits to schools and informal briefings.

Submissions were provided from a range of organisations and individuals, and were concerned with an extensive number of issues associated with youth violence. The NSW Bureau of Crime Statistics and Research provided the Committee with substantial and relevant data.

Evidence for the Inquiry was taken at Parliament House and a number of locations throughout the state. Community organisations and individuals, including young people, gave the Committee considerable insight into the issue of youth violence. Officers from a number of government departments, including the Department of School Education, the Police Service, the Department of Juvenile Justice, the Department of Corrective Services, and the Department of Community Services also provided invaluable information to the Committee.

During the course of the Inquiry, the Committee also heard evidence in Lismore, Broken Hill, Wellington, Dubbo and Wagga Wagga. The Committee spoke with a range of people in these rural centres, including police officers, school teachers, students, parents, psychologists, youth workers and young people.

The Committee visited a total of ten schools and alternative education facilities to gain a first hand knowledge of the concerns and experiences of students and staffs. The Committee invariably found that schools were responding to their problems by introducing positive, proactive strategies, and perceived a strong sense of school and personal pride and self-esteem. Meeting representatives of the Hurstville Youth and Town Centre Project left the Committee with the belief that communities are also beginning to respond to the problems underlying youth violence in appropriate ways. The young offenders the Committee met at Cobham Juvenile Justice Centre gave Members a particular insight into the experiences of young people coming into contact with the justice system.

DEFINING "YOUTH"

Defining what actually constitutes "youth" is not necessarily a straightforward exercise. There is no single age-related definition of youth. The criminal justice system distinguishes between "juvenile" offenders who are aged 10 to 17 years inclusive, and "adult" offenders who are 18 years of age or older. The *Youth Advisory Council Act 1989*, which established a Council to advise the New South Wales Government on matters of concern to youth, defines youth as those aged 12 to 24 years inclusive. This definition is also used by the United Nations.

For the purpose of the Inquiry, youth are defined as **those aged 10 to 24 years inclusive**.

Where appropriate, the paper distinguishes between those aged 10 to 17 years inclusive and those aged 18 to 24 years inclusive.

DEFINING "VIOLENCE"

As the Committee noted in its Issues Paper on Youth Violence, defining violence is particularly problematic. There are number of components which can make up a definition of violence. These include whether or not the violence:

- is threatened and/or actual;
- is planned or spontaneous;
- is verbal, psychological (for example, deliberately excluding an individual from a group) and/or physical in nature;
- is directed at another person and/or at self, and/or at property;
- has negative psychological (including emotional) and/or physical effects;

It has also been suggested that violence is a social construct to some extent in that value judgments are involved in determining whether some behaviours constitute violence.

For the purposes of this Inquiry, violence is defined as **threatened or actual, psychological, sexual or physical behaviour by one person directed at another person (or self) resulting in psychological or physical harm to that other person (or self).**

SCOPE OF THE REPORT

As noted above, the scope of the Terms of Reference has necessitated a detailed and thorough examination of many issues relevant to youth violence. At the outset, the Committee determined that the Inquiry should not address youth violence in a cursory or brief way. The significance of the issue, as well as the level of public concern and interest, has required the Committee to conduct an in-depth and thorough Inquiry.

Underlying the Report are a number of principles and findings. These are that:

- Official data on the incidence of youth violence should be read with caution;
- while violent incidents occur on school grounds, the risk of being assaulted outside school premises is substantially higher;
- media reports and political statements on youth violence are often exaggerated and can create unreasonable fear in the community;
- bullying is a far more serious aspect of youth violence than has been recognised in the past;
- the term "gang" is often erroneously used to denote any group of young people;
- young people can be both the perpetrators and the victims of violence;
- the experience of violence in the family is one of the most important factors contributing to youth violence;
- alcohol is a primary factor linked to violent behaviour;
- young people have the same rights to access and use of public space as any other group in the community;
- the needs of young people should be considered in planning decisions to contribute to the safety and enjoyment of the entire community;
- prevention must be the first response to an effective policy on youth violence;
- programs that reduce the exposure of young people to violence, increase opportunities for them to contribute to their community and be financially secure, and provide appropriate recreation and leisure options can all contribute to reducing youth violence;

- schools should function as models of co-operative, tolerant and non-violent communities;
- police and local communities must develop appropriate strategies to deal with potential, perceived and/or actual locations in which violent activity occurs;
- where an incident of violence is categorised as "minor", diversion from the criminal justice system should be the first response;
- young people who commit violent offences should be accountable for their deeds;
- the multiplicity of problems of young violent offenders must be addressed and effective prevention strategies developed to break the cycle of recidivism.

STRUCTURE OF THE REPORT

The Report contains thirteen chapters. Chapter One discusses theoretical approaches to explaining violent behaviour. It examines individual and psychological aspects of violence and the social and cultural aspects of violence. A number of alternative approaches to the prevention of crime and violence are also discussed. Chapter One presents information on crime prevention projects in a number of international and Australian jurisdictions.

Chapter Two is essentially a statistical profile of the incidence and characteristics of youth violence. The data are drawn from court statistics, police records, Juvenile Justice Centres and prisons. This chapter also identifies the limitations of the various data sources and the incomparability of data sets of recorded crime for 1990 to 1993, and data for 1994-95.

Also contained in Chapter Two is a discussion of a number of discernible characteristics of the violent offending of young people, including the location of offending, the gender of alleged perpetrators, the extent to which weapons are involved, the ethnicity of youth in detention and evidence relating to gang violence and violence against homosexuals and lesbians.

Chapter Three examines the incidence and characteristics of school-related violence. The chapter examines data from a number of different sources, including the Department of School Education, police statistics, surveys and research papers as well as evidence presented to the Committee. The chapter reveals that bullying and sexual harassment remain of serious concern in schools, and discusses issues such as racism and victimisation.

Chapter Four examines the relationship between the family unit and violence among young people. Issues such as child abuse, discipline and physical punishment, family pressures and family breakdown are discussed. The chapter also examines a range of programs which are attempting to constructively assist families in crisis, or assist in the development of parenting skills. The chapter also explores issues relating to the effect of adverse social and economic pressures on parents which may lead to inadequate support for children.

Chapter Five investigates the link between socio-economic status and levels of violent crime. The issue of unemployment in relation to youth violence is examined as are corollary issues of employment and job training, and alternative means of support for young people. The chapter

also examines issues of homelessness and youth violence and reviews programs such as the Supported Accommodation Assistance Program and the Young Homeless Allowance scheme.

Chapter Six examines the use of public space by young people as a recreational outlet, and a range of facilities and recreational options that should be made available to young people. The impact of sport on the lives of young people and issues such as the recreational use of alcohol, the link between alcohol, drugs and violence and strategies for harm minimisation are discussed.

Chapter Seven explores the relationship between violence in the media and youth violence. The chapter discusses the debate surrounding the influence of media violence on violent behaviour among young people. A number of effects of television and film violence, including desensitisation to violence, the modelling of values, and copy-cat acts of violence are considered. Chapter Seven also examines strategies for addressing film, video and television violence. Violence in a number of other media are also considered, including video and computer games, and issues relating to game parlours, computer bulletin boards and the internet, virtual reality and music.

Chapter Eight introduces the Committee's review on the Department of School Education's policies and actions on violence. A number of issues are considered, including the role and nature of schools, their relationship to the community and parents, and reactive and proactive strategies to manage violence. The contributions of staff and students in confronting violence, and Departmental responses to violence and violent students, are also examined.

Chapter Nine investigates a range of anti-violence initiatives and programs that are being developed or have already been introduced in individual schools, regions or throughout the school education system. Issues relating to the school curriculum are also considered.

Chapter Ten examines the responses of the Department of School Education to specific forms of violence in schools. Factors underlying school violence are also discussed. Initiatives targeting sex-based harassment, bullying and racism are considered.

In Chapter Eleven, the Committee examines the role of the police in relation to youth violence. Issues considered include police powers and the use and misuse of the Summary Offences Act. Factors relating to dealing with young people from ethnic communities and Aboriginal young people are also examined. A range of policy responses relevant to youth violence are considered, including police training, and the issue of police harassment and violence against young people is considered.

In Chapter Twelve the Committee considers issues relevant to young offenders once they are apprehended and processed through the juvenile justice or criminal justice systems. Penalties and deterrence, community based sentencing options, and counselling programs for violent offenders are examined.

Chapter Thirteen examines the role of a range of Government agencies whose services and policies impact upon young people and youth violence. The Committee considers the role of the Department of Community Services in areas such as assisting young people in care and

supported accommodation; and the Departments of Health, Housing and Transport. The chapter also considers the Area Assistance Scheme, responsibility for Youth Affairs, and the role of community education in combating youth violence.

There are 181 recommendations arising from the Committee's deliberations, from which the Committee has drawn 7 key recommendations.

CHAPTER ONE

THEORIES OF VIOLENCE AND PREVENTION APPROACHES

This Chapter discusses theoretical approaches to explaining violent behaviour. It examines individual and psychological aspects of violence and the social and cultural aspects of our society. A number of alternative approaches to the prevention of crime and violence are also discussed. This Chapter also presents information on crime prevention projects in a number of international and Australian jurisdictions to illustrate the variety of approaches to prevention.

1.1 THEORIES OF CAUSATION

The Committee heard evidence from a range of witnesses discussing the causes of violent behaviour in young people. Theoretical perspectives ranged from examining individual pathologies or deviancies to examining factors in the social environment.

The Committee does not feel it appropriate to comment on the importance or relevance of the range of academic approaches to the issue of youth violence, as this is beyond the scope of this Inquiry. While the Committee believes a brief presentation of this information may be helpful to some readers, it does not consider that nominating a preferred theoretical approach is of decisive significance in attempting to reduce the level of violence in our community.

The Committee recognises the scope for the community and Government to deal with violence at both the individual and social level, and the Committee's recommendations deal with interventions at both these levels.

This section briefly discusses intra-individual, social psychological, and social-cultural theories. The Committee is indebted to Vaughan Bowie, Lecturer in the Department of Youth Work and Justice Studies at the University of Western Sydney, Macarthur, for presenting causal theories of violence in this conceptual framework (Submission 51).

1.1.1 Intra-individual Theories

These theories see aggression as arising from within the individual.

For example, the **Psychopathology** theory suggests violence comes from something intrinsic to the individual such as a psychiatric or emotional disorder. A small proportion of people with certain types of emotional disorders may carry out violent acts. Such disorders may include some types of schizophrenia, acute functional psychosis and so called psychopathic personalities. However, the incidence of violence by psychologically disturbed people is below the incidence of the general public.

Other approaches within this category include **Alcohol and Drug Induced Aggression; Genetic, Biological or Instinctual Theories; and Excitation-transfer Theory.**

1.1.2 Social Psychological Theories

Within this school of thought, violence and aggression are seen as arising from the effects of social interactions.

A number of witnesses contended that violence cannot be viewed in isolation from the life experiences of young people:

We ... believe that any violence committed by young people is a direct response to the violence against them generally by society, and this violence can range from coming from a war-torn country, domestic violence, the justice system, being excluded from employment, violence in the media, violent video games, lack of income or access to income, and the list goes on (Hirsch Evidence, 01.11.93).

The **Social Learning Theory** suggests that people learn violent behaviour through peers, the family or the media. Such behaviour is learnt through participation in, observation of, or fantasy surrounding violent situations, and is reinforced by a variety of rewards and avoidance of punishment.

Other social-psychological theories view peoples' motivations as coming from the concepts, meanings and expectations they give to themselves and their social environment.

Young people may become violent if their integrity, family honour, sense of masculinity, territory or friends are threatened. Violence may also be attractive because it gives young people a sense of potency and status (Bessant Evidence, 28.07.94).

Other approaches include viewing violence in terms of **Boredom and Thrill Seeking; Symbolic Interaction Theory; Frustration Aggression Theory; Self Attitude Theory; Exchange Theory; Attribution Theory; and De-individuation Theory.**

1.1.3 Socio-cultural Theories

Socio-cultural theories such as the **Structural Theory** provide a "macro-level" analysis by assuming that violence is connected to the way society is structured and the sense of disadvantage experienced by certain groups. Such a sense of disadvantage may lead to attempts to change society by violence or the expression of anger, frustration and alienation through violent acts.

Other approaches include the sub-culture of **Violence Hypothesis; Functional Theory; Conflict Theory; Resource Theory; and General Systems Theory.**

1.1.4 Power and Gender

The fact that violence is an overwhelmingly male phenomenon suggests that constructions of gender may contribute to behavioural choices.

The Committee was informed that this approach discusses stages of boys' development which involve demonstrations of strength:

[being a man] means to be potent and to demonstrate self-worth in physical ways (Bessant Evidence, 29.07.94).

The masculine stereotype suggests that males must be strong, and the only emotion they may express with cultural approval is anger:

So long as our culture continues to reinforce this stereotype in males in the media, on the sports field, in the classroom, in the boardroom and in the bedroom we will continue to have this problem (Jeffcoat Evidence, 10.02.94).

The Committee considers gender to be fundamental in discussing youth violence. The issue of the construction of masculinity, and strategies to address the resultant attributes and behaviour of boys and young men are further addressed in Section 10.3.

1.1.5 Conclusion: Problem of Causation

Different theories of violence can be seen to be related. Structural factors such as unemployment may thwart goals and lead to depression or frustration. This frustration may then lead to aggression and violence which draws on learned behaviour.

A psychiatrist informed the Committee that a number of theories may be relevant to youth violence, since there are qualitative differences between fights in the playground and violent crimes using weapons (Wever Evidence, 26.04.94).

Another witness suggested that all the factors involved in incidents of violence must be considered, rather than focusing on a single cause. Family breakdown may expose a child to abuse or physical violence; a lifestyle which includes drug and alcohol abuse may lead to crime and violence; and racial tension in the community may cause fights among some groups. Violent behaviour in an individual may be the result of a complex pattern of interaction. The Committee heard that an intervention strategy would require a therapist to consider the individual factors within a child; factors within the immediate family; within the child's school, within the peer group and then broader social factors:

as clinicians We cannot change social issues, but perhaps we can change the microcosm a child belongs in and perhaps set up situations where they learn more adaptive behaviours over a period of time (Wever Evidence, 26.04.94).

The Co-ordinator of South Sydney Youth Services highlighted two causal areas in evidence to the Committee: the experience of personal trauma or family problems, and social and cultural alienation. Personal trauma can contribute to problems of self-esteem and self-confidence, and be exacerbated by sexual abuse, emotional abuse, and drug and alcohol abuse. Social and cultural alienation stems from young people not having a place in the community, with their

views and attitudes not taken into account:

the major reason that [young offenders] continue to offend is that they are not connected to their community, that they feel that they don't belong, and if you don't belong, then you don't have to be responsible (Brown Evidence, 25.10.93).

One witness informed the Committee of the results of an international review of community based options which found little evidence that clinical or treatment based programs and services have any significant long-term impact or effect on young people's offending. The programs which are the most likely to have an impact are those that deal with the world that young people must relate to, such as employment or advocacy programs (Alder Evidence, 29.07.94).

The Committee believes violence is a complex problem, and recognises that psychological factors have some impact on aggression. However, the Committee has concerns about the social climate in which young people are developing and recognises that factors such as family violence and unemployment may alienate young people and lead to destructive behaviours directed both against property and other people. The Committee therefore believes that it is important to ameliorate social conditions which alienate our young people, while recognising that strategies to change the behaviour of violent individuals are also important.

1.2 APPROACHES TO CRIME PREVENTION

Just as there are a variety of ways to conceptualise youth violence, there are various ways to attempt to address the problem. Broadly, intervention can occur at the individual, the environmental, or the social level.

1.2.1 Intervention at the Individual Level

A child and adolescent psychiatrist suggested to the Committee that since aggression is related to development and, in his opinion, does not commence in adolescence, one of the key issues in preventing youth violence and aggression is early identification and intervention with children (Wever Evidence, 26.04.94).

Research from the United States suggests that aggression at the age of eight years is the best predictor of aggression at age 19 years, irrespective of IQ, social class or parents' aggressiveness. The same research suggested that the role model provided by violent parents was a common factor in the background of many violent children, and a lower level of intelligence limits behavioural options (Submission 31).

Although cognitive factors are not the only elements underlying aggression, a growing body of work has demonstrated their significance in mediating broad patterns of behaviour. Cognitive factors have been found to be modifiable through direct intervention programs that lead to significant reductions in the related behaviour. The work in aggression replacement training by Arnold Goldstein and colleagues, as well as Dan Olweus' intervention against bullying in Norway, illustrate the importance of building cognitive skills (Wilson-Brewer *et al*, 1991:6).

Interventions which focus on negative sanctions for delinquent or criminal behaviour also attempt to modify behaviour. However, punitive sentencing options may serve to alienate and further marginalise young offenders, who may also learn further criminal behaviour while in detention. The Committee recognises the importance of interventions at the individual level, through both the justice and welfare systems, but believes that care must be taken to ensure such interventions provide opportunities for behavioural change rather than stigmatising, labelling and stereotyping young people and their families. The goal is change, not blame.

1.2.2 Environmental Intervention

This approach to crime prevention attempts to minimise the risk of crime by environmental modifications, such as increased security and improved lighting in public places. However, while this approach may reduce some areas of risk, it is possible that a displacement effect may result, with the risk transferred to other areas. If homes, buildings and cars are made secure, offenders who aim to gather money through crime may turn to robbery and assault to meet their objectives. The Senior Children's magistrate raised this point in evidence to the Committee:

There was a clamp down on car theft If people are doing things for kicks, do they now go out and wander around the streets at night looking for someone to mug rather than taking someone's car? (Blackmore Evidence, 28.07.94).

The Committee recognises that by reducing the opportunities for crime through environmental modifications in specific public areas, for example through bright lighting and increased surveillance, those young people who use these areas may be perceived as a threat. This may result from their increased visibility, coupled with heightened community consciousness of safety issues. However, the Committee acknowledges that local communities may have concerns about particular areas in which violent crimes occur or in which citizens feel unsafe, and that steps should be taken to ensure such areas are made safe for the use of the entire community. The completion of community safety audits is a key recommendation discussed in Section 11.3.5.

The Committee believes that while environmental modification may reduce the opportunities for certain crimes, adequate attention must also be paid to improving the status of young people and the social conditions which they face.

1.2.3 From Individual Control to Social Development

It has been suggested that the issue of youth crime cannot be divorced from other social factors affecting young people, such as the restructuring of our economy in the last two decades and increased youth unemployment. At the political level, the disproportionate significance given to dealing with young offenders in the law and order debate also affects young people's status in society. Some commentators contend that any effective youth crime prevention strategy should aim to remove the issue from the law and order debate and seek the

integration of young people through educational, employment and community involvement rather than exclusion via criminalisation (Coventry *et al*, 1992:5).

These two alternative approaches may be termed "individual control" and "social development" approaches. The individual control approach focuses on the individual, whereas the central theme of the social development approach is situational improvement through education and cooperation (Semmens, 1990:23). Examples of different strategies for addressing delinquency and crime prevention under the two approaches are provided in Table One below.

Table One
Examples of Primary Prevention Strategies under Individual Control and Social Development Models

Social institution	Individual control	Social development
Family	<ol style="list-style-type: none"> 1. Identify "at risk" families and offer counselling and welfare benefits. 	<ol style="list-style-type: none"> 1. Family support: <ul style="list-style-type: none"> - guaranteed minimum income - housing - health - child care - legal aid - equal access to education.
Peers	<ol style="list-style-type: none"> 1. Diversion from court programs. 2. Separation of "troublesome" youths. 3. Curfew. 	<ol style="list-style-type: none"> 1. Encourage youth contribution to their local community - interesting things to do with people of all ages. 2. Recognise youth cooperative initiatives.
School	<ol style="list-style-type: none"> 1. Hierarchy of disciplinary sanctions. 2. Privileges conditional upon good behaviour. 	<ol style="list-style-type: none"> 1. Establish code of behaviour for and by teachers, students and parents.

(Semmens, 1990:23)

Another individual control approach at the school level would be remedial education or behaviour modification programs; at the family level, parent training would also be relevant. The Committee believes that there are potential benefits from both approaches, and recognises the need for an integrated approach to the problem of youth violence.

The National Centre for Socio-Legal Studies (NCSLS) suggests the potential of prevention approaches lies in a variety of 'micro-interventions' such as:

- temporary access to low skilled industrial work;
- development of literacy and communication skills;
- development of participant confidence and the enhancement of self awareness, personal autonomy and decision making;
- providing youth sector resources to previously overlooked local communities;
- providing temporary access to otherwise denied leisure activities;
- individualised counselling, casework and advocacy; and
- creation of temporary employment for some community members as project workers (Coventry *et al*, 1992:11).

The importance of including young people through participatory strategies integrating young people in mainstream community life was stressed to the Committee. It was suggested that:

This involves a willingness to use youth competence, to involve young people in the provision of teaching and health service and other kinds of caring roles (Polk Evidence, 29.07.94).

However, programs may not benefit all groups of young people. The Committee heard that youth programs, whether they be young offender programs, employment programs, or housing programs are predominantly developed for young males:

We want young women to have access to this range of services but we cannot simply leave the program the same and drop young women in, because there are particular aspects, interactions and problems that emerge (Alder Evidence, 29.07.94).

The particular needs of various groups should be recognised when programs are developed, with appropriate attempts made to address these needs.

The Committee believes that programs that reduce the exposure of young people to violence; increase opportunities for them to contribute to their community and be financially secure; and provide appropriate recreation and leisure options can all contribute to reduction in youth violence. These issues are further addressed in subsequent chapters of this report.

1.3 GOVERNMENT AND COMMUNITY RESPONSES TO CRIME PREVENTION

In a number of jurisdictions, both overseas and within Australia, crime prevention plans have been developed which involve a co-operative approach between government agencies and local communities. This section refers to several projects which adopt a variety of theoretical

approaches to the problem of violence and combine a number of approaches to crime prevention. This review is not intended as a comprehensive evaluation of international or Australian crime prevention approaches. Limited information is available to the Committee on the success of various schemes in reducing violent behaviour by young people, and indeed any such evaluations would face methodological limitations. However, the Committee believes that the range of responses to crime prevention illustrate the importance of comprehensive and integrated prevention strategies.

1.3.1 The Netherlands: Society and Crime Plan

Since 1985, the Netherlands Ministry of Justice has been embarking on pilot projects in crime prevention involving extensive community participation.

Subsidies have been granted to approximately 80 municipalities for some 250 crime prevention projects of varying kinds. In the majority of the municipalities local crime prevention steering committees have been formed (Netherlands Ministry of Justice, 1990:19).

Citizens are encouraged to improve their own neighbourhoods. Examples of this approach include the appointment of neighbourhood caretakers to carry out supervisory duties, and involving the residents in the upkeep of public gardens and playgrounds. Other pilot projects target school failure and retention, and the diversion of minor offenders such as vandals from the court system (Junger-Tas, 1989).

The ultimate objective of the Society and Crime policy plan was to curb crime. Since 1985 the sharp annual rises in the incidence of crime appear to have been reduced, and crime among juveniles is decreasing (Netherlands Ministry of Justice, 1990:23).

1.3.2 France: Bonnemaison Scheme

The system of youth crime prevention in France, known as the "Bonnemaison Scheme", relies heavily on the support and initiatives of local councils and the local community. "Bonnemaison" grew out of the direct response by the French Government to the dramatic rise in juvenile crime during the summer of 1981 in the disadvantaged areas of Lyons and Marseilles.

Among the immediate approaches taken by the government to the escalation in crime was the establishment of camps and holiday activities over the summer period for young people who did not have any appropriate leisure or recreational alternatives.

An inquiry into ways of tackling the underlying problems associated with juvenile offending rates in France followed and the chair of that inquiry, Gilbert Bonnemaison, proposed that a three tiered system of crime prevention committees be set up. In 1983, these committees came into effect.

The three committees are represented at all levels of French government. The Conseils Communaux are the local crime prevention committees and operate in individual towns and cities throughout France.

Among the programs undertaken by local crime prevention committees are:

training programs and job-finding schemes for disadvantaged young people; the encouragement of unemployed young people to devise and claim for grants for sporting, theatrical, educational and recreational projects; the employment of young trainees in schemes to reduce bullying and violence in schools; and schemes to help young drug users, to provide supportive accommodation for them and to divert their energies away from self-destructive activities into such directions as theatrical and sporting interests (King, 1987:42).

As well as these programs and the holiday programs, the Bonnemaision system has seen the establishment of a number of youth centres throughout France providing a facility for young people to raise concerns about employment, training and accommodation, with experts in those areas from the local community.

In terms of the effectiveness of the Bonnemaision system, Mr William Corneloup, a representative of Gilbert Bonnemaision, commented in the press that French crime had fallen by 20% through the adoption of the system (Male, 1991). The Bonnemaision system offers an example of how local initiatives, with the support of government at all levels, can be effective in the area of juvenile crime prevention.

1.3.3 Britain

■ Crime Concern

"Crime Concern" is Britain's national crime prevention development organisation. It is an independent, non-profit body, part-funded by government, which recognises the need to sponsor joint community projects between agencies, law enforcers, residents and industry. The majority of Crime Concern's funding comes from industry sources. Crime Concern aims to reduce crime and create safer communities, and seeks to achieve this in three ways: by providing a developmental and consultancy service to towns and cities (it has worked in over 60 areas); by developing innovative approaches to crime prevention; and by promoting more and better crime prevention through conferences, seminars and publications (Bright, 1993).

■ Safer Slough Enterprise (SSE)

In 1992 Thames Valley Police joined forces with Slough Borough Council to set up the Safer Slough Enterprise (SSE). It encompasses statutory and voluntary agencies, industry and the community, and aims to reduce crime and the fear of crime, and improve public safety.

SSE has two main projects: the Town Centre Scheme and a Motor Project. The former aims to improve the central shopping area and multi-storey car parks of the town, and install closed-circuit television. The Motor Project aims to divert young offenders away from auto-crime through legitimate involvement with vehicles.

Other projects include Mobile Watch, a form of Neighbourhood Watch on wheels, and Business Watch, which operates on a large industrial estate with the participation of about two-thirds of the firms. To supplement this target hardening approach, a long-term project, *You're OK! I'm OK!*, aims to raise children's self-esteem and encourage them to respect other people and their property from an early age (Nash, 1994).

1.3.4 Safer Australia Program

On 18 May 1995, the Prime Minister launched the Justice Statement, which describes the Government's strategy to make justice more accessible for all Australians. Central to the justice system reforms is the establishment of the Safer Australia program. The primary aim of Safer Australia will be to improve crime prevention at the community level throughout Australia. The program will focus on assisting local communities as well as public and private sector organisations by identifying and developing effective solutions to crime problems and the fear of crime.

The program will be managed by a new body, the Safer Australia Board, which will report to the Minister for Justice. The Board will be a small, high profile group of eminent Australians drawn from a variety of professional, community and cultural backgrounds. It will provide a crucial link between the police, the media, the corporate and community sectors and the three levels of government.

1.3.5 Victoria: Vicsafe and Safer Communities Project

Vicsafe refers to police-community partnerships aimed at crime prevention and community safety. Since 1991, over 90 Police Community Consultative Committees (PCCCs) have been established in Victoria. A number of locally based crime prevention and community safety initiatives have been undertaken by PCCCs involving police and other government and non-government agencies in a partnership approach to crime prevention and safety issues within their local community. These include:

- the Mall Outpost for support of young people (Geelong);
- development of family violence resource kits (Caulfield); and
- establishment of a "Residents at Risk" Register (Springvale/Knox) (Victoria Police, 1993:8-9).

The "Safer Communities Project", funded by the Department of Justice, has enabled Community Development Officers to be appointed to undertake pilots in seven municipalities. The Community Development Officers worked for twelve months with the PCCCs and were able to provide the committees with the skills and support for development of comprehensive local crime analysis and strategy plans.

The Richmond Committee, through its crime analysis and strategy plan, was able to encourage the City of Richmond to incorporate community safety into its structure, thereby providing an avenue for council employees and the general community to have safety issues addressed more positively by local government (Byrne *et al*, 1994).

1.3.6 Queensland: Youth and Community Combined Action Program (YACCA)

YACCA aims to prevent those young people most marginalised from social support structures and networks becoming involved in the juvenile justice system by providing them with opportunities to play a valued role in community life.

In the 20 areas targeted, all sectors of the community - young people, parents, schools, churches, community organisations, government agencies, businesses - have been brought together to develop co-ordinated, multi-agency responses to local needs.

The diverse activities and services provided by projects reflect the unique conditions and needs of their communities, and range from basketball and an Aboriginal family history research project, to family counselling and community theatre projects.

Projects undertaken by schools include wilderness camps with disadvantaged young people; organisation of work experience placements for truants; employment of a youth worker within a school; a work transition program for students 'at risk', linking with the CES and TAFE Skillshare; and a music program combining recreation and skills development.

In addition, a number of grants have been made available through the mainstream Youth Organisations Task Force established under YACCA to initiate and implement collaborative projects.

Projects to date include:

- a low cost basketball project supported by the Scouts, the Police Citizens Youth Club and a local sporting association.
- a project to give urban young people an opportunity to form a Surf Lifesaving club and to access Surf Lifesaving programs and events (McLuckie and Marcesi, 1994).

1.3.7 Crime Prevention in New South Wales

A range of initiatives that apply multi-faceted approaches to crime prevention have been established in New South Wales. While this section discusses several initiatives, it is not intended as a comprehensive overview of community responses to crime. Other initiatives, including the Youth and the Law Project and the Community Youth Development Taskforce, are discussed in subsequent chapters.

■ **Residents in Safer Environments (RISE)**

The RISE community crime prevention project is a partnership between the NRMA, the Fairfield Community Resources Centre and local residents. RISE is one of several initiatives through which the NRMA has sought to demonstrate a corporate response to a wide range of social issues such as crime and environmental issues, particularly as they relate to motor vehicles.

The RISE initiative seeks to identify and address the social factors which can contribute to crime, and is based on the observation that most of those who participate in criminal activity are from economically and socially disadvantaged backgrounds. The project offers resources to a population of about 1200 people who live on Department of Housing estates.

To date, residents have agreed to fund youth activities through Positive Directions, an after school tuition program for students with learning difficulties who are at risk of leaving school early, as well as an ongoing program of after school non-competitive recreational activities. In addition, there is an informal basketball competition for 12 to 24 year olds and a touch football team being sponsored.

Other initiatives to provide support for families include a play group established and run by local young mothers, and a language school for Australian born children of Arabic speakers.

Community relations activities which aim to strengthen a sense of cohesion include market days, a Spring Fair, Christmas parties organised by and for estate and other local residents, a Latin Women's group, and sewing and screen printing classes. A bartering system is being trialled and subsidised bus trips are organised for both outings and shopping expeditions (Miller, 1994).

The Committee supports the development, extension and further innovation of such projects by relevant agencies.

■ **Enough is Enough**

The Committee heard evidence from the President of the Enough is Enough movement, the father of a murder victim. The mission of Enough is Enough is to encourage individuals to accept responsibility for eliminating violence from their lives, and encourage the community to embrace the concept of reform by education, and understand the alternatives to violence. Representatives of the movement have visited schools, universities, and community groups and associations. Anti-violence committees have subsequently been established in a number of schools. The group is also involved in police crime prevention workshops, and the development of school programs on parenting skills, responsibilities and personal development and anti-violence modules.

The Committee heard that the movement aims to reduce people's apathy towards violence:

If [children] start signing a commitment, ... then wearing [a] badge, hopefully with pride, we can start having peer groups set up amongst kids about anti-violence instead of violence We will make a difference because enough is enough (Marslew Evidence, 08.08.95).

1.4 CONCLUSIONS AND FINDINGS

- While a range of theoretical approaches may be useful in conceptualising violence, they are not of decisive significance in attempting to reduce the level of violence in our community. Violence cannot be viewed in isolation from the life experiences of young people and young people may learn violent behaviour through peers, the family and the media.
- Gender is fundamental in examining youth violence.
- The Committee has concerns about the social climate in which young people are developing and recognises that structural factors such as unemployment may alienate young people and lead to destructive behaviours directed both against property and other people.
- The Committee recognises the scope for the community and Government to deal with violence at both the individual and social level, and the Committee's recommendations deal with interventions at both these levels.
- **Programs that reduce the exposure of young people to violence; increase opportunities for them to contribute to their community and be financially secure; and provide appropriate recreation and leisure options can all contribute to reducing youth violence.**

CHAPTER TWO

THE INCIDENCE AND CHARACTERISTICS OF YOUTH VIOLENCE

The Committee's Youth Violence Issues Paper contained a range of statistical information on offending rates. The Issues Paper revealed that the number of alleged violent offenders aged 10 to 17 years decreased for virtually all offence types between 1990 and 1992 (Standing Committee on Social Issues, 1993:16). This was also true for alleged offenders aged from 18 to 24 years (Standing Committee on Social Issues, 1993:18). However, about one-third of all alleged violent offenders in New South Wales between 1990 and 1992 were in this age group.

This chapter provides an updated picture of the available data on the incidence and characteristics of youth violence, drawn from court statistics, police records and data from institutions including Juvenile Justice Centres and prisons. Data relating to young people aged from 10 to 17 years and from 18 to 24 years are presented in separate sections, reflecting the different treatment of these groups in the criminal justice system. Data in this chapter are compiled from both published statistical reports and statistics provided to the Committee from the NSW Bureau of Crime Statistics and Research, and the Departments of Juvenile Justice and Corrective Services.

The chapter also discusses the limitations of these various sources of data, and issues relating to the comparability of data compiled from different police recording systems. **It is important to note that it is not possible to draw firm conclusions on trends in crime rates from annual statistics over a restricted period of time, as considerable annual variations are to be expected in data of this nature.** However, monitoring annual increases and decreases does contribute to some understanding of crime in our society.

The chapter discusses a number of discernible characteristics of the violent offending of young people. Factors examined include the rate of offending in statistical divisions of New South Wales and statistical sub-divisions of Sydney, and the environments in which offenders allegedly committed assault offences. The gender of alleged perpetrators and the extent to which weapons are involved are also discussed. The ethnicity of youth in detention, the involvement of Aborigines in the justice system and evidence of racial tension are also examined. Evidence relating to gang violence and violence against homosexuals and lesbians is also presented. The chapter also examines the media reporting of violence.

2.1 THE INCIDENCE OF YOUTH VIOLENCE

2.1.1 Data Limitations

Evidence regarding the incidence of youth violence can be compiled from a range of sources, including court statistics, police records and data from institutions including schools and prisons. However, each of the various data sources has inherent limitations.

■ **Court Statistics**

While court statistics reveal trends in the number of alleged offenders appearing in court or being convicted of violent crimes, these data do not include violent crimes for which no offender was arrested or prosecuted. In addition, court statistics do not reveal the complete pattern of interventions in response to crime. The Committee heard that a more complete picture may be gained from also examining data relating to police reports or cautions. It was suggested that an examination of these statistics may demonstrate wide variations between different police patrols, as court diversion and schemes such as family group conferencing largely rely on the discretion of individual officers (D'Astoli Evidence, 10.02.94). The Committee was informed in 1993 that the Department of Juvenile Justice was obtaining police computer tapes on cautioning to enable data to be produced on the total number of police interventions, giving a more complete picture of young people's contact with the justice system. These data would also enable monitoring of trends as to the extent to which people are being diverted from a court appearance through police cautioning or are moving into the court system (Loughman Briefing, 17.09.93). However, the Committee was informed in 1994 that the Department of Juvenile Justice, at that time, did not have data on police cautioning statistics (Tie Evidence, 29.08.94).

■ **Recorded Crime Statistics**

Sections 2.1.2 and 2.1.3 present statistics produced by the New South Wales Bureau of Crime Statistics and Research from police reports of violent crime.

Data recorded by police when crimes are reported offer a means of including offences which did not necessarily result in the prosecution of the offender. The information recorded in relation to offences will be based on police action taken against alleged offenders. Since many offenders may evade police identification and arrest, the data are a limited sub-set of all offenders. This is true particularly in cases of offences such as murder, where, unless the case is solved, the age of the offender is not likely to be known. In cases where there is a witness to the crime, such as robbery offences, the witness may provide police with an estimate of the age of the offender. However, since these estimates may be unreliable, data based on witness descriptions only were not included in recorded crime statistics produced for the Committee by the New South Wales Bureau of Crime Statistics and Research.

The submission from the Youth Advisory Council also expressed concern over other limitations of relying on recorded crime statistics. Many offences do not come to the attention of police and therefore are not included in recorded crime statistics. For example, a significant proportion of domestic violence and child abuse offences that are committed within the home may not be reported to police (D'Astoli Evidence, 10.02.94). While young people may not be over-represented in the perpetrators of these offences, a number of young people offend as part of adolescent development, and do not come into contact with the justice system (Loughman Briefing, 17.09.93). Offences such as assaults in school may not be reported to the police, but rather are handled through the internal discipline policies of a school (Loughman Briefing, 17.09.93). The submission of the Hunter Student's Representative Council contended that more information on bullying, teasing, and fights is required before any valid conclusions on the incidence of violence can be reached (Submission 46).

Trends in rates of reporting offences to police can be observed by examining data from victims' surveys. Each year in New South Wales the Australian Bureau of Statistics conducts a Crime and Safety survey as a supplement to the monthly population survey. In April 1994, 11,646 respondents provided information on their criminal victimisation during the preceding twelve months. The Crime and Safety surveys reveal significant annual variations in both the percentage of the population experiencing a particular crime, and the percentage of these victims reporting the crime to the police, as indicated in Table Two below.

As the Table indicates, the victimisation rate for robbery and assault was lower in 1993-4 than in the previous year, but the reporting rate was substantially higher. Recorded crime statistics will reflect these increases in reporting rates in 1993-94, and must therefore be treated with caution.

Table Two

**Victims of Personal Crime and Percentage Reporting Last Incident to Police
NSW Crime and Safety Surveys, 1992 - 1994**

	1991 - 1992	1992 - 1993	1993 - 1994
Robbery			
% Victimisation Rate	1.1	1.3	1.2
% of Victims Reporting to Police	58.6	45.6	52.6
Assault			
% Victimisation Rate	2.2	2.6	2.4
% of Victims Reporting to Police	37	31.9	38.9
Sexual Assault			
% Victimisation Rate	0.6	0.8	0.7
% of Victims Reporting to Police	24.6	28.8	25.6

Source: Australian Bureau of Statistics, 1994b:3,6.

■ **Police Recording Systems and Practices**

In April 1994 the NSW Police Service implemented the first phase of a new computer system, the Computerised Operational Policing System (COPS). The new system is used for record keeping for all police operations, not just for criminal matters. Recording of criminal offences in COPS differs from the Crime Information and Intelligence System (CIIS) previously used. The main counting unit has changed from an "offence" to an "incident". Data from the two recording systems are therefore not compatible for all types of offences. For example, one

incident may involve one offender assaulting two victims. Under COPS this would be recorded as one assault incident. Under the old CIIS system it would have been recorded as two assault offences (one for each victim).

The Bureau of Crime Statistics and Research have traditionally reported offence data, and will in the future report incident data. The 1994 Crime Statistics report by the Bureau of Crime Statistics and Research therefore only includes data for the first twelve months of operation of the new COPS system.

The report reveals that during this period there has been no statistically significant upward or downward trend in the monthly numbers of recorded criminal incidents for murder; sexual assault; robbery with a firearm; robbery with a weapon, not a firearm. However, statistically significant upward trends in the monthly numbers of recorded incidents were recorded for assault and robbery without a weapon (Bureau of Crime Statistics and Research, 1995a:4).

The statistics in the Committee's Issues Paper, and in this report, rely on data relating to alleged offenders within particular age groups. Compiling these data involves a computer search for those offences or incidents where police action has been taken against an alleged offender, and their age has been recorded.

The data presented in this report for 1990 to 1993 have been compiled from the Police Service's Crime Information and Intelligence System (CIIS). They were extracted from the Criminal Names Index (CNI) file of persons of interest. These persons of interest include the following categories: charged and fingerprinted; juvenile charged (but not fingerprinted); summonsed; Court Attendance Notice issued; formally cautioned; or some other legal process initiated. In addition, these data include *wanted* persons, that is, named persons whom the police suspect but have not yet located; escapees from prison or juvenile detention; and persons whose *arrest is not now desired*, that is, those whom the police initially suspected but no longer do so (for example, persons who have been interviewed and whose innocence has been established) (Lind, 1995a).

Data relating to the twelve months to March 1995 are a subset of the police Computerised Operational Policing System (COPS) data for persons of interest associated with the relevant criminal incidents and who are suspected or alleged offenders. These data are not directly comparable with the 1990 to 1993 data, as several categories of persons have been excluded from the computer search. These categories are *wanted* persons who have not yet been located; escapees from prison or juvenile detention; and persons whose *arrest is not now desired* and are no longer suspected (Lind, 1995a).

The inclusion of these categories of persons in data for 1990 to 1993 diminishes the value of the data and limits the conclusions that can be drawn from them. The latest information provided by the Bureau of Crime Statistics estimates the inclusion of these three additional categories of persons may have inflated alleged offender data by approximately 12%. However, it is not technically possible to separate these categories from CNI-based data for 1990 to 1993 (Lind, 1995b). In addition, the lack of consistency in data entry practices may have resulted in further limitations.

The Committee has been advised that with the introduction of the COPS system and associated data quality controls, the reliability of data has increased substantially. Police practices have been modified to ensure greater consistency in the recording of crimes. For example, before

a charge can be brought against an offender, an "event number" must be recalled from the COPS system so that the charge can be linked to the recorded criminal incident. Formerly, there was no such mechanism which ensured that a particular charge sheet was submitted for entry as a recorded crime statistic, so data entry practices were likely to vary considerably. Individual police officers have now been instructed to ensure that all incidents they are despatched to investigate are entered on the COPS system.

The variability in recording practices, and the changes associated with the introduction of the COPS system, reveal that recorded crime statistics are more a reflection of administrative practices than levels of crime in our community.

Since categories of alleged offenders are not directly comparable for the two data sets from 1990 to 1993 and for 1994-95, and recent changes in recording practices may affect levels of recorded crime, data relating to 1994-95 are presented in separate sections of this report.

■ **Methodological Limitations**

Conclusions based on recorded crime statistics may also be somewhat misleading due to the methodology employed. Compiling statistics for the 10 to 17 year age group may suggest that many young children commit offences, whereas offending may be primarily restricted to older children in the 10 to 17 year bracket. The submission from the National Children's and Youth Law Centre suggested that an examination of sub-sets of 10-12, 13-15, and 16-17 years would reveal few younger children commit violent offences, and that age-specific responses are necessary (Submission 26). The submission also suggested that the nature of violent crimes classified under one offence type may vary widely. For example, statistics for non-aggravated assault fail to allow any evaluation of the seriousness of the offence, or whether it is a first or repeat offence (Submission 26).

Notwithstanding the limitations of available data sources, it is of value to monitor trends in the numbers of offences involving young people coming to the attention of police and the courts, and attempt to supplement this information with data from additional sources.

This chapter presents police and court statistics, and data from correctional institutions, for the 10 to 17 and 18 to 24 year age groups respectively. Statistics on school violence are examined in Chapter Three.

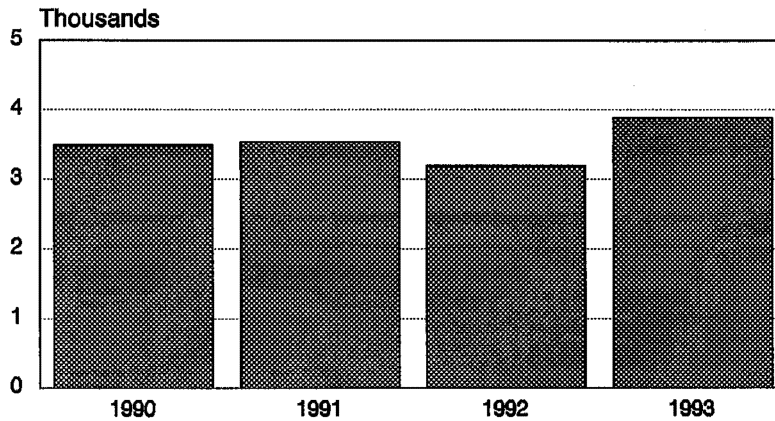
2.1.2 The Incidence of Violence Among 10 to 17 Year Olds

■ **Police Statistics, 1990 - 1993**

The numbers of alleged violent offenders known to be aged from 10 to 17 years for the four years from 1990 to 1993 is shown in Figure 1 below.

The graph demonstrates that while the total number of alleged violent offenders decreased between 1991 and 1992 by 9.7%, there was a 21.7% increase in 1993. However, the limited number of years in this data set prevents definite conclusions on trends from being drawn.

Figure 1
Number of Alleged Violent Offenders aged 10-17 years
All Offences*

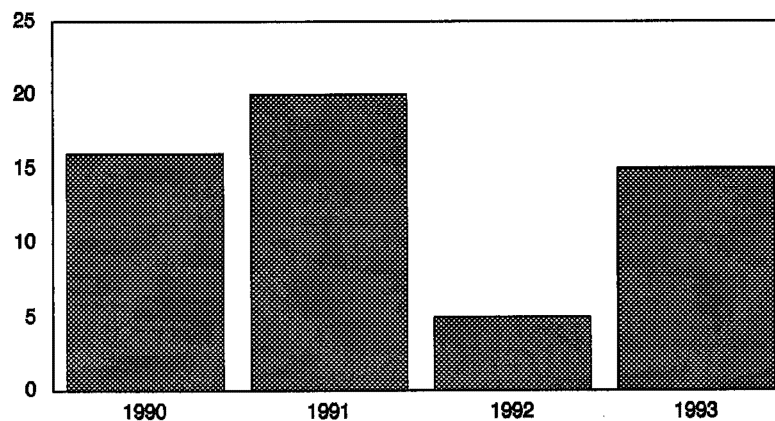


Source: NSW Bureau of Crime Statistics and Research

* Includes murder; attempted murder; other homicide; assault aggravated; assault non-aggravated; robbery; aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency

Figures 2 to 5 show numbers of alleged violent offenders aged 10 to 17 years for specific offence types. Figure 2 shows that, despite a considerable decrease in 1992, the number of alleged homicide offenders returned to a level comparable to that of previous years in 1993, suggesting the rate remains relatively stable. However, the small number of alleged offences in this category may result in considerable annual variation.

Figure 2
Number of Alleged Violent Offenders aged 10-17 years
Homicide*



Source: NSW Bureau of Crime Statistics and Research

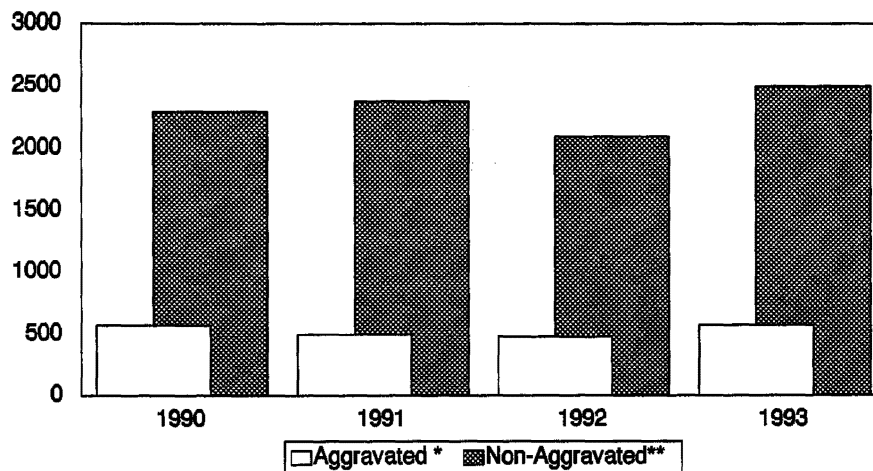
* Includes murder; attempted murder; other homicide and manslaughter (not motoring)

Figure 3 shows that after annual decreases in 1991 and 1992, the number of alleged aggravated assault offenders returned to the 1990 level in 1993. The number of alleged non-aggravated assault offenders in 1993 was higher than at any time in the preceding three years.

Figure 4 shows that there were substantial annual increases in the numbers of alleged offenders for both armed and unarmed robbery in 1993. Despite annual decreases in preceding years, the number of alleged offenders committing robbery without a weapon increased by 38.6% from 1992 to 1993. Similarly, there were substantial one year variations for robbery with a weapon other than a firearm and for robbery with a firearm. However, the small number of offences in these latter categories may result in considerable annual variation.

In addition, victims' surveys reveal a lower rate of assault and robbery victimisation in 1993-4 than in the previous year, but higher reporting rates, with an increase of 15% for robbery offences (Australian Bureau of Statistics, 1994b:6). These variables will be reflected in recorded crime statistics. While victims' surveys do not reveal the age of alleged offenders, the overrepresentation of young offenders in these crimes (discussed in Section 2.1.4) suggests that these trends in reporting rates will affect recorded crime statistics for this group.

Figure 3
Number of Alleged Violent Offenders aged 10-17 years
Assault

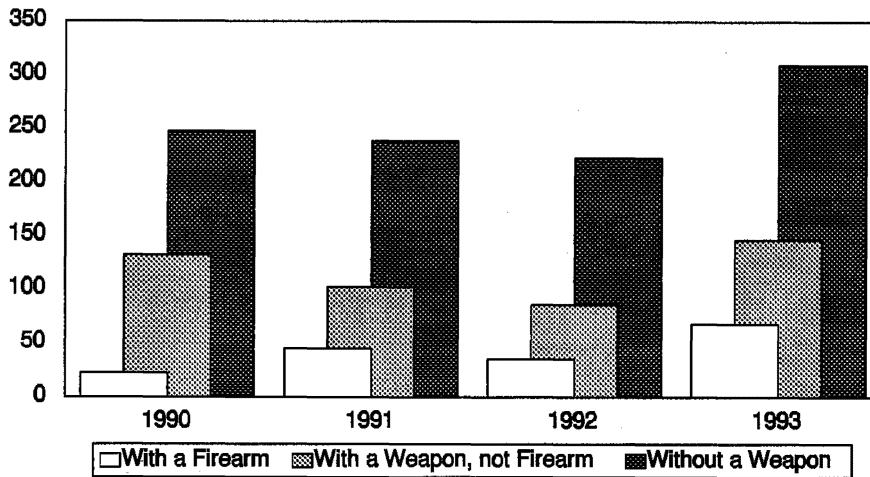


Source: NSW Bureau of Crime Statistics and Research

* Includes assault causing grievous bodily harm; assault occasioning actual bodily harm; malicious wounding; shooting with intent; culpable driving causing grievous bodily harm and negligent act causing grievous bodily harm.

** Includes common assault; assaulting police; assaulting female; culpable driving causing actual bodily harm.

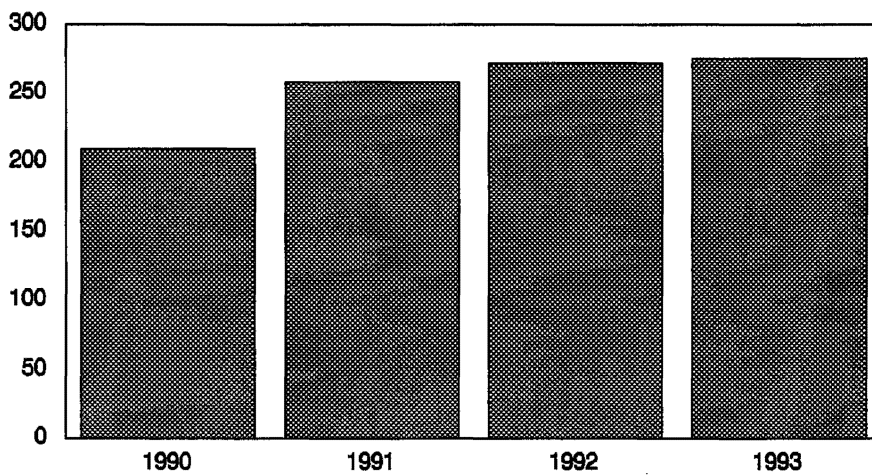
Figure 4
Number of Alleged Violent Offenders aged 10-17 years
Robbery



Source: NSW Bureau of Crime Statistics and Research

Figure 5 shows that the annual rate for sexual assaults allegedly committed by offenders in the 10 to 17 year age group has been relatively stable for several years.

Figure 5
Number of Alleged Violent Offenders aged 10-17 years
Sexual Assault*



Source: NSW Bureau of Crime Statistics and Research

* Includes aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency .

■ **Police Statistics, 1994 - 1995**

During the twelve months from April 1994 to March 1995, a total of 3,195 incidents were allegedly committed by young people aged from 10 to 17 years. As previously discusses, changes in data systems and recording practices prevent direct comparisons with data from earlier years.

The 3,195 incidents include:

- 14 homicides;
- 2,529 assaults;
- 353 robberies without a weapon;
- 9 robberies with a firearm;
- 122 robberies with a weapon, not a firearm; and
- 168 sexual assaults and indecent assaults.

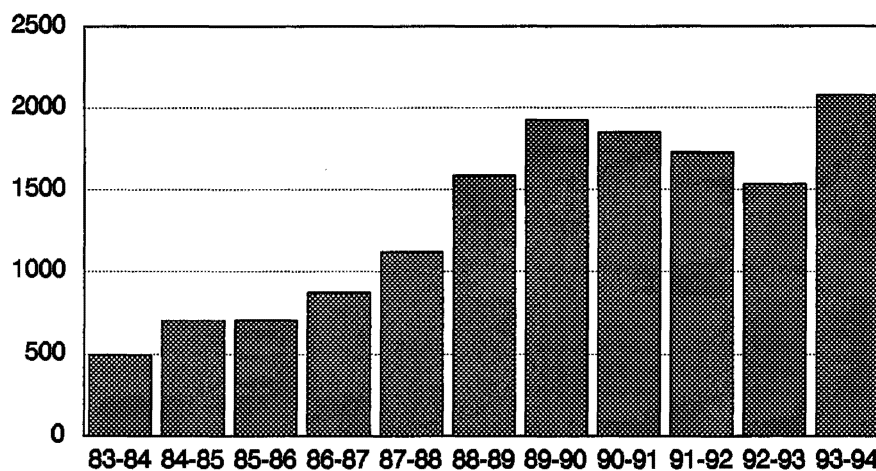
■ **Children's Court Statistics**

Available data from the Children's Court suggest the number of proven violent offences has increased substantially over the last decade, as Figures 6 to 8 reveal. In addition, a growing proportion of all court appearances involve alleged violent offences.

Figure 6 below demonstrates that, while the number of proven offences against the person had been declining since 1989-90, the 1993-94 data indicate that the number of proven violent offences has increased.

Figure 6

**Proven Offences before the Children's Court, 1983-84 to 1993-94
Offences Against the Person**



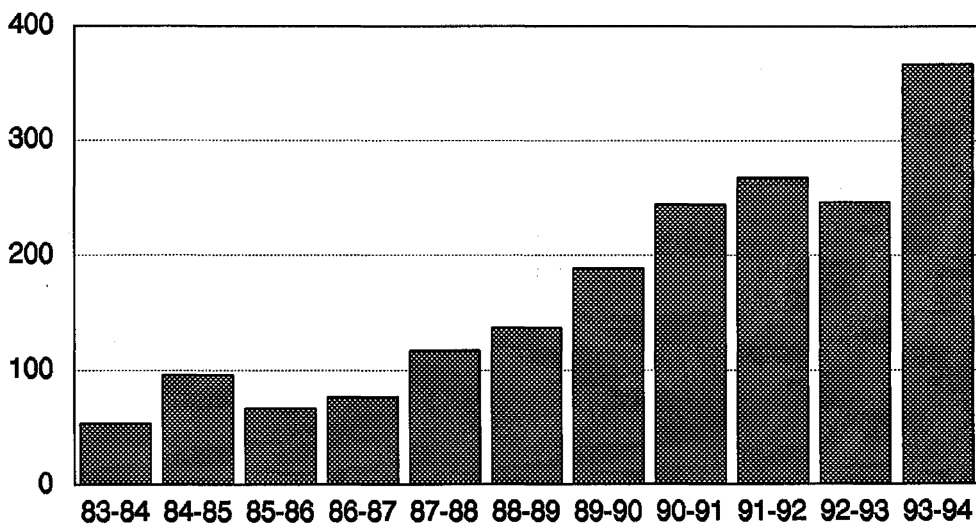
Source: NSW Bureau of Crime Statistics and Research, 1988; 1993; 1994, 1995.

The Committee was informed that the increasing number of violent offences being dealt with by the Children's Court was due largely to a rise in common assaults and robberies, rather than any substantial increase in sexual assaults and homicides, and could be related to increased rates of reporting (Tie Evidence, 29.07.94).

Data relating to proven robbery and extortion offences, shown in Figure 7 below, show that the number of cases proven in 1993-94 increased by over 45% from the previous year. It should be remembered, however, that this one year increase cannot be interpreted as an indication of a continuing upward trend.

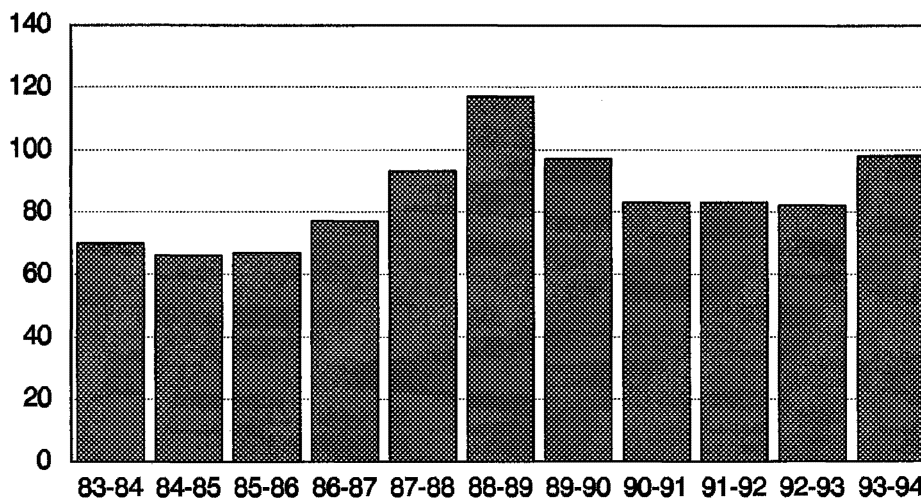
The rate of proven sexual assault offences committed by the 10 to 17 year age group has remained relatively stable over recent years, as indicated in Figure 8 below.

Figure 7
Proven Offences before the Children's Court, 1983-84 to 1993-94
Robbery and Extortion



Source: NSW Bureau of Crime Statistics and Research, 1986; 1993; 1994; 1995.

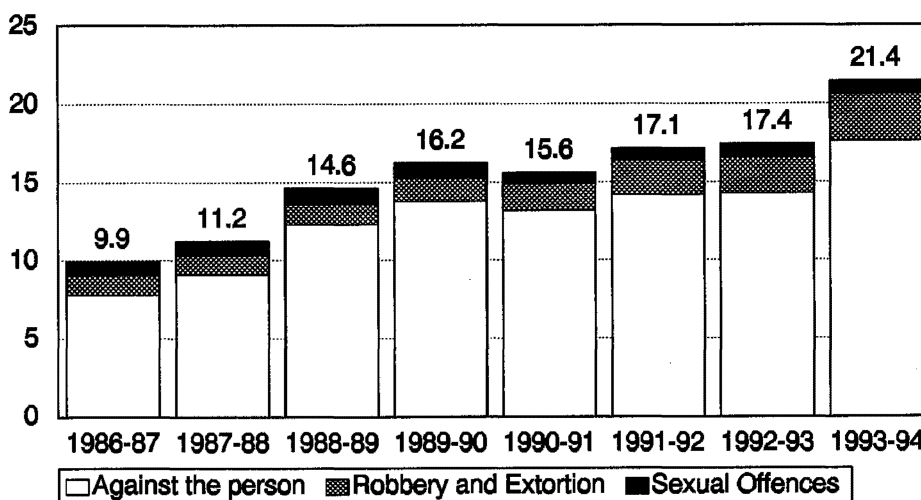
Figure 8
Proven Offences before the Children's Court, 1983-84 to 1993-94
Sexual Assaults



Source: NSW Bureau of Crime Statistics and Research, 1988; 1993; 1994; 1995.

The proportion of the total number of cases coming before the court that involve violence has also been increasing over recent years. In 1986-87 violent offences represented 9.9% of all appearances for juveniles in the children's court. As Figure 9 below demonstrates, by 1993-94 the percentage of appearances for violent crimes had more than doubled to 21.3%.

Figure 9
Appearances before the Children's Court, 1986-87 to 1993-94
Violent Offences as % of all cases



Source: Tabled Document

It has been suggested to the Committee that the focus of the Department of Juvenile Justice on the diversion of young offenders to community based options could have diverted a substantial number of less serious offenders into the community, both through cautioning and community based orders. The more serious offences will therefore comprise a greater proportion of the total number of offences reaching the Children's Courts. The number of offenders in detention in institutions has also been reduced over the last decade as a result of this diversionary focus (Loughman Briefing, 17.09.93).

In evidence to the Committee, the Senior Children's Magistrate indicated that, while the level of juvenile crime has remained fairly stable, different types of offences have either increased or decreased. He indicated that alleged violent offences comprised 41% of the pending hearings in his court over the ensuing two months. Since the total workload remains unchanged, he suggested this does point to an actual increase in the numbers of violent offences (Blackmore Evidence, 28.07.94).

The Senior Children's Magistrate indicated that the degree of violence employed in certain offences may also be increasing. Within various offence types such as robbery, the level of violence in individual crimes may vary markedly. It was suggested to the Committee that robbery offences involving a higher degree of violence, resulting in injuries to the victim, appear to be on the increase (Blackmore Evidence, 28.07.94).

Since the total number of offences coming before the courts has remained relatively stable, the Senior Children's Magistrate suggested that the removal of certain criminal options may have resulted in an increase in violent offending: for example, a clampdown on car theft has resulted in a reduction in the number of these offences in the Children's Court. The upgrading of car security may also have had an impact on reducing these offences. While these offences once constituted 50% of cases before the courts, this has dropped to below 20% (Blackmore Evidence, 28.07.94). It was suggested to the Committee that attempts to reduce one type of offending behaviour may result in a displacement effect leading to an increase in other types of offending:

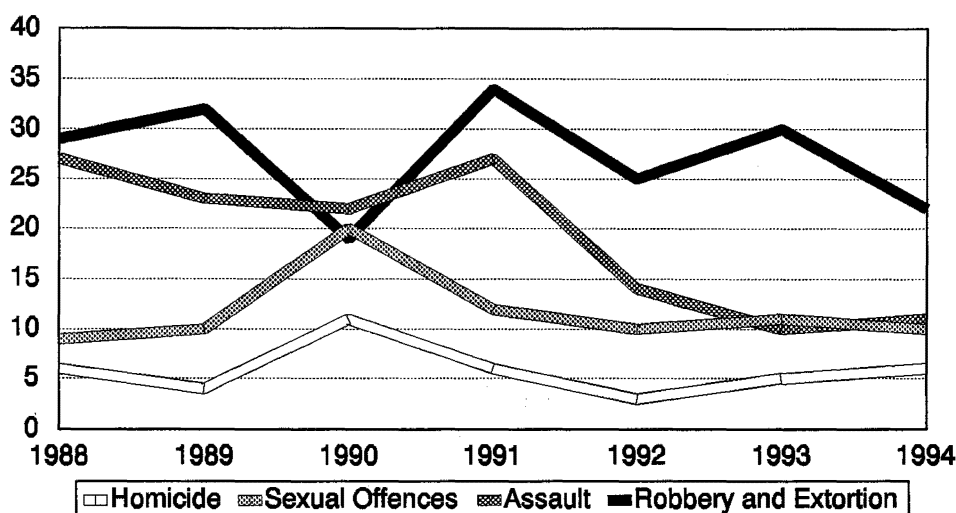
If people are doing things for kicks, do they now go out and wander around the streets at night looking for someone to mug rather than taking someone's car? (Blackmore Evidence, 28.07.94).

■ Higher Court Statistics

Some cases involving juvenile offenders may be heard in a higher court, depending on the seriousness of the offence. Figure 10 demonstrates the number of proven cases of homicide, sexual offences, robbery and extortion and assault involving juvenile offenders from 1988 to 1994 in trial and sentence cases. It is difficult to draw conclusions on trends in offending as the small numbers of offenders gives rise to substantial annual variations.

Figure 10

Persons aged under 18 years found guilty in trial and sentence cases finalised
Homicide, Sexual Offences, Robbery and Extortion, Assault

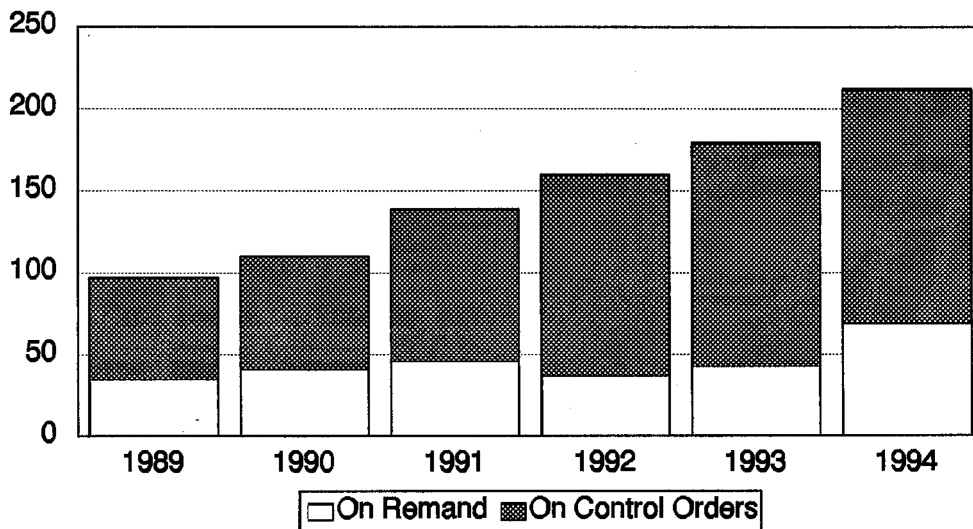


Source: NSW Bureau of Crime Statistics and Research, 1989 - 1995

■ Youths in Detention

The Committee was informed that the number of juveniles in custody for violent offences in 1994 has more than doubled since 1989, as indicated in Figure 11 below. The number of juveniles in custody for armed robbery, sexual assault, grievous assault and unarmed robbery was higher in 1994 than in previous years. The Committee was informed that the population of juveniles detained in New South Wales Juvenile Justice Centres has become increasingly violent in terms of the nature of their offending (Tie Evidence, 29.08.94). As at June 1994, 212 young people were detained in relation to violent offences, representing 44% of the total number of detainees. In contrast, 97 juveniles (29% of the total detainees) were in custody for violent offences on the same day in 1989.

Figure 11
Number of Juveniles in Custody for Violent Offences (June 1989 to June 1994)



Source: Tabled Document

As Figure 11 includes both juveniles on control orders and those on remand, the figures relate to proven as well as unproven offences. The 69 juveniles on remand in June 1994 were awaiting court hearings in relation to the following alleged violent offences:

- 17 homicides;
- 8 grievous assaults;
- 15 non-grievous assaults;
- 13 armed robberies;
- 13 unarmed robberies; and
- 3 sexual assaults (Tabled document).

The 143 juveniles on control orders in June 1994 were sentenced to detention for the following violent offences:

- 11 homicides;
- 35 grievous assaults;
- 18 non-grievous assaults;

- 39 armed robberies;
- 26 unarmed robberies; and
- 14 sexual assaults (Tabled document).

A substantial proportion of proven violent offenders are sentenced to serve community service orders. In 1993-94 a total of 539 proven appearances involving violence resulted in a supervised community based order. This represents 18.6% of all juveniles ordered by the courts to serve orders in the community (Tie Evidence, 29.08.94).

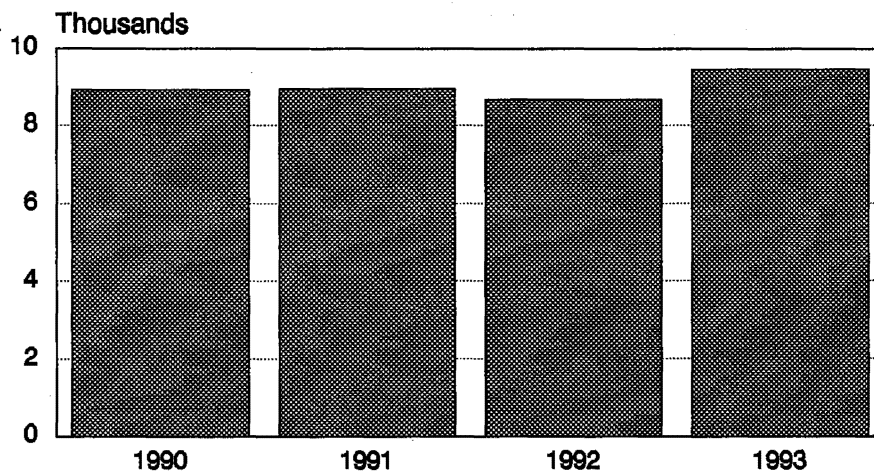
The ethnicity of youth in detention is discussed in Section 2.2.4.

2.1.3 The Incidence of Violence Among 18 to 24 Year Olds

■ Police Statistics, 1990 to 1993

The numbers of alleged violent offenders known to be aged from 18 to 24 years for the past four years from 1990 to 1993 is shown in Figure 12 below.

Figure 12
Number of Alleged Violent Offenders aged 18 to 24 years
All Offences*



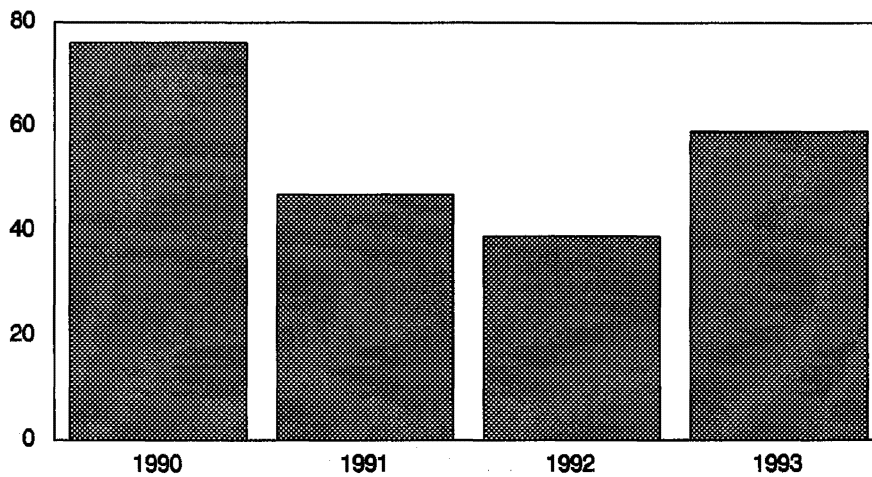
Source: NSW Bureau of Crime Statistics and Research

* Includes murder; attempted murder; other homicide; assault aggravated; assault non-aggravated; robbery; aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency

Figure 12 demonstrates that, while the total number of alleged violent offenders decreased between 1991 and 1992 by 3.1%, there was a 9.3% increase in 1993. As previously mentioned, the limited number of years in this data set prevents definite conclusions on trends from being drawn.

Figures 13 to 16 show annual numbers of alleged violent offenders aged 18 to 24 years for specific offence types. Figure 13 shows that the small number of alleged homicide offenders has resulted in annual variations in both upward and downward directions.

Figure 13
Number of Alleged Violent Offenders aged 18-24 years
Homicide*

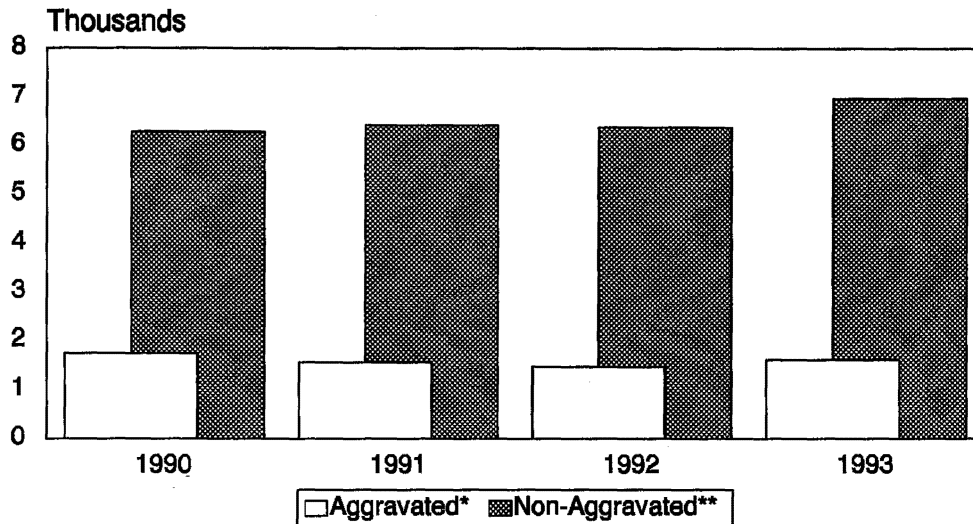


Source: NSW Bureau of Crime Statistics and Research

* Includes murder, attempted murder, other homicide, and manslaughter (not motoring).

Figure 14 shows that, after annual decreases in 1991 and 1992, the number of aggravated assault offenders increased in 1993, but remained below the 1990 level. The number of alleged non-aggravated assault offenders in 1993 was higher than at any time in the preceding three years, which is comparable to the situation for alleged offenders aged 10 to 17 years.

Figure 14
Number of Alleged Violent Offenders aged 18-24 years
Assault



Source: NSW Bureau of Crime Statistics and Research

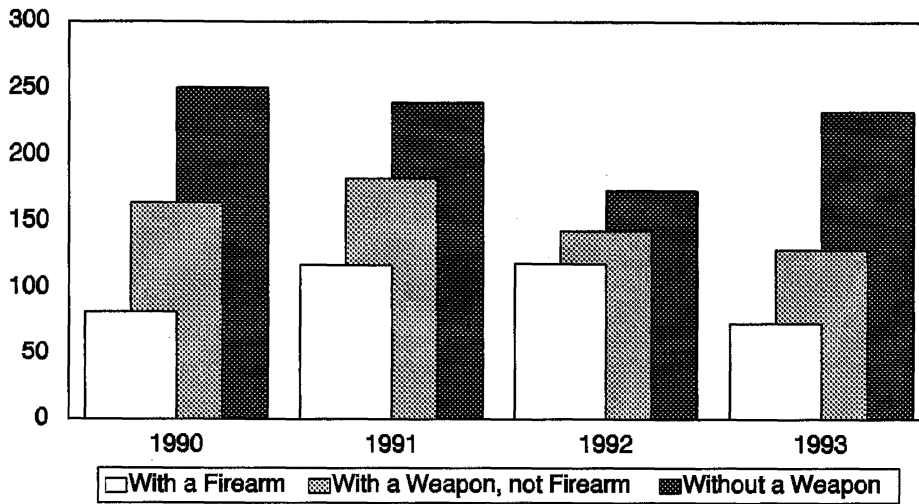
* Incl. assault causing grievous bodily harm; assault occasioning actual bodily harm; malicious wounding; shooting with intent; culpable driving causing grievous bodily harm and negligent act causing grievous bodily harm.

** Incl. common assault; assaulting police; assaulting female; culpable driving causing actual bodily harm.

Figure 15 shows that in 1993, despite a 34% annual increase in the number of alleged offenders for robberies without a weapon, levels remained lower than was the case in both 1990 and 1991. The numbers of alleged robbery offenders aged between 18 and 24 years armed with either a firearm or another weapon fell to their lowest level in the four year period under review in 1993. This contrasts with the alleged numbers of serious robbery offenders in the 10 to 17 year age group, which rose to their highest level in 1993.

As previously discussed, victims' surveys reveal lower rates of assault and robbery victimisation in 1993-4 but higher reporting rates, with an increase of 15% for robbery offences (Australian Bureau of Statistics, 1994b:6). These variables will be reflected in recorded crime statistics. While victims' surveys do not reveal the age of alleged offenders, the overrepresentation of young offenders in these crimes (discussed in Section 2.1.4) suggests that these trends in reporting rates will affect recorded crime statistics for this group.

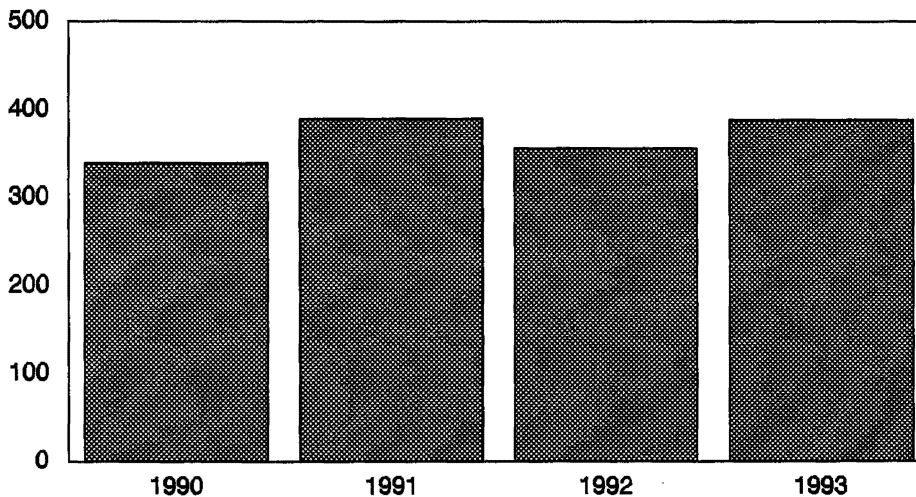
Figure 15
Number of Alleged Violent Offenders aged 18-24 years
Robbery



Source: NSW Bureau of Crime Statistics and Research

Figure 16 shows that the annual numbers of alleged sexual assault offenders in the 18 to 24 age group has been relatively stable for several years.

Figure 16
Number of Alleged Violent Offenders aged 18-24 years
Sexual Assault*



Source: NSW Bureau of Crime Statistics and Research

* Includes aggravated sexual assault; sexual assault; aggravated indecent assault; and indecent assault, act of indecency.

■ **Police Statistics, 1994 - 1995**

During the twelve months from April 1994 to March 1995, a total of 7,046 incidents were allegedly committed by young people aged from 18 to 24 years. As previously discussed, changes in data systems and recording practices prevent direct comparisons with data from earlier years.

The 7,046 incidents include:

- 46 homicides;
- 6,238 assaults;
- 312 robberies without a weapon;
- 88 robberies with a firearm;
- 110 robberies with a weapon, not a firearm; and
- 252 sexual assaults and indecent assaults.

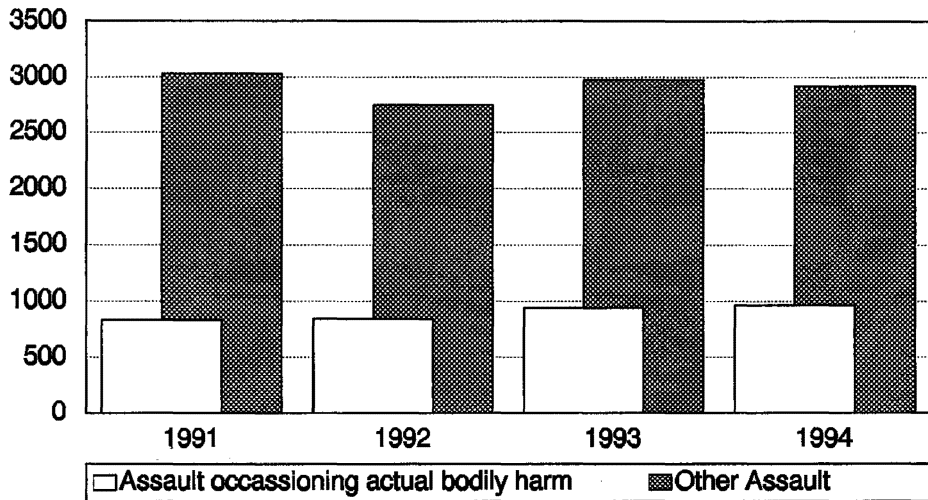
■ **Criminal Court Statistics**

It may be expected that annual movements in the numbers of violent offences proven in the local and higher courts would generally reflect similar annual movements found in data from police statistics. There may, however, be considerable annual variation in the number of cases for which a suspect is prosecuted that will affect this relationship.

Figure 17 below indicates that the number of assault occasioning actual bodily harm offences proven in the local court increased in 1993 and 1994. However, the rate for other assaults in 1994 remained lower than 1991 levels, in contrast to recorded crime statistics. The delay in cases being brought to court and finalised may result in a lag between annual movements in recorded crime statistics and court statistics.

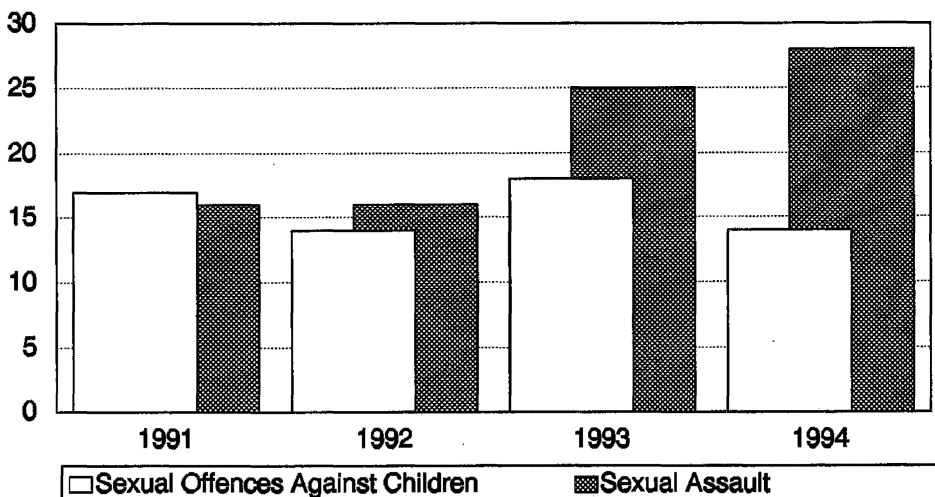
Figure 18 indicates that the number of sex offenders found guilty in local court appearances has increased in recent years. However, as very few cases are finalised in the local court, no firm conclusions can be drawn from annual increases or decreases.

Figure 17
Persons aged 18 - 24 years Found Guilty in Local Court Appearances Finalised
Assault



Source: NSW Bureau of Crime Statistics and Research, 1992 - 1995

Figure 18
Persons aged 18 - 24 years Found Guilty in Local Court Appearances Finalised
Sexual Offences



Source: NSW Bureau of Crime Statistics and Research, 1992 - 1995

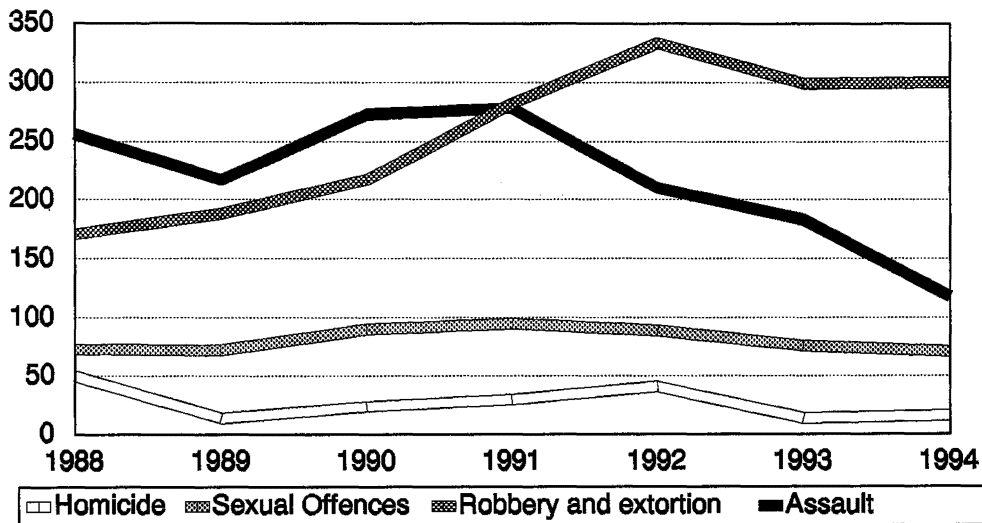
Figure 19 contains data relating to finalised trial and sentence cases. The number of persons aged from 18 to 24 years convicted of homicides and sexual offences has been relatively stable since 1988. In contrast, the number of proven robbery and extortion offenders has risen substantially in recent years. Despite a slight decrease in 1993, the number of proven offenders in this category remains 64.5% higher in 1994 than in 1988, and is likely to increase further as the increased number of cases which came to the attention of police in 1993 move through the court system.

Data relating to the number of proven assault offenders suggest that the number of convictions has been declining since 1991. This trend perhaps reflects the decline in the number of alleged aggravated assaults to 1992 recorded in police statistics. However, the small number of cases in this data set prevents conclusions on the significance of annual variations being drawn. In addition, Figure 17 revealed the number of offenders found guilty of assault occasioning actual bodily harm in the local court had increased in recent years.

Figure 19

Persons aged 18 - 24 years Found Guilty In Trial and Sentence Cases Finalised

Homicide, Sexual Offences, Robbery and Extortion, Assault



Source: NSW Bureau of Crime Statistics and Research, 1989 - 1995

■ Prisons and Violence

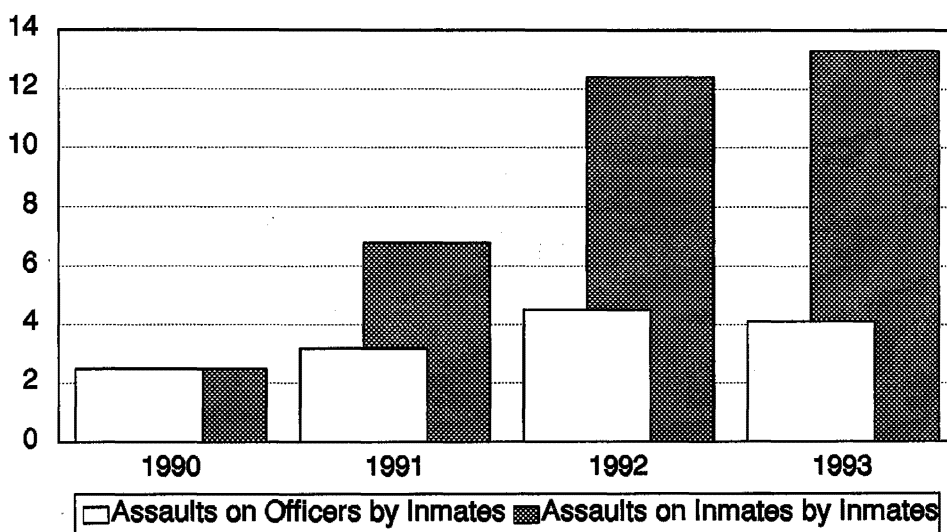
Data relating to prison inmates gaolled for violent offences may also contribute to a more complete picture of the extent of youth violence. The Committee was informed in 1994 that of a total of 7,351 prisoners in NSW, 2,098 are aged between 18 and 24 years. From this group, 716 inmates were in prison for violent offences, consisting of 696 males and 20 females, which represents 9.7% of the total prison population (Vita Evidence, 29.08.94).

Examining statistics on violence within the prison system is also relevant. The Committee heard that over the last three years the rate of assaults and fights per 100 inmates has risen. While no separate statistics are available for inmates aged from 18 to 24 years, the Committee was informed that statistics from Oberon and Parklea, which are specific young offenders' institutions, may indicate trends in violence by young inmates.

Oberon has been free of assaults on officers in recent years. Oberon has a small population of inmates (an average of 65 in 1993). The total of five assaults on inmates by inmates recorded in 1993 resulted in the highest assault rate per 100 inmates in the last four years. However, few conclusions can be drawn from these data, as a small increase in the number of assaults may have a dramatic effect on the rate per 100 inmates.

With an average daily population of 270 inmates, data relating to Parklea are more reliable than Oberon data. Figure 20 below indicates the incidence of violence in this correctional institution.

Figure 20
Assaults in Parklea Correctional Centre per 100 inmates
1990-1993



Source: Tabled Document

The incidence of assaults on officers by inmates at Parklea rose from 1990 to 1992, but was somewhat lower in 1993, with a total of eleven assaults, seven of which resulted in an injury. A further five assaults on officers were recorded in the first four months of 1994. In contrast, the rate of assaults on inmates by inmates has increased by a total of 432% from 1990 to 1993. Of the 36 assaults in 1993, seven were considered serious, and a further four resulted in hospitalisation. In addition to the 36 assaults, there were 20 fights between prisoners in 1993. A further 13 assaults on inmates by inmates, two of which were regarded as serious, and 14 fights were recorded in the first four months of 1994 (Tabled Document).

The Committee heard that victims of inmate to inmate violence are often newcomers in the prison system, and that a vulnerable time is the evening, prior to inmates being locked in their cells.

While annual increases in prison violence are disturbing, it is difficult to draw firm conclusions from these data. The Superintendent of the Reception and Industrial Centre at Long Bay Correctional Centre suggested to the Committee that prison systems reflect what is happening in the community, and therefore the escalation of fights and assaults by inmates within prisons is of "no surprise". He also suggested that the statistics may not reflect any actual increase in violent assaults. The increasing focus on the "duty of care" by personnel of the Department of Corrective Services may have contributed to the reporting of more incidents, including cases where one inmate pushes another, which is classified as an assault (Vita Evidence, 29.08.94).

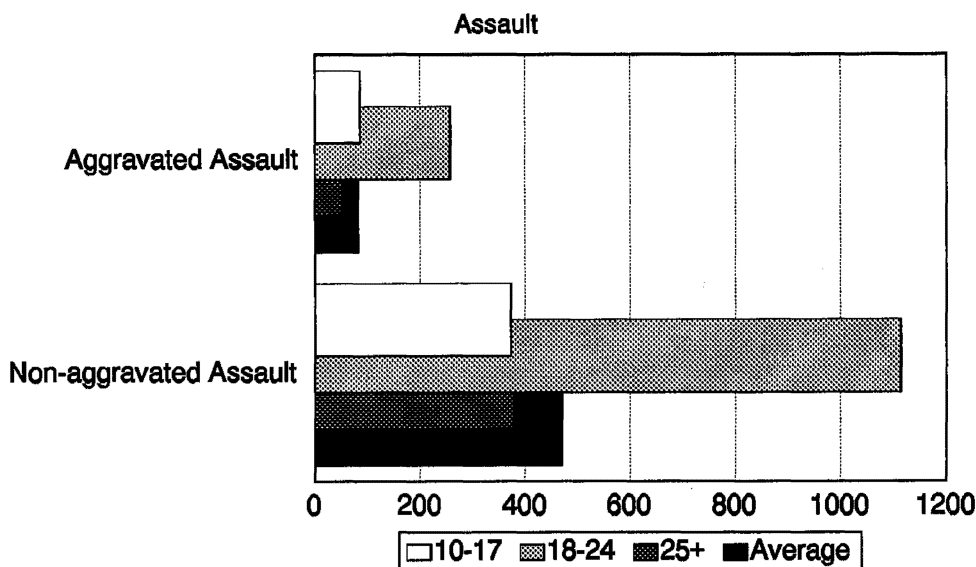
In investigating the effect of imprisonment on violent offenders, the Committee was informed that no research has been conducted into re-offending by violent offenders released from New South Wales' prisons (Vita Evidence, 29.08.94). Issues relating to correctional institutions are further discussed in Chapter Twelve.

2.1.4 Youth Violence in Perspective

To place violent offending by young people in perspective, it is useful to compare the rates of alleged offenders in the 10 to 17, 18 to 24 and over 24 years age groups, expressed in terms of the relative proportion of the total population that these groups constitute. Figure 21 below compares the rate of assault per 100,000 population for these groups, based on offenders as recorded by the police.

Figure 21

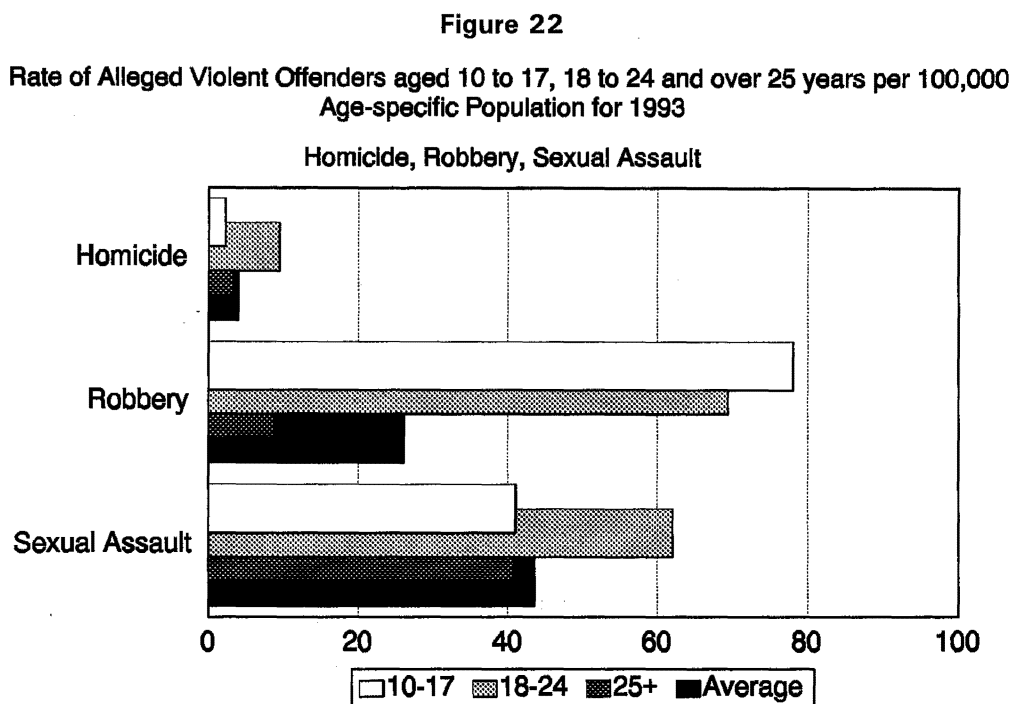
Rate of Alleged Violent Offenders aged 10 to 17, 18 to 24 and over 24 years per 100,000 Age-specific Population for 1993



Source: NSW Bureau of Crime Statistics and Research for numbers of offenders; population figures based on 1991 census.

While the rate of aggravated assault offenders in the 10 to 17 year age group is not notably higher than the average rate, the 18 to 24 year group are markedly over-represented, with three times the average rate of offending, and five times the rate for the 25 year and over group. A similar pattern is evident in rates for non-aggravated assault. The rate of offending among the 10 to 17 year group is slightly lower than the rate for the 25 year and over group, while the rate for the 18 to 24 year group is close to three times that of the other groups.

Figure 22 contains data relating to the rates of alleged homicide, robbery and sexual offenders per 100,000 of the population in each age group.



Source: NSW Bureau of Crime Statistics and Research for numbers of offenders; population figures based on 1991 census.

While the rate of alleged homicide offenders in the 10 to 17 age group is 43% lower than the overall rate, the rate for the 18 to 24 year age group is 139% higher than the average. Both age groups are over-represented in statistics relating to robbery offences. While the overall rate is 26.04 offenders per 100,000 population, the rate for 10 to 17 year olds is three times higher than this average, and close to nine times the rate for offenders over 25 years. The rate for the 18 to 24 years group is over 2.5 times higher than the average, and close to eight times the rate for those aged 25 years or older.

The rate for sexual offenders in the 10 to 17 year age group is slightly lower than the average, while the rate for the 18 to 24 year segment of the population is over 50% higher.

As these comparisons demonstrate, young people are disproportionately responsible for the violent offences that come to the attention of the police. This is particularly true for alleged offenders aged 18 to 24 years in relation to assault, and for those aged 10 to 17 years for robbery offences.

2.2 THE CHARACTERISTICS OF YOUTH VIOLENCE

2.2.1 Location of Offending

■ Offending in New South Wales

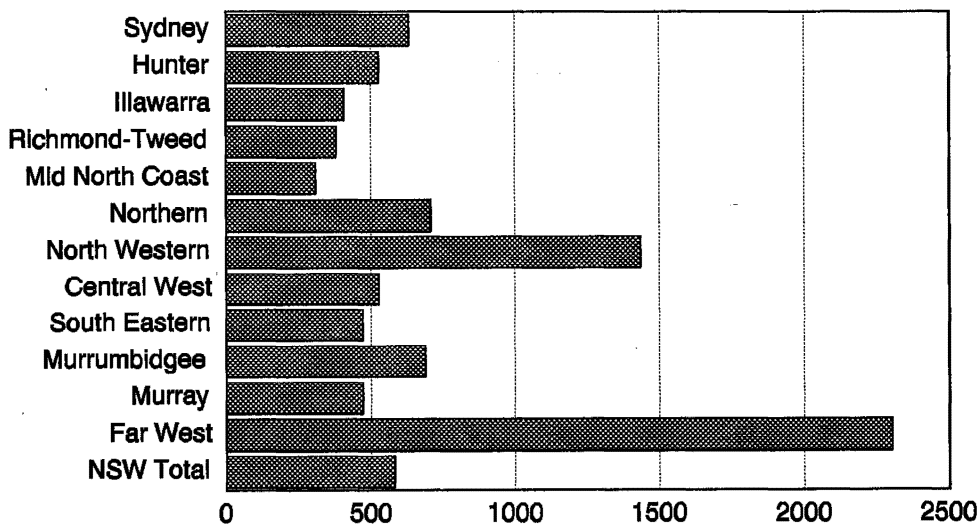
Data in the Committee's Youth Violence Issues Paper revealed substantial variation in the incidence of violent offenders across the various statistical divisions of the state. The Far West and North Western regions had comparatively higher rates for both the 10 to 17 and 18 to 24 year age groups for offences against the person in 1992. For robbery offenders, the Sydney statistical division had a higher comparative rate than other regions.

Figures 23 and 24 are based on data for all violent offenders, including robbery offenders, recorded in 1993 as being in the 10 to 17 years and 18 to 24 years age groups respectively. The Far West and North Western areas continue to have disproportionately high rates, even though robbery offences are predominantly committed in the Sydney area. While these areas have higher proportionate rates for alleged offenders for all age groups than other areas, this is particularly true for the younger age groups.

Figure 23

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 10-17 years,
NSW Statistical Divisions

1993

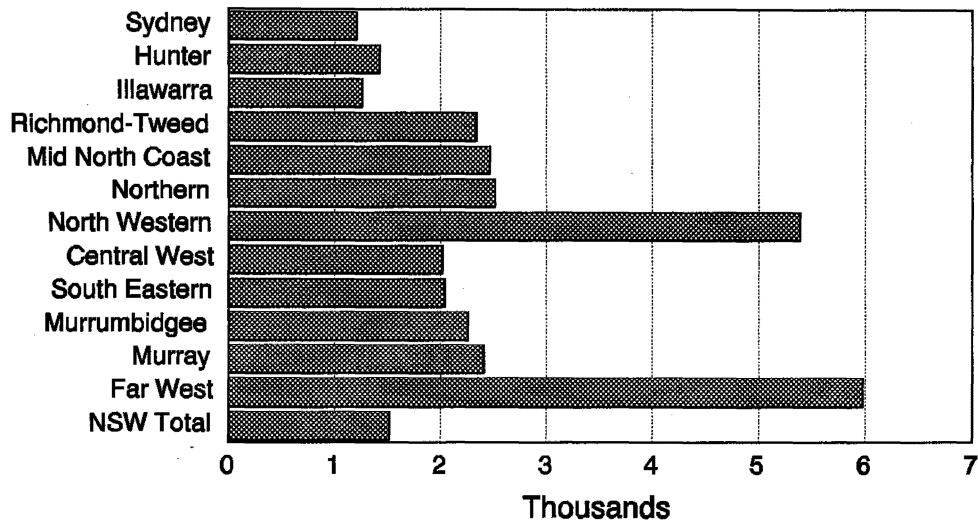


Source: NSW Bureau of Crime Statistics and Research

Figure 24

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 18-24 years,
NSW Statistical Divisions

1993



Source: NSW Bureau of Crime Statistics and Research

It is difficult to draw firm conclusions from these statistics. One witness suggested to the Committee that crime statistics will vary across different areas because of different levels of police and judicial intervention (Marsden Evidence, 01.11.93). During its Inquiry into Juvenile Justice in New South Wales, the Committee heard of a study of policing in one town which revealed the reluctance of police to charge "whites" compared to Aborigines (Standing Committee on Social Issues, 1992:73).

While some of the discrepancies in Figures 23 and 24 are probably attributable to differential levels of intervention, the size of the discrepancies must be reason for concern in any examination of youth violence.

Issues relating to Aboriginality are further dealt with in Section 2.2.4.

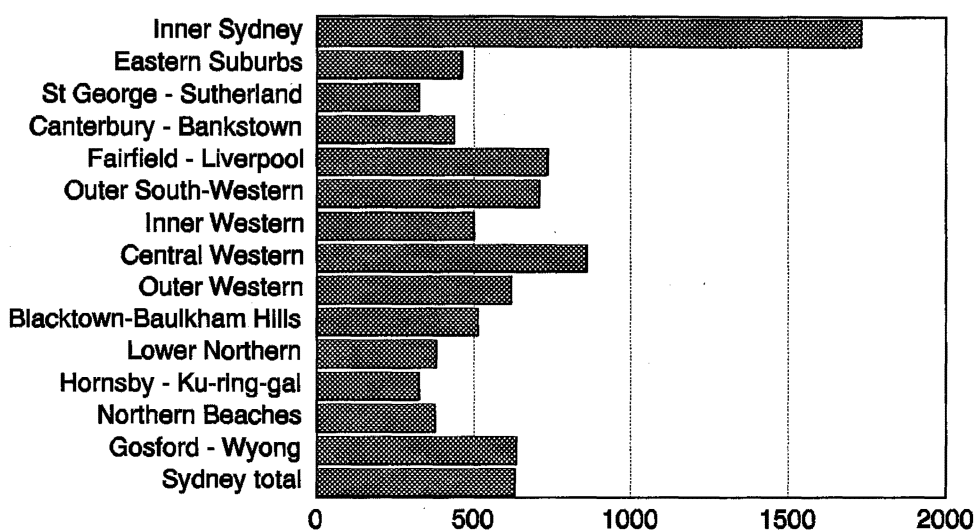
■ Offending in Sydney

Data relating to Sydney's statistical sub-divisions are shown in Figures 25 and 26 below.

Figure 25

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 10-17 years, Sydney Statistical Sub-divisions

1993

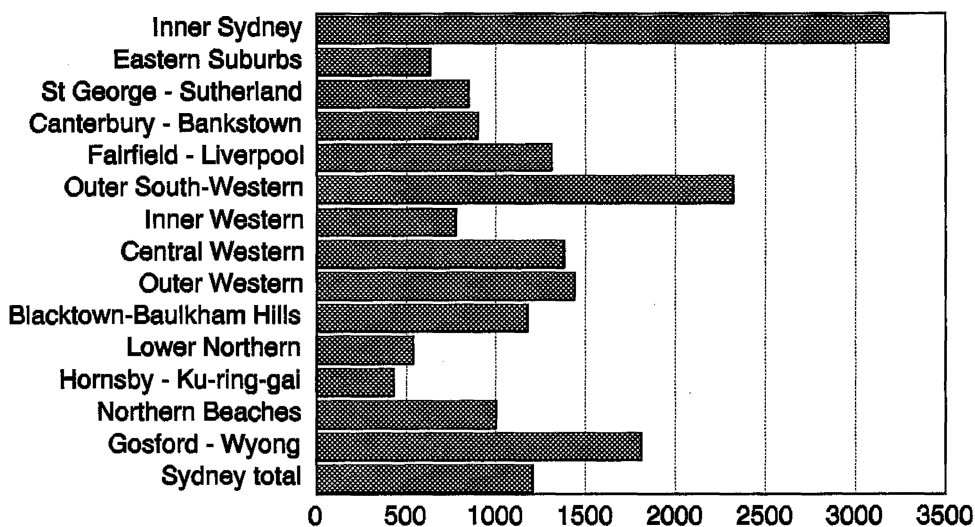


Source: NSW Bureau of Crime Statistics and Research

Figure 26

Rate per 100,000 Age-specific Population of Alleged Violent Offenders aged 18-24 years, Sydney Statistical Sub-divisions

1993



Source: NSW Bureau of Crime Statistics and Research

The Inner Sydney area has the highest comparative rate for offenders in all age groups. Robbery and assault offences may be higher in this area as a result of the business district attracting large numbers of people for both work and recreation. Offenders committing crimes in this area may also reside in other areas. The Committee heard from an officer of the Department of Juvenile Justice that most violence occurs in metropolitan areas due to the high concentration of youth populations. He also suggested that

Cities tend to attract the unemployed, the homeless, and also provide opportunities for more danger-related activities, for instance the night life, the availability of prostitution, drug trafficking and supply (Loughman Briefing, 17.09.93).

Other regions with a rate for 10 to 17 year olds which is significantly above the average include the Central West, Fairfield, and Outer South Western districts. For the 18 to 24 year group, the Outer South Western region has a high comparative rate, with Gosford, the Outer West and Central West also over-represented.

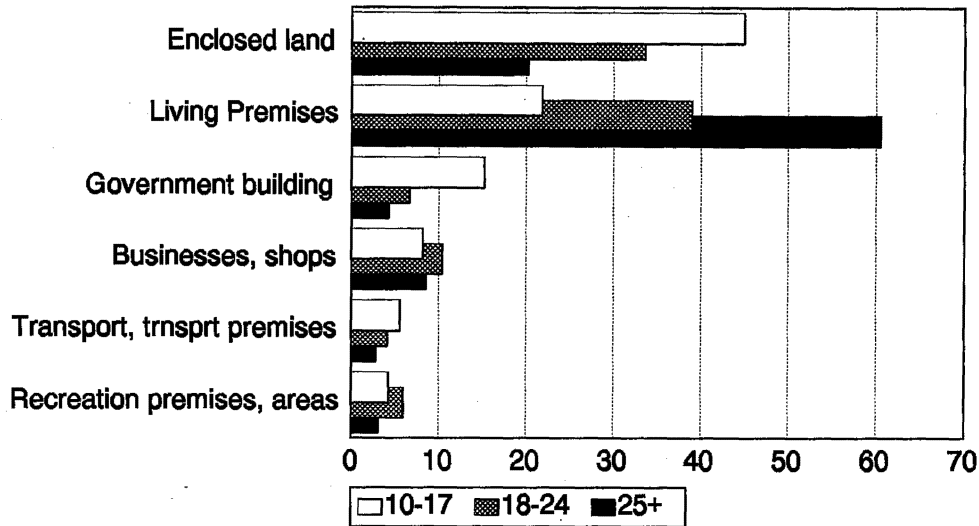
■ Offending Environments

In addition to considering areas of the state or regions of Sydney in which violence occurs, it is also useful to evaluate specific surroundings in which violence predominantly occurs. Figure 27 below shows the percentage of alleged assault offenders in the various age groups by the location in which the offence occurred.

A comparatively high proportion of the offences attributed to persons aged between 10 and 17 years were allegedly committed on "enclosed land". These were primarily offences committed on the street, although substantial numbers of assaults were also committed at parks or sports grounds, in parking areas, and in grass or scrub areas. A considerably higher proportion of assault offences by 10 to 17 year olds were recorded as occurring at government buildings than was the case with the older age groups. The majority of these assaults occurred at schools, reflecting the daily structure of the lives of these young people. A larger proportion of assaults by this age group also occurred on public transport, particularly trains, again reflecting the different lifestyles of young people when compared to their older counterparts.

Figure 27

Percentage of Alleged Assault Offenders by Location of Offence, 1993
10 to 17, 18 to 24 and over 25 years



Source: NSW Bureau of Crime Statistics

The assaults perpetrated by the 18 to 24 year age group on enclosed lands were predominantly on streets or at parks or sportsgrounds. A higher proportion of assaults by this age group also occurred at businesses or shops and at recreation premises, particularly hotels and clubs, corresponding to the recreation patterns of young adults.

Over 60% of the assaults by the over 25 year age group were committed in the home, revealing that domestic violence is predominantly perpetrated by older people. However, close to 40% of the assaults committed by persons in the 18 to 24 year age group were also committed in the home, which was the single most frequent location, which suggests that the shift in patterns of offending begins at a relatively early adult age. This is not to suggest that offenders who previously committed street offences will turn to domestic violence as they grow older. Many young offenders will simply grow out of their offending behaviour, while many domestic violence offenders will not have a history of offending as juveniles.

2.2.2 Use of Weapons

As discussed in Section 2.1.2, there were annual increases in the number of alleged armed robbery offenders aged between 10 and 17 years, from 121 in 1992, to 214 in 1993. The 1993 figure comprised 68 alleged offenders for robbery with a firearm, and 146 for robbery with a weapon other than a firearm. There were 131 armed robbery incidents allegedly committed by offenders in this age group in the twelve months from April 1994 to March 1995, with nine of these incidents involving a firearm. While the two data sets are not directly comparable, the 1994-95 data are more reliable, and give a clearer indication of the prevalence of the use of weapons by the group of alleged offenders aged 10 to 17 years.

The number of robberies allegedly committed by persons aged between 18 and 24 years armed with either a firearm or another weapon fell to a level lower than in preceding years in 1993, with 73 and 129 alleged offenders in the respective categories. In the twelve months to March 1995, there were 88 incidents involving firearms, and 110 involving other weapons.

The Senior Children's Magistrate suggested to the Committee that the carrying of knives by juveniles is "very frequent" both in the community and in schools:

The kids who do it will usually say not that it is there to peel their orange or they are going fishing with it but, "We are carrying it for our own protection" (Blackmore Evidence, 28.07.94).

One Year 12 student who contributed to a submission to the Committee stated that "I feel that carrying a knife for protection is most valuable" (Submission 58).

The Senior Children's Magistrate suggested this concept of self-protection is "rather foolish" because the people who might wish to use a knife for their own protection are probably the least able to do so and are likely to find the knife turned on themselves when they are disarmed. If they do use a knife in some confrontation, they may cause greater injury than is justified by self-defence and face criminal prosecution, including a charge of manslaughter (Blackmore Evidence, 28.07.94).

A consultant's report prepared for the NSW Police Service, *Street Gangs*, states:

there is growing anecdotal evidence of increasing incidence of weapons among youth. This includes guns with youths claiming they are "easy to come by" if verified [this] is a most worrying development (Pulse Consultants, 1994:26).

The police response to weapons is discussed in Chapter Eleven.

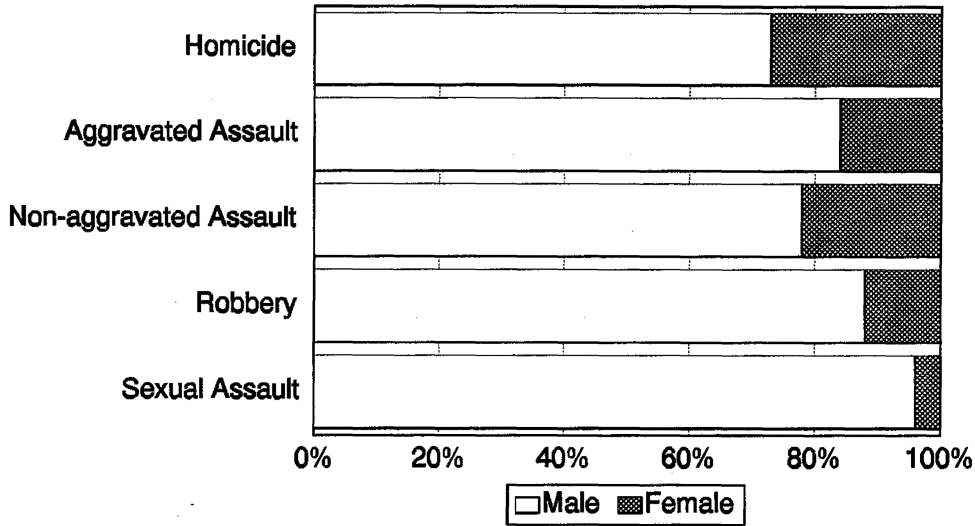
2.2.3 Violence and Gender

Recorded crime statistics considered by the Committee reveal that violence is an overwhelmingly male phenomenon. Figures 28 and 29 below provide details of the relative proportions of violent offences allegedly committed by male and female offenders aged from 10 to 17 years and 18 to 24 years respectively.

Figure 28

Percentage of Male and Female Alleged Violent Offenders aged 10 to 17 years (%)

1993

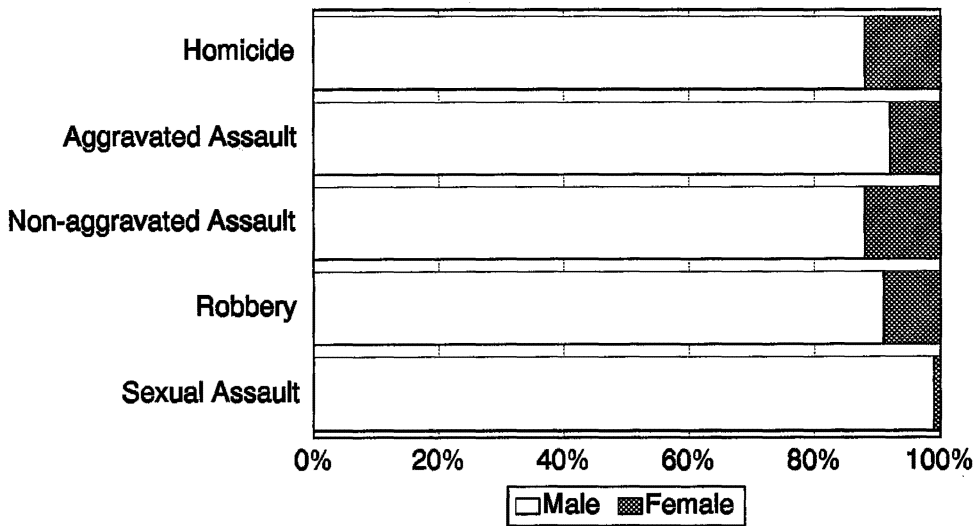


Source: NSW Bureau of Crime Statistics and Research

Figure 29

Percentage of Male and Female Alleged Violent Offenders aged 18 to 24 years (%)

1993



Source: NSW Bureau of Crime Statistics and Research

The Committee recognises that violence is predominantly a male behaviour, and the issue of gender will be addressed in subsequent chapters of this report. However, the Committee heard from a number of witnesses suggesting that violence is deemed acceptable when it is perpetrated by young men, but female perpetrators are viewed differently. The Committee heard a range of evidence on the response to violence by young women. One worker in a residential facility informed the Committee that one young female client had been involved in a school fight which was made into a major issue:

I am sure if that was the boys it would have been, "stop sparring boys, come on" and they would separate them (Wilson Evidence, 29.07.94).

The witness differentiated between internal and external violence for young women and young men, suggesting that women are taught to express anger internally, in the form of self-mutilation, drug abuse, eating disorders and even forming relationships. When young women do express anger and act violently, it is noticed more and not tolerated as much as it is for young men (Wilson Evidence, 29.07.94).

Another witness suggested that

being bad can actually be a sort of romantic, positive image for blokes. There is no notion of badness that is acceptable for women (Alder Evidence, 29.07.94).

A study of all juveniles in detention as at 13 April 1993 revealed that of the 25 young women in detention on that date, 17 had a history of harming others, with ten of these females having three or more proven offences of violence against others. The report notes that young women are more likely to appear before the court as a result of action initiated by parents and others not involved in law enforcement (Cain, 1994:37).

It was suggested to the Committee that the records of young women in youth institutions or the juvenile justice system have details of arguments and fights that would not be recorded for young men. It has also been claimed that girls living in community homes who became involved in disruptive behaviour are often reported to police by staff and subsequently charged with an offence and transferred to a detention centre. Differences have also been noted in the way in which Aboriginal young women's behaviour is defined and responded to (Alder Evidence, 29.07.94).

In contrast, one welfare worker suggested

It is also more likely, if these young women come to the attention of the police, for the police to talk to them, boot them out of the station and not charge them (Condonis Evidence, 29.08.94).

This witness suggested that some young women she had worked with had been as physically aggressive and as dangerous as young male perpetrators of violence. Her clients have included four females who have offended sexually against younger females and males. It was claimed that in such cases

the police are not interested because they are females. They must have been sexual assault victims, therefore, they can be excused (Condonis Evidence, 29.08.94).

While acknowledging the probable underlying reasons for the offending behaviour, the witness suggested the offending behaviour must be appropriately addressed (Condonis Evidence, 29.08.94). Another witness contended that, while the violence perpetrated by male and female offenders share certain features, a distinctive aspect for young women is the level of sexual violence in their lives (Alder Evidence, 29.07.94).

2.2.4 Race

■ Ethnicity of Youth in Detention

The Committee is aware that young people of particular ethnic/cultural groups are over-represented in the juvenile justice system in relation to violent offences.

Figures 30 and 31 demonstrate the ethnicity or cultural background of all young offenders in Juvenile Justice Centres for violent offences and robberies respectively from 1991 to May 1993.

As the graphs below demonstrate, Aboriginal juveniles were substantially over-represented in Juvenile Justice Centres in New South Wales during this period. They accounted for 28.4% of all violent offenders and 24.1% of all robbery offenders, although young Aborigines aged from 10 to 17 years represent only 1.86% of the youth population in this age group (Australian Bureau of Statistics, 1993:18). As at 13 April 1994, there were 46 Aboriginal juveniles on control orders for violent offences, and 15 on remand (Cain, 1995:25).

Lebanese juveniles were also over-represented among youth in detention, with 59 detained for violent offences and 56 for robberies from 1991 to May 1993. This represented 5.6% and 2.8% of these respective offenders, while young people from this ethnic group constitute less than 0.9% of the youth population of 12 to 25 year olds (Australian Bureau of Statistics, 1993:21). Similarly, while 1.6% of this population segment are from New Zealand, including Maoris, juveniles from these groups were responsible for 3.6% of the violent offences and 3.8% of the robbery offences that resulted in detention in a Juvenile Justice Centre during this period. On 13 April 1994 there were five Lebanese juveniles on control orders for robbery and extortion, and four on remand for violent offences. Five Maori young people were on control orders and four on remand in Juvenile Justice Centres on that date (Cain, 1995:31-33).

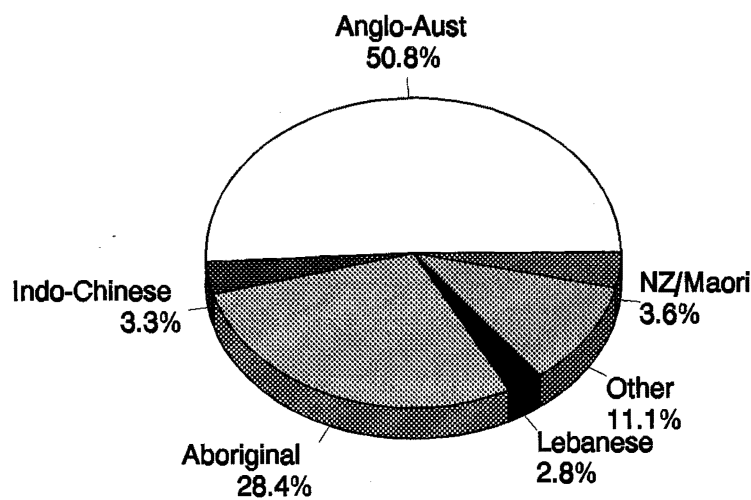
While the variations in the percentages of most ethnic and cultural groups in Juvenile Justice Centres since 1991 were minor, there was a significant increase in the percentage of Indo-Chinese young people, from 1.6% in 1991 to 6.2% as at 31 May 1993 (Graham, 1993:2). While the majority of these juveniles had been detained for theft or drug offences, 63 Vietnamese and seven Cambodian youth had been in Juvenile Justice Centres for violent offences between 1 January 1991 and 31 May 1993. This represents 3.3% of all juveniles in detention for violent offences, although young people from these cultural groups comprise 1.5% of the youth population (Australian Bureau of Statistics, 1993:21). In addition, a further 30 Vietnamese juveniles had been detained for robbery, representing 3% of all such cases (Tabled Document). As at 13 April, 1994, there were eleven Indo-Chinese youths on control orders for violent offences, and five on remand (Cain, 1995:27).

While census figures are not available for young people of Pacific Island background, it is clear that a disproportionate number are now in custody, and this over-representation is increasing. The number of Pacific Islander detainees increased by 75% from April 1993 to April 1994, and the offences for which these youth were placed in custody suggest a tendency towards violent

criminal activity. As at 13 April 1994, 12 Pacific Islander people were on control orders for violent offences, with five on remand for such offences (Cain, 1995:30).

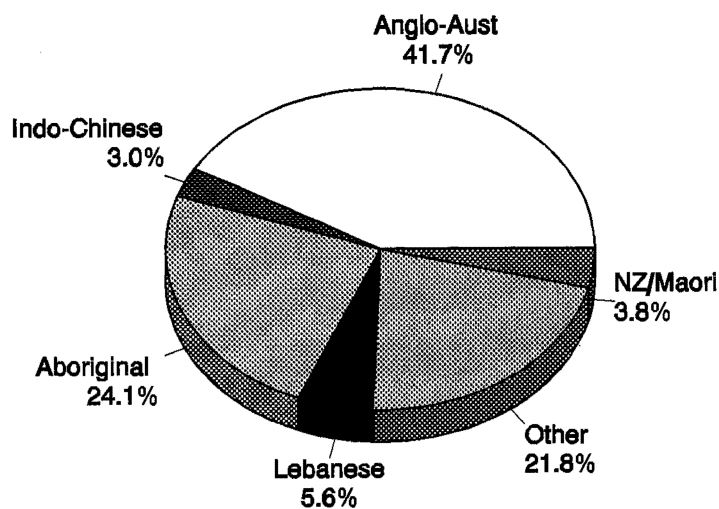
The Committee recognises that the representation of young people from certain ethnic or cultural groups may be due to the life experiences of individuals from these groups, or may be a result of police targeting these individuals. The need for culturally appropriate programs for these groups is discussed in Chapter Twelve.

Figure 30
Violent Offences by Ethnicity/Cultural Background
NSW Juvenile Justice Centres, 1 January 1991 to 31 May 1993



Source: Tabled Document

Figure 31
Robberies by Ethnicity/Cultural Background
NSW Juvenile Justice Centres, 1 January 1991 to 31 May 1993



Source: Tabled Document

■ **Racial Tension**

The Committee heard a range of evidence relating to racial tension. One witness attributed a violent incident in 1993 to a group which "periodically lays siege to part of the suburb". The Committee heard that a youth was assaulted in a pool hall and then summoned a number of his own friends, who responded in kind upon the group that had attacked him. A ten minute battle involving baseball bats, billiard cues, knives, machetes and an axe ensued on the main street, with one youth receiving a serious laceration to his leg (In camera Evidence). However, rather than being racially motivated, the Committee heard from another witness that the assault followed the failure of one boy to pay a debt of money that was allegedly lost over a game of pool to a boy of a different racial background (In camera Evidence).

Several students from one suburban school that sent a submission to the Committee suggested that a lot of fights are started by students of a particular racial background identifying as "homies". It is suggested that these students have bashed teachers at a neighbouring school, and threatened others to ensure they do not intervene in the harassment of other students (Submission 58). It is difficult for the Committee to separate the truth of such allegations from perceptions of other cultures that may be false, and which may lead to a self-perpetuating cycle of polarisation, racism and violence.

While many young people from non-English speaking cultures are second generation Australian, having been born and educated here, their families may adhere to the social values of their country of origin. These values may include prejudice against or conflict with other cultural or religious groups.

Similarly, young people or children coming to Australia as refugees from war-torn countries may have been in camps where they have been exposed to violence:

the only model of how to live that they know is extreme violence (Hirsch Evidence, 01.11.93).

The principal of a school with a large number of refugees advised the Committee that these children face considerable stress:

A number of my students are the head of the family and they bring up the siblings while their parents are in camps or are still overseas (James Evidence, 22.02.94).

It was also suggested to the Committee that many people from non-English backgrounds come from countries where the police force is part of the authoritarian regime which rules the country. Citizens in these countries are instilled with a strong fear of the police which can affect relations with the police and institutions in their new home (D'Astoli Evidence, 10.02.94).

Violence can also be a response to the way racial groups are perceived or treated by other groups, and may be used a means to gain respect when no other apparent means are available to them.

It was also suggested to the Committee that focussing on racial tension may only serve to obscure the true dynamics of violent confrontation:

Racial tension is a feature of Australian life but, in my view, ethnic identities are almost peripheral [in violent incidents] and often the real issue is masculine confrontation. Ethnic identities often provide the spark, but underneath that is the willingness of young males to engage in adventurous, risk-taking behaviour (Polk Evidence, 29.07.94).

■ **Aboriginality**

In examining breaches of the law by youth in Moree, Bourke and Walgett, the Community Youth Support Taskforce found that the problems leading to young people being on the streets late at night were primarily, but not exclusively, to be found in the Aboriginal communities:

*a lot of it is gang behaviour between Aboriginal children and white children
... a lot of it is driven by poor race relations (Schwager Evidence, 29.07.94).*

While Aboriginal youth may be over-represented in groups on the streets late at night, this is not to suggest that all these children are involved in criminal behaviour or violence. The Moree Youth Co-ordinator suggested to the Committee that a number of Aboriginal and non-Aboriginal youth are participating in violent activities, and that socio-economic patterns are more of a determinant in this type of behaviour than race (Green Evidence, 29.07.94).

The Walgett Youth Co-ordinator stated that:

because of the highly visible lifestyle of Aboriginal people, they are the ones who are perceived as being violent, when that is not the case (Gleeson Evidence, 29.07.94).

A similar perception exist regarding urban Aboriginal communities:

There isn't more violence amongst Aboriginal youth, certainly in Redfern and Waterloo ... there are assumptions made [but] ... I would suggest that that is not the case (Brown Evidence, 25.10.93).

A study of young people in detention found that the offence profile of Aboriginal juvenile offenders was no more violent than the offence profile for all detainees (Cain, 1994:40,42). In another study of 2,165 police cautions and 16,100 finalised court appearances during 1990, Luke and Cunneen (1995:iv) found that the demographic over-representation of young Aboriginal people progressively increases with each successive point of discretion, with higher levels of over-representation with the most severe outcomes, such as detention orders. Aboriginal young people comprised 7.1% of police cautions, 15.6% of court appearances and 26.6% of detention orders during 1990. Luke and Cunneen suggest the over-representation of young Aboriginal people may be the result of the complex interaction of a range of factors such as higher levels of offending; high police staffing levels in areas in which larger Aboriginal populations reside; discrimination by the police and courts; and the use of minor good order and street offences to arrest Aboriginal young people.

Profiles of violent offending by Aboriginal and non-Aboriginal juveniles are shown in Table Three below:

**Table Three
Offences By Indigenous Status
1990**

Offences	non-Aboriginal		Aboriginal	
	No.	Rate*	No.	Rate*
Homicide/Manslaughter	6	0.02	3	0.24
Armed Robbery	35	0.05	3	0.24
Sexual Assault	83	0.12	9	0.73
Unarmed Robbery	47	0.07	8	0.65
Grievous Assault/Malicious Wound	918	1.37	192	15.48
Other Assault	1002	1.50	277	22.34

* Rate is calculated per 1,000 relevant youth population
Source: Luke and Cunneen, 1995:11.

Luke and Cunneen (1995:v) conclude that there appears to be some bias against young Aboriginal people in police decisions to arrest and prosecute. However, Aboriginal young people and non-Aboriginal young people with equivalent criminal histories appear to be treated equally by the courts. Due to the longer average criminal histories, a much higher proportion of Aboriginal court appearances result in detention. In addition, the average age of first detention order is lower for young Aboriginal people.

The Committee heard that Aboriginal youth from rural communities who do enter the criminal justice system may remain in urban areas and not return to their communities. A representative of the Department of Juvenile Justice suggested to the Committee that such youths may establish bonds with other young people in Juvenile Justice Centres, which provide an incentive for remaining in the metropolitan area (Loughman Briefing, 17.09.93).

The Committee heard that incidents of violence on behalf of young Aboriginal people are often a response to racist remarks and comments:

The violence towards Aboriginal young people is across the board ... if you are an Aboriginal young person you cannot catch a taxi because no one will stop to pick you up so you get very angry about that (Brown Evidence, 25.10.93).

It was also suggested that teachers with racist attitudes have been violent towards Aboriginal students (Brown Evidence, 25.10.93). While women generally report less physical violence at the hands of police than men, the Committee was informed that research evidence suggests that this is not necessarily the case with young Aboriginal women (Alder Evidence, 29.07.94).

2.2.5 "Gang" Violence

The Committee heard a range of evidence on the involvement of young people in gangs in New South Wales. The Committee believes that the term "gang" is often used erroneously to denote any group of young people, and that caution should be exercised in the usage of the term.

The Committee heard a number of alternative definitions for the term "gang". One submission to the Committee containing research on gangs in the United States and New South Wales defined a gang as "a group of three or more persons who may have a common name, symbol or sign and who regularly associate together for a common purpose which is considered to be disreputable" (Submission 16). However, in the 1994 study for the NSW Police Service by Pulse Consultants, *Street Gangs*, a street or youth gang is defined as

*several people who regularly act together in an illegal or threatening manner.
A gang has some form of ongoing organisation* (Pulse Consultants, 1994:1).

The characteristics identified in the United States by Arnold Goldstein as defining a gang include an organised structure; an identifiable leadership; territorial identification; continued, ongoing contact amongst members; having a specific purpose; and engaging in illegal activities. Additional defining characteristics include drug use and abuse and the increased use of violence in an instrumental fashion (Bowie Evidence, 08.11.93). The Committee received little or no evidence that such structured gangs exist in New South Wales, and believes this usage of the term "gang" has little relevance to youth activity in our communities.

The Pulse Consultants' report distinguishes three major categories of gangs: graffiti gangs; street or youth gangs; and criminal gangs. The report suggests the following factors encourage the establishment or growth of graffiti and street gangs:

- the entertainment media;
- high youth unemployment;
- immigrants from troubled areas of the world; and
- declining family and cultural ties (Pulse Consultants, 1994:16).

By contrast, criminal gangs can form at any time to achieve some returns or rewards. The report suggests that, rather than the various types of youth groups, movements and gangs forming a continuum, there is a "quantum leap" between youth gangs and criminal gangs (Pulse Consultants, 1994:18). Additional factors which may lead to the development of criminal gangs include:

- a high concentration of similar individuals (often an ethnic base);
- an accepting culture of crime; and
- some older people for organisation and influence (Pulse Consultants, 1994:19).

The report suggests a possible profile of a gang member is a male, aged from 15 to 20 years, with low socio-economic status, a low level of education, and unemployed. With some exceptions, the ethnic bases of gangs are declining (Pulse Consultants, 1994:20).

■ **Evidence of "Gang" Activity**

An officer of the Department of Juvenile Justice suggested to the Committee that evidence relating to gangs is, currently, largely anecdotal, and little evidence of organised activity is present in the juvenile justice system:

Young people do actually offend with groups to a certain degree, but [as for] the so-called gangs that are being [reported in] the media, we don't hear about the Homeboys coming in [to Juvenile Justice Centres], or the Legends ... (Loughman Briefing, 17.09.93).

In evidence to the Committee, the Senior Children's Magistrate referred to groups of youths in certain suburban areas, suggesting that:

I have heard them described as gangs in the past and even colour gangs, but Nothing that comes to court has shown anything like that (Blackmore Evidence, 28.07.94).

Similarly, the Department of Juvenile Justice has advised that there is no evidence of juveniles in detention identifying themselves as part of a gang (Loughman Briefing, 17.09.93).

Students in one Year 9 class at a suburban high school reported in a class discussion forming the basis of part of a submission to the Committee that they had experiences with "gangs" from one ethnic background, including a number of violent incidents.

The lack of evidence of gang activity in official records may reveal the limitations of data collection rather than the level of gang activity. The *Street Gangs* report notes that, since there is no crime of "gangs", no court statistics on gang activity are maintained and police reports are unreliable and inconsistent in their recording of gang activity (Pulse Consultants, 1994:7).

The *Street Gangs* report suggests that, while a complete listing of known youth gangs over the past few years exceeds 100, many disintegrate or form new groupings. In 1993, the Police Service reported 54 street gangs, with approximately 40 in the Sydney Metropolitan area. According to this information, these gangs consisted of approximately 500 members, with possibly a further 1,000 regularly participating in some gang activities and a greater number of associates who may be in the company of gang members on occasions. However, the Committee heard no other evidence to support these allegations. In addition, the *Street Gangs* report concedes that many of these "gangs" are more likely to be groups, falling outside the stated definition (Pulse Consultants, 1994:10-11).

While the Pulse Consultants' report suggests that several gangs have a violent nature, it notes that most gangs limit their criminal behaviour to petty theft, graffiti and vandalism (Pulse Consultants, 1994:12). One witness suggested to the Committee that, while there is evidence linking members of "the graffiti cult" to more serious acts of violence, this is a rare rather than

common situation (Hickman Evidence, 26.04.94). The *Street Gangs* report states that more serious criminal activity by gang members or suspects, such as robbery and homicide, appear to be individual rather than gang related (Pulse Consultants, 1994:12).

In notes prepared for the briefing of the Committee by the Police Service, it was suggested that there has been a tendency for youth gangs to congregate in the entertainment area of George Street, Sydney and in the general area of Kings Cross. Reports concerning youth gang violence in one suburban area have led to successful police operations following armed robbery offences upon taxi operators. It was also suggested that violence attributed to groups of youths has been reported at most major suburban SRA public facilities and major shopping complexes. The street gangs report also listed a number of "suburban gang hot spots". These areas, however, do not correlate well with incidences of assault, robbery, or other crimes (Pulse Consultants, 1994:13).

The Committee heard considerable evidence relating to alleged formal gang activity and violent incidents in one suburb. The Committee was informed that an alleged gang of youths regularly gather at a local milkbar to brag of their exploits and plan further criminal activity. Witnesses suggested that their criminal activities constitute a significant and planned attack upon the community and community standards (In camera Evidence). The Committee understands that five members of this gang are currently on committal for murder and attempted murder.

The Committee recognises that groups of young people may be attracted to certain areas, and that unacceptable behaviour and community concern may result. The Committee's key recommendation on police and community action discussed in section 11.3.5 has been formulated to empower communities to respond in locally appropriate ways to potential, perceived and/or actual locations of violent activity.

The Pulse Consultants' report suggests that New South Wales has been "largely spared racial hate gangs" (Pulse Consultants, 1994:21). The report concludes

it is likely that both graffiti and youth gangs have reached their current peak and will now turn down in their prevalence [but not disappear] (Pulse Consultants, 1994:26).

The report concedes that it is always possible that gang activity could flare at short notice, and that the following warning signs should be monitored:

- greater use of weapons, especially guns;
- defence of territory, especially to control drug distribution;
- entrenchment in schools or schools as defined territory;
- involvement of older persons;
- greater participation by girls;
- age subdivisions in gangs; and
- longevity (Pulse Consultants, 1994:31).

■ **Criminal Gangs**

The majority of the evidence the Committee heard regarding the involvement of young people in gangs formed primarily for criminal activity related to the Asian community in Sydney. While recognising that criminal gangs may be involved in violent activities, the Committee heard no evidence to suggest young people are extensively involved in these gangs.

The Committee did hear in camera evidence of police intelligence and investigations of extortion offences involving threats and violence being committed upon school students of Asian heritage in the Sydney area. Students have been assaulted and robbed, and asked to join the offenders' particular gang or meet further demands for money. While a number of offenders have been charged, in many cases the complaints are not pursued by the victims, due to fear of reprisal, mistrust of the police or the judicial system, or language barriers. The Committee also heard that one school age gang is suspected of being involved in home invasion offences.

The Committee also heard evidence of a range of other gangs. While some gang members may be aged in their early twenties, the Committee concluded that these gangs are not primarily youth gangs.

However, the Committee heard evidence of adult gangs using juveniles to carry out activities:

Juveniles tend to be utilised by adults because the nature of the penalties are lighter for juveniles if they are apprehended (Loughman Briefing, 17.09.93).

An example of gangs of this nature that was raised in evidence is the Vietnamese group known as the 5T gang. The Committee heard a range of opinions relating to this gang. One witness suggested the gang has a core membership of 30 to 40, with an additional associate membership of up to 150 members, ranging from school age upwards. It was alleged that this gang is involved in drug supply and extortion. The Committee was informed that the five Ts of the gang's name refer to five steps that must be met before becoming a full member of the 5T - sex, prosecution, imprisonment, violence and death threat (In camera Evidence).

However, information compiled by a number of Vietnamese Youth and Community Workers in South Western Sydney and tabled before the Committee suggests the five letter Ts are the initials of the Vietnamese words "Tuoi Tre Thieu Tinh Thuong", which means "young people lack love and care". While certain individuals with the five letter Ts tattooed on their arm may have connections with gangs or criminal organisations, it was suggested to the Committee that the 5T is not an organised gang. Any Vietnamese young person may have the tattoo to represent their loneliness or alienation, without any initiation, vow of secrecy or loyalty to a gang. Young people who feel lost about their identity, and feel they don't belong at school or home may gather together:

because their family and community does not understand them or care for them the only sense of belonging they have is with others who are in the same predicament as themselves (Tabled Document).

While the Committee was also informed of a number of other "criminal" gangs of young people, little evidence that these young people are involved in violent activities was put to the Committee. The fact that police intelligence records are maintained on such groups of young people when no illegal activities have been confirmed is of concern to the Committee.

■ **Conclusion: Gangs or Groups?**

The Committee is of the opinion that while a number of gangs involving young people do exist, their number and prevalence is greatly exaggerated by the media. The media attention and subsequent public fear regarding gangs is not a recent phenomenon. The Committee was informed that

Group gangs are not new to Australia ... in the 1880s and the 1890s we had the larrikins and right through the twentieth century we have had young people perceived as being problematic (Bessant Evidence, 28.07.94).

In the 1930s there was concern about groups of young people because they were unemployed in the Great Depression; in the 1940s there was concern about groups of young boys because their fathers were away fighting in WWII. The "bodgies" and "widgees" were seen to be problematic in the 1950s, as were the "sharpies" and the "mods" in the 1960s and the "skinheads" and "punks" in the 1970s (Bessant Evidence, 28.07.94).

The media's exaggeration of the gang problem was graphically illustrated during the course of the Committee's Inquiry when the *Telegraph-Mirror* published a story on the Pulse Consultants' *Street Gangs* report with the headlines "City Street Gangs Crisis" and "Crime Gangs Haunt Our Streets". The article was accompanied by a list of gang names, many of which were listed as "not recently active"; "low level of activity"; "gang unconfirmed"; or "not a problem" (McDougall, 1994).

The *Telegraph-Mirror* article suggests the *Street Gangs* report "warns that a major crackdown is needed" (McDougall, 1994). The Pulse Consultants' report in fact states that "most bands of youth are not gangs but groups", and that it is important to make this distinction so that police action can be appropriately focussed and to prevent public perceptions from creating a "gang" problem unintentionally (Pulse Consultants, 1994:2-3). The report is also highly critical of media being the driving force of the latest interest in gangs, and for action by some politicians:

Gangs are media grabbers because they play on people's fears (great seller), they are highly visual (photos and videos are easy to obtain), and they appeal to biases of race, age and social class (big sellers) (Pulse Consultants, 1994:8).

The Committee was informed that negative media publicity in fact appears to have resulted in increased levels of gang activity (Submission 16).

The Committee heard that groups of young people that are forced onto the fringes of society, such as those that are excluded from schools, will often merge together for a sense of identity or belonging. Since these groups may form along cultural lines, they can be categorised in stereotypical terms. With limited and confined public spaces available to these young people, groups will often come into contact with each other and tension may arise, which may result in violence (Marsden Evidence, 01.11.93). However, the Committee believes it is inappropriate to describe these groups as gangs or describe disputes in terms of gang violence.

Attributing crime and violence to youth "gangs" negatively affects the way young people are perceived:

Often young people will come together in groups, they will dress in a particular way, they will be seen on the street or outside McDonalds or in a park, and they will be perceived to be a threat and to be a part of a gang (Acheson Evidence, 01.11.93).

The Committee heard that when there is a perception in the community that there is a high level of youth violence, citizens become concerned when young people are seen together on the streets and telephone police. When the police investigate, they find no law has been broken (Pisarski Evidence, 29.07.94).

The Committee recognises that young people will gravitate together through ties of friendship, sport, school, or ethnic background and that these support networks are a normal and beneficial aspect of the lives of young people.

It is also important to distinguish between gangs and the various youth cultures. Young people make clear distinctions between groups such as "bogans", "goths", "skegs", "headbangers", and those identities can provide a source of friction between young people. The Committee believes, however, that this phenomenon must be differentiated from gang membership:

There is a collective character ... but I do not think that we have gangs in the sense that gangs exist in America (Polk Evidence, 29.07.94).

The Pulse Consultants' report concludes

there is a "problem" of street or youth gangs. They do exist and they sometimes do indulge in criminal or threatening behaviour. However, there is little evidence to suggest that the problem is growing (but it may be evolving) (Pulse Consultants, 1994:9).

2.2.6 Violence against Homosexuals and Lesbians

Concern over the issue of violence against homosexuals and lesbians generated more submissions to the Committee's Inquiry than any other single issue. Of the submissions received during this Inquiry, eleven, or 17%, raised the issues of homophobia and violence against homosexuals and lesbians.

■ Data on Incidence

The Committee heard evidence from representatives of the Lesbian and Gay Anti-Violence Project, a project of the Gay and Lesbian Rights Lobby funded by the New South Wales Department of Health.

The Lesbian and Gay Anti-Violence Project has co-ordinated three reports. *The Streetwatch Report*, a study based on 67 reports of violence, primarily against homosexual men, suggests that:

- assailants are overwhelmingly young males in groups; and
- approximately 90% of assailants were considered to be 25 years or younger (Submission 47).

The *Off Our Backs Report*, focussing on attacks against lesbians, suggested that:

- approximately 43% of offenders acted alone;
- approximately 61% were estimated to have been aged 25 years or under; and
- approximately 38% knew their attackers (Submission 47).

The *Count and Counter* report examines data from the 90 incidents reported to the Project between November 1991 and June 1992, and the 94 incidents between July 1992 and June 1993. Data from 1991-1992 suggest:

- approximately 65% of assailants were aged between 15 and 25 years;
- approximately 2% were under 15 years, with 8% not stated;
- approximately 60% of attacks involved three or more assailants (Submission 47).

Data from 1992 - 1993 suggest:

- approximately 50% of assailants were in the 15 to 25 years age bracket;
- approximately 5% were under 15 years with 8.5% not stated;
- approximately 45% involved groups (Submission 47).

The decline in violence by groups may be the result of government policies implemented following the *Streetwatch Report*, with the rise in attacks by single males due to increased reporting by women (Submission 47).

In evidence to the Committee, the Acting Co-ordinator of the Lesbian and Gay Anti-Violence Project stated that the majority of incidents involve three to five assailants, although there have been reports of attacks involving as many as 17 and 20 assailants. He also suggested that the larger the number of assailants, the younger they are likely to be. The available evidence does not suggest that formal gangs are involved, or that the perpetrators are drawn from a particular racial group or social class. One of the groups that was conducting a series of attacks with baseball bats throughout Oxford Street and Darlinghurst in 1993 was allegedly from a private school. Most of the assaults do not involve weapons, and few involve robbery (van Reyk Evidence, 29.06.94).

Other reports also augment these data. The Australian Lesbian Youth Coalition's *Young Lesbian Report*, produced in 1992, outlines data collected from a survey of 200 women aged 25 or younger. Almost 80% reported that they had experienced verbal violence and over 10%

had experienced physical violence because of their lesbianism. A high level of anti-lesbian vilification involved male perpetrators travelling in groups on the street or in cars, with many involving threats of physical or sexual assault (Submission 23). A 1991 survey with 300 respondents from the National Lesbian Conference at the University of Technology, Sydney, revealed 18% had experienced physical assault in the previous twelve months (NSW Police Service, 1995b:2)

To test whether the levels of victimisation suggested by such survey data could be considered representative, the NSW Police Service commissioned a survey of 259 homosexual men and lesbians at the Sydney Gay and Lesbian Mardi Gras Fair Day in February 1994. The survey revealed that 12% of lesbian and 14% of homosexual respondents had experienced physical assault in the previous twelve months. The lesbians surveyed were therefore at least six times more likely to be assaulted in a twelve month period than Sydney women in general, and the homosexual men at least four times more likely than other Sydney men to experience an assault in that period (NSW Police Service 1995b:8).

The Committee also received a submission from the Gay Services Committee, University of New South Wales Student Guild. In 1992, a Gay Welfare Survey conducted with a sample of 211 homosexual students revealed that 53% of these students had experienced harassment on campus with 28% of this group experiencing both physical and verbal harassment. Approximately 94% of these students believed that they were attacked by other students (Submission 40).

The Committee heard from a PhD candidate in the Faculty of Education at the University of Sydney who interviewed 31 young offenders in a Juvenile Justice Centre and found:

- approximately 39% admitted to having harassed gays and lesbians;
- approximately 29% admitting to actual bashings; and
- approximately 61% were potential perpetrators of homosexual victimisation and violence, admitting that they would perpetrate such violence under certain circumstances (van de Ven Evidence, 29.06.94).

■ **Causes of Violence against Homosexuals and Lesbians**

Violence with homosexuals is a big thing too, there isn't enough of it!
(Submission 58)

This comment from a student in a suburban High School indicates that attitudes supporting violence against homosexuals and lesbians are part of the value system of some young people.

The Committee heard evidence of possible causes for feelings justifying violence towards homosexuals and lesbians. One witness informed the Committee of a model developed by Herek which suggests that young people derive psychological benefit from hating homosexuals and lesbians and perpetrating violence against them (Bendall Evidence, 29.06.94). The suggested benefits include social acceptance by others, reinforcement of a particular set of values and a way of dealing with internal anxieties about their own identity, usually related to their own masculinity or femininity. These factors may be exacerbated by social factors such

as unemployment, leading to increased feelings of self doubt and frustration and an increased likelihood of using violence for these psychological functions. In addition, boredom may lead to increased time spent on the streets with other adolescent males, increasing the potential for peer group dynamics to lead to harassment and violence (Bendall Evidence, 29.06.94).

The submission from ACON contends that while violence against lesbians and gay men is not a new problem, AIDS has been used to rationalise prejudice, discrimination and violence (Submission 42).

In a submission to the Committee, the Hon Paul O'Grady, M.L.C. asserts that the groups of young men who commit violence against homosexual men also harass and attack women in the same area, as they too are seen as weak and attacking them reinforces group unity:

Only by demonising homosexuality to an extreme degree can participating in pack rape be considered an acceptable method of bonding with your peer group. Violence against homosexuals and violence against women can therefore be seen as facets of the same problem (Submission 54).

Similarly, hatred of lesbians is seen to grow out of, and reinforce misogynist attitudes such as the belief that all women are available; that women's consent is irrelevant; and that a woman who rejects a man should be punished (Submission 54).

2.3 MEDIA REPORTING OF VIOLENCE

Several witnesses suggested to the Committee that the way violence is reported in the media contributes to public fear. Informal surveys carried out by the National Children's and Youth Law Centre suggest that young people's perceptions of increasing violence are a product of media reporting. Parents who were teenagers in the 1960s recalled a considerable level of violence, but less was reported or publicised (Submission 26).

One witness stated that:

the media view violence as a commodity to be sold on the market. They are concerned then with visual images that meet commercial criteria: will it sell? Their answer to dealing with the commercial imperatives, as they see them, is to present an image of violence that is totally distorted (Polk Evidence, 29.07.94).

In relation to school violence, the Committee heard that:

Clearly [critical incidents are] very complex, and the press, regrettably, beat [them] up in ways that do not tell the whole story (Davidson Briefing, 17.09.93).

An example of such reporting, considered by the Committee to be irresponsible, involved the death of a student at a school at Baulkham Hills. While the media speculated on the involvement of other students in acts of violence, the incident reports revealed that the student's death was a tragic accident involving a fall from a height (Davidson Briefing,

17.09.93). The Committee also heard of a media report in which a fight at a school which involved a small knife was reported as the "Marrickville Machete Attack" (Pisarski Evidence, 29.07.94).

The President of the NSW Teachers' Federation expressed concern regarding the damage to the reputation of schools which can result from sensational media reports (Cross Evidence, 11.10.93). A lecturer in Special Education also drew the Committee's attention to media reporting which focuses on "schoolboy crime" which attributes blame to schools when the offender is of school age, regardless of the time of the crime and the circumstances of the case (Jenkin Evidence, 11.10.93).

Media reports of crime in particular areas can also promote false perceptions. A student from one high school expressed disappointment that the reputation of a whole suburb or area can be negatively affected by reports of one crime by one individual (Submission 58). The Committee also heard of the effects of negative media reports from a number of witnesses working with young people in areas which are perceived to have disproportionate levels of crime:

The notoriety which [this area] has earned through the media ... is slanderous to many other young people in the area (Acheson Evidence, 01.11.93).

In one area where young people are often portrayed in the media as being extremely violent, and members of colour gangs, a youth worker suggested to the Committee that:

young people are now too scared to leave their local suburb because everywhere they go the whole of Sydney is scared of them or wants to challenge them and fight them so they do not leave the area any more because there is so much pressure on them to conform to that role (Hirsch Evidence, 01.11.93).

The submission of the Youth Action and Policy Association (YAPA) Western Sydney Project suggests rather than media portraying groups of young people from non-English speaking backgrounds as "gangs", young people should be encouraged to maintain their culture and support networks (Submission 53).

The submission of the National Children's and Youth Law Centre recommends that balanced media coverage of youth issues should be encouraged, with good practice recognised through an award system, sponsored by government and industry (Submission 26).

2.4 SUMMARY OF FINDINGS

- In reviewing data relating to violent offending by the 10 to 17 year age group, the Committee found:
 - Police records suggest:
 - * the number of alleged homicide offenders remains relatively stable;

- * after a number of annual decreases, the number of alleged aggravated assault offenders returned to the levels of previous years in 1993, while the number of alleged non-aggravated assault offenders was higher than in the preceding years;
- * there were substantial annual increases in the numbers of alleged offenders for both armed and unarmed robbery in 1993. While evidence of an upward trend cannot be drawn from these data, the rate of robbery offenders for this age group is substantially higher than the average;
- * the numbers of alleged sexual assault offenders has been relatively stable for several years; and
- Available data from the **Children's Court** suggest the number of proven violent offences has increased substantially over the last decade, and that a growing proportion of all court appearances involve alleged violent offences.
- The number of **juveniles in custody** for violent offences in 1994 has more than doubled since 1989.
- **In reviewing data relating to violent offending by the 18 to 24 year age group, the Committee found:**
 - Police records suggest:
 - * the small number of alleged homicide offences has resulted in annual variations;
 - * the numbers of assaults and aggravated assaults increased in 1993, and this age group has a substantially higher than average rate of assault offenders;
 - * the numbers of alleged robbery without a weapon remain below the levels reached in previous years, while robberies with a firearm or other weapon continued to decline. However, this group has a robbery offending rate substantially higher than the average;
 - * the annual numbers of sexual assaults allegedly committed by the 18 to 24 age group has been relatively stable for several years, but is higher than the average rate; and
 - Data from the **local court** suggest:
 - * the number of proven aggravated assault offenders increased somewhat in 1993 and 1994. However, the number of non-aggravated assault offenders remains lower than 1991 levels, in contrast to recorded crime statistics; and

- * the number of sex offenders found guilty in local court appearances has increased in the last two years. However, as very few cases are finalised in the local court, no firm conclusions can be drawn from annual increases or decreases.
- Data from **trial and sentence cases** suggest:
 - * the number of proven assault offenders has been declining since 1991;
 - * the number of persons aged to 24 years convicted of homicides and sexual offences has been relatively stable since 1988; and
 - * the number of proven robbery and extortion offenders has risen significantly in recent years.
- Approximately 28.5% of **prisoners** in NSW are aged between 18 and 24 years. From this group, 34% are in prison for violent offences. Over the last three years the rate of assaults and fights per 100 inmates has risen.
- **The Committee also found:**
 - Across the state, the Far West and North Western areas continue to have disproportionately high rates of alleged young violent offenders. Within Sydney, the Inner Sydney area has the highest comparative rate for alleged young offenders.
 - A comparatively high proportion of the assault offences attributed to persons aged between 10 and 17 years were allegedly committed on "enclosed land", primarily on the street, at parks or sports grounds. Higher proportions of assault offences by 10 to 17 year olds were recorded as occurring at government buildings (particularly schools) and public transport. Comparatively high proportions of assaults allegedly perpetrated by the 18 to 24 year age group were committed in living premises; on enclosed lands; and at businesses, shops, hotels and clubs.

2.5 CONCLUSIONS

- The Committee recognises the **limitations of various sources of data**. Court statistics do not reveal the complete pattern of judicial intervention, and recorded crime statistics only reveal offences reported to the police. Data collection and production practices may also affect the reliability of the data, with categories such as persons cleared of suspicion included as alleged offenders. Data now produced from the COPS system will be more reliable than those from previous years.
- Victims' surveys reveal a lower rate of assault and robbery victimisation in New South Wales in 1993-4 than in the previous year, but **higher reporting rates**. These variables will be reflected in recorded crime statistics.

- Given the limitations of the data and variations in reporting rates, the Committee concludes it is not possible to determine if any trends in the actual rates of youth violence are occurring. While there have been increases in the number of violent offences proven in the Children's Court in 1994, this increase was not evident in the number of proven young violent offenders in the adult courts.
- However, the available data suggest to the Committee there is **no youth violence "crime wave"**. The number of alleged young violent offenders appears to have been fairly stable over recent years.
- Recorded crime statistics considered by the Committee reveal that violence is an overwhelmingly **male** phenomenon.
- It is difficult for the Committee to separate the truth of allegations that certain racial groups are responsible for violence from perceptions of other cultures that may be false, and which may lead to a self-perpetuating cycle of polarisation, racism and violence.
- The term "gang" is often used erroneously to denote any group of young people, and that caution should be exercised in the usage of the term. While a number of gangs involving young people do exist, their number and prevalence is greatly exaggerated by the media. The maintenance of police intelligence records for groups of young people not involved in illegal activities is of concern to the Committee. Young people will gravitate together through ties of friendship, sport, school, or ethnic background and these support networks are a normal and beneficial aspect of the lives of young people.
- Data on violence against homosexuals and lesbians suggest that assailants are overwhelmingly young males in groups.

CHAPTER THREE

THE NATURE AND EXTENT OF SCHOOL VIOLENCE

Data on the incidence of violence in schools are available from a number of different sources including the Department of School Education, police statistics, surveys and research papers and evidence presented to the Committee. The following discussion reviews available data brought to the attention of the Committee during the course of its Inquiry.

3.1 DEPARTMENT OF SCHOOL EDUCATION DATA

3.1.1 Critical Incident Reports

The Department of School Education collects data on violent incidents through Critical Incident Reports completed and submitted by school personnel when a critical incident occurs. This reporting system was introduced by the previous Minister for School Education, and relates to all types of critical incidents, such as fires, and including serious violence and bomb threats. Any increase in Incident Reports therefore does not necessarily reveal an increase in violence. It was suggested to the Committee in a preliminary briefing in 1993 that generally the type of violence had not changed in any way in recent years, despite suggestions in the media (Davidson Briefing, 17.09.93).

The Director-General of School Education, Dr Ken Boston, provided the Committee with examples of incidents that have been the subject of Critical Incident Reports, and which together could constitute "a fairly typical sort of day" in terms of reports received. The examples included:

- a student tripping another following an altercation in the playground, leading to serious injury;
- the suspension of a child for a day for swearing openly and loudly at his teacher and biting another teacher on the arm;
- a Year 6 student going wild with a cricket bat and injuring people;
- intruders coming into the school and abusing the principal; and
- a bomb threat telephoned to a school (Boston Evidence, 29.07.94)

These types of incidents, while considered violent, reportable and unacceptable behaviour, are not necessarily the sort of violence which would be reported to the police as a matter of course. The incidents involving intruders and the bomb threat were reported to the police by school authorities, and a parent of a student reported the incident involving the cricket bat (Tabled Document).

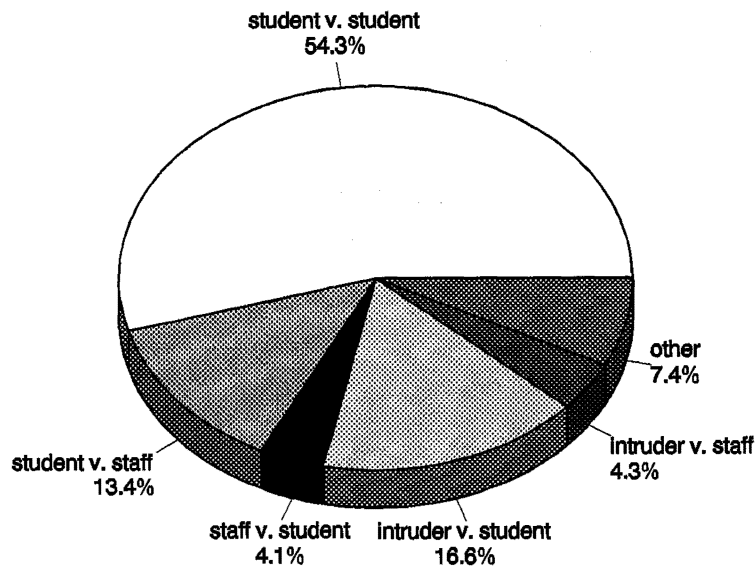
In 1993, there were 412 acts of violence recorded in Critical Incident Reports. In 1994, 1,315 violent incidents were reported by schools to the Department of School Education. A

further 254 were reported in Term 1, 1995. Of the cases reported in the first two terms of 1994, the Committee heard that 13% involved only a threat of violence (Boston Evidence, 29.07.94).

The limitations of various sources of data are discussed in Section 3.13. The Committee found that there remains a degree of confusion regarding the requirements for reporting critical incidents to the Department. While the mechanism was established in 1991, the Committee believes that the utilisation of the critical incident reporting system continues to evolve. It is therefore difficult to separate changes in reporting practices from any actual increase in the number of violent incidents.

Details of the perpetrators and victims of the 1994 incidents, where available, are indicated in Figure Thirty-Two.

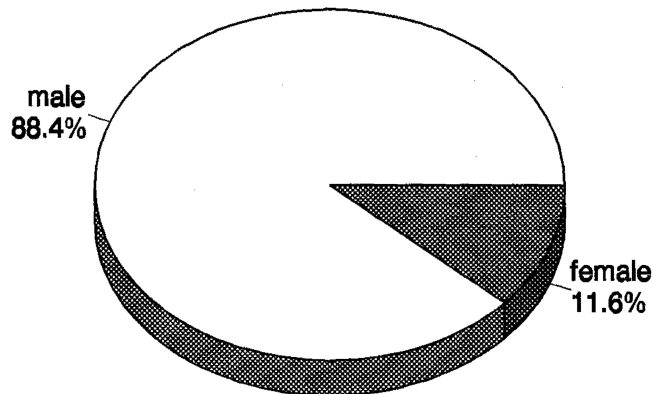
Figure Thirty-Two
Perpetrators and Victims of School Violence
Violent Critical Incident Reports, 1994



Source: Boston, 1995:4.

Of the incidents involving student assailants where gender was specified in the report, the perpetrators of these incidents were overwhelmingly male, as indicated in Figure Thirty-Three.

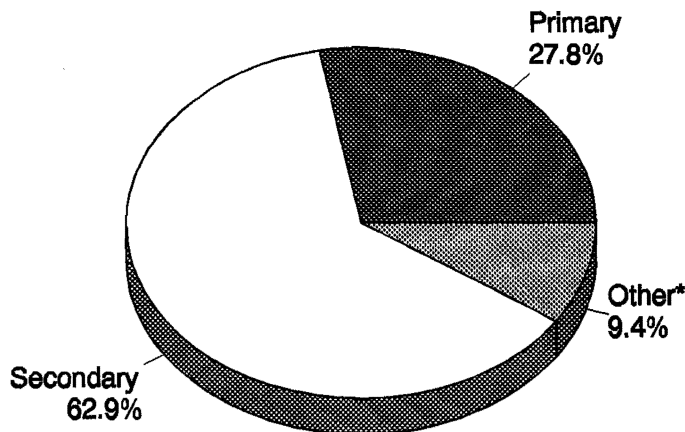
Figure Thirty-Three
Gender of Perpetrators
Violent Critical Incident Reports, 1994



Source: Boston, 1995:5.

The majority of violent critical incidents occurred in secondary schools, as Figure Thirty-Four indicates.

Figure Thirty-Four
School Violence by Type of School
Violent Critical Incident Reports, 1994

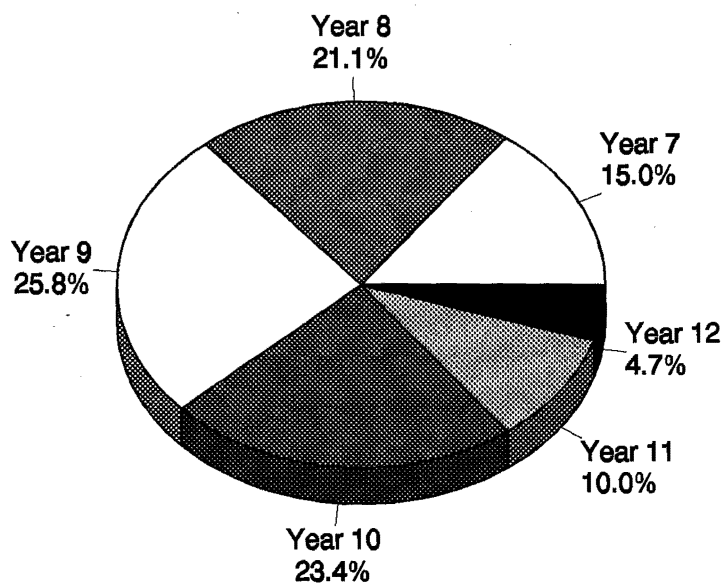


Source: Boston, 1995:5

*Includes Central Schools (63); SSPs (58); Infants, Field Studies (2).

Students in Years 9 and 10 were responsible for approximately half the incidents involving secondary students where school year was stated, as Figure Thirty-Five indicates.

Figure Thirty-Five
Perpetrators of Secondary School Violence by School Year
Violent Critical Incident Reports, 1994



Source: Boston, 1995:5.

Weapons were involved in 15% of cases. The types of weapons involved are discussed in Section 3.5. The Committee heard that in most of the incidents in Terms One and Two, the weapon was used to threaten rather than injure.

Incidents of groups of students being involved in fights or brawls were relatively unusual (Boston Evidence, 29.07.94). Of the 1,315 critical incidents involving violence in 1994, 59 (5%) involved serious injury.

3.1.2 Suspension data

Suspensions generally are not regarded as critical incidents requiring reports to the Director-General and the Minister. Prior to the introduction of the present system of Critical Incident Reports, suspension figures were the only overall set of figures relevant to violence maintained by the Department. However, students may be suspended for a variety of reasons, and all such students have not necessarily acted violently. The data must therefore be used cautiously in relation to school violence.

■ Long Suspensions

Table Four shows the number of long suspensions for the previous six years in government schools across New South Wales. Prior to 1993, figures were collected only for suspensions of greater than 19 days. As can be seen from this table, there was a peak in suspension rates in 1989, with the figures dropping in 1990. In 1991, the figures were still below the rate recorded in 1989. The 1992 figures were higher, but trends were not standardised across the various regions.

Table Four
Number of Long Suspensions in New South Wales
Government Schools by region (1989 - 1994)

Education Region	1989	1990	1991	1992	1993*	1994*
Met East	27	13	8	9	152	279
Met North	7	18	25	22	134	377
Met SW	76	75	94	72	391	675
Met West	44	28	33	62	344	562
Hunter	67	57	70	41	376	293
Nth Coast	7	20	4	32	38	194
Nth West	18	16	7	13	125	254
Riverina	5	8	2	6	36	122
Sth Coast	24	31	32	45	66	357
Western	11	8	5	7	67	240
TOTALS	286	274	280	309	1732	3353

* Data not directly comparable to previous years - includes all long suspensions of five days or more.

Source: Boston, 1994:3, Boston, 1995:1.

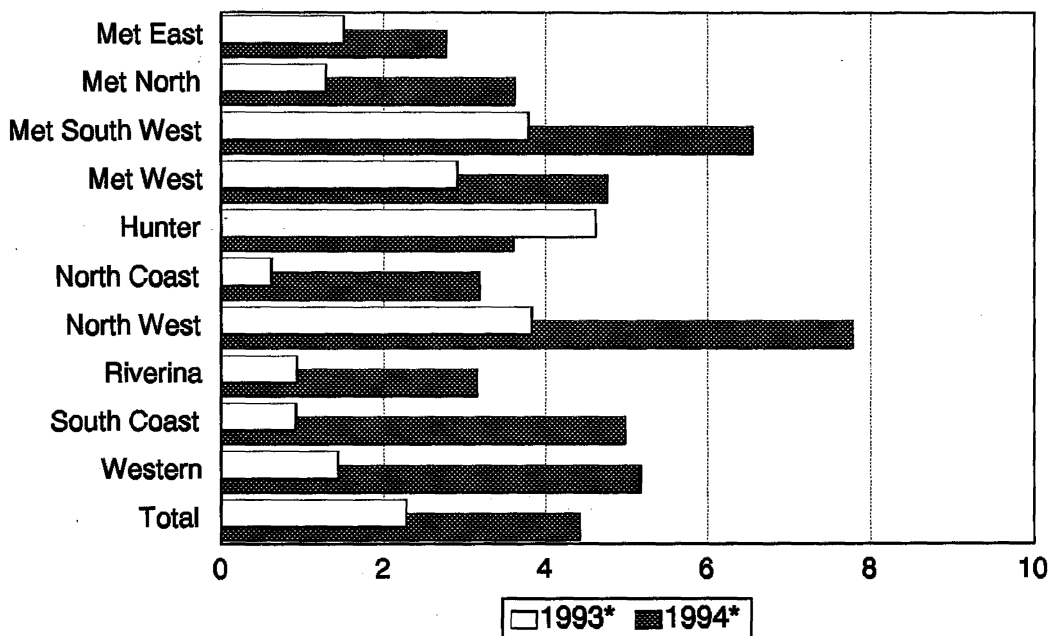
Since 1993, data have been collected for all long suspensions (suspensions of five days or more) and all short suspensions (periods of up to 4 days).

The 1994 figures demonstrate a substantial increase in numbers of long suspension across all areas of the States with the exception of the Hunter where the number decreased. The Metropolitan South West and Metropolitan West continue to record the highest numbers of

long suspensions. The upward trend in the number of suspensions appears to be continuing in 1995. Each region has recorded more suspensions in Term 1, 1995 than in Term 1, 1994 (Boston, 1995:1).

Figure Thirty-Six demonstrates the rate of long suspensions per 1,000 students for each region in 1993 and 1994, based on the 1993 student population in each region.

Figure Thirty-Six
Rate of Long Suspensions per 1,000 students by Education Region
1993 - 1994



Boston, 1994:3; 1995:1.

* Based on 1993 student population

The South Coast and North Coast regions recorded the most substantial increases in the rate of long suspensions. Both areas reported more than 5 times as many long suspensions in 1994 than in 1993. The rate of long suspensions in Riverina and Western regions increased more than threefold over the same period. However, the rates for all these areas had been below the State average for 1993.

The North West Region has the highest overall rate, followed by the Metropolitan South West and Western regions of the State.

■ **Short Suspensions**

Short suspensions are suspensions of up to four days duration. The following table reports the number of short suspensions in government schools for 1993 and 1994.

Table Five
Number of Short Suspensions in New South Wales
Government Schools by region (1993-1994)

Education Region	No. of Students (1993)	Suspensions (1993)	Suspensions (1994)
Met East	100,834	1669	2103
Met North	104,248	2348	2676
Met South West	103,076	2913	3680
Met West	118,017	2909	3333
Hunter	81,439	1873	2179
North Coast	61,048	467	1634
North West	32,613	753	1158
Riverina	38,677	840	1341
South Coast	71,667	1629	2363
West	46,425	1269	1616
TOTAL	758,048	16670	22083

Source: Boston, 1994:3; 1995:1

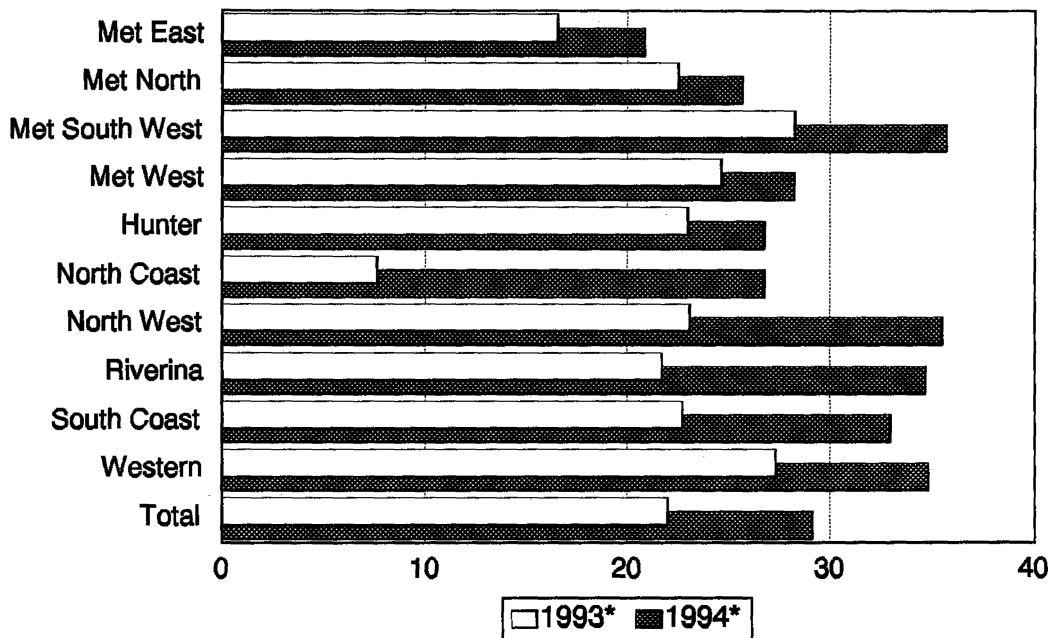
All regions recorded more short suspensions in 1994 than 1993. This appears to be continuing in 1995. With the exception of the Metropolitan West region, numbers of long suspensions in Term 1, 1995 are higher than in Term 1, 1994 (Boston, 1995:1).

As a result of different student populations in the various regions, it is not possible to make comparisons between regions from these data. Figure Thirty-Seven shows movements in the rates of short suspensions per 1,000 students, from 1993 to 1994 based on the 1993 student population.

The increase in the rate of short suspensions was most marked in the North Coast region, where the rate increased by 350%. However, the rate for this region in 1993 was considerably lower than other regions, and the 1994 rate is still below the state average. Regions with rates above this average include Metropolitan South West, the North West region, the Western region, the Riverina and the South Coast.

Figure Thirty-Seven

Rate of Short Suspension per 1,000 students by Education Region
1993 - 1994



Boston, 1994:3; 1995:1.

* Based on 1993 student population

It should be noted that these data are based on numbers of suspensions, rather than numbers of students suspended. It may be the case that a single student is suspended on a number of occasions during a year.

These suspension data are not available according to gender. The Committee believes that such a breakdown of data would be beneficial as research suggests there are differences in the types of violence engaged in by boys and girls. The Committee, for example, heard that the violence by girls tends to be in the form of verbal harassment, with very little resort to physical violence whereas boys tend toward physical violence (Davidson Briefing, 17.09.93).

While there have been increases in suspensions in most regions, the patterns are generally not uniform across all schools in a particular region. Where particular schools demonstrate a problem, the Department of School Education is attempting to intervene to identify problems and solutions. The Committee believes that maintaining records on the reason for suspensions would better enable information on suspensions for violent behaviour to be monitored and appropriate intervention strategies to be developed.

RECOMMENDATION 1

That the Minister for Education ensure that records relating to the suspension of students include

- the sex of the student; and
- the reason for the suspension

so that information on suspensions for violent behaviour can be obtained, trends monitored, and appropriate intervention strategies developed.

3.1.3 Exclusion Data

Exclusion from a school may take place when a long suspension has failed to resolve the initial problem and it is considered that the student might develop self-discipline and co-operative behaviour in a suitable alternative school. If regional staff cannot arrange a suitable alternative school, an application for expulsion or a return to the school are the only other options (Department of School Education, 1994a:4).

When a request for exclusion data was made to the Director-General, he informed the Committee that exclusion data have only been collected centrally since 1993. That material is reported below in Table Six.

In evidence to the Committee, the Director-General indicated that the exclusion rate was declining. In commenting on this pattern, the Director-General stated that he found it

very comforting. It means I think that our welfare programs are working and that we are getting a lot of support from other agencies (Boston Evidence, 29.07.94).

However, while this trend had been evident from mid-1993 to mid-1994, there have been 69 exclusions in Term One, 1995, which is higher than in any term during 1994 (Boston, 1995:2).

Table Six
Number of Exclusions from Government Schools
by Region (1993-1994)

Education Region	No. of Students (1993)	No. of Exclusions (1993)	No. of Exclusions (1994)
Met East	100,834	35	26
Met North	104,248	52	58
Met South West	103,076	66	31
Met West	118,017	25	28
Hunter	81,439	28	9
North Coast	61,048	1	16
North West	32,613	4	10
Riverina	38,677	2	5
South Coast	71,667	24	23
West	46,425	14	21
TOTAL	758,048	251	227

Source: Boston, 1994:3; 1995:2

3.1.4 Expulsion Data

The Committee has heard that students involved in serious acts of violence may be expelled:

if the incident were malevolent and malicious ... the student would be suspended ... if it appeared to be deliberate, it is likely that within two days, or even less time, there would be an application for expulsion - that is the prerogative of the principal (Davidson Briefing, 17.09.93).

The procedures state that expulsion may be recommended following violent behaviour or the bringing of weapons to school, irrespective of any police action taken (Department of School Education, 1994a:4-5).

The Director-General of the Department of School Education has supplied the Committee with details of expulsions from 1988 to 1994 which are recorded in Table Seven.

Table Seven
Number of Expulsions from Government Schools,
1988 - 1994

Education Region	1988	1989	1990	1991	1992	1993	1994
Met East	2	0	0	0	0	0	0
Met North	0	0	0	0	0	0	0
Met SW	0	0	0	3	1	5	0
Met West	3	3	3	0	0	0	0
Hunter	0	0	0	0	0	0	0
Nth Coast	0	0	0	0	0	0	0
Nth West	0	0	0	0	0	0	0
Riverina	0	0	0	0	0	0	0
Sth Coast	0	0	0	0	1	0	0
Western	4	1	0	0	0	0	1
TOTAL	9	2	1	3	2	5	1

Source: Boston, 1993:5; 1995:2.

The Committee believes that data relating to the suspension, exclusion and expulsion of students should be publicly available. Publication in the Department of School Education's Annual Report would ensure that the data is accessible and that trends can be monitored.

RECOMMENDATION 2

That the Minister for Education ensure that suspension, exclusion and expulsion data are published in the Department of School Education's Annual Report.

3.2 DATA RELATING TO NON-GOVERNMENT SCHOOLS

Representatives from the Catholic education system and independent schools gave evidence before the Committee during the course of its Inquiry.

■ Catholic Education System

A total of 213,997 students are enrolled in Catholic schools in NSW. There are eleven separate diocesan systems and 58 independently managed non-systemic schools within the

state. The Catholic Education Commission, while representing the eleven autonomous systems, does not manage them on a day-to-day basis. The Committee heard evidence from both a representative of the Commission, and a representative of the Parramatta diocese.

The Committee heard that within the Catholic education system, administrative requirements relating to the reporting of incidents are the responsibility of the various diocesan school authorities. The Catholic Education Commission maintains no centralised statistics (Baker Evidence, 08.11.93).

Information was however provided by the representative from the Parramatta diocese. In 1992, of the 38,279 students in this diocese, 530 students were identified through referral procedures as exhibiting inappropriate behaviour. Of these students, 12.5% were classified as being behaviour disordered, and three of these students were carrying out violent behaviour which required intervention (Jackson Evidence, 08.11.93).

Within the Parramatta diocese, the school principal would consult the area administrator for the cluster when considering actions following a violent incident. The parents of the child would then be asked to be a part of the intervention approach regarding the child's behaviour.

■ Independent Schools

The Association of Independent Schools of NSW is a service organisation to which independent schools can choose to belong, although services are provided to all 250 independent schools in NSW. These schools have a total enrolment of approximately 65,000 students. While the Association has not conducted any statistical survey on the incidence of violence in these schools, the number of schools seeking assistance and support for students in difficulty has increased significantly in the last two years, particularly in relation to behaviour disorders. The Association's Special Education Directorate provides assistance to help schools deal with the needs of those children, both socially and educationally (Chapman Evidence, 08.11.93). Private schools are not required to report violent incidents to the Association of Independent Schools (Chapman Evidence, 08.11.93).

From the perspective of a single school, the Committee heard that while the number of cries for help from children or parents to teachers and school counsellors may have significantly increased in the last ten to fifteen years, there has been no significant increase in violence accompanying this trend (Rae Evidence, 08.11.93).

However, the Committee heard evidence from other teachers in independent schools which suggested behavioural problems are becoming more evident. A representative of the Independent Teachers' Association suggested that

the perception of teachers is that verbal abuse has increased markedly and that there has been some degree probably of shifts in physical violence Certainly, primary teachers are raising more and more the problems they are having with anti-social behaviour in younger children (Hickey Evidence, 26.04.94).

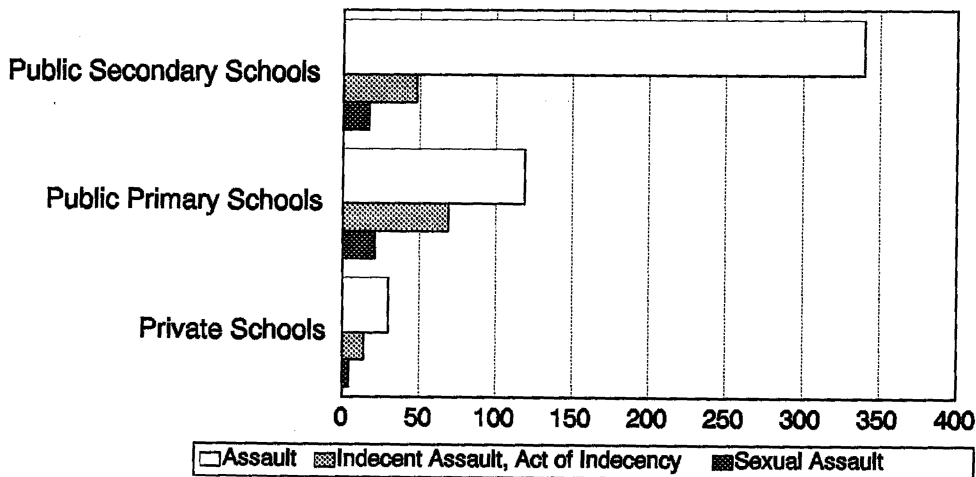
3.3 POLICE DATA

Some information on police involvement in school violence is provided by the Department of School Education's Critical Incident Reports, as the report form has a box to be ticked if "police or outside agency" are involved. **Of the 1,315 violent critical incidents recorded in 1994, 618 (47%) involved contact with the police.** Of the 517 violent incidents in Term 1, 1995, 110 (21%) involved police. However, these cases include incidents in which police may have entered school grounds in pursuit of violent offenders and which may have been reported to education authorities, which cannot be classed as school violence.

Similar limitations apply to data from the New South Wales Police Service. Reports of assaults on school grounds made to the police are collated by the NSW Bureau of Crime Statistics and Research. The Bureau began compiling such statistics in 1990. **In 1990 there were 282 cases reported to the police. From April 1994 to March 1995, 541 incidents of assault were recorded as occurring on school grounds.**

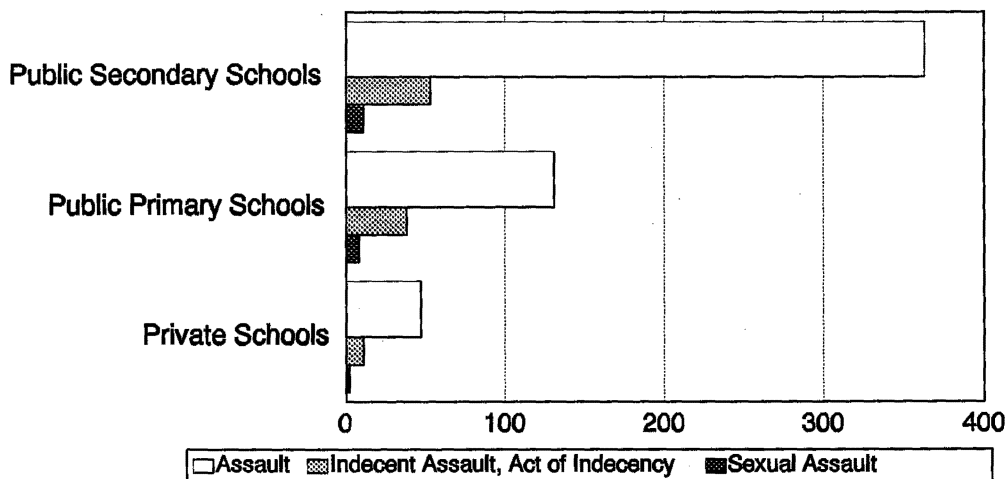
Data relating to violent offences on school premises in 1993, and incidents for the twelve months from April 1994 to March 1995 are shown in Figures Thirty-Eight and Thirty-Nine respectively.

Figure Thirty-Eight
Violent Offences in Schools by School Type
1993



Source: NSW Bureau of Crime Statistics and Research

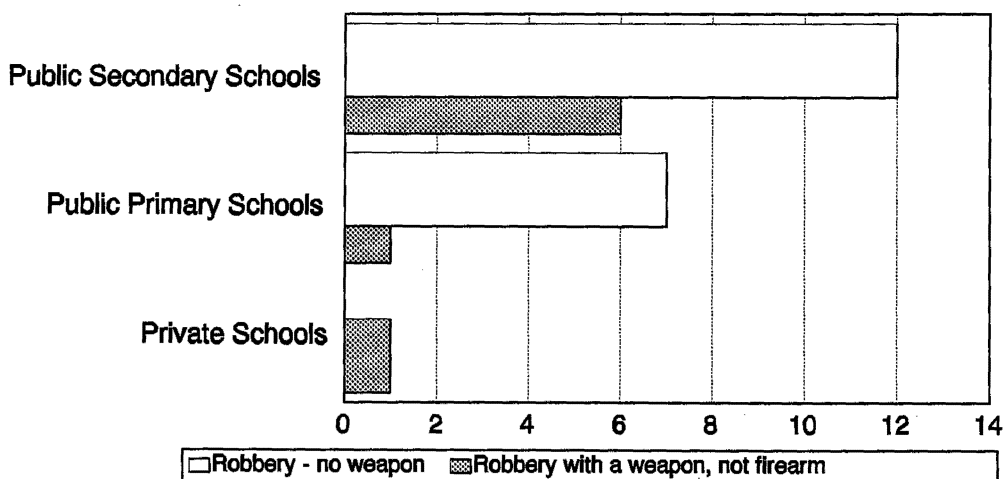
Figure Thirty-Nine
Violent Incidents in Schools by School Type
April 1994 - March 1995



Source: NSW Bureau of Crime Statistics and Research

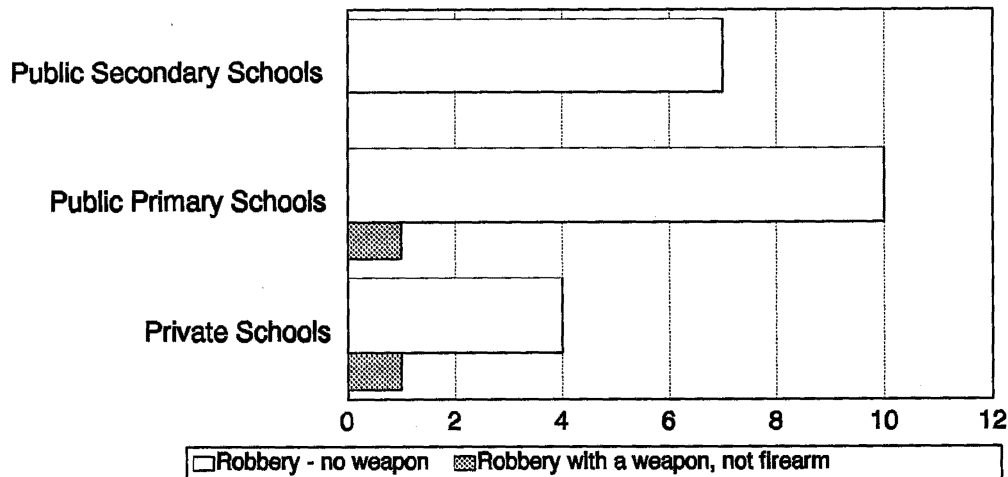
Data relating to robbery offences on school premises in 1993, and incidents for the twelve months from April 1994 to March 1995 are shown in Figures Forty and Forty-One respectively.

Figure Forty
Robbery Offences in Schools by School Type
1993



Source: NSW Bureau of Crime Statistics and Research

Figure Forty-One
Robbery Incidents in Schools by School Type
April 1994 to March 1995



Source: NSW Bureau of Crime Statistics and Research

In 1991, the Minister for School Education and Youth Affairs directed principals to report to police all assaults on a student on school premises by any unknown adult, which may have contributed to the increase in reported assaults. The extent to which the rise is attributable to an increased willingness to report incidents of violence to the police, rather than any actual change in the number of assaults occurring on school grounds, remains unclear.

In addition, it is difficult to attribute all incidents of assault and robbery to students. These incidents may include crimes that occur outside school hours that do not involve students. The limitations of police data are further discussed in Section 3.13.2. The Bureau of Bureau of Crime Statistics and Research has carried out a more detailed analysis of assaults on school premises from 1990 to 1992. Data from this study is presented in Section 3.3.1 below.

In commenting on the available data in evidence to the Committee, the Director of the Bureau of Crime Statistics and Research suggested that, in the period for which data have been collated, there had been a very marginal change in the risk of assault in schools. Given that there are nearly 1,000,000 school children in NSW the 408 cases in 1992 gave an official risk of approximately 0.04% (Weatherburn Evidence, 30.7.93).

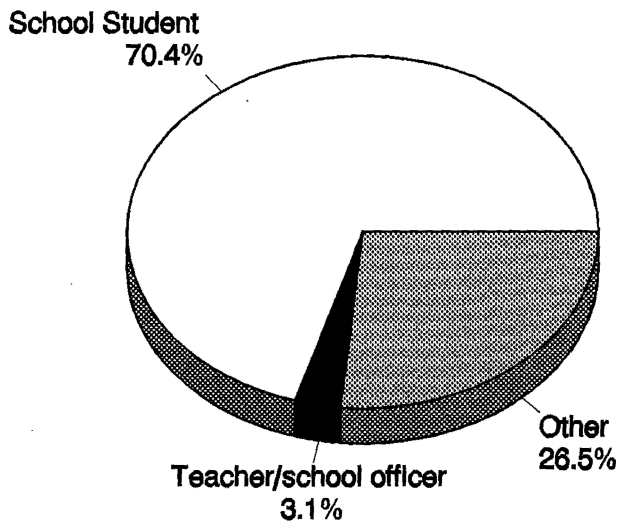
To place the above data in perspective, the Committee was also informed that it can be clearly stated that **the risk of being assaulted outside school grounds is substantially higher than that of being assaulted within school grounds.** The Director of the Bureau of Crime Statistics and Research asserted that

If I were a parent ... I'd be encouraging [children] to stay in school - it's obviously a much safer place to be than going to discos or going to pubs or going to entertainment venues that attract large numbers of people intoxicated with alcohol (Weatherburn Evidence, 30.7.93).

3.3.1 Analysis of Assaults on School Premises, 1990 - 1992

The Bureau of Crime Statistics and Research has released a report, *Assaults on School Premises*, detailing the result of a study of police data from 1990 to 1992. Figure Forty-Two reveals that of the 707 incidents for which the occupation of the offender was recorded, a significant majority were perpetrated by students. However, occupation was not recorded in an additional 170 incidents.

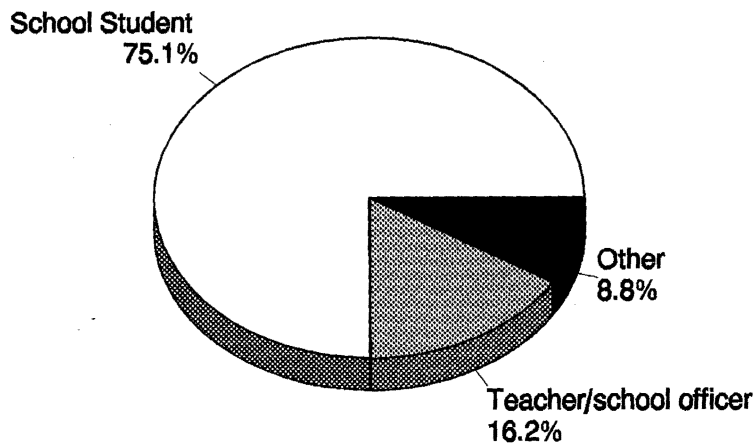
Figure Forty-Two
Type of Offender in Recorded Assault Incidents on School Premises
1990 - 1992



Source: Trimboli and Bonney, 1994:14

Details of the type of victim in 786 recorded assault incidents on school premises are shown in Figure Forty-Three. Data in this figure does not include 91 incidents for which the occupation of the victim was not recorded.

Figure Forty-Three
Type of Victim in Recorded Assault Incidents on School Premises
1990 - 1992



Source: Trimboll and Bonney, 1994:14

A total of 406 incidents of assault were recorded as having occurred between school students on school premises between 1990 and 1992, which accounts for 46% of the total sample.

Table Eight demonstrates that in every Department of School Education region except the South Coast, the rate of assault between students in 1992 was higher than in 1990. The largest increase occurred in the Hunter region, with a 1992 rate over three times higher than the 1990 rate.

Table Eight

Trend in Rates* of Assault between Government School Students by School Region, NSW, 1990 - 1992.

School Region	1990	1991	1992
Hunter	6.3	12.6	21.0
Metropolitan East	6.0	16.1	14.9
Metropolitan North	9.9	19.8	19.4
Metropolitan South West	15.1	16.9	24.5
Metropolitan West	9.4	15.4	22.1
North Coast	12.3	15.3	16.6
North West	9.2	18.3	12.2
Riverina	13.2	13.0	28.6
South Coast	24.8	17.3	9.9
Western	28.8	19.6	38.8

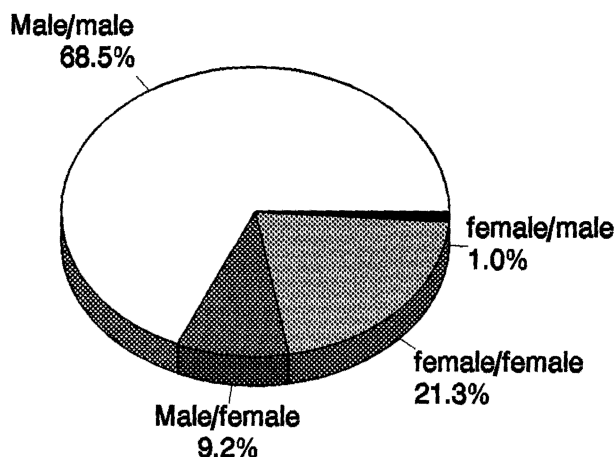
* Rate per 100,000 students

Source: Trimboli and Bonney, 1994:16

Figure Forty-Four demonstrates that the majority of these assaults were perpetrated by male students against other male students. However, a significant proportion were assaults by female students against female students.

Figure Forty-Four

Gender of Victim by Gender of Offender in Recorded Incidents of Assault between Students 1990-1992



Source: Trimboli and Bonney, 1994:14

Assaults on School Premises also reveals that in relation to assaults between students:

- The vast majority of recorded incidents resulted in no injury at all or involved abrasions, bruises or minor cuts.
- 97.5% of all recorded incidents occurred on school days.
- 91.9% of all recorded incidents which occurred on school days also occurred in core school hours, with the largest single category of incidents occurring during lunchtime.
- The school playground was the location of 63.1% of all recorded incidents which occurred during core school hours and the location of 66.7% of all incidents which occurred at other times on school days.
- 85.5% of all incidents involved one victim and one offender, with most victims and offenders being of similar age, and the most common age being 14 or 15 years.
- A weapon of some type was involved in 12.3% of all recorded incidents but in only one case was the weapon a gun (a replica pistol).
- Most recorded incidents resulted from unexplained physical assaults (40.3%), arguments (26.3%), and/or retaliations (21.2%).
- Police action against the offender differed according to the type of assault: 23.3% of all incidents of non-aggravated assault resulted in an arrest/charge whereas 48.5% of all incidents of aggravated assault resulted in an arrest/charge (Trimboli and Bonney, 1994:1-2).

Teachers were the victims of assaults perpetrated by students in 52 recorded incidents between 1990 and 1992. In 35 of these cases, the assault occurred following disciplinary issues (Trimboli and Bonney, 1994:25).

3.4 OTHER DATA

3.4.1 School Counsellors Survey

In their submission to the Committee, School Psychologists Australia Inc provided a copy of *School Counsellors in New South Wales: A Study of their Work and Occupational Stress Factors*, completed in June 1993 and based on the work of school counsellors in the twelve months prior to November 1992. Statistics extrapolated from a survey sample consisting of one-third of all school counsellors in NSW suggest that there were 2,853 cases of violence among peers (including dating violence), within the school or towards a teacher.

The report concludes that peer violence is positively correlated with a number of factors including family violence, grief over a past rape of a student, traumatic family breakdown, the terminal illness of parent or friend, running away from home, notification of physical abuse, or the rape of a parent (Submission 7).

3.4.2 Australian Youth Institute Surveys

The Australian Youth Institute recently surveyed 1031 young people aged from 18 to 25 years in New South Wales on law and order issues. While 67.4% of respondents indicated they had never experienced violence at school, 29.4% stated they experienced such violence frequently or all the time. A greater number of respondents experienced violence at school than was the case for violence in the home, neighbourhood or shopping areas. Male students were more likely to experience violence than female students. While 36.7% of respondents over the age of 21 years indicated that they had experienced physical abuse at least frequently when they were at school, this was true for 27.5% of respondents aged under 21 years, perhaps indicating a decrease in school violence (Fantuzzi, 1995:10-11).

The results of a 1994 survey also support these findings on the extent of school violence. Of 1295 young people aged between 15 and 25 years, 25% reported they had been frequently affected by violence, and a further 38% affected "now and then". Public schools students were 55% more likely to be frequently affected by violence than private school students, and males 50% more likely to be frequently affected than females (Dua, 1994:15-16).

3.4.3 Views of Students

The Committee received submissions from a number of schools, and spoke with groups of young people to assess their experiences and perceptions of youth violence.

The submission prepared by Hurstville Boys' High School for the Committee was based on points raised in a forum meeting of 18 boys from Years 7-11. One third of the group had been the victims of violence while another one third had been aggressors at some stage in the previous two years. Bullying, extortion of small amounts of money and racist name calling were identified as school violence issues, with gang-related violence being the greatest fear outside of school. This violence was seen as an extension of stealing or bullying used to promote a macho image among peers. One third of the group considered that they had been victims of gang violence (Submission 20).

3.5 USE OF WEAPONS

Early in its Inquiry, the Committee was informed that contrary to impressions that may be created from media reports, there have been only three incidents involving guns in Government schools in the previous five years (Davidson Briefing, 17.09.93).

The Committee was subsequently advised that these incidents were:

- the shooting of two primary school students with a slug gun on a corner outside the school grounds in 1991;
- A thirteen year old student firing a rifle at a school sports carnival in 1991 and seriously injuring two teachers and a twelve year old girl; and

- A fourteen year old female student taking a sawn-off shotgun and ammunition onto school grounds in 1992 and informing other students of her intention to shoot the principal and herself.

A further incident involving a student threatening to blow up the school and shoot teachers in 1991 was also reported to the Committee (Whelan, 1995).

Of the 412 Critical Incident Reports involving violence received by the Department of School Education in 1993, 80 cases (14%) involved a threat with a weapon or the actual use of a weapon (Boston Evidence, 29.07.94). The following types of weapons featured in these incidents:

- 47 incidents involved a knife, usually a Swiss army knife or a pocket knife;
- 13 incidents involved another cutting instrument;
- ten cases involved instruments such as slingshots, knuckledusters or rocks; and
- six cases involved hitting or striking with a piece of wood or metal (Boston Evidence, 29.07.94).

In 1994, 196 (15%) of the 1,315 Critical Incident Reports involving violence received by the Department of School Education involved a threat with a weapon or the actual use of a weapon (Boston, 1995:5). These incidents included:

- 104 incidents involving a knife;
- 11 incidents involving a gun or toy gun;
- 81 cases involving other instruments such as bats, sticks, glass, scissors, screwdrivers or explosive devices (Boston, 1995:5).

An additional four cases involving guns, replicas or threats of shootings were reported in Term 1, 1995.

The Committee was informed that no student used or operated a firearm at school in 1994 (Boston, 1995:5). However, critical incident reports reveal that students fired pellets at other students from replica pistols in two cases. The 15 incidents involving a gun or toy gun in 1994 and 1995 included the following types of incidents:

Students producing/threatening with replica or toy gun	5
Students firing replica/pellet gun	2
Student found with non-working pistol (no threat)	1
Student found with air rifle (no threat)	1
Student firing cap gun near another student's ear	1
Student threat to shoot teacher (no gun produced)	1
Intruders threatening student/teacher with gun	3
Intruder threat to shoot other parent (no gun produced)	1

The main category of incidents involving students producing or threatening others with replicas or toy guns ranges from a case where a small pistol-shaped cigarette lighter was produced to a student being charged with an attempted armed robbery at a local store.

While noting that the level of seriousness of these incidents varies substantially, The Committee is concerned that the number of cases of this nature may perhaps demonstrate a growing problem in this regard.

Of the 1031 respondents to the Australian Youth Institute's survey on law and order, 2.3% of respondents indicated that they had carried a weapon all the time when they had been at school, and a further 1.8% that they had frequently or occasionally been armed at school (Fantuzzi, 1995:6).

3.6 GANG ACTIVITY

The Committee considered the issue of "gang" activity with some caution given the media sensationalism that often accompanies the term. In taking evidence, the Committee was conscious that the expression was often loosely applied with witnesses using the term in a variety of ways.

The Committee heard from a Department of School Education official that gang warfare in schools is:

not a significant problem at this point. There may be the precursors though (Davidson Briefing, 17.09.93).

The principal of a school located in an area frequently linked with reports of gang activity suggested to the Committee that

As far as I am concerned, they are neighbourhood groups. Usually they are spread over a number of schools. I do not know of a school gang, but I do know of so-called gangs being reported in newspapers where normally the bulk of them are non-school attendees (James Evidence, 22.02.94).

A representative of the Catholic Education Commission stated to the Committee that there had been only one incident which could be perceived to be "gang" violence in Catholic schools in the last several years. He did however, acknowledge that gang activity outside of school time appears to be more of a problem, which has prompted community concern (Baker Evidence, 08.11.93). The Executive Director of the Association of Independent Schools stated that he was not aware of any increase in, or particular focus of, gang activity (Chapman Evidence, 08.11.93).

While the Committee heard evidence of gangs operating in schools, no evidence of criminal behaviour was available to the Committee.

3.7 BULLYING

No data are maintained on the incidence of bullying in schools in NSW. In considering the nature and extent of bullying in New South Wales schools, the Committee has drawn upon available Australian and international research as well as material supplied in written submissions and oral evidence to the Committee.

There has been a surge of interest in bullying among school children following Norwegian studies in the late 1970s and subsequent research in the U.S and U.K. These studies have identified at least 10% of children as victims of bullying in primary schools, with somewhat fewer identified in high schools (Rigby and Slee, 1991:615).

Professor Ken Rigby, the Director of the Institute of Social Research at the University of South Australia, and Dr Philip Slee from Flinders University have undertaken extensive research on the incidence and characteristics of bullying in Australian schools. Data have been collected from over 15,000 students from over 60 schools. While most of these data relate to South Australian schools, these researchers have also been attempting to gather data from other states. Most of the respondent students have been between 10 and 18 years of age, although some have been as young as five years old. Data are drawn from responses to self-administered questionnaires, and some from face-to-face interviews with children and teachers (Rigby Evidence, 29.07.94).

"Bullying" has been defined in this research as "repeated oppression, psychological or physical, of a less powerful person by a more powerful person or group of persons" (Rigby, 1994b:1). Psychological bullying includes name calling, verbal disparagement, and exclusion from groups.

Adolescents who report that their family life or families are somewhat dysfunctional are more likely to bully others. The contention that dysfunctional families are more likely to produce bullies is supported by research by Olweus in Norway and by Bowers in England. Rigby has identified six features of poor family life that tend to result in children bullying others: a low level of affection; poor communication; lack of acceptance or lack of concern for a person as an individual; methods of control and discipline which do not respect the child; a lack of concern about values; and a lack of interest in the adolescent's future (Rigby Evidence, 29.07.94).

Rigby found a gender difference in respect of the effect of family environment. While boys from dysfunctional families tend to turn out to be bullies, girls from such families tend to be bullies and also tend to be victims:

it is more likely [these girls] will either be a bully or a victim than that they will be neither (Rigby Evidence, 29.07.94).

Boys are more likely than girls to be victims of bullying in all categories except exclusion from groups, in which girls are overrepresented (Rigby Evidence, 29.07.94).

Bullies do not tend to lack self-esteem or social skills, and do not necessarily achieve at a notably lower level academically. They frequently have many friends, as bullies are often admired by a clique of peers, and bullying is often perpetrated by groups (Rigby Evidence, 29.07.94). While Rigby and Slee have found that a large majority of children avowedly

oppose bullying, support for victims tends to decline as children grow older (Rigby and Slee, 1991:625).

3.7.1 Levels and Effects of Victimisation

In researching the incidence of bullying, Rigby and Slee set a criterion for serious bullying of being bullied at least once a week. They have concluded that approximately 15% of children, or one in seven, report such victimisation. Separate data collected from the national Kids Helpline reveal that 3,000 telephone calls had been received from children who had been bullied during the year (Rigby Evidence, 29.07.94).

Rigby and Slee's research reveals that the majority of victims reporting physical bullying are boys. The age group that is most at risk is the 12 to 13 years group, which correlates to their entry into secondary school. The incidence rate for this group is one in five students being bullied, and one in ten experiencing frequent physical attacks (Rigby Evidence, 29.07.94).

The researchers had a sample of 103 Aboriginal children within a total sample of 7,000 and concluded that Aboriginal students are much more likely to be victimised than non-Aboriginal students. Approximately 31% of Aboriginal girls say they are victimised each week, more than double the victimisation rate for non-Aboriginal children. Aboriginal boys are similarly vulnerable. Social class does not appear to be a significant variable (Rigby Evidence, 29.07.94).

Victims tend to be physically weaker and younger than those who are bullying them. Psychological tests suggest they have significantly lower self-esteem, are non-assertive, have fewer friends and are more introverted than those who bully them. Some victims, however, do not fit this pattern, and can be characterised as "provocative victims", seeking attention and provoking aggression by irritating and aggravating their peers. Research has also revealed the phenomenon of "bully-victims", who act as bullies in one context and victims in another (Rigby Evidence, 29.07.94).

Victims tend to become withdrawn, and are often very suspicious of other people. Their peers tend to reject them, so they become increasingly isolated, and increasingly likely to be targets. Surveys suggest that approximately 6% of children have stayed at home because they are afraid of bullies (Rigby Evidence, 29.07.94).

Rigby and Slee have also used a health questionnaire to measure the effects of bullying on 770 students in two high schools. Through self-reports, 15% of these respondents were identified as victims, and these students were twice as likely to respond that they were not in good health; felt ill; lost sleep over worry; were panicky without reason; and had bad nerves. Students from this group were also more likely to feel depressed, feel worthless, and that life was not worth living. These victimised children were two to three times more likely to indicate that they had thought of "doing away with themselves", wished they were dead, and to have the recurring idea of taking their own life (Rigby Evidence, 29.07.94).

Professor Rigby indicated to the Committee that anecdotal evidence suggests some children have taken their lives as a result of being seriously bullied. A British researcher, Dr Delwyn Tatum, has indicated he is aware of 12 such cases. While a multitude of factors may

contribute to this tragic outcome, it is clear that bullying can contribute towards suicidal ideation (Rigby Evidence, 29.07.94).

Studies in Norway undertaken by Olweus, and in England by Farrington, suggest that the loss of self-esteem that is a consequence of bullying at school tends to persist into the victims' twenties, and may result in difficulties in forming relationships later in life. Rigby and Slee have found a correlation between depression and having been bullied at school in a survey of adults in Adelaide (Rigby Evidence, 29.07.94).

Rigby has also surveyed students' attitudes to domestic violence. Approximately 40% of boys and 19% of girls indicated that under some circumstances it was justifiable for a man to hit his wife. Interestingly, male victims were more likely to say it was acceptable in certain circumstances for a man to hit his wife, whereas bullies were no more likely to support this contention than non-bullies (Rigby Evidence, 29.07.94).

The Committee is of the opinion that it is difficult to draw firm conclusions on the incidence of bullying in schools in New South Wales. Even if data were maintained, the Committee recognises that bullying often goes unnoticed and unreported. The culture of the playground continues to condemn "dobbing" as a greater evil than bullying.

Strategies for addressing bullying are discussed in Section 10.4.

3.8 SEX-BASED HARASSMENT

The Committee heard from a Department of School Education representative that

many girls are concerned that there is an increase in what they call sexual harassment some female staff are also concerned about what they consider to be verbal harassment from 14 and 15 year old boys (Davidson Briefing 17.09.93).

In a qualitative study of five Victorian primary schools conducted by the West Education Centre, violent sexual attitudes to girls were revealed in discussions with boys. Girls in one school reported being repeatedly and severely harassed by the male students. This harassment included sexual intimidation and physical and verbal abuse. Boys believed male sexual desire was something uncontrollable, and one boy suggested that violence is caused by "watching a movie where a guy's getting on to a girl, and then you want to go out and do it too." At an in-service workshop for school welfare personnel, the most commonly reported element of school culture was male domination by students and staff, with boys dominating sports, computers and other equipment, classroom time and playing space in the schoolyard (Forsey, 1992).

A research project has been commissioned to examine these issues as part of the Commonwealth Government's Gender Equity in Curriculum Reform Project, which originated in 1987. Teachers from 10 pre-schools and primary schools in Northern NSW and Queensland participated in the research, co-ordinated by a team from James Cook University in Townsville. Some findings have been published in *Foundation Stones: the Construction of Gender in Early Childhood* (Alloway, 1994).

the school (Gilbert, Gilbert & McGinty 1994:27).

Other data reinforces this finding. The Gender and Violence Project of the federal Department of Employment, Education and Training undertook an extensive consultation process with government and non-government education communities in all states and territories. The consultations revealed that incidents are "often dismissed as trivial or untrue", and that

When teachers have complained to the school administration about violence to themselves or amongst students, they have been met with disbelief and a denial that the issue was serious enough to warrant a response (Ollis and Tomaszewski, 1993:21)

Evidence to the Committee from an Education Officer of the Independent Teachers' Association also suggests that responses to allegations of sex-based harassment are often less than adequate:

Certain girls' schools ... [have reported] that mobs of boys continue to intimidate girls teachers in girls' schools take great umbrage to this and find a lot of resistance from the teachers and principals in boys' schools certainly it is an issue in single sex education sister and brother schools that are close to each other (Hickey Evidence, 26.04.94).

This continuing resistance to recognise and condemn sexual harassment in schools reflects commonly-held attitudes of 'natural' male behaviour:

the intimidation of girls and sexual abuse that is treated as though "boys will be boys", that they did not mean anything. We have had instances where female classroom teachers in particular have been outraged at the administrative response to certain instances (Hickey Evidence, 26.04.94).

The Gender and Violence Project also found that many girls are unable to articulate their experiences of violence, and that teachers need to assist girls to recognise and name these behaviours. Concern was expressed regarding the numbers of girls who dropped classes to avoid harassment by teachers or students and avoided areas of the playground (Ollis and Tomaszewski, 1993:21).

Responses to sex-based harassment in schools are discussed in Section 10.2.

suggested that a lot of fights are started by "black" students identifying as "homies". It was suggested that these students have bashed teachers at a neighbouring school, and threatened others to ensure they do not intervene in the harassment of other students (Submission 58).

In preparing a submission to the Committee, staff at Boys' Town discussed the issue of violence and concluded from their combined experience that racist remarks can trigger violent incidents, and that Aboriginality can be a source of frustration leading to violent interchange (Submission 31).

A group of Aboriginal students from an inner-Sydney High School consulted by the Committee contended that they constantly confront racism, and that it is particularly prevalent on the streets and on the sporting field.

The political situation overseas at times affects relations between groups of young people in Australia. The ongoing conflict in the former Yugoslavia has produced tension between students identifying with the various ethnic groups of that region. The Committee has heard that

some students are looking at videos which are coming from Bosnia - their families are there, they are very violent situations that are occurring - and then when students get to school and there are people from other groups ... some of that has clearly erupted at school level (Davidson Briefing, 17.09.93).

However, the Committee has also heard from staff in schools in areas with large groups of students from these backgrounds that there has not been evidence of problems of this nature. It is therefore difficult to draw generalised conclusions on the effect of ethnic tensions.

Other evidence to the Committee also suggested that racism is not a problem evident in schools. The Committee heard that racism in the Catholic Education system is not considered to be prevalent (Jackson Evidence, 08.11.03). It was suggested that gospel values, the close contact between the schools and the community, and the close involvement of the families in the parish, all contributed to the low incidence of racial problems (Baker Evidence, 08.11.93). The Executive Director of the Association of Independent Schools suggested that the values-based approach to education of independent schools, and focus on self-discipline and pastoral care, ensured the internalisation of appropriate personal values (Chapman Evidence, 08.11.93).

3.10 VIOLENCE AGAINST HOMOSEXUALS AND LESBIANS

The Committee heard that the students who are victimised most readily are those who are perceived to be in some way different from others. Homosexual and lesbian students appear to be particular vulnerable to abuse by other students at school:

Certainly at the moment in the secondary school [system], some of the students who are declaring that they are gay are being victimised ... a number of students have left schools - they identified themselves and other students victimised them (Davidson Briefing, 17.09.93).

The Gay and Lesbian Teachers' and Students' Association (GALTAS) represents gay and lesbian teachers and students in all educational institutions, and has released the SchoolWatch report. This report includes data from 145 respondents, most of whom contacted the Association on their own initiative to discuss their experiences. These data reveal that 60% of student respondents experienced verbal harassment and 30% of students who responded experienced physical harassment or violence. The majority of these incidents occurred in schools, perpetrated by fellow students and peers (Edwards Evidence, 29.06.94).

Given the small sample size and self-selecting nature of respondents in a school system with close to one million members, the Committee found it difficult to draw firm conclusions regarding the extent of harassment and violence that lesbian and homosexual students and teachers experience in schools. It is of concern that of the 37 students reporting incidents of verbal or physical harassment, 31 had not reported the most serious incidents to school authorities (Submission 43).

In two submissions to the Committee from school students, little sympathy was expressed for victims of this form of violence (Submissions 20 and 58). It was suggested to the Committee that 46% of young people involved in an anti-homophobia workshop in one school were not aware that it was illegal to bash homosexuals. A group of ten students, charged with the murder of a Sydney man at a park near their High School, expressed genuine surprise upon their arrest (In camera evidence). The Committee also heard that school personnel have demonstrated homophobic attitudes:

These data only reveal the more serious attacks on teachers. A study of the types and frequency of disruptive behaviours and the frequency of verbal and physical abuse directed towards teachers by students has recently been completed. A survey of 212 high school teachers was carried out in five inner western Sydney high schools. The results were that:

- approximately 75% of teachers claimed that they spend more time than they ought on matters of classroom order and control;
- 85% of teachers reported having been verbally abused at some time in their career;
- 50% had been abused in the past academic year;
- approximately 27% of teachers reported having been physically abused by students at some point in their career; and
- 8% reported abuse in the past academic year (Crawford, 1993:viii).

3.12 UNAUTHORISED ENTRY ONTO SCHOOL PREMISES AND OFFENSIVE BEHAVIOUR

The entry of unauthorised people on to school grounds has caused concern in some schools. The Committee has heard that a number of violent incidents have occurred in schools when non-students enter school grounds to pursue outside disputes. A submission was received from a teacher who was one of several teachers assaulted by a group of non-students on school grounds after they had been asked to leave. The teacher was subsequently medically retired (Submission 8).

The Marrickville Community Youth Co-ordinator informed the Committee that one school in the Marrickville area has reported a number of instances of young people entering the school during school hours. While the presence of outsiders is disruptive to the process of the school, the Committee also heard that these young people are not there to cause problems or vandalise school property, but simply to fill in time:

school is one place that they still feel relatively safe. School is somewhere where there is activity (Pisarski Evidence, 29.07.94).

some caution.

It is the Committee's understanding that there is a degree of confusion regarding requirements to report violent incidents to the Department and the obligations on teachers and principals to report such incidents.

The President of the Secondary Principals' Association suggested that differing applications of this discretionary power are demonstrated by statistics over one period which suggested a higher rate of violent incident reporting in the Department's Metropolitan-North region than any other metropolitan region:

I do not believe that [the result] is true I believe that it reflects the level of incident that was reported as violent being different in different places (Hurley Evidence, 22.02.94).

Mr Hurley summarised the feelings of a number of teachers when he commented that "the interpretation of violence leaves us all a bit confused" (Hurley Evidence, 22.02.94). He suggested that situations can arise where a minor incident occurs which may be the culmination of a succession of violent incidents or a long-term antisocial attitude. Such an incident may not appear serious, but may require more intensive intervention (Hurley Evidence, 22.02.94). Other teachers appearing before the Committee referred to differing reporting practices and a lack of guidance. Another secondary principal indicated that he had reported one incident to the Department of School Education which had involved the use of a weapon on school grounds and he was in the process of resolving a second incident. He informed the Committee that this latter incident

does not fall into official guidelines [but] I consider [it] more serious than the one I have reported (James Evidence, 22.02.94).

It would therefore appear that the evaluation of the seriousness of different types of incidents, and reporting requirements, remain ambiguous at the school level.

While teachers expressed confusion as to the type of incidents to be reported to the Department, the Federation of Parents' and Citizens' Associations were concerned with the question of whether school principals are in fact obliged to report all incidents to the Department. In evidence to the Committee, the Executive Officer of the Federation of Parents' and Citizens' Associations indicated that he had received conflicting advice as to the obligation of principals to report. He was informed that the provisions for mandating the obligation to report all incidents to the Department were to be found in a 1993

there must be immediate reporting. Any major and very serious violence would have to be the subject of an immediate Critical Incident Report to the Assistant Director-General, then the Director-General, then the Minister ... anybody not doing that is simply not complying with the instructions [to principals] (Davidson Briefing, 17.09.93).

However, in later evidence to the Committee, the Department's Director-General stated that

We do not have a statewide provision that says that a punch is defined as violent behaviour and must be reported . . . At a state level we cannot make a list of what constitutes violence or malice. That judgment is essentially made at the local level (Boston Evidence, 29.07.94).

The Director of Executive Services of the Department of School Education informed the Committee in correspondence that

the responsibility for implementing statewide policy lies with schools ... across the state there will be some variation in what is considered a violent incident (Whelan, 1994:1).

The clearest reporting directives the Committee noted were contained in a confidential document provided by the Department, the circulation of which was limited to the Department's State Executive. It is understood that regional Assistant Directors-General, who are members of State Executive, used the document to brief their staff. The document states that Critical Incidents should include:

Violence or threats of violence involving staff, students, and/or other individuals associated with schools, eg. assaults leading to serious injury; use or possession of a weapon; arrest or charges by police.

It is the Committee's understanding that Critical Incident reporting forms have been redesigned to improve the consistency of reporting with the distribution of the new forms resting with regional offices.

It is understandable, given the Department's emphasis on devolution of power to regions and schools, that judgements on reporting be made at the local school level. However, the Committee believes that school executives require more detailed information to assist them in exercising this judgement. The Committee believes information should be distributed to all schools containing a comprehensive definition of the types of violent behaviour which

- contains a comprehensive definition covering the types of violent behaviour which should be the subject of a Critical Incident Report;
- includes examples of these types of violent incidents; and
- advises that the degree of malice and the nature of injuries incurred should be considered in decisions on completing Critical Incident Reports.

3.13.2 Shortcomings in Police Data

Relying on police reports of crime to assess levels of violence perpetrated by school students is inherently problematic. Crime reports of assaults in schools include all offences on school grounds, including those which occur outside of school hours, and on weekends and during holiday periods. The Committee's Youth Violence Issues Paper (Table 12) demonstrated that the data suggest that while assaults are most prevalent during school hours, the evidence is less clear in relation to sexual offences because the time of day was not recorded in a substantial number of cases (Standing Committee on Social Issues, 1993:30). Sexual offences were excluded from the Bureau of Crime Statistics *Assaults on School Premises* report.

The Committee was informed that little circumstantial detail is provided in the narrative section of police incident reports, reducing the comprehensiveness of the data. The Director of the Bureau of Crime Statistics offered to assist the Police Service to prepare an instruction manual on the completion of crime incident reports involving schools. The offer was declined (Weatherburn, 1994:1).

Limitations also exist as a result of probable inconsistencies in reporting practices. Clearly only the more serious incidents of violence will be recorded in police statistics with the result that some forms of violence such as bullying will not be evident in these data.

In addition, different interpretations of seriousness may be applied to a particular incident, and the Committee has heard conflicting evidence regarding the obligations on teachers and principals to report incidents of violence to Police.

circumstances provide less direction regarding the obligation to report. The guidelines simply state:

If a student's behaviour is threatening to other students or staff, the principal may call the police (Department of School Education, 1994:2).

A discretionary power clearly exists in this regard. Briefing notes supplied to the Committee contained information on a recent study of schools in the South Region of the Police Service. The study indicates that, of 396 schools surveyed, 72 school reported incidents of assault within the past 12 months. Of those assaults reported within schools:

- 55.6% were not reported to Police;
- 41.6% were reported to Police; and
- 2.8% were not recorded.

The South Region study showed that substantial numbers of assaults took place in schools in the Eastern Suburbs, Mascot, Kogarah and Arncliffe areas.

It is apparent, however, that police are becoming increasingly involved in school incidents, evidenced by the statistical increase in crimes recorded on school grounds. In briefing the Committee, Chief Superintendent Clamp, District Commander, Prospect, suggested that

As a result of the present emphasis on the issue of youth violence, police are required to respond more and more to the requests of the various Headmasters and Principals at the various schools in the area (Clamp Briefing, 17.09.93).

Teachers at one high school visited by the Committee suggested that the decision to report or not report a particular incident could lead to conflict among school staff.

The President of the Teachers' Federation of NSW stated that he had reservations regarding the mandatory reporting of all incidents of violence in a school, as it could result in teachers being too busy typing out reports for the police to be able to counsel students and attempt to encourage conflict resolution by negotiation (Cross Evidence, 11.10.93).

instructed to review their decision-making procedures relating to reporting to police, and that this general review should be carried out with appropriate input by the school community.

Studies have identified the educational disadvantages of convicted criminals. The Lawyers Reform Association suggested that charging students involved in school violence could lead to a cycle of school offenders becoming adult offenders (Submission 5). The Committee recognises that bringing students to the attention of police may have on-going detrimental effects regarding their development as responsible and contributing members of their society. For this reason, the Committee believes that the criminalisation of students should only occur following serious incidents. Decisions on reporting to such incidents to the police should be based on clear guidelines that apply to cases for which the Minister of School Education has indicated reporting is essential, and cases requiring the exercise of judgment at the school level.

The Committee believes that incidents of school violence should be recorded and collated at a central level, so that appropriate policy adjustments may be made by the Department of Education as required. In relation to reporting to police, the Committee is reluctant to criminalise children, and recommends that any incidence of conflict be resolved within the operation of the school itself, with an atmosphere that is conducive to conflict resolution and the minimisation of violence. However, the Committee recognises there is a level of serious assault that should be regarded as a matter that must be reported to the police. The Committee stresses that any statistical details produced from such reports should be on an anonymous basis that does not target particular schools as being overrepresented in cases of school violence, as it would be unproductive for schools to be stigmatised in this way.

- require schools to lay down a set of clear guidelines on the reporting of violent incidents to police that apply both to cases in which reporting is essential and cases in which the exercise of judgment is required.

■ Non-government Schools

The Catholic Education Commission does not become involved in police reporting of incidents in Catholic schools, and there are no central directives on the circumstances under which matters should be reported to the police (Baker Evidence, 08.11.93).

The Association of Independent Schools has promoted discussion among heads of schools regarding the question of when a matter should be reported to police and when it can be regarded as a school matter. The Committee was advised that legal advice was being sought on the issue. The Committee heard, however, that

there is a general support, I think, for heads of schools, with their staff, to attempt to deal with these matters in a corrective manner, rather than a punitive manner, with a view to achieving self discipline rather than labelling the child and having the matter dealt with as a criminal offence (Chapman Evidence, 08.11.93).

3.14 CONCLUSIONS AND FINDINGS

- There has been a considerable increase in numbers of violent **critical incident reports** by schools to the Department of School Education between 1993 (412) and 1994 (1,315 violent incidents). It is difficult to separate changes in reporting practices from any actual increase in the number of violent incidents.
- **Suspension rates** may be an indicator of violence in schools. The Committee found increases in the number of long and short suspensions in 1994.
- School violence reported to the **police** revealed that reports to police of assaults on school grounds had increased, and that 47% of violent critical incidents recorded in 1994 involved contact with the police.

than adequate.

- Young people who provided the Committee with information often linked violence with **racism**. Students spoke of the problems of categorising people on the basis of their racial background or appearance.

However, the Committee also heard that the fact that Australian schools have become so multi-cultural has led to a greater tolerance and acceptance of all students.

- **Homosexual and lesbian students** are often victimised at school. However, the prevalence of such victimisation is difficult to determine.
- The Committee recognises the **methodological difficulties** in determining the level of school violence with any certainty. However, the **risk** of being assaulted outside school grounds is substantially higher than that of being assaulted within school grounds.
- The evaluation of the seriousness of different types of incidents, and **reporting requirements** to both the Department of School Education and the Police, remain ambiguous at the school level, and the Committee recommends action in this regard. The criminalisation of students should only occur following serious incidents, and decisions on reporting such incidents should be based on clear guidelines.

CHAPTER FOUR

THE FAMILY

The terms of reference for this Inquiry require the Committee to consider a number of factors that may contribute to youth violence, including family breakdown. The Committee believes that the earliest years of a child's life are the most formative and that family factors are crucial during this time, as well as in later stages of development.

This chapter examines the relationship between a range of factors associated with a young person's family environment and his or her behaviour. The links between youth violence and family violence; child abuse; discipline and physical punishment; family breakdown; and other family pressures are examined by considering available research evidence. A range of family support programs is also discussed.

4.1 FAMILY VIOLENCE

The National Committee on Violence (1990:103) concluded that one of the most important contributing factors to violence in society is the experience of violent behaviours in the immediate family as a child grows up.

Family violence can impact on young people in a number of ways. Violent behaviour by parents can provide inappropriate role modelling:

Where students have seen very violent behaviour modelled at home, and they from a very young age see people responding quickly in stressful periods with violence, that tends to be the way they learn to behave themselves, rather than perhaps using more appropriate strategies (Davidson Briefing, 17.09.93).

A three-year study of more than 6,000 Victorian police reports of domestic violence found that thousands of young people witness violent domestic disputes with untold psychological results. The section of the study which examined 3,003 reports from 1989-1990 found that 79% of disputes involving a weapon and 65% of disputes involving a firearm were reported from households with children under five years (Wearing, 1992:257). Witnessing spousal violence could contribute to violence against women partners being viewed as appropriate behaviour.

Children may also be more at risk of violence in families characterised by spousal conflict. In examining 982 records of initial inquiries to one Clerk of Courts, it was found that children were involved in 217 cases. Children were present during the incident in 45% of these cases; threatened in 14% of cases; and assaulted, molested, or abused in 25% of these disputes (Wearing, 1992:361).

In a review of research studies on the effects of family violence, Fantasia and Linquist (1989) found a 129% greater chance of child maltreatment in a home where conjugal violence was present. They also theorised that the effects of violence on children as 'unintended victims' were likely to persist into adulthood and perpetuate inter-generational violence.

Evidence to the Committee suggests that violence within the family can result in behavioural problems in young people. The submission from Boys' Town suggested that the households of their clients are often characterised by a higher proportion of physical and sexual abuse, domestic conflict and confrontation than boys at mainstream schools. Approximately 36% of the households of Boys' Town clients had been characterised by the physical abuse of the adult female in the household. Over 50% of all boys in the program had been abusive at school or to a member of the public (Submission 31).

The Committee has also heard evidence that suggests young violent offenders appearing before the courts

have either experienced violence, probably in their own family, or have witnessed violence, again in their own family or community. They are people who do not think much of themselves and for that reason do not care much about what happens to other people (Blackmore Evidence, 28.07.94).

The effect of this violence can also lead to the victimisation of peers at school. As discussed in Section 3.7, research suggests that bullies are likely to come from family backgrounds characterised by violence. The Committee heard that these young people:

May feel powerless against their parents, whereas if there is a "victim" in the school they will take that frustration, that pain, that anger out on that "victim" (Seed Evidence, 10.02.94).

There may, however, also be a significant incidence of young people perpetrating violence against family members. The Committee heard evidence regarding this issue from a clinical psychologist and Manager of the Adolescent Family Therapy and Mediation Service, Resources for Adolescents and Parents (RAPS). RAPS was established by the federal Attorney-General through Relationships Australia to serve young people between the ages of 10 and 24 years who are at risk of being homeless, or whose families are likely to break down.

From 1992 to 1994 the service had seen 994 clients, and turned away significantly more than this number as a result of limited resources. Of the 994 cases, 46% of these young people had been physically, emotionally and verbally violent to a parent, usually their mother. An additional 31% were emotionally and verbally abusive without being physically violent. This form of abuse was not the primary problem identified in the referral to RAPS, and only became evident after consultations commenced. It was suggested to the Committee that over 70% per cent of those young people have come from families where there has been spousal violence, and a lack of respect for the wife and mother:

In all the situations of violence of young people there has been a clear demonstration that the young person, and often the male care-giver, do not believe that the woman is a good enough parent, nor can she control young people (Condonis Evidence, 29.05.94).

Gelles and Cornell (1987, cited in Blumel *et al*, 1993:135) have also identified a correlation between domestic violence and violence perpetrated by young people against their parents. They found mothers were more likely to be abused by their children if they were also abused by their spouse. They concluded that violence as a means of resolving conflict may produce

higher rates of all forms of family violence, particularly violence by young people directed to their mothers.

The Committee heard that the extent of abuse of parents by their children is largely hidden by

parents who, when asked whether their child is violent, will usually deny it they feel a huge amount of shame and guilt that they have somehow damaged their child and have created somebody who is violent (Condonis Evidence, 29.08.94).

Improved training for counsellors, psychiatrists and social workers in recognising youth violence within the family and young people who are sexually abusive was recommended to address this issue. The Committee supports this approach, and recommends that appropriate advice and assistance be extended to those working with families experiencing violence.

It was also suggested that the use of apprehended violence orders in cases of youth violence in the family may be beneficial:

in about 96% of [cases] where the orders were either discussed or taken out, the physical violence stopped (Condonis Evidence, 29.08.94).

The importance of support and counselling for young people who experience family violence was also stressed to the Committee:

In my experience, all young people who have faced violence in their childhood will at some stage lash out [but] it only takes one person to recognise the trauma that young person has faced, and say to that young person "I understand" for that young person to be able to deal with that pain (Brown Evidence 25.10.93).

It was suggested to the Committee that while issues such as domestic violence are increasingly being recognised, discussed and condemned, this attitude is yet to flow down through all levels of society. The President of the NSW Teachers' Federation suggested that there may be a conflict between the influences of parents and teachers on a child's behaviour. Different messages may be given on issues such as the acceptability of sexual harassment, and it was suggested that in these situations the influence of parents will be more powerful (Cross Evidence, 11.10.93).

A pilot study of 38 mothers and 71 children in western Sydney has found, however, that schools can be havens for children who experience domestic violence and distract them from their unhappy home life (Fry, 1994:8).

Despite their disrupted home lives, the children who experienced domestic violence often achieved positive results at school and were able to meet the school's expectations, challenging a conventional view that the children of violent households will become poor students and school drop-outs.

Since teachers have a mandatory responsibility to report the abuse of children, they require education to assist them in this responsibility. The Committee is aware that there were formerly officers in the Department of Education appointed on a regional basis to educate

teachers to better recognise abuse and meet their reporting obligations. The Committee believes this need continues and that specialist officers are required to provide this education and training.

Schools can also play a role in reducing the inter-generational cycle of violence. The Department of School Education's anti-violence kit, *Resources for Teaching Against Violence*, includes a section outlining resources for teaching on non-violent relationships.

In Victoria, four specially trained young people were employed through funding from the Department of Community Services from 1991 to 1994 to educate other teenagers about how to stop family violence. The peer education project was run by the organisation, Young People in Need, and was the first of its kind in Australia. Over 2,000 young people from schools, refuges and youth clubs took part in the workshops which were designed with the help of the Domestic Violence and Incest Resource Centre, the Community Council Against Violence, the Victorian Youth Advocacy Network and Victoria Police. Of 170 workshop participants completing evaluations in April 1994, 156 young people indicated that they felt it was better having young people give information than adults. The Committee recognises that education on family violence may be an important violence prevention strategy, and believes the Juvenile Crime Prevention Unit in the Attorney-General's Department should review such peer education projects in the area of family violence.

The Committee recognises the importance of responsible and effective parenting. One submission to the Committee suggested that parents should undertake a "commitment of awareness" at a child's birth regarding the destructive quality of violence and abuse (Submission 24). The Committee believes families should be provided with adequate support, and programs are discussed in Section 4.6.

RECOMMENDATION 5

That the Ministers for Community Services and Health develop an awareness campaign and training strategies to assist those working with families where violence by young people towards parents or other family members is occurring.

RECOMMENDATION 6

That the Minister for Education appoint sufficient specialist officers to ensure school counsellors and teachers are appropriately trained to recognise and provide support to children experiencing violence in their homes and meet their mandatory reporting obligations.

RECOMMENDATION 7

That the Attorney General direct the Juvenile Crime Prevention Unit to review peer education projects that address family violence, such as the Victorian Young People in Need project, and consider supporting the development of a New South Wales equivalent.

4.2 CHILD ABUSE

Of all Australians, infants up to twelve months are the age group at greatest risk of violent death (National Committee on Violence, 1990:41). During the course of this Inquiry, several incidents of violence resulting in the deaths of young children and babies at the hands of "care-givers" came to the attention of the public. While individual cases and statistical data illustrate the extreme physical effects of child abuse, evidence suggests that the physical and sexual abuse of young people can also produce psychological effects which may lead to later violence.

The Committee heard that 85% of abuse of children occurs within the family. In New South Wales, confirmed reports of physical abuse have increased in the past five years by 67%, following the introduction of the *Children's (Care and Protection) Act* in 1987 to provide for the reporting of cases of child abuse. The Committee was informed that physical abuse tends to increase dramatically for children aged 12 to 15 years, due to adolescent-parent conflict (Shier Evidence, 29.08.94).

One housing worker suggested to the Committee that, from her experience,

in nearly every instance of children committing serious crime, they have been victims of abuse themselves — abuse that has either been proven in court or has been expressed to us and we believe that their backgrounds have been violent (Clay Evidence, 29.04.94).

The backgrounds of students attending alternative education facilities visited by the Committee reveal significant levels of abuse. Approximately 32% of boys referred to the Boys' Town program in 1991-1993 had themselves been physically abused, and 10% sexually abused (Submission 31). A 1992 survey of students at Campbell House School for Special Purposes (SSP) suggested that 28% of boys and 22% of girls had been physically abused. Approximately 67% of girls and 10% of boys had been sexually abused. Of the total student population, 64% of students had a history of violent behaviour. The Social Issues Committee's report on juvenile justice reports that over 90% of girls in juvenile justice institutions have been sexually abused (Standing Committee on Social Issues, 1992:139).

A range of other studies also suggest a relationship between abuse and violent behaviour. In a study of 14 juveniles condemned to death in the United States, it was found that twelve had been brutally physically abused, and five had been sexually abused (Lewis *et al.*, 1988:584). A study of the family characteristics of 15 Death Row inmates in the United States found documented extraordinary physical and/or child sexual abuse in 13 cases, murderous behaviours of parents toward children in 8 cases and hostility and neglect throughout childhood and adulthood (Feldman *et al.*, 1986).

Tartar and associates (1984, cited in Feldman *et al.*, 1986:345) and Reidy (1977, cited in Feldman *et al.*, 1986:345) found violent behaviours to be more prevalent in abused children than in nonabused children. **What such research indicates is that the protection of children from abuse is of fundamental importance in preventing violence.**

This is not to say, however, that child abuse will inevitably lead to later violent behaviour or abuse. Gutierrez and Reich (1981, cited in Feldman *et al.*, 1986:345) and Rolston (1971, cited in Feldman *et al.*, 1986:345) reported that withdrawal, placid behaviour, truancy, and running away were often characteristic of abused children.

The Committee recognises that not all children who have been abused will go on to abuse others. However, it appears the majority of those who abuse others have themselves been abused, and this learned behaviour must be addressed.

In NSW, the seriousness of child abuse and the importance of intervention has increasingly been placed on the public agenda. As previously mentioned, the reporting of child abuse has been mandatory for groups of professionals since 1987. For the last five years, the NSW Police Service and Department of Community Services have participated in the annual Operation Paradox, which encourages people with information on child abuse to contact authorities. A record 900 calls were received during Operation Paradox in 1994.

Some members of the Committee have concerns regarding the efficacy of focussing on short-term campaigns encouraging notifications in isolation without adequate resources to follow up reported cases and devote attention to prevention. While the Committee believes the Government should maintain a commitment to promoting the notification of child abuse by on-going initiatives throughout the year, including short-term campaigns, it is also important to ensure a commitment to a broad on-going response to child abuse. The Committee believes that adequate resources must be allocated to investigating allegations that result from publicity campaigns, and to ensuring that appropriate action is taken. The response of the Department of Community Services in preventing and addressing child abuse is further discussed in Chapter 13.

The problems associated with the removal of children following the notification of child abuse have also been raised in evidence:

[These children] believe that those who, without a doubt are supposed to love them unconditionally, such as their parents and family, have let them down. Very often we see kids who are victims of abuse who are taken out of their homes they end up doing a lot of things which are unacceptable [and] end up as victims of a society that is not looking after them really well (Clay Evidence, 29.04.94).

These issues can be exacerbated by the on-going problems associated with homelessness. The Committee believes that appropriate counselling and support for children taken into care is essential.

The NSW Child Protection Council has recently released a report, "Culture: No Excuse" which suggests that cultural isolation, language barriers and ignorance of the law contribute to the incidence of child abuse in ethnic communities. The report calls for the collection of statistical data from which to assess community needs (NSW Child Protection Council, 1994:9).

One response to the physical abuse of babies has been an advertising campaign, funded under the Federal Government's national child abuse strategy, developed to warn parents and child carers of the dangers of shaking babies. The campaign won an Australian Violence Prevention Award in 1994. The Committee endorses this approach and believes such campaigns should continue to be supported and promoted by the NSW Government.

RECOMMENDATION 8

That the Minister for Community Services ensure that sufficient resources are provided for adequate investigation and follow-up of reports of child abuse received in response to campaigns.

4.3 DISCIPLINE AND PHYSICAL PUNISHMENT

Research conducted by Dr Alan Russell suggests parents who take a positive approach to child-rearing, rather than a negative approach concentrating on discipline, are likely to bring up better-behaved children. Dr Russell studied 60 Australian families with children aged 6 or 7, and found girls respond to affection from their parents while boys are less likely to misbehave if parents become involved in their interests (Flinders Journal, 1994).

A discussion paper, *Legal and Social Aspects of the Physical Punishment of Children* was recently commissioned by the Commonwealth Department of Human Services and Health under the auspices of the National Child Protection Council. The report found that

- the majority opinion in child-rearing advice appears to be quite firmly against the use of physical punishment (Cashmore and de Haas, 1995:13).
- studies have demonstrated the children of parents who rely on physical punishment are less likely to resist temptation without external constraints; are less willing to confess and accept responsibility; and are more likely to base their judgements on fear of detection and punishment rather than on internalised standards of morality (Cashmore and de Haas, 1995:85).
- physical punishment (especially frequent and severe) tends to be related to:
 - children being rated as more aggressive by their peers
 - children being less popular with their peers
 - children being more physically and verbally aggressive with their parents and siblings
 - higher delinquency rates in schools
 - the probability of being either a victim or perpetrator of domestic violence
 - the likelihood of having a criminal record (Cashmore and de Haas, 1995:89).
- physical punishment may reinforce unwanted behaviours since negative attention is better than none; the punishment itself may bring status; it encourages children to avoid the punisher; and enhances the value of forbidden fruits (Cashmore and de Haas, 1995:92).

However, the discussion paper found that physical punishment is still widely accepted and used in Australia and in other similar countries, although there is some evidence that its acceptance is declining (Cashmore and de Haas, 1995:75).

Several submissions from members of the public to this Inquiry suggest that a lack of parental discipline contributes to youth violence. One member of the public claimed children feel insecure without parental discipline and example, and become resentful towards society (Submission 4).

The Committee heard that many parents of non-English speaking backgrounds consulted by the Youth Advisory Council felt that if they do not use some form of physical punishment or a severe disciplinary approach, children will not listen to or respect their parents (Ghaleb Evidence, 10.02.94).

However, the Committee also heard that the condoning of physical disciplining of children by parents can lead to young people accepting high levels of brutality as inevitable:

A larger number of young people, particularly young boys, feel it is acceptable that their fathers beat them (Brown Evidence 25.10.93).

Sweden, Finland, Denmark and Norway have all outlawed the physical punishment of children. In New South Wales, the common law defence of lawful correction applies to the physical punishment of children.

The federal discussion paper concludes that change needs to happen at both the social and individual levels:

At the societal level, a starting point would be to abandon or modify the law that condones 'reasonable chastisement' and replace it with such positive principles of care for children, like those found in Scandinavian law (Cashmore & de Haas, 1995:123).

However, the discussion paper argues that legal change must be preceded by public debate and accompanied by an education campaign to inform the public of the reasons for the change and to educate them about appropriate alternatives to physical punishment (Cashmore & de Haas, 1995:130).

In response to the Commonwealth discussion paper, the NSW Minister for Community Services has also called for a frank public debate on the implications of smacking and other forms of physical punishment, and noted the report encourages the community to discuss positive ways of disciplining and guiding children. He suggested that Australian social attitudes were moving away from the systematic physical disciplining of children such as the use of canes and belts common in previous generations. The Minister said he believed that children needed the same legal protection as adults in relation to physical assault, particularly where disciplinary action had resulted in deaths or serious injury to children (Minister for Community Services, 1995).

The report of the National Committee on Violence states:

The Committee strongly condemns the use of physical violence in disciplining children. The long-term aim should be to abolish such practices. In the

interim, this objective is best achieved by education (National Committee on Violence, 1990:180).

The Committee supports the National Committee on Violence in concluding that education in non-violent disciplinary methods is preferable to any legislative change. The issue of corporal punishment in schools is addressed in Section 8.3.5.

RECOMMENDATION 9

That the Minister for Community Services develop and implement community education campaigns to discourage the physical punishment of children and provide information about non-violent disciplinary methods.

4.4 FAMILY PRESSURES

The Committee has heard that it is not only the impact of family violence which can place strains on families and young people. Unemployment and high school retention rates also mean that families have the responsibility of looking after children for a longer period of time:

parents who have three or four children continuing at school until an older age have to work for longer, may have to bite into their superannuation and live in a household with three or four big, burly adolescents or young adults—quite often plus their partners—and their friends. Enormous strains are placed on families (Bessant Evidence, 28.07.94).

The unrealistic expectations and pressures parents may place on young people to perform and be achievers may also have damaging effects. One young person told the Committee that:

Most of my friends who are still offending come from very well-off families and their parents expect them to do well and go on to be doctors and lawyers They don't perform too well in school so they have a great deal of frustration, and they take that frustration out on their parents and the community (Ullrich Evidence, 28.07.94).

Differential treatment of children within the family based on different levels of academic achievement can also foster frustration and low self-esteem:

maybe you have got one [child] that doesn't get the As, gets the Cs and the Ds, and they are put down on At least with physical abuse the bruises and the pain go away in a couple of days. Mental abuse takes years to get over (Williams Evidence, 28.07.94).

Adverse social and economic pressures on parents may also lead to inadequate support for children. This is not to suggest, however, that disadvantaged families will necessarily be dysfunctional or that all advantaged families will offer a safe and supportive environment for young people.

Appropriate parental supervision may be particularly relevant to certain stages of childhood and adolescent development.

A study of the medical histories of 109 delinquents and 109 non-delinquent children in the United States revealed that the delinquent group had significantly more hospital contacts and accidents prior to the age of four years, and between the ages of 14 and 16 years. Increased motor capacities and heightened impulses, accompanied by as yet undeveloped inner behavioural controls for these new traits, are characteristic of both age periods. The researchers contend that inadequate parental support or protection during these times can result in accident and injuries as a consequence of impulsive behaviour, and may contribute to delinquency (Lewis and Shanok, 1977).

It was suggested to the Committee that a number of the families of young people who are violent outside the home are dual earner families, with both parents working to sustain the family economically, and a resultant lack of parental supervision:

A lot of these kids range around doing what they want; they usually get up to a lot of mischief (Condonis Evidence, 29.08.94).

Labour Force Statistics suggest that in families with 15 to 24 year old dependants, both spouses were employed in 53% of cases. In families with dependants in both this age group and younger, both spouses were employed in 62.5% of cases (Hartley and Wolcott, 1994:35).

It is difficult to draw firm conclusions on the effect of parents' work commitments on children. The National Research Council of the US National Academy of Sciences has reviewed available evidence of the effects on children of having mothers who work. They concluded that:

- existing research has not demonstrated that mothers' employment per se has consistent direct effects, either positive or negative, on children's development and educational outcomes;
- there are few differences in the pattern of children's daily activities - the places they go, and the people they meet - that can be attributed directly and solely to mother's employment, except that employed mothers and their children spend less time together (but not necessarily less time actively involved in shared activities); and
- children's development of peer relationships, especially friendships is largely unaffected by mother's work-force participation per se (Hayes and Kamerman, 1983, cited in Burns and Goodnow, 1985:92).

A recent NSW Government phone-in has found that increasing work pressures and the need to spend more time at the office are damaging family life. Almost 70% of the 700 people who called a hotline set up by the Minister for the Status of Women reported work pressures prevented them spending sufficient time with their families (NSW Ministry for the Status and Advancement of Women, 1994:6).

The NSW phone-in also revealed that the pressures of juggling work and family also resulted in major conflict at home in 12% of cases, including tension between partners or marriage breakdown (NSW Ministry for the Status and Advancement of Women, 1994:13).

An increasingly noted phenomenon is children arriving at school without having had breakfast. Community groups and schools have begun to step in to meet this area of need.

It is clear that economic realities dictate that both parents in many families must work to sustain themselves. Both men and women should be encouraged and supported in the careers of their choice. At the same time, families that wish to have a home-maker parent for their growing children should be facilitated in that choice, and emphasis needs to be placed on providing adequate physical and emotional nurturing in all families, working or not.

In New South Wales, moves to create more family-friendly workplaces include more flexible work arrangements in the NSW public sector, such as flexitime and job sharing. The Committee supports these initiatives and encourages their further development and extension.

The Committee believes that the issue of childcare is central to supporting families, and that a continued Commonwealth, State and community co-operation is essential for increasing childcare support. The current National Child Care Strategy will provide funding for 1,988 long day care places and 5,723 outside School Hours Care places in New South Wales. Approximately 100 childcare centres have been established in school grounds by private providers licensed by the Department of Community Services (Minister for Education, 1995c).

However, the Committee believes that there are insufficient options for the care of 12 to 15 year old children outside of school hours, and recommends that the Departments of Community Services, Sport and Recreation and Education collaborate on the expansion of programs for this age group. This is part of the Committee's key recommendation which focuses on the need to provide young people with appropriate employment and leisure activities.

Other family support initiatives are discussed in Section 4.6.

RECOMMENDATION 10

That the Minister for Industrial Relations ensure the continuation of workplace reform to provide more flexible working arrangements to support families.

RECOMMENDATION 11

That the Ministers for Community Services, Sport and Recreation and Education collaborate on the expansion of outside school hours programs specifically designed to meet the needs of 12 to 15 year olds.

4.5 FAMILY BREAKDOWN

The Committee has heard that family breakdown is a relatively common feature in the background of young offenders:

Consistent with all juvenile offenders, whether they are violent offenders or not, family break-down has a lot to do with it. More than 50 per cent of those who end up before the courts are living with only one parent for one reason or another (Blackmore Evidence, 28.07.94).

The Committee was informed that over 77% of boys in the Boys' Town program in 1991-1993 came from single parent or blended families, and half of the remaining households were characterised by marital problems.

However, a simple causal relationship cannot be stated, as family breakdown may have occurred in conjunction with, or be followed by, a range of factors that may contribute to feelings of anger and frustration, and many young people experience parental divorce without resort to crime and violence.

The breakdown of the family often results in the woman and children becoming economically disadvantaged:

It is the reality of struggling daily and being ignored by society at large that is often the catalyst for violence. That is the real issue here (Berry Evidence, 10.02.94).

Labour force statistics suggest that approximately 40% of single female parents with dependants aged 15 to 24 and younger are not employed (Hartley and Wolcott, 1994:34).

The relationship between socio-economic status and youth violence is further discussed in Chapter Five. Family breakdown may also lead to problems of inadequate parental supervision, due to the added pressures on single parents. Many young people lack the guidance needed to reinforce the differences between appropriate and inappropriate behaviour (Berry Evidence, 10.02.94). Loneliness and boredom can also lead to frustration.

The circumstances of the family breakdown may also have a considerable effect on the child. Violence in families experiencing divorce or separation can damage the parenting ability of adults as well as the emotional well-being of the children. A report examining two U.S studies of 140 couples divorcing or separating found that 75% of the couples reported incidents of physical aggression. Separation-engendered and post-divorce trauma was found to be associated with uncharacteristic acts of violence by either or both partners in or around the separation or the post-divorce period. The report found that parent-child relationships and child adjustment were significantly impaired in families characterised by inter-parental violence, compared with families where there was high conflict of a non-violent kind (Johnston, 1994: 7).

Blended families may also lead some young people to develop feelings which may result in behavioural problems. If either parent marries again, the stepfather or stepmother may have children, and may be uninterested in their step-children. The Committee heard that subsequent feelings of rejection or exclusion may lead to violent attention-seeking behaviour (Berry

Evidence, 10.02.94). Children from step-families are over-represented in the population of homeless and unsupported young people (Human Rights and Equal Opportunity Commission, 1989:89). In other cases, however, young people can gain from extended family networks, and develop close relationships or enhanced self-reliance (Hartley and Wolcott, 1994:59).

The Committee has heard, however, that family breakdown may, in certain cases, have constructive effects:

where a woman takes her children and leaves a violent relationship, where they are supported and given assistance and the offender is brought to justice for his crime, this type of family breakdown sends a very important message to male youth — violence is not okay, it is not cool, it is a crime and it will be punished (Berry Evidence, 10.02.94).

In addition, where family breakdown removes people from an abusive and violent environment, it can have a positive effect. Studies of aggressive children living in violent families have indicated that when a family breaks down and children go to live in families which have a lower level of hostility and aggression, the children's aggression level decreases. When the new family has similar or higher levels of aggression or violence, the level of the child's aggression remains high:

It is not just the breakdown of a family that is the contributory factor. Some families have a pretty noxious influence on children (Waters Evidence, 26.04.94).

In a submission to the Committee, the Women's Action Alliance contends that a violent home environment and the lack of a stable two-parent home are linked to violent and anti-social behaviour (Submission 34).

However, it was suggested to the Committee that a review of delinquency research indicates that there is no clear, direct relationship between family breakdown and youthful offending. Where family factors do appear to have some identified relationship, it is related to the level of support provided for young people in the home (Alder Evidence, 29.07.94).

Dunlop and Burns (1988) reinforce this point in their analysis of youth in divorcing families. Their sample consisted of youth from both intact and divorcing families. The data showed no differences in self-image score between the two groups. One conclusion drawn was that, given there was a caring relationship with at least one parent, youth can cope with divorce with resilience and courage, provided they are not exposed to continuing conflict in the family (Dunlop and Burns, 1988:115).

Support for young people involved in the breakdown of their family may be a particularly important ameliorating factor for boys. It was suggested to the Committee that if, following family breakdown, young men are unable to express their feelings, hurt and needs due to masculine constraints, these legitimate emotions may be channelled into the only male emotion they consider appropriate - anger:

In this instance we believe the violent behaviour is due to the constraints of male gender roles (Berry Evidence, 10.02.94).

The Committee also heard of some cases where young people have experienced family violence and subsequent family breakdown, and after the separation of their parents have become violent to their mother. It was suggested to the Committee that when there is no longer a male figure being violent, the adolescent may

take over the father's role to the point where he or she will actually batter a woman to get her to do what he or she says (Condonis Evidence, 29.08.94).

According to the latest statistical profile of NSW, lone-parent families with dependent children represented 9% of all families in 1992 (Schwager and Farrell, 1994:6). Based on the Institute of Family Studies research, the data suggest the number of divorces involving children under 18 years of age has decreased over the past decade from 60% of all divorces in 1982 to 47% in 1992 (Schwager and Farrell, 1994:19).

The Women's Action Alliance believes the solution to youth violence lies largely in the strength of the family itself. The submission recommends an increased emphasis on the value of marriage, with pre-marriage courses, marriage education and parenting skills courses supported, including an extension of the Parents as Teachers pilot program, discussed in Section 4.6.5 below (Submission 34).

A range of family support programs is discussed in the following section.

4.6 FAMILY SUPPORT PROGRAMS

The Committee has heard of a range of programs which are attempting to constructively assist families in crisis, or assist in the development of parenting skills which can have long-term social benefits. This section reviews a range of such programs.

As a key recommendation, the Committee believes that family support programs should be fully evaluated and co-ordinated and successful programs offered throughout the State, especially to parents with children in the crucial first three years of their life.

RECOMMENDATION 12

That the Minister for Community Services and Minister for Health ensure that family support programs are fully evaluated and coordinated and successful programs offered state-wide, especially to parents of children in the crucial first three years of their life.

4.6.1 Adolescent Parent Mediation Project

This project will aim to reduce the number of teenagers permanently leaving home by utilising mediation in an attempt to resolve family conflict.

The Department of Community Services awarded the tender to pilot the adolescent parent mediation service in the inner west, south-west and southern Sydney to Unifam, an agency of

the Uniting Church. This pilot will be evaluated after 12 months. Unifam will be working closely with the Department of Community Services in identifying families who may benefit from this assistance (Shier Evidence, 29.08.94).

4.6.2 Intensive Family-based Support Project

The Department of Community Services has also been involved in piloting an Intensive Family-based Support Project in south-western Sydney, operated by Burnside, an agency of the Uniting Church. The program is modelled on the U.S. "Homebuilders" program, which in 20 years of operation, has kept 7,000 children with their families. The project commenced in March 1994 and had achieved initially positive results, with an 80% success rate (Shier Evidence, 29.08.94). The service provides an intensive four to six weeks home based program for families in crisis where children are at the point of removal because of protective concerns or where adolescent crises are evident. The program aims to help children remain at home and not move into the substitute care system. Parents are assisted in creating a safe or more protective and caring environment for their children, and in learning coping skills. Intervention by four case-workers in the first six months of the pilot enabled 43 children to remain with their families.

A second pilot is about to commence on the far North Coast which will provide a service to Aboriginal families, with the primary focus of preventing inappropriate out-of-home placements for Aboriginal children. This pilot will initially be under the auspices of the Department of Community Services, but the Department aims to develop the service and then put it to tender. The reference group that has been established to develop the project consists mainly of Aboriginal elders (Shier Evidence, 29.08.94).

These pilot projects will be evaluated so that the Department can determine the value of extended or refining the programs (Shier Evidence, 29.08.94).

4.6.3 Parent Information and Help Line

A parent information and help line, operated by Centacare, was launched in November 1994. The information and help line provides a range of information and referral assistance on family issues, including early childhood and adolescent problems (Shier Evidence, 29.08.94).

4.6.4 Home Visitation Programs

The Department of Community Services and the Department of Health have jointly been involved in the development of home visitation programs. Two projects are to operate in south-western Sydney and a further project is to be run by the Benevolent Society in the eastern suburbs, inner-west and city areas. The Sutherland Family Network, a joint project of Rotary and the Sutherland Hospital and Community Health Service, operates the Rotary Home Support Service for families with new babies.

The programs aim to support families by providing volunteers to assist mothers in early parenting.

The Department of Community Services also funds a "vulnerable families" project to assist non-government agencies to target children in the zero to three year range. A 21-year research program in New Zealand identified assisting parents with children before they reached three years of age as a critical issue in preventing difficulties in adolescence (Shier Evidence, 29.08.94).

The Come-In Centre, a youth resource centre sponsored by the Catholic Church in Paddington, also provides a parent mentoring program. The Committee heard evidence from a young person with a history of homelessness and violence who is now a mother and is being supported by the Centre:

If I see [my son] hitting anyone I'm right on top of him, I won't stand for it. ... You have got to cultivate them and show them what is right and what is wrong and you have to teach them to respect other people's wishes to get that respect back, and you have got to show them that there are other ways besides violence (Williams Evidence, 28.07.94).

The Assistant Director of the Centre stated that:

We are trying to support the mother to learn how to parent in such a way that she does not repeat the mistakes that other people have perpetrated on her. That is the importance of putting in place substantial resources that allow you to change the culture of violence at a very early age (Leary Evidence, 28.07.94).

The Director of the Social Policy Directorate has completed an information package of all parenting projects that have been trialled. The Committee heard of a visitation program that originated in Colorado and is being trialled in Newcastle (Schwager Evidence, 29.07.94).

4.6.5 Parents as Teachers Program

The Parents as Teachers Program, which was developed in the United States, has been officially trialled in three areas of NSW since 1991. During the course of the Inquiry, the Committee heard evidence from the parenting consultants and several parents involved in the program operating from Tolland Public School in Wagga Wagga. Manly Public School and Sadleir Public School (Liverpool) have also been involved in the pilot project.

The Parents as Teachers Program is run by parenting consultants who are trained to service 80 families within the area. They offer individual and group sessions for families including home visits, and also printed information on child development issues, books and toys.

The Committee heard from parents involved in the program that benefits include improved communication, decision-making, enhanced natural abilities in areas such as self-directed play, and increased confidence. Parents internalise the values of the program, and learn to foster the inherent worth of their children (Jones and McDonald Evidence, 12.08.94). The program is a voluntary scheme.

A preliminary evaluation of the communication status of two year old children involved in the pilot projects has been conducted. The results of the evaluation suggest that significantly more

children in each of the three areas fall into the normal and above normal communication categories than would be expected of two year old children in the general population. The findings echo results from the major trial of Parents and Teachers conducted in the U.S. state of Missouri in the 1980s. However, the report concedes that:

Whether this can be attributed to participation in the Parents as Teachers program alone cannot be determined from the current statistical analysis. Further analysis looking at the impact of family, social, medical and program participation variables of communication status would be required (McAllister, 1993:9).

The findings compare favourably with previous data from three and four year old children, and further statistical analysis and evaluation at older ages, when standardised tests can be used, should help address the question of the impact of the program more fully.

In 1995 the Parents as Teachers Program was to be extended to an additional seven schools, so that there will be a program in every educational region, as follows:

- Hunter - Wallsend South Public School;
- Western NSW - Bowen Public School;
- Metropolitan West - Madang Avenue Public School;
- Metropolitan East - Punchbowl Public School;
- North West NSW - Moree Public School;
- North Coast - Ballina Public School; and
- South Coast - Warilla Public School.

This expansion of the Parents as Teachers Program will result in the program being available to over 3,000 children and their parents.

It is expected that because of the success of the program so far, parents involved in the program to date will continue their involvement in their child's education when they enrol at school (Minister for Education, Training and Youth Affairs, 1994d).

4.6.6 Aboriginal Parenting

The Committee heard from the Director of the Social Policy Directorate that in investigating issues relating to young people in Bourke, Walgett and Moree, the Community Youth Support Taskforce became aware that the past treatment of Aboriginal families by various governments has left a damaging legacy:

we are dealing with parents who are only one generation removed from the missions that closed in the 1960s and deep inside many of these people is a covert belief that they are not the real parents, that government agencies are

the parents. That is the kind of parenting those people had, their parents were powerless and it was the Government that made decisions about their welfare and about what was required of them (Schwager Evidence, 29.07.94).

The Director contended that basic support systems need to be put in place, including visitation programs, and that child care centres and pre-schools should be used as education centres (Schwager Evidence, 29.07.94).

The Committee supports programs such as the Intensive Family-based Support Project discussed in Section 4.6.2 that involve the Aboriginal community in the development of family support programs. Every assistance should be given by government to support Aboriginal communities in developing specific programs for their needs. The Committee believes these programs should be evaluated to assess the efficacy and feasibility of implementation throughout New South Wales.

RECOMMENDATION 13

That the Minister for Community Services ensure that pilot programs to assist Aboriginal parents are fully evaluated and successful programs are offered statewide.

4.6.7 Parenting Skills in Schools

The Committee supports an educative approach to parenting skills.

The core syllabus of the key learning area of Personal Development, Health and Physical Education in the Year 7 to 10 curriculum contains ten content strands. Within these content strands, there are 61 mandatory key ideas around which classroom units are designed in individual schools. The Interpersonal Relationships strand contains the key idea that "family and group membership can help to satisfy many personal needs". Suggested content under this key idea includes parenting skills. A number of other content strands are also relevant to the development of skills in this area, including personal awareness and personal choice. A Young Mothers in Education program is also planned for development. The Committee believes that parenting skills should be seen as an important aspect of the Personal Development, Health and Physical Education Syllabus and that schools should ensure they are duly emphasised in classroom teaching.

4.7 CONCLUSIONS AND FINDINGS

- The Committee recognises that not all children who have been abused will go on to abuse others. However, it appears the majority of those who abuse others have themselves been abused, and this learned behaviour must be addressed.

- Although the Government should maintain a commitment to promoting the notification of child abuse by on-going initiatives throughout the year, including short-term campaigns, it is also important to ensure a commitment to a broad on-going response to **child abuse**.
- Appropriate **advice and assistance** should be extended to those working with families experiencing violence. As teachers have a mandatory responsibility to report the abuse of children, they require education to assist them in this responsibility. Appropriate counselling and support for children taken into care is also essential.
- **Adverse social and economic pressures** on parents may also lead to inadequate support for children. Emphasis needs to be placed on providing adequate physical and emotional nurturing in all families, working or not.
- The issue of **childcare** is central to supporting families, and continued Commonwealth, State and community co-operation is essential for increasing child-care support. As part of the Committee's key recommendation on employment and leisure, government agencies should collaborate on the expansion of outside school hours programs specifically designed to meet the needs of 12 to 15 year olds.
- A simple causal relationship between **family breakdown** and youth violence cannot be stated. Family breakdown may have occurred in conjunction with, or be followed by, a range of factors that may contribute to feelings of anger and frustration. Many young people experience parental divorce without resorting to crime and violence. Furthermore, where family breakdown removes people from an abusive and violent environment, it can have a positive effect.
- As a key recommendation, the Committee believes family support programs should be fully evaluated and co-ordinated, with successful programs offered state-wide, especially to parents of children in the crucial first three years of their life.

CHAPTER FIVE

SOCIO-ECONOMIC FACTORS

This Chapter examines the available evidence linking socio-economic issues with violence. Since the terms of reference for this Inquiry request the Committee to examine the impact of unemployment in relation to youth violence, this indicator forms the main focus of Section 5.1 of this Chapter. The subsequent sections deal with the corollary issues of employment and job training, and alternative means for young people to be provided with support to enable them to contribute to their community.

The Committee also heard considerable evidence on the relationship between homelessness and youth violence, and the issues of homelessness, violence and victimisation, the Supported Accommodation Assistance Program and the Young Homeless Allowance are examined.

5.1 UNEMPLOYMENT

The Committee has heard that the socio-economic status and employment prospects of young people can contribute to anti-social behaviour:

For those young people who have economic and social stability, there is less engagement in violence. For those who are unemployed and have low self-esteem, I think those violent reactions are going to be greater (Brown Evidence, 25.10.93).

The Committee heard that, while rates of criminality in the black and white communities in the United States do not differ greatly in the mid-teenage years, a significant difference becomes apparent in the late teenage years:

whites stop being criminals at around age 18, 19 or 20 whereas blacks do not. The main reason for that difference, I think, is that blacks in the United States have exceptionally high unemployment rates (Polk Evidence, 29.07.94).

Normal adolescent development involves a reduction in risk-taking behaviour as young people leave school, find a job, form relationships and start a family:

Each of those developments tends to lead to a diminution of risk taking and the adventurous kind of behaviour involved in crime. The important part of that is finding a job, having access to a wage (Polk Evidence, 29.07.94).

The Committee has heard that males in particular are socialised to be breadwinners and providers, and by a certain age feel they should have attained goals such as a job and an income. With high levels of youth unemployment, they are often unable to achieve these goals, leading to a sense of frustration. It was suggested to the Committee that this can often manifest itself in the form of violence (Marsden Evidence, 01.11.93).

If young people are unable to gain a sense of self-esteem and gratification from employment, it was suggested that they may attempt to gain some sense of self-worth by other means, such as "putting people down in a verbal sense or putting them down in a physical sense" (Acheson Evidence, 01.11.93).

While businesses actively seek to attract youth expenditure, and the media encourages a consumerist lifestyle, unemployed youth live well below the poverty line, which may further contribute to this frustration (Submission 49).

Most writers agree that unemployment is a detrimental experience for the majority of unemployed people. It has been found, for example, that the unemployed are more depressed and anxious, have lower self-esteem, have poorer psychological well-being, poorer physical health and more life stress, a higher incidence of mental health problems, and higher levels of apathy than the employed, and that these factors are reflected in a more negative body image and depressed appearance (Withers-Mayne, 1990:40).

Several studies in the 1980s, undertaken to study the psychological effects of unemployment, found lower perceived competence and greater depressive tendencies among unemployed youth than among employed Australian youth. For example, Feather (1982, cited in Poole and Goodnow, 1990:17) concluded that the lower self-esteem and depressive symptoms found in his sample of unemployed youth were attributable to "negative experiences of repeated attempts to find work; people with lower self-esteem or with a more depressive outlook may find it harder to get jobs". This is evidence of the circularity of the problem of unemployment.

Some commentators discuss the formation of a youth "underclass", suggesting that the growth of this group could lead to a crime wave:

Without a job, a teenager is left in a limbo between childhood and adulthood, belonging to a subculture that adopts adult habits and behaviour but is not accorded adult respect. It is the growth of this subculture or underclass - which at the moment is characterised by poverty and a lack of work skills, qualifications and experience - that is worrying criminologists, police and the judiciary most. It is the new, and deviant, element in the old problem of youth crime (Bagnall, 1992:36).

In a submission to the federal government's Committee on Employment Opportunities, the then Director of the Australian Institute of Criminology, Duncan Chappell, and Professor John Braithwaite, from the Australian National University, warn that there is a strong correlation between rising levels of long-term unemployment and increases in crime - particularly violent crime.

The submission stated that two-thirds of Australians convicted of homicide in 1991-92 were unemployed when they committed the homicide (Strang, 1993, cited in Braithwaite & Chappell, 1994:2). Braithwaite & Chappell also point out that, according to the National Prison Census of 1992, fewer than one quarter of the country's prison population had jobs at the time of their arrest (Walker and Salloom, 1993, cited in Braithwaite & Chappell, 1994:2).

Although no statistics are available on the employment status of people convicted of domestic violence, the criminologists contend that there is strong reason to suspect that a high proportion of the offenders are unemployed (Braithwaite & Chappell, 1994:2).

They warn that a further expansion in the ranks of the long-term unemployed could lead to the development of a social "underclass" and even greater crime problems. In particular, they suggest that western NSW towns such as Wilcannia, Bourke, Walgett and Moree may suffer the worst crime rates in the state because of problems of unemployed Aborigines whom they consider to have even less of a future than the underclass in American cities (Braithwaite & Chappell, 1994:5).

Discussions of young people as being part of a juvenile "underclass" often suggest and label all disadvantaged young people as being criminally inclined which is clearly not the case (Bessant, 1995:35).

These approaches often result in a perception and fear of young people as threats to law and order and are used to justify demands that criminality and violence be contained:

As local youth unemployment escalates and its associated underclass mushrooms ... crime is becoming simpler, more effective for a legion of kids kids break the law ... The call goes out - and is taken up with passion by the public - for tougher, sterner sentences and less pussyfooting around the problem of youth crime (Bagnall, 1992:36).

It is true that the unemployed are highly represented among persons who appear before the courts. In examining the percentage who were unemployed of those appearing before the lower courts in NSW between 1982 and 1987, Cuneen suggested that this represented approximately five times that of unemployed people in the general community (Cuneen, 1991:324).

A study by the NSW Bureau of Crime Statistics and Research of 186,304 offenders in 1987-88 found that low socio-economic status was positively associated with conviction rates for people living in Local Government areas in the Sydney Statistical Division. Indicators of socio-economic status that were evaluated included income, unemployment, youth unemployment and occupational status. Other variables such as the proportions of Aborigines, single parent families and public renters were regarded as measures of "disadvantage". For Local Government areas outside the Sydney Statistical Division, these measures of disadvantage were identified as the most important correlates of conviction rates. The report concludes that Local Government areas with high scores on a number of single indicators of social and economic disadvantage, as well as on composite variables measuring disadvantage, consistently tend to have higher rates of convictions for offences against the person and property offending (Devery, 1991:57).

Several studies have reviewed the available research evidence of the link between unemployment and crime. Researchers employing various methodologies have not demonstrated a strong link between employment status and violence. "Cross-sectional" studies involve snap-shots of particular social aspects of different areas which are then compared. Box (1987:78-87) examined 32 cross-sectional studies and found 19 of them revealed a positive association between unemployment and crime rates. This association appeared to be stronger in the area of property crime, although several studies did reveal some relationship between unemployment and crimes of violence.

"Time series" studies of unemployment and crime compare changes in unemployment rates with crime rates over time. Time series studies reviewed by Box (1987:78) provide some support for a linkage of changes in unemployment rates to crime rates particularly for young males.

In a review of available data, Chiricos (1987) separated studies of property crimes and violent crimes. He found that while 40% of the studies involving property crimes revealed an association with unemployment, only 22% of the studies involving violent crimes revealed such a relationship.

Longitudinal studies, which monitor groups of individuals over a period of time, have the potential to more directly establish a causal link between unemployment and crime. Arrest data relating to a sub-sample of a Philadelphia cohort study of 10,000 boys suggested unemployment has an "instantaneous effect" on criminal involvement. However, rates of arrest may not provide a true picture of offending, as many offences may go undetected. When the sample group was asked about these other offences, no relationship was found between these self-reported serious offences or violent crimes and unemployment. This suggests that research findings can be heavily influenced by methodology (Box, 1987:94). Arrest rates may reveal increased police activity, or the targeting of particular groups, rather than increased offending.

Similarly, using unemployment rates or status as an indicator may be problematic. Watts contends that the three major sources of unemployment data in Australia use different criteria in determining unemployment status, produce different estimates, and often use samples (Watts, 1994:12).

The vast majority of unemployed people do not offend in any way, suggesting no clear causal link can be established between unemployment and violent offending. It may be the case, however, that on the individual level, frustrations resulting from unemployment may exacerbate a tendency to delinquency. It is equally possible that such frustrations may have led these individuals to drop out of school or the labour force, with criminal activity then restricting their employment options.

In a 14 year study of delinquency in NSW, Kraus (1979) found that juvenile delinquents had a relatively high unemployment rate because they do not avail themselves of, or do not have access to, existing job opportunities. He concluded, however, that increasing unemployment did not lead to increased delinquency. The Committee notes that the employment market has changed considerably since this research was carried out.

Weatherburn (1992:6) contends that an important distinction between unemployment precipitating involvement in criminal activity and unemployment increasing an individual's frequency of offending must be drawn. Most studies, however, fail to draw such a distinction.

The majority of studies conclude that while there may be a relationship between unemployment and criminal behaviour, a stronger relationship can be drawn between income inequality and crime (Braithwaite, 1978:62).

The Committee heard that to draw a direct causal relationship between unemployment and violent crime would be misguided:

Violent behaviour is a very complex matter there are a lot of unemployed young people out there struggling in ways that are very humbling in the circumstances, who do not turn either to violent offending or any sort of offending (Alder Evidence, 29.07.94).

The Committee is concerned that approaches which concentrate on labelling a particular group as an underclass may fail to focus on the real issues of inequality and lack of opportunity that are disadvantaging this group.

While much attention has been paid to the implications of unemployment for the problems of delinquency and crime, it has been suggested that the significant implications that long-term unemployment has for family formation and maintenance should not be ignored (Polk and Tait, 1990:23). In addition, unemployment and poverty are related to other contributing factors such as boredom, dependency, and powerlessness.

5.2 TRAINING

A range of state and federal training programs was discussed in the Committee's Youth Violence Issues Paper.

Working Nation (Department of Prime Minister and Cabinet, 1994:96), the Federal Government's white paper on employment and growth, outlined a strategy to improve youth unemployment rates through an increase in training programs for school leavers and tighter links between schools and industry. Under the reforms, it was expected that labour market training places for young people under 18 years would double over three years to 50,000 commencements in 1996-97.

Unemployed 15-17 year-olds are receiving a new benefit, the Youth Training Allowance, aimed at improving access to training.

The Youth Training Initiative ensures that each unemployed person under 18 is allocated a specific case manager who will help him or her to search for suitable work, training or an education place. This intensive case management begins 13 weeks after a young person registers as unemployed (Department of Prime Minister and Cabinet, 1994:96). The Committee believes that the success of this approach will depend on the allocated case-load of these managers and their suitability for the task.

Those who are still without a job after six months are given a place in a labour market program or a special vocational training program. The Youth Training allowance will be subject to an activity test, and those who refuse a job or training place will have their payments reduced for a set period (Department of Prime Minister and Cabinet, 1994:96-97).

The Federal Government has promised \$1.1 billion to create an extra 50,000 TAFE positions over the period from 1993 to 1996 (Department of Prime Minister and Cabinet, 1994:93-4) in an effort to improve formal training for apprentices and trainees.

However, several witnesses were critical of a focus on youth training schemes that are not linked to on-going employment:

I can no longer support the Federal Government's strategy for training and education. I do not believe it will give these kids jobs. I have some of the best trained, most highly educated, homeless, unemployed young people. Often it only makes them feel worse (Clay Evidence, 26.04.94).

The Aboriginal Liaison officers of Riverina Health Service also criticised existing Job Search Service schemes for training young Aboriginal people without guaranteeing on-going employment (Shay and Packer Evidence, 12.08.94).

A submission from the Wollongong Youth Refuge Association Incorporation is critical of the fact that the Youth Strategy Action Grants, available through the federal Department of Employment, Education and Training, only fund one-off programs for one year. The submission suggests that this restricts funding to direct service provision, and does not allow for adequate work in co-ordination, community development, education and awareness raising (Submission 19). The Committee believes the extension of the scheme should be considered.

RECOMMENDATION 14

That the Minister for Industrial Relations encourage the Federal Minister for Employment, Education and Training to extend the Youth Strategy Action Grants Program to ensure funding continues beyond the establishment grant.

5.3 EMPLOYMENT

The Committee believes that governments, in consultation with the community and business, have a responsibility to develop a range of opportunities for young people to contribute to their community in constructive ways.

For many young people, employment may offer the opportunity to develop self-esteem and self-reliance and become financially independent.

Winefield and Tiggeman (1985, cited in Poole and Goodnow, 1990:17), for example, in their study of work and school patterns of youth over a three-year span found that self-esteem was greater for the group of youth which joined the labour market than for those who continued studying.

The Committee also heard evidence of the considerable health benefits for Aboriginal people involved in the Community Development Employment Project (CDEP) (Brown Evidence, 10.08.94).

Employment may also have a direct impact on the criminal behaviour of individual offenders. The Committee was informed of an employment access program in Victoria which placed young offenders in employment. Young people who were able to get jobs were much less likely to engage in criminal behaviour than those who did not (Alder Evidence, 29.07.94).

Some commentators have suggested that a major growth in the economy and a boost in the number of jobs overall will not substantially increase the number of career opportunities for young people because the entry level positions they used to occupy no longer exist (Polk and Tait, 1990:18).

In a submission to the Committee, the Western Sydney Committee of the Inter-departmental Committee on Youth Affairs noted that training courses are not creating youth employment, and advocated alternatives such as market gardens and co-operatives, and the restructuring of work practices (Submission 53).

Representatives of Men Against Sexual Assault (MASA) recommended that programs for young people who have dropped out of school, or who are in danger of dropping out, such as the Helping Early Leavers Program and Circuit Breaker, be expanded to promote young people taking control over their financial situations. This could involve the establishment of alternative economic systems such as allowances, local employment training schemes, tax and subsidy incentives for young people setting up their own enterprises, and the provision of unused State Government land and property for these purposes (O'Dwyer Evidence, 29.06.94).

A range of federal and state government employment programs were discussed in the Committee's Youth Violence Issues Paper. There are several other initiatives in various jurisdictions which are attempting to provide employment for target groups, including those outlined below.

Part of the Committee's key recommendation dealing with employment and leisure supports priority being given to job creation in areas of high youth unemployment.

It was suggested to the Committee job sharing should be facilitated in order to allow a greater proportion of society to have the benefits that employment offers (Berry Evidence, 10.02.94). The Committee supports this approach.

The Committee also believes that all training and employment initiatives should be structured to maximise the likelihood of on-going employment for young people.

RECOMMENDATION 15

That Government agencies, in partnership with community organisations and the private sector, give priority to job creation in areas of high youth unemployment.

RECOMMENDATION 16

That the Minister for Industrial Relations act to ensure that appropriate opportunities are provided for part-time work and job sharing to increase the availability of employment options.

RECOMMENDATION 17

That the Minister for Industrial Relations ensure, in consultation with Federal counterparts, that all training and employment initiatives are structured to maximise the likelihood of on-going employment for young people.

5.3.1 The Youth Employment and Enterprise Project

The Youth Employment and Enterprise Project (YEEP) in Adelaide is attempting to create jobs for young people by mobilising the business sector and empowering young people. The Lord Mayor of Adelaide, as Patron of YEEP, sponsored a Business Forum in 1993 which brought together key business people in a drive to create more jobs for young people. Participating businesses were given a positive public profile for their commitment to unemployed young people, enhancing their business image (Marsland, 1993:7). A total of 1,400 jobs were created in the first twelve months of the initiative.

The second aspect of the three-phase model involved the development of several youth industries in the Adelaide local government area. Three enterprises have been established: an ice-cream outlet; a pine furniture making workshop; and a food catering business, employing a total of 25 young people. A position of Youth Enterprise Officer is to be created. Funding assistance has been made available from the Australian Youth Initiatives Grants Scheme.

The Enterprise Development phase of the project seeks to give young people the opportunity to develop their own enterprising ideas. The Council is providing office space and a position of Co-ordinator is planned to assist young people in the development of their ideas and facilitate access to the business and general community.

5.3.2 Community Development Employment Project

During the Committee's visit to Wellington, members heard evidence from the Chairman and participants of the Community Development Employment Project (CDEP). The Orana Aboriginal Corporation CDEP has 90 participants working on a variety of projects that are developed to upgrade skills of Aboriginal people, and improve race relations.

It has been suggested to the Committee that while CDEP have proven economic and social benefits, including health improvements and crime reduction, these are being put at risk by the financial disadvantage that is being experienced by Orana Aboriginal Corporation employees (Brown correspondence, 26.08.94).

While the tax free threshold for the unemployed is \$7,360, this threshold is only \$5,400 for employed persons. The employees of the Orana Aboriginal Corporation CDEP pay an average of \$9.30 tax per week from a salary which is equivalent to the unemployment benefit.

In addition, unemployed persons are assisted with rent subsidies of up to \$35 per week, so that employees are effectively penalised for working under the CDEP scheme.

The Chairman suggested that:

It is very difficult to keep people motivated when if they sit at home they are better off financially than when they are employed on the CDEP (Brown Evidence, 10.08.94).

The Committee believes that the taxation penalties applying to CDEP employees should be removed.

Some Committee members also believe that there would be virtues in expanding CDEP programs to include non-Aboriginal youth, and the Committee recommends that the Minister for Industrial Relations, in consultation with his federal counterparts, give consideration to the expansion of the scheme.

RECOMMENDATION 18

That the Minister for Industrial Relations consult appropriate Federal Ministers to ensure that taxation penalties against Aboriginal workers in CDEP programs are removed.

RECOMMENDATION 19

That the Minister for Industrial Relations, in consultation with appropriate Federal counterparts, consider the expansion of the CDEP scheme to non-Aboriginal unemployed young people in selected communities.

5.3.3 The Job Compact

The Federal Government's Job Compact aims to reduce the level of long term unemployment, improve the skills and competitiveness of those assisted, and increase the availability to employers of workers with suitable skills and experience.

Under the Compact, employers are offered job subsidies and the opportunity to pay below-award training wages when hiring people who have been out of work for 18 months or more. Employers are also be offered a bonus to keep Job Compact participants on the job at the full-award rate for three months after the nine-month subsidised period has expired (Department of Prime Minister and Cabinet, 1994:119).

Braithwaite & Chappell, in their submission to the federal government's Committee on Employment Opportunities, supported the expansion of artificial labour market programs above a reliance on normal economic growth to create jobs, because the programs benefit the long-term unemployed. They also suggest that the compact would be an effective way of breaking the cycle that leads offenders to commit more crime because their criminal histories restrict them from finding work (Braithwaite and Chappel, 1994:4).

5.4 ALTERNATIVES TO EMPLOYMENT AND JOB TRAINING

In evidence to the Committee, a representative of the Young Women's Electoral Lobby suggested that community and classroom education is required to remove the stigma of unemployment in an economic climate that fails to provide full employment:

We need to let [children] know that they will always be of value to us and to society even if they are unable to find paid work. There is a great deal of necessary and rewarding work out there which is unpaid, but which can provide people with structure to their week, and feelings of contributing and the learning of important skills (Berry Evidence, 10.02.94).

Part of the Committee's key recommendation dealing with employment and leisure is concerned with the development of activities for unemployed youth. The Government, in participation with community organisations, should sponsor the development of learning and recreational activities for unemployed youth. Funding for training programs to train young people in peer education and in establishing programs in which they can work with other young people to reduce violence was supported in evidence to the Committee (O'Dwyer Evidence, 29.06.94). The Committee supports this approach as an example of the way young people can be encouraged to contribute constructively to their community.

The Committee heard that options such as employment within charitable organisations and the payment of a living wage should be available, with the status of this type of work raised (Berry Evidence, 10.02.94).

In addition to being provided with training and employment opportunities, the Committee believes that young people should also be provided with information on alternative ways of contributing to their community.

The Committee heard that full-time vocational training may be inappropriate for many young homeless people suffering depression or emotional distress (Clay Evidence, 26.04.94).

Specific programs may be required to deal with groups of young people with behavioural problems. One example of this approach is the day program at Rosemount Youth and Family Services Inc in Sydney's Dulwich Hill which caters for unemployed 14 to 18 year old adolescents who are experiencing problems in daily living. While some of the young people have been homeless and are living in refuges or medium term accommodation units, the majority are still living with family or extended family. They often have school related difficulties which manifest in behaviours such as truancy, acting out, depression and minor offences. Most are experiencing family difficulties and some are victims of physical and/or sexual abuse. The program is run five days a week for a period of ten weeks and includes workshops in:

- literacy and numeracy
- work preparation skills
- drug and alcohol education
- craft
- relating to others & confidence building
- sexuality

- leisure
- health and hygiene
- individual work

The program attempts a holistic approach, with a family counsellor working with the family and with the networks of the young person, and an After-Care Worker being involved with the young people and their families for one year or longer after they leave the program (Submission 61).

The Committee believes that special programs may be required to develop work preparation skills in young people who have exhibited behaviour disorders.

RECOMMENDATION 20

That the Government, in partnership with community organisations, sponsor the development of learning and recreational activities for unemployed youth. As one means of advancing this process, the Minister for Community Services should seek expressions of interest and fund the development of a pilot scheme providing training for unemployed young people to develop anti-violence programs and workshops to educate their peers.

RECOMMENDATION 21

That the Minister for Industrial Relations, in consultation with his federal counterparts and community groups, ensure that unemployed young people are given information on alternative ways of contributing to the community through volunteer programs.

RECOMMENDATION 22

That the Minister for Community Services ensure that adequate funding is allocated to programs attempting to develop work preparation skills in behaviour-disordered young people.

5.5 HOMELESSNESS

The Committee heard that there is a shortage of low-cost, affordable housing:

There are no flats cheap enough to rent. Often [young people] are not eligible for public housing (Clay Evidence, 26.04.94).

The Human Rights and Equal Opportunity Commission's National Inquiry into Homeless Children commissioned a consultant to assess all available data and arrive at a 'best estimate' of the numbers of homeless young people. Dr Rodney Fopp concluded that there were, at the very

least, 8,500 homeless 12-15-years olds in Australia over a 12 month period and 3,500 16 and 17-year-olds at a given time, including 16 and 17-year-olds at serious risk of becoming homeless (Human Rights and Equal Opportunity Commission, 1989:67).

The House of Representatives Standing Committee on Community Affairs, inquiring into aspects of youth homelessness, heard evidence of a range of factors contributing to youth violence. Factors cited include family conflict, such as family violence and abuse, family poverty and resulting stress, high incidence of youth unemployment and increased dependency of young people within families, a history of State intervention and wardship, substance abuse and mental illness (House of Representatives Standing Committee on Community Affairs, 1995:37-38).

The Human Rights and Equal Opportunities Commission found evidence of increases in the proportion of young homeless people presenting at supported accommodation services who were, or had been, State wards. The Inquiry concluded

This evidence is a serious indictment of the State - which has not only the power to provide for these children, but an obligation, and the resources, to do so (Human Rights and Equal Opportunity Commission, 1989:110).

The Committee is concerned that the management of wards in the past has not been satisfactory, and notes the management of children in substitute care in New South Wales is progressively being transferred to the non-government sector. The Committee believes it essential under the new arrangements that the State recognises its statutory responsibility in ensuring these children are adequately supported while in care and assisted in their transition to living independently in the community.

RECOMMENDATION 23

That the Minister for Community Services closely monitors the delegation of accommodation, care and maintenance of wards to the non-government sector to ensure his statutory obligation to provide adequate support is met.

5.5.1 Homelessness and Violence

Research evidence suggests that homeless young people are at particular risk of becoming involved in crime and violence. In a recent survey of 50 young homeless people in North-East Melbourne, 39% of males and 34% of females indicated in interviews that they had experienced feelings of wanting to hurt others (Fuller *et al*, 1994:33).

The Committee heard that for homeless young people, violence is widely experienced:

You cannot avoid [violence]. It is there every day. It's an awful thing to have to do but you have to be violent to survive. If you are not, then you just won't make it. I abhor violence, I hate it, but I had to use it for survival (Williams Evidence, 28.07.94).

In evidence to the Committee, the Co-ordinator of the Wollongong Youth Refuge Association Incorporation indicated that 37% of their target group over the previous year had been known offenders, and had committed assault, robbery without a weapon, break and enter, car theft and shoplifting. Two young people known to housing workers had been charged with murder in the previous two years, and approximately six young people had been charged with other serious offences such as armed robbery or aggravated assault (Clay Evidence, 26.04.94). On the other hand, the Committee heard from the Assistant Manager of the Kings Cross Adolescent Referral and Support Service that while the potential for violent behaviour by young people living on the streets could be considered high,

On only one occasion has any of my workers actually been harmed, and the worker was bitten on the chest, but apart from that incident, it is fairly low in terms of the kids that we deal with and what we are actually doing, removing young people from a place (Atkinson Evidence, 29.08.94).

The Committee also heard that determining the direction of any causal association between homelessness and youth violence may be problematic:

I am not that clear on whether it is homelessness that contributes to youth violence or in fact youth violence that contributes to homelessness (Atkinson Evidence, 29.08.94).

Young people may leave home for a variety of reasons, including abuse and neglect and other problems within the family that may have behavioural effects.

The Committee heard that a sustained experience of poverty and homelessness, resulting from a failed home situation, can result in self-destructive behaviour, including conscious self-infection with the HIV virus (In camera Evidence).

5.5.2 Homelessness and Victimization

Homeless young people are particularly vulnerable to violent victimisation. In interviews with 51 homeless youth under the age of 18 in Victoria, 86% reported both a fear of violence and having been physically hurt since leaving home. Approximately 65% said they had been physically assaulted and 52% experienced sexual assault (Alder, 1991:10).

Violence was often experienced at the hands of strangers. Approximately 96% of young men reported having been physically assaulted since they left home, predominantly in a fight with other young men. The second major source of violence, accounting for approximately 39% of all violent incidents that were reported, was the police. Approximately 58% of males and 47% of females reported being physically assaulted by police since they left home. The vulnerability of marginalised young people to violent abuse by police was confirmed in a national study in five states, and is consistent with the findings of the Burdekin committee and local studies in other states on the level of violence against homeless young people (Alder Evidence, 29.07.94).

The Committee heard that young women may be particularly vulnerable to abuse and exploitation:

Young women that we are involved with have often found themselves involved in exploitative relationships, including prostitution (Funk Evidence, 28.07.94).

5.5.3 Violence in Supported Accommodation Services

In evidence from the Department of Community Services, the Committee was informed:

We are not aware that there is a high incidence of violence amongst young people and State wards in care. However, given the circumstances that many of these young people in care experience, it is likely that they will act out their difficulties; but it can be exhibited by withdrawal as well as acting out (Shier Evidence, 29.08.94)

Other evidence to the Committee suggested that violence in supported accommodation services was a considerable problem.

A study over two years of 40 teenagers in a medium term youth accommodation unit in Newcastle revealed that most had been subjected to physical and/or sexual abuse. Their responses to conflict were also often violent, with frequent low level violence, such as threats, pushing, verbal abuse, and occasionally more serious incidents. Conflict often led to residents leaving the centre. Twenty residents were asked to leave by staff, with nine committing acts of violence against other residents or physically threatening staff or residents. Poor self-esteem was found to be a significant barrier to teaching conflict resolution to residents (Submission 49).

The Co-ordinator of the Wollongong Youth Refuge Association Incorporation indicated that staff have reported that 83% of the young people they work with are showing an increased incidence of anger and aggression, including minor assaults on other young people, and bullying and intimidation (Clay Evidence, 26.04.94).

The Jasper Residential Unit provides services for young women aged between 12 and 18 years who are wards of the state, and who previously have had multiple placements in government group homes, youth detention institutions, and with foster families. Many have also spent time on the streets, and usually come from abusive backgrounds.

The Committee heard that behavioural problems experienced at Jasper are often quite extreme, including smashing windows in other units and attacks on staff, other young people and self-harm. Examples of incidents that have occurred at Jasper include:

- several instances of one girl restraining a staff member while a second girl beats and kicks another resident;
- several instances of residents armed with kitchen knives locking themselves and a staff member in the office and threatening to kill the staff member;
- a resident self-mutilating by slashing her body with razor blades, telling staff she has AIDS and threatening them with her blood, and then attempting to hang herself from a balcony; and

- a resident abducting another at knife point with the intention of killing her over a disputed boyfriend (Wilson Evidence, 29.07.94).

In each of these occurrences staff intervention prevented an escalation of violence. Residents are provided with training in managing their emotions.

It was suggested to the Committee that some young women have been through so many services that the Department of Community Services has no further alternatives to offer them. One Jasper resident had been refused accommodation at the Department of Community Services Ormond facility after having previously smashed windows and been restrained by staff. The Program Manager of the Unit also outlined the difficulties experienced in attempting to obtain appropriate psychiatric treatment for such residents (Wilson Evidence, 29.07.94). The Director of the Care and Protection Directorate, while not familiar with the particular circumstances of the case, reaffirmed that the Department has the primary responsibility to provide care for all children at risk, and that the Department of Community Services is developing reform strategies for the programs at Ormond and Minali (Shier Evidence, 29.08.94). These reforms are discussed in further detail in Chapter 13. The Committee believes that the Department must continue to ensure that appropriate placements are available to young people with severe acting out behaviours. Risks to staff and other residents should be minimised and information on appropriate intervention and anger control strategies developed.

The Committee was informed that a number of longer term residents of supported accommodation services demonstrate behavioural change because they have been given an opportunity to express their anger in a safe environment. However, since many young people stay in supported accommodation for a relatively short time, the opportunities for intervention, both on an individual and family level, may be limited:

We cannot force them to counselling or assessment. We cannot force their families to come in. We certainly have more trouble getting families to counselling than we do getting young people to accept help (Clay Evidence, 26.04.94).

RECOMMENDATION 24

That the Minister for Community Services ensure that appropriate placements are available to young people with severe acting-out behaviours, and that these placements minimise risks to other residents and staff.

RECOMMENDATION 25

That the Minister for Community Services ensure that staff of supported accommodation services are provided with information on best practices in intervening in violent incidents, to reduce risks to themselves and other residents, and on appropriate strategies for encouraging residents to deal with anger and aggression in non-violent ways.

5.5.4 Staffing of Supported Accommodation Services

The Supported Accommodation Assistance Program (SAAP) is a joint Federal-State funded program which supports a range of non-government community organisations providing transitional accommodation and support services for homeless people in crisis.

The Committee heard that while the services managed by the Wollongong Youth Refuge Association Incorporation have attempted to manage the target group of young people exhibiting challenging behaviour, funding is available for one staff member on duty at any one time. It was suggested to the Committee that community supported accommodation services could more effectively deal with violent youths if staffing levels were increased to ensure that two staff members could be on duty for safety and best work practice reasons to allow direct intervention. Incidents which possibly could have been prevented in Illawarra include an armed robbery by a tenant, physical assaults by residents, and regular verbal abuse and harassment (Submission 19).

The Department of Community Services has recognised the need for intensive work with homeless young people by proposing that two staff be on duty at any one time, in accord with the Usher Report. However, this level of staffing is not available in many accommodation services. Staffing levels also restrict the provision of services to young people in need. The conditions for the Wollongong Youth Refuge Association Incorporation to open an adolescent health service were that two staff be on duty (Submission 19).

The Wollongong Youth Refuge Association Incorporation auspices a number of residential service providers who carry out thorough assessments of clients, and the Committee heard that if a client is considered potentially dangerous to staff or other residents, an alternative safe environment must be found. Because of the limited options in such cases, the Department of Community Services has ensured that two staff have been on duty to manage such situations (Clay Evidence, 26.04.94).

While the Jasper Unit receives funding through the SAAP, additional funding from Centacare is vital in ensuring that adequate staffing levels are maintained to offer intensive programs (Wilson Evidence, 29.07.94).

The Committee believes adequate funding should be available to ensure two staff members are on duty at any one time in supported accommodation services, and that these additional staffing resources be used to provide further services, especially training for residents in the management of violence.

RECOMMENDATION 26

That the Minister for Community Services ensure that

- **services funded under the Supported Accommodation Assistance Program which target young people with behaviour disorders are provided with adequate resources to ensure two staff members are on duty at any one time; and**

- **the additional staffing be used to provide further services, especially training for residents in the management of violence.**

5.5.5 Concentration of Supported Accommodation Services

The Committee heard that the high concentration of supported accommodation services in particular areas may lead to problems of statistical anomalies for crime and violence:

There was one particular place that was associated with an enormous amount of ... [violent] offences which led to convictions, and the police statistics in the local area went through the roof (Acheson evidence, 01.11.93).

The Burdekin report on homelessness recommended that supported accommodation services be located in areas of greatest need, but the Committee heard that young people are usually brought to suburban services from areas such as Kings Cross.

The Committee heard that while approximately 50% of all supported accommodation places in Sydney are located in the Marrickville area:

none of those local refuges co-ordinate their activities amongst each other. There is not a full spectrum of services from crisis need to independent accommodation. Within that plethora of services there is no strategy that says that local kids who become homeless in the Marrickville area will get a bed. It is a feeder area for the whole State (Pisarski Evidence, 29.07.94).

The Co-ordinator of the Marrickville Community Youth Support Project indicated that since refuges receive funding under Commonwealth guidelines, Commonwealth government agencies should also be brought into the consultative process to address these issues (Pisarski Evidence, 29.07.94). The Committee supports this approach and believes services should be available to needy young people in all areas.

RECOMMENDATION 27

That the Minister for Community Services urge his Federal counterpart to ensure that adequate services are available through the Supported Accommodation Assistance Program to provide needy young people in all areas with appropriate accommodation services.

5.5.6 Young Homeless Allowance

Recent debate around the federal government's former Young Homeless Allowance encouraging young people to leave home was discussed in evidence to the Committee. The Allowance is now referred to as the Independent Youth Training Allowance at the homeless rate. The Committee was informed by a young person with a history of homelessness that

People apply for [the Young Homeless Allowance] because they feel there is no other way for them, they cannot go home. They either feel unloved or they are abused in some form. It may not be physically; it could be just emotionally abused (Williams Evidence, 28.07.94).

The House of Representatives Standing Committee on Community Affairs (1995) have recently released their *Report on Aspects of Youth Homelessness*. The terms of reference for the Inquiry required the Committee to, among other things, report on the appropriateness of income support arrangements for homeless young people, noting the need to not create undue incentives to leave home or school.

While that Committee acknowledged that there appeared to be circumstances in which inadequate assessments were made and where little assistance was offered to parents and to young people when they were in crisis, the majority of the Committee did not support the view that the allowance itself acts as an incentive to leave home. The Committee found it difficult to find evidence to support the claim that the allowance is an incentive to leave home when many young homeless people are living without any formal support (House of Representatives Standing Committee on Community Affairs, 1995:131-132).

However, the Committee supported the need for developing better ways of including parents in the assessment process.

During the course of that Committee's Inquiry, the Federal Government tightened the payment of the Young Homeless Allowance by a gazetted Ministerial Determination allowing parents to be contacted before payments are made, unless there is any threat to the welfare of the young person. Personal information may also be disclosed to parents.

The overarching emphasis of the revised policy is that parents must be contacted by a social worker during the assessment of a claim for the homeless rate unless there are very good reasons not to do so. In addition to the former requirement to contact parents before the homeless rate could be granted in cases where the young person is not allowed by parents to live at home, parents are now contacted before the homeless rate can be granted on the basis of domestic disharmony. Contact with parents during the initial assessment phase is subject to client consent. However, if the client does not consent, and there is no reason to believe the client would be at risk, the claim is rejected. However, no contact should be made with parents where violence or abuse is suspected without the client's permission (Department of Social Security:1994a).

In evidence to the Committee, the Director of the Care and Protection Directorate of the Department of Community Services supported the Young Homeless Allowance, provided that clear protocols are developed to ensure that young people applying for the allowance are in genuine need. The Director supported attempts to provide families experiencing problems with appropriate mediation services (Shier Evidence, 29.08.94).

The Commonwealth, State and Territory protocol for the case management of young homeless clients has led to the Federal Department of Social Security issuing a further National Instruction. All applicants for Commonwealth income support at the homeless rate aged less than 15 years are referred to a Department of Social Security social worker, and where the young person is not going to return home, a referral to a state welfare department is arranged for their full assessment and support (Department of Social Security:1994b).

In those instances where allegations of abuse have been made, the current Commonwealth/State Protocol should ensure that the appropriate State child protection authorities investigate these claims (House of Representatives Standing Committee on Community Affairs, 1995:285).

Parents should be contacted as part of the protective assessment undertaken by the State/Territory Child Protection authorities. Provided these procedures operate effectively, there should be very few situations in which parents are not able to obtain basic information about their children, which would enable them to at least know that they are alive and safe (House of Representatives Standing Committee on Community Affairs, 1995:286).

The House of Representatives Standing Committee on Community Affairs recommended payment at the homeless rate should be subject to an initial two week review and assessment following grant of the payment and then a continuous six weekly review. This would address more adequately the concerns of parents and many youth and family workers who believe that the current arrangements tend to lock parents and young people in a fixed position in the early days of leaving home, making reconciliation difficult (House of Representatives Standing Committee on Community Affairs, 1995:122-123).

It has been suggested the protocol has not always worked efficiently in New South Wales as delays by the Department of Community Services in processing referrals, and a refusal by the Department of Social Security to pay the allowance in the interim, has financially penalised young people (Horin, 1995:3).

The Committee urges the Minister for Community Services to continue to support young homeless people by facilitating the processing of referrals and continuing to support the Federal Government in the development of protocols and monitoring the effectiveness of income support for those in genuine need.

The Committee encourages the referral of young people and their families to appropriate mediation services where reconciliation appears feasible and recommends the development of further services. The Committee believes, however, that the payment of the Allowance should not be made conditional on attempts at reconciliation where genuine need has been established, and where the young person is in demonstrable danger in the home environment.

RECOMMENDATION 28

That the Minister for Community Services urge Federal counterparts to develop further mediation services for families of children applying to receive the Young Homeless Allowance.

5.6 CONCLUSIONS AND FINDINGS

- High levels of **youth unemployment** can lead to frustration and anger and may manifest in the form of violence. Unemployed people are highly represented among persons who appear before the courts. The Committee is also concerned that unemployment contributes to **poverty and income inequality** as some studies conclude that while there may be some relationship between unemployment and criminal behaviour, a stronger relationship can be drawn between these variables and crime. Disadvantaged areas consistently tend to have higher rates of convictions for offences against the person and property offending.
- Governments, in consultation with the community and business, have a responsibility to develop a range of opportunities for young people to contribute to their community in constructive ways. For many people, **employment** may offer the opportunity to develop self-esteem and self-reliance and become financially independent. Employment may also have a direct impact on the criminal behaviour of individual offenders. Part of the Committee's key recommendation dealing with employment and leisure supports priority being given to job creation schemes in areas of high youth unemployment.

The Committee also heard evidence of the considerable health benefits for Aboriginal people involved in the Community Development Employment Project (CDEP), and supports the expansion of the scheme to include non-Aboriginal youth. **All training and employment initiatives should be structured to maximise the likelihood of on-going employment for young people.**

Part of the Committee's key recommendation dealing with employment and leisure also urges the Government, in participation with community organisations, to develop learning and recreational activities for unemployed youth.

- Research evidence suggests that **homeless young people** are at particular risk of becoming involved in crime and violence. Homeless young people are particularly vulnerable to violent victimisation. Violence in supported accommodation services also appears to be a considerable problem.

The Department of Community Services must continue to ensure that appropriate placements are available to young people with severe acting out behaviours; that adequate funding should be available to ensure two staff members are on duty at any one time in supported accommodation services; and that additional staffing resources are used to provide further services, especially training for residents in the management of violence. Supported accommodation services should be available to needy young people in all areas.

CHAPTER SIX

RECREATION AND LEISURE

As the previous chapters indicate, the Committee believes that family and socio-economic factors can impact on the attitudes and behaviour of young people. A lack of appropriate recreational and leisure options can exacerbate the frustrations that result from these environmental factors.

This chapter examines the experiences of, and attitudes towards, young people using public spaces, the facilities that should be made available to them, and their involvement in planning and decision-making. A range of initiatives which aim to improve the recreational options available to young people are also discussed. Section 6.2 examines the impact of sport on the lives of young people, both in terms of the positive benefits and its contribution to legitimising aggression and violence in our society. Section 6.3 firstly discusses issues surrounding the recreational use of alcohol and violence in and around licensed premises, then examines the link between violence and the abuse of alcohol and drugs and strategies for harm minimisation.

6.1 YOUTH ENTERTAINMENT

6.1.1 Use of Public Space

A number of witnesses were critical of public perceptions and fears regarding young people congregating in public spaces such as parks and shopping malls:

The fact is that public space is really the only space available to young people who do not have their own home, particularly if they want to get away from their parents or if they are in difficult situations at home It is natural for kids to want to be out doing things. It is natural for anyone, not just young people, to socialise in groups. It is a human phenomenon (D'Astoli Evidence, 10.02.94).

A submission from the Newcastle Community Youth Development Project highlights the lack of affordable entertainment for young people. Young people congregate in local malls for entertainment, and security staff target young people, even if they are in the mall to shop. The submission suggests that although the nature of group dynamics occasionally leads to problems, this stems from boredom and frustration and could be overcome if groups of young people were provided with alternative recreation and entertainment options (Submission 49).

As this submission demonstrates, concern has been expressed to the Committee that young people experience a considerable level of harassment from security personnel when they meet and gather in groups in public places such as shopping centres. The Committee believes that this type of harassment can result in feelings of resentment and build a hostility to authority figures in young people. While any anti-social behaviour should not be

condoned, it should be recognised that young people have the same rights to access and use public places as any other group in the community.

6.1.2 Youth Facilities and Projects

The need for social outlets for young people, such as shop front youth centres with youth 'ownership', is highlighted in a submission to the Committee from the Director of the National Children's and Youth Law Centre. A democratic approach to rules in youth centres is also supported (Submission 26).

The need for youth facilities that meet the needs of young people was raised in evidence to the Committee. One young person informed the Committee that after a local youth centre closes in the early evening, a large group of young people gather outside because there are no other recreational alternatives. While it was previously possible to play basketball at one local high school, this option is no longer available due to the belief of the local police and school principal that this attracts young people to crime. It was suggested, however, that it is the lack of recreational options that can lead to crime:

If kids are able to go and play basketball, they have something to do. Now they cannot play basketball, so what else is there for them to do? (Ulrich Evidence, 28.07.94).

Members of Western Sydney Committee of the Inter-departmental Committee on Youth Affairs recommended that public places be designed to cater for passive recreation, which may include simply "hanging out" with friends, and that schools and sporting facilities be accessible after-hours. While the Committee believes that recreation options should be expanded, it also recognises that security and safety must be considered. The Committee is of the opinion that after-school programs could be expanded to include the 12 to 15 years age group and assist them in developing skills relevant to organising their own after school recreation, with appropriate support, on school grounds. The Western Sydney Committee of the Inter-departmental Committee on Youth Affairs also stressed that services, youth organisations and recreational activities need to be located where young people are, including isolated suburbs. The importance of considering the needs of young people in the planning and development of new housing estates was stressed by the Youth Action and Policy Association's (YAPA) Western Sydney Project, as these developments often attract second home buyers with older children (Submission 53). The Committee supports these strategies and believes that state planning provisions should be reviewed and guidelines developed to ensure the needs of young people are considered in planning and development decisions including public and private housing estates. The Committee believes the implementation of this key recommendation would contribute to the safety and enjoyment of the entire community.

Innovative strategies that provide recreational options and contribute to crime prevention include the Graffiti Alert Project on the Gold Coast which involves establishing contact with graffiti crews and providing legal venues for graffiti artists (Wilson *et al*, 1994). Marrickville also has a Local Graffiti Arts Strategy (Newman Evidence, 01.11.93).

Youth Service projects in Western Sydney include Residents in Safer Environment (R.I.S.E.) and Positive Directions which have implemented study assistance projects, and Youth Out West League (YOWL), which involved rugby league games between young offenders,

unemployed youth, youth workers and police to break down barriers and build self-esteem. The Hills District Youth Service offers the Vibes Radio Program; a mobile youth centre in a double decker bus; an aerobics program; Mandarin and Chinese culture classes; a cross cultural exchange program; a youth newspaper; street outreach work; music and dance workshops; employment development projects; and effective parenting seminars. Fusion, a youth and community work organisation, operates the Axolotl Cafe and Nightspot in Penrith. A range of community and government agencies are involved in the operation of the Youth Outreach Bus in the Blacktown Local Government Area which provides information, support, referral and direct delivery of health and welfare services (Submission 53).

The Committee met with a group of young offenders at Cobham Juvenile Justice Centre who indicated that it was important that young people are made aware of the range of facilities and recreational options available to them. The Committee believes that local campaigns should be developed to ensure that this information is disseminated. Young people should have access to areas that offer recreational opportunities, and be empowered to participate in the planning and operation of youth programs.

RECOMMENDATION 29

That the Minister for Planning review state planning provisions to develop guidelines which ensure the needs of young people are considered in:

- **public places, parks and recreation areas;**
- **the planning and development of new housing estates;**
- **the development of commercial premises involving public access;**

to contribute to the safety and enjoyment of the entire community.

RECOMMENDATION 30

That the Minister for Education encourage principals and School Councils to ensure that school sporting and recreation facilities are available to young people after hours.

RECOMMENDATION 31

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government agencies to ensure that sporting and recreation facilities are accessible for extended hours.

RECOMMENDATION 32

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government agencies to consult with youth service providers and allocate appropriate resources to developing campaigns informing young people of the range of youth facilities and recreational options available to them.

6.1.3 Hurstville Youth and Town Centre Project

During the course of the Inquiry, the Committee met with a group of people involved in the Hurstville Youth and Town Centre Project.

The Committee heard that the impetus for the project was the large numbers of young people congregating in the main road and shopping complex, resulting in a number of violent incidents, problems of graffiti, and verbal altercations with security staff.

Westfield provided a grant to the Council to employ a consultant to work with a Steering Committee comprising representatives of the police, Council, youth service providers, young people, Westfield management and retailers, to examine the conflicting needs of users of the town centre.

A final report was submitted to the Council, which then made a number of recommendations and resolved to investigate options for a multi-purpose youth facility.

The project has aimed to ensure young people are committed to the project by a process of active consultation:

[The multi-purpose youth facility] has been conceived of in such a way that young people will have a sense of ownership of that space ... there is a genuine possibility for young people to have an on-going part in the management of that space (Dwyer Briefing, 24.02.94).

It is envisaged the multi-purpose youth facility could include indoor basketball, music, pool tables, a recording studio, cheap coffee, and TV and video facilities. A fund-raising strategy is to be devised to encourage community and corporate sponsorship.

A Hurstville Town Centre Community Committee has also been created, to examine a range of issues and community needs, including crime prevention strategies, urban design issues, and long-term planning. The position of Youth and Town Centre Co-ordinator has also been established.

The Committee strongly endorses the approach taken by the Hurstville community. The Committee believes that local government agencies should ensure that the needs of young people are considered in planning and development decisions; encourage retail shopping centre management to develop youth facilities on their premises; and encourage sponsorship in developing youth facilities.

RECOMMENDATION 33

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government to:

- **ensure that young people are actively consulted regarding planned youth facilities;**
- **seek sponsorship in developing youth facilities; and**
- **encourage retail shopping centre management to develop youth facilities on their premises.**

6.1.4 Police Citizens Youth Clubs

There are currently 54 Police Citizens Youth Clubs spread throughout the state, consisting of 22 metropolitan and 32 country facilities, and a camp. The clubs collectively offer over 100 different sporting activities and over 100 community based policing/crime prevention programs to over 60,000 members as well as other groups in the community.

While Police Citizens Youth Clubs have expanded their services beyond that of the traditional sporting and recreational activities, these services still play a key role in the organisation and are considered a valuable component to preventing youth crime.

The range of services now provided include:

- Educational programs - Road Safety, Crime Prevention Workshops, Homework tuition, Alternative Schools, Drug & Alcohol Prevention, Protective Behaviours;
- Truancy Reduction Programs with Department of School Education Staff;
- Young Offender Support - Community Service Order supervision, Juvenile Justice Centre visits, Community Aid Panels, Wagga Wagga Family Group Conference Scheme;
- Food Services, such as Breakfast Clubs;
- Family Support Services; and
- Services for the Unemployed - Career markets, work search assistance, support of Skillshare, Circuit Breaker, HELP and other training programs.

In addition, the range of recreational services provided include:

- Coaching clinics;
- Camps and outdoor adventure programs;
- Excursions;
- Vacation Activities;
- After school care;
- Rock concerts, discos and dance parties; and
- Music, dance, drama, arts and crafts (Madden, 1994:10)

6.1.5 Koori-Matha Committee

During the course of the inquiry, Committee members met with representatives of the Koori-Matha (Aboriginal-White) Committee in Wellington. This group of young people formed to work to provide recreational alternatives to spending time on the streets. The young people discussed problems of alcohol and drug abuse and poor relations with the police. They suggested that their experience has demonstrated that if activities are available for young people, they are willing participants (Briefing, 10.08.94).

The Committee believes that facilitating the involvement of young people in examining youth problems and finding solutions to these problems should be encouraged.

6.1.6 Youth and the Law Project

The Committee heard evidence relating to the Youth and the Law Project (YALP) which was auspiced by the Law Foundation of NSW. YALP has undertaken a range of projects, which has including work with the South Sydney Police Citizens Youth Club. A group of young people organised a regular basketball competition and a series of profit-making dance parties (Purcell and Robertson, 1994:6-7).

The Committee heard that the approach taken by YALP inverts the normal relationship between young people and adults, where adults make decisions, structure programs and then seek to involve young people in these programs:

[YALP has] a process of allowing young people to make those decisions for themselves. It is one in which young people are trained to run workshops and forums where you gather together a variety of different types of young people (Smith Evidence, 28.07.94).

In evidence to the Committee, the Director of the Law Foundation indicated that in attempting to work with various government and non-government agencies, YALP met with resistance to the philosophy of encouraging young people to participate and to develop their own leadership skills (Purcell Evidence, 28.07.94).

The Law Foundation is developing a kit to record the experiences and strategies of YALP which can be used in a school or community context (Purcell Evidence, 28.07.94).

The Committee believes that young people should be empowered to participate in the operation of youth programs in meaningful ways.

RECOMMENDATION 34

That NSW Government agencies funding youth programs encourage the participation of young people in the planning and operation of these programs.

6.1.7 Access to Licensed Premises

The Committee heard that hotels and registered clubs have the potential to provide a range of youth entertainment and activities. The Committee also heard that events for young people tend to be arranged in town halls or places which are considered unfashionable, and which may offer inadequate facilities. Members were told that young people would be more likely to attend events in areas set aside for them in licensed premises (D'Astoli Evidence, 10.02.94).

Minors are not permitted in restricted areas in hotels, in which approved amusement devices such as video poker machines are located, but are permitted in authorised areas in the immediate presence of a responsible adult, and in bottle-shops and dining areas. The Registered Clubs Act provides for unrestricted areas in clubs which do not have poker machines but in which alcohol can be served and young people allowed with adult supervision.

However, the Committee heard that registered clubs rarely use these areas for under-age events. The provision of entertainment such as live bands is expensive, and alcohol is generally sold to recoup costs. The difficulties in policing the serving of alcohol to younger people mean that young people are usually not admitted to such events. Smaller clubs that may not be able to close off areas are also unable to provide access to young people. Clubs can also apply for Community Function Permits under section 23(1)(b) of the Registered Clubs Act (Kerr Evidence, 16.09.94).

In regard to hotels, S.112 (1)(b) of the Liquor Act provides that licensees may apply to the Liquor Administration Board for minors to use part of the hotel, under adult supervision, for under-age events. The Board may impose conditions when approving such applications. The Committee heard that, even if hotels have an area suitable for an alcohol-free event which can be closed off from the rest of the hotel, conditions imposed by the Board would prohibit the serving of alcohol in all areas of the hotel (D'Astoli Evidence, 10.02.94).

The Youth Advisory Council recommended that the provision of alcohol-free entertainment for young people at hotels be facilitated by removing restrictive conditions, and that guidelines be developed for alcohol-free events. (Submission 45). The Committee supports reform in this area.

The membership of registered clubs was also raised in evidence to the Committee. There are 64 RSL Youth Clubs in NSW. In addition, Section 30(2)(e) of the Registered Clubs Act allows young people to be junior members of clubs established for primarily athletic purposes, or if the club is a golf club or bowling club. However, the Committee heard for non-sporting clubs, such as RSLs, which also provide substantial sporting facilities, the Registered Clubs Act only allows young people to join through a parent. The Registered Clubs Association approached the previous government to amend the legislation to alter this restriction (Kerr Evidence, 16.09.94). The Association has recommended that Section 30(2)(e) be amended to allow junior membership of all registered clubs, provided that the juniors' membership relates to membership for the purpose of participating in a sport conducted by the club. The Committee believes that there are also potential benefits to be gained by allowing junior membership of clubs to young people who may not be participating in sporting activities offered by the clubs. Clubs are often the hub of social activity in the community. Providing that young people can be kept from the areas of the club which serve alcohol or contain gaming machines, the Committee believes that allowing social membership would provide a means of improving the integration of young people in the communities.

A discussion paper, *Minors and the Liquor Laws*, was released in 1994, describing current provisions and canvassing public comment. Issues canvassed include the adequacy of existing laws relating to minors in licensed premises and clubs, and junior membership of clubs (Chief Secretary's Department, 1994:2). The Minister for Gaming and Racing will be considering submissions made on these issues.

The Registered Clubs Association also requested that restricted areas be defined in terms of "physical separation" from the rest of the clubhouse such that the physical separation may consist of such things as a screen, a row of pot-plants or a roped off area, to enable smaller clubs to allow access for junior members and encourage their integration.

The Committee believes that facilitating the availability of club membership to young people, and their access to club premises, would offer increased opportunities for recreation and integration in the community.

The Committee heard that the Southern Metropolitan Region of the Registered Clubs Association of New South Wales has discussed a proposal for clubs to assist in youth education and participate in community activities (Submission 2). The Committee also heard that the Registered Clubs Association would welcome contact with youth workers to develop anti-violence programs:

I think the extension into youth violence is a logical extension which the clubs and some of my committees would only be too willing to take up if the offer was made (Kerr Evidence, 16.09.94).

The Committee supports this co-operative approach.

RECOMMENDATION 35

That the Minister for Gaming and Racing ensure that hotels be permitted to hold alcohol-free events in closed-off areas while allowing alcohol to be served in other areas.

RECOMMENDATION 36

That the Minister for Gaming and Racing amend the Registered Clubs Act to allow young people to join non-sporting clubs as junior members.

RECOMMENDATION 37

That the Minister for Gaming and Racing ensure that restricted areas can be defined in terms of "physical separation" from the rest of the clubhouse to enable smaller clubs to allow access for junior members and encourage their integration.

6.2 SPORT

Witnesses were supportive of the positive benefits of sport played for fun and fitness, and in building team spirit:

we do need to be promoting the fun, healthy side to [sport] and cracking down on the unnecessary use of force and violence. We need to have some perspective (Jeffcoat Evidence, 10.02.94).

Participation in sporting activities has been associated with a reduction in assaults committed by Aboriginal youth. Methodological limitations make it difficult to statistically correlate levels of delinquency and sporting activities. However, interview evidence and a comparison of crime in towns with adequate sporting facilities and crime in more isolated reserves support the contention of sport reducing delinquency (Tatz, 1994:41-3). This contention is also supported by low arrest rates during sporting carnivals with large attendances (Tatz, 1994:38). Tatz suggests that sport in Aboriginal communities:

- *provides, however temporarily, some purpose and meaning in life;*
- *enhances (diminishing) social cohesion and togetherness;*
- *emphasises ritual and attracts loyalties;*
- *demonstrates Aboriginal organisational skills;*
- *enables a few moments of total empowerment and sovereignty;*
- *acts, on occasion, to offset alcohol abuse;*
- *occupies time in the absence of real employment;*
- *helps overcome, however temporarily, chronic ill health;*
- *reduces serious internal violence and juvenile delinquency; and*
- *provides an avenue for successful competition against mainstream society (Tatz, 1994:25).*

A number of witnesses contended, however, that sport is another factor which legitimises aggression and violence in society. Representatives of the Young Women's Electoral Lobby, in evidence to the Committee, were critical of social norms condoning violence in the name of sport, particularly codes of football, as this "national pastime" involves "chasing, tackling and slamming other men into the ground" (Jeffcoat Evidence, 10.02.94).

It was suggested that aggression on the sports field is often seen as an integral part of the sport:

In sport it's OK to be violent ... it's sometimes ... idolised to be violent that whole contradiction is a big problem, it sends confusing messages to people (Marsden, 01.11.93).

The fact that sport is often advertised and promoted in militaristic metaphors of "battles" and "clashes" further reinforces the aggressive elements. The Committee believes that tighter controls are necessary to restrict these elements.

A recent study of violence in the home and on the sports field revealed that while all groups of children responded to a domestic violence scene on television as being violent and condemned the perpetrator, there were different responses to sporting violence. Younger children took the violence more seriously, while older males saw it as non-violent or even funny (Tulloch 1993:7).

The recent involvement of a number of rugby league players in violent incidents off the sporting field also brings into question their value as role models for young people.

It was suggested that violent incidents in top grade sport are paralleled by violence in youth sport:

[in] a Commonwealth Bank Cup grand final last year, a schoolboys' football competition, ... there was a huge brawl. They were obviously influenced by adult competitions (D'Astoli Evidence, 10.02.94).

One school principal suggested that the increasing professionalisation of sport is an example of the sort of pressures being placed on young people:

you must win; you must be dominant, and if needs be, use any means to make sure you get there (James Evidence, 22.02.94).

The Committee believes that sporting programs for young people should encourage the positive aspects of health and team-building, with an increased emphasis on non-competitive sport in schools. The Committee also feels that aggression on the sporting field must be condemned and appropriately dealt with, and supports the establishment and promotion of a code of ethics to apply to the conduct of contact sports.

It was suggested that sports in which violence is fundamental, such as boxing, provide particular challenges. A minority report of the National Committee of Violence endorsed the 1983 statement on boxing of the World Medical Association recommending that boxing be banned. The minority report suggests that a review of medical literature since 1984 reveals

a continuing medical concern and mounting evidence about serious injuries to boxers, particularly to the brain. The psychiatric consequences of brain injury to boxers include paranoid illnesses (including psychosis), morbid jealousy and rage reaction - all conditions associated with serious violence (National Committee on Violence, 1990:250).

The Committee was informed that the National Health and Medical Research Council recently recommended the banning of professional boxing, that kick-boxing should be actively discouraged and that strict rules should govern amateur boxing. The publicity surrounding major professional title fights was said to entice children into amateur boxing and promote a culture of violence in Australian male society. These recommendations were supported by the Young Women's Electoral Lobby (Jeffcoat Evidence, 10.02.94).

The Committee heard evidence regarding the medical conditions associated with boxing, such as chronic traumatic encephalopathy (CTE), the chronic brain damage characterised by professional boxers becoming demented and unstable on their feet. A comparison of a large group of sportsmen matched for their age, sex and racial background found that twelve jockeys suffered from this condition, five soccer players, two rugby players, two professional wrestlers, one parachutist, and 294 boxers (Stening Evidence, 08.08.95). The Committee was informed that

Not every boxer develops this problem, but when boxers do develop this problem it is absolutely devastating and ruins their lives (Stening Evidence, 08.08.95).

The Committee heard an alternative view from another medical practitioner who suggested that opponents of professional and amateur boxing often base their conclusions on studies with a small sample size. Dr Lewis suggested the results of a recent study conducted by John Hopkins University of 500 amateur boxers over a four-year period were "very favourable" towards amateur boxing (Lewis Evidence, 08.08.95). A review of ten studies, with a total of 289 amateur boxers, found "minimal impact" on neuropsychological function (Butler, 1994:189)

Dr Stening, in commenting on the National Health and Medical Research Council Inquiry and recommendations, suggested that professional boxing has a different injury profile and that the number of serious injuries is not as high in amateur boxing. However, he contended that there is no accurate body of data that would enable clear distinctions between professional and amateur boxing to be drawn:

The common factor to both sports is that [the] aim is to damage an opponent's brain (Stening Evidence, 08.08.95).

It was, however, suggested to the Committee that the safety measures that have been introduced in the sport have significantly reduced the risk of harm:

Boxing, especially amateur boxing, is probably one of the safest sports anyone can take part in you could probably count on one hand the number of serious injuries we have seen (Lewis Evidence, 08.08.95).

People with pre-existing medical conditions are precluded from registering as boxers, and all beginners must complete fitness training with a registered trainer. Equipment includes head protectors, padded gloves and cup protectors. Competitors are matched for size and weight, and sparring is supervised. Further medical and psychological examinations are required regularly.

If a person is knocked out or concussed, they are automatically banned from participating in both amateur and professional boxing for a period of at least one month, and must then get a medical clearance. If the same thing happens in their next fight, they are automatically banned for three months (Lewis Evidence, 08.08.95).

It has also been suggested that injuries from sports other than boxing should be of greater concern. It has been estimated that AFL causes 246,000 injuries a year; soccer, 146,000; cricket, 89,600; rugby league, 80,000; rugby union, 52,300; and netball, 37,500. Approximately 25% of rugby league and union injuries are to the players' heads (Koch, 1994).

In responding to the assertion that boxing contributes to a culture of violence in society, Dr Lewis contended that the sport actually reduces the level of violence:

boxing is a sport of discipline ... which teaches you respect for people, for your opponents. It is a sport that puts values back into youth ... [such as] respect for your elders and peers. I have seen ... street toughs come into a gymnasium, be humbled, and leave the gymnasium far better people (Lewis Evidence, 08.08.95).

Dr Lewis suggested that

the sport is not about violence, it is about controlled aggression (Lewis Evidence, 08.08.95).

The Committee acknowledges the proven health risks involved with boxing, and believes that a strategy to phase out amateur and professional boxing should be developed at the federal level. Some members of the Committee expressed reservations regarding this approach and believe that boxing has some merit as a competitive sport.

The Committee is also concerned about kick-boxing, but believes an inquiry into the health risks associated with this sport should be undertaken before an appropriate policy response can be considered.

RECOMMENDATION 38

That the Attorney General urge the Standing Committee of Attorneys General to request the federal government to pressure media organisations to develop tighter controls to reduce violence in the advertising and promotion of sport in the electronic media.

RECOMMENDATION 39

That the Minister for Education, and Minister for Sport and Recreation ensure

- **that sporting programs offered to young people encourage the positive aspects of health and team-building;**
- **increased emphasis is placed on non-competitive sport in schools; and**
- **the establishment of a code of ethics to apply to the conduct of contact sports.**

RECOMMENDATION 40

That the Minister for Health, in liaison with his federal counterparts, consider a strategy to phase out amateur and professional boxing.

RECOMMENDATION 41

That the Minister for Health conduct an Inquiry into the health aspects of kick-boxing.

6.3 ALCOHOL, DRUGS AND VIOLENCE

The Committee recognises that some young people view the use of alcohol as a valid recreational and leisure option. This is true for young people under the legal drinking age, as well as young adults.

While the abuse of alcohol by teenagers is of concern to the Committee, problems associated with alcohol consumption are by no means confined to this age group. Alcohol abuse by young adults is also a serious matter, and the Committee believes that the abuse of alcohol, particularly by young men in the 18-24 year age group, may significantly impact on the disproportionate incidence of violence perpetrated by this group.

In an analysis of a random sample of 855 police incident reports in NSW from 1982 and 1986-87, 40% of serious and common assaults were found to be alcohol-related. The period of the day showing the highest number of reports was consistent with hotel and club closing times (Robb, 1988:10).

Section 6.3.1 deals with issues surrounding the recreational use of alcohol, including violence in and around licensed premises, serving practices and trading hours. Section 6.3.2 examines the abuse of alcohol and drugs, its links with violence, and strategies for harm minimisation.

6.3.1 Licensed Premises, Alcohol and Violence

The NSW Police Service conducted research into the impact of alcohol through an incident survey conducted over four weeks in six metropolitan patrols in 1991. The main findings were:

- 77% of public order incidents (assaults, offensive behaviour, offensive language) were alcohol-related, including 73% of assaults;
- 60% of the alcohol related incidents occurred in or near licensed premises;
- 52% of alcohol related offences occurred on Friday and Saturday;
- 70% of alcohol related offences occurred between 10 pm and 6 am;
- 91% of all incidents between 10 pm and 2 am were alcohol related;
- 40% of domestic violence incidents were alcohol-related (Ireland and Thommeny, 1993).

An analysis of assault and break and enter incidents in the Sydney municipality of Waverley found that a large proportion of assaults occurred in the vicinity of clubs, hotels and restaurants (Devery, 1992:13).

■ Trading Hours

The Committee heard from a police witness at Dubbo that the introduction of 24 hour operating licences for hotels had contributed to a decrease in street violence because closing times were effectively staggered and fewer people were on the street together at any one time. However, the officer reported that domestic violence reports in the early hours of the morning (5.00 to 6.00 a.m.) were increasing (Fitzsimmons Evidence, 11.08.94). The Committee is aware that attention has been drawn to problems of violence associated with extended trading hours in a number of communities:

- A Byron Bay Police spokesperson called for 6 pm hotel closures following violence and riots in the area on New Year's Eve 1993 (Olsen and de Vine, 1994).
- The Wollongong Police Patrol Commander has called for a midnight curfew on alcohol sales to reduce street violence in response to traders calling for more police patrols in the early morning hours (Hannan, 1995). Some hotels had been trading to 5 a.m. and two men were seriously assaulted in the same week. Trading hours at one hotel were subsequently restricted to 2 a.m. by the Liquor Administration Board (Cunningham, 1995).
- The Police Commander for Brewarrina has applied to the NSW Licensing Court to ban takeaway liquor sales after 6 p.m; to make local publicans provide free transport home for patrons on certain nights; and to provide security patrols around the hotels and clubs. A number of other conditions

have already been imposed by the court. When the town's hotels were closed for two weeks in 1994, the arrest rate was virtually nil (Wockner, 1995).

- A police detective formerly stationed at Kings Cross informed the Police Royal Commission that with the prevalence of 24-hour liquor licensing, most assaults were linked to alcohol consumption rather than drugs. With little money and no public transport options, the solution is to "roll people" to get the cab fare home (Owens, 1995).
- Hoteliers in Manly have recently agreed to forego 24 hour operations and close at 3.00 a.m. in an attempt to help reduce crime (Gee, 1994).

The Committee believes that increasing the availability of alcohol also increases the problems associated with its use and abuse.

■ Alcohol-free Zones

The Local Government (Street Drinking) Amendment Act 1990 aimed to curtail anti-social behaviour by drinkers on roads and footpaths by enabling the declaration of alcohol-free zones allowing the confiscation of alcohol. The NSW Bureau of Crime Statistics and Research evaluated the impact of the legislation in Walgett. An analysis of trends in the recorded incidence of assault, malicious damage to property and offensive behaviour before and after the introduction of a "dry zone" revealed no discernible effects of the policy (Burns, 1992:19). However, many councils are introducing alcohol-free zones in tourist and beach areas in an attempt to reduce crime and violence.

■ Serving and Management Practices

The Victorian Community Council Against Violence, as part of their Inquiry into Violence in and Around Licensed premises, identified a number of management practices which it considered represented "good" and "bad" practice - strategies that could either reduce or prevent violence or increase the possibility of violence occurring:

Good practice:

- Sensible admission and "door" practices;
- Supervision of patron numbers;
- Quality entertainment;
- Variety of places/activities;
- Cleanliness, excellent services;

- Trained, accountable security staff;
- Responsible alcohol policies;
- Co-operation and liaison with local police;
- Management presence.

Bad practice:

- Antagonistic "door" practices;
- Overcrowding;
- Poor entertainment/violent videos;
- Poorly planned interior design;
- Poor standards of cleanliness and service;
- Untrained, unaccountable security staff;
- Alcohol gimmicks, serving drunken patrons;
- Antagonism to/poor relationship with police;
- Absentee management (Victorian Community Council Against Violence, 1990:47).

The Committee supports these principles.

In New South Wales, the then Chief Secretary targeted the promotion of binge drinking in 1994, suggesting it leads to a range of social problems including domestic violence (Chief Secretary, 1994c:1). Promotions which encourage irresponsible drinking habits and which may result in a rapid increase in intoxication can bring into question the suitability of a person to hold a licence under the Liquor Act or a certificate of registration under the Registered Clubs Act. Hotels and clubs promoting binge drinking can also face monetary penalties (Chief Secretary, 1994c:1).

In 1994, the consultative body known as the Liquor Industry Ministerial Advisory Council (LIMAC) developed a voluntary Code of Practice for the Responsible Promotion of Liquor Products, outlining acceptable and unacceptable practice, which was similar to the successful Victorian Liquor Licensing Commission model (Chief Secretary, 1994c:3). LIMAC was provided with a \$50,000 grant to implement a Strategic Plan on Alcohol and Anti-Social Behaviour which had been developed by members of the state's ten peak liquor industry associations in 1993 (Chief Secretary, 1994b). The Plan contained strategies dealing with responsible serving, staff training, house policies and responsible liquor promotions (LIMAC Working Party, 1993). Proposals for implementation on LIMAC's

agenda included greater liaison with police, active promotion of industry codes of practice and a wide distribution of the Strategic Plan.

A revised Strategic Plan was launched in December 1994 (LIMAC Working Party, 1994). A poster campaign encouraging responsible serving practices was also launched, with the poster distributed to all 10,000 licensees in NSW, and all new entrants to the industry. A video funded by the liquor industry as a training aid is also available. An evaluation of the campaign and the adoption of measures in the Strategic Plan was planned for the middle of 1995. LIMAC has now been replaced by the Liquor Industry Consultative Council. The Committee believes that the Minister for Gaming and Racing should ensure the continuation of co-ordinated campaigns to promote practices which reduce and prevent violence from occurring in and around licensed premises.

An inter-departmental Committee, known as the Alcohol and Violence Task Force was established in 1994 to develop a range of strategies. The Committee understands the Minister for Gaming and Racing will consider the Taskforce's recommendations.

The National Committee on Violence (1990:229) recommended that guidelines for recruitment, training and conduct of bouncers be an integral part of server intervention programs. All personnel performing duty as doormen or bouncers in New South Wales must hold a Class 1 Security Licence issued by the Police Service. In order to apply for such a licence, an applicant must have completed an accredited training course. The Committee believes that staff performing this role should have sufficiently developed interpersonal skills to deal with difficult or aggressive clientele, and be trained in non-violent restraint and conflict resolution.

At Kings Cross, the introduction of numbered badges for doormen was introduced as part of the Eastside Sydney Project discussed in the following section. The move has dramatically decreased the number of assaults attributed to doormen (Thompson, 1995).

The Committee recognises that alcohol is a key factor contributing to violent behaviour and is concerned to limit the ill effects of alcohol on our society by examining issues relating to availability. The Committee believes that licensees must accept responsibility for modifying the ways liquor outlets manage the sale and serving of alcohol, and the design of their premises, to minimise the likelihood of violence occurring. The Committee therefore recommends, as a key recommendation, that the Liquor Act be reviewed to ensure it clearly indicates these responsibilities by linking the issue and renewal of licences to responsible management practices. This review could also examine the related issues of hours of trading and numbers of licensed outlets in our communities.

LIMAC also considered whether licensing magistrates can impose a condition that licensees who fail to meet appropriate standards attend an appropriate liquor training course dealing with responsible practices (Chief Secretary, 1994b:1). While no fixed policy on such disciplinary actions exists at present, licensing magistrates are empowered to impose conditions on licensees under the Liquor Act. The review of the Liquor Act could also ensure that recalcitrant licensees can be compelled to attend appropriate courses.

RECOMMENDATION 42

That the Minister for Gaming and Racing review the Liquor Act to ensure it clearly indicates the responsibilities of licensees to limit the likelihood of violence on their premises by measures including:

- ensuring appropriate hotel management and design practices affecting alcohol consumption and the safety of patrons are a condition of licence renewal;
- requiring all licence applicants to undertake a course on strategies to minimise such violence; and
- ensuring the Licensing Court can compel attendance at training courses for licensees who fail to meet these standards.

RECOMMENDATION 43

That the Minister for Police, together with the liquor industry and relevant trade unions, review the training pre-requisites for the issue of Class 1 Security Licences to ensure that doormen of licensed premises have appropriate training in interpersonal skills, non-violent restraint and conflict resolution.

■ Co-operative Approaches to Violence Prevention

A number of initiatives in New South Wales and other states involve a comprehensive approach to the licensed premises in areas identified as particular crime trouble spots.

The West End Forum Project was established by the Melbourne City Council in June 1990 in response to the problems experienced in the area, including vandalism and patron behaviour. A large number of licensed premises are concentrated in the King Street area of Melbourne. In its report, *Violence in and Around Licensed Premises*, the Victorian Community Council Against Violence (1992:85) noted

[the area's] popularity, coupled with the particular features of its late night environment, generates the potential for considerable aggravation and conflict.

Included in the Forum were representatives from the West End community, the Centre Against Sexual Assault, the nightclub industry, the Australian Hotels Association, Victorian Police, the Liquor Trades and Allied Industries Union and the Victorian Community Council Against Violence.

The aims of the project were to:

- work towards the West End becoming a safe recreational area for a wide cross section of the people of Melbourne;

- increase public awareness of the nature and causes of criminal behaviour and nominate priority preventive strategies;
- reduce or eliminate violence in and around the West End; and
- improve inter-agency cooperation and coordination in providing services to the area (Melbourne City Council, 1991:vi).

A full time Project Officer was appointed and funded through the Good Neighbourhood Program of the Ministry for Police and Emergency Services.

Issues and problems were identified and Task Groups established to develop specific goals. The Task Groups addressed issues relating to town planning and urban design; traffic and by laws; venue management and cultural attitudes; policing; and transport (Melbourne City Council, 1991:vii).

A number of initiatives were introduced including the development of a Code of Practice for West End nightspots, a Responsible Serving of Alcohol Training program, the appointment of a Community Police Liaison Officer, police foot patrols on Thursday, Friday and Saturday Nights, and the establishment of the West End Community Police Committee and the West End Community Association. The final report of the project concluded that violence has decreased in the West End area (Melbourne City Council, 1991:ix).

Partnership for Personal Safety: Preventing Violent Crime in and around Licensed Premises is a project of the South Australian Crime Prevention Strategy. The project involved two pilot projects, the first in one hotel which resulted in a total of 24 changes to work practices and physical features of the premises, with changed attitudes of patrons and staff. The second pilot involved a number of licensed premises in the Hindley Street area. A safety audit was undertaken, with ten clubs then agreeing to operate a jointly agreed standard of management practice and introduce a customer service pledge. The strategies which licensees and managers tried and found useful have been written into a training manual (Fisher, 1993).

The Surfers Paradise Safety Action Project began in 1993 under the auspices of the Gold Coast Council and a Community Steering Committee. The project involved three levels of intervention: community mobilisation through the creation of a community forum, task groups, and an environmental safety audit; the development of a Code of Conduct by nightclub owners, governing such practices as discount pricing and the behaviour of bouncers; and preventive policing of licensed premises using visible checks and undercover operations. Analysis of police and security data suggests a marked reduction in violence and aggressive behaviour has been achieved (Homel *et al*, 1994).

The Eastside Sydney Project was established as a collaborative project co-ordinated by St. Vincent's Hospital's Alcohol and Drug Service, Eastern Sydney Area Health Service Health Promotion Unit, South Sydney City Council and the N.S.W. Police Service. The Project sought active support and advice from the local community by forming a Community Advisory Committee.

The strategies finally adopted by the Eastside Sydney Project and the Committee were:

- A Safety Audit of the Kings Cross and Darlinghurst areas;
- Initiation of a training program in the Responsible Serving of Alcohol;
- Visible identification for crowd controllers, doormen or 'bouncers'; and
- A print campaign to heighten community awareness and encourage patrons of local establishments to drink in moderation (Lander, 1995:4).

■ **Police Response**

The police approach to licensed premises is also relevant to addressing problems of violence. The issue of alcohol and drug related crime is one of the NSW Police Service's six key result areas for the period 1993-1996 to achieve the corporate vision of "the safest streets in Australia by the end of the decade" (NSW Police Service, 1993:18).

A study undertaken in England by Jeffs and Saunders (1983, cited in Burns and Coumarelos, 1993:2) examined the impact of a policing strategy undertaken in Torquay designed to enhance the enforcement of licensing legislation. It found a significant drop in assault, malicious damage to property and offensive conduct after police officers began an enforcement regime involving regular but unpredictable visits to licensed premises to check for breaches of licensing laws.

The NSW Bureau of Crime Statistics and Research has recently attempted to replicate this study by a patrolling strategy designed to enforce prohibitions on the serving of alcohol to intoxicated persons and to persons younger than 18 years of age in a number of licensed premises in police patrols in the Sydney metropolitan area. Trends in the number of offensive behaviour, assault and malicious damage offences in these areas and a number of control patrols were examined before, during and after the intervention.

The hypothesis that the enforcement strategy would lead to a decrease in alcohol-related offences was not supported by the findings. The total number of recorded offences and the total number of arrests were higher in the experimental patrols than in the control patrols. The report of the findings noted that the nature of the intervention itself may have increased the opportunities for observing offences and making arrests (Burns and Coumarelos, 1993:12).

The authors of the study conclude that

the use of proactive policing strategies that target alcohol consumption may not always constitute the optimal use of police resources in NSW (Burns and Coumarelos, 1993:13).

The approach of the NSW Police Service focuses on the broader concept of alcohol-related crime, rather than the narrower concept of regulating licensed premises, with equal attention paid to the general neighbourhood in serious crime trouble spots (Ireland, 1993:7).

In conjunction with the Department of Health and the then Chief Secretary's department, the NSW Police Service developed the "Alcohol Crime Connection" video. Each police district has held an alcohol related crime workshop for all patrol commanders in the district, and each patrol is to develop an Alcohol Related Violence and Crime Strategic Plan (Ireland, 1993:8).

The Police Service has also established Police Liquor Industry Consultative Committees in areas where alcohol related crime, violence or anti-social behaviour are a problem (Ireland, 1993:9).

6.3.2 Abuse of Drugs and Alcohol and Harm Minimisation

The previous section revealed that alcohol use and licensed premises are associated with a considerable proportion of assaults. This section discusses evidence presented to the Committee and other data on the specific effects of alcohol and other drugs on aggressive behaviour, and examines strategies to reduce alcohol and drug abuse.

The Committee heard that combinations of drugs such as alcohol and rohypnol can produce violent behaviour (Keogh Evidence, 01.11.93). The majority of a group of young offenders the Committee met with at Cobham Juvenile Justice Centre indicated that they thought drugs and alcohol had contributed to their offending behaviour. One young violent offender informed the Committee that he had attempted to stab someone after taking a number of Serepax tablets, and had no recollection of the event.

Other witnesses suggested that the relationship between alcohol, drugs and violence is more complex than a direct causal link. One youth worker suggested that while alcohol and drugs did not cause violence directly, the consumption of alcohol and drugs may mean that physical violence is more likely when groups of young people have disputes (Jablonka Evidence, 01.11.93). Another witness suggested the abuse of alcohol may be linked to other feelings of frustration which could be a precursor to violence (Seed Evidence, 10.02.94). One witness with considerable experience in working with violent young people suggested that she had noted no signs of drug use before violent outbursts (Wilson Evidence, 29.07.94).

A number of studies have attempted to identify the extent of alcohol abuse among young offenders. A NSW study found that alcohol had been the most commonly used drug by young offenders in secure care, and that over 70% had consumed alcohol on more than 40 occasions (Howard and Zilbert, 1990).

A South Australian survey of 197 young offenders suggested that 64% drink every weekend or more often, and 57% acknowledged they had been drinking with 37% claiming they had been drunk at the time of their last offence. Approximately 48% indicated that their drinking had resulted "in a fight ... destroyed property ... an accident ... injury, arrest or being punished at school" (Putnins and Harvey, 1992:754).

A psychiatrist informed the Committee that violent behaviour may be triggered by a reaction to drugs such as amphetamines or other stimulants, where some individuals may become extremely agitated and lose contact with reality (Wever Evidence, 26.04.94). The

National Committee on Violence, in reviewing available research evidence, also expressed concern regarding large doses of cocaine and crack; PCP (phencyclidine), which is not commonly used in Australia; and the neurological impairment resulting from sniffing volatile substances which may lead to violent behaviour (National Committee on Violence, 1990:91-4)

The Committee was also informed that steroids, taken in an attempt to increase body mass, can result in aggressive behaviour and that evidence of this has been seen in young people (Wever Evidence, 26.04.94). Witnesses appearing before the Senate Standing Committee on the Environment, Recreation and the Arts during that Committee's Drugs in Sport Inquiry spoke of their "horrible black moods", and psychoses leading to aggression and paranoia which stemmed from steroid abuse. Witnesses also discussed feelings of invincibility, low thresholds of arousal to violence, and loss of self-control in fights (Senate Standing Committee, 1990:60). A doctor informed that Committee that the psychological effects of steroid abuse may be irreversible, with long-term effects on the brain (Senate Standing Committee, 1990:61). The Committee expressed concern over the damage to personal relationships, family breakdown, and financial loss that can result from steroid abuse (Senate Standing Committee, 1990:64). Criminal assault and violence at social venues such as night-clubs was also highlighted, with a high incidence of steroid abuse by nightclub bouncers (Senate Standing Committee, 1990:364).

The Committee believes that this emerging issue is cause for considerable concern, and that appropriate steps should be taken to inform young people of the dangers of steroids. The Department of Health (1994) has released a pamphlet for distribution in gymnasiums, *Anabolic Steroids: Let's Get the Facts Right*, which contains information on side effects and harm minimisation, and also a brochure for general practitioners. A pilot clinic at St Vincent's hospital is also targeting steroids users, and the specialist advisory service for general practitioners has been enhanced by the availability of a professor of endocrinology.

The National Drug Strategy is preparing a paper on steroids which will be discussed at the Ministerial Council on Drug Strategy.

The Committee is also concerned about the abuse of prescription drugs. A submission from the Youth Advisory Council urges that appropriate resources be allocated by the Department of Health to monitoring prescription practices to minimise the abuse of prescription drugs (Submission 45). The Committee supports this proposal.

The latest survey on drug use by secondary school students in NSW indicated that, despite some signs of a reduction in regular use of alcohol, binge drinking is still a serious problem, with 30% of females and 40% of males aged 16 or 17 saying they had consumed five or more drinks in a row at least once in the previous two weeks (Cooney *et al*, 1994:12). Alcohol use by the younger teenage group is also of concern to the Committee. In 1993, the NSW Drug and Alcohol Directorates surveyed 2406 upper primary school students. A total of 26% of students reported that they had ever drunk a whole glass of alcohol, and 2.8% drank alcohol weekly or more often. While a small decline in the proportion who had consumed a whole glass of alcohol was noted when compared to 1986 and 1989 surveys, no change in regular alcohol use was observed (Bauman *et al*, 1994:4-5).

A range of initiatives that address drug and alcohol abuse are outlined in this Committee's Youth Violence Issues paper, and include the introduction of the Proof of Age Card, the

NSW Youth Health Policy and Plan, the NSW Drug Strategy and the NSW Youth Alcohol Strategy. As restrictions on underage drinking in licensed premises have increased in recent years, it appears that the problem of underage drinking is shifting to parks, beaches and homes (Chief Secretary, 1994a).

A campaign to reduce binge drinking among teenagers, "Drink Drunk - the difference is U", was developed with the assistance of 15 teenage advisers as the major theme of Youth Week 1994. The campaign included alcohol-free "U Can Dance" dance parties and an education program (Minister for Health, 1994). A television commercial was also launched showing a drunk boy being sick on the girl he likes. A campaign focussing on HSC students was also conducted.

To evaluate the campaign, pre-campaign and post-campaign surveys of 400 young people aged from 15 to 18 years were conducted. The surveys found that 64% of respondents could correctly remember and describe the television commercial (Market Attitude Research Services, 1995:11). The number of young people responding that they had drunk alcohol within the last seven days decreased from 32% in the pre-campaign survey to 26% after the campaign (Market Attitude Research Services, 1995:24).

In the post-campaign survey, 49% of respondents linked alcohol consumption to becoming violent and abusive, and 40% linked alcohol to getting into a fight (Market Attitude Research Services, 1995:18).

Phase Two of the Drink, Drunk campaign will include a cinema advertising campaign and two new projects, focussing on alcohol and violence and drinking by Aboriginal young people (NSW Health Department, 1995).

The Committee urges the continuation of these initiatives, and believes that appropriate resources must be allocated to ensure the reduction of drug and alcohol abuse by young people.

Anecdotal evidence suggests that rather than young people buying the alcohol themselves, adults are buying it for them. The penalty for supplying liquor to, or obtaining liquor on behalf of, a person under 18 years is \$2,000.

A number of advertisements addressing alcohol and amphetamine abuse have also been produced as part of the Drug Offensive, and the Roads and Traffic Authority have continued to produce confrontational campaigns which address the tragedy that can be associated with drink-driving. The Committee supports this approach.

The Social Policy Directorate has identified a number of strategies to assist in the implementation of the recommendations of the Community Youth Support Taskforce on minimising violence and alcohol use in rural Aboriginal communities. Strategies include seminars at local and state level to inform and motivate key players in confronting the problem; a comprehensive, accredited training program for indigenous workers in the pilot areas; and the development of an Action Plan for the provision of information, networking, co-ordination of services, documenting and evaluating interventions, developing and implementing policy, and lobbying (Social Policy Directorate, 1994:23).

RECOMMENDATION 44

That the Minister for Health ensure that appropriate resources are allocated to

- **prioritise the reduction of alcohol and drug abuse by young people as a primary objective;**
- **continue publicity campaigns on the dangers of steroid use to target young people; and**
- **monitor prescription practices to minimise the abuse of prescription drugs by young people.**

6.4 CONCLUSIONS AND FINDINGS

- For many young people, leisure and recreation includes congregating in public places such as shopping centres. However, young people experience a considerable level of harassment when they meet and gather in groups in such places. This type of harassment can result in feelings of resentment and build a hostility to authority figures in young people. While any anti-social behaviour should not be condoned, it should be recognised that **young people have the same rights to access and use of public places as any other group in the community.**
- Local campaigns should be developed to ensure that young people are made aware of the range of facilities and **recreational options** available to them. Young people should have access to areas that offer recreational opportunities, and be empowered to participate in the planning and operation of youth programs. As a key recommendation, guidelines should be developed to ensure the needs of young people are considered in planning and development decisions to contribute to the safety and enjoyment of the entire community. Retail shopping centre management should be encouraged to develop youth facilities on their premises; and local government agencies should encourage sponsorship in developing youth facilities.
- The Committee is supportive of the positive benefits of **sport** played for fun and fitness. Participation in sporting activities has been associated with a reduction in assaults committed by Aboriginal youth. However, the Committee also recognises that some sport can legitimise aggression and violence in society. Sporting programs for young people should encourage the positive aspects of health and team-building, with an increased emphasis on non-competitive sport in schools. Aggression on the sporting field must be condemned and appropriately dealt with, and a code of ethics to apply to the conduct of contact sports needs to be established and promoted.
- The Committee acknowledges the proven health risks involved with **boxing**, and believes that a strategy to phase out amateur and professional boxing should be developed at the federal level. The Committee believes an inquiry into the health risks associated with kick-boxing should be undertaken before an appropriate policy response to this sport can be considered.

- The provision of **alcohol-free entertainment** for young people at hotels should be facilitated. Registered Clubs should be allowed to offer **club membership** to young people so as to offer increased opportunities for recreation and integration in the community.
- **Alcohol** is a primary factor linked to violent behaviour. The Committee believes that increasing the availability of alcohol increases the problems associated with its use and abuse. The Committee supports initiatives encouraging responsible serving practices and the non-violent management of conflict in licensed premises and, as a key recommendation, believes the Liquor Act should be reviewed to link the issue and renewal of licences to responsible management practices.
- Violent behaviour may also be triggered by a reaction to such **drugs** as amphetamines or other stimulants, and to steroid abuse. Appropriate resources must be allocated to ensure the reduction of drug and alcohol abuse by young people.

CHAPTER SEVEN

MEDIA VIOLENCE

This chapter examines the relationship between violence in the media and youth violence. The Committee considered a range of research evidence covering a number of distinct but related issues, including the causal relationship between television coverage and crime rates, and the impact of television on the aggressive behaviour of children. This chapter reviews bodies of evidence supporting and rejecting these relationships. A number of other effects of television violence are also considered, including desensitisation to violence, the modelling of values, and copy-cat acts of violence. The Committee also examined strategies for addressing film, video and television violence. Action considered includes restricting access to violent films, videos and television; the adequacy of complaint mechanisms; the promotion of non-violence in the media; and the encouragement of responsible and critical viewing.

Violence in a number of other media are also considered, including video and computer games, and issues relating to game parlours; computer bulletin boards; virtual reality; and music.

7.1 FILM AND TELEVISION VIOLENCE

While testimony to the Committee from teachers, academics, professionals and parents, overwhelmingly expressed concern about violence in the media and its negative effects on children, it is probably impossible to **prove** such effects. Human beings are complex creatures reflecting cultural and social influences, and it is difficult to isolate individual variables affecting behaviour.

Consequently, while there have been many studies into the effects of media violence, even those who believe most strongly such violence has negative effects, will not claim that their studies constitute proof. One of the experts, Professor Edward Donnerstein from the United States, speaking at the World Summit on Television and Children, stated it may not be possible to ever determine a direct causal link between the media and violent behaviour, although he believes very strongly that media violence is harmful (Donnerstein, 1995).

Given the difficulties in drawing definitive conclusions from such research, the studies considered by the Committee are briefly presented in the following sections as an overview of the current debates.

7.1.1 International Crime Rates, Violent Offending and Television Viewing

The relationship between criminal behaviour and the number of television sets and television viewing has been the subject of considerable community and academic interest and concern. One question usually posed is whether there is a direct causal link between television viewing and violent behaviour, as revealed in crime rates.

■ **Evidence Supporting a Link**

Brandon S. Centerwall has examined the connection between exposure to television violence and homicide rates in South Africa, Canada and America (Centerwall, 1992:3060-3061). Eight years after television was introduced in South Africa in 1975, showing mostly Hollywood-produced material, the murder rate had risen dramatically in the white community. Centerwall uses this statistic, as well as increases in homicides in America and Canada to make a causal link between rising homicide rates and the introduction of television.

Centerwall (1992) has extensively reviewed studies supporting the contention that exposure to television violence in childhood may result in violent behaviour later in life. As supporting evidence, Centerwall quotes a twenty-two year longitudinal study in a semi-rural U.S. County by Huesmann and Eron (1986, cited in Centerwall, 1992:3060). The study found that the boys' television violence viewing at age eight predicted the seriousness of the crimes for which they were later convicted.

In a retrospective case-control study, Kruttschnitt *et al* (1986, cited in Centerwall, 1992:3060) compared 100 male felons imprisoned for violent crimes (including homicide, rape and assault), with 65 men without a history of violent offences, matching for age, race and area of residence at age 10 to 14 years. After controlling for school performance, exposure to parental violence and base-line level of criminality, it was found that the association between adult criminal violence and childhood exposure to television violence approached statistical significance.

Centerwall concludes that all Canadian and US studies of the effect of prolonged childhood exposure to television (two years or more) demonstrate a positive relationship between earlier exposure to television and later physical aggressiveness, although not all studies reach statistical significance. The critical period of exposure to television appears to be during pre-adolescent childhood, with later variations in exposure in adolescence and adulthood not exerting any additional effect. The aggression-enhancing effect of exposure to television appears to be chronic, extending into later adolescence and adulthood (Centerwall, 1992:3060). Murray, in a review of long-term studies, also found they show that children who are high-violence viewers are significantly more likely to be aggressive and antisocial when they reach adulthood (Murray, 1988:16).

This was also supported in evidence to the Committee:

Children do not seem to grow out of aggressive behaviour, they seem to grow into it (Waters Evidence, 26.04.94).

■ **Evidence Against a Link**

Another study comparing international crime statistics with the number of television sets and television viewing hours provides the evidence which the author suggests shows no relationship between television violence and violent crimes (Wiio, 1995:26-27). In the first section of this study, Wiio takes murder statistics from over 40 countries and compares them with the number of television sets. The evidence shows that while one country, the United States, has a high homicide rate and high television coverage, nineteen countries,

including Australia and Canada, have relatively low rates of homicide and high television coverage (Wiio, 1995:27).

One Committee member expressed reservations about the Wiio research, believing the substantial socio-cultural and environmental differences between the countries in the study - for example Australia, Japan, Peru and Russia - renders comparisons between television coverage and violence across such countries meaningless, and that it is like comparing chalk and cheese.

In a second section, Wiio conducts an analysis of content of television programs. Again, the author finds no conclusive link with rates of violence and the amount of audience exposure to violent content. The study shows that while Japan has one of the largest viewing hours at 3 hours, 21 minutes per day, and some of the most violent programs, the murder rate at 0.6 per 100,000 population is, along with Great Britain and Iceland, the lowest in the world. Finland proves an interesting case, in that it has three times the number of homicides than other Scandinavian countries and a lower than average television viewing time (Wiio, 1995:29-30).

One Committee member expressed concern about such data, believing long term socio-cultural differences between these countries are clearly major factors in predicting violence, making it too difficult to separate television from such complexity for comparisons to be made.

While the United States has both a high homicide rate and high television viewing time and violent content, Wiio speculates that other factors are involved, such as the high rate of weapon ownership. Wiio concludes that there is no simple explanation for violent behaviour and suggests the causes are to be found in a nation's culture, including its values, history, political systems and social conditions.

It has also been suggested that the methodological difficulties associated with longitudinal research studies limit the validity of their findings. For example, Huesman and Eron's study has been criticised for limitations in the peer rated aggressive measure, where children rate their peers on such items as 'did not listen to the teacher', which is regarded as aggression. Most of the high early viewers of violent television did not grow up to become violent criminals. While the study found a slight association between preference for violent television at age eight and commission of violent crime at age thirty, there was also a slight association between rated aggressiveness at age eight and violent crime at age thirty. These data are based on small numbers of subjects, the minority of their sample who became criminals (Durkin, 1995:20).

7.1.2 Children's Television Viewing and Aggressive Behaviour

Some researchers suggest other types of studies support the view that there is a relationship between aggressive attitudes, values and behaviours and the viewing of or preference for violent television. The community is particularly concerned regarding the impact of television violence on childhood development. When the Committee questioned groups of young people about violence in the media, invariably the response was that while they were not affected by media violence, it could have an effect on younger children. The

Committee did hear opinion from people working with children, including teachers, parent groups and academics, that media violence impacts on children from a range of age groups.

■ **Evidence Supporting a Link**

A large number of studies have been carried out in the laboratory and in the field to assess the impact of television violence on children's behaviour. In one field experiment, children who were judged to be initially somewhat aggressive became significantly more so as a result of watching Superman and Batman cartoons over a four week period, while children who had viewed Mr Rogers' Neighbourhood were less aggressive, more co-operative and willing to share with other children (Stein and Friedrich, 1972, cited in Murray, 1988:15). Another field experiment found that highly aggressive boys in a minimum security institution demonstrated increased levels of aggression after a week of viewing violent movies, with those who had watched neutral films reducing their level of aggression (Parke *et al* 1977, cited in Murray, 1988:14).

Another study cited by Centerwall has also suggested a correlation between the introduction of television and the level of aggression in children. In 1973, when a town in mountainous Western Canada was wired for television signals, the incidence of hitting, biting and shoving increased by 160% in classes of first and second grade children within two years (Joy *et al*, 1986 cited in Centerwall, 1992:3060). Arguments against the longitudinal studies discussed in the previous section cannot be used against the aggression findings in this study.

A study of 1,565 boys aged 13 to 17 years in London suggests that particular types of programs may have differential effects. Serious interpersonal violence was found to be correlated with exposure to, in descending order of importance: programs in which close personal relationships are a major theme and which feature verbal or physical violence; programs in which violence is included for its own sake and is not necessary to the plot; programs featuring fictional violence of a realistic nature; programs in which the violence is presented as being in a good cause; and violent westerns. On the other hand, programs that were removed from the immediate experience of these teenagers, such as science fiction, were not implicated (Belson, 1978, cited in Murray, 1988:18).

In a review of a substantial number of studies on children - both international and Australian - John Murray reported that: children who prefer and/or watch a lot of violent television are more aggressive and antisocial; as aggression increases **after** viewing violence in both laboratory and field studies, it seems clear that the connection is causal; and while individual differences exist, "some level of effect may be found in all children" (Murray, 1988:15).

A number of Inquiries have considered the effects of media violence. The federal Joint Select Committee on Video Material concluded that excessive exposure to violent material may have deleterious effects upon some people, particularly children and those predisposed to aggression (Parliament of the Commonwealth of Australia, 1988:229).

The Committee heard of a number of parallels between younger children's behaviour and the media. Many witnesses indicated that they had observed children acting out various scenarios depicted in the media, such as in the Teenage Mutant Ninja Turtles and Power

Rangers. Some evidence to the Committee suggested that simulated and real violence are merging in the playground:

When Ninja Turtles were very popular, many primary schools had to ban any reference or activity that related to Ninja Turtles simply because of the amount of damage being done to fellow students in the playground (Cross Evidence, 11.10.93).

■ **Evidence Against a Link**

In relation to children imitating television characters, other evidence suggested children who act out this media violence represent a small minority. One psychiatrist suggested to the Committee that it is children with psychotic tendencies, rather than conduct-disorders, that may form an identity with movie characters such as the Terminator or Rambo (Wever Evidence, 26.04.94). Another psychiatrist suggested that:

Most nine year old children can very confidently tell you, "it is just a story" (Kowalenko Evidence, 26.07.94).

The Committee was informed that modelling play on media influences may be a normal part of child development:

If we have children who are coming to school and pretending to be Ninja Turtles, that is probably quite a healthy activity for them to be playing and acting out ... that only becomes a problem when the children fail to differentiate between simulated violence and it merges into real violence (Jenkin Evidence, 11.10.93).

It is important to define and distinguish different kinds of violence and types of effects. It was suggested at the World Summit on Television and Children that the question that must be asked is whether media violence is contributing to a greater sum of violent behaviour. While it is clear that media violence influences the form of play children undertake, this does not mean they are more violent than they would otherwise be (Buckingham, 1995).

Other evidence suggests there is no relationship between the viewing habits of violent offenders and their behaviour. The Young Offenders and the Media survey commissioned by the British Board of Film Classification, the British Broadcasting Corporation, the Broadcasting Standards Council and the Independent Television Commission polled 80 young recidivist offenders and 500 school children. The survey found that the young offenders did not watch more violent films or television programs than other children, and preferred soap operas (Moir, 1994). However, the Committee notes there is violent content in soap operas.

An Argentinian researcher suggested at the World Summit on Television and Children that a person's relationship with television will depend on society, culture and family roles and ties, resulting in two levels of influence of TV. The first is a general level of influence, from which young people derive their language, fashion, and social issues for communicative purposes.

The second level of influence is exerted in the presence of unresolved individual or social needs, with TV serving as a compensatory mechanism through the characters children identify with. While different children may select the same hero to identify with, different traits may be selected and integrated. Case studies discussed included two introverted boys from broken families who identify with Jo Cartwright from Bonanza. While the non-aggressive boy wants to go "riding alone through the country like Jo", the aggressive boy wants to be a good shot and fight (Merlo, 1995).

In the case of Australia, research shows that primary school children are discriminating in their television viewing, making active choices about programs and exercising self-censorship about things that concern them. A recent study revealed that items categorised under violence were most likely to be of concern to children, with approximately half of the 1,602 primary school children surveyed saying a violent incident or program had been of concern to them (Sheldon *et al*, 1994:21).

7.1.3 Effects of Television Violence

While research studies on television violence, violent behaviour and international crime rates may never be able to isolate the influence of media violence on human behaviour, the Committee is concerned about a number of effects of television violence.

■ Desensitisation

Given the frequency with which children are bombarded with violent images, it is frequently suggested that heavy viewers can be desensitised to the effects of violence. The Committee was informed that content analysis of U.S. programming reveals that a child sees approximately 7½ violent incidents during each hour of viewing time, rising to 25 incidents each hour at times, including Saturday mornings (Hatswell Evidence, 22.02.94). News reports and sporting telecasts may also contribute to this desensitising effect. Violent incidents on sporting fields are often replayed many times. News footage of violence and war is also prevalent, although such footage often also demonstrates the devastating effects of violence:

If some glorification of violence is depicted, that makes it all the worse. If it is done in a way that represents the tragedy of violence, it is probably not that destructive (Wever Evidence, 26.04.94).

In evidence to the Committee, witnesses were critical of the media's failure to treat violent incidents in an appropriate context, with a tendency to glorify or condone violence:

There was an item [on the news] on two heavyweight boxers who had had a punch-up after a press conference. The two commentators ... laughed at it as though it was a big joke. Any child watching it learns, along with everything else they see from day to day, that this is acceptable and even funny (Richie Evidence, 10.02.94).

Investigative journalists adopting aggressive tactics in an attempt to provoke violent behaviour by interviewees were also criticised (Submission 15).

■ The modelling of values

Several witnesses were critical of a range of messages contained in the less obviously violent television programs. Programs aimed at and portraying young people, including soap operas, are important in modelling teenage values and development. The Committee heard that

lack of respect for family, lack of respect for parents, antisocial behaviour, the gaining of benefit through violence, and solving of conflicts through violence - all those things are portrayed in those programs (Dibble Evidence, 10.02.94).

One submission to the Inquiry was critical of imported U.S. television shows which portray an unrealistically perfect family life and foster consumerism and disillusionment, which could lead to resentment and violence. In situation comedies, ridicule is often held to be humorous, and this may affect children's behaviour and attitudes (Submission 15).

The media may also contribute to the development of a youth culture that includes values which glamorise violence. Several witnesses expressed concern regarding the portrayal of gangs and ghetto lifestyles in movies such as "Colors" (James Evidence, 22.02.94). While gang violence is not a widespread phenomenon in Australia, the fact that elements of dress, music and language have become incorporated into mainstream Australian youth culture from the U.S. does demonstrate the potential cultural effects of the media. The Committee also heard that the media encourages a consumerist culture where instant gratification becomes a fundamental objective:

We have a whole generation of young people who are growing up on media images which say "you must have this, you must have the best, you must have it now" (Bowie Evidence, 08.11.93).

In presenting a model of dispute resolution that is mainly confrontational and violent, the media may be encouraging young people to resort to violence more frequently or rapidly when they face situations of conflict or feel frustrated:

I do not think we ought to be surprised that these days children hit first and ask questions afterwards (Waters Evidence, 26.04.94).

■ Copy-cat violence

While evidence to the Committee suggests that the media have a fundamental influence on the modelling of attitudes and values, evidence is less clear on the influence of the media on specific criminal acts.

Since brutal crimes are statistically rare and involve severely disturbed offenders, few valid conclusions can be drawn. If a violent perpetrator is already pathologically disturbed, any type of material may be implicated in their crimes. For example, Jeffrey Dahmer was obsessed with Star Wars and a British serial killer, Colin Ferguson, with the Book of Revelations (Buckingham, 1995). However, media reports suggested that the methods

used by Victorian serial killer Paul Denyer were modelled on videos which included stalking and stabbings to the neck which he discussed in police interviews (Telegraph Mirror, 1993).

The Committee heard from the Senior Children's Magistrate that:

very rarely in any case that has come before me has it been said that this child or juvenile has been influenced by something he or she has seen on television or at the pictures (Blackmore Evidence, 28.07.94).

One example of copy-cat violence discussed in evidence to the Committee related not to fictional media violence, but to the reporting of certain violent crimes. The Committee heard that a spate of robberies involving designer clothing and Reebok shoes was started by a media story on one individual offender:

with the level of reporting by the media, such as "Colour gang steals Reeboks", or whatever, came an increase in the level of that type of crime. Whilst the media were reporting it, we appeared to have this mini crime wave of kids getting their Reeboks or designer jackets or clothing ripped off by gangs (Hickman Evidence, 26.04.94).

Another witness suggested that this wave of offending resulted from a desire for publicity:

It's copycat, it's "that group got their name in the press, we want ours in the press" (Acheson Evidence, 09.11.93).

7.1.4 Conclusion

While a correlation between media violence and violent behaviour may be evident in some cases, it may not be possible to ever determine a direct causal link. Even researchers who make claims for a causal link admit to the impact of other factors such as stress and alcohol abuse (Centerwall, 1992:3061).

The academic research on the influence of media violence on aggressive behaviour also reaches conflicting conclusions. However, in reviewing the research, Murray concludes that:

The weight of evidence is fairly consistent: viewing and/or preferring violent television is related to aggressive attitudes, values and behaviours (Murray, 1988:12).

Donnerstein also suggests all research concludes that violent media material contributes to children's attitudes and behaviour, while not necessarily proving a causal link. This is particularly true for aggressive children, and no evidence of a cathartic effect exists (Donnerstein, 1995).

In considering the impact of media violence it is important to draw a distinction between the effects on general behavioural responses and effects in producing acts of copy-cat criminal violence. Focussing on young people directly imitating acts of criminal violence viewed on the media would fail to appreciate the subtle effects of a life-time diet of televised violence.

Evidence to the Committee suggests that the modelling of behaviour provided by television is a potential contributing factor to aggression in young people.

At the recent World Summit on Television and Children, the Chairman of Britain's Broadcasting Standards Council expressed concern that violent material without dialogue was becoming the *lingua franca* of the media. Lady Howe suggested that is not necessary to demonstrate violent media material causes imitative behaviour, as it is clear that the reliance on this type of programming is not the balanced approach which should be aimed for in a medium offering so much potential. While the material may or may not lead to violent behaviour, it does debase rational argument and agreement (Howe, 1995).

Clearly, other variables such as family background are major factors contributing to violent behaviour. The Committee was informed that:

I think the issue is that it's a multi-causal model that you have to look at (Keogh Evidence, 01.11.93).

It was also suggested to the Committee that:

[the media] might be said to be an expression of a culture that is permeated with violence, that the media is just one of the many areas of our culture we have to look at in tackling the whole issue of violence (Denborough Evidence, 29.06.94).

This evidence is certainly supported by researchers such as Wiio, who says

There are no simple explanations for violent behaviour The causes of violence are to be found in (the) culture and the shared values, history, economy, religion, political systems, and social conditions (Wiio, 1995:31).

The Committee recognises that it may never be possible to establish the precise influences of television on violent behaviour through research studies. The Committee does support the view that television, as both a reflection of society and as a medium influencing behaviour, is one of the many factors which may contribute to youth violence.

It is the view of the Committee that Governments need to address the issue of media violence, and respond to the widespread community concern about this matter. In acknowledging cultural impacts on violent behaviour are considerable, the Committee believes there is a need to determine the significance of a range of influential factors specific to our community that contribute to aggression and violence. The Committee supports the need for further study to examine media violence as a factor influencing behaviour in the context of the Australian cultural milieu.

RECOMMENDATION 44

That the Attorney General urge the Standing Committee of Attorneys General to commission a national research project to examine the effects of television, film and video game violence on the learning outcomes and behaviour of Australian children.

7.2 ADDRESSING FILM, VIDEO AND TELEVISION VIOLENCE

7.2.1 Restricting Access

Concern was expressed to the Committee regarding the ease of access to classified or restricted film and video materials by under-age children:

children are admitted to mature and restricted films, even though it is illegal and they can hire the videos in shops as well (Jeffcoat Evidence 10.02.94).

One Sydney newspaper found that a number of video stores rented R-rated videos to children aged from 11 to 15 years. None of the store proprietors were aware of the penalties they could face for breaching the *Film and Computer Game Act* (Neilson and Thurlow, 1995).

The Video Industry Distributors' Association has launched a national education campaign to encourage viewers to study the censorship ratings on movies following a survey that found 50% of people ignore age classifications.

The Women's Electoral Lobby, in a submission to the Inquiry, recommended that cinemas should be monitored to ensure that they adhere to the law and not admit underage children to MA and R rated films, with an information program introduced informing them of their obligations. Video outlets should be informed of their legal obligations and monitored in regard to access to this material by underage children (Submission 18).

The Committee believes that video outlets should be required to prevent access to MA and R-rated material by underage children by displaying such material in restricted areas. Cinemas and video outlets should be monitored to ensure that underage children do not gain access to R- and MA rated material.

A number of measures attempting to reduce the exposure of children to violence in the electronic media have recently been introduced. In cinemas, the new MA classification is restricted to people aged 15 years or over because of the intensity and/or frequency of violence, sexual depictions, or coarse language, or because violence is central to the theme. In relation to television, a self-regulatory code, approved by the Australian Broadcasting Authority, ensures that M programs are not shown on television before 8.30 p.m., and MA programs before 9.00 p.m. In evidence to the Committee, the General Manager of the Federation of Australian Commercial Television Stations suggested that the M and MA classifications for television are not identical to the cinema and video classifications, and

movies with these classifications would be edited significantly before being suitable for television (Branigan Evidence, 08.08.95). In addition, the Federation of Commercial Television Stations have developed a system of classifications using letter coding - S for sex, L for language; V for violence; D for drug use; H for Horror; and A for Adult themes - and a full screen warning on the program's content.

The Committee believes many children are still viewing television at 9.00 p.m and that 9.30 p.m. would be a more appropriate time for MA material. Further steps should be taken to minimise violence during times that children are likely to be watching television.

The Committee heard, however, that the setting of time limits for certain categories of programs is not a comprehensive solution to prevent exposure to media violence, since studies have shown that within the family those best able to use video technology are primary school age children and teenagers (Waters Evidence, 26.04.94). In addition, video tapes can be borrowed or exchanged and come into homes without the parents' knowledge:

any legislation put in place will have a limited impact, unless it is really draconian legislation that puts a stop at the border. We can expect only so much from government and regulation (Waters Evidence, 26.04.94).

Clearly, further measures are therefore required. In the U.S., a computerised device known as a V-chip has been developed, which can be installed in television sets to block violent programs after receiving an electronic advisory signal from a television network about to broadcast violent-rated material. The *Television Violence Reduction Through Parental Empowerment Bill* has been introduced in the Congress requiring V-chips to be inserted in all new television sets manufactured in or imported to the U.S. The legislation has been referred to the House of Representatives Committee on Energy and Commerce and the Senate Committee on Commerce, Science and Transportation. The Canadian Radio, Television and Telecommunications Commission is currently reviewing technical means of controlling violence by testing V-chip technology on cable channels in 100 homes in Edmonton (Senchuk, 1995).

The Canadian Association of Broadcasters and the Canadian Radio-Television and Telecommunications Commission recently amended the Voluntary Code Regarding Violence in Television Programming. The Code is administered by the Canadian Broadcast Standards Council. The new television code provides a watershed hour of 9 p.m. after which violent material can be shown, and then only when it is not gratuitous. Specific rules govern children's programming which provide that very little violence is used, and only when it is central to plot development, and shows the consequences of violence. The *Mighty Morphin' Power Rangers* was deemed not to fulfil these criteria. The New Zealand Broadcasting Standards Authority has also recommended action against the *Power Rangers* (Cohen, 1995).

RECOMMENDATION 45

That the Attorney General consider legislation requiring video outlets to prevent access to MA and R-rated material by underage children by displaying such material in restricted areas.

RECOMMENDATION 46

That the Minister for Police act to:

- **monitor cinemas to ensure that they adhere to the law and not admit underage children to MA and R rated films; and**
- **monitor video outlets in regard to access and hiring of R-rated material by underage children.**

7.2.2 Complaints Mechanisms

The Committee heard evidence of public perceptions of and concerns regarding violence on television, and the efficacy of the complaints processes available to them. The ABA recently conducted an Australia wide survey of the concerns of 1,225 people about television programs and their awareness of classification codes. It was found that 73% said that they had no concerns. The 24% that had concerns mentioned news/current affairs (28%); violence/aggression (13%); and advertising content (10%) (Osborne Evidence, 08.08.95). While suggesting that these respondents represent a small proportion of the population, a representative of the ABA conceded:

we are aware that those who expressed concerns felt very strongly (Osborne Evidence, 08.08.95).

In a survey of 2,000 respondents conducted for the Australian Broadcasting Tribunal in 1989, 25% of respondents spontaneously mentioned violence on television as being of concern. However, when prompted with a list of issues regarding television content, 78% indicated they were concerned about the amount of violence (Australian Broadcasting Tribunal, 1990:198-200). The majority of respondents (72%) saw children as the group most likely to be affected by television violence. Approximately 38% of this group felt television violence makes violence more acceptable and desensitises, and 26% felt it makes people copy or imitate the behaviour (Australian Broadcasting Tribunal, 1990:220-223). While the freedom for people to watch what they like on television was a strongly held belief, when opinion was sought on the statement "there should be more control on the amount of violence shown on television", 84% of respondents agreed (Australian Broadcasting Tribunal, 1990:236).

However, the Australian Broadcasting Authority has also conducted a national survey on R-classified programs on pay television involving 2,440 respondents. Prior to being asked their opinion on the availability of R-rated material on pay television, respondents were informed of the requirement that subscribers be given equipment which can block or restrict

access to R-rated programs. Approximately 82% of respondents believed adults should have the option of watching R-rated programs on pay television in the home, with 69% believing R-rated violence should be permitted with restrictions (Australian Broadcasting Authority, 1994:18,23).

The Young Women's Electoral Lobby expressed concern that while advertising industry guidelines and ethics are not adequate, they do at least provide a monitoring and complaints system. Similar guidelines for media content and the responsible media coverage of sporting events were supported (Richie Evidence, 10.02.94).

As a result of the passage of the Broadcasting Services Act through Federal Parliament in 1992, each sector of the broadcasting industry was encouraged to develop its own formal codes of conduct, which were subject to approval by the Australian Broadcasting Authority. The Federation of Australian Commercial Television Stations (FACTS) had previously introduced a code on violence, key elements of which were included in the new Commercial Television Industry Code of Practice (Branigan Evidence, 08.08.95). The Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS) also have codes of practice.

In responding to the assertion that this arrangement provides only a voluntary regulatory system, the General Manager of FACTS stated that

It sits somewhere between a voluntary code of practice and a mandatory code. It is a requirement in the Act that the industry develop a code of practice. There is no absolute requirement that stations subscribe to the code, but in practice all of them do (Branigan Evidence, 08.08.95).

If a viewer is concerned that the code had been breached, the Broadcasting Services Act requires that they must first complain in writing to the station in question. Commercial stations are required to maintain appropriate ways of dealing with oral complaints, and more complex complaint handling processes for written complaints (Branigan Evidence, 08.08.95). In 1993, 96 (5%) complaints about commercial television involved violence, rising to 144 (9.5%) in 1994 (Australian Broadcasting Authority, 1995:8-9). Of the 928 written complaints in 1994, 7.1% involved violence. Four of these complaints were upheld by television stations (Australian Broadcasting Authority, 1995:14-15).

Should complainants be dissatisfied with the station's response, or the station fails to respond within 60 days, the Australian Broadcasting Authority (ABA) may be called upon to investigate the alleged breach. If the program appears to involve a breach of the code, the ABA writes to the broadcaster, setting out its concerns and seeking comment before a decision is made and the complainant and the station are advised of the findings (Osborne Evidence, 08.08.95).

The Committee was informed that the ABA received a total of 1,542 complaints about commercial television during 1993-94, and that 67 of these complaints (4%) related to violence. This includes complaints made in the first instance to the ABA which were then referred back to the station in question. The majority of complaints concerned what was considered to be the inappropriate classification of material (Osborne Evidence, 08.08.95). Two unresolved complaints involving violence were referred to the ABA for investigation in

1993-4: *Heartbreak High*, a G-classified drama which was broadcast at 5.00 p.m.; and *The Accused*, an M-classified movie about sexual violence, which was modified for television and broadcast at 8.30 p.m. Neither of these programs were found to have involved a breach of the code (Osborne Evidence, 08.08.95). The ABA has not upheld any complaint regarding the inappropriate classification of violent material.

The Committee was informed that if a station is found to have breached the code, there is no immediate regulatory response; if it displays a pattern of deliberately breaching the provisions of the code or systematically not taking the steps necessary to comply with the code, the ABA may impose the code on the station as a condition of licence. If this occurs, there are financial penalties for subsequent deliberate or calculated breaches of the code. The ABA may also take administrative action, such as the issuing of a notice, to ensure compliance with the Act. The Committee heard that while it is true that the codes are not directly linked to a regulatory system, the fact that penalties can be imposed by the ABA effectively link the codes to a mandatory system for the regulation of television (Branigan Evidence, 08.08.95). At the present time, no penalties have been applied.

Several members of the Committee are concerned that the ABA is not empowered to receive complaints in the first instance. In response, representatives of the ABA stated that

We are set up to take complaints ... Whenever someone contacts the Authority they are not just told to go to the station. A note is made of their complaint. Their concerns are registered and we report on those concerns an ever increasing number of people ... have phoned back to say, "Thank you very much for explaining it to me". [They] have gone to the stations, have not been satisfied, and have come back to the Authority (Marin Evidence 08.08.95).

It was suggested to the Committee that the ABA complaints data does not indicate that complaints about commercial television are increasing, particularly in relation to violence, and that this indicates that stricter regulation is not presently required (Osborne Evidence, 08.08.95). The Committee is concerned, however, that the complaints procedures are time-consuming, not well known and complainants may be drawn from the persistent and the well-educated. Complaints data may therefore not reflect the true extent and depth of the public's concern regarding media violence.

In relation to awareness of complaints procedures, a representative of the ABA informed the Committee that

there is responsibility under the code that licensees broadcast the existence of the code and also the complaints procedure. For the four weeks of January [1995] all stations around Australia will make announcements throughout the day, including prime time, letting people know that, if they wish to make a complaint, this is the process (Marin Evidence, 08.08.95).

The Committee is of the opinion that the success rate of complaints to media monitoring bodies such as the Press Council and the ABA indicates that such mechanisms provide inadequate controls on media content. The Committee is also concerned that the codes of practice do not adequately restrict violent content. The General Manager of FACTS states that

what we have set out are basically precepts for acceptable behaviour, acceptable on-screen material, acknowledging that this is a very difficult area to define and that a great deal will depend on the specific context (Branigan Evidence, 08.08.95).

In other jurisdictions, rules governing children's programming provide that very little violence is used, and only when it is central to plot development, and shows the consequences of violence. The Committee encourages the review of media codes of conduct to ensure that material that condones, glorifies or promotes violence is appropriately recognised and restricted, and the further development of monitoring and complaints systems. These matters are dealt with in the Committee's recommendation at the conclusion of Section 7.2.

7.2.3 The Promotion of Non-Violence

The Sticks and Stones report of the federal parliamentary inquiry on school violence stated that the media and entertainment industries have a responsibility to examine the use of violent, aggressive and inappropriate behaviours and to promote non-violent values and behaviour (House of Representatives Standing Committee, 1994:27).

The Prime Minister has indicated his support for a family network on the sixth free-to-air television band. At present networks must screen 16 hours of Australian children's drama each year. This quota is to be raised to 40 hours per year by 1998.

The Committee also believes that television networks should be encouraged to broadcast material providing alternative, prosocial messages which may serve to balance the messages provided in violent material. It has been suggested that watching one hour a day of enriching television during childhood years would be equivalent to two years of school education (Palmer, 1995). One way that this objective could be achieved would be to levy a fee on broadcasters which could be allocated to the production of such material.

In response to this suggestion, the General Manager of FACTS suggested that most television programming is currently non-violent, and community service announcements run regularly on television which

promote precisely the sorts of messages you have described; that there are alternative ways of resolving conflict (Branigan Evidence, 08.08.95).

The Australian Children's Television Foundation is a registered public company limited by guarantee, incorporated in Victoria in 1982. The Foundation is supported by and receives financial assistance from the Commonwealth Government and the Governments of all States and Territories.

The Foundation's principal functions as detailed in its Memorandum of Association are:

- to encourage (through assistance, script development funding and equity investment) the development, production and broadcasting of television programs for children and to improve their quality and suitability for the viewing audience;
- to promote issues relating to children's television within the industry and the community; and
- to provide a source of information on all aspects of television relevant to children.

The Committee believes that the Foundation is an appropriate body to receive increased financial support through a levy on commercial television networks to enable the production of children's television material which incorporates prosocial messages encouraging non-violence.

The Committee stresses, however, that existing levels of Commonwealth and State funding should also be maintained.

7.2.4 Responsible Viewing

Another strategy to address the impact of media violence may be to encourage a more responsible and critical approach to the media diet of children and young people. It was suggested to the Committee that:

we ought to be doing a lot more to help parents mediate their children's media utilisation Rather than simply prohibiting viewing, parents should be helping their children to use the media in an intelligent way. The television media have extraordinarily rich resources (Waters Evidence, 26.04.94).

While many parents are not sufficiently supervising their children's viewing, Professor Waters asserted that media agencies have a responsibility to assist parents:

I see no reason that the media could not invest a small amount of money in programs to educate parents to help their kids become more discerning consumers (Waters Evidence, 26.04.94).

There is some evidence to suggest, however, that both parents and children themselves are selective and discerning viewers. Representatives of the ABA informed the Committee of research findings from a 1993 study on children and television involving 108 primary school children in focus groups and 1602 primary children completing a questionnaire. The study also involved a sample of 517 matched parent-child pairs. The research findings were published in *Cool and Gross, Children's Attitudes to Violence, Kissing and Swearing on Television* (Sheldon *et al*, 1995). The study showed the type of violence a program contained largely influenced the way the children reacted to the program. Children spontaneously mentioned a number of themes which caused them concern. Items grouped

under the category "violence" were of concern to 50% of children (Sheldon *et al*, 1994:21). A number of specific scenarios were also described to the children. The strongest negative reactions were evoked by programs depicting violence which involved victims, such as violence against children and animals. Sixty-two per cent (62%) of children said they didn't like to watch programs that showed children being hurt or 'whacked' and 60% rejected programs that made it look as if animals were being hurt or killed. Fifty-nine per cent (59%) of children also said they did not like to see programs that showed parents arguing and hitting each other.

Positive reactions were evoked by programs that were action packed with fights, guns and car chases, with 50% of all children claiming they really liked to watch them and 20% that they did not like to watch them (Sheldon *et al*, 1994:32-33).

The research also suggested that the overwhelming majority of families have rules surrounding television viewing. Of the sample of 517 parent-child pairs, 98% of parents and 92% of children claimed that there were rules, including children having to fulfil other obligations towards homework, music and helping before they are allowed to watch television (Sheldon *et al*, 1994:13).

A school principal suggested in evidence that with increasingly sophisticated communications technology bringing images of war and violence, there is a social responsibility to confront and address these problems. Children should be encouraged to understand what they are viewing to encourage the development of values which include a sense of an individual's responsibility in society:

we can build up a sense of understanding and some sense of competence that, yes, the world is a pretty nasty place in a lot of ways but you can do something about it (Wheeldon Evidence 22.02.94).

The Committee supports the development of programs developed to educate parents and other adults to assist children to become more discerning media consumers, and believes that strategies that encourage media analysis and criticism should be extended in the school syllabus.

At the World Summit on Television and Children, the Education Projects' Manager of the Australian Children's Television Foundation was critical of the fact that 'viewing' has been deleted as a core learning mode in the K-6 curriculum in NSW, while it continues as a component of the curriculum in several other states (O'Brien, 1995).

A number of outcomes in the Year 7-10 English syllabus are relevant to media analysis. One of five key objectives is that "students experience, enjoy and respond sensitively and perceptively to mass media" (Board of Studies, 1987:53). Several years ago, a Media Studies Syllabus Committee of the Board of Studies produced an elective syllabus for Years 7-10 which was not implemented. However, the Board of Studies' Senior English Review has proposed a Media Text Elective. The Committee endorses this approach, and believes the primary and secondary syllabus should be reviewed to ensure that students are equipped with adequate skills in media criticism that facilitate a responsible approach to their media diet.

RECOMMENDATION 47

That the Attorney General encourage the Standing Committee of Attorneys General to call on the federal government to:

- pressure television networks to eliminate television violence during children's viewing hours;
- monitor the televising of MA material after 9.00 p.m. and consider extending it to 9.30 p.m.;
- pressure the media to review its code of conduct to ensure that material that condones, glorifies or promotes violence is appropriately recognised and restricted;
- review the effectiveness of the complaints process in responding to community concerns;
- levy a fee on commercial television networks to be allocated to the Australian Children's Television Fund for the production of prosocial programs encouraging non-violence; and
- develop programs to educate parents and other adults to assist children to become more discerning media consumers.

RECOMMENDATION 48

That the Minister for Education review the K-6 syllabus and Year 7-10 English syllabus to ensure that students are equipped with adequate media criticism skills to facilitate a responsible approach to their media diet.

7.3 VIDEO AND COMPUTER GAMES

The Committee also heard evidence relating to the effects of video games on young people. Provenzo, in a review of Nintendo games, concluded that racism, sexism and the use of violence are intrinsic to these games (1991:140).

The Committee heard that counsellors in juvenile justice centres report that youths in custody get great pleasure from video games, and usually end up in a heightened state of arousal and often behave aggressively afterwards:

I believe that fantasy plays a large part in [children's] behaviour, and I think for a poorly integrated impressionable child or youth, these video games indeed represent an important contribution to a final pathway of violence (Keogh Evidence, 01.11.93).

In a survey on perceptions of films, videos and computer games conducted in 1994 by the Australian Bureau of Statistics and commissioned by the Office of Film and Literature Classification, it was found that:

- In households containing 1-12 year olds, 58.1% of children had watched a videotape, and 46.4% of children had played a computer game in the fortnight prior to the survey;
- In these households, 78.1% of parents were heavily involved in the choice of films, but only 44.7% in the choice of computer games;
- In these households, 67.8% of parents held reservations about the content of available computer games;
- In households containing 13-17 year olds, 55.4% of children had watched a videotape, and 50.5% of children had played a computer game in the fortnight prior to the survey;
- In these households, 39.4% of parents were heavily involved in the choice of films, but only 27.9% in the choice of computer games; and
- In these households, 66.5% of parents held reservations about the content of available computer games (Australian Bureau of Statistics, 1994a:15-17).

The Federal Attorney General has funded the Office of Film & Literature Classification to undertake research on the culture of video games, including the effects of violence. The project will collect and analyse market-place data on game sales, examine the experiences of users, and conduct interviews to gauge community concerns.

The Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies recommended that games of R and X equivalence should be refused classification. While they found no conclusive research into the consequences of such material being accessible by children, the Senate Committee believed that it was better to err on the side of caution and eliminate the material at source, rather than wait until research evidence became available which proved that harm had been caused to children by playing R or X- games (Senate Select Committee, 1993:29).

However, the Classification of Publications (Amendment) Ordinance 1994, provided that the Chief Censor could review video and computer games for all classifications, including R and X. All States and the two Territories have since announced that they have resolved to prohibit the sale and distribution of R and X-rated video and computer games within their jurisdictions (Senate Select Committee, 1994:27).

In NSW, four categories of classification are provided under section 9AA of the *Film & Video Tape Amendment Act 1994*, namely "G", "G(8+)", "(M(15+))" and "MA(15+)". These are defined to mean:

- "G", if the censor is of the opinion that the game is suitable for all ages;
- "G (8+)", if the censor is of the opinion that the game cannot be recommended for viewing or playing by children under the age of 8 years;
- "M (15+)", if the censor is of the opinion that the game cannot be recommended for viewing or playing by children under the age of 15 years; and
- "MA (15+)", if the censor is of the opinion that the game depicts, expresses or otherwise deals with sex, violence or coarse language in such a manner as to make the game unsuitable for viewing or playing by children under the age of 15 years.

The censor is to refuse to classify a computer game for which an application for classification has been made if the computer game:

- (a) describes, depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty or violence, or revolting or abhorrent phenomena, in a manner that is likely to cause offence to a reasonable adult; or
- (b) depicts in any form a person (whether engaged in sexual activity or otherwise) who is, or who is apparently, a child in a manner that is likely to cause offence to a reasonable adult; or
- (c) promotes, incites or instructs in matters of crime or violence.

In the U.S.; a self-regulatory system has been introduced which provides consumers with more specific information. The following classifications have been introduced:

- EC** Early Childhood, ages 3+;
- KA** Kids to Adults, ages 6+ - contains minimal violence, some comic mischief, some crude language;
- T** Teen, ages 13+ - contains some violence, mild/strong language;
- M** Mature, ages 17+ - more intense violence, stronger language inappropriate for teen category, sexual themes;
- AO** Adults Only - graphic depictions of sex/violence.

Additional content descriptions on the back of software products provide additional information, e.g. mild animated violence; strong sexual content; gaming; alcohol and tobacco (Pober, 1995).

Under the new classification rules for computer and video games in New South Wales, the demonstration and sale of games rated "MA" (15+) is restricted to adults or children under 15 with parental or guardian consent.

It was suggested to the Committee that spot checks should be introduced for video arcades and retail outlets selling classified video games and computer software to ensure that under-age children are not gaining unsupervised access to classified material. A retailer information campaign explaining ratings and penalties was also supported (Submission 18). The Committee supports these proposals.

The Senate Select Committee recommended that the Government find ways to encourage the video and computer games industry to develop and give emphasis to positive educational and entertainment games. In the United States, there have been some encouraging moves towards the development of a self-regulatory regime. SEGA has withdrawn the game Night Trap from the market and Nintendo has responded to complaints about an advertisement promoting a violent game (Senate Select Committee, 1994:28).

RECOMMENDATION 49

That the Government develop a campaign explaining ratings and penalties for retailers selling classified video games and computer software.

RECOMMENDATION 50

That the Minister for Police act to monitor retail outlets selling classified video games and computer software to ensure that the demonstration and sale of games and software rated MA is restricted to adults and children under 15 who have parental or guardian consent.

7.3.1 Video Game Parlours

During the course of the Inquiry, Committee members visited Laser Zone and Time Zone arcades to inspect these facilities and examine the latest video games and concepts. The Committee noted the increasingly realistic video imagery and scenarios in video game machines requiring the player to shoot various characters with a model gun, such as in "Lethal Enforcers", "Crime Patrol", and "Mad Dog II". At Laser Zone arcades, players are equipped with laser guns and sensors to shoot members of the opposing team. The Committee was concerned about health and safety aspects of these premises, and raised these concerns with the Minister for Police and Minister for Consumer Affairs.

With the introduction of classification of video games, game parlours must ensure that access to MA (15+) games is restricted to adults and children under the age of 15 years who are in the care of a parent or guardian while in that restricted area. The Committee believes these access restrictions should be monitored.

The Committee was informed of the large sums of money that some young people spend on video games, with arcade owners collecting up to \$1,000 per week from each machine. It has also been suggested that problems of truancy can be exacerbated by such facilities.

The opening of suburban arcades was linked with increases in violent crime in several media reports during the course of this Inquiry (O'Connor, 1993). One witness stated that:

I believe that there is an association at times, and a causal relationship between playing those machines and attending those parlours and petty crime (Acheson Evidence, 01.11.93).

Some local government authorities have taken steps to ensure that restrictions are placed on premises with video game machines. In 1992, an application for a Time-zone arcade in Marrickville was refused by Marrickville Council, with the decision upheld in the Land and Environment Court. In the Marrickville local government area, business premises are only allowed to have two video game machines. It was suggested to the Committee that this balances the wishes of young people with the need for some controls:

it means that young people are using those amusement machines in their local community (and because they are known) ... you are bringing back the forms of control which get lost within a city (Acheson Evidence, 01.11.93).

The Committee supports this arrangement in areas where it is appropriate for the local community.

RECOMMENDATION 51

That the Minister for Police act to monitor video game parlours to ensure that access to games rated MA (15+) is appropriately restricted.

RECOMMENDATION 52

That the Minister for Local Government, in consultation with the executives of the Local Government Association and Shires Association, encourage local government agencies to limit the number of game machines in local business establishments where this is considered appropriate for the community.

7.4 COMPUTER BULLETIN BOARDS AND THE INTERNET

The effect of any classification or restriction of video games and other material will be reduced by the availability of prohibited material on computer bulletin boards which can be accessed though telephone lines by computers equipped with a modem. In a report to the federal Attorney-General, a Task Force examining the regulation of electronic bulletin boards suggested that the federal and state laws are "patchy with several gaps". The report outlines a number of possible options to regulate content on Australian computer bulletin boards, as follows:

- The development and adoption of guidelines by the Bulletin Board Systems (BBS) community.

- The application of partial classification to BBS, including -
 - a) a prohibition on material on BBS corresponding to "refused classification" equivalents under the computer game and film and publication classification schemes;
 - b) no compulsory classification of material on BBS; and
 - c) the development of formal guidelines for compliance with community standards.

A further measure imposing a legal obligation to take all reasonable steps to deal with material corresponding to restricted classification categories under the computer game and film and publication classification schemes in a manner appropriate to its classification could also be included under this option.

- The application of full classification to BBS, including regulation, compulsory classification and enforcement (Computer BBS Task Force, 1994:4-9).

The Task Force noted that the anonymous posting of messages, the use of code names, the high volume of message traffic and the impossibility of operators being aware at all times of the content of a BBS make it infeasible to hold an operator directly criminally liable for the content of BBS, at least in the absence of a warning or complaints system providing an opportunity to remove offensive material before enforcement action is taken (Computer BBS Task Force, 1994:4). The Task Force concluded that government controls would be virtually impossible without the co-operation of the operators, and recommended that the industry develop guidelines to control the content of these forms of electronic communication, in line with the first option outlined above (Computer BBS Task Force, 1994:10). The Task Force also considered whether customs information should be amended to cover material from overseas BBS, and concluded that such provisions would be unenforceable as transmissions would be virtually undetectable (Computer BBS Task Force, 1994:23).

The Committee supports the continuing attention to this issue to develop means of reducing violence in the complete range of electronic media.

RECOMMENDATION 53

That the Attorney General urge the Standing Committee of Attorneys General to develop national strategies to reduce violence in the electronic visual media, including Bulletin Board Systems accessed through computers.

7.5 VIRTUAL REALITY

One witness suggested that while the pace of the development of communications technology has effectively outstripped the development of appropriate social controls and responses, one area in which some control remains possible is virtual reality. The size, nature and expense of the technology involved in virtual reality means that it is not readily available or accessible at present. While it was suggested that virtual reality has potential for practical applications in the fields of architecture and medical science, most of the developments appear to be in the area of game applications:

You put on your helmet and your glove If your friend is standing opposite you, you try to kill him (Wheeldon Evidence, 22.02.94).

The Committee is concerned about the potential of this interactive technology to introduce a new dimension to the problems of media violence, and urges the assessment of appropriate policy options to restrict violent material.

RECOMMENDATION 54

That the Attorney General urge the Standing Committee of Attorneys General to review interactive virtual reality technology and assess policy options that could ensure appropriate restrictions on violent materials are introduced and enforced.

7.6 MUSIC

The Committee heard that music styles are intrinsic to the various sub-cultures that young people may identify with.

A student from one High School in Sydney's South-West suggested that rap music is fashionable for the group of young people who identify as "homies", and that some think:

they themselves come from the ghetto, where a gunshot is the sound that sends many people to sleep (Submission 58)

The Committee heard evidence from representatives of "LISTEN! ... to the music of your children", a community organisation of parents and citizens concerned with the impact of the music genre "gangsta rap" on children. The Committee was supplied with lyrics of particular concern, which contain graphic depictions of violence and sexual abuse:

*and so I had to kill her. Yeah, straight hit.
Now listen up and let me tell you how I did it.
I tied her to the bed, I was thinking the worst
but I had to let my nigger fuck her first
loaded up a 45, yo then I sprayed, smoked the 'ho'...
One less bitch you've got to worry about (NWA, "One Less Bitch")*

The Committee was informed that three of the rappers in United States' bands of particular concern - JD from Lynch Mob, Snoop Doggy Dogg, and the lead singer from Niggers with Attitude (NWA) - have been charged with violent offences, two for murder and one for assault (Sutton Evidence, 29.08.94).

The LISTEN organisation conducted a survey of 100 Sydney teenagers and found a high level of awareness of these bands, with 82% and 85% having heard of the bands NWA and Ice Cube respectively. Of these respondents, 51% knew some of the song lyrics, and 37% most of the lyrics. When asked how these particular lyrics made them feel, 11% of respondents said that the lyrics made them feel aggressive (Sutton Evidence, 29.08.94).

Concerns were raised regarding the problems of prohibiting or classifying audio materials. The Committee was informed that in 1992 the Australian Customs Service referred 36 audio compact discs of recorded music to the Office of Film and Literature Classification for an opinion in terms of sections of the customs regulations (Sutton Evidence, 29.08.94). Four of the 36 CDs were considered to breach regulations, in that they depicted, expressed or were otherwise concerned with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a manner that is likely to cause offence to a reasonable adult person to the extent that they should not be imported.

However, the opinion of the Office was based on the lyric sheet accompanying the CDs, rather than the lyrics themselves (Office of Film and Literature Classification, 1993:41).

Current industry regulations require record companies to attach "Parental guidance advisory, explicit lyrics" stickers to material with explicit lyrics. When questioned on their ownership of cassettes or CDs with such stickers, 77% of respondents in the "LISTEN" survey indicated they owned a cassette or a CD of this type.

"LISTEN" sought advice from the NSW Attorney General as to whether offensive material on audio tapes and compact discs is subject to the provisions of the NSW Indecent Articles and Classified Publications Act, 1975. Under that legislation, articles are defined to include gramophone records and other sound recordings. The Attorney General's Department informed "LISTEN" that while the Act does not provide for the classification of these materials, they may be considered indecent articles under the Act. They further advised that:

if you suspect that an audio tape or compact disc is an indecent article I suggest you refer the matter to the police who are responsible for investigating such matters.

The matter has been raised with police who have been reluctant to act (Sutton Evidence, 29.08.94). The Committee believes police action and relevant legislation should be reviewed to ensure audio tapes and CDs are appropriately regulated, that the sale of restricted material is prohibited to minors, and that material which promotes violence be refused classification.

The Committee believes that music of this nature could be considered to be an incitement of violence, and considers that a campaign to outline the illegality of such incitement should be introduced.

RECOMMENDATION 55

That existing powers to restrict the sale of audio and compact discs that contain violent lyrics be investigated by:

- the Commissioner of Police reporting to the Attorney General on the reasons police are reluctant to act on complaints relating to the sale and distribution of such materials considered by the Attorney General's Department to be indecent articles under the provisions of the *Indecent Articles and Classified Publications Act*; and, if considered necessary following this report,
- the Attorney General reviewing the provisions of the *Indecent Articles and Classified Publications Act* to ensure that provisions relating to indecent articles extend to audio tapes and compact discs.

RECOMMENDATION 56

That the Attorney General urge the Standing Committee of Attorneys General to

- support and encourage the introduction of state and federal legislation to classify audio music;
- prohibit the sale of restricted material to minors; and
- refuse classification to material that promotes violence.

RECOMMENDATION 57

That the Attorney-General develop a public education campaign outlining the illegality of incitement to violence, as provided in the Crimes Act and anti-vilification legislation.

7.7 CONCLUSIONS AND FINDINGS

- While testimony to the Committee from teachers, academics, professionals and parents overwhelmingly expressed concern about **violence in the media** and its negative effects on children, it is probably impossible to prove such a causal link. However, the community concern about youth violence and media content continues and must be addressed.

The Committee is concerned about a number of effects of television violence. Given the frequency with which children are bombarded with violent images, heavy viewers may be desensitised to the effects of violence. The media may also present a model of dispute resolution that is mainly confrontational and violent and contribute to the development of a youth culture that includes values which glamorise violence.

Evidence is less clear on the influence of the media on specific criminal acts. Few conclusions can be drawn as these cases are statistically rare and involve severely disturbed offenders.

The Committee concludes that television, as both a reflection of society and as a medium influencing behaviour, is one of many factors which may contribute to youth violence. Given the potential of television to provide positive, pro-social messages and education, the reliance on violent material in programming decisions is disappointing and socially negative.

- **Access** to violent material should be restricted. Video outlets should be required to prevent access to MA- and R-rated material by underage children by displaying such material in restricted areas. Cinemas and video outlets should be monitored to ensure that underage children do not gain access to R- and MA- rated material. Further steps should be taken to minimise violence during times that children are likely to be watching television.

The Committee encourages the review of **media codes** of conduct to ensure that material that condones, glorifies or promotes violence is appropriately recognised and restricted, and the further development of monitoring and complaints systems.

The **production** of children's television material which incorporates prosocial messages encouraging non-violence should be facilitated, with the Children's Television Foundation receiving increased financial support through a levy on commercial television network.

Programs should be developed to educate parents and other adults to assist children to become more discerning media consumers, and strategies that encourage **media analysis** and criticism should be extended in the school syllabus.

- The Committee is also concerned about violence in **video games** and other electronic media. Spot checks should be introduced for video arcades and retail outlets selling classified video games and computer software to ensure that under-age children are not gaining unsupervised access to classified material. A retailer information campaign explaining ratings and penalties should also be developed. The Committee supports restrictions being placed on premises with video games machines in areas where it is appropriate for the local community.

The Committee supports the continuing attention to the development of means to control material on computer bulletin boards and the **Internet**. An assessment of appropriate policy options to restrict violent material on **virtual reality** technology is also required.

- Police action and legislation should be reviewed to ensure violent material on **audio tapes** and CDs is appropriately regulated, with the sale of restricted material prohibited to minors, and material which promotes or glamorises violence refused classification.

CHAPTER EIGHT

THE DEPARTMENT OF SCHOOL EDUCATION: SCHOOLS, STAFF AND STUDENTS

This chapter introduces the Committee's review of the Department of School Education's policies and actions on violence. The focus here is on general, broad-based functions, structures and strategies, including the role and nature of schools, their relationship to the community and parents, and reactive and proactive strategies to manage violence. The staff who contribute to addressing violence, and their training and conditions, are also examined. The final section of the chapter looks at means of helping students to participate, support each other, and appropriately confront violence in schools. Departmental responses to violence and violent students, including corporal punishment, suspension, exclusion and expulsion are also examined.

8.1 THE SCHOOL

8.1.1 Role of the School

In the Committee's opinion, schools should not be seen as the focus of the problem of youth violence nor should they be solely responsible for addressing the problem. The community as a whole must share the responsibility for its young people, and collaboration between schools, parents, the community and government is therefore essential.

While recognising that schools themselves are not responsible for the range of social problems that young people and their families experience, a number of witnesses suggested to the Committee that schools are uniquely placed to play a fundamental role in addressing youth violence:

If we are going to look at youth violence and how to address it, and you have to look at it in a social context, it seems obvious to us that the one place that most kids between 10 and 18 are at, five days a week for 42 weeks of the year, is the school. It's the place where not only can you access the kids, but you can also access their parents ... [who] have an important function in trying to address the issues of violence (Cross Evidence, 11.10.93).

■ Schools as Community Centres

The Committee heard that schools have great potential to contribute to community involvement by allowing their facilities to be used as community centres after hours (Bowie Evidence 08.11.93).

It has been the policy of the Department of School Education to encourage the use of school buildings, grounds and facilities by the community as widely as is consistent with the requirements of the school in carrying out its educational functions. A policy statement and guidelines for the community use of school facilities have been released by the Department of School Education (NSW Department of School Education, 1990b; 1990c). The Committee endorses the extension of this approach, with encouragement for initiatives which provide support, training and leisure activities for young people.

A number of innovative projects in the U.S. demonstrate the potential success of school-community partnerships in working with young people and addressing the social pressures that they, their families, and school staff face. The Dunbar project in Baltimore, for example, provides an array of human services to six schools, including computer training provided by the IBM corporation; a medical centre providing a health careers program; a law firm providing conflict resolution training; a physical fitness centre to assist teachers to relieve stress, created by a local contractor; workshops for parents in how to address social needs; an after-hours youth centre operated by the family support foundation; a parents-on-patrol activity allowing parents to work with the police department to keep the entire area safe; and a group of forty black professionals offering a mentoring program to enhance self-esteem in young black men.

In this project, the school building becomes the pivotal institution in the neighbourhood. Children not only learn there but gain health care; socialising skills; recreation; and, in many cases, nutritious food. The neighbourhood school is a place for parents to meet, to receive job training, or to earn academic qualifications. It is also a place for community leaders to set goals based on the needs of their individual schools and for businesses and non-profit organisations to channel resources into the community.

The school in effect becomes a two-way door: health, education and family development go out; community pride, power and prestige go in (U.S. Senate, 1991:15).

The Committee notes that the Dunbar project has been developed as a community response to particular cultural and social needs in this part of the United States. While the Committee does not propose any prescriptive model of community involvement, it believes that local schools and communities can operate as partners in responding appropriately to specific needs and assisting in community development.

In noting that school personnel do not have the time or expertise to provide this co-ordinating link with the community, one submission pointed to the model in Britain and Canada, where youth workers provide support functions such as assisting teachers with difficult students, and conducting remedial classes and camps. It was suggested to the Committee that some schools in NSW are currently investigating the use of youth workers in the school setting (Submission 51). The Committee believes these initiatives should be encouraged to assist in the development of school-based violence prevention strategies.

RECOMMENDATION 59

That the Minister for Education encourage the extension of the use of schools for community-based programs and services, especially for initiatives providing support, training and leisure activities for young people.

RECOMMENDATION 60

That the Minister for Education authorise and encourage school administrators and teachers to involve youth workers in the development of school based strategies to prevent and respond to violence at school.

■ Interagency Relations

A number of interagency initiatives involving the Department of School Education are currently being attempted. These include the following:

- **Metropolitan West region:** The Links program has been established in collaboration with Barnados and Penrith Police Citizens' Youth Club and targets Year 7 and 8 students with a history of short suspensions or who are at risk of suspension. A youth worker has been funded by the federal Department of Employment, Education and Training, and the NSW Department of School Education will provide teacher time. The program will be made up of crime prevention components involving students in a range of activities offered by the Police Citizens' Youth Club.

An Interagency Committee was established in Western Sydney in May 1993 to strengthen links and foster communication and cooperation between agencies. The focus of the Committee has been on the issues of young people in Western Sydney in response to emerging evidence of duplication, gaps in services, lack of understanding between agencies/departments and the need for a more coordinated approach to service response.

Membership consists of representatives from:

- Department of Health - Wentworth and Western Sydney Area Health Services;
- Department of School Education;
- Commonwealth Department of Social Security;
- Department of Juvenile Justice;
- Child Protection Council;
- Catholic Education Office;
- Police Service;
- Department of Housing; and
- Department of Community Services.

The first significant committee activity was a joint interagency forum on "The Prevention of Violence in Youth and Families". The issues of Child Protection, Domestic Violence and Youth Violence were found to impact upon all member agencies and gave focus and definition to the role and purpose of the Committee.

The Committee determined to focus upon these three specific action areas. The Committee held a planning day to develop a position paper with the objective of obtaining approval from the respective departments and agencies to pursue a far more active partnership, including collaborative actions and commitment to the provision of resources to achieve identified outcomes.

- **South Coast region:** The Helping All Young Students Succeed (HAYSS) Project is a joint project of the Department of School Education and the Department of Health which aims to develop the social skills of students assessed by a psychologist as exhibiting signs of anti-social behaviour. The program was established in 1994 in an area of socio-economic disadvantage with a traditionally high demand on the services of Itinerant Teachers - Behaviour and where a number of violent incidents had occurred. The Department of School Education provides an Early Intervention Special Education Teacher, while the Department of Health funds a psychologist's position. During Semester One, targeted students from the first school were removed from the classroom for a small-group social skills program in the morning, and then returned to the classroom where the same program was taught to the whole class in the afternoon. Supporting material on each component of the program was sent to parents so that they could reinforce skills development. The Program was transferred to a second school in Semester Two.

The results of the first year of the project have been evaluated. Five of the six children from the first school for whom a full evaluation was possible moved from the clinical to the non-clinical behaviour range following the intervention. However, the four boys from the second school showed no significant change after treatment. This discrepancy may have been a result of students in the first school being younger (all were from kindergarten), and three being female. The second school was located in an area considered to be of higher risk, with the lowest income levels of any town in the state. In addition, no reinforcement of the social skills program offered to targeted students in the morning was offered in the classroom setting in the afternoon in the second school.

The presence of an aggressive role model in the student's home was correlated with the absence of any behavioural improvement, despite the psychologist working with the families of targeted students in their homes (Cooper, 1994).

Two new schools have been identified to participate in the project in 1995. Students involved in the project in 1994 will continue to be observed, with other services currently available in the Department of School Education offered to assist these children on an ongoing basis. Additional support from other agencies such as Community Health Services will be offered to families of students participating in the 1995 intervention when aggressive role models are identified. Some reinforcement of the intervention offered to the targeted groups will be included in a full class program in both schools.

- **North West region:** An Itinerant Support Teacher (Behaviour) is to be linked to a broader strategy in the Narrabri district involving community agencies to address behaviour disorder and violence, known as the Namoi Youth Support Program. The program's aim is to provide facilities and programs through a co-

operative approach to encourage students to become constructive members of the community.

- **Metropolitan South West region:** A Youth in Groups program has been initiated aimed at developing a collaborative approach to training the community and staff of Government agencies to have less aggressive exchanges with groups of young people. A pilot program with shopkeepers in Minto Mall is being developed, with teacher time allocated from the \$5 million welfare package for schools in 1993-4, referred to in Section 8.2.1.

Anti-violence strategies are also being promoted in the community. Three forums have been conducted involving representatives of the police, and the Departments of Community Services and Health, together with teachers and parents. These initiatives aim at improving and enhancing existing networks and sharing anti-violence strategies and standards of best practice.

- **Metropolitan East region:** The issue of violence in the Vietnamese community is being addressed in a series of meetings involving counsellors, principals, police liaison officers, and welfare workers (James Evidence, 22.02.94).

The Committee supports these initiatives, and believes they demonstrate the potential benefits of interagency co-operation.

The Director-General of School Education stated to the Committee that

We are basically saying that we are on about teaching and learning, that we are certainly interested in student welfare within the school ... but that we are not a welfare agency that can stretch out very widely into the community. Problems of repeated misbehaviour and bad behaviour amongst students over a long term require specialist support from other agencies, community service agencies and the parents (Boston Evidence, 29.07.94).

It is clear that interagency co-operation on welfare issues is of vital importance. The Committee has also heard that

The connection between high schools and the community is very limited at the moment. I think it is very important that schools start to build closer links with local communities and local agencies and organisations (Brown Evidence 25.10.93)

The Director-General suggested that these issues were beginning to be addressed:

I am very active at the moment in working with other agencies, with Community Services and Health and Juvenile Justice in particular, to see that we can better co-ordinate the delivery of services so that I am not expected to expand and take on even more counsellors but to work co-operatively with them so that, using their resources, the needs of the child are addressed (Boston Evidence, 29.07.94).

These consultations have included regular meetings of Directors-General. Dr Boston referred specifically to his attempts at addressing elements of the Carrick report dealing with early childhood which are yet to be implemented. The Department of School Education sponsored a state-wide conference on early childhood education and services. Pilot parenting programs are also being developed by the Department of Community Services, with the Department of School Education providing accommodation in schools, and the Department of Health providing health care services (Boston Evidence, 29.07.94). The Committee supports this continuing commitment to parenting programs, both within the Department and in conjunction with other government agencies .

It was suggested to the Committee that there is room for improvements in information resources regarding the availability of services for students and their families:

When schools turn to outside agencies for support it's (a) very hard to identify what the agencies are and (b) there does not seem to be a great deal of coordination (Cross Evidence, 11.10.93).

This claim was supported by another witness who suggested that school counsellors are not briefed on the policies of other agencies, there are no interdepartmental policies specifying how liaison between agencies takes place, and a working party to develop interagency policies on student violence has yet to be set up. As a result, and

Due to an apparent lack of interagency liaison some policies in other areas appear to conflict or to leave students in need of support (In camera Evidence).

The Committee believes interagency policies and protocols should be developed, and resource material produced outlining the roles and responsibilities of agencies that contribute to confronting youth violence.

The Committee considers there to be scope for schools to develop links with educational specialists from outside the school environment to assist in offering programs in schools. With an overcrowded curriculum and increasing teacher stress:

Schools can look at involving universities and people outside the school schools could perhaps be a little more creative in the way in which they access expertise outside the school, and bring people in to teach the children (Jenkin Evidence, 11.10.93).

RECOMMENDATION 61

That the Minister for Education continue and extend the Department of School Education's involvement in parenting programs, both within the Department and in conjunction with other government departments.

RECOMMENDATION 62

That the Minister for Education, in consultation with other relevant agencies:

- **develop interagency policies and protocols on dealing with school violence and violent students; and**
- **produce resource material outlining the roles and responsibilities of all agencies that have a role in confronting and addressing youth violence.**

RECOMMENDATION 63

That the Minister for Education encourage education regions to consider the involvement of outside experts working in the areas of youth programs, youth education and violence prevention in the development and implementation of programs addressing youth violence.

8.1.2 The Nature of the School

In addition to ensuring that individual teachers are appropriately trained and resourced in managing student behaviour, and that appropriate curricula are mandated, broader factors may also need to be addressed by schools as part of a holistic approach to violence prevention.

It is generally accepted that the nature of leadership and governance in a school can be a major correlate of violence within its walls. A firm, fair, consistent principal-leadership style, for example, has been shown to be associated with low levels of student aggression. High levels of arbitrary leadership and severe disciplinary actions tend to characterise schools experiencing high levels of aggression (U.S. House of Representatives, 1992:57).

The Committee believes decision-making procedures in schools should be clearly delineated and distributed, and that the professional development of school executives in the area of effective leadership and management of change is vital.

Opportunities for the school community to participate in decision-making should continue to be extended.

RECOMMENDATION 64

That the Minister for Education ensure that schools establish and disseminate procedures for decision-making, with clearly delineated areas of responsibility and with a view to improving opportunities for teacher, student and parent input.

■ **School Hours and Homework Centres**

The submission from the National Children's and Youth Law Centre criticises the "depersonalised" treatment of large numbers of young people by the inflexible arrangements in schools. Innovations to change structural factors which may contribute to violence should be introduced and evaluated. Staggering the school day and introducing separate senior high schools, or relaxing rules for senior students, are suggested as possibilities (Submission 26).

In contrast to this position, some commentators have proposed that extending the compulsory schooling time by two hours would have significant benefits in ensuring students were under appropriate supervision for longer periods of time, with fewer opportunities for crime. The Committee notes that school hours in European countries are longer than in Australian schools.

Many schools now operate homework centres to support young people after hours. The Committee believes that these centres are valuable in securing any benefits that may result from extended hours of supervision, and that the number of such centres should be increased.

RECOMMENDATION 65

That the Minister for Education increase the number of homework centres in schools.

■ **Transition from Primary to Secondary School**

In a submission to the Committee, a teacher and school attendance officer addressed the disenchantment of some students entering secondary school, faced with a prescriptive system with few options and an examination culture with little relevance to their lives. This disenchantment may be particularly problematic for students who lack social skills and self-esteem, or come from underprivileged, dysfunctional or fractured families. The start of the first year of secondary school may therefore be the optimal time for preventative programs such as the teaching of pro-social competencies, including problem-solving; interpersonal skills; anger control; stress management; empathy training; understanding and using groups; and time management (Submission 11).

Visiting schools, the Committee has heard that rumours relating to initiation rites, often involving violent acts, remain common among groups of students entering secondary school. A number of schools are offering peer support programs targeting Year 6 students in an attempt to reduce these fears and the alienation associated with the transition to secondary school. Several of these programs have been developed to address the particular needs of Aboriginal students in this regard. The Committee supports the extension of such programs.

The Department of School Education's Quality Assurance Unit is planning a review of transition programs for Year 6 students during Term Four, 1995, and Term One, 1996. The review will monitor students at the time they are making decisions regarding their secondary schooling and visiting schools, and evaluate their experiences the following year.

RECOMMENDATION 66

That the Minister for Education ensure that the Department of School Education support, encourage and extend peer support programs linking Year 6 students to secondary schools for all Year 6 students.

■ Selective Schools

Several witnesses referred to what they perceived to be a growing divide within the education system between comprehensive schools, and selective and private schools. The President of the NSW Secondary Principals' Association, for example, suggested that the perceived or real inequality in the system where some schools are seen as preferred because of a title or a reputation may exacerbate violence. In his view, students attending schools with poor reputations may feel disenfranchised and consequently react violently against the more privileged group (Hurley Evidence, 22.02.94).

The principal of a private girls' school on Sydney's North Shore suggested that schools are being under-funded and increasingly forced to develop a reliance on sponsorship and parent fund raising, which can lead to "gross inequalities in schools":

You do not want to end up with schools that are just holding pens for the children who consider themselves to be the dregs left behind (Wheeldon Evidence, 22.02.94).

The Committee has heard that the pressures placed on students attending prestigious schools can also lead to behavioural problems:

There are huge expectations on young people to achieve [in private schools] and I notice a lot of violence amongst those group of young people who get neglected because they are seen as achievers. They are lashing out because of the very rigid and high expectations, and we see a lot of those kids drifting to the Kings Cross area (Brown Evidence, 25.10.93).

These claims by witnesses were, however, unable to be substantiated by research, nor were the opinions evident in visits the Committee made to various schools in areas that had a history of stigmatisation. The Committee found that schools had responded to their problems by introducing positive, proactive strategies, and perceived a strong sense of school and personal pride and self-esteem during these visits.

8.1.3 Parent Participation and School Councils

In recent years, along with the devolution of responsibility to the local school, considerable progress has been made in involving parents in school management and local decision-making. However several witnesses were critical of the lack of meaningful integration of parents in the schooling system in relation to their child's specific problems:

many of our societal structures actually leave parents on the periphery of it all - they end up with the pieces rather than being invited to come and participate in dealing with behavioural problems (Ludbrook Evidence, 01.11.93).

The Committee also heard that any intervention into violent behaviour needs to include the whole family and the community from which that child comes:

Parents need to help to raise a child's self-esteem and to co-operate with the aims of those running the program (Black Evidence, 26.04.94).

It was suggested that parents can be involved in some of the remedial strategies that schools can implement, such as pre-suspension activities, and programs such as Talk Sense to Yourself and Stop, Think, Do (Jenkin Evidence, 11.10.93).

The Director of the National Children's and Youth Law Centre informed the Committee that under the New Zealand Education Act there is a statutory obligation on principals to provide good guidance and counselling to every student in the school, and if there are matters that are hindering a student's progress within the school, the principal is obliged to involve parents:

If you look at education law in Australia, I am quite surprised at how little positive emphasis there is on students' rights and parents' rights (Ludbrook Evidence, 01.11.93).

The Committee heard that considerable power in schools in New Zealand rests with school boards, and that

parents, if they are voting as a block, probably have more power than the other groups as a whole (Ludbrook Evidence, 01.11.93).

In addition, School Charters enshrine principles such as appropriate gender and racial representation on the school board (Ludbrook Evidence, 01.11.93).

In New South Wales, School Councils offer opportunities for parents and the community to be involved in supporting the education of young people.

In releasing guidelines for the establishment of School Councils, the then Director-General of the Department of School Education suggested that this process would provide a mechanism to address two key elements of school effectiveness:

- a strong principal who sets clear goals, emphasises the quality of teaching and learning and who manages the school wisely; and
- a commitment and deep involvement of the local community, particularly parents, in the life of a school (NSW Department of School Education, 1990a:i).

The guidelines state that membership of the School Council should include the school principal, the President of the Parents' and Citizens' Association, elected members from the school staff, elected members from the parents, and appointed members from the local community. A

public meeting is to be convened to formalise the decision to establish a School Council, with a Steering Committee set up to draft a constitution. The role of the Council includes:

- representation on the interviewing panel for the selection of the Principal when the vacancy occurs;
- determining the aims and educational goals of the school;
- identifying local educational needs and priorities; and
- determining local student welfare policies and the school's Fair Discipline Code (NSW Department of School Education, 1990a:1-3).

As at 8 July 1994, 64% of all NSW Government schools had School Councils. The Department of School Education is actively promoting School Councils with establishment grants, inservice courses and packages for schools.

The Committee is aware that School Councils have received some criticism on the grounds that while it is appropriate for parents to be involved in supporting their children's education, involvement in policy and budgetary decisions, which require particular skills and expertise, is considered by some to be inappropriate.

One teacher contended that anecdotal evidence suggests that schools in areas of high unemployment face added pressures. The success of encouraging and instituting parental involvement will largely depend on how schools as organisations and systems are able to implement whole-school strategies of inclusion (Hickey Evidence, 26.04.94). The Co-ordinator of South Sydney Youth Services, for example, stated that

In our area it is very unusual for parents to be involved in Parents' and Citizens' because they don't have the resources (Brown Evidence 25.10.93).

The importance of reaching and involving parents of students from minority backgrounds, and the need for culturally sensitive parent effectiveness training, were also raised in evidence (Acheson Evidence, 01.11.93).

The Committee believes that mechanisms promoting the full participation of all cultural and socio-economic groups in supporting the education of young people are required.

RECOMMENDATION 67

That the Minister for Education encourage the involvement of parents on matters relating to student welfare and discipline, and ensure that schools:

- **develop effective processes in their management plans which guarantee genuine community participation; and**

- **inform parents of their rights, responsibilities and opportunities for involvement in the school community.**

8.1.4 Responding to Critical Incidents

When an incident of a serious nature occurs in a school, support services are needed to assist students and staff to deal with their grief and trauma. Such procedures are in place within the Department. The Committee heard, for example, that after a shooting by a student in the Northern region of the state, the Department of School Education ensured that counsellors and other officers were brought in as quickly as possible. Additional counselling resources from outside agencies were also accessed.

The decision to provide external resources to schools can be made by Assistant-Directors General upon receipt of a serious Critical Incident Report. In 1993, *Guidelines for the Management of Critical Incidents in Schools* were distributed to schools, recommending the establishment of a Critical Incident Committee and response planning.

The President of the NSW Teachers' Federation stated in evidence before the Committee that:

I think the handling of critical incidents policies and practices that have now been put into effect are in general fairly good it's a lot harder when you get to the less spectacular incidents, because the school at the time has to deal with it with its staff (Cross Evidence, 11.10.93).

The Committee heard that counselling sessions or debriefing for students involved in violent acts, either directly or indirectly, are provided in Catholic schools. Psychologists from Catholic Education Offices are also available to assist schools in initiating Critical Incident Plans (Jackson Evidence 08.11.93).

8.1.5 Policy for a Non-violent School

In a submission to the Committee, Jean Jenkin, Lecturer in Special Education at the University of Western Sydney, Macarthur, outlined the requirements of a policy for a non-violent school.

Designing a policy for a non-violent school requires corporate commitment. The policy should:

- refer to the school being a safe and non-violent place;
- recognise the legal, moral and psychological rights of members of the school community; and
- delineate the responsibilities of members of the school community.

Since a policy of non-violence covers the whole school community, corporal punishment has no place.

The recruitment of teaching staff with views which accord with the school's philosophy needs to be considered, as do appropriate induction and orientation programs, with the development of support teams.

The academic, social and physical needs of students must be provided for, which may involve individualisation of programs, and inclusion and representation in policy development. The role and responsibilities of parents should be clarified, with representation in training and support programs, and individual consultation as required.

The policy should contain a program section, including curricular programs (academic, social and behavioural); preventative programs (for children, teachers and parents); responsive programs (welfare and discipline policy, physical responses, timeout, suspension/expulsion, grievance procedures, crisis management strategies, and structured debriefings); and administrative considerations (funding or budget commitments and organisational flexibility).

Processes for implementation, including roles in organisational decisions, in strategy selection and in service delivery, evaluation, and documentation need to be arrived at. Available human, material and administrative resources should also be listed (Submission 3).

The Committee has heard that a number of schools, both primary and secondary schools, have developed policies for non-violence in consultation with students. These policies may be simple statements of the rights and responsibilities of students. The Committee believes such policies would be a valuable contribution to the development of a school culture promoting non-violence. Rather than a prescriptive approach, the Committee believes that the Department of School Education should provide a resource for schools outlining best practice to encourage and assist them in the development and introduction of a policy for a non-violent school.

RECOMMENDATION 68

That the Minister for Education require the Department of School Education to review, on a regional basis, existing policies for non-violent schools and produce a resource for schools that outlines standards of best practice and encourages student involvement in developing such a policy, including an outline of their rights and responsibilities.

■ The Independent Teachers Association's Draft Policy

The Independent Teachers Association has developed a draft policy on violence in schools which was endorsed by the annual conference in 1993. The union entered into the drafting of the policy because of the extent of concerns raised by members of the union, particularly over the last few years, regarding the impact of violence in schools. The Committee was informed that implementation of the final recommendations would be negotiated at diocesan and school level (Hickey Evidence, 26.04.94).

The first part of the document is a preamble outlining the rights of students and teachers in terms of safe environments in which to work and learn. The major part of the document concentrates on procedures and strategies, recognising the need for a whole school approach:

The key to dealing with problems in violence is development in and implementation of effective school policies that go right through curricular issues, parental relationships, general ways of operating, classroom management and student learning policies (Hickey Evidence, 26.04.94).

The document outlines basic factors to be included in a holistic approach to behavioural management, suggesting the desirable outcome is students who are independent, self-reliant and self-motivated learners who can intervene in their own education and exercise control over their own learning situations. Access to student counsellors and quality management development are discussed, with a focus on collaborative approaches to professional development and whole school approaches to problem solving (Hickey Evidence, 26.04.94).

In terms of severely disruptive students, specific recommendations have been made in the draft policy. It was suggested to the Committee that it is very difficult to access counselling because the networking into other social agencies remains very weak (Hickey Evidence, 26.04.94).

The policy recommends special programs and negotiated contracts with students. Under such contracts a clear outline of expected behaviour should be outlined, together with procedures such as suspension or exclusion that may be followed if such expectations are not met (Hickey Evidence, 26.04.94).

8.2 THE STAFF

A range of specialist staff are involved in addressing violent behaviour in schools. At the commencement of the Committee's Inquiry, the Director-General of the Department of School Education provided the Committee with a detailed breakdown of anti-violence expenditure totalling \$18,968,660 during the 1992-3 financial year. Estimates of the amount of time various categories of specialist staff devoted to confronting violent and aggressive behaviour were as follows:

Category of Staff	Nos.	% of time
Itinerant Support Teachers:	92	100%
Conduct Disorder Teachers:	42	100%
Teachers' Aide Special	15	100%
School Counsellors	456	30%
District Guidance Officers	67	30%
Home-School Liaison Officers	68	15%
Home-School Liaison Officer Co-ordinators	7	15%
Education Officers (Aboriginal)	11	15%
Aboriginal Education Assistants	200	50%
Behaviour and Attendance Programs	21.8	100%
Regional Aboriginal Community Liaison Officers	10	30%
Community Liaison Officers (Language Background other than English)	11	15%

8.2.1 Staffing Increases

In October 1993, the then Minister for Education announced that over 100 additional support staff would be hired, and anti-violence programs reviewed under a new \$5 million welfare package for schools (Minister for Education, 1993c).

The 102 new staff positions were to comprise:

- 20 School Counsellors;
- 40 teacher aides to implement and support programs established by specialist teachers or counsellors;
- 20 teachers working with behaviour disordered students, either as Itinerant Support Teachers or Behaviour and Attendance Teachers;
- 20 regional Aboriginal community liaison officers allocated according to Aboriginal student enrolments, and participation and retention rates of students; and
- 2 Community Liaison Officers.

The then Minister subsequently announced the creation of 1,466 additional positions for schools in 1995, 200 of which were to be school counsellor positions (Minister for Education, 1994c).

8.2.2 School Counselling Service

School counsellors support students affected by violence by:

- providing psychological counselling services and teacher inservice training;
- maintaining links with government bodies and private organisations providing student services; and
- keeping informed of Departmental and inter-Departmental policies, and strategies for dealing with students.

The Committee heard evidence from representatives of the NSW Executive of the Australian Guidance and Counselling Association, the national professional association for school counsellors established in 1988, and School Psychologists Australia Inc.

As discussed in Chapter Two, School Psychologists Australia Inc provided the Committee with statistics from a survey sample consisting of one-third of all school counsellors in NSW, and based on their work in the twelve months to November 1992. The survey suggested that 8,638 cases of overt violence came to the attention of school counsellors:

Type of Violence	No. of Incidents
Violence in the family	3,029
Violence among peers (including dating violence), or within the school, or towards a teacher	2,853
Notification of Child Sexual Assault	360
Notification of Child Physical Assault	1,010
Rape of Student	346
Murder by student	22
Murder of student or teacher or other staff member	18

In addition, there were 8,191 cases of covert or concealed violence, or violence against the self, including 864 attempted suicides. These figures refer to the number of cases, and any one case could involve many interviews with a number of individual students, groups of students, students with their parents or siblings, with teachers or with health professionals. It is suggested that a minimum of one in every 45 students was affected by some form of violence (Submission 7).

The Committee heard that the demand on school counsellors is growing due to a climate of greater acceptance by students and staff of counselling services. On the other hand, the Committee also heard from students in one rural high school that pupils often prefer not to see the school counsellor. Those that did see the counsellor did so upon direction from teachers.

■ Numbers of Counsellors

The creation of 200 new counsellor positions took the number of counsellors and guidance officers in NSW to 760, bringing the ratio to approximately 1 counsellor to every 1,088 students. The Director-General of School Education stated to the Committee this will mean that

many high schools will now get a full-time counsellor where they have only had a counsellor two or three days a week. Much of their work will be concerned with the prevention of violence, and when violence does occur they will always be involved in its remediation (Boston Evidence, 29.07.94).

Dr Boston also informed the Committee that

I believe that the ratio is sufficient, given the core business of the Department of School Education which is teaching and learning and also assisting children to succeed at school (Boston Evidence, 29.07.94).

The Committee was informed that in some states of the United States, legislative provision enforces a counsellor-student ratio of less than 1:300 (Pamment Evidence, 22.02.94). While Australian schools may not be facing the crises faced by schools in many areas of the States, it is clear that family dysfunction and problems such as unemployment are increasing.

Several witnesses recommended to the Committee that each secondary school in NSW have its own full-time school counsellor:

I cannot believe that in this day and age, with all the problems that we do have, and the recognition of the much more complex society in which our young people are trying to grow up in, with all the problems that we have with the disruption in family life ... the one thing that we don't have enough of in the schools is in fact the school counsellors for children to go to when they have got problems (Cross Evidence, 11.10.93)

A full-time counsellor would minimise those occasions when a counsellor is not present at a particular school when a critical incident or major problem occurs. When such instances occur, the counsellor must attempt to remove themselves from their commitments at another school, or another counsellor must be found who may not understand the school dynamics.

A number of witnesses suggested that the counselling needs of primary schools were increasing significantly, with a recognition of the importance of early intervention and working with families:

In the Metropolitan West or Metropolitan Southwest, you sometimes need at least a full counsellor in some of the larger primary schools because unless you get in at the early intervention stages and try to look at helping the parents cope we very rarely get the same sort of success (Hatswell Evidence, 22.02.94);

and

We also have to drastically rethink the provision of counselling services ... [P]roblems ... don't suddenly just appear because the student graduated from primary at Year 7 (Cross Evidence, 11.10.93).

As previously discussed, the Committee believes that early intervention, preferably prior to the age of eight years, is crucial in addressing violent and aggressive behaviour. The Committee also notes the changing role of the Department of Community Services in supporting students in schools has impacted on the role of the schools in counselling and welfare. This has occurred as a result of increases in the reporting of cases of abuse and a decline in staffing levels and funding.

The Committee believes that the appropriateness of counsellor staffing levels should continue to be monitored to ensure that student needs are met.

RECOMMENDATION 69

That the Minister of Education undertake a review of the school counsellor service to examine:

- **the adequacy of counsellor numbers in each region;**
- **the basis upon which the allocation of counsellors occurs; and**
- **the services provided by school counsellors.**

■ **Staff Training and Conditions**

School counsellors are psychology graduates who have had teacher training and at least two years successful teaching experience. They then go through a selection process and if successful undertake a further two-year school counsellor training course. Most counsellors in New South Wales are now registered as psychologists.

The Committee was informed that whole class programs in social skills training, decision-making and problem solving conducted by school counsellors may have advantages over the identification of a small number of emotionally disturbed children who are removed from the classroom for counselling. The teaching background of counsellors assists them in conducting such classroom programs (Hatswell Evidence, 22.02.94).

However, the Committee understands that in the United States and Great Britain, counsellors may be appointed on the basis of a degree in psychology, and are not required to have teaching diplomas. In evidence to the Committee, school counsellors suggested that

The New South Wales model is probably the best one in Australia ... I strongly believe it is critical to our understanding and credibility in schools, with school teachers and with parents that we have actually worked in classrooms. We know the issues (Pamment Evidence, 22.02.94).

The Committee believes, however, that suitably qualified psychologists would have the necessary skills and abilities to fulfil the requirements of the position of school counsellor.

The Committee heard conflicting information as to whether school counsellors have an adequate career path to executive positions in the Department. The Committee believes it vital that appropriately experienced counsellors have access to such positions.

RECOMMENDATION 70

That the Minister for Education allow the appointment of selected experienced psychologists without teaching diplomas to the position of school counsellor.

■ **Operational Aspects**

The Committee was informed that no policy exists regarding the operations and protocols of the school counselling service, which makes liaison with agencies difficult (In camera Evidence). The Committee believes such a policy would be useful.

The submission from the National Children's and Youth Law Centre suggests that students be advised of the availability of school counsellors and support teachers, and be guaranteed easy and confidential access to them. The submission also recommends that NSW education legislation be amended to include a requirement that the student receives support, such as is the case in New Zealand (Submission 26). Section 77(a) of the New Zealand Education Act states that the principal of a state school shall take all reasonable steps to ensure that students get good guidance and counselling. The Committee believes that access to Counsellors should be guaranteed, but that the Minister should consider whether legislative amendment is required.

Under the registered psychologists' Code of Conduct, school counsellors are required to protect client privacy. The Committee heard that in many schools counsellors find it difficult to access telephones with sufficient privacy to deal with student issues (In camera Evidence). The Committee believes this situation should be remedied, and that school counsellors have access to accommodation within schools which ensures privacy and confidentiality can be maintained.

RECOMMENDATION 71

That the Minister for Education:

- **introduce a policy regarding the operations and protocols of the school counselling service;**
- **ensure students are advised of the availability of school counsellors and support teachers; and**
- **ensure that all students have access to appropriate guidance and counselling and that, if necessary, this be enshrined in legislation.**

RECOMMENDATION 72

That the Minister for Education ensure that school counsellors have access to:

- **telephones with sufficient privacy to deal with student issues in schools, in accordance with the registered psychologists' Code of Conduct; and**
- **accommodation within schools which ensures privacy and confidentiality.**

8.2.3 Teacher Training

Several witnesses suggested to the Committee that current teacher training courses are inadequate in terms of classroom management strategies:

One of the gaps in pre-service education is certainly in the area of behaviour management - we don't have a course of study that runs for one semester called behaviour management in the classroom which I think is absolutely essential (Jenkin Evidence, 11.10.93).

Concern was also expressed that university staff presenting existing components covering behaviour management may not have experience of classroom management.

The submission from the National Children's and Youth Law Centre suggests that teachers be trained or re-trained in fair discipline methods which focus on constructive, non-violent methods (Submission 26).

The Head Teacher of the South Coast Wilderness Enhanced Program, within NSW Department of School Education, contends that a number of benefits could arise from improved professional training of teachers. These include improved modelling of non-violent behaviours; a creative and clever, rather than defensive and violent, response to problems; a decrease in teacher stress and improved morale; improved community perceptions of school and teachers; and community values reflecting the changes in attitudes of teachers and students (Submission 28).

The Committee believes that behaviour management training should be an integral part of pre-service teacher training, and that this issue should be addressed in consultation with University Vice-Chancellors.

Several witnesses suggested training was particularly relevant given the aging of the teacher population (Cross Evidence, 11.10.93; Hurley Evidence 22.02.94).

However, other witnesses suggested that providing incentives for the recruitment of more mature aged persons into the teaching profession would yield rewards due to their greater life experience (Jenkin Evidence, 11.10.93).

The Committee supports initiatives that would widen teacher recruitment, if such initiatives are supported by appropriate inservice training.

The Committee recognises that in certain areas of the state, the teacher population is aging and these staff would benefit from some targeted training programs. In other areas of the state, particularly in the urban developing areas, training programs for younger teachers to support them in situations involving student violence and aggression would be advantageous.

RECOMMENDATION 73

That the Minister for Education bring the issue of adequate pre-service teacher training in strategies to deal with violence, including behaviour management, to the attention of University Vice-Chancellors.

RECOMMENDATION 74

That the Minister for Education examine the feasibility of recruiting mature age persons with appropriate skills into the teaching profession.

8.2.4 Teacher-student Relations

A number of witnesses suggested to the Committee that inappropriate interactions between students and teachers can exacerbate classroom tension and lead to violent incidents:

assaultive and abusive behaviour [is] a cause of concern from the perspective of the students [and is a] result of a lack of strategies on the part of the teachers and obviously the stress the teachers are under (Jenkin Evidence, 11.10.93).

The Committee heard that teachers should ensure that they model appropriate self-control at all times (Jenkin Evidence, 11.10.93). Another witness suggested that

teachers are not necessarily just teachers, they must be managers; they must be managers of students' behaviour and must actually work with their students and become close to them as people as well as teach content (Hatswell Evidence, 22.02.94).

Obviously, student behaviour can have a considerable effect on teaching staff. The Committee heard that a growing number of teachers were finding it difficult to return to school after they had experienced assaults or verbal threats (Cross Evidence, 11.10.93). The recent introduction of an Employee Assistance Program, offering a 24 hour counselling service from contracted psychologists, may assist in addressing this problem.

8.3 THE STUDENT

8.3.1 Student Participation

Several witnesses suggested to the Committee that there is a relationship between boredom and alienation and behavioural problems:

I think a lot of disciplinary problems at schools are because kids are bored and because they feel that whatever they do they are targeted for failure (Ludbrook Evidence, 01.11.93).

This experience of alienation can be exacerbated by the decision-making culture of schools:

The less involved students are in making decisions, the more frustrated they become, and the more alienated they are from their destiny (Brown Evidence, 25.10.93)

The Committee heard that in New Zealand, it is routine for students to be involved in developing policies in each school in relation to matters such as school discipline, sexual harassment, and racial abuse (Ludbrook Evidence, 01.11.93).

The submission from the National Children's and Youth Law Centre advocated the establishment of Student Representative Councils (SRCs) in all schools, the provision of guidelines for their operation and a meaningful role in decision making (Submission 26).

In evidence to the Committee, several witnesses also stressed the importance of involving students in any anti-violence initiatives:

My experience of programs in schools that work are ones where students are directly involved with decision-making ... young people in schools know what the problems are I don't think we need to have professionals dealing with these very basic issues. I think we need to start getting young people involved in dealing with them with assistance from adults (Brown Evidence, 25.10.93)

The Director of the National Children's and Youth Law Centre suggested that any solution to the problem of violence in schools would require students, parents and teachers working together (Ludbrook Evidence, 01.11.93). The Committee fully endorses this sentiment.

A submission to the Committee from the Hunter Regional Student Representative Council suggested that the valuable contributions students can make to school policy be acknowledged. The submission suggested that authoritarian schools tend to have discipline problems. Students could be involved in decision-making by the student body being consulted through surveys or ballots; SRCs being consulted about decisions affecting the school; better representation of students on School Councils and committees; and better liaison between the Department of School Education and state and regional SRCs. Written policies for dealing with grievances and conflict were also recommended (Submission 46).

The Committee has heard that a number of schools have introduced school parliaments, which both teach young people about democratic and parliamentary processes, and also provide the opportunities to be involved in decision-making on real school issues.

As part of the Youth and the Law Project discussed in Section 6.1.6, a schools project has been developed in the Macarthur region involving four schools: Picton High School, Campbelltown Performing Arts High School, Airds High School and Ambarvale High School. A total of 60 students from the four schools attended a three-day residential forum at a conference centre. Young people who had been trained as trainers acted as group leaders to run the forum, which examined the forms of violence which affect young people most, including domestic violence, sexual violence, gang violence, drug and alcohol abuse, racism and prejudice, and violence against homosexuals. The students presented their ideas at the end of the forum to an audience including school principals, teachers and parents, and then elected group leaders to run later forums within each of the schools. These 16 students were then trained over four days in small group facilitation skills and in running a trial forum program. They then ran a forum within each of the schools involving approximately 50 students, so that almost 300 students from the area were involved in the two months of the program. At the

conclusion of these forums, the groups presented their ideas to principals, representatives of the news media and parents. Action groups were also established to implement ideas and suggestions that had been raised (Smith Evidence, 28.07.94).

The Committee believes the inclusion of young people in the development of anti-violence initiatives is highly desirable, and that student involvement in decision-making processes at schools should be reviewed. To assist in this review at the school level, standards of best practice regarding student participation should be prepared and distributed to schools.

RECOMMENDATION 75

That the Minister for Education:

- **review student involvement in decision-making in schools;**
- **urge schools to ensure that students are consulted in the development of anti-violence initiatives; and**
- **produce information on standards of best practice regarding student participation for dissemination to all schools.**

8.3.2 Peer Support

During the course of the inquiry, the Committee heard evidence from representatives of the Peer Support Foundation and also visited a number of schools in which peer support programs or buddy systems operate.

Peer Support programs have been operating since 1971, and while they were originally developed to counter the incidence of drug abuse among young people in schools, methods used, including raising the self-esteem of students, have been recognised as being directly relevant to youth violence.

Senior students guide juniors through structured activities designed to enhance certain skills for living such as communication, improving self-awareness and self-esteem, decision-making, problem solving, the art of successful negotiation, clarification of values, strategies for saying "no" to harmful influences and behaviour, conflict resolution, appropriate assertive behaviour and developing a supportive and nurturing network.

The Committee visited Menai Public School to observe their Buddy Scheme. Under the program, kindergarten students are "buddied" with Year 6 students. The scheme seeks to promote harmonious relations in the playground and offers orientation assistance to kindergarten students. For certain classroom learning activities, kindergarten and Year 6 classes have been combined. Teachers reported to the Committee that management problems were minimised in situations where older students helped the younger ones with their work.

In the Riverina region a buddy scheme matching a Year 11 student with two Year 7 students identified as being at risk of violent behaviour has been developed.

The programs aim to build self-esteem and mutual respect in students:

they know the difference between assertion and aggression. They accept difference in people. They do not belittle them. They speak effectively to themselves and to other people. They do not try to dominate other people (Seed Evidence 10.02.94).

As at February 1994, an estimated 534 secondary schools and 550 primary schools had operational programs (Seed Evidence, 10.02.94).

The Foundation recommended that the current Peer Support Program be extended into all primary and secondary schools. While the Committee supports the extension of the program, it feels that a directive to all schools would be inappropriate. Schools should be encouraged to introduce such a program, but the Committee believes that the school community should act in this regard to ensure a sense of ownership and acceptance of the program or pursue programs of their choice.

The Committee supports the development of peer support approaches having regard to the particular needs of Aborigines, and students of non-English speaking backgrounds, in schools.

The Peer Support Foundation is funded by the NSW Department of Health, which allocates federal Drug Offensive funds, in addition to community donations and fees for services (Wadeson Evidence, 10.02.94). The Committee heard that the Foundation believes funding should be directed from the Department of School Education rather than the Department of Health now that the scope of the program is wider than anti-drug education (Dibble Evidence, 10.02.94). While this arrangement may prove advantageous, the Committee believes this matter should be negotiated by the Foundation and the relevant Departments.

8.3.3 Peer Mediation and Conflict Resolution Panels

A number of education regions have introduced constructive, non-punitive dispute resolution mechanisms that involve students. The Committee visited Mt Druitt High School which has a peer mediation program. Following a dispute within the school that involved some racist comments, a teacher approached Year 12 students to discuss the convening of support groups facilitated by teachers to address the issue. An alternative proposal of students directly addressing the problem themselves was put forward, which led to the peer mediation program, devised in consultation with a community justice centre.

When a dispute arises, it is identified by the staff welfare team. Two students are assigned as mediators for each Year, and are supported by Year Advisers. The student mediators organise a meeting with the parties involved in the dispute, either before or after school or during lunchtime. The mediators actively listen to the views of the parties to the dispute and help those students listen to solutions and ideas. At the end of the session, the mediators are debriefed by Welfare Team members.

Staff at the school suggested to the Committee that a valuable outcome of the process has been the skills gained by the student mediators:

Often the problems that are being presented to them are insoluble ... [T]he skills that they have learnt are most probably more important than the concept of 'all problems are being solved' (Briefing, 04.03.94).

At Picton High School a Mediation Program Coordinator's Training Manual and a work plan for implementation has been developed including issues such as:

- raising the awareness of staff, students and the community;
- training mediators; and
- developing a school curriculum based on conflict resolution skills, entailing three week units in English or Social Sciences (Submission 13).

In addition, the Committee learnt of a school in Christchurch, New Zealand, that has trialed a form of in-school mediation. An outside mediator who is not a teacher, and is therefore not part of the disciplinary system of the school, comes in and applies mediation techniques to develop constructive solutions (Ludbrook Evidence, 01.11.93).

The Committee supports a process of peer mediation supported by staff, and believes teachers' skills should be developed to enable them to empower students to become involved in dispute resolution. The Committee also believes the New Zealand model involving outside mediation should be trialed and evaluated.

RECOMMENDATION 76

That the Minister for Education

- ensure that education regions develop inservice courses for teachers to provide them with the skills for developing peer mediation programs and offering training to students; and
- trial and evaluate the New Zealand model of mediation involving mediators from outside the school system.

8.3.4 Gangs and Weapons

The previous Minister for Education stated that gang colours would not be permitted if they can be identified as belonging to a particular gang, and gangs would not be permitted to operate in schools (Minister for Education, 1993b).

In the revised guidelines on suspension, exclusion and expulsion of students from school, distributed in 1994, principals have the authority to ban weapons being brought onto school premises. The school's fair discipline code should include a statement on weapons banned from the school. Principals may exercise discretion in deciding whether to ban potential weapons completely or whether to allow their presence when they are used solely in a benign manner.

The types of weapons that should be banned from school premises include:

- firearms of any kind
- any imitation or replica of a firearm
- knives
- hunting slings, catapults or slingshots
- knuckle-dusters
- studded gloves or sap gloves
- blow guns or any other similar device capable of projecting a dart
- whips of any kind
- kung fu sticks or nunchaku
- batons of any type
- spear-guns
- mace
- any defence or anti-personnel sprays that are capable of discharging irritants in liquid, gas or powder form.

Principals may use their discretion in allowing some of the items onto school premises if they are satisfied they are used solely for benign purposes, for example a knife used for the purpose of eating lunch.

If a principal becomes aware that a student or any other person on school premises or at a school activity is in possession of a weapon or weapons, he or she should contact the police. The student should be suspended immediately (Department of School Education, 1994a:7).

8.3.5 Student Welfare and Discipline

During the course of its inquiry, the Committee received considerable evidence on the issue of student welfare and discipline including corporal punishment, suspension, expulsion and exclusion. Such issues, particularly corporal punishment, are sensitive and cannot be dealt with in isolation. Factors such as the school environment, the training of teachers in conflict resolution and behaviour management strategies and the opportunity for students to gain skills in communication and conflict resolution all impact upon the issue of discipline. The Director of the National Children's and Youth Law Centre, for example, suggested that

The most important influence on behaviour within [the] school and the best sort of school atmosphere, is [when] students feel respected and they behave not because they are going to be harshly punished but because they have a sense of belonging to the school, a sense of inclusion and a sense of the peer pressure from other students if they misbehave (Ludbrook Evidence, 01.11.93).

A number of other witnesses stressed the importance of inclusion and participation in welfare and discipline policies. The President of the NSW Teachers Federation, for example, discussed schools that have implemented contract systems where the rules are adopted by students in their Student Representative Councils, with well-defined penalties. Some schools reinforce these contract systems with concepts such as isolation or time-out rooms (Cross Evidence, 11.10.93).

The Executive Director of the Federation of Parents' and Citizens' Associations stressed the need to develop positive self-disciplinary strategies:

It is our firm view that schools should be actively encouraged to develop self-discipline in students, rather than relying on models of discipline which are external to the student (Johnson Evidence, 08.11.93).

Such an approach involves the formulation of programs with an appropriate commitment of resources to develop every student's capacity to manage situations of conflict, stress, crisis or perceived failure in a non-violent manner. Students are taught to understand the feelings of anger, aggression, and frustration which they may experience and encounter in others. They are also equipped with a range of coping strategies so these emotions do not necessarily lead to expressions of violence. It was put to the Committee that

Suspension, exclusion and expulsion, and corporal punishment ... are concerned with external compliance rather than the cultivation of internal qualities. As such, they represent a quick fix, but in no way do they represent an effective solution (Johnson Evidence, 08.11.93).

During the course of the Inquiry, the Committee visited a number of schools offering programs which appear valuable in developing positive self-discipline. Granville Boys' High School, for example, has developed a School Welfare and Pastoral Care Program (SWAPP). The units in the program are offered in the school's vertical role groups and include:

- Assault;
- Behaviour on Public Transport;
- Avoiding Playground Fights;
- Respect for Other Cultures; and
- Attitudes to Females.

During the visit the Committee observed students participating in the Avoiding Playground Fights and Respect for Other Cultures units.

The Committee has heard of a number of schemes in a variety of schools and regions that offer a levels-based system of positive and negative behaviour management. Students may be awarded cards, certificates or medals for a significant achievement or praiseworthy behaviour. A collection of a certain number of one type of award leads to an award of a higher level.

Schools the Committee visited during the course of this Inquiry invariably had comprehensive Student Welfare Policies and clearly defined rules on expected student behaviour.

■ Fair Discipline Principles

In 1989, the NSW Department of School Education released the document, *Fair Discipline Code: Guidelines for Discussion by Government School Communities*. The Code contains a list of guiding principles considered basic to fair discipline. The principles include:

- *Schools should provide a stable, safe and ordered environment within which students learn effectively and behave responsibly.*
- *Schools should promote national pride and inspire in students a sense of common purpose.*
- *Principals should provide strong and effective leadership of the school staff, students and wider community in establishing and maintaining the highest tone and clear direction for the school.*
- *Schools need to create and maintain positive relationships within the school community.*
- *Students should be encouraged to develop self-discipline by accepting responsibility for their own behaviour.*
- *Schools should foster in students a feeling of belonging to the school and its community.*
- *School staffs should contribute with enthusiasm to establishing and maintaining the desirable tone and direction of the school.*
- *Schools should insist on responsible student behaviour and develop practices which prevent irresponsible behaviour.*
- *Students should be encouraged to value the personal dignity and worth of themselves and others.*
- *Schools should promote in students a respect for the values that underpin our society and its laws (Department of Education, 1989b:3).*

■ Corporal Punishment

The Department's *Fair Discipline Code* (1989b) also contains guidelines for the use of corporal punishment. Corporal punishment can only be administered in schools under strict criteria. The guidelines state that where it is formally decided to include corporal punishment, it should be used only as one of the last options.

Principals of schools which have decided to introduce corporal punishment must inform annually all parents, guardians or care-providers of their right to veto the use of corporal punishment for their child by written request to the principal (Department of Education, 1989b:16).

The Committee received mixed evidence on the issue of corporal punishment. On the one hand, evidence was presented to the Committee against the use of corporal punishment under any circumstances. Witnesses supporting this stance claim that corporal punishment is ineffective, gives mixed messages to children regarding the acceptability of the use of violence, and is in breach of the U.N. convention on the rights of the child (Ludbrook Evidence, 01.11.93). Another witness stated

I ... don't think that you can reconcile a policy for the use of corporal punishment for children with the other government policy that says that children who are armed and come to school with weapons will be expelled (Jenkin Evidence, 11.10.93).

The Federation of Parents' and Citizens' Associations also rejected the role of corporal punishment in managing student behaviour:

We believe that there is absolutely no place for corporal punishment in government schools. Schools should not possess the discretion to include this ... form of punishment within their fair discipline codes (Johnson Evidence, 08.11.93).

On the other hand, it was suggested to the Committee by one youth worker of a non-English speaking background that corporal punishment is supported by parents of certain cultural backgrounds who believe a strict disciplinary approach fosters appropriate behavioural and academic diligence (Ghaleb Evidence, 10.02.94). In addition, a submission advocating corporal punishment suggested that the reduction in the use of corporal punishment had been accompanied by a rise in school yard violence and contended that the use of the cane is a positive influence (Submission 22).

Throughout the inquiry, the Committee did not hear evidence of any widespread adherence to the use of corporal punishment as part of a repertoire of disciplinary actions. The President of the Secondary Principals' Council indicated to the Committee that he was not aware of any schools still using corporal punishment (Hurley Evidence, 22.02.94).

Within the private school system, the Committee heard that most Catholic school authorities have ceased corporal punishment as a disciplinary option, although it was conceded that since the diocesan authorities and non-systemic schools operate autonomously, there may be one or two schools still practising corporal punishment (Baker Evidence, 08.11.93). The Executive Director of the Association of Independent Schools indicated that the Association opposes the automatic abolition of corporal punishment in schools in the absence of the establishment of positive corrective methods. While the incidence of corporal punishment has reduced significantly over the last ten years, in his opinion, it remains a legal option to be used at the

discretion of the individual independent school. The Executive Director suggested that school discipline policies should cover a whole range of options, including the limited use of corporal punishment:

I support those who say that there are some punishments of a verbal and personal kind that can do more harm in the long run to a child than some mild corporal punishment (Chapman Evidence, 08.11.93).

The Director of the National Children's and Youth Law Centre suggested that corporal punishment should be banned in all educational institutions by an amendment to the Crimes Act (Ludbrook Evidence, 01.11.93).

The Committee is of the opinion that the use of physical pain and humiliation by an adult to correct or comment on behaviour of a child is a blatant example of how not to resolve issues which arise from conflict or misunderstanding. Most Committee members believe, however, that legislative amendment is not required, since it appears that schools are implementing appropriate welfare and discipline policies that do not rely on physical sanctions, and corporal punishment is increasingly being phased out. The Committee does believe that corporal punishment should be removed as a disciplining option in government schools.

The Committee was informed that with the demise of corporal punishment, individual teachers are becoming more responsible in intervening when anti-social behaviour arises. This trend has increased the need to address violence and other problems in a more holistic way within the education system, rather than simply sending pupils to the designated disciplinarian (Hickey Evidence, 26.04.94).

The Committee supports the further development and extension of initiatives which involve consistent policies of expectations and sanctions, team efforts in dealing with disruptive situations and strategies such as negotiated contracts.

RECOMMENDATION 77

That the Minister for Education amend the Department of School Education's Fair Discipline Code to remove corporal punishment as a disciplinary option in government schools.

■ **Suspension from School**

The Committee recognises that all students have a right to receive an education. However, this involves balancing the rights of a minority who may be disruptive with the rights of the majority of students to have a safe and harmonious learning environment.

If a student's disruption conflicts with the rights of others in the school there may come a time when further action, including suspension, is required, particularly if the student behaves violently, creating danger for others.

The Director-General of School Education informed the Committee that suspension is a process and not a penalty and that parents are involved (Boston Evidence, 29.07.94). In February 1994, the Director-General of School Education issued a memorandum to principals on suspension, exclusion and expulsion of students from school and procedures for the declaration of place vacant. Declaration of place vacant is usually reserved for students with poor attendance. These procedures incorporate specific guidelines for the management of violent behaviour, and state that

principals should use their available authority immediately if they believe that the safety of staff or students is at risk Violent behaviour must be dealt with swiftly and will result in immediate suspension (Department of School Education, 1994a:1).

The previous procedures for suspension, exclusion and expulsion, released in May 1992 and superseded by the 1994 guidelines, included a glossary defining physical violence as

1. *Striking, or use of force against a student or staff member.*
2. *Any deliberate act which causes injury to a student of staff member* (Department of School Education, 1992a:5).

Non-physical violence was defined as "words, actions or threats that alarm reasonable students or staff members" (Department of School Education, 1992a:5). However, the text of the guidelines does not distinguish between these forms of violence. A previous document, issued in 1989, suggested that students exhibiting both physical and non-physical violence may be suspended (Department of School Education, 1989a:2). The 1994 procedures do not include a glossary. The Committee believes that the inclusion of definitions of the types of violence that should lead to suspension would be of benefit to principals in using their discretionary powers.

Principals are compelled to inform the student of the precise grounds for suspension, and give them an opportunity to express their views before a decision is made. Parents or care-givers must be notified in writing of the reasons for the suspension, the probable duration, the expectation that the student will continue with studies at home, and their responsibility for the care and safety of the student while under suspension. The notification must also refer to the importance of the parents' or care-givers' assistance in resolving the matter, and the principal must convene a meeting with them and with personnel involved in the welfare and guidance of the student, to discuss appropriate action. A record of action taken must be maintained in the school's suspension register.

For long suspensions, the principal advises the appropriate director of schools, and seeks a report from the school counsellor which should include recommendations for further action. The principal must also offer to develop, with the student and parents or care-giver, an agreed study program to be undertaken by the student during the period of suspension. Principals are also required to utilise the school, education resource centre and other available resources in seeking a means of resolving the problem and lifting the suspension within twenty days. Principals must not impose any more than two suspensions, either long or short, on an individual student in any one calendar year. If unacceptable behaviour persists, strategies such

as alternative educational programs must be considered (Department of School Education, 1994a:3-4).

The guidelines view suspension as providing a "period when all parties can seek a positive resolution to the problem" (Department of School Education, 1994a:1)

Concern was expressed to the Committee that school counsellors are not always involved in short suspensions, as discipline and welfare strategies are sometimes seen by principals as being independent (Pickering Evidence, 08.11.93). The Committee believes the welfare and behavioural needs of suspended students must be met, and that this matter should be addressed.

RECOMMENDATION 78

That the Minister for Education amend the suspension, exclusion and expulsion procedures to

- **include definitions of the type of violent behaviour that should lead to suspension, while maintaining the discretionary power of principals; and**
- **ensure that the welfare and behavioural needs of such students are met through means such as informing school counsellors of all short suspensions and involving them in discussions on appropriate actions to be taken.**

■ **Suspension and Pre-suspension Programs**

On the issue of suspensions, a number of witnesses raised the importance of ensuring that students who have been suspended, or are at-risk of suspension, receive appropriate assistance:

There is no point in suspending a child and allowing them to come back twenty days later if there has been no intervention: there is nothing that has changed in the school, there is nothing that has changed in that child's life and there is nothing that has changed in the teacher's life For any real success, we need to look at pre-suspension and post-suspension programs (Hatswell Evidence, 22.02.94).

It was suggested to the Committee that students' behaviour can deteriorate while they are under suspension, and that for those students the school's approach may need to shift from an academic emphasis to an intensive input on social skills and behaviour (Jenkin Evidence, 11.10.93). Ms Jenkin, a lecturer in Special Education at the University of Western Sydney, has co-ordinated the Macarthur suspension support program which offers suspended students an academic and social skills program.

In evidence to the Committee, Ms Jenkin advocated the development of in-school suspension programs to include a separate academic program while also addressing the problem behaviour. Schools should

try to be a little more creative in the deployment of the resources that they already have and perhaps adjust the duties and responsibilities of teachers so that they can ... be available to run an in-school suspension program (Jenkin Evidence, 11.10.93).

During the course of its inquiry, the Committee visited a number of schools and alternative education facilities offering pre-suspension programs including The Cottage, on the grounds of Regents Park Public School in the Metropolitan South West region. The "Cottage program" targets students in the junior years of high school who are displaying behaviour which is unacceptable and threatening to the student's continued enrolment at school. A "tutorial program" is also available for those not enrolled at school, and who may be chronic school refusers.

The Cottage program aims to ensure that students can resolve conflict situations and are provided with an extensive array of behavioural options so that they can succeed at school and at home. The students attending the program usually come from dysfunctional or violent family backgrounds providing poor role models for behaviour, and with discipline irregularly and inappropriately administered. They often experience difficulties in the transition from primary school to secondary school, and have poor self-image. The Committee was advised that self-esteem is increased by the students' experiences within the program.

The Cottage offers the program for one day each week for 12 or 24 weeks while the child attends their regular school for the remainder of the week. Students are referred through their year adviser or school counsellor to the District Guidance Officer, and then to the Cottage counsellor. The program includes personal projects; stress management; homework/schoolwork review; art and expression; drama and lifeskills. Students are encouraged to set behavioural goals for the home, their schools, and for themselves through a contract system, and the achievement of these goals is monitored by the Cottage staff through regular contact with the student's school and family. A point system has been instituted for the achievement of daily goals at the Cottage.

A number of other initiatives have also been implemented in various regions targeting students at risk of suspension.

In the Metropolitan South West region, thirty teachers have been trained in a "Youth Success" program, based on a U.S. program which has been adapted by National Curriculum and Training Inc. in South Australia. Each regional Education Resource Centre has a team to run the program, which targets students with a history of suspension. The program operates over three days with a group of six to eight students and involves social skills training, elements of Glasser's Reality Therapy and concentration skills. Control Theory and Reality Therapy are further discussed at Section 9.1.1.

A "levels" system of behaviour management has been implemented in a group of schools in the Riverina region which places students on tiered levels of achievement based on a points system

of positive rewards and negative sanctions. The system enables groups of students on the lowest level to be identified prior to suspension. These students attend an intensive four week conflict resolution skills course run by staff of a regional special school, culminating in a one day training and development course for student welfare personnel from the schools. Additional resources to address problems evidenced by high suspension rates have been offered to schools in the Metropolitan East region.

During the course of the Inquiry, Committee members visited James Busby High School, and spoke to staff regarding the school's Tutorial Centre for the Hoxton Park cluster in the Metropolitan South West region. The Centre is staffed by an Itinerant Teacher for two days each week, and students are referred from schools within the cluster. In referring students, schools must show that previous intervention strategies have been attempted, and that there is an appropriate commitment by the student to attend the Centre. Most students referred are on long suspensions, or have a history of failed interventions.

The Committee is encouraged by the range of strategies developed to address the behaviour of students at risk of or with a history of suspension, and supports their expansion.

RECOMMENDATION 79

That the Minister for Education ensure that appropriate alternative education strategies are introduced in all regions for students displaying inappropriate and aggressive behaviour, and that these strategies include:

- **tutorial centres offering in-school suspension programs; and**
- **pre-suspension programs offered at off-campus facilities.**

■ Exclusion from School

Formal procedures for exclusion were first introduced in 1991. The current procedures state that exclusion is not a substitute for expulsion and that it

may take place only where a long suspension has not resolved the problem, and it is considered that the student might develop self-discipline and co-operative behaviour in a suitable alternative school (Department of School Education, 1994a:4).

Regional staff, in conjunction with the principal and parents or care-giver, are required to arrange a suitable alternative school placement for the student within ten school days. However, the procedures also state that a principal

may refuse enrolment of a student on the grounds of previous documented violent behaviour if there is evidence that the student has not learned the appropriate skills to manage this behaviour (Department of School Education, 1994a:2).

The Co-ordinator of South Sydney Youth Services discussed a case before the Committee of a young person who had assaulted, and been assaulted by, a Deputy Principal. The student has been unable to find a place in another school as a result of his reputation (Brown Evidence, 25.10.93). It would appear that the alternative placement of such students could prove problematic given the limited intervention strategies available to deal with the issue of violence. If an alternative placement cannot be arranged, an application for expulsion or a return to the original school are the only options available.

Since exclusion from a government school is only possible when there is an alternative school placement available for the student, the option is not available to principals of schools in isolated areas. The Committee acknowledges the difficulties this may create, and believes that appropriate alternative strategies are required.

The Committee believes that appropriate programs should be offered to all students excluded from school or at risk of exclusion for behavioural problems.

RECOMMENDATION 80

That the Minister for Education ensure that:

- **students excluded from schools for violent behaviour are offered behavioural or social skills programs that assist in addressing that behaviour and facilitate placement in an alternative school; and**
- **schools in isolated areas have access to appropriate strategies to provide alternatives to exclusion to deal with aggressive and violent students.**

■ Expulsion from School

The suspension, exclusion and expulsion procedures state that expulsion may be recommended following violent behaviour or the bringing of weapons to school, irrespective of any police action taken. Expulsion can only be approved by the Minister on the recommendation of the Director-General. Students, parents or care-givers have four days in which to respond when notified of a principal's intention to recommend expulsion. Any response must be forwarded to the Assistant Director-General if the recommendation for expulsion proceeds, together with details of reasons, any action taken to moderate the student's behaviour, and the school counsellor's report. A copy of this submission is also provided to the student, parents or care-givers, who have 14 days to respond to the Assistant Director-General. If the Assistant Director-General supports expulsion, after considering the submission and any responses, he or she will forward the recommendation to the Director-General (Department of School Education, 1994a:4-5).

The Committee has heard that excluding problem children from the education system effectively removes their educational and employment opportunities. Studies have identified

the educational disadvantages of convicted criminals, and it has been suggested to the Committee that to charge, suspend or expel students involved in violence in schools may cause similar disadvantage and turn school offenders into adult offenders (Submission 5).

The Director of the National Children's and Youth Law Centre stated:

There are two very negative aspects about expulsion - one is that you are being pushed out by a school community which most students have a sense of belonging to ... and there is also the damage to one's reputation and it is amazing how that can continue after you have completed your education (Ludbrook Evidence, 01.11.93).

The President of the NSW Teachers Federation suggested that the Department of School Education has a social responsibility to try and reform problem students so they can adapt to life as an adult (Cross Evidence, 11.10.93).

The Federation of Parents and Citizens Associations has recently called on the Government to provide alternative schooling and vocational training for students expelled for violence and teenagers who drop out of school. The Youth Action and Policy Association (YAPA) has recommended state education departments and the community sector enter partnerships to develop alternative educational strategies for those excluded or not adequately catered for (Submission 53).

The Committee has heard that the early identification of problem children and attempts to modify behaviour are seen by the Department as a proactive alternative to later expulsion. Resources available include special classes for such students and specialist teachers to work with them, both in special classes and as itinerant teachers monitoring programs in mainstream schools. In addition, programs such as Parents as Teachers, discussed in Chapter Four, can play an important role in early identification and intervention.

The Committee believes that recommendations to expel students should be made in consultation with welfare and discipline committees and that the importance of the right to an education should be recognised in considering these recommendations. In dealing with students expelled from the state education system, the Committee considers that different strategies are required for two categories of children: those under 15 years of age, and those over the age of 15 years for whom it is not compulsory to be in school. The Committee considers that the right of students aged less than 15 years to receive an education is fundamental. It sees the state as having a responsibility to provide this education in the most appropriate way. The Committee considers it would be detrimental to the student, the student's family and the general community if such an education was not made available.

While the Committee recognises that some young people may be disinclined to accept the educational options offered to them, every attempt must be made to encourage these young people to continue their education by broadening the available options.

The Committee also considers the state to have a responsibility for those students in the over 15 year age group who are expelled from the education system. The Committee believes that the Department of School Education should support expelled students by assisting them to identify options for their future. The Committee recognises that in such cases, the student retains the discretion as to what post-expulsion options are pursued.

RECOMMENDATION 81

That the Minister for Education ensure decisions to recommend the expulsion of students are made by the principal in consultation with school welfare and discipline committees, and parents/care-givers.

RECOMMENDATION 82

That the Minister for Education recognise the right of students to receive an education by ensuring:

- **appropriate alternative education options for those students expelled from the state education system who are less than 15 years of age; and**
- **appropriate liaison with agencies offering education and training options to inform young people expelled from the state education system who are aged 15 years or over of their options.**

■ Declaration of Place Vacant

Principals also have the option to declare a student's place vacant. This option is usually reserved for non-serious students of post-compulsory age on the grounds of poor attendance and/or other non-compliance with Board of Studies requirements for the award of the School Certificate and Higher School Certificate. Before a place can be declared vacant all appropriate student welfare strategies and discipline options must be applied and documented, and at least two formal cautions provided to the student. A register of such declarations must be maintained by the school, and be available to the Director of Schools on request. Students have a right of appeal to the Director of Schools. It is the student's responsibility to negotiate re-enrolment or enrolment at another school (Department of School Education, 1994a:5-6).

The Committee believes that every effort must be made to seek contact with and provide counselling and other support from relevant agencies for such students so that children represented in this group are not abandoned by the education system. The Committee believes that a review of the reasons for declaration of place vacant should be undertaken.

RECOMMENDATION 83

That the Minister for Education commission an independent review of the declaration of place vacant option, including the reasons underlying such declarations, to assess the appropriateness of this option.

■ Legal and Administrative Issues and Informal Procedures

The Director of the National Children's and Youth Law Centre contended that only the Minister for Education was legally authorised to expel students from the state education system, under provisions of the *Education Reform Act*. However, he suggested that the actions of principals in excluding students from individual schools and declaring places vacant amount to a de facto expulsion. The Committee heard that information provided to schools regarding exclusion and the declaration of places vacant was therefore invalid:

I understand that exclusions and declarations of place vacant are both illegal ... and breach the standards of fairness ... because the school principal should not be prosecutor and judge in the same court I believe the Act has it right but I believe the circular [to principals] has it wrong (Ludbrook Evidence, 01.11.93).

Another witness suggested that

The schools in fact are setting up a separate judicial system for dealing with people, and a series of laws, without having a consistent legislative support and framework (Marsden Evidence, 01.11.93).

This claim of illegality regarding principals excluding students from individual schools and declaring places vacant was subsequently rejected by the Department. Section 35 of the *Education Reform Act* provides the Minister with powers to control and regulate student discipline, including the power to expel students from the education system. Section 119 of the Act also provides that any of the Minister's functions under the Act may be delegated to any person or body. The power to dismiss students from one individual school has effectively been delegated to principals and termed exclusion to differentiate it from the Minister's power to expel students from the entire system.

In England and New Zealand the principal is the prosecutor in cases of proposed expulsion, and compiles information as to the reasons why an expulsion is considered appropriate. The principal then appears before a school board which consists of parents, teachers and a student representative, who make the final decision (Ludbrook Evidence, 01.11.93).

The Committee heard that any procedures for dealing with suspensions and expulsions need to be accessible. Young people consulted in the preparation of the National Children's and Youth Law Centre's submission suggested that just and fair processes for expulsions should be implemented in response to violence with full information being provided to students and parents (Submission 26). The Executive Director of the Federation of Parents' and Citizens' Associations stated that the Department's current policy on suspension, exclusion and expulsion needs to be revised and simplified:

when parents and children are asked to go through the processes in that document it is usually at time of crisis ... it is very easy for them not to understand what is happening simply because of the various categories -long suspension, short suspension, declaration of place vacant, exclusion, expulsion (Johnson Evidence, 08.11.93).

The Committee believes that the guidelines should be accessible for students and parents.

The Committee has also heard that focusing on statistics and procedural concerns relating to expulsions and exclusions may be misdirected, as students may simply be asked to leave by school staff:

What happens generally in schools with difficult kids is that they don't get expelled, because if they do get expelled they have to go through a long process of justifying that expulsion, so what happens in probably 99% of cases ... [is] they are asked to sign out if the young person wants to complain about being kicked out of the school, there is no possibility of doing that, because they are merely told to leave, they are not expelled. In his 15 years of youth work, I don't know one young person who had actually been expelled, but I know hundreds who have been kicked out (Brown Evidence, 25.10.93).

Apart from this evidence from the Co-ordinator of South Sydney Youth Services, the Committee heard no other information on this practice. The Committee believes, however, that the Department of School Education should examine these allegations. The Committee is concerned that these actions may be taken outside the formal procedures, and urges school personnel to recognise young people's right to an education. While recognising the need to minimise disruptions to the education of the majority of students, the Committee believes that the small minority of students who may be violent or aggressive must be dealt with through the existing formal channels available to schools.

RECOMMENDATION 84

That the Minister for Education ensure procedures for suspension, exclusion and expulsion are:

- **written in plain English;**
- **distributed widely to students and parents; and**
- **available in community languages.**

RECOMMENDATION 85

That the Minister for Education instruct the various regional offices of the Department of School Education to examine and report on the allegations that many young people have been removed from schools through means other than the formal mechanisms of expulsion, exclusion and declaration of place vacant.

8.4 CONCLUSIONS AND FINDINGS

- Schools should not be seen as the focus of the problem of youth violence nor should they be solely responsible for addressing the problem. The community as a whole must share the responsibility for its young people, and collaboration between schools, parents, the community and government is therefore essential.

However, the **role of the school** in this collaborative approach is fundamental. The use of schools for community-based programs and services, especially for initiatives providing support, training and leisure activities for young people, should be encouraged and extended. Schools should involve youth workers in the development of school based strategies to prevent and respond to violence at school.

- **Parenting programs**, both within the Department of School Education and in conjunction with other government agencies, are important strategies supporting young people in the crucial early years of their lives, and demonstrate the pivotal role of the school in a co-operative approach to social problems. Interagency policies and protocols should be developed, and resource material produced outlining the roles and responsibilities of agencies that contribute to confronting youth violence.
- The **nature of the school** is also relevant to addressing youth violence. Opportunities for the school community to participate in decision-making should continue to be extended. The number of home-work centres should be increased. Peer support programs linking Year 6 students to secondary schools should be extended. Mechanisms promoting the full participation of all cultural and socio-economic groups in supporting the education of young people are required. Schools should be assisted them in the development and introduction of a policy for a non-violent school.
- **Specialist staff** are also vital in reducing youth violence. The appropriateness of **school counsellor** staffing levels should continue to be monitored to ensure that student needs are met. Suitably qualified psychologists who have the necessary skills and abilities to fulfil the requirements of the position should be able to be appointed to the positions. A policy regarding the operation and protocols of the school counselling service should be introduced, with students advised of the availability of school counsellors and support teachers. School counsellors should have access to telephones and accommodation within schools to ensure privacy and confidentiality.

The role of teachers is also fundamental. Behaviour management training should be an integral part of pre-service teacher training.

- In recognising that authoritarian schools tend to have discipline problems, **students** should be included in the development of anti-violence initiatives and decision-making processes in schools. Programs aiming to build self-esteem and mutual respect in students, such as peer support, are important violence prevention strategies.

The use of physical pain and humiliation by an adult to correct or comment on behaviour of a child is a blatant example of how not to resolve issues which arise from conflict or misunderstanding. **Corporal punishment** should be removed as a disciplining option in government schools.

The Committee recognises that all students have a right to receive an education. However, this involves balancing the rights of a minority who may be disruptive with the rights of the majority of students to have a safe and harmonious learning environment.

Definitions of the types of violence that should lead to **suspension** would be of benefit to principals in using their discretionary powers. The welfare and behaviour needs of suspended students must be met. The Committee is encouraged by the range of strategies developed to address the behaviour of students at risk of, or with a history of, suspension, and supports their expansion. Appropriate programs should be offered to all students **excluded** from school or at risk of exclusion for behavioural problems. Appropriate alternative strategies are required for schools in isolated areas.

Recommendations to **expel** students should be made in consultation with welfare and discipline committees. The right of students ages less than 15 years to receive an education is fundamental and the State has a responsibility to provide this education in the most appropriate way. The Department of School Education should support students in the over 15 year age group by assisting them to identify options for their future.

- During visits to schools, the Committee found that they had responded to their problems by introducing positive, proactive strategies, and perceived a strong sense of school and personal pride and self-esteem. Schools invariably had comprehensive Student Welfare Policies and clearly defined rules on expected student behaviour.

CHAPTER NINE

THE DEPARTMENT OF SCHOOL EDUCATION: ANTI-VIOLENCE INITIATIVES AND THE CURRICULUM

This chapter examines a range of anti-violence initiatives and programs that are being developed or have been introduced in certain schools, regions or throughout the school education system. A range of staff development, whole school programs and programs for targeted groups of young people with problem behaviour are discussed. Issues relating to the school curriculum, retention rates and alternative approaches to education are also examined.

9.1 ANTI-VIOLENCE INITIATIVES AND PROGRAMS

In 1993, the then Minister for Education announced a \$5 million welfare package for schools, of which \$50,000 was to be allocated to each of the ten education regions of NSW to review and refocus anti-violence programs (Minister for Education, 1993). Staff increases were also included in the package, as discussed in Section 8.2.1. The Department of School Education was subsequently declared the national runner-up in the Australian Violence Prevention Awards for 1994 (Minister for Education, 1995a).

Behaviour management strategies may be offered as staff development programs, whole school programs, or as programs for targeted groups of students who may be demonstrating problem behaviour, or be at risk of suspension. Pre-suspension programs have been discussed in more detail in Section 8.3.5.

An anti-violence contact person was nominated for each education region and required to report on the progress of the regional initiatives. The Guidance and Welfare Unit in the Specific Focus Program Directorate was given the task of statewide mapping and reporting on the anti-violence initiatives occurring in regions in 1994. A preliminary report on these initiatives was released in April 1994 (NSW Department of School Education, 1994b). Subsequent regional returns, which include details of the expenditure of the anti-violence allocation and the use of additional staff, are currently being collated to enable a review of the evaluation of initiatives and the distribution of information on effective strategies.

As a key recommendation, the Committee believes sufficient resources must be available to schools to enable them to function as models of co-operative, tolerant and non-violent communities. Programs fostering tolerance and acceptance; providing skills in acceptable problem-solving behaviour; working to eliminate the destructive practices of bullying; and supporting students exhibiting problem behaviours are fundamental in attempting to meet this goal.

RECOMMENDATION 86

That the Minister for Education ensure sufficient resources are available to schools to enable them to function as models of cooperative, tolerant and non-violent communities. In achieving these goals schools are

- to provide programs which foster tolerance and acceptance;
- offer integrated programs which provide skills in acceptable problem solving behaviour;
- work to eliminate the destructive practices of bullying; and
- support students exhibiting problem behaviours through appropriate means and environments with the wellbeing of the student being paramount.

Information on the range of strategies discussed in this section is drawn largely from the preliminary report on anti-violence initiatives and discussions with relevant Departmental staff. While specific programs in individual regions may be singled out for discussion, other regions may be offering similar programs.

9.1.1 Staff Development Programs

The Committee heard that a range of programs is available to assist teachers in managing student behaviour. The anti-violence funding initiatives discussed above have allowed a number of regions to fund additional teaching and teaching aide positions, which have been divided into relief days. This arrangement allows relief staff to be provided enabling teachers to be released from their school duties to be trained in anti-violence programs.

The Committee believes regions should continue their commitment to staff development through in-service programs that develop staff skills in implementing constructive behaviour management strategies addressing student behaviour. The way that school staff respond to violent incidents and assaults on staff should also be examined, to ensure that responses do not exacerbate confrontational situations and that teacher injury and stress are minimised.

Established programs include:

■ Working Ideas for Need Satisfaction (WINS) Kit

The Kit offers opportunities for staff development in implementing strategies for a positive approach to behavioural change. The program is of benefit to teachers in both primary and secondary schools, and includes videos to provide modelling of strategies. It looks at the preventative areas of developing classroom rules, communication skills and program implementation. The Kit was favourably evaluated in 1992 by the Commonwealth Department of Employment, Education and Training (Hatswell Evidence, 22.02.94).

■ **Control Theory and Reality Therapy**

The concept of control theory as a positive form of intervention was supported in evidence to the Committee. Control theory, based on the work of Dr William Glasser in the United States, contends that all human behaviour is internally motivated. The use of authoritarian approaches to solve problems is therefore unworkable, with an approach that develops skills and behaviours for meeting individual needs considered more effective.

Reality therapy is a counselling method that helps students identify the sorts of behaviour they need to learn or use in situations they may have to confront. The counselling method is made up of three separate but closely interwoven procedures. The therapist must firstly become involved with the patient so that the patient can begin to face reality and see how their behaviour is unrealistic. Secondly, the therapist must reject the behaviour which is unrealistic but still accept the patient and maintain involvement. Finally, the therapist must teach the patient better ways to fulfil needs within the confines of acceptable behaviour (Glasser, 1965:21).

The Committee has heard, however, that rather than this behaviour management strategy being an integral part of classroom teaching, teachers may send disruptive students for counselling to remove them from their classroom. A more integrated approach giving teachers behaviour management was supported:

We need to train our staff on how to manage students, not to teach content
(Hatswell Evidence, 22.02.94).

The Metropolitan South West region offers a basic course for teachers and counsellors in Reality Therapy involving five days intensive training. The Hunter education region has offered training to approximately 200 regional principals. A large number have undertaken the training with an American educationalist brought to Australia for this purpose. Following their training, principals of two regional high schools ensured that every teacher received the training as part of a comprehensive attempt to change the culture of the school.

■ **Conflict Resolution**

In the Metropolitan South West region, teachers have been trained to offer programs targeting violent secondary students on long suspension. Courses also provide opportunities for teachers likely to have these students back in their class, and supportive teachers such as Year Advisers, to gain skills in handling conflict with students. The training aims to reduce the number of aggressive exchanges in the classroom, and avoid further suspensions. A staff debriefing training package is also being piloted to train School Executives to handle violent episodes, including both student violence and parent aggression, more effectively.

The South Coast region also offers a staff development program in conflict resolution skills. The Student Welfare Teacher - Anti-violence in the Metropolitan North Region has developed workshops for school staff on "Responses to Aggression". The workshops examine issues relating to school policies and the development of playground policies. Both student and teacher behavioural issues are addressed.

■ **Protective Assault Response Training**

Rivendell (see Section 10.7.5) offers an outreach program to school staff to improve the staff's understanding of behaviour and provide practical management strategies to deal with aggression. A two-day Protective Assault Response Training (PART) course is also available, concentrating on the prevention of assault. The Committee was informed that:

people who do not have the understanding, who do not have the management skills, are far more likely to create an assault incident (Black Evidence, 26.04.94).

Metropolitan South West region has initiated a PART project aiming to ensure all staff working with physically assaultive students in special schools have strategies to deal with assaultive incidents and that suspensions can be reduced.

■ **Behaviour Assistance Support Teams**

A number of regions have established regional behaviour teams with appropriate expertise in behaviour management strategies. These teams offer staff development opportunities to increase the skills of teachers, who then work to increase the social skills of students in their schools.

■ **Information and Resources**

A number of regions publish anti-violence strategies or other resource material to assist teachers and counsellors in developing programs. In the Metropolitan South West region for example, reports were published each term on the 1994 anti-violence strategy for schools and peak community groups. In the Metropolitan North region a support document entitled *Strategies for Managing Bullying and Threatening Behaviour* for primary schools has been printed and distributed.

9.1.2 Whole School Programs

Evidence presented to the Committee suggested a need for broader, whole school programs. The Committee supports the following initiatives and believes they are of value in addressing violent behaviour. Schools should examine strategies for the development of whole-school programs that encourage non-violence and result in safer schools. Many schools have now introduced vertical roll classes, involving students from various Years meeting every day, which provides the opportunity to address particular social skills.

■ **Personal Development, Health and Physical Education curriculum**

The Committee heard that the Personal Development, Health and Physical Education curriculum which has now been introduced as a Key Learning Area offers great potential for addressing the issue of violence. Whereas Personal Development programs were previously optional, these courses are now progressively being mandated for the junior high school years. A draft

syllabus has been prepared for primary schools and is being trialed in some schools. The Committee has heard that the extension of the syllabus to all schools will provide an opportunity for the systematic teaching of courses such as conflict resolution and mediation skills.

■ **Resources for Teaching Against Violence**

The *Resources for Teaching Against Violence* kit (NSW Department of School Education, 1992b) is a set of materials developed to assist schools to address issues of violence. The kit comprises three sections:

- managing aggressive and disruptive student behaviour (including a model professional development module);
- effects of domestic violence; and
- violence against homosexual men and women.

The kit won an Australian Violence Prevention Award in 1993 and is currently being revised by the Guidance and Student Welfare Unit of the Department of School Education's Specific Focus Programs Directorate. A new segment on bullying has been prepared. The Committee has been informed that the new edition will be made available to all schools during 1995, with additional sections on sex-based harassment and dispute resolution to be distributed at a later date.

■ **Preventative Program for Domestic Violence**

The Committee received a submission from a Newcastle social worker outlining a preventative program and kit for domestic violence in primary schools which could address issues such as relationship building, communication, self esteem, conflict resolution, equality and gender within the Personal Development, Health and Physical Education curriculum (Submission 56). A steering committee has been established as a sub-committee of the Newcastle Domestic Violence Committee, and commitments have been given by police and Department of Community Services officers to be involved in the program and visit schools. Approval from the Department of School Education is yet to be granted.

■ **Strategies for Safer Schools**

Of the \$50,000 granted to each region for anti-violence initiatives, each region has allocated \$10,000 to participate in the development and presentation of a statewide Strategies for Safer Schools program, co-ordinated by the Department's Training and Development Directorate.

The Strategies for Safer Schools program is based on the principle that the management of behaviour is a shared partnership between teachers, students and families, and focuses on prevention with an emphasis on collaborative professional development.

Phase One of the program provides a process of gaining whole school community commitment to the program, examining current school practices, developing a plan based on school requirements and implementing and reviewing that plan over a period of one to two terms.

Phase Two involves a two hour unit each week for 10 weeks. Core units include preventing disruptive behaviour; increasing appropriate behaviour; and maintaining a positive classroom environment. The units have been designed so no outside training assistance is required, ensuring all schools can easily implement the program.

Both phases have been piloted in nine schools, primarily in the Metropolitan East region. A copy of the program has been distributed to all schools.

■ **Conflict and Dispute Resolution Project**

The Specific Focus Programs Directorate in association with the Metropolitan North, South Coast and Hunter regions, has been conducting a dispute resolution pilot project during 1994. The project has been developed in conjunction with Community Justice Centres, and an evaluation has been completed. A final report is being produced which will refer to the variety of conflict resolution projects across the state.

■ **Resolve Anti-violence Curriculum**

At Granville South High School a group of Year 9 students have trialed a ten week course developed by a special education lecturer at the University of Western Sydney, Jean Jenkin. The Resolve Curriculum examines social perceptions of violence, the origins and indicators of violence, statistical data on violence and the power of assertiveness and communication skills. Modules on violence and gender and violence in relationships are also included.

■ **Playground Programs**

The Committee has heard that some schools running playground programs aim to identify disruptive students and give them positive leadership tasks to involve them in an advantageous way (Black Evidence, 26.04.94). During the course of the Inquiry, the Committee members visited Liverpool West Public School. The school identified a high incidence of aggressive behaviour in the playground and introduced the Playground Program emphasising preventative strategies such as:

- lunchtime leisure activities;
- the teaching of playground games;
- the availability of play equipment;
- special needs groups;
- behaviour modification;

- a multi-purpose outdoor learning area; and
- a conflict resolution program.

The Committee was advised that the number of incidents of aggressive behaviour in the playground has decreased following the introduction of the program.

In the Western region small playground groups in a number of the region's schools are facilitated by student mediators with assistance from teachers' aides to target students in need of learning play skills.

The Committee believes that playground supervision is crucial in preventing violent incidents, and that schools should examine their practices in this regard. The Department of School Education should produce and disseminate information on standards of best practice to assist schools in this review.

RECOMMENDATION 87

That the Minister for Education ensure

- **the Department of School Education produce and distribute to all schools standards of best practice in playground supervision and programs; and**
- **schools review their playground supervision practices to minimise the potential for playground violence.**

■ **Life Skills and Community Issues**

The Hunter Regional Student Representative Council suggested that schools may become more relevant by offering alternatives such as living skills, including budgeting, in addition to social skills such as communication and conflict resolution (Submission 46). Education in civics and citizenship may also assist in the development of young people as positive, contributing members of society.

■ **Drug and Alcohol Education**

The Committee heard during a briefing with young male violent offenders in a Juvenile Justice Centre, that these young people believed their abuse of alcohol and other drugs had contributed to their offending behaviour. They suggested that, because young people have no knowledge of the physiological effects and harm caused by drugs, they are likely to accept anything offered to them that they are told will "make them feel good". This group advocated the introduction of drug education programs at the commencement of Year 7.

Drug and alcohol education is currently included in the Personal Development, Health and Physical Education curriculum.

9.1.3 Programs for Targeted Groups

Research from the United States suggests that aggression at the age of eight years is the best predictor of aggression at age 19 years, irrespective of IQ, social class or parents' aggressiveness (Lefkowitz *et al*, 1977). Early intervention, with programs introduced prior to the age of eight or nine years, appears to be the best strategy to prevent violent, anti-social behaviour (Submission 31).

A range of programs and kits is available for counsellors and teachers working with individual students with behavioural problems. The Committee endorses the approach taken by the programs outlined below and encourages the continuation and expansion of programs for targeted groups of students displaying behavioural problems to encourage behavioural change.

■ Social Skills

The Committee has heard that communication skills are very important in addressing the effects that can result from children observing family violence:

some people who see violent behaviour modelled in front of them all the time may also come from families [where] ... they may never see a parent apologise (Davidson Briefing, 17.09.93).

Cognitive programs such as Talk Sense to Yourself and Stop Think Do teach students skills to control their behaviour. Several regions have also offered these as whole school programs.

The Dubbo Education Resource Centre in the Western region is co-ordinating a modification of the Stop Think Do program to target younger students in Kindergarten to Year 2 to ensure early intervention.

The Metropolitan West region is currently evaluating the Daily Social Skills Group program which has been offered in a number of schools. Targeted groups of violent and aggressive secondary school students are identified to participate in a daily session of 30 minutes duration which focuses on the teaching of social skills, with content developed by teachers within the schools.

■ Aggression Replacement Training

Dr Arnold Goldstein, who works with delinquent children in New York, has developed a system which teaches children social skills such as dealing with anger, fear, negotiation, accusations, as well as goal setting, decision-making and expressing affection. Moral education designed to raise a young person's level of fairness, justice and concerns with the rights and needs of others is also included.

■ Students at Risk (STAR) Program

During the Committee's visit to one boys' high school, the Committee was informed of the federally-funded Students at Risk (STAR) program. Groups of students are targeted for a

program which involves extra-curricular activities, family involvement through meetings and social nights designed to promote cultural activities.

■ **Behaviour and Attendance Programs**

The Behaviour and Attendance Programs were established in 1984 across the ten regions to pilot innovative programs to address behavioural and attendance problems in a preventative and remedial approach. The programs provide an alternative curriculum for secondary students experiencing or likely to experience behaviour or attendance difficulties. Most regions have now attached the allocated positions to other student welfare initiatives.

■ **Wilderness Programs**

Wilderness programs have been developed in the education system in recognition of the need to address youth violence. The South Coast Wilderness Enhanced Program, for example, involves programs for students with suspension records consistently reporting both physical and verbal violence against teachers and students. Wilderness programs aim to provide a "turnaround" experience for well-entrenched, non-compliant students who have previously received counselling and participated in available programs yet have not demonstrated a modification of their behaviour.

The program involves a hike of six days' duration, walking and abseiling and three days of canoeing. The wilderness experience attempts to change behaviour by creating confronting situations necessitating a change in thinking. Ensuring the peer group challenges any violent or aggressive behaviour occurring during the wilderness experience can be influential in changing this behaviour (Handley Evidence, 29.08.94).

The Head Teacher-Wilderness from the South Coast Region contended that intervention models like the Wilderness Enhanced Program, operating at 4% of the cost of some detention centres, provide valuable monetary and social savings (Submission 28).

The Department of School Education commissioned an independent evaluation of the program's first two years of operation. Approximately 84% of students who had completed the program were still at school, undertaking further education or employed. Other evaluations have examined attitude change, and found significant increases in rational thought and expression.

One of the common criticisms of the wilderness experience as a means of addressing violence is that after the wilderness experience students return to an unaltered home and school environment. The Committee heard that follow-up programs, involving students, their parents and the school, are vital to ensure continued success (Handley Evidence, 29.08.94).

9.2 THE CURRICULUM

9.2.1 School Retention and Curriculum Reform

Retention rates in NSW schools have risen by approximately 20% since 1988 to 71% in 1993 (Castles, 1994:60).

The Committee has heard that, although retention rates have increased, there is a diminishing proportion of students planning university studies:

schools are well adapted for preparing people for university but if young people do not have that as a career destination, the school may not articulate well with their interest. As a result I expect to see a persistent increase in some amount of violence in and around schools If schools humiliate, degrade and in general bore young people, I think they are going to find it difficult to control young people (Polk Evidence, 29.07.94).

A paper prepared for the NSW Police Service and discussed with the Committee during a briefing expresses concern regarding the social consequences when the expectation that school education is the key to realistic future education, training or employment is no longer realistic. The paper links the discontent, public disorder and crime that occurred in Melbourne with the release of results of final year exams at the end of 1991 and the limited offering of university and TAFE places in January and February of 1992 (Tabled document).

It was also suggested to the Committee that making certain subjects such as mathematics compulsory in the senior curriculum, irrespective of the interest or abilities of the students, is "not healthy in an educational establishment" (In camera Evidence, 08.11.93).

The Federal Government's school advisory body, the Schools Council, recently released a discussion paper, *The Role of School in the Vocational Preparation of Australia's Senior Secondary Students* (Schools Council, 1994). The Paper supports the development of structured pathways from the classroom to the workplace, and suggests that close links between industry and schools, including extended work experience programs, are essential to combat high youth unemployment. The Council is also considering alternative assessment procedures that would be more relevant to employers than the Tertiary Entrance Rank (TER).

The Committee believes there are fundamental questions which must be posed regarding the merits of a traditional generalist education and more narrow vocational education. The Committee recognises that the student population is changing, as more young people for whom an academic curriculum may not be appropriate remain in the education system. However, a commitment to a general education must be maintained in a changing society to give people knowledge and skills which extend beyond any particular job which may become obsolete. Young people need to understand the nature of society and their place in it so that they do not experience the alienation that can lead to violence and self-destructive behaviour. **A broad-based general education may be a much better preparation for life and work in a changing world than a narrow vocational education.** An emphasis on training and future employment as the only valuable outcome of the school system may serve to reinforce feelings of failure and resentment in students who are not successful in gaining meaning employment. However, the Committee believes that any education system should nurture the broadest possible range of abilities young people may have. The Committee recognises that vocational courses may be the best means by which a particular range of non-academic abilities can be nurtured, and therefore supports such initiatives as examples of the ways options available to young people can be broadened.

9.2.2 Educational Pathways

The NSW Department of School Education is attempting to provide a curriculum that is appropriate and relevant to the full range of students staying in the school system. A major element of this strategy is the introduction of vocational courses into schools to give students structured work placements. An example is Industry Studies, which includes metals, retail, and hospitality strands. The course aims to give students skills applicable to the workplace through a minimum of 80 hours' work experience, and enables them to gain credit for TAFE courses as well as demonstrating marketable skills to future employers.

The Department is also examining options for the broadening of educational pathways, allowing young people to access a variety of educational institutions. Four education and training pathways are available:

- the traditional, university-oriented HSC delivered by schools;
- the school-based HSC with both educational and vocational components;
- a TAFE-based HSC incorporating vocational components; and
- non-HSC vocational education delivered by TAFE or another provider which can lead to post-school vocational education and training (NSW Ministry of Education and Youth Affairs, 1993:14-17).

In 1995, some 21,000 students will participate in the Joint Secondary Schools TAFE program, with most enrolments expected in Office and Accounting, Hospitality and Travel, Automotive, Child Studies, Electrical and Electronics courses (NSW Ministry for Education and Youth Affairs, 1995:7).

The TAFE HSC pathway was introduced in 1994 and is offered through 15 TAFE colleges across NSW, allowing students to commence their HSC and study vocational subjects which count both towards the HSC and a vocational qualification. This pathway was offered across the areas of Microcomputing, Design, Tourism Guest Service and Horticulture, and was extended to include Rural Studies and Childcare in 1995 (Minister for Education, 1994b). Over 1,100 students were expected to enrol in studies for the HSC at TAFE Institutes in 1995, a 120% increase over the previous year (NSW Ministry for Education and Youth Affairs, 1995:7).

In addition, 11,000 students - a threefold increase from 1994 - were expected to undertake accredited vocational programs delivered by schools and industry, with new courses including Building and Construction, Rural Industries and Furnishing (NSW Ministry for Education and Youth Affairs, 1995:7).

It has been suggested that by the year 2000, more than 73,000 students, or approximately half of the student population, will undertake some form of vocational education as part of their HSC (NSW Ministry for Education and Youth Affairs, 1995:7).

Universities are also beginning to play a more active role in the provision of education and training services for senior secondary students. A number of joint facilities have been established or are under way, including the Orana Community College at Dubbo, where university and TAFE facilities provide open learning programs for geographically isolated

students. A second centre at Coffs Harbour will involve a senior secondary college, TAFE and the Southern Cross University. Joint facilities have also been negotiated at Ourimbah, and the former HMAS Nirimba site at Quakers Hill in Western Sydney. This site will become an education precinct comprising a TAFE campus, a campus of the University of Western Sydney, a Catholic high school and a Department of School Education high school (Minister for Education, 1994a).

The Committee supports the recognition of the diverse range of abilities and talents that young people may possess and the development of such abilities within the education system. Initiatives such as extended educational pathways go some way to meeting these broad objectives.

RECOMMENDATION 88

That the Minister for Education recognise the diverse range of abilities and talents that young people may possess and make provisions for developing such abilities within the education system, through initiatives such as extended educational pathways.

9.2.3 Assessing Competencies

A new approach to the School Certificate based on teaching students a set of work-related skills has been proposed in New South Wales. Competency areas identified for assessment included: collecting, analysing and organising information; communicating ideas and information; planning and organising activities; working with others and in teams; using mathematical ideas and techniques; solving problems; using technology; and cultural understanding (NSW Ministry for Education and Youth Affairs, 1995:9).

Recent moves to replace traditional report cards which record a student's ranking in class with statements which emphasise a student's abilities and achievements are in accord with the philosophy of these educational approaches. The Committee believes these initiatives should be fully evaluated.

RECOMMENDATION 89

That the Minister for Education ensure that the current initiatives being trialed in schools and TAFE colleges based on competency assessment are appropriately evaluated.

9.2.4 Mastery-based Learning

To address low-self esteem, students have to, among other factors, experience success. The Committee was informed of schools in Johnson City, New York, which have achieved school

retention rates of 96 to 97% while minimising discipline problems. Vandalism is rare, and 13 year olds achieve on a competency base test at the level of 17 year olds. All this has been achieved by mastery-based learning instruction, with students progressing through units only after they have mastered the unit's objective. Students are not graded, but are certified as having mastered the unit's objectives or as not having completed the unit, in which case special assistance is provided to reach mastery level. Such an approach to learning seeks to build a child's self-esteem (Submission 21).

A proposal to develop a schooling program for young Aboriginal students in Walgett shares this philosophy. The locally-designed initiative seeks to incorporate all tiers of education, and develop a flexible timetable operating from pre-school to Year 12, and incorporating TAFE courses in senior years. Students would be given the opportunity to progress at a rate suitable to their ability and achievement level, rather than age (Social Policy Directorate, 1993:66). Dubbo South High School, which the Committee visited, is moving towards this model with vertically-integrated curricula.

The Committee supports the continued introduction of initiatives based on the concept of mastery-based learning, providing they are appropriately evaluated.

9.2.5 Literacy

The Committee has heard that data from the Australian Council for Educational Research relating to literacy rates for students entering high school have not changed greatly in recent years.

However, as has been discussed, the frustrations under-achieving students face may be one factor contributing to aggressive behaviour. Research from the United States suggests that, while the role model provided by violent parents was a common factor in the background of many violent children, a lower level of intelligence may also limit their behavioural options (Lefkowitz *et al*, 1977). Data from Boys' Town pupils confirm these findings. Pupils are on average four years behind their age peers in reading comprehension. It was suggested to the Committee that the frustrations these students face in trying to cope with a high school curriculum may trigger violent behaviour (Submission 31).

The problem of poor literacy is exacerbated by the changing nature of employment in our society. There has been a reduction in the number of positions available to school-leavers with lower levels of attainment. This has contributed to increasing retention rates, as fewer options are available for these young people to enter the work-force in unskilled positions.

The Western Sydney Committee of the Inter-Departmental Committee on Youth Affairs suggested to the Committee that low self-esteem may be heightened by low levels of literacy. It called for early intervention programs, such as Reading Recovery, to receive additional funding (Submission 53).

The Committee strongly endorses the continued commitment of the Department of School Education to raising literacy rates and encourages the allocation of appropriate resources to literacy programs.

9.3 CONCLUSIONS AND FINDINGS

- Regional offices of the Department of School Education should continue their commitment to **staff development** through in-service programs that develop staff skills in implementing constructive behaviour management strategies addressing student behaviour, and in appropriately responding to violent incidents and assaults on staff.
- Schools should examine strategies for the development of **whole-school programs** that encourage non-violence and result in safer schools. **Playground supervision** is crucial in preventing violent incidents, and schools should examine their practices in this regard. The Department of School Education should produce and disseminate information on standards of best practice to assist schools in this review.
- The Committee encourages the continuation and expansion of programs operating in schools for **targeted groups** of students displaying behavioural problems to encourage behavioural change.
- The Committee recognises that the student population is changing, with more young people for whom an academic **curriculum** may not be appropriate remaining in the education system. A commitment to a general education must be maintained in a changing society to give people knowledge and skills which extend beyond any particular job which may become obsolete. However, any education system should nurture the broadest possible range of abilities that young people may have. Vocational courses and extended educational pathways may be the best means by which a particular range of non-academic abilities can be nurtured. Initiatives which emphasise a student's abilities and achievements should be fully evaluated.

CHAPTER TEN

THE DEPARTMENT OF SCHOOL EDUCATION: RESPONDING TO CAUSES OF VIOLENCE

This chapter examines the responses of the Department of School Education to specific forms of violence in schools and factors underlying this behaviour. Procedures for resolving complaints about discrimination against students are discussed, together with initiatives targeting sex-based harassment, bullying, racism and violence against homosexuals and lesbians. The issues of boys' education and gender equity strategies are also examined. The available support for students with learning disorders and other disabilities which may lead to violent behaviour is reviewed. The Department's role in home-school liaison and assistance for homeless students is also discussed.

10.1 PROCEDURES FOR RESOLVING COMPLAINTS ABOUT DISCRIMINATION AGAINST STUDENTS

The Committee is aware that in some schools, violence may stem from discriminatory attitudes held by some students. The NSW Department of School Education (1995) has recently distributed *Procedures for Resolving Complaints about Discrimination against Students* to all schools. The procedures state that the Department of School Education:

is committed to the provision of learning and working environments that are free from all forms of unlawful discrimination, harassment and vilification (Department of School Education 1995:1).

The document discusses forms of behaviour that are unlawful under the NSW *Anti-Discrimination Act* (1977), and Commonwealth Acts including the *Racial Discrimination Act* (1975); the *Sex Discrimination Act* (1984); and the *Disability Discrimination Act* (1992).

The procedures provide that principals and other senior departmental officers must ensure that all staff under their supervision are informed of these procedures. Principals must also ensure that:

- students, parents and others in the school community are aware of the details of these procedures and have access to them;
- the complaints procedures are incorporated into the range of strategies available within schools to assist students to resolve complaints; and
- an appropriate contact officer(s) for discrimination, harassment and vilification matters is appointed following consideration of expressions of interest from staff (Department of School Education 1995:2).

10.2 SEX-BASED HARASSMENT

The *Procedures for Resolving Complaints about Discrimination against Students* state that

Harassment is any form of behaviour that is not welcome, not asked for and/or not returned, and that offends, intimidates or humiliates someone on any of the above grounds. Sexual harassment is a type of sex-based harassment (Department of School Education 1995:2).

In evaluating the education outcomes for girls in New South Wales, the Quality Assurance Unit of the Department of School Education found that coverage of sex-based harassment in schools

appears to be haphazard, disjointed and unsystematic. When confronted with their harassing behaviour, Year 11 boys in one coeducational high school had responded 'but nobody ever told us it was wrong' (Department of School Education, 1994c:60).

While the methodology adopted for the evaluation did not allow for the extent of sex-based harassment to be quantified, the report concluded that:

- sex-based harassment ranged from verbal "put downs" and name calling to more overt and threatening behaviour;
- the majority of school executives said they did not believe that sex-based harassment exists in their school;
- teachers and students were, in the main, unaware of formal grievance procedures for resolution of allegations of sex-based harassment; and
- the majority of students were reluctant to report incidents of harassment because they believed little would happen as a result (Department of School Education, 1994c:75)

The evaluation also found that few teachers were able to articulate a strong understanding of gender equity issues in their teaching area, pointing to a lack of training and development opportunities (Department of School Education, 1994c:73).

The Commonwealth Gender and Violence Project, funded by the Department of Employment, Education and Training, reviewed the programs and resources available throughout Australia for addressing the relationship between gender and violence. The Project's Position Paper found that the NSW Department of School Education's *Resources for Teaching Against Violence* fails to

treat the causes or manifestations of violence in terms of gender and violence, gender and power, and the construction of masculinity (Ollis and Tomaszewski, 1993:21).

A new component is planned for the revised *Resources for Teaching Against Violence* kit containing resources to assist in addressing sex-based harassment.

The Gender and Violence Project's Position Paper concludes that few resources are aimed at teaching about sex-based harassment to primary students, although one South Australian primary school has developed a whole-school approach to sex-based harassment including single-sex units of work. While the girls' program examines sex-based harassment and how to deal with it, the boys' program focuses on anger management and conflict resolution (Ollis and Tomaszewski, 1993:27).

Representatives of Men Against Sexual Assault (MASA) appearing before the Committee stressed the need for school counsellors to be trained in ways to encourage boys to be responsible for their behaviour, and teachers to be trained in narrative approaches that will encourage alternative masculinities in respectful ways, based on the work of Alan Jenkins and Michael White (Denborough Evidence, 29.06.94). The Committee believes in-service workshops on these issues for teachers and school counsellors providing counselling for boys regarding their behaviour towards girls would assist in addressing the problem of sex-based harassment.

To ensure the success of resources, policies or programs attempting to confront harassment, the Committee heard that a whole school approach is preferred, with an appropriate commitment to staff education and responsiveness. The Training and Development Officer of the Australian Guidance and Counselling Association stated that

when staff morale is low and there are a lot of problems, harassment is higher. If you are in a school which says they do not tolerate that sort of behaviour and have a high expectation for behaviour, the harassment does decrease (Hatswell Evidence, 22.02.94).

The Committee is aware of a number of programs already in operation in NSW schools aimed at decreasing sex-based harassment. Those brought to the Committee's attention include:

- James Busby High School: the school has developed an anti-harassment policy that outlines a wide range of undesirable or unwanted behaviour that can be considered a form of harassment. Sexual harassment is defined to include discrimination, jokes, unwanted contact, leering, gestures and drawings based on the gender of the victim. The school was a recipient of an Australian Violence Prevention Award for its Policy in 1993.
- Auburn Girls' High School: a unit entitled "Women in Society and Violence in Relationships" has been developed, in conjunction with the Auburn Community Health Centre, for the Year 10 Personal Development, Health and Physical Education Curriculum.
- Metropolitan West region: a Gender and Violence Prevention Officer has been seconded to this region for a period of one year. The Senior Education Officer-Girls' Education of the Specific Focus Programs Directorate is collaborating with this officer to develop programs for the elimination of sex-based harassment. The project will involve three primary schools and one special school in the region. Staff development inservice training has been conducted on the construction of gender and sex-based harassment. As a result of their different experiences and perceptions, it is likely that the schools participating in the pilot

will attempt to address sex-based harassment from a variety of perspectives. One school has found that students have relied on the anti-racism policy and grievance procedures to raise issues of sex-based harassment. This school will focus on developing an anti-harassment policy and appointing a Grievance Officer. A proposal for a student video on sex-based harassment to educate parents and the school community is also being considered, which could be used by other schools in the cluster or region. A second school will focus on mapping the problem of sex-based harassment to determine the extent of the problem and areas of need. Another school is focussing on boys' education and developing lessons on the construction of masculinity, and the fourth school is focusing on parent and community involvement in addressing the issue.

A report will be produced for distribution throughout the state, outlining these initiatives as examples of what individual schools can do to counter sex-based harassment. A proposal to develop a series of posters on unmasking sex-based harassment, and targeting teachers, secondary students and primary students is also under consideration.

The Committee believes that, in addition to the state-wide introduction of *Procedures for Resolving Complaints about Discrimination against Students*, schools should be encouraged to develop anti-harassment policies with input from the entire school community to achieve a sense of ownership and contribute to a change in the culture of the school. This approach must be supported with appropriate resource material and inservice training.

RECOMMENDATION 90

That the Minister for Education ensure regional education offices assist schools to recognise and address sex-based harassment by:

- offering appropriate information resources to schools;
- developing in-service workshops for teachers; and
- developing in-service workshops for school counsellors providing counselling for boys regarding their behaviour towards girls.

RECOMMENDATION 91

That the Minister for Education encourage schools to formulate a school anti-harassment policy, with appropriate attention to sex-based harassment by students and teachers, and appropriate input from students, teachers and parents.

10.3 BOYS' EDUCATION AND GENDER EQUITY STRATEGIES

Statistics consistently show that men are predominantly the perpetrators of violence. The way masculinity is constructed by society in general is a concern, with aggressive behaviour seen as a manifestation of strength, toughness and bravery, particularly for young men.

The Committee has heard much evidence on the gendered nature of youth violence, and of the cultural supports which lead to boys and young men seeing violence as a legitimate behavioural response. The Executive Officer of the Federation of Parents' and Citizens' Associations, for example, stated that:

All too often boys believe that they should be aggressive and fight in order to prove their superiority. They believe that boys should dominate and act with contempt against women and girls. They believe that boys must be strong, rugged and athletic ... that boys must keep their problems to themselves as communicating their needs and feelings is a sign of weakness. All too often the only strong emotion boys allow themselves is the emotion of anger. These attitudes and beliefs are, we believe, the precondition of the violence which occurs in our schoolyards (Johnson Evidence, 08.11.93).

Mr Peter West, a senior lecturer in Education at the University of Western Sydney, has conducted a study on growing up male in Western Sydney. He found that many boys have a fear of appearing to fall short of the masculine ideal, and this fear results in behaviour designed to prove their masculinity:

A whole range of male behaviour is dictated by this need to fit in, to play the part, and if that means belting the tripe out of other guys in the playground or on the football field, then that is the way it has to be (West, 1994:5).

These attitudes of conformity to gender stereotypes also affect boys' experiences of education. One kindergarten boy, when asked if he had come to school to learn to read, said "No. Only poofers read" (West, 1994:4). As this example demonstrates, these stereotypes and beliefs form early in a boy's development:

if boys are being taught to be in control, dominating and violent in some ways, sitting down and writing and expressing themselves emotionally through literacy will be more difficult (Denborough Evidence, 29.06.94).

The Executive Director of the Federation of Parents' and Citizens' Associations claimed there is a need to

identify the resentments, frustration and hostilities generated by what we see as the lack of congruity between the full human needs of boys and their desire to become effective learners on the one hand and the rigid demands of the male stereotype and the way those demands hijack behaviour into aggression, self-centredness and competitiveness (Johnson Evidence, 08.11.93).

In conjunction with the recognition of the centrality of gender construction in the development of children, there is now a growing realisation that the educational and social needs of boys

require attention. The Federation of Parents' and Citizens' Associations has called on the Director General of the Department of School Education to initiate research on a boys' education strategy involving every school.

The previous Government's Advisory Committee on Education, Training and Tourism inquired into boys' education in 1994. The Committee's *Challenges and Opportunities* discussion paper found that:

- 65% of students in special school and support classes are boys;
- boys under-perform compared with girls in literacy tests at both Year 3 and Year 6, and achieve lower grades in English at both the School Certificate and Higher School Certificate;
- girls have outperformed boys over at least the last 13 years on the basis of mean tertiary entrance scores; and boys are over-represented in the lower ranges and underrepresented at higher levels, although they continue to be slightly over-represented in the HSC top 1,000 (NSW Government Advisory Committee on Education, Training and Tourism, 1994:12-13).

The discussion paper recommended the development of a Gender Equity Strategy in Education to include programs for boys, girls and both boys and girls. A set of Gender Equity Principles was recommended to underpin the Strategy. The paper also called for the teaching of Gender Equity across the curriculum.

The paper recommended that the Strategy:

- develop programs to involve all parents, particularly fathers, as active participants in their children's education;
- develop opportunities for members of the wider community to be involved in the educational programs of schools to provide appropriate role models to both boys and girls;
- implement peer support programs for all children, starting with a transition to high school program in Year 6;
- bring current programs on sex-based harassment and violence under the umbrella of the Gender Equity Strategy;
- re-assess school discipline policies in light of the Gender Equity Principles and Strategy;
- encourage students to participate in student leadership programs such as Student Representative Councils;
- encourage and promote participation in cultural activities and the humanities; and

- introduce four units of English as an HSC subject (NSW Government Advisory Committee on Education, Training and Tourism, 1994:27-31).

A number of initiatives that include a focus on gender issues have been developed in schools. In the Metropolitan North region, a two day staff development course entitled "Educating Against Violence" was developed incorporating boys' education strategies, and offered through Education Resource Centres. The course targeted principals, executive staff and teachers with Personal Development, Health and Physical Education or student welfare roles. A four day Vision for Boys course is offered to school staff nominated as Boys' Co-ordinators.

Schools have been encouraged to submit proposals requesting access to support from specialist teachers and funding to develop and implement anti-violence programs and/or boys' education strategies. A Student Welfare Teacher - Anti-violence piloted boys' education strategies in a number of secondary schools. A program for the Personal Development, Health and Physical Education curriculum for Year 10 students was developed, covering the areas of non-violent relationships; gender awareness; and valuing girls and femininity. The program was partly adapted from an ACT personal development program for boys released in 1993 and resource material from the Western Education Centre in Victoria. Gender stereotyping is also being addressed in regional peer support programs, including single-sex groups.

Several primary schools in the region are also trialing programs involving boys' and girls' groups. Social skills programs are offered to groups of Year 3 students at Epping Public School, Years 4 and 5 students at North Sydney Demonstration School, and Year 6 boys at Ermington Public School. The programs have been adapted from the Boys and Relationships program from South Australia, and will be documented with the aim of distribution as exemplary Student Welfare programs.

A boys' program for Year 10 students has also been developed at Glebe High School. At Granville Boys' High School, a Mentor Program is being piloted with the co-operation of the University of Western Sydney. Boys are matched with a role-model from a profession or field in which they are interested. The Committee believes that providing boys with appropriate mentors is valuable in encouraging non-violent models of masculinity, and that such programs should be evaluated and, subject to the results of this evaluation, extended.

Discussion of a boys' education strategy has received some criticism on the grounds that resources may be diverted from girls' education, the approach is all about re-asserting the dominance of men in our society, and it fails to acknowledge very real problems of the male culture of our schools and the harassment of girls.

The Young Women's Electoral Lobby, for example, supported the position of the Federation, but stressed that

this must not divert money, resources or commitment from gender equity and special strategies for girls, which are very necessary but also, we believe, not sufficient (Jeffcoat Evidence, 10.02.94).

Representatives of Men Against Sexual Assault contended that:

any boys' education strategy should be grounded very strongly in an understanding of the construction of gender and a commitment that such an understanding should underpin all aspects (Denborough Evidence, 29.06.94).

The Committee believes these concerns can all be addressed by a strategy which does not solely focus on widening curriculum choices and increasing levels of attainment, but which has a strong focus on developing communication, social skills, an awareness of gender construction, removal of gender stereotypes and improving relationships. The *Challenges and Opportunities* discussion paper found that boys have fewer alternative dispute resolution skills than girls, a factor which would contribute to them resorting to violence.

The paper recognised the current commitment to the Girls' Education Strategy and urged that this commitment not be reduced. It considered that the recommended approach will deliver meaningful change for girls, as it should

bring about change in the attitudes of boys and a more equitable approach across the whole system to gender related bias in all forms (NSW Government Advisory Committee on Education, Training and Tourism, 1994:27).

The Committee endorses this approach, and believes any gender equity strategy should focus on the gendered nature of violence, overcoming gender stereotypes, and, for boys, encourage communication, conflict resolution and non-violent models of masculinity.

Representatives of Men Against Sexual Assault (MASA) informed the Committee in evidence that five key dominant messages traditionally given to boys about masculinity must be confronted. These include:

- the importance of dominance and control in being a successful man;
- the justification of violence to achieve such control;
- the attribution of responsibility for violence to other sources, such as alcohol or women;
- the rejection and denigration of the feminine both in terms of women and any feminine qualities within men; and
- the rejection and denigration of any homosexual expression (Denborough Evidence, 29.06.94).

A gender equity strategy should be designed to encourage messages of masculinity that are non-violent and nurturing, while maintaining the positive traits of masculinity, such as courage and self-confidence. The Committee heard priority areas for action in the development of boys' education include: gender construction, the elimination of sex based harassment and violence, improvement in learning outcomes, career choices and gender roles, studies of gender relationships and school structures (Denborough Evidence, 29.06.94).

RECOMMENDATION 92

That the Minister for Education evaluate mentoring programs for boys with a view to their possible extension as an interim measure to develop positive constructions of masculinity.

RECOMMENDATION 93

That the Minister for Education develop a gender equity strategy which includes:

- **an acknowledgment of the gendered nature of violence;**
- **strategies to eliminate gender stereotyping in schools;**
- **an appropriate focus on communication and alternative conflict resolution; and**
- **strategies to encourage alternative non-violent constructions of masculinity.**

10.4 BULLYING

The Committee is particularly concerned about bullying which in its prevalence and impact on students may well be the most serious form of violence in schools. It is an area that needs attention.

The need for schools in NSW to confront bullying has been graphically illustrated by several court cases in other jurisdictions where schools have been held liable for failing to protect victimised students.

As discussed in Chapter Three, the Committee heard evidence from Professor Ken Rigby of the University of South Australia, who has undertaken considerable research in the area of bullying. Professor Rigby contended that the most important strategy to counter bullying is to raise awareness in the community, particularly among teachers who are in a position to obtain and use available resources (Rigby Evidence, 29.07.94).

A number of programs are now available to assist schools in addressing bullying, including a program offered by the Australian Council for Educational Research and a program produced by Flinders University. In addition, the new component in the revised *Resources for Teaching Against Violence* kit discussed in Section 9.1.2, to be released in 1995, will deal with resources for bullying.

The Committee was informed that introducing the topic of bullying into teacher education and providing in-service workshops would also be valuable. Professor Rigby suggested that, for schools to assess the incidence of bullying and devise appropriate responses, teachers can use self-administered, anonymous questionnaires, which can also reveal students' willingness to work with staff in developing a co-ordinated response. Staff would then be able to discuss the results, evaluate the extent of the problem and work on formulating a policy involving students

and parents. Classroom discussions could then focus on encouraging children to formulate simple rules and policy statements (Rigby Evidence 29.07.94).

In the Metropolitan South-West region strategies to counter bullying have been incorporated into the training and development of Head Teachers-Welfare which is aimed at offering training to staff of Education Resource Centres. A specialised questionnaire has been developed for school staff to determine areas in which bullying is occurring and to identify appropriate interventions. The questionnaire has been trialed in a number of schools, with all regional schools being notified of its availability. Two secondary schools and two primary schools are currently undertaking the survey process.

Programs can also be introduced to assist victims of bullying. At Tumut High School in the Riverina region an anti-bullying program has been developed and assertiveness training is offered to victims. The Primary Protective Behaviours Program, designed by the Protective Behaviour Consultative Group, deals with both child abuse and bullying, and aims to empower children to stand up to bullying. The program has gained the support of the NSW Police Service and the Department of Community Services for use in primary schools.

10.4.1 Intervention

Rigby and Slee's research suggests that approximately 40% of students surveyed indicated that they would not look for help even if they were bullied every day of their lives by somebody bigger and stronger than they were. Of those that would seek help:

- one-half would tell a friend or friends;
- one in three would tell their mother;
- one in four would tell their father; and
- one in five would tell their teacher (Rigby Evidence, 29.07.94).

Younger children and girls indicated that they were more likely to disclose their experiences than those in the older age groups.

Approximately 50% of the disclosing group indicated the situation improved after disclosure; 40% suggested there had been no change; and 10% said the situation got worse (Rigby Evidence, 29.07.94).

There are a variety of approaches available to deal with school bullies. One school of thought suggests that bullies are hardened children who need to be controlled by sanctions or by punishment. An alternative view is that bullies are products of peer group dynamics who fail to appreciate the harm that they cause. This latter, "no blame", approach suggests that bullies need help to behave more responsibly, and techniques have been developed to encourage this behavioural and attitudinal change.

The "no blame" approach involves speaking to each individual in peer groups separately, outlining the circumstances and harm being caused and enlisting each person's support. The

"method of common concern" which has been developed in Sweden is being used in schools in South Australia. It includes talking with the bully, involving parents, and possible sanctions such as suspension (Rigby Evidence, 29.07.94).

In the United Kingdom, bullying courts consisting of two teachers and two students have been trialed. The parties involved appear before this panel, and the incident is discussed as a school matter in an attempt to find constructive solutions (Ludbrook Evidence, 01.11.93).

The Committee believes that bullying is a far more serious aspect of youth violence than has been recognised in the past, and that information and training should be offered to teachers to assist them in addressing the problem.

RECOMMENDATION 94

That the Minister for Education ensure regional education offices:

- offer appropriate information resources to schools to assist them in identifying and intervening appropriately when bullying occurs;
- develop in-service workshops for teachers to assist them in addressing bullying;
- direct schools to formulate a school policy on bullying, with appropriate input from students and parents; and
- develop or approve self-administered, anonymous questionnaires to offer to schools to assist them in evaluating the extent of the problem and in developing an appropriate, co-ordinated response to bullying.

10.5 RACISM

10.5.1 Anti-racism Policy Statement and Grievance Procedures

In 1992, the Department of School Education released an *Anti-racism Policy Statement*. The statement was that:

The NSW Department of School Education rejects racism in all its forms. It is committed to the elimination of racial discrimination -including direct and indirect racism, racial vilification and harassment - in its organisation, structures and culture, in its curriculum, and in the learning and working environments for which it is responsible (Department of School Education, 1992d:3).

The policy statement listed the responsibilities of various officers in implementing the policy, from the Director-General to individual teachers. Assistant Directors-General (Region) were required to allocate responsibilities for the implementation of the policy in regions; to promote exemplary programs and practices in anti-racist education; and to report annually to the

Director-General. Principals were required to ensure all staff, members of the School Council, parents, students, and community members were familiar with the Anti-racism Policy and Grievance Procedures and understood their rights and responsibilities under them.

Anti-racism Grievance Procedures were distributed. A training package for Anti-racism Contact Officers was also prepared, and a Whole School Anti-racism Project resource developed.

The introduction of *Procedures for Resolving Complaints about Discrimination against Students* has provided further reinforcement of these initiatives.

The Committee believes that the implementation of Anti-Racism policy and procedures should be reviewed, and that the annual reports by regions may provide the material for resources outlining exemplary practice for anti-racism initiatives.

RECOMMENDATION 95

That the Minister for Education collate and review regional reports on the implementation of the Anti-racism policy to produce standards of best practice for distribution to all schools.

10.5.2 Anti-racism Initiatives and Programs

During the course of its Inquiry, the Committee heard of a number of initiatives and innovative programs set in place to address racism in schools:

- Granville South High School: in 1992 an anti-racism project was developed involving an inter-school visit by Aboriginal students from Walgett. Students realised the broader problem of racism, and demonstrated that attitudinal and behavioural change is possible with adequately resourced programs; and
- Killara High School: a two day, Talking Tolerance to Teenagers program is offered for Years 9 and 10 using large and small group activities and varied techniques such as videos, a fun quiz, physical activities and group discussions. Approximately 30% of students in the school are from a non-English speaking background and face resistance to their participation in mainstream activities. The program has reportedly reduced prejudice and increased tolerance (Department of School Education, 1993d:68-69).

10.5.3 Community Liaison Officers

Community liaison is particularly important in attempts to involve ethnic communities in the education and welfare of their young people. The Department of School Education has attempted to establish links with the community through the appointment of Community Liaison Officers. Community Liaison Officers are community members of particular ethnic groups who work in association with large numbers of English as a Second Language (ESL) teachers and other teachers, and support various programs.

The Committee has heard that the Department of School Education recognises that international disputes between various ethnic groups may impact on students, and steps have been taken to address this issue. During recent international conflicts, staff were alerted to the strength of feelings that existed among ethnic groups in relation to these matters. The anti-violence measures announced in relation to the 1992-3 Education budget allocation included the appointment of an additional two Community Liaison Officers, and one was assigned to an area where these problems had impacted on relations between ethnic groups (Davidson Briefing, 17.09.93).

A training course has been carried out for Community Liaison Officers focusing on developing mediation and conflict resolution skills. The course also aimed to increase knowledge of working effectively with school staff and parents, and understanding of the school curriculum.

The Committee believes that the role of Community Liaison Officers is fundamental in involving ethnic communities in the education and welfare of young people, and in dealing with disputes. It also believes resources must be provided for adequate numbers of Community Liaison Officers.

RECOMMENDATION 96

That the Minister for Education allocate adequate resources to fund appropriate numbers of Community Liaison Officers to ensure ethnic communities are involved in the education and welfare of their young people, and potential ethnic disputes impacting on schools can be identified and addressed.

10.5.4 Language High Schools

The Committee was informed of the success of Tempe High School becoming a Languages High School. Like many high schools in suburban Sydney this school has a high proportion of students from non-English speaking backgrounds. The school was not achieving a high standard in academic excellence in traditional curriculum subjects such as English. In recognising that students must master their own language before mastering English, the school has reduced the time spent on English language teaching since 1987, and more resources have been allocated to teaching community languages including Greek, Macedonian, Vietnamese and Arabic.

However, this strategy needs to be carefully monitored, to ensure that the mastery of English is fostered rather than ignored as fluency in English is fundamental to participation in mainstream Australian society. Instead of academic achievement in English suffering at Tempe High School, it has improved markedly. Students are now achieving results equal to the state average in every subject including English (Pisarski Evidence, 29.07.94). This strategy has both improved academic achievement and fostered school identity and pride which contributes to cultural tolerance and harmony.

The Committee recognises that violent offenders often have a history of under-achievement in school, and believes that providing young people with the means to succeed at school may be an effective crime prevention strategy.

The Committee believes that appropriately resourced language high schools should be developed, provided that they continue to demonstrate that the acquisition of English is facilitated.

RECOMMENDATION 97

That the Minister for Education support the continued development of appropriately resourced Language High Schools, in areas with high proportions of students from non-English speaking backgrounds, provided such schools continue to demonstrate the acquisition of English is also facilitated.

10.5.5 Aboriginal Culture and Community

The Department of School Education's *Programs of Excellence* (1993d) identifies a number of schools in NSW which offer students opportunities to learn about Aboriginal culture and heritage which the Committee also believes can promote pride, tolerance and harmony. Amongst those schools identified are:

- Camdenville Public School which offers a group of programs to support Aboriginal students and further the aims of Aboriginal Education;
- Dubbo West Public School which has a Year 4 Aboriginal Studies program that brings Aboriginal parents and community members into the classroom to discuss Aboriginal history and culture; and
- Narromine Public School's Kirinari Club which operates after school, providing educational, social and cultural experiences for Aboriginal students (Department of School Education, 1993d:66-80).

The Committee endorses these initiatives.

A number of regions are developing projects which aim to improve links with the Aboriginal community. These links are designed to enhance school community relations with Aboriginal

parents and students and to increase:

- Aboriginal parent participation in school programs and decision-making;
- the number of Aboriginal students completing post compulsory schooling; and
- the awareness and understanding of Departmental and school educational policies and services.

Regional Aboriginal Community Liaison Officers are involved in working with the Aboriginal community, such as in the case of recent allegations of racism at a secondary school in Casino.

In the Western region, Regional Aboriginal Community Liaison Officers are attempting to broaden liaison to include other Government Departments providing services which support Aboriginal education.

The Committee stresses the importance of fostering appropriate links with the Aboriginal community, and believes significant benefits can be gained through the appointment of adequate numbers of both male and female Regional Aboriginal Community Liaison Officers.

RECOMMENDATION 98

That the Minister for Education ensure that, in areas with significant Aboriginal populations:

- strategies are in place to develop appropriate links between schools and the Aboriginal community; and
- adequate numbers of both male and female Aboriginal Community Liaison Officers are employed in schools to establish and maintain these links and increase awareness of Departmental practices and policies, support at-risk students, and encourage parental involvement in programs.

10.6 VIOLENCE AGAINST HOMOSEXUALS

The Department of School Education's *Procedures for Resolving Complaints About Discrimination Against Students* include discrimination on the grounds of homosexuality, and also refer to the anti-vilification provisions of the Anti-Discrimination Act.

The Department has undertaken a number of initiatives to address the incidence of violence against homosexual men and women. A curriculum component in the *Resources for Teaching Against Violence* kit, entitled *Violence Against Homosexual Men and Women* (Department of School Education, 1992c) is recommended as being appropriate for students from Years 9 to 12. The Committee was informed of an evaluation of the attitudes of Year 9 students. While the module produced different outcomes across a range of variables, it was successful in

achieving attitudinal change in the areas of homophobic anger and behavioural intentions towards homosexuals and lesbians. The beliefs of both male and female students became more positive, but when follow-up testing occurred three months later, the males had relapsed to their previous attitudes, with the general conclusion being that:

overall the module has a positive impact but there is an interesting retrogression for male students [which] might indicate the need for planned revision (van de Ven Evidence, 29.06.94).

The Student Welfare Teacher - Anti-violence in Metropolitan North region used the *Violence against Homosexual Men and Women* module of the *Resources for Teaching Against Violence* kit in a number of secondary schools as part of that region's focus on boys' education.

The Committee was also informed of workshops conducted at an inner-city high school after the murder of a homosexual man by students of the school, and the unsolved murder of a homosexual teacher from the school. Twenty police officers and twenty youth workers discussed issues of violence against homosexuals and violence in the community. Approximately 200 students participated in a school workshop which included a panel of homosexuals and lesbians. The workshop included discussions on victims of crime and the suffering of victims' families. Following the workshops, the Committee was advised that the incidence of gay bashing in the area dropped dramatically, and continues to be low (In camera Evidence).

The impact of the *Resources for Teaching Against Violence* module on young offenders in Juvenile Justice Centres has also been evaluated and subsequently adapted. This adapted module was reproduced by the Directorate of Special Education and issued to all schools in Juvenile Justice Centres in July 1993 (van de Ven Evidence, 29.06.94).

The *Resources for Teaching Against Violence* kit is currently being revised and will be distributed to all schools in 1995. The list referring students to other agencies for further information and counselling is to be expanded to include a wider range of support options, including parents or other adult family members, and local cultural and religious organisations. The Committee believes the efficacy of the kit in changing students' attitudes to homosexuals and lesbians should continue to be reviewed.

While evidence to the Committee suggested that the kit is widely accepted as a valuable teaching aid, concern was expressed regarding the extent to which it is being used in schools. The *Resources for Teaching Against Violence* kit was first produced in 1992 and distributed at regional level in the school system. Since a request must be made through the principal for the homophobia module to be taught, the decision to implement the program rests with the discretion of individual principals (Edwards Evidence, 29.06.94). The Committee believes that the use of the updated kit should be encouraged and monitored.

The Gay and Lesbian Teachers' and Students' Association suggested that the speakers' bureaus of the AIDS Council of New South Wales and the Lesbian and Gay Anti-Violence Project, and members of the Gay and Lesbian Teachers' and Students' Association would be ideally suited to assist in the implementation of the *Violence against Homosexual Men and Women* module of the *Resources for Teaching Against Violence* kit within schools (Brodie Evidence, 29.06.94).

The Acting Executive Director of the AIDS Council of NSW (ACON) suggested to the Committee that the *Resources for Teaching against Violence* kit should be used in combination with education about HIV/AIDS (Malcolm Evidence, 29.06.94). It was also suggested to the Committee that inviting people living with HIV/AIDS to speak and interact with students in schools would further reduce stereotyping and fear (Bendall Evidence, 29.06.94).

The *Violence Against Homosexual Men and Women* module currently provides schools with the option of using a panel of homosexuals and lesbians, or utilising a taped panel discussion. The Committee supports this approach to encourage attitudinal change.

RECOMMENDATION 99

That the Minister for Education ensure the *Resources for Teaching Against Violence* kit continues to be reviewed, and that this review includes an analysis of attitudes towards homosexuals and lesbians among high school students.

RECOMMENDATION 100

That the Minister for Education develop strategies to

- **encourage the introduction of the revised *Resources for Teaching Against Violence* kit in the Personal Development, Health and Physical Education curriculum; and**
- **monitor its use and effectiveness.**

10.6.1 Counselling and Support

The Committee has heard that the physical victimisation of gay and lesbian students can lead to these students discontinuing their studies. Preliminary data from the SchoolWatch report, for example, suggest that 18% of the student respondents had left school as a result of violence against homosexuals or HIV/AIDS discrimination, and a further 14% had contemplated leaving school at some time as a result of these pressures (Submission 43).

During the Committee's Inquiry into Suicide in Rural New South Wales, a number of submissions expressed great concern about the extent of suicide among homosexuals, particularly young homosexuals in the country areas of New South Wales. The Committee was told that young homosexual men suffer taunting and intimidation from peers, even from pre-adolescent years, and may develop a sense of rejection and self-rejection (Standing Committee on Social Issues, 1994:79,80).

An indirect result of leaving school is that once these students leave the education system they are no longer able to access school-based counselling services and receive support. The

Committee believes homosexual and lesbian students experiencing harassment should be provided with information on appropriate support agencies.

In 1985 a project known as Project 10 was introduced in Los Angeles, comprising four strands: education, school safety, dropout prevention strategies for homosexual and lesbian students, and support services. The Committee was advised that a noticeable drop in violence against homosexuals was recorded in the Los Angeles area and in the schools that implemented the program (Brodie Evidence, 29.06.94).

It was suggested to the Committee that school teaching staff be provided with in-service training to assist students accept lesbians and homosexuals, both within and outside the classroom, and school counselling staff be provided with in-service training to deal with both the problems faced by these groups at school as well as issues surrounding harassment and violence (Submission 47). The Committee supports this approach.

RECOMMENDATION 101

That the Minister for Education ensure students identifying as homosexual or lesbian and reporting harassment are advised of appropriate agencies and counselling services.

RECOMMENDATION 102

That the Minister for Education ensure

- **all school counsellors are adequately prepared and receptive to handling sexual orientation inquiries from all students, and to provide support for students with HIV; and**
- **teachers have access to in-service training to assist them in countering negative attitudes towards homosexuals and lesbians by school students, both within and outside the classroom.**

10.7 STUDENTS WITH DISABILITIES AND CONDUCT AND LEARNING DISORDERS

10.7.1 Attention Deficit Disorder

The Committee heard that the majority of the students who become conduct disordered are also usually attention deficit disordered, and may become involved in a cycle of disruptive and aggressive behaviour:

Children who are hyperactive with poor impulse control ... frequently get punished for those behaviours and never learn really to control those behaviours, and are never given treatment for that, which starts a cycle of aggression that

can often continue. There may be specific factors for a child in terms of learning deficits but where no one has picked up those learning problems. The children learn that to try to exclude themselves from work, being class clown or being disruptive will get them excluded or stop them from being involved with class programs (Wever Evidence, 26.04.94).

There are broadly two types of Attention Deficit Disorder:

	WITH HYPERACTIVITY (ADHD)	WITHOUT (ADD)
Main Symptom	Impulsivity	Inattention
Behaviour	Overactive	Sluggish
Occurrence	Boys considerably greater than Girls	Boys somewhat greater than Girls
Language	Language Disorder	Subtle Deficits
Peers	Peer rejection	Social withdrawal
Comorbidity	Aggression Conduct disorder	Anxiety Depression
Presentation	Behaviour Early referral	Learning Late referral
Family type	Discord/anger	Stress/frustration
Outcome	Persistence	Adjustment

Source: Hutchins, 1994:8

As the above typology indicates, children with ADHD are more likely to be aggressive or conduct-disordered.

The impaired learning patterns of children with ADD and ADHD often result in illiteracy, difficulties in coping with school work and poor employment prognosis. The personal and social problems experienced by these children can lead to delinquency, vandalism and aggression at home, school and in the community. It has been suggested to the Committee that these conditions, if untreated, have serious ramifications for society in general and these children and their families.

Father Halliday from Boys' Town contends that the condition of conduct disorder is more likely to be found in male adolescents, in households experiencing marital discord or inadequate parenting, in neighbourhoods of lower socio-economic status, and the education regions of the Metropolitan South West, West and South Coast (Submission 31).

Father Halliday argues that students with conduct disorders tend to be excluded from the mainstream education system. It has also been suggested by a child psychiatrist that up to 80% of disruptive students with learning difficulties received no services or appropriate services, and that existing services did not meet the complex, multiple needs of these adolescents and their families (St George, 1994:2). The former principal of a Special School has claimed that 85% to 95% of students considered for suspension had a history of learning failure and either a mild intellectual disability or severe learning difficulty (Clayton, 1994:3).

Rather than applying punishment, the needs of these students can only be met through a systematic program facilitating effective and functional learning and increasing desirable behaviour (Clayton, 1994:4).

The Committee heard that early intervention to break this cycle of behavioural problems is vital:

The earlier the intervention, the better. The age of five is starting to get too late with severe violent and conduct disorders unless there is intervention involving both parents and the school and including skills with the student before the age of nine, the prognosis is very poor (Hatswell Evidence, 22.02.94).

10.7.2 Autism

The Committee is also aware that disabilities such as autism may lead to aggressive behaviour. Autism is a severely incapacitating, lifelong developmental disability arising from a dysfunction of some parts of the central nervous system affecting how a child learns to understand and use language and to interact with people and the environment. Those with autism experience confusion, frustration and fear which can lead to the person becoming withdrawn, aggressive or self-abusive or performing repetitive movements as a way of comforting themselves (Autistic Association, 1993:1).

The incidence of "classical" autism is estimated to be 15 in every 10,000 children with boys four times more likely than girls to have the disability. While there is a general perception that the incidence of autism has increased in recent years, the Autistic Association advised the Committee that any increase is more likely due to an increase in awareness and reporting by health and education personnel rather than an actual increase in the disability.

Although the Department of School Education has four specific classes within its education system for autistic children, educational services for these children are generally provided by the Autistic Association of New South Wales which receives funding from the Department of School Education for certain services. The Association has four schools in metropolitan Sydney and two in regional centres staffed by teachers funded by the Department. Teachers' aides do not, however, receive state funding and funding is only available for students up to 16 years of age. The Department also funds the Association to provide a limited range of services for autistic students attending government schools. Currently funding is provided for a Metropolitan Outreach Service that visits schools providing advice to teachers. The Service consists of a psychologist, an educational consultant and a part-time speech pathologist. It is anticipated that an additional teacher will be funded in the near future. It is the Committee's understanding that the services of these consultants are fully extended and that they are not

able to meet the demand fully. The provision of one additional teacher, while useful, will in no way ensure that the current demand is met.

Despite submissions having been made on numerous occasions, the Department does not fund music or occupational therapists to meet the special needs of these children, and funding is not available for a Rural Outreach Service.

In response to the unique educational needs of autistic children, two submissions have been made to the Department of School Education to implement a pilot program called "Giant Steps". This program places a strong emphasis on the development of sensory skills in early education and the integration of sensory instruction into sessions focusing on functional skill development. The Committee understands that initial funding has been received and that space at the former Gladesville Hospital has been made available for the project. The Committee fully supports this program and the continued development of initiatives to address the needs of autistic youth.

10.7.3 Psychiatric Disorders

It was suggested to the Committee that no educational facilities for long-term psychotic young people are offered by the Department of School Education, and that while this group does not constitute a significant number, they do have a right to education. The Principal of Rivendell SSP suggested that offering "distance education" to these students is "really quite impossible" (Black Evidence, 26.04.94). The Committee believes educational services for these students should be reviewed.

RECOMMENDATION 103

That the Minister for Education undertake a review of educational services for students with long-term psychiatric disorders.

10.7.4 Support in Schools

While school counsellors are attempting to help teachers identify and address problems, the Committee heard that

there is a lack of resources in trying to do that in a very consistent manner I think you need additional teacher time with help from specialist personnel to help develop the programs. The specialist personnel will be the school counselling or the special education services (Hatswell Evidence, 22.02.94).

The Committee acknowledges that the Department of School Education is responding to the needs of children with special needs in a number of ways and within the education system a number of options are available. An itinerant teacher can be brought in to work intensively with the child in an attempt to modify behaviour. School counsellors can develop programs for

students. Some students are removed from their school and placed in special schools, or facilities such as Arndell, Rivendell, and Redbank, discussed in the following section. Other programs allow students to spend part of their week at a special school with an intense input on behaviour, and attend their regular school for the remainder of school time.

An aim of the Special Education Plan 1993-1997 of the Department of School Education is the provision of educationally effective support services within regular and special schools for students with disabilities, learning difficulties and behaviour disorders. Strategies to meet this aim include improving the effectiveness of support classes and itinerant services for students with disabilities and behaviour disorders. This is to be achieved through local review of supervisory and management mechanisms and the examination of educational provision for students with behavioural disorders and emotional disturbance, in conjunction with other relevant Government departments. Early intervention is to be facilitated by implementing training and development models to upgrade the basic diagnostic and intervention skills of primary and secondary school teachers including the promotion of the Learning Assistance Course in all regions (NSW Department of School Education, 1993c). The Committee supports these strategies.

The Committee is aware of teachers who have expressed concern that students diagnosed with learning disorders may use this diagnosis as an excuse for anti-social behaviour. The Committee believes, however, that the important task of assisting these children is compatible with an approach that encourages personal responsibility for behaviour.

The Catholic Education Commission has been considering violence in the context of examining the issue of emotionally and behaviourally disturbed children in schools. The Commission has prepared a position paper on the issue, which outlines action to be taken at the Commission, diocesan, school and university level. Schools are asked to develop interagency intervention strategies and make student management and support programs a priority focus for school-based teacher inservice programs (Catholic Education Commission, 1993:5).

The Department of School Education has a policy regarding administration of medication at school which is currently being reviewed. It is intended that wide consultation will be undertaken. The Committee believes that this review should include consideration of protocols relating to drugs prescribed for Attention Deficit Disorder.

The Committee is also concerned that students receive appropriate expert assistance when they have a learning disorder or disability which results in violent behaviour. The Committee believes that a more wide-ranging review of support services available in schools for students with such learning disorders and disabilities should be undertaken, recognising the need for a multi-disciplinary approach involving, where desirable, experts from fields other than education.

RECOMMENDATION 104

That the Minister for Education review the support available in schools for students with learning disorders and disabilities which result in violent behaviour, recognising the need for a multi-disciplinary approach involving, where desirable, experts from fields other than education.

10.7.5 Alternative Education Facilities

During the course of its Inquiry, the Committee either visited or met with representatives from a number of alternative education facilities designed to meet the needs of students who have a history of aggression. These facilities include:

■ **Schools for Specific Purposes (SSPs)**

Campbell House SSP in the Metropolitan South West region was opened in 1990 for students that could not be maintained in mainstream schools. Other regions have similar facilities. To be referred to the school, students must be aged over 12 years, be identified as conduct disordered, and have a history of multiple suspensions. The school's programs are underpinned by the philosophy of Glasser's Reality Therapy, where the students are held accountable for their actions. In addition to the behaviour modification focus, each student is placed on an Individual Education Program to cater for academic needs. Self-esteem building and practical lifeskills are also part of the program. Students are placed on a levels system of achievement, with points allocated for tasks satisfactorily completed. Students on higher levels are afforded more privileges and free time.

As of December 1993, over 150 students had attended Campbell House. Approximately 18% left the program prematurely. It was suggested to the Committee that many students who do not complete the program have dysfunctional home lives and would require a residential program for greater success.

Campbell House has been involved in the production of the "Back on Track" and "Taming Anger" behaviour modification programs; conducting the "Trailblazers" wilderness program; and staff development activities.

■ **Boys' Town**

Boys' Town provides school and residential facilities to cater for boys who lack confidence or competence and whose behaviour, due to complex familial reasons, demands more resources than can be provided in mainstream schools. The school has to deal with more disturbed classroom behaviour than mainstream schools. Over 50% of boys in the program in 1991-1993 had been abusive at school or to a member of the public. Boys' Town has programs for aggressive youth and for families to assist them to rearrange situations that have brought them to seek assistance. The school has small class groups, a modified curriculum, a positive incentive system operating through the program, and a professional staff component offering consultation, liaison and support for teaching staff (Submission 31).

■ **Rivendell, Arndell and Redbank**

Rivendell, Arndell and Redbank are special institutions providing health and education programs for children who cannot fit into the mainstream school system. These institutions cater for a wide spectrum of children, including those with major psychiatric disorders such as

schizophrenia, manic-depressive illness, severe anxiety disorders and depression. Staff of the Departments of Health and School Education work together in these facilities, which offer unique opportunities for interagency cooperation and coordinated responses:

We do not have [the Department of] Education working in isolation and we do not have [the Department of] Health without the support of the school system, where a lot of the behaviour management strategies can be implemented on a day-to-day basis [you] need multi-disciplinary teams working together (Wever Evidence, 26.04.94)

In evidence before the Committee, Dr Wever, a child psychiatrist, and Mr Black, the Principal of Rivendell SSP, outlined a special day program for the more disruptive students. The day program commenced in 1991, and is conducted separately from the residential program for children with more severe psychiatric disorders. Referrals to this program tend to come through school counsellors, and are usually students who have poor academic skills and low self esteem. The program is based on a cognitive behavioural approach encouraging decision-making and aims to reintegrate students back into mainstream schools. Students with disruptive disorders remain in the program for approximately six months, and attend their regular schools for one day a week at the beginning of the program.

Arndell also offers a day program for adolescents, in addition to week-day residential facilities for children aged from 8 to 12 years (Ryan Evidence, 26.07.94).

The provision of sound academic tuition is integral to the Rivendell day program's approach to ensure a concerted effort is made to improve literacy and numeracy skills:

These children have been operating in a class of 30 students and really have not known what has been going on. They start to play up, they are sent out of the room and they miss out further — it is a snowballing situation. We need to stop that snowball. We need intervention and we need to place an emphasis on academic progress (Black Evidence, 26.04.94).

Dr Wever suggested that the belief that counselling alone will change the inappropriate behaviours of children is erroneous. Intervention in a setting where young people can learn the consequences of their behaviours and start to learn new ways of meeting their needs rather than through violence and aggression is considered more appropriate (Wever Evidence, 26.04.94). Dr Wever suggested to the Committee that:

where there is a yoking of family work, individual supportive psychotherapy work for the child, and behaviour management systems in place at the school, that is when you will get an outcome (Wever Evidence, 26.04.94).

The Committee was advised that students who have completed the day program at Rivendell cause teachers in their mainstream schools fewer problems than previously. Rivendell carries out measurement tests to assess academic improvement. Follow-ups and discussions with families have revealed improvements in social interaction and self-esteem. Another indication of the program's success is that the majority of children who attend Rivendell's day program return to school even though they had histories of long-term or frequent suspensions or had been asked to leave their schools (Black Evidence, 26.04.94).

The Committee is aware that some commentators have suggested special education units may have damaging effects on students by:

- stigmatising the pupils with public and visible labels;
- developing programs phrased in denigrating language; and
- removing them from mainstream sequences of educational development, with associated difficulties of re-entry (Polk, 1989:192).

The Committee recognises that appropriate care is required in establishing alternative units outside of mainstream schools to ensure that students continue to receive adequate support in schools.

RECOMMENDATION 105

That the Minister for Education ensure students entering or returning to mainstream schools from alternative education facilities are provided with appropriate support.

RECOMMENDATION 106

That the Minister for Education and the Minister for Health ensure additional alternative day and residential programs are made available for conduct disordered students.

10.8 HOME SCHOOL LIAISON

The Home School Liaison program aims to improve the relationship between schools and families of students with poor attendance in order to establish good school attendance patterns and provide opportunities for continued education. Improved learning outcomes can lead to increases in self-esteem and a consequent reduction in violent behaviour.

10.9 HOMELESS STUDENTS

The specific issue of the treatment of homeless young people by schools has also been brought to the Committee's attention. A recent study suggests that approximately 2,910 secondary students in NSW were homeless in May 1994 (MacKenzie and Chamberlain, 1994:8). Many of these young people have not performed well at school, often because of their family background, and they may leave school early. Those that do stay on at school after they leave or are removed from their families may be stigmatised:

They look different at times and they often have to change schools, depending on where they end up living. I do not believe that schools are welcoming of young people who are known to be in the homeless group. We

have had a number of instances where I believe they have been discriminated against (Clay Evidence, 26.04.94).

When housing workers attempt to intervene and advocate for these young people, witnesses claimed that school authorities are often less than responsive:

I think they think we are meddlesome we find school counsellors supportive, but their caseloads are beyond what is reasonably able to be expected of a human being (Clay Evidence, 26.04.94).

Since homeless young people are often frustrated, angry and experiencing difficulties at school, truanting is frequent. If a young person is in a refuge, workers may attempt to ensure that the young person remains at school for the whole day, but when truanting occurs schools often contact the student's estranged parents. This can lead to further conflict between the student and his or her family, and feelings of anger towards the school and its staff which can lead to violence or aggressive outbursts. Housing workers may ask the school to contact them, rather than a student's family, when problems arise, and have recommended special protocols be developed for dealing with such cases (Clay Evidence, 26.04.94). The Committee supports this step.

In evidence to the Committee, the Director-General of School Education indicated that he was aware of the problem of homeless children of a young age in an area of the mid-north coast of New South Wales:

That is of deep concern to me in School Education because I want to see those children supported and able to learn in school We need to get [the Department of Community Services] and [Departments of] Health and Education in particular focussing in an inter-systemic way on the child (Boston Evidence, 29.07.94).

As indicated in Section 8.1.1, the Committee supports continued inter-agency consultation and co-operation.

RECOMMENDATION 107

That the Minister for Education, in consultation with other relevant agencies, develop protocols on dealing with homeless young people attending school.

10.10 CONCLUSIONS AND FINDINGS

- In addition to the state-wide introduction of *Procedures for Resolving Complaints about Discrimination against Students*, schools should be encouraged to develop **anti-harassment policies** with input from the entire school community to achieve a sense of ownership and contribute to a change in the culture of the school. This approach must be supported with appropriate resource material and in-service training.

- The Committee recognises the gendered nature of youth violence. A **gender equity strategy** should be developed, focusing on the gendered nature of violence, overcoming gender stereotypes and, for boys, encourage communication, conflict resolution and non-violent models of masculinity.
- **Bullying** is a far more serious aspect of youth violence than has been recognised in the past, and information and training should be offered to teachers to assist them in addressing the problem.
- The implementation of the **anti-racism** policy and procedures should be reviewed. Resources must be provided for adequate numbers of **Community Liaison Officers**.
- Violent offenders often have a history of under-achievement in school, and providing young people with the means to succeed at school may be an effective crime prevention strategy. Appropriately resourced **language high schools** should be developed, provided that they continue to demonstrate that the acquisition of English is facilitated.
- Appropriate links with **Aboriginal** communities must be fostered by schools. Adequate numbers of male and female Regional Aboriginal Community Liaison Officers must be appointed.
- The efficacy of the Resources for Teaching against Violence kit in changing students' attitudes to **homosexuals and lesbians** should continue to be reviewed. The use of the updated kit should be encouraged and monitored. Homosexual and lesbian students experiencing harassment should be provided with information on appropriate support agencies. School teaching staff should be provided with in-service training to assist students accept lesbians and homosexuals, both within and outside the classroom, and school counselling staff should be provided with in-service training to deal with both the problems faced by these groups at school as well as issues surrounding harassment and violence.
- The majority of students who become **conduct disordered** are also usually attention deficit disordered, and may become involved in a cycle of disruptive and aggressive behaviour. Early intervention to break the cycle of behavioural problems is vital. Disabilities such as autism and psychiatric disorders may also lead to aggressive behaviour. A wide-ranging review of support services available in schools for students with learning disorders and disabilities should be undertaken. Students should also receive appropriate expert assistance when they have a learning disorder or disability which results in violent behaviour.
- Appropriate care is required in establishing **alternative education facilities** units outside of mainstream schools to ensure that students with a history of aggression continue to receive adequate support in schools. Additional day and residential programs should be available to such students.
- Special protocols for dealing with cases of **homeless students** must be developed.

CHAPTER ELEVEN

NEW SOUTH WALES POLICE SERVICE

The police play a major role in many aspects relevant to youth violence. For most young violent offenders, they are the first point of contact to entry into the juvenile justice or adult criminal justice systems.

The chapter examines the broad question of police powers, and examines the use of these powers in dealing with young people under the Summary Offences Act; dealing with weapons; dealing with young people from ethnic communities; dealing with young Aborigines; and video surveillance. The police response to gangs is also considered. The role of police in crime prevention activities in schools is discussed. A range of policy responses relevant to addressing youth violence is also considered, including the Police Youth Policy Statement; Youth Liaison Officers; police training; community consultation; and interagency collaboration.

The Committee received evidence concerning the inappropriate and violent methods used at times by some police in their interactions with young people. These issues are also discussed in this chapter.

11.1 POLICE POWERS

Some witnesses appearing before the Committee suggested that police powers to act on citizens' complaints are limited:

The police say to me, "What can we do? When we go down there [the young people] deny [involvement in criminal activity]. We get them in court and court officials laugh at us and tell us that we are harassing them" (In camera Evidence).

The General Meeting of the Real Estate Institute passed a motion relating to gang violence, requesting the President contact the Attorney General and Minister for Police to seek the implementation of increased legal powers and police resources to provide a proper level of public protection (Submission 24).

Reports prepared for the NSW Police Service on gangs and violence contend that there is sufficient legislation to empower police to deal with these issues, but question whether police officers are sufficiently aware of their powers (Pulse Consultants, 1994:29).

11.1.1 Summary Offences Act

The Committee heard a range of evidence regarding the *Summary Offences Act 1988*. The submission of the Wollongong Youth Refuge Association Inc., for example, recommended the repeal of the Act, suggesting that Aboriginal youths, homeless young people and young people from a non-English speaking background can be disadvantaged:

This Act promotes the criminalisation of young people's behaviour rather than seeing this behaviour as childish. The figures depicting the high number of young people entering the juvenile justice system due to charges under this Act reflect discriminatory practices and police harassment as much as the so called "offensive" public behaviour on the part of young people (Submission 19).

A submission to the Committee from the Director of the National Children's and Youth Law Centre suggests that while police outreach is positive, minor infractions which could draw young people into the justice system should be de-emphasised (Submission 26).

A solicitor with the Aboriginal Legal Service in Dubbo supported the decriminalisation of offensive language, but suggested the offensive conduct provisions of Section 4(1) of the *Summary Offences Act* should be retained to enable police to act in cases of an imminent breach of the peace. He also contended that the violent disorder provisions of Section 28 of the Act provide considerable police power to address violence and obtain convictions (Dennis Evidence, 11.08.94). Section 28(1) of the Act states:

If 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety, each of the persons using or threatening unlawful violence is guilty of an offence.

Another view was expressed by one concerned citizen who suggested that it was difficult, except in aggravated circumstances, for the police to obtain a conviction for offensive conduct. This witness called for a return of the police powers under the old *Summary Offences Act* in relation to dealing with street crime and offensive behaviour, threatening behaviour and obstruction (In camera Evidence).

The Committee considered at length the applicability of the *Summary Offences Act 1988* to juveniles in the Committee's 1992 Inquiry into Juvenile Justice. While not condoning offensive language, the Committee considered that within the community in general, language deemed offensive was frequently part of the vernacular. To charge a juvenile for offensive language was considered by the Committee to blame the young person for an activity he or she may not recognise as a criminal offence (Standing Committee on Social Issues, 1992:78).

The Committee considered that the penalty for offensive language by juveniles should be reduced to a Police Caution in the first instance and summary offences relating to juveniles should not be dealt with through the court system.

A dissenting opinion recommended s4(1)(b) of the *Summary Offences Act* be deleted so that the simple use of offensive language no longer attracts a criminal sanction and the option of a prison sentence for offensive conduct be abolished. The *Summary Offences (Amendment) Act 1993* subsequently abolished the imprisonment option for offensive language.

The Committee continues to be concerned that the offensive language provisions of the Act may be used to harass young people. It also believes a police caution should be the maximum penalty for this offence.

RECOMMENDATION 108

That the Minister for Police ensure the provisions of the *Summary Offences Act, 1988*, dealing with offensive language are not used by police officers to harass young people.

RECOMMENDATION 109

That the Attorney General ensure the maximum penalty for offensive language by juveniles be a formal police caution.

11.1.2 Dealing with Weapons

The Committee heard that the increase in the use of knives and similar sorts of weapons may require a legislative response:

I think there should be equivalent powers for the police as they have with liquor to confiscate the knife (Blackmore Evidence, 28.07.94).

Several types of knives, including flick knives and butterfly knives, are prohibited under the *Prohibited Weapons Act, 1989*. For other types of knives, it was suggested to the Committee that the police have to prove that a person is carrying a knife for felonious intent. Section 10 of the *Summary Offences Act* refers to "custody of offensive implement". The legislation states that a person shall not, without reasonable excuse, proof of which lies upon that person, have in his or her custody an offensive implement in a public place.

The Committee heard that many young offenders are aware of the provisions of the Act. It was alleged that a young person found to be carrying a knife stated to police that it was part of his historic culture to carry a knife, and he had no intention of using it illegally. As a result, the police did not lay charges (In camera Evidence). While recognising historical and cultural differences in our society, the Committee refuses to accept that weapon carrying is anything other than a likely hazard to violent behaviour.

One police officer recommended that these provisions be amended to refer to "knife or offensive implement" to provide a greater deterrent, and that the defence of reasonable excuse be removed in relation to knives. However, the officer conceded he did not believe there would be difficulties in obtaining convictions under the present provisions (In camera Evidence). The Committee does not believe legislative amendment is required. The Committee has been advised that police have a common law discretion to remove knives even if charges are not laid, and that a receipt should be issued with advice that the knife can be collected if the young person attends the station accompanied by a parent or caregiver. Young people may also be cautioned with no further formal action taken.

The Committee heard that the patrol commander of one inner-city patrol has recently attempted to heighten his officers' awareness of the offensive weapons provisions of the *Summary Offences Act*, to make sure everyone at the patrol is fully aware of police powers in this regard (In camera evidence). The Senior Children's Magistrate also recommended a community education campaign to discourage young people from carrying knives and inform them of the law in this regard (Blackmore Evidence, 28.07.94). The Committee supports both these approaches.

The Committee was informed that a concerned citizen has written to the Federal Minister for Consumer Affairs asking her to intercede in the matter of the importation of cutting weapons into Australia, following an attack that resulted in a wound being inflicted with a short, imported sword outside a suburban hotel. The Minister responsible for Customs was contacted in this regard, and replied that an import ban would not provide a complete solution, and that local manufacture, sale and possession of such articles is the responsibility of State and Territory Governments (Tabled Document). The Committee supports an import ban on military-style cutting weapons, except for antique items, but also recognises that a review of both imported and locally-produced weapons may be required. While the *Prohibited Weapons Act 1989* prohibits a number of types of knives, it contains no reference to larger cutting weapons such as machetes, swords or bayonets. The Committee believes that the types of weapons legally available should be examined in order to determine whether a broader range of knives and weapons should be prohibited by regulations under the *Prohibited Weapons Act 1989*.

RECOMMENDATION 110

That the Minister for Police develop and conduct a community education campaign to discourage young people from carrying offensive implements and prohibited weapons and informing them of the law in this respect.

RECOMMENDATION 111

That the Minister for Police conduct an education campaign to ensure all police officers are aware of their powers to act regarding offensive weapons and that knives which are clearly being carried for unlawful purposes are confiscated.

RECOMMENDATION 112

That the Minister for Consumer Affairs and Minister for Police:

- **survey and review the local manufacture and sale of cutting weapons to determine whether a broader range of knives and weapons should be prohibited under the *Prohibited Weapons Act 1989*; and, if so,**
- **support a ban on the import of such weapons in the Ministerial Council for the Administration of Justice.**

11.1.3 Dealing with Young People from Ethnic Communities

Attention has been drawn to poor police-community relations in a number of incidents involving violence. The Ethnic Affairs Commission has recently completed an Inquiry following a disturbance involving police at an Arabic Day Carnival at a park in Tempe in 1993.

In addition to examining information on that disturbance, the Commission identified relevant issues or circumstances which have the potential to affect relations between the police and ethnic communities, and especially between the police and young people from ethnic communities.

The inquiry found that:

- some community members may be reluctant to seek assistance from the police because of their experiences in other communities.
- unfamiliarity with our legal system may create unnecessary trouble between police and ethnic communities. There is a need for better education directed at ethnic communities on the role of police in our society; and
- some police lack knowledge about and sensitivity to the needs of ethnic communities. There is a need for improved education in this area (Ethnic Affairs Commission of NSW, 1994:xiii).

The Inquiry reviewed the mechanisms for liaison and co-operation between police and ethnic communities. Some main conclusions were:

- police policies on interpreter use are not always applied in a thorough and consistent manner;
- consideration needs to be given to measures to improve the effectiveness of Community Consultative Committees (CCCs). In addition, other mechanisms for consultation and cooperation between police and ethnic communities should be encouraged;
- Ethnic Community Liaison Officers (ECLOs) promote cooperation between police and communities of non-English speaking background. The number and distribution of these officers are inadequate for their role; and
- there is a relatively small number of police officers of non-English speaking background. This ratio should be improved as a matter of importance (Ethnic Affairs Commission of NSW, 1994:xiv).

The NSW Police Service has attempted to attract more recruits from non-English speaking backgrounds. Discriminatory height and weight restrictions have been removed from selection criteria.

With the assistance of the Police Academy, bridging programs have been developed to assist people from Aboriginal backgrounds attain the required educational standard for recruitment. Thought has been given to establishing particular bridging programs for applicants of non-English speaking backgrounds but the need has not been established, as most of these applicants meet educational standards. A task-oriented committee has been established within the Police Service to encourage members of the East Asian and Australian-born Chinese communities to join the service, although until recently the service has been unsuccessful in recruiting many people of Asian background (Office of the NSW Ombudsman, 1994a:29).

Police recruitment targets include 10% of people from non-English speaking backgrounds. However, in a discussion paper on race relations and the Police Service, the Ombudsman has suggested that recruitment methods continue to work against a more representative membership of the Police Service. Heavy weighting is given to English examination results, and little value given to the ability to speak more than one language (Office of the NSW Ombudsman, 1994a:30,27). The latest Equal Employment Opportunity Report indicated that 8.65% of police recruits were from non-English speaking background. The Ombudsman has contended that a proportion of 20% would indicate that the force was representative of the wider community (Office of the NSW Ombudsman, 1994a:25). The Committee believes positive recruitment strategies should be extended.

The Ombudsman's discussion paper also suggests that the behaviour of some police officers is often racist and negative stereotyping is part of a learned police culture (Office of the NSW Ombudsman, 1994a:46).

The final report of the Ombudsman's Inquiry recommends:

- the establishment of a Police Community Relations Branch;
- the establishment of essential qualifications and competencies for officers posted to identified patrols;
- the determination of participation rate targets to the year 2000 to change the appearance, operation and culture of the Service, with lateral entry points to promote affirmative action for females and minority groups; and
- an annual external audit of the Police Service's achievements in better servicing Aboriginal, ethnic and minority groups by a suitably independent agency whose report should be submitted to Parliament (Office of the NSW Ombudsman, 1995b).

In response to the Ombudsman's report, the Police Service announced the formation of a Standing Committee on Race Relations to improve its standing with minority groups.

The Police Service published an Ethnic Affairs Policy Statement in 1993, setting out a three-year program aimed at making all ethnic groups aware of police services; ensuring there is no

racial discrimination in the Service; and providing culturally sensitive and appropriate services (NSW Police Service, 1993:57).

The previous Government's White Paper on Juvenile Justice referred to the development of a Police Service Anti-Racism Policy and Prevention Plan (NSW Department of Juvenile Justice, 1994a:8). The Committee supports this initiative. The Committee also believes that anti-discrimination and anti-racism modules in police training courses should be offered as in-service modules for senior officers.

The Committee heard that some communities have attempted to encourage better relations between police and ethnic communities. Marrickville Council, for example, facilitated a meeting between Arabic community leaders and the police. Suggestions arising from the meeting included the provision of identification cards for community leaders to attend police stations to advocate for people from their community. Community leaders could also provide cultural awareness training for police, and be contacted when a young person from their community has been arrested (Newman Evidence, 01.11.93).

The Committee heard evidence from a number of Ethnic Community Liaison Officers. The role of an Ethnic Community Liaison Officer is to establish and maintain a rapport between the police and ethnic communities. His or her principal duties include:

- the establishment of effective communication between police and the local ethnic community;
- mediation in disputes involving police and ethnic groups;
- the establishment and maintenance of a rapport with ethnic community leaders;
- assistance to relatives visiting ethnic prisoners;
- marketing the function of the Police Service;
- attendance at interviews involving juvenile members of the ethnic community; and
- contribution to the training and development of patrol personnel.

Ethnic Community Liaison Officers are allocated as follows:

PATROL	No. of ECLOs	ETHNICITY OF ECLO
Cabramatta	1	Vietnamese
	1	Lao
	1	Khmer
Fairfield	1	Croatian
	1	Vietnamese
Marrickville	1	Vietnamese
Bankstown	1	Vietnamese
Sydney	1	Chinese
Ashfield	1	Chinese

From the above information, it can be seen that eight of the nine ethnic community liaison officers are of South East Asian or East Asian background. The Ethnic Affairs Commission's *Police and Ethnic Communities* report suggests there are serious questions about the adequacy of the numbers of these personnel and the effectiveness with which they are targeted (Ethnic Affairs Commission of NSW, 1994:54).

The Committee believes these officers are vital to improving links between the police and the communities they serve, and recommends more positions be established.

RECOMMENDATION 113

That the Minister for Police introduce positive recruitment strategies to ensure an increasingly representative membership of the New South Wales Police Service and to reflect the State's ethnic diversity.

RECOMMENDATION 114

That the Minister for Police develop a Police Service Anti-Racism Policy and Prevention Plan as a matter of priority.

RECOMMENDATION 115

That the Minister for Police ensure anti-discrimination and anti-racism modules are key components in police training and extend these as in-service modules for senior officers.

RECOMMENDATION 116

That the Minister for Police develop initiatives that encourage better relations and facilitate communication between local police and ethnic communities.

RECOMMENDATION 117

That the Minister for Police establish additional positions of Ethnic Community Liaison Officer to enhance community relations.

11.1.4 Dealing with Young Aborigines

In reviewing available research on the experiences of young Aboriginal people in the justice system, the Green Paper, *Future Directions for Juvenile Justice in NSW*, found a bias against young Aborigines at the police level. Detained Aboriginal youth are less likely to receive a caution, summons or court attendance notice, and more likely to be charged (Juvenile Justice Advisory Council, 1993:208).

The White Paper on Juvenile Justice, released by the previous Government, discussed plans to enhance police responsiveness on juvenile justice issues. Strategies included consultation with Aboriginal people, communities and organisations on policing practices and policies. Increased employment of Aboriginal people within all levels of the Police Service and, in particular, in policy development and operational areas, was also supported (Department of Juvenile Justice, 1994a:8). Approximately 40 Aboriginal Community Liaison officers have been appointed throughout the state. The Committee believes consultative strategies should be implemented and strategies to facilitate Aboriginal recruitment identified. The number of Aboriginal Community Liaison Officer positions should be increased, with more Aboriginal women encouraged to take up these positions.

The White Paper also provided for police officers to notify the Aboriginal Legal Service and a parent or guardian when an Aboriginal juvenile is to be taken to a police station. Police were also to be encouraged to utilise alternatives to arrest, such as court attendance notices and summonses, when dealing with young Aboriginal people (Department of Juvenile Justice, 1994a:24). The Committee supports these approaches. It also considers it appropriate that an Aboriginal adult be entitled to stay with an incarcerated young person in the police cell as an anti-violence measure.

The Police Service released an Aboriginal Policy Statement in 1992, which commits the Service to develop educational/training packages for officers and implement programs outlining to Aboriginal people the responsibilities of police. A Police-Aboriginal Council was established to monitor the Policy Statement's implementation and provide advice (NSW Police Service, 1993:55).

RECOMMENDATION 118

That the Minister for Community Services and the Minister for Police ensure Aboriginal communities are consulted on policing practices, and a report on the outcome of these consultations is prepared. The report should include strategies for the recruitment of Aborigines to the Police Service.

RECOMMENDATION 119

That the Minister for Police:

- **increase the number of positions of Aboriginal Community Liaison Officers to make the service provided by them available to more communities; and**
- **develop and implement strategies to encourage more Aboriginal women to take up positions as Aboriginal Community Liaison Officers.**

RECOMMENDATION 120

That the Minister for Police encourage police to use alternatives to arrest, such as court attendance notices and summons, when dealing with young Aboriginal people.

11.1.5 Response to "Gangs"

The Committee recognises the term "gang" is often used erroneously to refer to any group of young people. However, the Committee recognises that, while it may be inappropriate to use the term "gang", some groups of young people are frequently identified as acting illegally in their communities. One police witness informed the Committee of strategies implemented by a patrol in an area identified as having particular problems with groups of young people involved in violent crime. This patrol has increased the number of beat police in the area from 10 to 14. Special police operations have also been conducted, involving both high-profile and covert patrols of station platforms, trains and adjacent streets. These operations had a significant impact, with a number of arrests made. While the station area remains quiet, the group causing problems has been identified in another area and patrol activities are to be increased in that area (In camera Evidence).

The study on Street Gangs prepared for the NSW Police Service by Pulse Consultants (1994) concludes that general street gangs require a soft police response:

heavy police action mostly reinforces the group and increases the status of members. Work within community organisations, schools and with parents is most suitable (Pulse Consultants, 1994:ii).

The report notes that one of the key goals of a street gang is status, and suggests that confrontation with the police is a means of gaining this status. The report suggests that actions to be avoided include:

- unwittingly conferring status by giving unnecessary attention to gangs;
- unnecessary aggression;
- being offside with social workers, schools, community leaders and others; and
- ignoring the existence of gangs (Pulse Consultants, 1994:30).

The Committee believes media beat-ups about youth gangs contribute to this problem, and media organisations should be informed that stories on gangs are creating the problem they purport to reveal. Politicians should equally be mindful of their responsibilities.

The *Street Gangs* report notes that targeting meeting places and moving groups of young people is of limited value because the group will simply rotate between a number of meeting places (Pulse Consultants, 1994:28).

If more direct action is to be taken, the report states that a comprehensive approach is required, including informing parents, laying charges, shaming of both the youths and the parents and providing counselling. The Committee believes appropriate strategies should be developed to discourage gang involvement by young people of all cultural backgrounds.

The Committee endorses the creative responses to the recreational and entertainment needs of young people discussed in Chapter Six.

RECOMMENDATION 121

That the Minister for Police inform media organisations that stories on gangs risk creating the problem they purport to reveal.

11.1.6 Video Surveillance

The previous Minister for Police informed the Committee in correspondence of the range of initiatives undertaken by the City of Sydney Patrol in the George Street entertainment area, including patrols by two beat police for each shift over a 24 hour period; plain clothes patrols on Friday and Saturday nights; and a proposed four month trial of video recording activity in the area, which has now commenced. The Committee understands that Fairfield and Campbelltown City Councils are also investigating the use of video surveillance cameras as a means of preventing street crime. Whilst the Committee recognises that the use of video technology may be useful as a safety measure, it is concerned that the privacy rights of individuals are not undermined. It considers that such strategies require community consultation

and broad-based support and that other measures such as appropriate urban planning and design should be investigated as strategies for crime prevention, including violence.

11.2 POLICE AND SCHOOLS

The Committee heard evidence regarding a range of initiatives undertaken by NSW police in an attempt to reduce youth crime and violence. The Committee endorses these initiatives and encourages the development of further strategies that accord with the needs of local regions. Particular attention should be paid to schools in which extortion is identified as occurring against young people.

RECOMMENDATION 122

That the Minister for Police ensure police liaise with school personnel in patrols in which extortion is identified as occurring against young people.

11.2.1 Operation Maverick

The Committee heard of an Operation in the Fairfield area targeting truanting school children. A large number of school-age children had been observed in the business district during school hours, and were responsible for the commission of a significant number of offences, including assault and robbery. Police and Department of School Education Home School Liaison officers target truanting youth, and accompany or direct the student to return to school, notifying appropriate principals.

The project has extended to 11 operations, with education officers accompanying police to various locations in the patrols, such as shopping centres, and amusement parlours.

11.2.2 Cool Squad

The Committee heard evidence regarding the Cool Squad project at the North Sydney police patrol. The project was initiated by a Beat Police Supervisor approaching a young offender who was reporting to the station as part of his parole conditions. The offender was invited to become involved in a crime prevention program in local schools. A juvenile justice officer and a volunteer in policing also became involved in the project, which has been trialed at the Marist Brothers school in North Sydney.

The project has progressed as a result of a commitment from the rehabilitating young offender and the police officer who provides encouragement and support. Attitudinal change has occurred in both parties. The Beat Police Supervisor informed the Committee that the involvement of the young offender provides a positive role model for other offenders within his peer group who may still be offending, but who may be encouraged to reform their behaviour (Woodward Evidence, 28.07.94).

It was suggested to the Committee that the project has the potential to be adapted for young females, young people from non-English speaking backgrounds, and Aboriginal youth. The Committee was informed that the Executive Director, Education and Training Command of the NSW Police Service has proposed a three-month secondment to the Strategy and Review Branch for an officer to evaluate the program (Woodward Evidence, 28.07.94).

11.2.3 Adopt a Cop

The 'Adopt-a-Cop' program was developed as an Aboriginal youth/police liaison program in Brewarrina. Difficulties faced by these young people, such as racial tension, lack of facilities and few job opportunities had led some of them to become involved in anti-social behaviour. The program aimed at addressing problems faced by Aboriginal young people in the town by involving them in police-sponsored activities.

Activities run under the program, which was supported by all Brewarrina police, included social events to develop interpersonal skills, educational activities (crime prevention workshops, visits to the police station and court house, essay writing), sporting matches, and informal counselling for problems.

The success of Adopt-a-Cop in reducing the number of appearances by young people before the court and community savings through reduced crime have led the Service to support the program's implementation in appropriate areas statewide (NSW Police Service, 1993:56).

11.2.4 Crime Prevention Workshops

NSW police have conducted crime prevention workshops for school students throughout the State. At a crime prevention workshop at Revesby, for example, police and young people talked about a range of issues, including peer pressure; crime and its consequences, both upon young people themselves and the community; the effects of smoking, drugs and alcohol; sexual assault and domestic violence.

11.3 POLICY RESPONSES

Two key areas of the NSW Police Services Corporate Plan are relevant to addressing the issue of youth violence: personal safety and street safety. The Police Service is pursuing a goal of safer streets by the year 2000.

11.3.1 Youth Policy Statement

A *Police Youth Policy Statement* was released by the NSW Police Service in February 1995. The Statement contains five goals: to reduce youth crimes; treat children and young people fairly; use court as a last resort; support and involve victims; and foster positive social change (NSW Police Service, 1995a:4).

The strategies listed to achieve these goals include:

- the implementation of programs directed towards youth crime prevention and problem solving;
- increased youth liaison by enhancing the role of General Duties Youth Officers;
- incorporating the *Youth Policy Statement* in appropriate education and training programs for police personnel;
- fostering, through education and training, greater use of pre-court and pre-sentence options;
- active involvement in multi-agency initiatives; and
- communication of details of the Statement to the community, and young people in particular, and striving to reduce fear by countering misinformation about juvenile crime (NSW Police Service, 1995a:5).

An action plan has been developed to ensure the Police Service meets the needs of children and young people. This plan addresses the recommendations of the White Paper on Juvenile Justice, *Breaking the Crime Cycle*, and outlines a range of strategies to improve the service provided to this section of the community. Key initiatives include:

- creation of a Police Youth Policy Advisory Council;
- enhanced training and deployment of General Duties Youth Officers;
- participation in Community Youth Conferencing;
- improved investigation of child abuse matters;
- increased consultation with young people, parents and guardians to prevent youth crime;
- greater involvement of Police Citizens Youth Clubs in local policing initiatives; and
- increased opportunities for young people to have work experience in police establishments (NSW Police Service, 1995a:6).

11.3.2 Youth Liaison Officers

The General Duties Youth Officers' Program has been introduced in many patrols across the State as the main contact between local police and young people. These are recognised, as opposed to authorised, positions with the officers performing the youth liaison role in addition to their general duties. Activities associated with this initiative vary according to community

need but range from breakfasts and soup kitchens to crime prevention workshops and drug or alcohol programs (NSW Police Service, 1993:58).

The Youth Advisory Council recommended to the Social Issues Committee that Youth Liaison Officers be located at every police station (Submission 45). The Committee supports this action in patrols with a significant youth population.

The Youth Justice Coalition's *Nobody Listens* report recommended police in these positions must:

- be responsible for the development of youth/police relationships in the local area;
- be closely linked with young people's groups, and youth and community services; and
- help coordinate (in conjunction with a committee drawn from the whole community, including young people who have regular contact with police) the training of police in youth issues (Youth Justice Coalition *et al*, 1994:40).

The Committee is concerned to guarantee promotional opportunities for those police officers appointed to such positions, and that their status within the system be respected.

RECOMMENDATION 123

That the Minister for Police ensure positions of one or more Police Youth Liaison Officer are established in every police patrol where there is a significant youth population.

11.3.3 Police Training

The submission from the Director of the National Children's and Youth Law Centre recommends that police recruitment and training should emphasise non-violent policing methods (Submission 26).

An Action Plan outlining the police response to youth violence was produced following the release of the Pulse Consultants' report on Street Gangs. The draft Action Plan included the introduction of Youth Violence studies in Applied Policing curriculum at the NSW Police Academy to address issues of legislation, powers, identification of levels of threat and response techniques.

The previous Government's White Paper on Juvenile Justice discussed a review of the curriculum at the Police Academy, with juvenile justice to be included as a core topic within all levels of police training. Training for police on the special needs of juveniles who come under police notice, with attention to the needs of identified groups including young women was also to be carried out (Department of Juvenile Justice, 1994a:8). The *Police Youth Policy Statement* also suggests that instruction will be provided on behaviour management and conflict resolution and community safety principles in the Police Academy curriculum (NSW Police Service, 1995a:7). The Committee believes the police training should emphasise non-violent policing methods; that Youth Violence Studies should be introduced and that in-service training should be implemented on the needs of special groups of young people.

RECOMMENDATION 124

That the Minister for Police:

- **ensure police training emphasises non-violent policing methods;**
- **introduce Youth Violence Studies into the Police Academy curriculum; and**
- **implement in-service training for police on the needs of special groups, including young women, young Aborigines and young people from a non-English speaking background.**

11.3.4 Community Consultation

Approximately 160 Community Consultative Committees have been established throughout New South Wales. They comprise the local Patrol Commander and people interested in preventing crime, providing an opportunity for local problem-solving and a forum to address the needs of youth, the physically disabled, the elderly, ethnic groups and Aborigines (NSW Police Service, 1992:38).

Community Consultative Committees have recently been subject to an operations review initiated by the Service. The review confirmed the Committees' value as forums for local police/community interaction and suggested ways to maximise their effectiveness (NSW Police Service, 1993:54).

The NSW Police Service established eight Customer Councils across the state in 1992-93. The Councils act as advisory bodies to assist the Service in improving the quality and appropriateness of policing by building upon the public liaison developed at patrol level through the operation of the Community Consultative Committees (NSW Police Service, 1993:54).

However, briefing notes prepared for police appearing before the Committee state that there is room for marked improvement in the relationship between police and young people:

At this time there are very limited formal mechanisms which bring police and young people into an environment of positive interaction. The Police Youth movement and local policing initiatives in schools have addressed this issue, but it is interesting to note that groups like Neighbourhood Watch and the various Community Consultative Committees do not include direct input by young people on a formal basis. Perhaps full recognition of young people, their needs and aspirations in the consultative process could address this issue.

The Police *Youth Policy Statement* includes a commitment to establish a Police Youth Policy Advisory Council and to invite local youth groups to attend Community Consultative meetings (NSW Police Service, 1995a:6).

The Committee believes the representation of young people in existing consultative mechanisms should be encouraged.

Another briefing document provided to the Committee discusses suggestions that youth liaison committees be established at the local level. The Committee believes the establishment of such Committees should proceed as a pilot in selected patrols.

RECOMMENDATION 125

That the Minister for Police encourage appropriate youth representation on Community Consultative Committees and Customer Councils.

RECOMMENDATION 126

That the Minister for Police establish Police-Youth Liaison Committees as a pilot project in selected patrols.

11.3.5 Safety Audits, Community Safety Management Plans and Community Policing

In 1989, community crime prevention projects commenced in Waverley and Fairfield Local Government Areas. The projects aimed to develop local crime prevention strategies based on a systematic analysis of local crime problems and the available resources for dealing with them.

Although the Waverley project had police co-operation, basic information on the incidence of crime was found not to be available in a usable format (Waverley Municipal Council, 1991:12).

However, two issues were identified as major local concerns through interviews and discussions:

- the impact of crime and the fear of crime on the elderly; and

- the incidence of alcohol related violence and anti-social behaviour in and around licensed premises (Waverley Municipal Council, 1991:13).

The Waverley project introduced a number of initiatives, including a kit for Older Women's Self Protection groups; a community survey of 45 older residents; and plans for an alcohol server intervention pilot project and a Development Control Plan for community crime prevention used by Council in assessing development applications.

The final report of the project concluded that "crime mapping" would have been an invaluable tool both for the project and for the development of crime prevention strategies in the future. Measures such as a computergraphic crime mapping system displaying crime patterns and trends on a geographic basis would assist in meeting this objective (Waverley Municipal Council, 1991:40).

The Committee understands that local government authorities in some areas are implementing such systems.

In briefing the Committee, senior police suggested there is a developing attitude among officers that matters of youth crime require a collaborative approach and the removal of traditional jurisdictional boundaries.

A major initiative involving the Police Service is the development of Community Safety Management Plans. These Plans seek to involve a range of agencies to look at environmental factors to reduce perceived community fear. They aim to reduce vandalism and other local crime by reviewing design standards and the zoning of entertainment areas by Local Governments. Community Safety Management Plans are to be trialed in seven Local Government Areas, and are to be introduced state-wide over the next five years. It was suggested to the Committee that one of the key targets of the Safer by Design component of the strategy will be schools. The Department of Public Works has given an undertaking to ensure the school design process takes reasonable and affordable steps to reduce the dangers of violence in and around school buildings.

The Plans involve Community Safety Audits in which local committees identify areas of concern through local surveys. These areas are divided into small locations and Committees pursue strategies to reduce the likelihood of criminal activity through specific environment modifications.

The Committee endorses the concept of Community Safety Management Plans and encourages further consideration of strategies to remove jurisdictional boundaries to enable interagency and community collaboration in reducing youth violence.

As a key recommendation, the Committee believes all Police Consultative Committees should co-ordinate Safety Audits to identify potential, perceived and/or actual locations of violent activity. Appropriate strategies to deal with such violence should be devised to ensure public environments are conducive to community safety.

The Committee also believes that high profile community policing activities should be enhanced within specific communities where youth violence is identified.

RECOMMENDATION 127

That the Minister for Police ensure all patrols of the New South Wales Police Service collaborate with government and community agencies to:

- **undertake a Safety Audit in their Local Government Area to identify potential, perceived, and/or actual locations of violent activity;**
- **devise appropriate strategies to deal with such violence and ensure public environments are conducive to community safety.**

RECOMMENDATION 128

That the Minister for Police establish and enhance high profile community policing activities within specific communities where youth violence is identified.

11.4 DEALING WITH YOUNG PEOPLE**11.4.1 Police Harassment**

The Committee heard that the use of violence by police contributes to the use of violence by young people. In its submission, the Youth Advisory Council informed the Committee that it is aware of allegations of a police officer posing as a youth worker to enter a residence, and of police, with identification numbers removed, entering needle-exchange buses to body-search young people and harass clients. The submission urges adequate police training and accountability to prevent police abusing their powers (Submission 45).

In meeting with young offenders at Cobham Juvenile Justice Centre, the Committee heard allegations of police brutality, including the beating of one young person with batons on the street when he refused to be taken in for questioning.

A recent report has examined the experiences of police contact with 141 young people aged 12 to 18 years. The report, *Nobody Listens*, found that "police contact with many young people is vigorous to the point of harassment", with young people considering the nature of police behaviour towards them as "unfair and intrusive". The alleged contacts reported generally involved verbal abuse, were frequently physically violent, and sometimes resulted in serious injury and sexual abuse by police (Youth Justice Coalition *et al*, 1994:1). A total of 33 young people sustained injuries. Young people from a non-English speaking background were far more likely to be injured in the course of their contact with police. The results suggested that:

- young people describing themselves as coming from an "Australian" background sustained injuries in over 11% of reported contacts;
- young people from Asian backgrounds sustained injuries in almost 30% of reported contacts;

- young people of Aboriginal descent sustained injuries in over 41 % of reported contacts; and
- young people from a Pacific Islander background sustained injuries in 25 % of reported contacts (Youth Justice Coalition *et al*, 1994:44).

Similar findings were evident when the background of young people who had police contact as part of a group were examined. Young people who were part of a group describing themselves as "Australian" sustained injuries in approximately 10% of contacts. Those in groups describing themselves as other than Australian sustained injuries in almost half the contacts described in the survey (Youth Justice Coalition *et al*, 1994:46). Twenty young people sustained superficial injuries; one had broken bones; four suffered internal injuries; and 18 sustained other injuries (Youth Justice Coalition *et al*, 1994:29).

A national survey of young people by the Australian Youth Foundation found a high incidence of complaints by young people about police harassment, and fear of police violence to be most keenly felt by young Aborigines and those known to have a record (Daniel and Cornwall, 1993:2,3).

The Committee heard that

there is a general attitude among the police that if you give a young person a kick up the bum, it's OK, but its not all right to do that to adults so why should it be all right to do it to young people? (Brown Evidence, 25.10.93).

Within the municipality of Marrickville, there have been several cases involving allegations of violence by police towards young people and others of particular ethnic backgrounds. The Marrickville Legal Centre has referred a number of instances to the Office of the Ombudsman for further investigation:

the ones that I am particularly aware of are from young people of Arabic-speaking background. They include bashings, they include strip searches in McDonald's. I have also heard of complaints from people who are Vietnamese (Acheson Evidence, 01.11.93).

Other evidence presented to the Committee suggested that these complaints are made by gang members regarding police stopping them in the street and searching for weapons:

I believe that [the young people] regularly go to the Ombudsman and a number of other senior people trying to claim police harassment—to avoid being charged with anything and to appear to be unfairly treated, which obviously suits them (In camera Evidence).

The submission from the Director of the National Children's and Youth Law Centre recommends police violence against young people be investigated, and complaints processes be designed to encourage and facilitate reporting (Submission 26).

The Committee believes a state-wide review of the alleged extent of police violence against young people should be undertaken, together with the development of strategies for dealing with such incidents.

RECOMMENDATION 129

That the Government commission an independent state-wide review examining the extent of police violence against young people and developing strategies to deal with incidents of violence against young people.

11.4.2 Complaints Mechanisms and the Ombudsman's Office

People can lodge a complaint against members of the Police Service through one of the following means:

- by discussion with the senior officer or patrol commander at the local police station;
- by calling the Customer Service Unit;
- by writing to the police;
- by writing to the Ombudsman; and
- by contacting the local Member of Parliament.

The Police Service is obliged to conciliate as many complaints as possible at the local level. A copy of the complaint must be sent to the Ombudsman. When complaints are lodged with the Ombudsman, the Ombudsman has in the past taken one of the following actions:

- dismissed the complaint due to lack of evidence;
- referred the matter to the Police Service for conciliation;
- referred the matter to the Police Service for a preliminary inquiry; or
- referred the matter to the Police Service for investigation.

The Ombudsman has then reviewed the matter, and has been able to either request further investigation by the Police Service or personally re-investigate the matter.

Where there is sufficient evidence for the Ombudsman to find a police officer has acted improperly or illegally, recommendations may be made to the Commissioner for disciplinary action. Under the *Police Service Act*, the Commissioner of Police has a number of disciplinary actions including:

- that the police officer be admonished; or
- that a departmental charge be preferred against the police officer; or
- that consideration be given to the police officer being charged with a criminal offence.

The Ombudsman recently conducted a review of police investigations of complaints of police misconduct to identify patterns associated with poor quality investigations. One case involved a complaint of an assault against a youth who was involved in an altercation. In this case, one officer grabbed the youth in a headlock while another officer punched him in the stomach. The Police Service found the complaint by a witness to the assault to be not sustained. The Ombudsman, in reviewing this investigation, suggested that the involvement of a "third man" threatening police may have been fabricated to justify the officers' improper actions. The complaint was found to be sustained, and the Ombudsman recommended the matter be referred to the Director of Public Prosecutions for advice as to whether criminal or departmental charges can be brought against any officer (Office of the NSW Ombudsman, 1995a:21).

Other cases include the investigation of an assault of a prisoner in which the investigating officer had not been supplied with all relevant material, including photographic evidence, and a case of an indecent assault on a female inmate in which a medical report relating to a subsequent hospital examination had not been considered (Office of the NSW Ombudsman, 1995a:4-6).

The *Police Service (Complaints, Discipline and Appeals) Amendment Act 1993* commenced on 1 July 1993. A notable inclusion, which had not existed in the previous legislation, is the power for the Ombudsman to monitor on-going investigations carried out by the Police Service into complaints about police conduct. The Ombudsman's annual report states that this power has been used on 12 occasions (Office of the NSW Ombudsman, 1994b:36).

The amendments have also enabled the Ombudsman to deal with complaints directly, rather than having to rely on the traditional method of using the Police Service to investigate complaints. In 1993-1994 the Ombudsman conducted three direct investigations under these new powers. The annual report of the Ombudsman suggests there are, however, difficulties in conducting direct investigations:

Due to our very modest funding, it is unfortunately not possible to conduct more than a few direct investigations each year, far less than we would like
(Office of the NSW Ombudsman, 1994b:40).

The annual report of the New South Wales Ombudsman contains details of the outcome of complaints relating to assault and harassment which are outlined in Table Nine below:

TABLE NINE

Complaints about Police to the Ombudsman: Assault and Harassment

Category	Not fully investigated	Sustained	Not Sustained	Unable to be determined	Conciliation/ / resolved	Total
Physical or mental injury outside police premises	90	40	74	86	2	292
Physical or mental injury inside police premises	49	5	57	59	0	170
Minor physical or mental injury outside police premises	121	11	38	50	3	223
Minor physical or mental injury inside police premises	95	3	28	36	0	162
Threats or harassment	298	12	73	75	73	531
Sexual harassment	12	7	1	2	6	28
Total	665	78	271	308	84	1,406

Source: Office of the NSW Ombudsman, 1994b:26.

In its Inquiry into Police and Ethnic Communities, the Ethnic Affairs Commission wrote to the Ombudsman in an attempt to clarify some of the matters raised in submissions from the communities involved. Information sought included the number of complaints against the Police made by young people 17 years and younger of non-English speaking background in comparison to the total number of complaints against the Police made by young people 17 years of age and younger.

The Ombudsman advised that persons lodging complaints are not required to reveal age or ethnicity. No reliable statistics on the number of complaints lodged by people of non-English speaking backgrounds or from people 17 years and younger were therefore available. The Ombudsman, however, was "concerned that young people are under-represented in the complaint base" (Ethnic Affairs Commission, 1994:74).

The Ethnic Affairs Commission report notes

the Ombudsman's concern could be viewed as an acknowledgment of the inaccessibility of the services provided through the Office of the Ombudsman to young people generally, and to young people from non-English speaking background in particular (Ethnic Affairs Commission of NSW, 1994:74).

The Committee has been informed by a representative of the Ombudsman's Office that power imbalances between police and young people are taken into account when assessing which cases should be monitored or investigated independently.

The Committee believes the Ombudsman should be appropriately resourced to ensure that all cases involving allegations of police violence against young people can be monitored by the Ombudsman. In certain cases of this nature, the Committee believes the Ombudsman should undertake the investigation independently. In cases where allegations of criminal violence are upheld, the matter should be referred to the Director of Public Prosecutions for appropriate action.

The *Nobody Listens* report calls for the implementation of a comprehensive range of mechanisms to provide for accountability in the policing of young people, and the establishment of a better resourced, more accessible independent complaints mechanism such as a Children's Ombudsman (Youth Justice Coalition *et al*, 1994:40).

The Committee also recommended the creation of a position of Deputy Ombudsman with the responsibility for co-ordinating complaints made by children in its report on Juvenile Justice (Standing Committee on Social Issues, 1992:197). The Committee again urges the Government to adopt this recommendation, especially as no formalised agency or office that advocates for, or oversees issues affecting, children and young people currently exists.

RECOMMENDATION 130

That the Premier ensure the Office of the Ombudsman has sufficient resources to:

- **monitor the investigation of complaints of police violence referred to the Police Internal Affairs Branch when the complainant is 17 years of age or younger; and where desirable,**
- **deal directly with these complaints, and refer appropriate cases to the Director of Public Prosecution for suitable action.**

RECOMMENDATION 131

That a position be created in the Office of the Ombudsman, with the status of Deputy Ombudsman, responsible for the coordination of complaints made by children and young people, including those in the Juvenile Justice system, and that:

- **adequate resources be made available to assist in the creation of this position; and**
- **an information campaign for children and young people about the role of the Ombudsman be conducted.**

11.5 CONCLUSIONS AND FINDINGS

- There is sufficient legislation to give **police powers** to deal with youth violence. The provisions of the Summary Offences Act dealing with offensive language should not be used by police officers to harass young people. The maximum penalty for offensive language by juveniles should be a formal police caution. A community education campaign should be developed to discourage young people from carrying offensive implements and prohibited **weapons**. An education campaign for all police officers should be developed to ensure that they are aware of their powers to act regarding weapons. The Minister for Consumer Affairs and the Minister for Police should conduct a survey to determine whether a broader range of knives and weapons should be prohibited under the *Prohibited Weapons Act 1989*.
- Positive recruitment strategies should be introduced to ensure membership of the NSW Police Service reflects the state's **ethnic diversity**. An increased number of positions of Ethnic Community Liaison Officer should be created, and a Police Service Anti-Racism policy developed. **Aboriginal** communities should be consulted on policing practices and strategies for the recruitment of Aboriginal people identified. The number of male and female Aboriginal Police Liaison Officers should be increased. Police should use alternatives to arrest, such as court attendance notices and summons when dealing with young Aboriginal people.
- Both the media and politicians should be responsible in their reporting of so-called youth "**gangs**". High profile community policing activities should be established within specific communities where youth violence is identified.
- Positions of one or more **Police Youth Liaison Officer** should be established in every police patrol where there is a significant youth population, and young people should be appropriately represented in existing and new consultative mechanisms. Police training should emphasise non-violent policing methods and include the needs of special groups, and Youth Violence Studies should be introduced into the Police Academy curriculum.
- The Government should commission an independent state-wide review examining the extent of alleged **police violence** against young people and develop strategies to deal with incidents of police violence against young people. The Office of the Ombudsman should have sufficient resources to monitor the investigation of complaints of police violence when the complainant is 17 years of age or younger and, where desirable, deal directly with these complaints, and refer appropriate cases to the Director of Public Prosecutions for suitable action. A position of Children's Ombudsman should be created to coordinate complaints made by children and young people, including those involving allegations of police violence.

CHAPTER TWELVE

THE JUSTICE SYSTEM, SENTENCING AND CORRECTIONS

This chapter will examine a range of issues relevant to the young violent offender who has been processed through the Juvenile Justice and the adult criminal justice and correctional systems. It will look at such issues as court diversion, recidivism, community based and institutional corrections, and examine existing and proposed programs that focus on the violent behaviour of young offenders. It will also discuss the impact of the *Sentencing Act, 1989* on such issues as parole and supervision.

Fundamental to this chapter is the notion that young violent offenders, especially those who commit serious offences, need proper intervention, supervision and management at both the community and the custodial level. The Committee believes that the Department of Juvenile Justice and the Department of Corrective Services have a responsibility to ensure that violent offenders who come into their system are provided with appropriate and effective management to maximise their successful reintegration into the community. To this end the Committee supports, as a key recommendation, the development of appropriate intervention strategies that are adequately and consistently resourced.

RECOMMENDATION 132

That the Government provide adequate resources to ensure:

- effective intervention at the time young violent offenders first come in contact with the justice system;
- the multiplicity of problems of incarcerated young violent offenders, such as alcohol and drug abuse, are adequately addressed; and
- effective preventative strategies are developed to break the cycle of recidivism among young violent offenders.

12.1 THE JUVENILE JUSTICE SYSTEM

The Committee has dealt extensively with the Juvenile Justice system in its 1992 report, *Juvenile Justice in New South Wales*. A range of recommendations relating to crime prevention, court diversion, sentencing options and services were contained in that Report, many of which have since been introduced. The Committee's Report was followed by the Green Paper, *Future Directions for Juvenile Justice in New South Wales*, prepared by the NSW Juvenile Justice Advisory Council in 1993, and, in 1994, the White Paper, *Breaking the Crime Cycle: New Directions for Juvenile Justice in New South Wales*.

For the purposes of this Section, the Committee will refer extensively to its 1992 Report on Juvenile Justice, as well as the evidence received for this Inquiry and recent research.

As the Committee found in its 1992 report, juvenile crime, including violent crime is an extremely complex problem. Similarly, the Youth Justice Coalition's *Kids in Justice* Report suggested juvenile crime can be

accounted for as a consequence of such factors as social change, urbanisation, poverty, difficulties in integration, exclusion from the mainstream, lack of opportunities, gender, increased temptation of lack of access to disposable goods, economic crises and the exigencies of "growing up". It is clear that there are strong links between social disadvantage, deprivation and particular sorts of crime and its control More specifically it has clear connections with unemployment, homelessness, school alienation, family breakdown, drug abuse, boredom and low morale and poor self-image, inadequate community, family and youth support services (Youth Justice Coalition, 1990:27).

12.1.1 Responding to Violent Offending

As the Committee stressed throughout its 1992 Report, in order to properly address juvenile offending and arrest the cycle of crime, the juvenile justice system must be able to respond adequately to these factors. To this end, the Committee recognised the need for collaboration with a range of Government Departments and community organisations. It recommended the establishment of a Crime Prevention Division in the Attorney General's Department that would have input and involvement from government and community agencies.

The Committee understands that a Juvenile Crime Prevention Division has recently been created within the Attorney General's Department and a Juvenile Crime Prevention Advisory Committee is to be established, consisting of Government, community and private sector representatives. Innovative juvenile crime prevention projects are to be funded to address the causes of crime in target areas. The Committee supports these initiatives and urges appropriate representation of and consultation with young people to facilitate their involvement in the development of strategies to prevent or reduce violence.

RECOMMENDATION 133

That the Attorney General ensure young people are appropriately represented on and consulted by the Juvenile Crime Prevention Advisory Committee and the Juvenile Crime Prevention Division in developing strategies to prevent or reduce violence.

As the Committee learnt throughout this Inquiry, the issue of youth violence can inspire strong emotional responses, from members of the community, politicians and the media. Often this is manifested in calls for more punitive responses to young offenders by the justice system. The

Committee heard for instance, of the establishment in other jurisdictions of so-called "boot camps" which are military style camps that rely on a rigid and highly disciplined regime, and of utilising the option of caning. In relation to boot camps, a recent report produced for the Australian Institute of Criminology found that, for young offenders, they have failed to reduce recidivism or prison overcrowding (Atkinson, 1995).

The Committee does not support the establishment of such camps for New South Wales and rejects any form of punishment for young offenders that involves physical discipline. It considers that such responses, whilst possibly breaching fundamental principles of human rights, can also be counter-productive in the reform and rehabilitative process.

Nevertheless, the Committee recognises and emphasised in its Report on Juvenile Justice, that an effective juvenile justice system must ensure that young offenders are accountable for their actions. This is probably all the more pressing in the case of violent offenders. As was highlighted in the 1992 Juvenile Justice Report (1992:4)

The "needs" of a young offender and the fact that a "deed" or offence has been committed both have to be managed. It is considered by the Committee that it is important for the young offender to have [his/her] needs addressed separately from the "deeds" they have committed. This view was taken in order that assistance to a young offender is not perceived as a reward for offending.

The Committee continues to support that approach for this Report. It considers that violent offenders need appropriate intervention and/or supervision and management that is both relevant to the seriousness of the offence and to their needs. This should occur both within the Juvenile Justice system and within a community context. In line with its findings in the 1992 Report it also considers that within the juvenile justice process the victim should be considered and respected.

It is relevant to note at this point that prior to the state election on March 1995 responsibility for Juvenile Justice lay with the Minister for Justice. It now rests with the Minister for Community Services, but remains a discrete department and is still known as the Department of Juvenile Justice.

Section 2.1.2 of this report revealed that the number of juvenile offenders in custody for violent offences as at June 1994 had more than doubled since 1989 to 212, or 44% of the total number of detainees.

Moreover, according to Cain (1995:4)

a time series analysis of the offence profile of juveniles in custody over [the eight year period from 1986/87 to 1993/94] reflects the more serious juvenile criminal activity At the end of June 1989, fewer than one hundred juveniles were in custody for offences against the person. By June 1994, the number had exceeded two hundred. Most of the observed increase in the number of juveniles in custody for violent offences is the result of the sentencing and committal processes rather than the result of bail determinations. This is evident from the rapidly rising number of violent juvenile offenders serving

custodial sentences in NSW Juvenile Justice Centres. In contrast, the number of juveniles being remanded in relation to violent offences has remained relatively constant.

It is unclear what has caused this increase. Cain, himself postulates (1995:38) two theories.

Firstly, he argues that it may be in part

an indirect and unintended consequence of the principle of diversion. That is, diverting the less serious offender makes those who do enter custody relatively more serious.

He also maintains that

the observed level of entrenchment in criminal activity, the escalation to, or continuation of aggressive and violent behaviours, and the repeated return to custody of the majority of juveniles serving time, indicates that little that the juvenile justice system has offered in the past in terms of rehabilitative programs has worked - at least for these recidivist offenders.

In light of these observations, it is clear that effective, ongoing, focussed and culturally appropriate intervention and supervision is required for violent offenders. Such intervention should be available to offenders in custody and those serving sentences within the community. It would appear that to date, diversion and intervention for all young offenders has not been effective, as indicated by the graduation of many property offenders to violent offenders. Cain (1995:38) has found that

over fifty per cent of juveniles on control orders are serving time for serious violent offences or drug offences. Armed robberies and serious assaults figure prominently. Generally, these juveniles have "graduated" to these indictable violent and drug offences from less serious property or good order offences.

12.1.2 A Model for Court Diversion

Throughout this Inquiry and the Inquiry into Juvenile Justice the Committee heard of initiatives and proposals for court diversion schemes, including in other jurisdictions, that aim to steer young offenders away from the Juvenile Justice system before they become entrenched in a cycle of offending. Among them are the New Zealand Family Group Conference Scheme, which attempts to focus the young offender on the consequences of his or her actions and confront the feelings of his or her victim, the victim's family and his or her own family. A family group conferencing scheme based in Wagga Wagga; the Wellington Juvenile Justice Panel and Taree Community Justice Council run by members of the local Aboriginal communities; and a Departmental Community Youth Conferencing Scheme are similar in their objectives.

In its 1992 Report on Juvenile Justice, the Committee recommended the establishment of a court diversionary scheme, known as the Children's Panel, which it believes encompasses all

the positive elements of the models noted above. It was envisaged that the scheme be the responsibility of the Department of Juvenile Justice and include representatives from the Police Service and the community as well as Juvenile Justice personnel. The Committee also determined that where appropriate, a victim be encouraged to attend and participate in the proceedings of the Children's Panel.

It was determined that young offenders who commit offences of a certain nature, such as murder, manslaughter, sexual assault, arson, vicious assault, and repetitive robbery should be subject to a charge and therefore not be eligible for referral to the panel. The Committee continues to support the establishment of a Children's Panel scheme for appropriate young offenders, as a means of diverting them from the court and juvenile justice process and thereby preventing entrenchment in that process.

The Committee considers that young offenders who commit offences that may be categorised as violent but are not of a serious nature should be eligible for involvement in the panel. The Committee firmly believes that for violent offenders in particular, a crucial part of any rehabilitative process would be to confront their victim and gain a first-hand appreciation of the impact of their actions.

For a complete description of the workings of that scheme, readers are referred to the Committee's 1992 report, *Juvenile Justice in New South Wales*.

RECOMMENDATION 134

That the Minister for Community Services and the Minister for Police implement Recommendation numbers 35 to 50 of the Standing Committee on Social Issues Report *Juvenile Justice in New South Wales*, (1992).

12.1.3 Community Based Sentencing Options, Intervention and Supervision

In its Report *Juvenile Justice in NSW* the Committee recognised that, where possible, community based sentencing options be used in the sentencing of young offenders and incarceration be used only as a last resort. A range of community based sentencing options are provided for in Section 33 of the *Children's (Criminal Proceedings) Act, 1987*. These are in order of severity:

- dismissal of a charge or dismissal with a caution
- release on a recognisance with or without conditions
- imposition of a fine
- release on recognisance and imposition of a fine

- release on probation
- imposition of a Community Service Order
- imposition of a custodial sentence.

Magistrates must have examined the appropriateness of all other sentencing options contained in Section 33 before making an order committing a young person to custody.

A number of witnesses before the Committee and a range of submissions received supported the utilisation of community based options with supervision, and counselling for appropriate violent young offenders.

Whilst the Committee endorses this approach for those young offenders who do not pose such a threat that they require incarceration, it is mindful that programs to support community based options are less than adequate. As Senior Children's Court Magistrate, Mr Rod Blackmore explained to the Committee

one would think that someone who has committed violence is in strong need of fairly intensive counselling to change attitudes and to show the perspective that other people in the community have about violence, but there is not a great deal available (Blackmore Evidence, 28.07.95).

Failure to appropriately resource community based options so that Juvenile Justice Officers can provide proper, specific and consistent supervision and counselling to young violent offenders, will do little to rehabilitate the offender and will undermine the community's confidence in the justice and correctional process. The high level of recidivist offenders in custody who previously had the option of community based sentences is strong testament to the need for the implementation of more effectively supervised non-custodial alternatives.

■ Community Youth Centres

The Committee understands that some young offenders, including violent offenders, assessed as appropriate by a counsellor, may be referred by the courts to Community Youth Centres (CYCs). CYCs provide intensive supervision and counselling for those juvenile offenders who receive a probation order or those released from detention. The goal of counselling at CYCs is to assist young offenders reintegrate successfully into the community. They are located at Stanmore, Liverpool and Blacktown and programs are also offered at Wollongong and Newcastle. Pilot Programs have recently been introduced in Wagga Wagga, Dubbo and Grafton (Loughman Briefing, 17.09.93).

The Committee is encouraged by the expansion of CYCs. However, evidence from the Senior Children's Magistrate indicated that the availability of Community Youth Centre programs for young people on probation with supervision orders remains limited (Blackmore Evidence, 28.07.94).

Given the commitment of the Committee to supervision and counselling it strongly supports the expansion of CYC programs. However, it considers that for CYCs to effectively assist young violent offenders, a wide range of suitable programs must be available within the community from which they can draw assistance.

RECOMMENDATION 135

That the Attorney General ensure that where appropriate, courts continue to utilise community based options in the sentencing of young offenders, including young violent offenders.

RECOMMENDATION 136

That the Minister for Community Services ensure, as a matter of priority, that adequate resources are available to Department of Juvenile Justice Offices throughout New South Wales to enable the consistent and relevant supervision and counselling of young violent offenders serving community based sentences.

RECOMMENDATION 137

That in order for Juvenile Justice Offices to adequately supervise and counsel a young violent offender in the community the Minister for Community Services must ensure that there is a wide range of suitable programs within the community from which they can draw assistance. Those community organisations offering relevant services should be provided with adequate government funding so that co-operative service delivery between the government and the non-government sector can be fostered.

■ Community Service Orders

Community Service Orders (CSOs) are the most severe penalty that a young offender can receive before the imposition of custodial sentence. Under the CSO scheme, juvenile offenders perform community work as restitution to the community for their offences. The maximum number of hours which a young offender can be sentenced to under a CSO is 100 hours.

In recent times there have been calls for an increase in the number of CSO hours that can be imposed upon a young offender to reflect the seriousness of the offence and the penalty. Senior Children's Court Magistrate, Rod Blackmore indicated to the Committee that he supported the White Paper's proposal of a maximum of 250 hours as "a realistic penalty for what can be quite a serious offence" (Blackmore Evidence, 28.07.94).

The Committee considers that increasing the maximum number of hours which can be given to a young offender under a CSO could provide a realistic alternative to detention in appropriate

cases. However, it is mindful that merely increasing the hours of the penalty but failing to provide adequate supervision or failing to offer or support appropriate options and schemes under which a young offender can undertake his or her CSO will have little positive advantage. If there are limited options of community work that a young offender can perform, there is a real risk that this penalty is by-passed and a custodial sentence is instead imposed. Cain, (1995: 14, 26) for instance, has found that as at 13 April, 1994

two-thirds (68.7%) of juveniles in custody had not been given the benefit of a community service order, which is viewed as the penultimate penalty Only one-third of Aboriginal juveniles on control orders had previously received a CSO.

The Committee supports the increase in the maximum number of hours under a CSO from 100 to 250 hours as a realistic alternative to detention for appropriate young offenders. However, it considers that such an increase should only occur if the Minister for Community Services can guarantee that resources are available and relevant support services able to be drawn upon to assist Juvenile Justice personnel in all regions to adequately supervise and offer a range of community work to those young offenders placed on CSOs. It also considers that counselling programs for young violent offenders on CSOs be offered as part of the fulfilment of these orders in addition to other work orders.

RECOMMENDATION 138

That the Minister for Community Services ensure that:

- **adequate resources are available and relevant support services able to be drawn upon to assist Juvenile Justice officers in all regions to adequately supervise and to offer a range of community work to those young offenders placed on Community Service Orders; and**
- **counselling programs for violent offenders on Community Service Orders can be offered as part of the fulfilment of Community Service Orders in addition to other work orders.**

RECOMMENDATION 139

That conditional upon the implementation of Recommendation 138 the Minister for Community Services amend the Children (Community Service Orders) Act, 1987 to allow the maximum number of hours which can be given to young offenders under a Community Service Order to be 250 hours.

■ **Conditional Release**

Section 24(1) of the *Children (Detention Centre) Act, 1987* provides for juvenile offenders to be granted leave and be absent from a Juvenile Justice Centre for a purpose which is considered as being beneficial to the juvenile's welfare or rehabilitation such as education, employment, training and family matters.

Under close supervision and with intensive counselling, conditional release permits the young offender to live in the general community and participate in community based educational and vocational programs.

Whilst violent offenders do participate in the program conditional release it is not available to those young offenders who have been convicted of a serious indictable matter or classified by the court as a danger to the community.

The Committee considers that programs within an institutional setting that are aimed at altering the violent behaviour of young people should be augmented by behaviour modification programs within the community. It therefore considers that appropriate counselling and support should be extended to violent offenders on conditional release.

RECOMMENDATION 140

That the Minister for Community Services ensure appropriate counselling and support is extended to violent offenders on conditional release.

■ **Violent Offenders Program**

The Committee is encouraged by recent initiatives being considered by the Department of Juvenile Justice in relation to young violent offenders released into the community. A violent offenders program is being developed which will focus on working with young people and their families within a community setting and as part of a comprehensive case management plan. The program will seek to identify and deal with factors underlying the offending behaviour. It will be designed to provide a continuum of service for young people moving from detention to the community by providing psychiatric consultancy to Juvenile Justice Centres.

The Committee endorses this initiative and urges that the Minister for Community Services establish it as a matter of priority. It is essential to its successful operation that the violent offenders program be appropriately resourced. The Committee also considers that judicial education will be required to ensure that violent offenders are referred to the violent offenders program as appropriate.

RECOMMENDATION 141

That the Minister for Community Services establish the violent offenders program as a priority and ensure that it is appropriately resourced to enable its utilisation throughout New South Wales.

RECOMMENDATION 142

That the Attorney General and Minister for Community Services ensure that judicial education is undertaken by members of the magistracy and judiciary likely to preside over matters involving violent juvenile offenders, to facilitate such offenders being referred to the Violent Offenders Program as appropriate.

■ Attendance Centres

The issue of Attendance Centres, which serve somewhat similar purposes to CYCs, was addressed in the White Paper where it indicated that legislation would be introduced to create an additional sentencing option to be utilised by Children's Court Magistrates. The purpose of Attendance Centres would be to involve intensive programs to address offending behaviour or the environment in which the offending was committed and to provide skills for community integration (NSW Department of Juvenile Justice, 1994:11). The Committee understands that a pilot Attendance Centre scheme has been conducted for juvenile offenders in Sydney's Western region for two small group of offenders since November 1993. An evaluation of the pilot operating at Blacktown Community Centre is currently under way.

Evidence submitted to the Committee indicated that while the scheme has the potential to address anger and aggression in juvenile offenders, it would not be an appropriate option for those juveniles deemed by the courts to pose a risk to the community. Nevertheless, it is envisaged that there would be opportunities for young people having committed some violent offences to participate in the scheme. Guidelines are being developed for the operation of the scheme that will address issues regarding the participation of violent offenders (Tie Evidence, 29.08.94).

The Committee endorses the development of the Attendance Centre Order scheme, and, subject to the outcome of the evaluation of the pilot scheme, urges that Attendance Centres be established throughout New South Wales. It considers that this sentencing option should be available to violent offenders, under appropriate guidelines, and programs addressing violent offending behaviour should be offered at Attendance Centres.

RECOMMENDATION 143

That the Minister for Community Services ensure that, having regard to the evaluation of the pilot scheme, Attendance Centres and programs are established throughout New South Wales.

RECOMMENDATION 144

That the Minister for Community Services ensure that, in developing guidelines for the Attendance Centre orders and programs:

- **due regard is given to the availability of the Attendance Centre sentencing option to violent offenders, where appropriate; and**
- **programs are developed which address violent offending behaviour.**

12.1.4 Young People in Detention

Young male violent offenders serving a custodial sentence can be detained in Kariong (which is a high security unit) or the Walpole and Vernon Units at Mt Penang. Less sophisticated offenders (who may nevertheless have committed a violent offence) may be placed in Karinya or Woods, also within the Mt Penang complex. Boys up to the age of 16 years can also be detained at Reiby Juvenile Justice Centre.

Young female offenders are detained at Yasmar Juvenile Justice Centre.

It has been well-documented that most young offenders in custody are recidivist offenders, many of whom have been incarcerated on a previous occasion. This issue was dealt with at length in the Committee's 1992 report, *Juvenile Justice in New South Wales*. More recently, Cain (1995:14) has found that as at 13 April, 1994 and with a Juvenile Justice Centre population of 423

nine of every ten persons in juvenile detention had previously served time in custody For 114 juveniles (37.1%), the current term of custody is their second to fifth; for nine juveniles (2.9%) the number of previous sentences ranged from six and up to nine; and, for a further two juveniles, ten or more separate custodial terms had been served in juvenile justice centres.

As it was noted earlier in this Chapter, over fifty percent of juveniles on control orders are serving time for serious violent offences or drug offences, most of whom have graduated from less serious property or good order offences (Cain, 1995:38).

As Cain (1993b:36) has previously observed

the proportion of juveniles re-entering Juvenile Justice Centres on violent offences following initial custodial terms for non-violent offences questions the rehabilitative qualities of Juvenile Justice Centres, their ability to deter juveniles from re-offending, and their ability to prevent or minimise exposure to the more experienced and the more violent criminal elements they house.

The Committee considers that Department of Juvenile Justice should establish a system that monitors the level of recidivism among juvenile offenders, especially in relation to the graduation to crimes of violence, and evaluate the impact of detention on recidivism and the nature of offending.

In relation to the graduation of young offenders to the adult system, Hogan has estimated that 60-75% of adult prisoners were previously involved in the juvenile justice system (in Bagnall, 1992:38). Since a large number of young offenders break away from crime as they mature, longitudinal studies tracking juvenile offenders and establishing offending histories of adult offenders are required. The Committee understands that the Department of Juvenile Justice is planning to conduct research in collaboration with the Department of Corrective Services to examine this issue in 1995. The Committee supports this initiative.

RECOMMENDATION 145

That the Minister for Community Services ensure that:

- **the level of recidivism among young offenders in the juvenile justice system is consistently monitored to assess the rate of graduation to more serious and violent offences; and**
- **the impact of detention on recidivism and the nature of offending behaviour is evaluated.**

RECOMMENDATION 146

That the Minister for Community Services and the Minister for Corrective Services conduct research, involving the Department of Juvenile Justice and the Department of Corrective Services, that examines the graduation of juvenile offenders to the adult system.

The Committee understands the Department of Juvenile Justice offers some specific programs for violent offenders in custody, including at Kariong and the newly established Robinson Boys Program at Reiby, and the Sex Offenders program. Juvenile Justice Centres also provide education and training to young offenders in custody on a range of subjects and areas.

The Committee understands that the majority of juvenile offenders display distinct deficiencies in social and living skills and appropriate programs are available in all centres to increase their capacity to cope in the normal stream of community life (NSW Department of Juvenile Justice, 1994:15).

The Committee recognises the significance of education and training in the rehabilitation process for detained young offenders, many of whom have experienced limited opportunities in this regard. It considers that institutional based education and training should be appropriate for all groups in Juvenile Justice Centres, including young women, Aborigines and young offenders of non-English speaking background.

The following section proposes to deal with those programs that are specifically violence focussed.

■ **Kariong Juvenile Justice Centre**

As many of the detainees in Kariong have committed serious violent offences, Kariong offers a specific, individually-based and highly structured behaviour modification program. The program focuses on the positive characteristics of each young person and aims to address the violent behaviour which resulted in the young person being sent to the facility.

Among the components to the program are:

- an initial six week anger control and management program run by a clinical psychologist and other qualified staff;
- follow-up programs focussing on problem solving, building self-esteem and conflict resolution; and
- school, trade and sport and recreation programs (Tabled document).

Each young person is reviewed monthly to determine if he is ready to return to the mainstream detention system or if he should remain at Kariong for another month.

■ **The Robinson Program for Boys at Reiby Juvenile Justice Centre**

The Robinson Program for Boys is a recent initiative of the Department of Juvenile Justice aimed at more successfully managing juvenile detainees "who are characterised by violence, poor impulse control, acting out, and other aggressive behaviours" (Cain, 1995:38). It was developed in response to the increasing proportion of young men in custody with offending backgrounds involving violence, and aggression and self-harm incidents that occur in detention centres (Tie, Evidence, 29.08.94). Boys are referred to the program from Reiby itself or any of the other Juvenile Justice Centres for boys, on the basis of their behaviour in detention or the seriousness of their offence or alleged offence.

The Program is run on a therapeutic model with an emphasis upon assessment and stabilisation of behaviour, skills development and integration into mainstream detention and eventually, into the community.

In light of his findings in relation to recidivism rates in detention and the increase in the number of violent offenders in custody in recent times, Cain argues that the establishment of the Robinson Program is a "positive step" in the management of violent offenders. The Committee considers that the Robinson Program for Boys will offer an important alternative for young offenders with aggressive tendencies. It further considers that the Program should address the underlying causes of violence, including issues relating to gender construction. The Committee understands that a comprehensive evaluation of the Program will be undertaken in late 1995 (Cain, 1995:38).

RECOMMENDATION 147

That the Minister for Community Services ensure that the Robinson Program for Boys addresses the underlying causes of violence, including issues relating to gender construction.

■ **Sex Offender Programs**

The Sex Offender Program is a specialist program within the Department of Juvenile Justice providing comprehensive, individualised treatment and management of adolescents who have been convicted of offences of a sexual nature. The program was designed in response to an increasing recognition that sexual offences committed by juveniles are more than "normal" experimentation or developmental curiosity. One hundred and twenty boys currently participate in the program. The program has both a detention centre and community based focus.

It also has a research component and a collaborative research unit has been set up between the Department of Juvenile Justice and the Impulse Disorders Unit, University of New South Wales. The Committee understands that two major research projects are currently under consideration: recidivism and on-going evaluation of the current program.

The philosophy of the program involves the young offender developing a sense of responsibility for his behaviour, gaining insight into that behaviour and developing coping skills and strategies to prevent further sexual offending.

Approximately one-third of boys in the program come from rural areas. In many instances, the offender remains in his local community and receives counselling from a local counsellor employed by the Department on a fee-for service basis. However, difficulties arise where that local counsellor is not specialised in working with sex offenders.

A submission from a group of practitioners from Wagga Wagga identified the difficulties in effectively managing juvenile sex offenders in rural areas, who require residential care and ongoing treatment facilities. Some offenders had been placed in inappropriate situations and were removed from or not able to return to their families, creating potentially damaging situations (Submission 33). That submission also proposed the establishment of a community based sex offender program that would aim to maximise the involvement of families while providing a residential unit of a non-custodial nature.

The Committee considers that availability of counselling services for juvenile sex offenders in rural areas should be reviewed, and the feasibility of expanding the Sex Offender Program and establishing specialist residential services should be assessed.

The Committee understands that adult sex offenders tend to start offending during childhood or adolescence. It considers that it is crucial that appropriate and intensive intervention occur at an early stage. The Committee therefore sees considerable merit in the Juvenile Sex Offender Program.

RECOMMENDATION 148

That the Minister for Community Services ensure adequate resources are consistently provided to the Department of Juvenile Justice's Sex Offender Program so that the program can function effectively.

RECOMMENDATION 149

That the Minister for Community Services ensure adequate funding is provided to meet the management and treatment needs of juvenile sex offenders in rural areas.

RECOMMENDATION 150

That the Minister for Community Services assess the need for and feasibility of providing specialist, community based residential services for juvenile sex offenders who do not receive control orders or who are released into the community.

■ Programs for Aboriginal Youth

The issue of the over-representation of Aboriginal youth at all stages of the juvenile justice process, including in detention, has been documented in numerous reports, including this Committee's report on *Juvenile Justice in New South Wales*. Cain maintains that the numbers of Aboriginal youth entering juvenile detention continue to remain disproportionately high and are, in some cases, increasing. As the Committee also acknowledged in its report on Juvenile Justice, the causes of this over representation are complex and cannot be adequately addressed

unless, "greater recognition is given to the complex social, economic, legal and inter-racial factors" (Cain, 1995:40).

Cain's findings (1995:40-41) in relation to detained youth as at 13 April 1994 show that

Aboriginal juveniles in custody ... are no more serious in terms of their current offence than non-Aboriginal youth. However, in terms of the number of prior proven offences and number of times previously in custody, Aboriginal young people are amongst the most experienced and recidivist of juvenile offenders in custody. This is the case for both remandees and those serving custodial sentences It is very likely ... that [the] extensive criminal records are themselves a function of the 'very powerful ... compounding effect' of discriminatory practices.

The White Paper referred to the establishment of a range of accommodation options for Aboriginal young people who would otherwise be refused bail. The Department of Juvenile Justice is currently considering expressions of interest for the re-establishment of a bail hostel for Aborigines in the Sydney metropolitan area to replace the Jaapalpa bail hostel.

A pilot Aboriginal Juvenile Bail Support Scheme was planned for Dubbo and Wellington to assist Aboriginal juveniles who have allegedly committed minor offences and who are likely to be refused bail on the basis of homelessness or lack of suitable accommodation. If extended family networks cannot assist with accommodation, an alternative placement was to be sought in an attempt to provide a stable, caring environment. Aboriginal workers from the Department of Juvenile Justice and Aboriginal community workers were to conduct an awareness program in an attempt to build a network of alternative carers within the Aboriginal community. The Departments of Juvenile Justice and Community Services are currently negotiating as to whether individual families or organisations should be accredited as carers. A similar scheme, with families as accredited carers, is currently operating in Wagga Wagga. The Committee believes that the potential for introducing a state-wide scheme should be evaluated.

RECOMMENDATION 151

That the Minister for Community Services facilitate the introduction of pilot Aboriginal Juvenile Bail Support Schemes, and evaluate the potential to extend the Scheme to other communities.

Like all young people who commit violent offences, Aboriginal youth require appropriate intervention and supervision that is relevant to their needs and the offence. In endorsing the violence-focussed programs and initiatives being undertaken or proposed in both Juvenile Justice Centres and in the community, the Committee urges that there be appropriate input from Aboriginal communities and recommends that the Department of Juvenile Justice ensure that these programs and initiatives be culturally sensitive. In the community context, the Committee is encouraged by the appointment of Aboriginal Community Program Officers, who

are to assist local communities develop viable local juvenile justice programs. It also endorses the appointment of an Aboriginal Community Project Officer who will assist in the development, implementation and oversight of a range of alternatives to detention and court processing for young offenders.

RECOMMENDATION 152

That the Minister for Community Services ensure that any program developed by the Department of Juvenile Justice that targets young violent offenders both in custody and the community, and includes young Aboriginal offenders, has appropriate input from Aboriginal communities and is culturally sensitive.

■ Programs for Young People from non-English Speaking Backgrounds

The ethnicity of violent offenders in Juvenile Justice Centres has been discussed in Chapter Two. Cain (1995:41-42) observes that

Aborigines are not the only ethnic/cultural group over-represented in custody. The Indo-Chinese, Lebanese, Pacific Islanders and Maoris have disproportionately large numbers of their youth in custody on remand and control. Such over-representation also raises the possibility of discrimination operating in relation to these groups In absolute terms, the number of Indo-Chinese youth in custody for violent crimes has not risen although the reduced numbers in custody for drug crimes has brought about a relative increase in the proportion of Indo-Chinese youth in custody for violent offences On face value, [the Pacific Islander group], constitute the most violent group of offenders in custody Like their Pacific Island counterparts, the principal offence for which [juveniles of Lebanese and Maori background] were placed in custody is more often than not a crime of violence.

The Department of Juvenile Justice is currently attempting to address the cultural appropriateness of its counselling programs, particularly in relation to the reintegration of Indo-Chinese offenders into the community.

The Department is examining strategies to increase the employment of Indo-Chinese Australians in Juvenile Justice Centres and is providing training to other staff on Indo-Chinese language, culture and tradition. Language and culture classes have been initiated for residents, in addition to ESL classes. Indo-Chinese community organisations are encouraged to support Indo-Chinese youth in detention (Graham, 1993:8). The Committee supports the continued development of such initiatives.

An Indo-Chinese Youth Support Program has been established to assist Indo-Chinese young offenders who are eligible for conditional release to return to their community.

There are no existing culturally appropriate counselling programs for Pacific Islander juveniles in custody, despite their high recidivism rate and their involvement in violent offences (Cain, 1995:41). There are similar limitations in the options available for Maori and Lebanese young offenders.

As Cain (1995:42) maintains

the emergence of a number of different ethnic groups who are over-represented in the NSW Juvenile Justice Centre population is placing incredible strain on the Department of Juvenile Justice to respond creatively and strategically with a variety of culturally appropriate counselling and management services. There is a real danger that members of these and other ethnic groups in custody will not respond to, or be rehabilitated by, the typically White Anglo-Australian counselling programs being provided Whilst there is no guarantee that new, culturally-specific management and counselling programs will work any better, until they are developed and introduced, past performance informs us that the success of existing juvenile justice services and programs will be limited. The majority of individuals in juvenile detention will re-offend and find their way back into detention or, worse still, face a life in prison when they are no longer covered by children's legislation.

The Committee strongly endorses the introduction of culturally appropriate programs for young offenders of non-English speaking background, including violent offenders, both within custody and in a community setting. It further supports the involvement and input of members of non-English speaking background communities in the development of such programs.

RECOMMENDATION 153

That the Minister for Community Services ensure that any program developed by the Department of Juvenile Justice that targets young violent offenders both in custody and the community, and includes young offenders of non-English speaking background, has appropriate input from relevant ethnic communities and is culturally sensitive to the offender's background.

The Committee has heard that racial animosity has existed between inmates of Juvenile Justice Centres. A number of strategies have been identified to address this issue, including the dispersal of the groups through the various centres, providing adequate interpreting services, and bringing in members of the relevant communities to assist in working with young people. The Committee heard that:

involving the community in programs and trying to open up the centres has actually had a stabilising effect on the behaviour of the young people in custody (Loughman Briefing, 17.09.93).

■ **Programs for Female Offenders**

In its 1992 report, *Juvenile Justice in New South Wales*, the Committee found that

there are very limited programs that cater specifically for girls in the system and those at risk of entering the system. Since boys represent the greater "at risk" offender population, programs and services seem to be geared toward their needs and boys tend to dominate those programs that are available (Standing Committee on Social Issues, 1992:54).

Since that time a new Juvenile Justice program specifically managing young women in custody has been established at Yasmar Juvenile Justice Centre, with close proximity to the city allowing ready access to services provided by community agencies.

Whilst girls represent only a small proportion of the young offender population, most of them, especially those in custody, have specific needs that often relate to a history of physical and sexual abuse, drug and/or alcohol dependency and family dysfunction.

Cain's research (1995:39) has identified that

Like their male counterparts, females in juvenile detention appear to be getting not only more serious in terms of their criminal histories, but more violent in their offending.

He notes (1995:19) that of the 19 females in NSW Juvenile Justice Centres as at 13 April 1994, eight (80%) were serving control orders in relation to violent offences.

These findings make the need for development of appropriate and effective programs, both in the community and in a custodial setting, for young female offenders who have committed violent offences all the more pressing. Given the special needs of young women, it is essential that such programs address broader issues such as drug and alcohol abuse and physical and sexual abuse and offer appropriate counselling in relation to these issues.

RECOMMENDATION 154

That the Minister for Community Services:

- **develop appropriate programs and counselling services for young female offenders in the community and in detention, that focus on violent offending among young women; and**
- **ensure that such programs and counselling services are sensitive to the specific needs of young female offenders.**

■ **Pre-discharge Units**

In its earlier report, *Juvenile Justice in New South Wales* (1992:186), the Committee considered that some young offenders who have served a custodial sentence require the use of special accommodation facilities that provide a number of services to assist them in their re-integration into the community. The Committee considered that such facilities should be situated throughout New South Wales, and could only be effective if the program was a compulsory aspect of the continuum of a rehabilitation program for those young offenders who are deemed (because of their assessment) to be in need of such a period of supervision.

The White Paper referred to the establishment of pre-discharge units and pre-discharge programs as strategies to assist young people in detention to develop independent living skills and prepare them for their return to the community (NSW Department of Juvenile Justice, 1994:16). The Committee was informed that pre-discharge units will be established at each Juvenile Justice Centre. A longer term strategy will be to move these units into the local community, particularly in regions where no Juvenile Justice Centre is located to enable juveniles to be supported within their own communities. Rural areas are most likely to benefit from this strategy as most Juvenile Justice Centres are currently located in metropolitan areas (Tie Evidence, 29.08.94).

The pre-discharge program will involve the planned and coordinated management of young people in custody, focussing on linking young people with their communities in preparation for release. Programs will seek to link young people into employment, accommodation, school or training, health services and their families where appropriate (Tabled document).

The Committee strongly endorses the establishment of pre-discharge units in Juvenile Justice Centres, and supports the extension of the programs into community settings.

RECOMMENDATION 155

That the Minister for Community Services ensure adequate pre-discharge units are established, and the programs offered from these units are extended into community settings and to all young offenders leaving custody.

12.1.5 Community and Family Involvement

The Committee was informed that where possible and appropriate, young people who have offended are dealt with in their communities to sustain and enhance family and community support (Tie Evidence, 29.08.94).

The Department of Juvenile Justice has indicated that in recognition of the importance of families and extended families as a fundamental influence upon children, families are actively involved in the development of case management plans for juvenile offenders where appropriate. The Department may also provide financial assistance towards travel and

accommodation costs to enable families and significant others to visit and maintain contact with young people in custody.

It was suggested to the Committee that most young people in detention return to their families when released. Providing young people in detention with opportunities for pre-release leave and other forms of approved leave allows for the possibility of the renewal of positive relations with the family and the community.

However, as the Committee was told, the family backgrounds of many of these young offenders are often characterised by tension, and if they return to this environment

it is just going to place them back in the same situation and it will tend to blow up and that young person will be out of their home or offending again or returning to the institution because it is much safer there (Marsden Evidence, 01.11.93).

The Committee believes that the potential for all young offenders to be reintegrated into their families should be assessed prior to their release from Juvenile Justice Centres. The Committee also recommends a family mediation project be developed to assist in this reintegration, while recognising that reintroducing a young person into a family which has been a source of difficulties will not be desirable in all cases.

The Committee notes that a "grandparent" program has also been developed for juveniles in custody who lack family support. The program involves selected volunteers acting as parental and role models for young people who do not have appropriate family support. The Committee supports the continuation of this program.

RECOMMENDATION 156

That the Minister for Community Services ensure

- **the potential for all young offenders to be reintegrated into their families is assessed prior to their release from Juvenile Justice Centres;**
- **a family mediation project is developed for young offenders to assist in this reintegration, where desirable; and,**
- **where re-integration is not possible, the young offenders are given appropriate support in re-entering the community.**

12.2 THE DEPARTMENT OF CORRECTIVE SERVICES

For young offenders who have committed an offence over the age of 18 years, supervised penalties are normally regulated by the Department of Corrective Services. Since evidence

presented to the Committee regarding this Department dealt primarily with the issue of correction centres or prisons, the following discussion deals with that aspect only of the Department of Corrective Services.

Chapter Two of the Report revealed that in 1994, 2098 prisoners in NSW, out of a total of 7351, were between the ages of 18 to 24 years. From this group, 716 are in prison for violent offences, representing 9.7% of the total prison population. As noted in Chapter Two, 696 of these young violent offenders are male and 20 are female.

One witness with experience in the corrections system suggested to the Committee that

the gaol system does nothing to reduce violence. In fact, people go in and come out even more violent (Denborough Evidence, 29.06.94).

However, the Committee heard that programs relating to conflict resolution, anger management, communication and self-esteem have been introduced into all correction centres. The Committee was also informed that prisoners have access to psychologists, psychiatrists and drug and alcohol workers (Vita Evidence, 29.08.94).

However, given the fact that prisons tend to perpetuate violence, the Committee is concerned that these services be adequate. The Committee considers that it is imperative that young violent offenders in NSW prisons are offered appropriate and ongoing support. Suitable levels of counselling services and counselling staff should therefore all times be maintained to reflect the size and needs of this group.

Apart from those local programs in each correctional centre, the Department has a number of specialised programs.

12.2.1 The Special Care Centre

The Special Care Centre at Long Bay Correctional Centre has three autonomous units, including the Special Care Unit, which is a 14-week voluntary program for inmates with behavioural problems or self-defeating behaviour. The Committee recognises that such an approach is of significance in providing a behaviour modification program. Inmates apply from the mainstream prison system and are re-integrated to where they came from within the system after completing the program.

The objectives of the Special Care Unit are:

- to provide inmates with the opportunity to actively examine their self-defeating behaviour as well as affording them an opportunity to implement changes and to accept responsibility for their actions and decisions; and
- to provide the opportunity for staff to examine and implement, in a practical way, various techniques in the management of inmates, as well as promoting a very high degree of staff participation in program content and delivery (Tabled Document).

Rather than dealing specifically with the inmates' crimes, programs at the Special Care Unit attempt to deal with some of the underlying reasons which may have contributed to their crimes. The Unit has been awarded a National Violence Prevention Award.

The Committee was informed that, while the Special Care Unit provides a systematic program for a short period of time, it is not appropriately supported in the mainstream system:

we need to develop programs from day one to the day they are released, encouraging them to take responsibility for their actions [Inmates] go into an environment [in the Special Care Centre] that is much more caring ... but after three months they go straight back into perhaps a maximum security institution where there is no support and no follow-up for those issues. It is a great program, but it needs to be supported (Denborough Evidence, 29.06.94).

The Committee believes systematic programs such as the Special Care Unit should be appropriately supported in the mainstream prison system.

RECOMMENDATION 157

That the Minister for Corrective Services ensure systematic programs such as the Special Care Unit are supported by the provision of appropriate follow-up programs for inmates when they leave the Special Care Unit and return to the mainstream prison system.

12.2.2 Violence Prevention Unit

The Department of Corrective Services has set up a committee to examine the establishment of a Violence Prevention Unit as a 10-bed facility attached to the Special Care Centre at Long Bay Correctional Centre in 1995. A Senior Clinical Psychologist has been engaged to develop a therapeutic program. The program will aim to:

- address issues of anger management and conflict resolution of inmates;
- provide a continuity of service through case management practices;
- develop program links with the Special Care Unit; and
- develop and train staff to manage these inmates in a therapeutic milieu (Tabled Document).

The Unit will deal specifically with inmates who have committed premeditated violence within the prison system. It is hoped that the programs can establish links with community groups and the judicial system to provide ongoing support (Vita Evidence, 29.08.94).

While the Committee endorses the establishment of the Violence Prevention Unit at Long Bay Correctional Centre, it believes that violence prevention programs can also be offered in prisons without the considerable capital expenditure required to construct separate facilities. Once a therapeutic program is developed, the Committee recommends the feasibility of extending that program to other Correctional Centres should be assessed.

RECOMMENDATION 158

That the Minister for Corrective Services:

- **facilitate the establishment of the Violence Prevention Unit at Long Bay Correctional Centre; and**
- **examine the feasibility of extending the therapeutic program developed for the Violence Prevention Unit to other Correctional Centres.**

12.2.3 The Young Offenders' Program

The Young Offenders' Program has been operating since 1992. The Young Offenders' Program aims to include all male 18-22 year old offenders who have been sentenced to an adult Correctional Centre for a term of less than four years. Depending upon their suitability, offenders up to the age of 24 may also be included in the program. Young offenders on the program are separated from the mainstream correctional centre population at Parramatta and Parklea Correctional Centres and at the former Newnes Correctional Centre.

The program is highly structured and focuses on six areas which are aimed at addressing the underlying needs of young offenders. They include work, educational, developmental, vocational, recreational and pre-release programs. These program areas are fully integrated so that no program operates in isolation from the others, but complements and reinforces the work being done in other areas.

The program is aimed at beginning the process of changing attitudes and behaviour by addressing the underlying needs of young offenders.

The Committee was informed that an evaluation of the Program was planned (Vita Evidence, 29.08.94). The Committee endorses this approach.

12.2.4 Crisis Support Units

The Crisis Support Unit at Long Bay Correctional Centre is an area for suicidal and/or self mutilating inmates, with cells designed to ensure that self-harm is minimised.

A form of Crisis Support Unit exists at Goulburn Correctional Centre and a pre-release Crisis Support Unit, which is similar to a Peer Support Program, is offered at Kirkconnell Correctional Centre.

While the Committee supports the intent behind the establishment of Crisis Units within Correctional Centres, it nevertheless considers that their ultimate goal can also be supported through the development of appropriate programs that can be offered at all Correctional Centres. An amount of \$2.9 million was allocated in 1994-5 to enable an extension of induction processes in all correctional facilities, so that prisoners are fully assessed and informed of services within the prison such as psychologists. The Committee supports this approach.

Because of the incidence of self-mutilation, the Committee urges the establishment of a Crisis Support Program at the women's prison at Mulawa Correctional Centre as a matter of priority.

RECOMMENDATION 159

That the Minister for Corrective Services:

- **establish, as a matter of priority, a Crisis Support Program at Mulawa Correctional Centre; and**
- **continue to establish Crisis Support Units and Programs throughout New South Wales Correctional Centres.**

12.2.5 Sexual Assault

It was suggested to the Committee that within Correctional Centres the issue of male sexual assault needs to be addressed, both in terms of sexual assaults in prisons and for victims of past assaults:

it is fairly well known that a high proportion [of prisoners] have been assaulted [in] boys' homes or institutions and that it is not being dealt with is a real issue (Denborough Evidence, 29.06.94).

The Committee is aware of the high rate of sexual assault survivors among female prisoners. The Women in Prison Taskforce (1985:54) reported one estimate suggesting 80% of female prisoners had been sexually assaulted as children. In the Committee's Inquiry into Juvenile Justice in NSW, evidence suggested that 90% of young female offenders in institutions had experienced sexual assault (Standing Committee on Social Issues, 1992:139).

The Committee believes pilot programs should be developed for victims of sexual assaults in prisons, and for victims of past sexual assaults, including gender-specific programs.

Data from the 1994 NSW Prison Census reveal 3.4% of prisoners aged under 25 years have been gaoled for rape or serious sexual assault as their most serious offence. These crimes constitute a higher proportion (6.2%) of the most serious offences of prisoners over 25 years (Tabled Document). However, when the numbers of prisoners gaoled for these offences are compared with population statistics in these age groups for every 100,000 of the general population aged from 18 to 24 years, there are 11.5 imprisoned sexual offenders. The rate for older prisoners is 9 per 100,000 of the general population in this age group. The Committee is also aware that many older sex offenders are recidivists who commenced offending at a young age, and that young sex offenders are likely to continue offending. U.S. research shows that most sex offenders begin their deviant sexual histories as teenagers or earlier:

[W]e find that the majority of [rape] offenders had attempted or committed their first sexual offence by the age of sixteen (Groth and Hobson, 1983:161, cited in Hecht Schafran, 1993:1043).

While a program for child sex offenders existed at Cooma Correctional Centre, as yet no programs have been specifically designed for prisoners sentenced for sexual offences, or who commit sexual assaults in prisons.

Given its concern regarding the incidence and recidivism of young sex offenders, and the seriousness of sexual offences, the Committee believes that prison and community-based pilot programs should be developed to target this group in an attempt to prevent future victimisation. The Committee believes the effectiveness of any such programs should be evaluated after a reasonable time.

RECOMMENDATION 160

That the Minister for Corrective Services develop pilot programs:

- for victims of sexual assaults in prisons; and
- for victims of past sexual assaults, including a program designed specifically for female inmates.

RECOMMENDATION 161

That the Minister for Corrective Services:

- develop prison and community-based pilot programs for young sex offenders; and
- evaluate the effectiveness of such programs after a reasonable time.

12.2.6 Responding to Violence in Prison

■ Protection Status

The Committee heard that strategies available to the Department of Corrective Services to minimise the risk of violence occurring in prisons include protection status which segregates prisoners deemed to be at risk of assault by other inmates.

■ Administrative Segregation

If an inmate assaults another inmate, and as a result of that assault a superintendent of an institution deems that the continued association of that inmate with the prison population would constitute a threat to good security and safety, the assailant can be moved to a segregation area for a period of 14 days. The Committee was informed that segregation of inmates does not occur primarily as a punishment, but rather for the good order and discipline of the prison (Vita Evidence, 29.08.94).

■ Charges under the Prisons Act

Inmates involved in a fight or assault can be charged under the Prisons Act, with penalties ranging from the removal of privileges and amenities for a period up to 28 days, to confinement in cells for a period of up to 72 hours. In cases of a major assault, a superintendent can refer the matter to the visiting Justice for adjudication. Irrespective of the nature of the assault, it is always reported to the police. If the person that has been attacked wishes to pursue police charges, then Corrective Services staff cannot deal with the issue under the Prisons Act and it becomes a police matter (Vita Evidence, 29.08.94).

■ Prevention

The Department of Corrective Services has instituted a more structured day for inmates over the last two years, with equal components of education, employment and recreation. The Committee heard that if prisoners are occupied with meaningful work and education, they are less likely to become involved in misconduct, fighting and assaults (Vita Evidence, 29.08.94).

The Committee endorses the continuation of spatial arrangements, programs and policies that contribute to the prevention of violence in prisons.

The Committee also acknowledges that drug and alcohol rehabilitation programs are necessary, since there is a level of drug-related violence in prisons, which includes self-harm.

■ The Alternatives to Violence Project (AVP)

The Alternatives to Violence project was first established in 1975 when the Society of Friends (Quakers) in New York State set up a program to help inmates in Greenhaven prison who were

working with under-age offenders. Following that involvement, the program was conducted in the prison.

The project aims to reduce violence in society by teaching non-violent empowerment through experiential workshops which build self-esteem. Participants practise affirmation, community building, communication and listening and experience co-operation.

There are three levels of workshops. At the advanced level participants contribute to decisions regarding the workshop content, which may include dealing with issues such as anger, AIDS, fear, forgiveness, power and stereotyping.

In New South Wales the first prison workshop was conducted in October 1992. Prison inmates volunteer to participate in the program, and the programs are facilitated by volunteers. In 1993, 36 inmates completed the basic course in three groups. In 1994, one basic course with 15 participants and one advanced course with nine inmates were completed (Joy Evidence, 29.08.94).

The project also aims to train prison inmates and individuals in the community as workshop facilitators, but this is yet to be achieved in NSW. Since workshops have been conducted in the Reception and Industrial Centre at Long Bay Correctional Centre, with a highly mobile prison population, the project has been unable to retain a group of volunteer inmates to be trained as facilitators.

A number of testimonials were tendered in evidence to the Committee by AVP volunteers, outlining the attitudinal change the AVP workshops had fostered:

"I see a change in myself since I came to gaol, something has changed me, because I haven't been in any trouble for a fair while. When I first came to jail three years ago I was always in trouble. The course was nearly a year ago, and I think it was part of why I've changed" (Joy Evidence, 29.08.94).

In Queensland, a large proportion of inmates in several prisons have completed the course, which has resulted in a change in the prison culture. This has been reinforced by the provision of off-site correctional services AVP training, with time in lieu provisions implemented (Joy Evidence, 29.08.94). The Committee believes that staff involvement in AVP training would be advantageous.

While the program was set up through the Education section, project volunteers suggested to the Committee that this arrangement has limitations because of the time commitment and environment that the workshops require. At Long Bay, workshops have been truncated, as the inmates must leave for lunch and muster, and at times they cannot easily rejoin the workshops:

We are not creating what we call the AVP climate. We are not getting the climate we can work in where people can trust one another (Joy Evidence, 29.08.94).

Other accommodation problems have included the closure of the Education Centre pending the allocation of new facilities for education programs. The Committee heard that

We need our own private, dedicated space, without people just wandering through (de Voogd Evidence, 29.08.94).

An additional constraint for the effective operation of the project is that the Education Centre only operates during the week, and most volunteers have full-time work commitments. In Queensland, weekend workshops have been conducted in the prisons, and the Committee was informed of the greater success of the project in that state (Weiss Evidence, 29.08.94). The Committee believes that every assistance should be offered to ensure the success of AVP workshops in Correctional Centres in NSW.

RECOMMENDATION 162

That the Minister for Corrective Services

- **investigate the feasibility of allowing the Alternatives to Violence Project (AVP) to conduct weekend workshops in Correctional Centres;**
- **provide appropriate premises within Correctional Centres to conduct AVP workshops; and**
- **ensure disruptions to AVP workshops in Correctional Centres are minimised and participants are not removed during the course of the workshops.**

RECOMMENDATION 163

That the Minister for Corrective Services consider including Alternatives to Violence Project workshops as a staff training option for personnel of the Department of Corrective Services.

12.3 SENTENCING AND COURT-RELATED ISSUES

12.3.1 Parole Supervision Following Release From Custody

Under the *Sentencing Act 1989 (NSW)*, it is mandatory for judges and magistrates, when ordering a custodial sentence, to set a minimum term which must be served by an offender. For sentences six months or over, an additional term may be set to be served as parole, which is not to exceed one-third of the minimum term. For juvenile offenders a period of parole in excess of the mandated one third of the minimum term may be set. All sentences for six months or less must be served in full.

The NSW Judicial Commission's report *Sentencing Juvenile Offenders and the Sentencing Act 1989 (NSW)* indicates that the number of custodial orders with a parole component is down

to 8% from 64% prior to the *Sentencing Act* (Cain and Luke, 1991:29). In evidence to the Committee, the Senior Children's Magistrate suggested that the truth-in-sentencing provisions of the Sentencing Act have provided the scope both for giving a long custodial sentence, if that is justified, and providing for a short custodial sentence and a long term on parole (Blackmore Evidence, 28.07.94).

However, a recent review conducted by the Department of Juvenile Justice on the extent to which supervision is provided for juvenile detainees following their release on parole found the courts were failing to specify an agency to handle post-release supervision. The review noted that the Department of Juvenile Justice cannot take up supervision of juvenile detainees at the expiration of their minimum term unless this is specified by the sentencing court. It was also found the Sentencing Act had dramatically reduced the proportion of control orders that contained an additional term of parole. There had also been a reduction in the average length of parole (Cain, 1993a: 4-6).

The report recommended judicial officers should be made aware of the low level at which conditions for parole supervision are being specified; the unnecessarily limited use of parole as a feature of custodial sentences for young offenders; and the greatly reduced average period of parole offered to young offenders. Legislative amendment of s.27(4) of the *Sentencing Act* would be required to ensure that all parole is supervised, and that the Department of Juvenile Justice must accept responsibility for the supervision of juveniles where the court has failed to specify a parole agency (Cain, 1993a:8-9). The Committee supports such an amendment.

The Committee also believes that judicial education should be undertaken to encourage the greater use of appropriately supervised parole as a feature of custodial sentences for young offenders.

RECOMMENDATION 164

That the Attorney General amend s.27(4) of the *Sentencing Act* to ensure

- **all parole involving young offenders is supervised; and**
- **the Department of Juvenile Justice accepts responsibility for the supervision of juvenile offenders where the court has failed to specify a parole agency.**

RECOMMENDATION 165

That the Minister for Community Services and the Attorney General ensure, following the amendment of s.27(4) of the *Sentencing Act*, judicial education is provided to ensure that the changes to the legislation are understood and accepted to facilitate the use of appropriately supervised parole as a feature of custodial sentences for young offenders.

12.3.2 Homosexual Panic Defence

The Committee was informed by a solicitor involved with the Legal Working Group of the Aids Council of N.S.W. (ACON) of a number of recent cases involving what has become known as the "homosexual panic defence". Evidence presented by defence counsel in these cases suggests that an accused person was forced to use violence in order to repel an alleged sexual advance or was so angered by such an advance that he lost control and used violence in the heat of the moment.

In a Victorian Supreme Court case, a 23-year-old man was accused of murdering a 65-year-old who allegedly made a sexual advance. The dead man's head had been cut off with a kitchen knife and bashed in with a telephone. The accused then set fire to his flat before leaving. The jury returned a verdict of not guilty on the grounds of self-defence in this case (Bendall Evidence, 29.06.94).

In a NSW case in 1991, evidence in a murder case suggested the accused had told friends before the attack that he intended to pick up a homosexual to rob, and after the incident had bragged that he had "rolled a fag". Notwithstanding this evidence, the accused was acquitted on the grounds of self-defence (Submission 54). A similar verdict was reached in a case in May 1995.

The Attorney General has instructed the Criminal Law Review Division of his Department to investigate and report on this matter, with appropriate consultation with organisations representing the homosexual and lesbian community. The Committee believes the Attorney should consider this issue as a matter of urgency when the report is made available, and respond appropriately.

RECOMMENDATION 166

That upon the release of the report from the Criminal Law Review Division the Attorney General give priority to examining the validity and legality of the "homosexual panic defence".

12.4 CONCLUSIONS AND FINDINGS

- Prevention should be the first response of an effective juvenile and adult offending policy.
- Juvenile offenders who commit relatively minor offences, including those that involve less serious incidents of violence, should be referred to a Children's Panel, coordinated by the Department of Juvenile Justice and with involvement by the Police Service, community representatives, the offender and his/her family and the victim and any support people.

- Appropriate diversion and intervention strategies at the pre-court and sentence stage, including custodial stage, need to be developed, implemented and evaluated.
- The Department of Juvenile Justice and the Department of Corrective Services have a responsibility to ensure that violent offenders who come into their system are provided with appropriate and effective management to maximise their successful reintegration into the community.
- Violent juvenile offenders who are sentenced to a community based penalty involving supervision should be properly and consistently managed by the Department of Juvenile Justice and be provided with appropriate programs and counselling to address their violent behaviour.
- Violent juvenile offenders who are sentenced to a custodial sentence require intensive intervention, supervision and counselling that addresses their violent behaviour, and such supervision and counselling should be available to the offenders upon their release into the community.
- All violence-focussed programs and services for young offenders, both community and custodial based, should be culturally appropriate and be responsive to the needs of young offenders from various ethnic and cultural backgrounds.
- Specific programs should be developed for young female offenders who have committed violent offences and be responsive to their special needs.
- The Committee urges that the Juvenile Crime Prevention Advisory Committee have appropriate representation of and consultation with young people so as to develop strategies to reduce or prevent violence.
- Suitable levels of counselling services and counselling staff should be maintained to reflect the size and needs of the group of young violent offenders in adult Correction Centres.
- Systematic behaviour modification programs such as the adult-based Special Care Unit should be appropriately supported in the mainstream prison system, the establishment of the Violence Prevention Unit at Long Bay Correctional Centre should be facilitated and a Crisis Support Program should be established at Mulawa Correctional Centre as a matter of priority.
- Pilot programs for victims of sexual assault who are in the prison system should be developed and drug and alcohol rehabilitation programs in prisons should be adequately and consistently resourced.

- The *Sentencing Act, 1989* should be amended to ensure that all parole of young offenders is supervised, and that the Department of Juvenile Justice accepts responsibility for the supervision of juvenile offenders.
- The Attorney General should give priority to examining the validity and legality of the "homosexual panic defence".

CHAPTER ELEVEN

NEW SOUTH WALES POLICE SERVICE

The police play a major role in many aspects relevant to youth violence. For most young violent offenders, they are the first point of contact to entry into the juvenile justice or adult criminal justice systems.

The chapter examines the broad question of police powers, and examines the use of these powers in dealing with young people under the Summary Offences Act; dealing with weapons; dealing with young people from ethnic communities; dealing with young Aborigines; and video surveillance. The police response to gangs is also considered. The role of police in crime prevention activities in schools is discussed. A range of policy responses relevant to addressing youth violence is also considered, including the Police Youth Policy Statement; Youth Liaison Officers; police training; community consultation; and interagency collaboration.

The Committee received evidence concerning the inappropriate and violent methods used at times by some police in their interactions with young people. These issues are also discussed in this chapter.

11.1 POLICE POWERS

Some witnesses appearing before the Committee suggested that police powers to act on citizens' complaints are limited:

The police say to me, "What can we do? When we go down there [the young people] deny [involvement in criminal activity]. We get them in court and court officials laugh at us and tell us that we are harassing them" (In camera Evidence).

The General Meeting of the Real Estate Institute passed a motion relating to gang violence, requesting the President contact the Attorney General and Minister for Police to seek the implementation of increased legal powers and police resources to provide a proper level of public protection (Submission 24).

Reports prepared for the NSW Police Service on gangs and violence contend that there is sufficient legislation to empower police to deal with these issues, but question whether police officers are sufficiently aware of their powers (Pulse Consultants, 1994:29).

11.1.1 Summary Offences Act

The Committee heard a range of evidence regarding the *Summary Offences Act 1988*. The submission of the Wollongong Youth Refuge Association Inc., for example, recommended the repeal of the Act, suggesting that Aboriginal youths, homeless young people and young people from a non-English speaking background can be disadvantaged:

This Act promotes the criminalisation of young people's behaviour rather than seeing this behaviour as childish. The figures depicting the high number of young people entering the juvenile justice system due to charges under this Act reflect discriminatory practices and police harassment as much as the so called "offensive" public behaviour on the part of young people (Submission 19).

A submission to the Committee from the Director of the National Children's and Youth Law Centre suggests that while police outreach is positive, minor infractions which could draw young people into the justice system should be de-emphasised (Submission 26).

A solicitor with the Aboriginal Legal Service in Dubbo supported the decriminalisation of offensive language, but suggested the offensive conduct provisions of Section 4(1) of the *Summary Offences Act* should be retained to enable police to act in cases of an imminent breach of the peace. He also contended that the violent disorder provisions of Section 28 of the Act provide considerable police power to address violence and obtain convictions (Dennis Evidence, 11.08.94). Section 28(1) of the Act states:

If 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety, each of the persons using or threatening unlawful violence is guilty of an offence.

Another view was expressed by one concerned citizen who suggested that it was difficult, except in aggravated circumstances, for the police to obtain a conviction for offensive conduct. This witness called for a return of the police powers under the old *Summary Offences Act* in relation to dealing with street crime and offensive behaviour, threatening behaviour and obstruction (In camera Evidence).

The Committee considered at length the applicability of the *Summary Offences Act 1988* to juveniles in the Committee's 1992 Inquiry into Juvenile Justice. While not condoning offensive language, the Committee considered that within the community in general, language deemed offensive was frequently part of the vernacular. To charge a juvenile for offensive language was considered by the Committee to blame the young person for an activity he or she may not recognise as a criminal offence (Standing Committee on Social Issues, 1992:78).

The Committee considered that the penalty for offensive language by juveniles should be reduced to a Police Caution in the first instance and summary offences relating to juveniles should not be dealt with through the court system.

A dissenting opinion recommended s4(1)(b) of the *Summary Offences Act* be deleted so that the simple use of offensive language no longer attracts a criminal sanction and the option of a prison sentence for offensive conduct be abolished. The *Summary Offences (Amendment) Act 1993* subsequently abolished the imprisonment option for offensive language.

The Committee continues to be concerned that the offensive language provisions of the Act may be used to harass young people. It also believes a police caution should be the maximum penalty for this offence.

RECOMMENDATION 108

That the Minister for Police ensure the provisions of the *Summary Offences Act, 1988*, dealing with offensive language are not used by police officers to harass young people.

RECOMMENDATION 109

That the Attorney General ensure the maximum penalty for offensive language by juveniles be a formal police caution.

11.1.2 Dealing with Weapons

The Committee heard that the increase in the use of knives and similar sorts of weapons may require a legislative response:

I think there should be equivalent powers for the police as they have with liquor to confiscate the knife (Blackmore Evidence, 28.07.94).

Several types of knives, including flick knives and butterfly knives, are prohibited under the *Prohibited Weapons Act, 1989*. For other types of knives, it was suggested to the Committee that the police have to prove that a person is carrying a knife for felonious intent. Section 10 of the *Summary Offences Act* refers to "custody of offensive implement". The legislation states that a person shall not, without reasonable excuse, proof of which lies upon that person, have in his or her custody an offensive implement in a public place.

The Committee heard that many young offenders are aware of the provisions of the Act. It was alleged that a young person found to be carrying a knife stated to police that it was part of his historic culture to carry a knife, and he had no intention of using it illegally. As a result, the police did not lay charges (In camera Evidence). While recognising historical and cultural differences in our society, the Committee refuses to accept that weapon carrying is anything other than a likely hazard to violent behaviour.

One police officer recommended that these provisions be amended to refer to "knife or offensive implement" to provide a greater deterrent, and that the defence of reasonable excuse be removed in relation to knives. However, the officer conceded he did not believe there would be difficulties in obtaining convictions under the present provisions (In camera Evidence). The Committee does not believe legislative amendment is required. The Committee has been advised that police have a common law discretion to remove knives even if charges are not laid, and that a receipt should be issued with advice that the knife can be collected if the young person attends the station accompanied by a parent or caregiver. Young people may also be cautioned with no further formal action taken.

The Committee heard that the patrol commander of one inner-city patrol has recently attempted to heighten his officers' awareness of the offensive weapons provisions of the *Summary Offences Act*, to make sure everyone at the patrol is fully aware of police powers in this regard (In camera evidence). The Senior Children's Magistrate also recommended a community education campaign to discourage young people from carrying knives and inform them of the law in this regard (Blackmore Evidence, 28.07.94). The Committee supports both these approaches.

The Committee was informed that a concerned citizen has written to the Federal Minister for Consumer Affairs asking her to intercede in the matter of the importation of cutting weapons into Australia, following an attack that resulted in a wound being inflicted with a short, imported sword outside a suburban hotel. The Minister responsible for Customs was contacted in this regard, and replied that an import ban would not provide a complete solution, and that local manufacture, sale and possession of such articles is the responsibility of State and Territory Governments (Tabled Document). The Committee supports an import ban on military-style cutting weapons, except for antique items, but also recognises that a review of both imported and locally-produced weapons may be required. While the *Prohibited Weapons Act 1989* prohibits a number of types of knives, it contains no reference to larger cutting weapons such as machetes, swords or bayonets. The Committee believes that the types of weapons legally available should be examined in order to determine whether a broader range of knives and weapons should be prohibited by regulations under the *Prohibited Weapons Act 1989*.

RECOMMENDATION 110

That the Minister for Police develop and conduct a community education campaign to discourage young people from carrying offensive implements and prohibited weapons and informing them of the law in this respect.

RECOMMENDATION 111

That the Minister for Police conduct an education campaign to ensure all police officers are aware of their powers to act regarding offensive weapons and that knives which are clearly being carried for unlawful purposes are confiscated.

RECOMMENDATION 112

That the Minister for Consumer Affairs and Minister for Police:

- **survey and review the local manufacture and sale of cutting weapons to determine whether a broader range of knives and weapons should be prohibited under the *Prohibited Weapons Act 1989*; and, if so,**
- **support a ban on the import of such weapons in the Ministerial Council for the Administration of Justice.**

11.1.3 Dealing with Young People from Ethnic Communities

Attention has been drawn to poor police-community relations in a number of incidents involving violence. The Ethnic Affairs Commission has recently completed an Inquiry following a disturbance involving police at an Arabic Day Carnival at a park in Tempe in 1993.

In addition to examining information on that disturbance, the Commission identified relevant issues or circumstances which have the potential to affect relations between the police and ethnic communities, and especially between the police and young people from ethnic communities.

The inquiry found that:

- some community members may be reluctant to seek assistance from the police because of their experiences in other communities.
- unfamiliarity with our legal system may create unnecessary trouble between police and ethnic communities. There is a need for better education directed at ethnic communities on the role of police in our society; and
- some police lack knowledge about and sensitivity to the needs of ethnic communities. There is a need for improved education in this area (Ethnic Affairs Commission of NSW, 1994:xiii).

The Inquiry reviewed the mechanisms for liaison and co-operation between police and ethnic communities. Some main conclusions were:

- police policies on interpreter use are not always applied in a thorough and consistent manner;
- consideration needs to be given to measures to improve the effectiveness of Community Consultative Committees (CCCs). In addition, other mechanisms for consultation and cooperation between police and ethnic communities should be encouraged;
- Ethnic Community Liaison Officers (ECLOs) promote cooperation between police and communities of non-English speaking background. The number and distribution of these officers are inadequate for their role; and
- there is a relatively small number of police officers of non-English speaking background. This ratio should be improved as a matter of importance (Ethnic Affairs Commission of NSW, 1994:xiv).

The NSW Police Service has attempted to attract more recruits from non-English speaking backgrounds. Discriminatory height and weight restrictions have been removed from selection criteria.

With the assistance of the Police Academy, bridging programs have been developed to assist people from Aboriginal backgrounds attain the required educational standard for recruitment. Thought has been given to establishing particular bridging programs for applicants of non-English speaking backgrounds but the need has not been established, as most of these applicants meet educational standards. A task-oriented committee has been established within the Police Service to encourage members of the East Asian and Australian-born Chinese communities to join the service, although until recently the service has been unsuccessful in recruiting many people of Asian background (Office of the NSW Ombudsman, 1994a:29).

Police recruitment targets include 10% of people from non-English speaking backgrounds. However, in a discussion paper on race relations and the Police Service, the Ombudsman has suggested that recruitment methods continue to work against a more representative membership of the Police Service. Heavy weighting is given to English examination results, and little value given to the ability to speak more than one language (Office of the NSW Ombudsman, 1994a:30,27). The latest Equal Employment Opportunity Report indicated that 8.65% of police recruits were from non-English speaking background. The Ombudsman has contended that a proportion of 20% would indicate that the force was representative of the wider community (Office of the NSW Ombudsman, 1994a:25). The Committee believes positive recruitment strategies should be extended.

The Ombudsman's discussion paper also suggests that the behaviour of some police officers is often racist and negative stereotyping is part of a learned police culture (Office of the NSW Ombudsman, 1994a:46).

The final report of the Ombudsman's Inquiry recommends:

- the establishment of a Police Community Relations Branch;
- the establishment of essential qualifications and competencies for officers posted to identified patrols;
- the determination of participation rate targets to the year 2000 to change the appearance, operation and culture of the Service, with lateral entry points to promote affirmative action for females and minority groups; and
- an annual external audit of the Police Service's achievements in better servicing Aboriginal, ethnic and minority groups by a suitably independent agency whose report should be submitted to Parliament (Office of the NSW Ombudsman, 1995b).

In response to the Ombudsman's report, the Police Service announced the formation of a Standing Committee on Race Relations to improve its standing with minority groups.

The Police Service published an Ethnic Affairs Policy Statement in 1993, setting out a three-year program aimed at making all ethnic groups aware of police services; ensuring there is no

racial discrimination in the Service; and providing culturally sensitive and appropriate services (NSW Police Service, 1993:57).

The previous Government's White Paper on Juvenile Justice referred to the development of a Police Service Anti-Racism Policy and Prevention Plan (NSW Department of Juvenile Justice, 1994a:8). The Committee supports this initiative. The Committee also believes that anti-discrimination and anti-racism modules in police training courses should be offered as in-service modules for senior officers.

The Committee heard that some communities have attempted to encourage better relations between police and ethnic communities. Marrickville Council, for example, facilitated a meeting between Arabic community leaders and the police. Suggestions arising from the meeting included the provision of identification cards for community leaders to attend police stations to advocate for people from their community. Community leaders could also provide cultural awareness training for police, and be contacted when a young person from their community has been arrested (Newman Evidence, 01.11.93).

The Committee heard evidence from a number of Ethnic Community Liaison Officers. The role of an Ethnic Community Liaison Officer is to establish and maintain a rapport between the police and ethnic communities. His or her principal duties include:

- the establishment of effective communication between police and the local ethnic community;
- mediation in disputes involving police and ethnic groups;
- the establishment and maintenance of a rapport with ethnic community leaders;
- assistance to relatives visiting ethnic prisoners;
- marketing the function of the Police Service;
- attendance at interviews involving juvenile members of the ethnic community; and
- contribution to the training and development of patrol personnel.

Ethnic Community Liaison Officers are allocated as follows:

PATROL	No. of ECLOs	ETHNICITY OF ECLO
Cabramatta	1	Vietnamese
	1	Lao
	1	Khmer
Fairfield	1	Croatian
	1	Vietnamese
Marrickville	1	Vietnamese
Bankstown	1	Vietnamese
Sydney	1	Chinese
Ashfield	1	Chinese

From the above information, it can be seen that eight of the nine ethnic community liaison officers are of South East Asian or East Asian background. The Ethnic Affairs Commission's *Police and Ethnic Communities* report suggests there are serious questions about the adequacy of the numbers of these personnel and the effectiveness with which they are targeted (Ethnic Affairs Commission of NSW, 1994:54).

The Committee believes these officers are vital to improving links between the police and the communities they serve, and recommends more positions be established.

RECOMMENDATION 113

That the Minister for Police introduce positive recruitment strategies to ensure an increasingly representative membership of the New South Wales Police Service and to reflect the State's ethnic diversity.

RECOMMENDATION 114

That the Minister for Police develop a Police Service Anti-Racism Policy and Prevention Plan as a matter of priority.

RECOMMENDATION 115

That the Minister for Police ensure anti-discrimination and anti-racism modules are key components in police training and extend these as in-service modules for senior officers.

RECOMMENDATION 116

That the Minister for Police develop initiatives that encourage better relations and facilitate communication between local police and ethnic communities.

RECOMMENDATION 117

That the Minister for Police establish additional positions of Ethnic Community Liaison Officer to enhance community relations.

11.1.4 Dealing with Young Aborigines

In reviewing available research on the experiences of young Aboriginal people in the justice system, the Green Paper, *Future Directions for Juvenile Justice in NSW*, found a bias against young Aborigines at the police level. Detained Aboriginal youth are less likely to receive a caution, summons or court attendance notice, and more likely to be charged (Juvenile Justice Advisory Council, 1993:208).

The White Paper on Juvenile Justice, released by the previous Government, discussed plans to enhance police responsiveness on juvenile justice issues. Strategies included consultation with Aboriginal people, communities and organisations on policing practices and policies. Increased employment of Aboriginal people within all levels of the Police Service and, in particular, in policy development and operational areas, was also supported (Department of Juvenile Justice, 1994a:8). Approximately 40 Aboriginal Community Liaison officers have been appointed throughout the state. The Committee believes consultative strategies should be implemented and strategies to facilitate Aboriginal recruitment identified. The number of Aboriginal Community Liaison Officer positions should be increased, with more Aboriginal women encouraged to take up these positions.

The White Paper also provided for police officers to notify the Aboriginal Legal Service and a parent or guardian when an Aboriginal juvenile is to be taken to a police station. Police were also to be encouraged to utilise alternatives to arrest, such as court attendance notices and summonses, when dealing with young Aboriginal people (Department of Juvenile Justice, 1994a:24). The Committee supports these approaches. It also considers it appropriate that an Aboriginal adult be entitled to stay with an incarcerated young person in the police cell as an anti-violence measure.

The Police Service released an Aboriginal Policy Statement in 1992, which commits the Service to develop educational/training packages for officers and implement programs outlining to Aboriginal people the responsibilities of police. A Police-Aboriginal Council was established to monitor the Policy Statement's implementation and provide advice (NSW Police Service, 1993:55).

RECOMMENDATION 118

That the Minister for Community Services and the Minister for Police ensure Aboriginal communities are consulted on policing practices, and a report on the outcome of these consultations is prepared. The report should include strategies for the recruitment of Aborigines to the Police Service.

RECOMMENDATION 119

That the Minister for Police:

- **increase the number of positions of Aboriginal Community Liaison Officers to make the service provided by them available to more communities; and**
- **develop and implement strategies to encourage more Aboriginal women to take up positions as Aboriginal Community Liaison Officers.**

RECOMMENDATION 120

That the Minister for Police encourage police to use alternatives to arrest, such as court attendance notices and summons, when dealing with young Aboriginal people.

11.1.5 Response to "Gangs"

The Committee recognises the term "gang" is often used erroneously to refer to any group of young people. However, the Committee recognises that, while it may be inappropriate to use the term "gang", some groups of young people are frequently identified as acting illegally in their communities. One police witness informed the Committee of strategies implemented by a patrol in an area identified as having particular problems with groups of young people involved in violent crime. This patrol has increased the number of beat police in the area from 10 to 14. Special police operations have also been conducted, involving both high-profile and covert patrols of station platforms, trains and adjacent streets. These operations had a significant impact, with a number of arrests made. While the station area remains quiet, the group causing problems has been identified in another area and patrol activities are to be increased in that area (In camera Evidence).

The study on Street Gangs prepared for the NSW Police Service by Pulse Consultants (1994) concludes that general street gangs require a soft police response:

heavy police action mostly reinforces the group and increases the status of members. Work within community organisations, schools and with parents is most suitable (Pulse Consultants, 1994:ii).

The report notes that one of the key goals of a street gang is status, and suggests that confrontation with the police is a means of gaining this status. The report suggests that actions to be avoided include:

- unwittingly conferring status by giving unnecessary attention to gangs;
- unnecessary aggression;
- being offside with social workers, schools, community leaders and others; and
- ignoring the existence of gangs (Pulse Consultants, 1994:30).

The Committee believes media beat-ups about youth gangs contribute to this problem, and media organisations should be informed that stories on gangs are creating the problem they purport to reveal. Politicians should equally be mindful of their responsibilities.

The *Street Gangs* report notes that targeting meeting places and moving groups of young people is of limited value because the group will simply rotate between a number of meeting places (Pulse Consultants, 1994:28).

If more direct action is to be taken, the report states that a comprehensive approach is required, including informing parents, laying charges, shaming of both the youths and the parents and providing counselling. The Committee believes appropriate strategies should be developed to discourage gang involvement by young people of all cultural backgrounds.

The Committee endorses the creative responses to the recreational and entertainment needs of young people discussed in Chapter Six.

RECOMMENDATION 121

That the Minister for Police inform media organisations that stories on gangs risk creating the problem they purport to reveal.

11.1.6 Video Surveillance

The previous Minister for Police informed the Committee in correspondence of the range of initiatives undertaken by the City of Sydney Patrol in the George Street entertainment area, including patrols by two beat police for each shift over a 24 hour period; plain clothes patrols on Friday and Saturday nights; and a proposed four month trial of video recording activity in the area, which has now commenced. The Committee understands that Fairfield and Campbelltown City Councils are also investigating the use of video surveillance cameras as a means of preventing street crime. Whilst the Committee recognises that the use of video technology may be useful as a safety measure, it is concerned that the privacy rights of individuals are not undermined. It considers that such strategies require community consultation

and broad-based support and that other measures such as appropriate urban planning and design should be investigated as strategies for crime prevention, including violence.

11.2 POLICE AND SCHOOLS

The Committee heard evidence regarding a range of initiatives undertaken by NSW police in an attempt to reduce youth crime and violence. The Committee endorses these initiatives and encourages the development of further strategies that accord with the needs of local regions. Particular attention should be paid to schools in which extortion is identified as occurring against young people.

RECOMMENDATION 122

That the Minister for Police ensure police liaise with school personnel in patrols in which extortion is identified as occurring against young people.

11.2.1 Operation Maverick

The Committee heard of an Operation in the Fairfield area targeting truanting school children. A large number of school-age children had been observed in the business district during school hours, and were responsible for the commission of a significant number of offences, including assault and robbery. Police and Department of School Education Home School Liaison officers target truanting youth, and accompany or direct the student to return to school, notifying appropriate principals.

The project has extended to 11 operations, with education officers accompanying police to various locations in the patrols, such as shopping centres, and amusement parlours.

11.2.2 Cool Squad

The Committee heard evidence regarding the Cool Squad project at the North Sydney police patrol. The project was initiated by a Beat Police Supervisor approaching a young offender who was reporting to the station as part of his parole conditions. The offender was invited to become involved in a crime prevention program in local schools. A juvenile justice officer and a volunteer in policing also became involved in the project, which has been trialed at the Marist Brothers school in North Sydney.

The project has progressed as a result of a commitment from the rehabilitating young offender and the police officer who provides encouragement and support. Attitudinal change has occurred in both parties. The Beat Police Supervisor informed the Committee that the involvement of the young offender provides a positive role model for other offenders within his peer group who may still be offending, but who may be encouraged to reform their behaviour (Woodward Evidence, 28.07.94).

It was suggested to the Committee that the project has the potential to be adapted for young females, young people from non-English speaking backgrounds, and Aboriginal youth. The Committee was informed that the Executive Director, Education and Training Command of the NSW Police Service has proposed a three-month secondment to the Strategy and Review Branch for an officer to evaluate the program (Woodward Evidence, 28.07.94).

11.2.3 Adopt a Cop

The 'Adopt-a-Cop' program was developed as an Aboriginal youth/police liaison program in Brewarrina. Difficulties faced by these young people, such as racial tension, lack of facilities and few job opportunities had led some of them to become involved in anti-social behaviour. The program aimed at addressing problems faced by Aboriginal young people in the town by involving them in police-sponsored activities.

Activities run under the program, which was supported by all Brewarrina police, included social events to develop interpersonal skills, educational activities (crime prevention workshops, visits to the police station and court house, essay writing), sporting matches, and informal counselling for problems.

The success of Adopt-a-Cop in reducing the number of appearances by young people before the court and community savings through reduced crime have led the Service to support the program's implementation in appropriate areas statewide (NSW Police Service, 1993:56).

11.2.4 Crime Prevention Workshops

NSW police have conducted crime prevention workshops for school students throughout the State. At a crime prevention workshop at Revesby, for example, police and young people talked about a range of issues, including peer pressure; crime and its consequences, both upon young people themselves and the community; the effects of smoking, drugs and alcohol; sexual assault and domestic violence.

11.3 POLICY RESPONSES

Two key areas of the NSW Police Services Corporate Plan are relevant to addressing the issue of youth violence: personal safety and street safety. The Police Service is pursuing a goal of safer streets by the year 2000.

11.3.1 Youth Policy Statement

A *Police Youth Policy Statement* was released by the NSW Police Service in February 1995. The Statement contains five goals: to reduce youth crimes; treat children and young people fairly; use court as a last resort; support and involve victims; and foster positive social change (NSW Police Service, 1995a:4).

The strategies listed to achieve these goals include:

- the implementation of programs directed towards youth crime prevention and problem solving;
- increased youth liaison by enhancing the role of General Duties Youth Officers;
- incorporating the *Youth Policy Statement* in appropriate education and training programs for police personnel;
- fostering, through education and training, greater use of pre-court and pre-sentence options;
- active involvement in multi-agency initiatives; and
- communication of details of the Statement to the community, and young people in particular, and striving to reduce fear by countering misinformation about juvenile crime (NSW Police Service, 1995a:5).

An action plan has been developed to ensure the Police Service meets the needs of children and young people. This plan addresses the recommendations of the White Paper on Juvenile Justice, *Breaking the Crime Cycle*, and outlines a range of strategies to improve the service provided to this section of the community. Key initiatives include:

- creation of a Police Youth Policy Advisory Council;
- enhanced training and deployment of General Duties Youth Officers;
- participation in Community Youth Conferencing;
- improved investigation of child abuse matters;
- increased consultation with young people, parents and guardians to prevent youth crime;
- greater involvement of Police Citizens Youth Clubs in local policing initiatives; and
- increased opportunities for young people to have work experience in police establishments (NSW Police Service, 1995a:6).

11.3.2 Youth Liaison Officers

The General Duties Youth Officers' Program has been introduced in many patrols across the State as the main contact between local police and young people. These are recognised, as opposed to authorised, positions with the officers performing the youth liaison role in addition to their general duties. Activities associated with this initiative vary according to community

need but range from breakfasts and soup kitchens to crime prevention workshops and drug or alcohol programs (NSW Police Service, 1993:58).

The Youth Advisory Council recommended to the Social Issues Committee that Youth Liaison Officers be located at every police station (Submission 45). The Committee supports this action in patrols with a significant youth population.

The Youth Justice Coalition's *Nobody Listens* report recommended police in these positions must:

- be responsible for the development of youth/police relationships in the local area;
- be closely linked with young people's groups, and youth and community services; and
- help coordinate (in conjunction with a committee drawn from the whole community, including young people who have regular contact with police) the training of police in youth issues (Youth Justice Coalition *et al*, 1994:40).

The Committee is concerned to guarantee promotional opportunities for those police officers appointed to such positions, and that their status within the system be respected.

RECOMMENDATION 123

That the Minister for Police ensure positions of one or more Police Youth Liaison Officer are established in every police patrol where there is a significant youth population.

11.3.3 Police Training

The submission from the Director of the National Children's and Youth Law Centre recommends that police recruitment and training should emphasise non-violent policing methods (Submission 26).

An Action Plan outlining the police response to youth violence was produced following the release of the Pulse Consultants' report on Street Gangs. The draft Action Plan included the introduction of Youth Violence studies in Applied Policing curriculum at the NSW Police Academy to address issues of legislation, powers, identification of levels of threat and response techniques.

The previous Government's White Paper on Juvenile Justice discussed a review of the curriculum at the Police Academy, with juvenile justice to be included as a core topic within all levels of police training. Training for police on the special needs of juveniles who come under police notice, with attention to the needs of identified groups including young women was also to be carried out (Department of Juvenile Justice, 1994a:8). The *Police Youth Policy Statement* also suggests that instruction will be provided on behaviour management and conflict resolution and community safety principles in the Police Academy curriculum (NSW Police Service, 1995a:7). The Committee believes the police training should emphasise non-violent policing methods; that Youth Violence Studies should be introduced and that in-service training should be implemented on the needs of special groups of young people.

RECOMMENDATION 124

That the Minister for Police:

- **ensure police training emphasises non-violent policing methods;**
- **introduce Youth Violence Studies into the Police Academy curriculum; and**
- **implement in-service training for police on the needs of special groups, including young women, young Aborigines and young people from a non-English speaking background.**

11.3.4 Community Consultation

Approximately 160 Community Consultative Committees have been established throughout New South Wales. They comprise the local Patrol Commander and people interested in preventing crime, providing an opportunity for local problem-solving and a forum to address the needs of youth, the physically disabled, the elderly, ethnic groups and Aborigines (NSW Police Service, 1992:38).

Community Consultative Committees have recently been subject to an operations review initiated by the Service. The review confirmed the Committees' value as forums for local police/community interaction and suggested ways to maximise their effectiveness (NSW Police Service, 1993:54).

The NSW Police Service established eight Customer Councils across the state in 1992-93. The Councils act as advisory bodies to assist the Service in improving the quality and appropriateness of policing by building upon the public liaison developed at patrol level through the operation of the Community Consultative Committees (NSW Police Service, 1993:54).

However, briefing notes prepared for police appearing before the Committee state that there is room for marked improvement in the relationship between police and young people:

At this time there are very limited formal mechanisms which bring police and young people into an environment of positive interaction. The Police Youth movement and local policing initiatives in schools have addressed this issue, but it is interesting to note that groups like Neighbourhood Watch and the various Community Consultative Committees do not include direct input by young people on a formal basis. Perhaps full recognition of young people, their needs and aspirations in the consultative process could address this issue.

The Police *Youth Policy Statement* includes a commitment to establish a Police Youth Policy Advisory Council and to invite local youth groups to attend Community Consultative meetings (NSW Police Service, 1995a:6).

The Committee believes the representation of young people in existing consultative mechanisms should be encouraged.

Another briefing document provided to the Committee discusses suggestions that youth liaison committees be established at the local level. The Committee believes the establishment of such Committees should proceed as a pilot in selected patrols.

RECOMMENDATION 125

That the Minister for Police encourage appropriate youth representation on Community Consultative Committees and Customer Councils.

RECOMMENDATION 126

That the Minister for Police establish Police-Youth Liaison Committees as a pilot project in selected patrols.

11.3.5 Safety Audits, Community Safety Management Plans and Community Policing

In 1989, community crime prevention projects commenced in Waverley and Fairfield Local Government Areas. The projects aimed to develop local crime prevention strategies based on a systematic analysis of local crime problems and the available resources for dealing with them.

Although the Waverley project had police co-operation, basic information on the incidence of crime was found not to be available in a usable format (Waverley Municipal Council, 1991:12).

However, two issues were identified as major local concerns through interviews and discussions:

- the impact of crime and the fear of crime on the elderly; and

- the incidence of alcohol related violence and anti-social behaviour in and around licensed premises (Waverley Municipal Council, 1991:13).

The Waverley project introduced a number of initiatives, including a kit for Older Women's Self Protection groups; a community survey of 45 older residents; and plans for an alcohol server intervention pilot project and a Development Control Plan for community crime prevention used by Council in assessing development applications.

The final report of the project concluded that "crime mapping" would have been an invaluable tool both for the project and for the development of crime prevention strategies in the future. Measures such as a computergraphic crime mapping system displaying crime patterns and trends on a geographic basis would assist in meeting this objective (Waverley Municipal Council, 1991:40).

The Committee understands that local government authorities in some areas are implementing such systems.

In briefing the Committee, senior police suggested there is a developing attitude among officers that matters of youth crime require a collaborative approach and the removal of traditional jurisdictional boundaries.

A major initiative involving the Police Service is the development of Community Safety Management Plans. These Plans seek to involve a range of agencies to look at environmental factors to reduce perceived community fear. They aim to reduce vandalism and other local crime by reviewing design standards and the zoning of entertainment areas by Local Governments. Community Safety Management Plans are to be trialed in seven Local Government Areas, and are to be introduced state-wide over the next five years. It was suggested to the Committee that one of the key targets of the Safer by Design component of the strategy will be schools. The Department of Public Works has given an undertaking to ensure the school design process takes reasonable and affordable steps to reduce the dangers of violence in and around school buildings.

The Plans involve Community Safety Audits in which local committees identify areas of concern through local surveys. These areas are divided into small locations and Committees pursue strategies to reduce the likelihood of criminal activity through specific environment modifications.

The Committee endorses the concept of Community Safety Management Plans and encourages further consideration of strategies to remove jurisdictional boundaries to enable interagency and community collaboration in reducing youth violence.

As a key recommendation, the Committee believes all Police Consultative Committees should co-ordinate Safety Audits to identify potential, perceived and/or actual locations of violent activity. Appropriate strategies to deal with such violence should be devised to ensure public environments are conducive to community safety.

The Committee also believes that high profile community policing activities should be enhanced within specific communities where youth violence is identified.

RECOMMENDATION 127

That the Minister for Police ensure all patrols of the New South Wales Police Service collaborate with government and community agencies to:

- **undertake a Safety Audit in their Local Government Area to identify potential, perceived, and/or actual locations of violent activity;**
- **devise appropriate strategies to deal with such violence and ensure public environments are conducive to community safety.**

RECOMMENDATION 128

That the Minister for Police establish and enhance high profile community policing activities within specific communities where youth violence is identified.

11.4 DEALING WITH YOUNG PEOPLE**11.4.1 Police Harassment**

The Committee heard that the use of violence by police contributes to the use of violence by young people. In its submission, the Youth Advisory Council informed the Committee that it is aware of allegations of a police officer posing as a youth worker to enter a residence, and of police, with identification numbers removed, entering needle-exchange buses to body-search young people and harass clients. The submission urges adequate police training and accountability to prevent police abusing their powers (Submission 45).

In meeting with young offenders at Cobham Juvenile Justice Centre, the Committee heard allegations of police brutality, including the beating of one young person with batons on the street when he refused to be taken in for questioning.

A recent report has examined the experiences of police contact with 141 young people aged 12 to 18 years. The report, *Nobody Listens*, found that "police contact with many young people is vigorous to the point of harassment", with young people considering the nature of police behaviour towards them as "unfair and intrusive". The alleged contacts reported generally involved verbal abuse, were frequently physically violent, and sometimes resulted in serious injury and sexual abuse by police (Youth Justice Coalition *et al*, 1994:1). A total of 33 young people sustained injuries. Young people from a non-English speaking background were far more likely to be injured in the course of their contact with police. The results suggested that:

- young people describing themselves as coming from an "Australian" background sustained injuries in over 11% of reported contacts;
- young people from Asian backgrounds sustained injuries in almost 30% of reported contacts;

- young people of Aboriginal descent sustained injuries in over 41 % of reported contacts; and
- young people from a Pacific Islander background sustained injuries in 25 % of reported contacts (Youth Justice Coalition *et al*, 1994:44).

Similar findings were evident when the background of young people who had police contact as part of a group were examined. Young people who were part of a group describing themselves as "Australian" sustained injuries in approximately 10% of contacts. Those in groups describing themselves as other than Australian sustained injuries in almost half the contacts described in the survey (Youth Justice Coalition *et al*, 1994:46). Twenty young people sustained superficial injuries; one had broken bones; four suffered internal injuries; and 18 sustained other injuries (Youth Justice Coalition *et al*, 1994:29).

A national survey of young people by the Australian Youth Foundation found a high incidence of complaints by young people about police harassment, and fear of police violence to be most keenly felt by young Aborigines and those known to have a record (Daniel and Cornwall, 1993:2,3).

The Committee heard that

there is a general attitude among the police that if you give a young person a kick up the bum, it's OK, but its not all right to do that to adults so why should it be all right to do it to young people? (Brown Evidence, 25.10.93).

Within the municipality of Marrickville, there have been several cases involving allegations of violence by police towards young people and others of particular ethnic backgrounds. The Marrickville Legal Centre has referred a number of instances to the Office of the Ombudsman for further investigation:

the ones that I am particularly aware of are from young people of Arabic-speaking background. They include bashings, they include strip searches in McDonald's. I have also heard of complaints from people who are Vietnamese (Acheson Evidence, 01.11.93).

Other evidence presented to the Committee suggested that these complaints are made by gang members regarding police stopping them in the street and searching for weapons:

I believe that [the young people] regularly go to the Ombudsman and a number of other senior people trying to claim police harassment—to avoid being charged with anything and to appear to be unfairly treated, which obviously suits them (In camera Evidence).

The submission from the Director of the National Children's and Youth Law Centre recommends police violence against young people be investigated, and complaints processes be designed to encourage and facilitate reporting (Submission 26).

The Committee believes a state-wide review of the alleged extent of police violence against young people should be undertaken, together with the development of strategies for dealing with such incidents.

RECOMMENDATION 129

That the Government commission an independent state-wide review examining the extent of police violence against young people and developing strategies to deal with incidents of violence against young people.

11.4.2 Complaints Mechanisms and the Ombudsman's Office

People can lodge a complaint against members of the Police Service through one of the following means:

- by discussion with the senior officer or patrol commander at the local police station;
- by calling the Customer Service Unit;
- by writing to the police;
- by writing to the Ombudsman; and
- by contacting the local Member of Parliament.

The Police Service is obliged to conciliate as many complaints as possible at the local level. A copy of the complaint must be sent to the Ombudsman. When complaints are lodged with the Ombudsman, the Ombudsman has in the past taken one of the following actions:

- dismissed the complaint due to lack of evidence;
- referred the matter to the Police Service for conciliation;
- referred the matter to the Police Service for a preliminary inquiry; or
- referred the matter to the Police Service for investigation.

The Ombudsman has then reviewed the matter, and has been able to either request further investigation by the Police Service or personally re-investigate the matter.

Where there is sufficient evidence for the Ombudsman to find a police officer has acted improperly or illegally, recommendations may be made to the Commissioner for disciplinary action. Under the *Police Service Act*, the Commissioner of Police has a number of disciplinary actions including:

- that the police officer be admonished; or
- that a departmental charge be preferred against the police officer; or
- that consideration be given to the police officer being charged with a criminal offence.

The Ombudsman recently conducted a review of police investigations of complaints of police misconduct to identify patterns associated with poor quality investigations. One case involved a complaint of an assault against a youth who was involved in an altercation. In this case, one officer grabbed the youth in a headlock while another officer punched him in the stomach. The Police Service found the complaint by a witness to the assault to be not sustained. The Ombudsman, in reviewing this investigation, suggested that the involvement of a "third man" threatening police may have been fabricated to justify the officers' improper actions. The complaint was found to be sustained, and the Ombudsman recommended the matter be referred to the Director of Public Prosecutions for advice as to whether criminal or departmental charges can be brought against any officer (Office of the NSW Ombudsman, 1995a:21).

Other cases include the investigation of an assault of a prisoner in which the investigating officer had not been supplied with all relevant material, including photographic evidence, and a case of an indecent assault on a female inmate in which a medical report relating to a subsequent hospital examination had not been considered (Office of the NSW Ombudsman, 1995a:4-6).

The *Police Service (Complaints, Discipline and Appeals) Amendment Act 1993* commenced on 1 July 1993. A notable inclusion, which had not existed in the previous legislation, is the power for the Ombudsman to monitor on-going investigations carried out by the Police Service into complaints about police conduct. The Ombudsman's annual report states that this power has been used on 12 occasions (Office of the NSW Ombudsman, 1994b:36).

The amendments have also enabled the Ombudsman to deal with complaints directly, rather than having to rely on the traditional method of using the Police Service to investigate complaints. In 1993-1994 the Ombudsman conducted three direct investigations under these new powers. The annual report of the Ombudsman suggests there are, however, difficulties in conducting direct investigations:

Due to our very modest funding, it is unfortunately not possible to conduct more than a few direct investigations each year, far less than we would like
(Office of the NSW Ombudsman, 1994b:40).

The annual report of the New South Wales Ombudsman contains details of the outcome of complaints relating to assault and harassment which are outlined in Table Nine below:

TABLE NINE

Complaints about Police to the Ombudsman: Assault and Harassment

Category	Not fully investigated	Sustained	Not Sustained	Unable to be determined	Conciliation/ / resolved	Total
Physical or mental injury outside police premises	90	40	74	86	2	292
Physical or mental injury inside police premises	49	5	57	59	0	170
Minor physical or mental injury outside police premises	121	11	38	50	3	223
Minor physical or mental injury inside police premises	95	3	28	36	0	162
Threats or harassment	298	12	73	75	73	531
Sexual harassment	12	7	1	2	6	28
Total	665	78	271	308	84	1,406

Source: Office of the NSW Ombudsman, 1994b:26.

In its Inquiry into Police and Ethnic Communities, the Ethnic Affairs Commission wrote to the Ombudsman in an attempt to clarify some of the matters raised in submissions from the communities involved. Information sought included the number of complaints against the Police made by young people 17 years and younger of non-English speaking background in comparison to the total number of complaints against the Police made by young people 17 years of age and younger.

The Ombudsman advised that persons lodging complaints are not required to reveal age or ethnicity. No reliable statistics on the number of complaints lodged by people of non-English speaking backgrounds or from people 17 years and younger were therefore available. The Ombudsman, however, was "concerned that young people are under-represented in the complaint base" (Ethnic Affairs Commission, 1994:74).

The Ethnic Affairs Commission report notes

the Ombudsman's concern could be viewed as an acknowledgment of the inaccessibility of the services provided through the Office of the Ombudsman to young people generally, and to young people from non-English speaking background in particular (Ethnic Affairs Commission of NSW, 1994:74).

The Committee has been informed by a representative of the Ombudsman's Office that power imbalances between police and young people are taken into account when assessing which cases should be monitored or investigated independently.

The Committee believes the Ombudsman should be appropriately resourced to ensure that all cases involving allegations of police violence against young people can be monitored by the Ombudsman. In certain cases of this nature, the Committee believes the Ombudsman should undertake the investigation independently. In cases where allegations of criminal violence are upheld, the matter should be referred to the Director of Public Prosecutions for appropriate action.

The *Nobody Listens* report calls for the implementation of a comprehensive range of mechanisms to provide for accountability in the policing of young people, and the establishment of a better resourced, more accessible independent complaints mechanism such as a Children's Ombudsman (Youth Justice Coalition *et al*, 1994:40).

The Committee also recommended the creation of a position of Deputy Ombudsman with the responsibility for co-ordinating complaints made by children in its report on Juvenile Justice (Standing Committee on Social Issues, 1992:197). The Committee again urges the Government to adopt this recommendation, especially as no formalised agency or office that advocates for, or oversees issues affecting, children and young people currently exists.

RECOMMENDATION 130

That the Premier ensure the Office of the Ombudsman has sufficient resources to:

- **monitor the investigation of complaints of police violence referred to the Police Internal Affairs Branch when the complainant is 17 years of age or younger; and where desirable,**
- **deal directly with these complaints, and refer appropriate cases to the Director of Public Prosecution for suitable action.**

RECOMMENDATION 131

That a position be created in the Office of the Ombudsman, with the status of Deputy Ombudsman, responsible for the coordination of complaints made by children and young people, including those in the Juvenile Justice system, and that:

- **adequate resources be made available to assist in the creation of this position; and**
- **an information campaign for children and young people about the role of the Ombudsman be conducted.**

11.5 CONCLUSIONS AND FINDINGS

- There is sufficient legislation to give **police powers** to deal with youth violence. The provisions of the Summary Offences Act dealing with offensive language should not be used by police officers to harass young people. The maximum penalty for offensive language by juveniles should be a formal police caution. A community education campaign should be developed to discourage young people from carrying offensive implements and prohibited **weapons**. An education campaign for all police officers should be developed to ensure that they are aware of their powers to act regarding weapons. The Minister for Consumer Affairs and the Minister for Police should conduct a survey to determine whether a broader range of knives and weapons should be prohibited under the *Prohibited Weapons Act 1989*.
- Positive recruitment strategies should be introduced to ensure membership of the NSW Police Service reflects the state's **ethnic diversity**. An increased number of positions of Ethnic Community Liaison Officer should be created, and a Police Service Anti-Racism policy developed. **Aboriginal** communities should be consulted on policing practices and strategies for the recruitment of Aboriginal people identified. The number of male and female Aboriginal Police Liaison Officers should be increased. Police should use alternatives to arrest, such as court attendance notices and summons when dealing with young Aboriginal people.
- Both the media and politicians should be responsible in their reporting of so-called youth "**gangs**". High profile community policing activities should be established within specific communities where youth violence is identified.
- Positions of one or more **Police Youth Liaison Officer** should be established in every police patrol where there is a significant youth population, and young people should be appropriately represented in existing and new consultative mechanisms. Police training should emphasise non-violent policing methods and include the needs of special groups, and Youth Violence Studies should be introduced into the Police Academy curriculum.
- The Government should commission an independent state-wide review examining the extent of alleged **police violence** against young people and develop strategies to deal with incidents of police violence against young people. The Office of the Ombudsman should have sufficient resources to monitor the investigation of complaints of police violence when the complainant is 17 years of age or younger and, where desirable, deal directly with these complaints, and refer appropriate cases to the Director of Public Prosecutions for suitable action. A position of Children's Ombudsman should be created to coordinate complaints made by children and young people, including those involving allegations of police violence.

CHAPTER TWELVE

THE JUSTICE SYSTEM, SENTENCING AND CORRECTIONS

This chapter will examine a range of issues relevant to the young violent offender who has been processed through the Juvenile Justice and the adult criminal justice and correctional systems. It will look at such issues as court diversion, recidivism, community based and institutional corrections, and examine existing and proposed programs that focus on the violent behaviour of young offenders. It will also discuss the impact of the *Sentencing Act, 1989* on such issues as parole and supervision.

Fundamental to this chapter is the notion that young violent offenders, especially those who commit serious offences, need proper intervention, supervision and management at both the community and the custodial level. The Committee believes that the Department of Juvenile Justice and the Department of Corrective Services have a responsibility to ensure that violent offenders who come into their system are provided with appropriate and effective management to maximise their successful reintegration into the community. To this end the Committee supports, as a key recommendation, the development of appropriate intervention strategies that are adequately and consistently resourced.

RECOMMENDATION 132

That the Government provide adequate resources to ensure:

- effective intervention at the time young violent offenders first come in contact with the justice system;
- the multiplicity of problems of incarcerated young violent offenders, such as alcohol and drug abuse, are adequately addressed; and
- effective preventative strategies are developed to break the cycle of recidivism among young violent offenders.

12.1 THE JUVENILE JUSTICE SYSTEM

The Committee has dealt extensively with the Juvenile Justice system in its 1992 report, *Juvenile Justice in New South Wales*. A range of recommendations relating to crime prevention, court diversion, sentencing options and services were contained in that Report, many of which have since been introduced. The Committee's Report was followed by the Green Paper, *Future Directions for Juvenile Justice in New South Wales*, prepared by the NSW Juvenile Justice Advisory Council in 1993, and, in 1994, the White Paper, *Breaking the Crime Cycle: New Directions for Juvenile Justice in New South Wales*.

For the purposes of this Section, the Committee will refer extensively to its 1992 Report on Juvenile Justice, as well as the evidence received for this Inquiry and recent research.

As the Committee found in its 1992 report, juvenile crime, including violent crime is an extremely complex problem. Similarly, the Youth Justice Coalition's *Kids in Justice* Report suggested juvenile crime can be

accounted for as a consequence of such factors as social change, urbanisation, poverty, difficulties in integration, exclusion from the mainstream, lack of opportunities, gender, increased temptation of lack of access to disposable goods, economic crises and the exigencies of "growing up". It is clear that there are strong links between social disadvantage, deprivation and particular sorts of crime and its control More specifically it has clear connections with unemployment, homelessness, school alienation, family breakdown, drug abuse, boredom and low morale and poor self-image, inadequate community, family and youth support services (Youth Justice Coalition, 1990:27).

12.1.1 Responding to Violent Offending

As the Committee stressed throughout its 1992 Report, in order to properly address juvenile offending and arrest the cycle of crime, the juvenile justice system must be able to respond adequately to these factors. To this end, the Committee recognised the need for collaboration with a range of Government Departments and community organisations. It recommended the establishment of a Crime Prevention Division in the Attorney General's Department that would have input and involvement from government and community agencies.

The Committee understands that a Juvenile Crime Prevention Division has recently been created within the Attorney General's Department and a Juvenile Crime Prevention Advisory Committee is to be established, consisting of Government, community and private sector representatives. Innovative juvenile crime prevention projects are to be funded to address the causes of crime in target areas. The Committee supports these initiatives and urges appropriate representation of and consultation with young people to facilitate their involvement in the development of strategies to prevent or reduce violence.

RECOMMENDATION 133

That the Attorney General ensure young people are appropriately represented on and consulted by the Juvenile Crime Prevention Advisory Committee and the Juvenile Crime Prevention Division in developing strategies to prevent or reduce violence.

As the Committee learnt throughout this Inquiry, the issue of youth violence can inspire strong emotional responses, from members of the community, politicians and the media. Often this is manifested in calls for more punitive responses to young offenders by the justice system. The

Committee heard for instance, of the establishment in other jurisdictions of so-called "boot camps" which are military style camps that rely on a rigid and highly disciplined regime, and of utilising the option of caning. In relation to boot camps, a recent report produced for the Australian Institute of Criminology found that, for young offenders, they have failed to reduce recidivism or prison overcrowding (Atkinson, 1995).

The Committee does not support the establishment of such camps for New South Wales and rejects any form of punishment for young offenders that involves physical discipline. It considers that such responses, whilst possibly breaching fundamental principles of human rights, can also be counter-productive in the reform and rehabilitative process.

Nevertheless, the Committee recognises and emphasised in its Report on Juvenile Justice, that an effective juvenile justice system must ensure that young offenders are accountable for their actions. This is probably all the more pressing in the case of violent offenders. As was highlighted in the 1992 Juvenile Justice Report (1992:4)

The "needs" of a young offender and the fact that a "deed" or offence has been committed both have to be managed. It is considered by the Committee that it is important for the young offender to have [his/her] needs addressed separately from the "deeds" they have committed. This view was taken in order that assistance to a young offender is not perceived as a reward for offending.

The Committee continues to support that approach for this Report. It considers that violent offenders need appropriate intervention and/or supervision and management that is both relevant to the seriousness of the offence and to their needs. This should occur both within the Juvenile Justice system and within a community context. In line with its findings in the 1992 Report it also considers that within the juvenile justice process the victim should be considered and respected.

It is relevant to note at this point that prior to the state election on March 1995 responsibility for Juvenile Justice lay with the Minister for Justice. It now rests with the Minister for Community Services, but remains a discrete department and is still known as the Department of Juvenile Justice.

Section 2.1.2 of this report revealed that the number of juvenile offenders in custody for violent offences as at June 1994 had more than doubled since 1989 to 212, or 44% of the total number of detainees.

Moreover, according to Cain (1995:4)

a time series analysis of the offence profile of juveniles in custody over [the eight year period from 1986/87 to 1993/94] reflects the more serious juvenile criminal activity At the end of June 1989, fewer than one hundred juveniles were in custody for offences against the person. By June 1994, the number had exceeded two hundred. Most of the observed increase in the number of juveniles in custody for violent offences is the result of the sentencing and committal processes rather than the result of bail determinations. This is evident from the rapidly rising number of violent juvenile offenders serving

custodial sentences in NSW Juvenile Justice Centres. In contrast, the number of juveniles being remanded in relation to violent offences has remained relatively constant.

It is unclear what has caused this increase. Cain, himself postulates (1995:38) two theories.

Firstly, he argues that it may be in part

an indirect and unintended consequence of the principle of diversion. That is, diverting the less serious offender makes those who do enter custody relatively more serious.

He also maintains that

the observed level of entrenchment in criminal activity, the escalation to, or continuation of aggressive and violent behaviours, and the repeated return to custody of the majority of juveniles serving time, indicates that little that the juvenile justice system has offered in the past in terms of rehabilitative programs has worked - at least for these recidivist offenders.

In light of these observations, it is clear that effective, ongoing, focussed and culturally appropriate intervention and supervision is required for violent offenders. Such intervention should be available to offenders in custody and those serving sentences within the community. It would appear that to date, diversion and intervention for all young offenders has not been effective, as indicated by the graduation of many property offenders to violent offenders. Cain (1995:38) has found that

over fifty per cent of juveniles on control orders are serving time for serious violent offences or drug offences. Armed robberies and serious assaults figure prominently. Generally, these juveniles have "graduated" to these indictable violent and drug offences from less serious property or good order offences.

12.1.2 A Model for Court Diversion

Throughout this Inquiry and the Inquiry into Juvenile Justice the Committee heard of initiatives and proposals for court diversion schemes, including in other jurisdictions, that aim to steer young offenders away from the Juvenile Justice system before they become entrenched in a cycle of offending. Among them are the New Zealand Family Group Conference Scheme, which attempts to focus the young offender on the consequences of his or her actions and confront the feelings of his or her victim, the victim's family and his or her own family. A family group conferencing scheme based in Wagga Wagga; the Wellington Juvenile Justice Panel and Taree Community Justice Council run by members of the local Aboriginal communities; and a Departmental Community Youth Conferencing Scheme are similar in their objectives.

In its 1992 Report on Juvenile Justice, the Committee recommended the establishment of a court diversionary scheme, known as the Children's Panel, which it believes encompasses all

the positive elements of the models noted above. It was envisaged that the scheme be the responsibility of the Department of Juvenile Justice and include representatives from the Police Service and the community as well as Juvenile Justice personnel. The Committee also determined that where appropriate, a victim be encouraged to attend and participate in the proceedings of the Children's Panel.

It was determined that young offenders who commit offences of a certain nature, such as murder, manslaughter, sexual assault, arson, vicious assault, and repetitive robbery should be subject to a charge and therefore not be eligible for referral to the panel. The Committee continues to support the establishment of a Children's Panel scheme for appropriate young offenders, as a means of diverting them from the court and juvenile justice process and thereby preventing entrenchment in that process.

The Committee considers that young offenders who commit offences that may be categorised as violent but are not of a serious nature should be eligible for involvement in the panel. The Committee firmly believes that for violent offenders in particular, a crucial part of any rehabilitative process would be to confront their victim and gain a first-hand appreciation of the impact of their actions.

For a complete description of the workings of that scheme, readers are referred to the Committee's 1992 report, *Juvenile Justice in New South Wales*.

RECOMMENDATION 134

That the Minister for Community Services and the Minister for Police implement Recommendation numbers 35 to 50 of the Standing Committee on Social Issues Report *Juvenile Justice in New South Wales*, (1992).

12.1.3 Community Based Sentencing Options, Intervention and Supervision

In its Report *Juvenile Justice in NSW* the Committee recognised that, where possible, community based sentencing options be used in the sentencing of young offenders and incarceration be used only as a last resort. A range of community based sentencing options are provided for in Section 33 of the *Children's (Criminal Proceedings) Act, 1987*. These are in order of severity:

- dismissal of a charge or dismissal with a caution
- release on a recognisance with or without conditions
- imposition of a fine
- release on recognisance and imposition of a fine

- release on probation
- imposition of a Community Service Order
- imposition of a custodial sentence.

Magistrates must have examined the appropriateness of all other sentencing options contained in Section 33 before making an order committing a young person to custody.

A number of witnesses before the Committee and a range of submissions received supported the utilisation of community based options with supervision, and counselling for appropriate violent young offenders.

Whilst the Committee endorses this approach for those young offenders who do not pose such a threat that they require incarceration, it is mindful that programs to support community based options are less than adequate. As Senior Children's Court Magistrate, Mr Rod Blackmore explained to the Committee

one would think that someone who has committed violence is in strong need of fairly intensive counselling to change attitudes and to show the perspective that other people in the community have about violence, but there is not a great deal available (Blackmore Evidence, 28.07.95).

Failure to appropriately resource community based options so that Juvenile Justice Officers can provide proper, specific and consistent supervision and counselling to young violent offenders, will do little to rehabilitate the offender and will undermine the community's confidence in the justice and correctional process. The high level of recidivist offenders in custody who previously had the option of community based sentences is strong testament to the need for the implementation of more effectively supervised non-custodial alternatives.

■ Community Youth Centres

The Committee understands that some young offenders, including violent offenders, assessed as appropriate by a counsellor, may be referred by the courts to Community Youth Centres (CYCs). CYCs provide intensive supervision and counselling for those juvenile offenders who receive a probation order or those released from detention. The goal of counselling at CYCs is to assist young offenders reintegrate successfully into the community. They are located at Stanmore, Liverpool and Blacktown and programs are also offered at Wollongong and Newcastle. Pilot Programs have recently been introduced in Wagga Wagga, Dubbo and Grafton (Loughman Briefing, 17.09.93).

The Committee is encouraged by the expansion of CYCs. However, evidence from the Senior Children's Magistrate indicated that the availability of Community Youth Centre programs for young people on probation with supervision orders remains limited (Blackmore Evidence, 28.07.94).

Given the commitment of the Committee to supervision and counselling it strongly supports the expansion of CYC programs. However, it considers that for CYCs to effectively assist young violent offenders, a wide range of suitable programs must be available within the community from which they can draw assistance.

RECOMMENDATION 135

That the Attorney General ensure that where appropriate, courts continue to utilise community based options in the sentencing of young offenders, including young violent offenders.

RECOMMENDATION 136

That the Minister for Community Services ensure, as a matter of priority, that adequate resources are available to Department of Juvenile Justice Offices throughout New South Wales to enable the consistent and relevant supervision and counselling of young violent offenders serving community based sentences.

RECOMMENDATION 137

That in order for Juvenile Justice Offices to adequately supervise and counsel a young violent offender in the community the Minister for Community Services must ensure that there is a wide range of suitable programs within the community from which they can draw assistance. Those community organisations offering relevant services should be provided with adequate government funding so that co-operative service delivery between the government and the non-government sector can be fostered.

■ Community Service Orders

Community Service Orders (CSOs) are the most severe penalty that a young offender can receive before the imposition of custodial sentence. Under the CSO scheme, juvenile offenders perform community work as restitution to the community for their offences. The maximum number of hours which a young offender can be sentenced to under a CSO is 100 hours.

In recent times there have been calls for an increase in the number of CSO hours that can be imposed upon a young offender to reflect the seriousness of the offence and the penalty. Senior Children's Court Magistrate, Rod Blackmore indicated to the Committee that he supported the White Paper's proposal of a maximum of 250 hours as "a realistic penalty for what can be quite a serious offence" (Blackmore Evidence, 28.07.94).

The Committee considers that increasing the maximum number of hours which can be given to a young offender under a CSO could provide a realistic alternative to detention in appropriate

cases. However, it is mindful that merely increasing the hours of the penalty but failing to provide adequate supervision or failing to offer or support appropriate options and schemes under which a young offender can undertake his or her CSO will have little positive advantage. If there are limited options of community work that a young offender can perform, there is a real risk that this penalty is by-passed and a custodial sentence is instead imposed. Cain, (1995: 14, 26) for instance, has found that as at 13 April, 1994

two-thirds (68.7%) of juveniles in custody had not been given the benefit of a community service order, which is viewed as the penultimate penalty Only one-third of Aboriginal juveniles on control orders had previously received a CSO.

The Committee supports the increase in the maximum number of hours under a CSO from 100 to 250 hours as a realistic alternative to detention for appropriate young offenders. However, it considers that such an increase should only occur if the Minister for Community Services can guarantee that resources are available and relevant support services able to be drawn upon to assist Juvenile Justice personnel in all regions to adequately supervise and offer a range of community work to those young offenders placed on CSOs. It also considers that counselling programs for young violent offenders on CSOs be offered as part of the fulfilment of these orders in addition to other work orders.

RECOMMENDATION 138

That the Minister for Community Services ensure that:

- **adequate resources are available and relevant support services able to be drawn upon to assist Juvenile Justice officers in all regions to adequately supervise and to offer a range of community work to those young offenders placed on Community Service Orders; and**
- **counselling programs for violent offenders on Community Service Orders can be offered as part of the fulfilment of Community Service Orders in addition to other work orders.**

RECOMMENDATION 139

That conditional upon the implementation of Recommendation 138 the Minister for Community Services amend the Children (Community Service Orders) Act, 1987 to allow the maximum number of hours which can be given to young offenders under a Community Service Order to be 250 hours.

■ **Conditional Release**

Section 24(1) of the *Children (Detention Centre) Act, 1987* provides for juvenile offenders to be granted leave and be absent from a Juvenile Justice Centre for a purpose which is considered as being beneficial to the juvenile's welfare or rehabilitation such as education, employment, training and family matters.

Under close supervision and with intensive counselling, conditional release permits the young offender to live in the general community and participate in community based educational and vocational programs.

Whilst violent offenders do participate in the program conditional release it is not available to those young offenders who have been convicted of a serious indictable matter or classified by the court as a danger to the community.

The Committee considers that programs within an institutional setting that are aimed at altering the violent behaviour of young people should be augmented by behaviour modification programs within the community. It therefore considers that appropriate counselling and support should be extended to violent offenders on conditional release.

RECOMMENDATION 140

That the Minister for Community Services ensure appropriate counselling and support is extended to violent offenders on conditional release.

■ **Violent Offenders Program**

The Committee is encouraged by recent initiatives being considered by the Department of Juvenile Justice in relation to young violent offenders released into the community. A violent offenders program is being developed which will focus on working with young people and their families within a community setting and as part of a comprehensive case management plan. The program will seek to identify and deal with factors underlying the offending behaviour. It will be designed to provide a continuum of service for young people moving from detention to the community by providing psychiatric consultancy to Juvenile Justice Centres.

The Committee endorses this initiative and urges that the Minister for Community Services establish it as a matter of priority. It is essential to its successful operation that the violent offenders program be appropriately resourced. The Committee also considers that judicial education will be required to ensure that violent offenders are referred to the violent offenders program as appropriate.

RECOMMENDATION 141

That the Minister for Community Services establish the violent offenders program as a priority and ensure that it is appropriately resourced to enable its utilisation throughout New South Wales.

RECOMMENDATION 142

That the Attorney General and Minister for Community Services ensure that judicial education is undertaken by members of the magistracy and judiciary likely to preside over matters involving violent juvenile offenders, to facilitate such offenders being referred to the Violent Offenders Program as appropriate.

■ Attendance Centres

The issue of Attendance Centres, which serve somewhat similar purposes to CYCs, was addressed in the White Paper where it indicated that legislation would be introduced to create an additional sentencing option to be utilised by Children's Court Magistrates. The purpose of Attendance Centres would be to involve intensive programs to address offending behaviour or the environment in which the offending was committed and to provide skills for community integration (NSW Department of Juvenile Justice, 1994:11). The Committee understands that a pilot Attendance Centre scheme has been conducted for juvenile offenders in Sydney's Western region for two small group of offenders since November 1993. An evaluation of the pilot operating at Blacktown Community Centre is currently under way.

Evidence submitted to the Committee indicated that while the scheme has the potential to address anger and aggression in juvenile offenders, it would not be an appropriate option for those juveniles deemed by the courts to pose a risk to the community. Nevertheless, it is envisaged that there would be opportunities for young people having committed some violent offences to participate in the scheme. Guidelines are being developed for the operation of the scheme that will address issues regarding the participation of violent offenders (Tie Evidence, 29.08.94).

The Committee endorses the development of the Attendance Centre Order scheme, and, subject to the outcome of the evaluation of the pilot scheme, urges that Attendance Centres be established throughout New South Wales. It considers that this sentencing option should be available to violent offenders, under appropriate guidelines, and programs addressing violent offending behaviour should be offered at Attendance Centres.

RECOMMENDATION 143

That the Minister for Community Services ensure that, having regard to the evaluation of the pilot scheme, Attendance Centres and programs are established throughout New South Wales.

RECOMMENDATION 144

That the Minister for Community Services ensure that, in developing guidelines for the Attendance Centre orders and programs:

- **due regard is given to the availability of the Attendance Centre sentencing option to violent offenders, where appropriate; and**
- **programs are developed which address violent offending behaviour.**

12.1.4 Young People in Detention

Young male violent offenders serving a custodial sentence can be detained in Kariong (which is a high security unit) or the Walpole and Vernon Units at Mt Penang. Less sophisticated offenders (who may nevertheless have committed a violent offence) may be placed in Karinya or Woods, also within the Mt Penang complex. Boys up to the age of 16 years can also be detained at Reiby Juvenile Justice Centre.

Young female offenders are detained at Yasmar Juvenile Justice Centre.

It has been well-documented that most young offenders in custody are recidivist offenders, many of whom have been incarcerated on a previous occasion. This issue was dealt with at length in the Committee's 1992 report, *Juvenile Justice in New South Wales*. More recently, Cain (1995:14) has found that as at 13 April, 1994 and with a Juvenile Justice Centre population of 423

nine of every ten persons in juvenile detention had previously served time in custody For 114 juveniles (37.1%), the current term of custody is their second to fifth; for nine juveniles (2.9%) the number of previous sentences ranged from six and up to nine; and, for a further two juveniles, ten or more separate custodial terms had been served in juvenile justice centres.

As it was noted earlier in this Chapter, over fifty percent of juveniles on control orders are serving time for serious violent offences or drug offences, most of whom have graduated from less serious property or good order offences (Cain, 1995:38).

As Cain (1993b:36) has previously observed

the proportion of juveniles re-entering Juvenile Justice Centres on violent offences following initial custodial terms for non-violent offences questions the rehabilitative qualities of Juvenile Justice Centres, their ability to deter juveniles from re-offending, and their ability to prevent or minimise exposure to the more experienced and the more violent criminal elements they house.

The Committee considers that Department of Juvenile Justice should establish a system that monitors the level of recidivism among juvenile offenders, especially in relation to the graduation to crimes of violence, and evaluate the impact of detention on recidivism and the nature of offending.

In relation to the graduation of young offenders to the adult system, Hogan has estimated that 60-75% of adult prisoners were previously involved in the juvenile justice system (in Bagnall, 1992:38). Since a large number of young offenders break away from crime as they mature, longitudinal studies tracking juvenile offenders and establishing offending histories of adult offenders are required. The Committee understands that the Department of Juvenile Justice is planning to conduct research in collaboration with the Department of Corrective Services to examine this issue in 1995. The Committee supports this initiative.

RECOMMENDATION 145

That the Minister for Community Services ensure that:

- **the level of recidivism among young offenders in the juvenile justice system is consistently monitored to assess the rate of graduation to more serious and violent offences; and**
- **the impact of detention on recidivism and the nature of offending behaviour is evaluated.**

RECOMMENDATION 146

That the Minister for Community Services and the Minister for Corrective Services conduct research, involving the Department of Juvenile Justice and the Department of Corrective Services, that examines the graduation of juvenile offenders to the adult system.

The Committee understands the Department of Juvenile Justice offers some specific programs for violent offenders in custody, including at Kariong and the newly established Robinson Boys Program at Reiby, and the Sex Offenders program. Juvenile Justice Centres also provide education and training to young offenders in custody on a range of subjects and areas.

The Committee understands that the majority of juvenile offenders display distinct deficiencies in social and living skills and appropriate programs are available in all centres to increase their capacity to cope in the normal stream of community life (NSW Department of Juvenile Justice, 1994:15).

The Committee recognises the significance of education and training in the rehabilitation process for detained young offenders, many of whom have experienced limited opportunities in this regard. It considers that institutional based education and training should be appropriate for all groups in Juvenile Justice Centres, including young women, Aborigines and young offenders of non-English speaking background.

The following section proposes to deal with those programs that are specifically violence focussed.

■ **Kariong Juvenile Justice Centre**

As many of the detainees in Kariong have committed serious violent offences, Kariong offers a specific, individually-based and highly structured behaviour modification program. The program focuses on the positive characteristics of each young person and aims to address the violent behaviour which resulted in the young person being sent to the facility.

Among the components to the program are:

- an initial six week anger control and management program run by a clinical psychologist and other qualified staff;
- follow-up programs focussing on problem solving, building self-esteem and conflict resolution; and
- school, trade and sport and recreation programs (Tabled document).

Each young person is reviewed monthly to determine if he is ready to return to the mainstream detention system or if he should remain at Kariong for another month.

■ **The Robinson Program for Boys at Reiby Juvenile Justice Centre**

The Robinson Program for Boys is a recent initiative of the Department of Juvenile Justice aimed at more successfully managing juvenile detainees "who are characterised by violence, poor impulse control, acting out, and other aggressive behaviours" (Cain, 1995:38). It was developed in response to the increasing proportion of young men in custody with offending backgrounds involving violence, and aggression and self-harm incidents that occur in detention centres (Tie, Evidence, 29.08.94). Boys are referred to the program from Reiby itself or any of the other Juvenile Justice Centres for boys, on the basis of their behaviour in detention or the seriousness of their offence or alleged offence.

The Program is run on a therapeutic model with an emphasis upon assessment and stabilisation of behaviour, skills development and integration into mainstream detention and eventually, into the community.

In light of his findings in relation to recidivism rates in detention and the increase in the number of violent offenders in custody in recent times, Cain argues that the establishment of the Robinson Program is a "positive step" in the management of violent offenders. The Committee considers that the Robinson Program for Boys will offer an important alternative for young offenders with aggressive tendencies. It further considers that the Program should address the underlying causes of violence, including issues relating to gender construction. The Committee understands that a comprehensive evaluation of the Program will be undertaken in late 1995 (Cain, 1995:38).

RECOMMENDATION 147

That the Minister for Community Services ensure that the Robinson Program for Boys addresses the underlying causes of violence, including issues relating to gender construction.

■ Sex Offender Programs

The Sex Offender Program is a specialist program within the Department of Juvenile Justice providing comprehensive, individualised treatment and management of adolescents who have been convicted of offences of a sexual nature. The program was designed in response to an increasing recognition that sexual offences committed by juveniles are more than "normal" experimentation or developmental curiosity. One hundred and twenty boys currently participate in the program. The program has both a detention centre and community based focus.

It also has a research component and a collaborative research unit has been set up between the Department of Juvenile Justice and the Impulse Disorders Unit, University of New South Wales. The Committee understands that two major research projects are currently under consideration: recidivism and on-going evaluation of the current program.

The philosophy of the program involves the young offender developing a sense of responsibility for his behaviour, gaining insight into that behaviour and developing coping skills and strategies to prevent further sexual offending.

Approximately one-third of boys in the program come from rural areas. In many instances, the offender remains in his local community and receives counselling from a local counsellor employed by the Department on a fee-for service basis. However, difficulties arise where that local counsellor is not specialised in working with sex offenders.

A submission from a group of practitioners from Wagga Wagga identified the difficulties in effectively managing juvenile sex offenders in rural areas, who require residential care and on-going treatment facilities. Some offenders had been placed in inappropriate situations and were removed from or not able to return to their families, creating potentially damaging situations (Submission 33). That submission also proposed the establishment of a community based sex offender program that would aim to maximise the involvement of families while providing a residential unit of a non-custodial nature.

The Committee considers that availability of counselling services for juvenile sex offenders in rural areas should be reviewed, and the feasibility of expanding the Sex Offender Program and establishing specialist residential services should be assessed.

The Committee understands that adult sex offenders tend to start offending during childhood or adolescence. It considers that it is crucial that appropriate and intensive intervention occur at an early stage. The Committee therefore sees considerable merit in the Juvenile Sex Offender Program.

RECOMMENDATION 148

That the Minister for Community Services ensure adequate resources are consistently provided to the Department of Juvenile Justice's Sex Offender Program so that the program can function effectively.

RECOMMENDATION 149

That the Minister for Community Services ensure adequate funding is provided to meet the management and treatment needs of juvenile sex offenders in rural areas.

RECOMMENDATION 150

That the Minister for Community Services assess the need for and feasibility of providing specialist, community based residential services for juvenile sex offenders who do not receive control orders or who are released into the community.

■ Programs for Aboriginal Youth

The issue of the over-representation of Aboriginal youth at all stages of the juvenile justice process, including in detention, has been documented in numerous reports, including this Committee's report on *Juvenile Justice in New South Wales*. Cain maintains that the numbers of Aboriginal youth entering juvenile detention continue to remain disproportionately high and are, in some cases, increasing. As the Committee also acknowledged in its report on Juvenile Justice, the causes of this over representation are complex and cannot be adequately addressed

unless, "greater recognition is given to the complex social, economic, legal and inter-racial factors" (Cain, 1995:40).

Cain's findings (1995:40-41) in relation to detained youth as at 13 April 1994 show that

Aboriginal juveniles in custody ... are no more serious in terms of their current offence than non-Aboriginal youth. However, in terms of the number of prior proven offences and number of times previously in custody, Aboriginal young people are amongst the most experienced and recidivist of juvenile offenders in custody. This is the case for both remandees and those serving custodial sentences It is very likely ... that [the] extensive criminal records are themselves a function of the 'very powerful ... compounding effect' of discriminatory practices.

The White Paper referred to the establishment of a range of accommodation options for Aboriginal young people who would otherwise be refused bail. The Department of Juvenile Justice is currently considering expressions of interest for the re-establishment of a bail hostel for Aborigines in the Sydney metropolitan area to replace the Jaapalpa bail hostel.

A pilot Aboriginal Juvenile Bail Support Scheme was planned for Dubbo and Wellington to assist Aboriginal juveniles who have allegedly committed minor offences and who are likely to be refused bail on the basis of homelessness or lack of suitable accommodation. If extended family networks cannot assist with accommodation, an alternative placement was to be sought in an attempt to provide a stable, caring environment. Aboriginal workers from the Department of Juvenile Justice and Aboriginal community workers were to conduct an awareness program in an attempt to build a network of alternative carers within the Aboriginal community. The Departments of Juvenile Justice and Community Services are currently negotiating as to whether individual families or organisations should be accredited as carers. A similar scheme, with families as accredited carers, is currently operating in Wagga Wagga. The Committee believes that the potential for introducing a state-wide scheme should be evaluated.

RECOMMENDATION 151

That the Minister for Community Services facilitate the introduction of pilot Aboriginal Juvenile Bail Support Schemes, and evaluate the potential to extend the Scheme to other communities.

Like all young people who commit violent offences, Aboriginal youth require appropriate intervention and supervision that is relevant to their needs and the offence. In endorsing the violence-focussed programs and initiatives being undertaken or proposed in both Juvenile Justice Centres and in the community, the Committee urges that there be appropriate input from Aboriginal communities and recommends that the Department of Juvenile Justice ensure that these programs and initiatives be culturally sensitive. In the community context, the Committee is encouraged by the appointment of Aboriginal Community Program Officers, who

are to assist local communities develop viable local juvenile justice programs. It also endorses the appointment of an Aboriginal Community Project Officer who will assist in the development, implementation and oversight of a range of alternatives to detention and court processing for young offenders.

RECOMMENDATION 152

That the Minister for Community Services ensure that any program developed by the Department of Juvenile Justice that targets young violent offenders both in custody and the community, and includes young Aboriginal offenders, has appropriate input from Aboriginal communities and is culturally sensitive.

■ Programs for Young People from non-English Speaking Backgrounds

The ethnicity of violent offenders in Juvenile Justice Centres has been discussed in Chapter Two. Cain (1995:41-42) observes that

Aborigines are not the only ethnic/cultural group over-represented in custody. The Indo-Chinese, Lebanese, Pacific Islanders and Maoris have disproportionately large numbers of their youth in custody on remand and control. Such over-representation also raises the possibility of discrimination operating in relation to these groups In absolute terms, the number of Indo-Chinese youth in custody for violent crimes has not risen although the reduced numbers in custody for drug crimes has brought about a relative increase in the proportion of Indo-Chinese youth in custody for violent offences On face value, [the Pacific Islander group], constitute the most violent group of offenders in custody Like their Pacific Island counterparts, the principal offence for which [juveniles of Lebanese and Maori background] were placed in custody is more often than not a crime of violence.

The Department of Juvenile Justice is currently attempting to address the cultural appropriateness of its counselling programs, particularly in relation to the reintegration of Indo-Chinese offenders into the community.

The Department is examining strategies to increase the employment of Indo-Chinese Australians in Juvenile Justice Centres and is providing training to other staff on Indo-Chinese language, culture and tradition. Language and culture classes have been initiated for residents, in addition to ESL classes. Indo-Chinese community organisations are encouraged to support Indo-Chinese youth in detention (Graham, 1993:8). The Committee supports the continued development of such initiatives.

An Indo-Chinese Youth Support Program has been established to assist Indo-Chinese young offenders who are eligible for conditional release to return to their community.

There are no existing culturally appropriate counselling programs for Pacific Islander juveniles in custody, despite their high recidivism rate and their involvement in violent offences (Cain, 1995:41). There are similar limitations in the options available for Maori and Lebanese young offenders.

As Cain (1995:42) maintains

the emergence of a number of different ethnic groups who are over-represented in the NSW Juvenile Justice Centre population is placing incredible strain on the Department of Juvenile Justice to respond creatively and strategically with a variety of culturally appropriate counselling and management services. There is a real danger that members of these and other ethnic groups in custody will not respond to, or be rehabilitated by, the typically White Anglo-Australian counselling programs being provided Whilst there is no guarantee that new, culturally-specific management and counselling programs will work any better, until they are developed and introduced, past performance informs us that the success of existing juvenile justice services and programs will be limited. The majority of individuals in juvenile detention will re-offend and find their way back into detention or, worse still, face a life in prison when they are no longer covered by children's legislation.

The Committee strongly endorses the introduction of culturally appropriate programs for young offenders of non-English speaking background, including violent offenders, both within custody and in a community setting. It further supports the involvement and input of members of non-English speaking background communities in the development of such programs.

RECOMMENDATION 153

That the Minister for Community Services ensure that any program developed by the Department of Juvenile Justice that targets young violent offenders both in custody and the community, and includes young offenders of non-English speaking background, has appropriate input from relevant ethnic communities and is culturally sensitive to the offender's background.

The Committee has heard that racial animosity has existed between inmates of Juvenile Justice Centres. A number of strategies have been identified to address this issue, including the dispersal of the groups through the various centres, providing adequate interpreting services, and bringing in members of the relevant communities to assist in working with young people. The Committee heard that:

involving the community in programs and trying to open up the centres has actually had a stabilising effect on the behaviour of the young people in custody (Loughman Briefing, 17.09.93).

■ **Programs for Female Offenders**

In its 1992 report, *Juvenile Justice in New South Wales*, the Committee found that

there are very limited programs that cater specifically for girls in the system and those at risk of entering the system. Since boys represent the greater "at risk" offender population, programs and services seem to be geared toward their needs and boys tend to dominate those programs that are available (Standing Committee on Social Issues, 1992:54).

Since that time a new Juvenile Justice program specifically managing young women in custody has been established at Yasmar Juvenile Justice Centre, with close proximity to the city allowing ready access to services provided by community agencies.

Whilst girls represent only a small proportion of the young offender population, most of them, especially those in custody, have specific needs that often relate to a history of physical and sexual abuse, drug and/or alcohol dependency and family dysfunction.

Cain's research (1995:39) has identified that

Like their male counterparts, females in juvenile detention appear to be getting not only more serious in terms of their criminal histories, but more violent in their offending.

He notes (1995:19) that of the 19 females in NSW Juvenile Justice Centres as at 13 April 1994, eight (80%) were serving control orders in relation to violent offences.

These findings make the need for development of appropriate and effective programs, both in the community and in a custodial setting, for young female offenders who have committed violent offences all the more pressing. Given the special needs of young women, it is essential that such programs address broader issues such as drug and alcohol abuse and physical and sexual abuse and offer appropriate counselling in relation to these issues.

RECOMMENDATION 154

That the Minister for Community Services:

- **develop appropriate programs and counselling services for young female offenders in the community and in detention, that focus on violent offending among young women; and**
- **ensure that such programs and counselling services are sensitive to the specific needs of young female offenders.**

■ **Pre-discharge Units**

In its earlier report, *Juvenile Justice in New South Wales* (1992:186), the Committee considered that some young offenders who have served a custodial sentence require the use of special accommodation facilities that provide a number of services to assist them in their re-integration into the community. The Committee considered that such facilities should be situated throughout New South Wales, and could only be effective if the program was a compulsory aspect of the continuum of a rehabilitation program for those young offenders who are deemed (because of their assessment) to be in need of such a period of supervision.

The White Paper referred to the establishment of pre-discharge units and pre-discharge programs as strategies to assist young people in detention to develop independent living skills and prepare them for their return to the community (NSW Department of Juvenile Justice, 1994:16). The Committee was informed that pre-discharge units will be established at each Juvenile Justice Centre. A longer term strategy will be to move these units into the local community, particularly in regions where no Juvenile Justice Centre is located to enable juveniles to be supported within their own communities. Rural areas are most likely to benefit from this strategy as most Juvenile Justice Centres are currently located in metropolitan areas (Tie Evidence, 29.08.94).

The pre-discharge program will involve the planned and coordinated management of young people in custody, focussing on linking young people with their communities in preparation for release. Programs will seek to link young people into employment, accommodation, school or training, health services and their families where appropriate (Tabled document).

The Committee strongly endorses the establishment of pre-discharge units in Juvenile Justice Centres, and supports the extension of the programs into community settings.

RECOMMENDATION 155

That the Minister for Community Services ensure adequate pre-discharge units are established, and the programs offered from these units are extended into community settings and to all young offenders leaving custody.

12.1.5 Community and Family Involvement

The Committee was informed that where possible and appropriate, young people who have offended are dealt with in their communities to sustain and enhance family and community support (Tie Evidence, 29.08.94).

The Department of Juvenile Justice has indicated that in recognition of the importance of families and extended families as a fundamental influence upon children, families are actively involved in the development of case management plans for juvenile offenders where appropriate. The Department may also provide financial assistance towards travel and

accommodation costs to enable families and significant others to visit and maintain contact with young people in custody.

It was suggested to the Committee that most young people in detention return to their families when released. Providing young people in detention with opportunities for pre-release leave and other forms of approved leave allows for the possibility of the renewal of positive relations with the family and the community.

However, as the Committee was told, the family backgrounds of many of these young offenders are often characterised by tension, and if they return to this environment

it is just going to place them back in the same situation and it will tend to blow up and that young person will be out of their home or offending again or returning to the institution because it is much safer there (Marsden Evidence, 01.11.93).

The Committee believes that the potential for all young offenders to be reintegrated into their families should be assessed prior to their release from Juvenile Justice Centres. The Committee also recommends a family mediation project be developed to assist in this reintegration, while recognising that reintroducing a young person into a family which has been a source of difficulties will not be desirable in all cases.

The Committee notes that a "grandparent" program has also been developed for juveniles in custody who lack family support. The program involves selected volunteers acting as parental and role models for young people who do not have appropriate family support. The Committee supports the continuation of this program.

RECOMMENDATION 156

That the Minister for Community Services ensure

- **the potential for all young offenders to be reintegrated into their families is assessed prior to their release from Juvenile Justice Centres;**
- **a family mediation project is developed for young offenders to assist in this reintegration, where desirable; and,**
- **where re-integration is not possible, the young offenders are given appropriate support in re-entering the community.**

12.2 THE DEPARTMENT OF CORRECTIVE SERVICES

For young offenders who have committed an offence over the age of 18 years, supervised penalties are normally regulated by the Department of Corrective Services. Since evidence

presented to the Committee regarding this Department dealt primarily with the issue of correction centres or prisons, the following discussion deals with that aspect only of the Department of Corrective Services.

Chapter Two of the Report revealed that in 1994, 2098 prisoners in NSW, out of a total of 7351, were between the ages of 18 to 24 years. From this group, 716 are in prison for violent offences, representing 9.7% of the total prison population. As noted in Chapter Two, 696 of these young violent offenders are male and 20 are female.

One witness with experience in the corrections system suggested to the Committee that

the gaol system does nothing to reduce violence. In fact, people go in and come out even more violent (Denborough Evidence, 29.06.94).

However, the Committee heard that programs relating to conflict resolution, anger management, communication and self-esteem have been introduced into all correction centres. The Committee was also informed that prisoners have access to psychologists, psychiatrists and drug and alcohol workers (Vita Evidence, 29.08.94).

However, given the fact that prisons tend to perpetuate violence, the Committee is concerned that these services be adequate. The Committee considers that it is imperative that young violent offenders in NSW prisons are offered appropriate and ongoing support. Suitable levels of counselling services and counselling staff should therefore all times be maintained to reflect the size and needs of this group.

Apart from those local programs in each correctional centre, the Department has a number of specialised programs.

12.2.1 The Special Care Centre

The Special Care Centre at Long Bay Correctional Centre has three autonomous units, including the Special Care Unit, which is a 14-week voluntary program for inmates with behavioural problems or self-defeating behaviour. The Committee recognises that such an approach is of significance in providing a behaviour modification program. Inmates apply from the mainstream prison system and are re-integrated to where they came from within the system after completing the program.

The objectives of the Special Care Unit are:

- to provide inmates with the opportunity to actively examine their self-defeating behaviour as well as affording them an opportunity to implement changes and to accept responsibility for their actions and decisions; and
- to provide the opportunity for staff to examine and implement, in a practical way, various techniques in the management of inmates, as well as promoting a very high degree of staff participation in program content and delivery (Tabled Document).

Rather than dealing specifically with the inmates' crimes, programs at the Special Care Unit attempt to deal with some of the underlying reasons which may have contributed to their crimes. The Unit has been awarded a National Violence Prevention Award.

The Committee was informed that, while the Special Care Unit provides a systematic program for a short period of time, it is not appropriately supported in the mainstream system:

we need to develop programs from day one to the day they are released, encouraging them to take responsibility for their actions [Inmates] go into an environment [in the Special Care Centre] that is much more caring ... but after three months they go straight back into perhaps a maximum security institution where there is no support and no follow-up for those issues. It is a great program, but it needs to be supported (Denborough Evidence, 29.06.94).

The Committee believes systematic programs such as the Special Care Unit should be appropriately supported in the mainstream prison system.

RECOMMENDATION 157

That the Minister for Corrective Services ensure systematic programs such as the Special Care Unit are supported by the provision of appropriate follow-up programs for inmates when they leave the Special Care Unit and return to the mainstream prison system.

12.2.2 Violence Prevention Unit

The Department of Corrective Services has set up a committee to examine the establishment of a Violence Prevention Unit as a 10-bed facility attached to the Special Care Centre at Long Bay Correctional Centre in 1995. A Senior Clinical Psychologist has been engaged to develop a therapeutic program. The program will aim to:

- address issues of anger management and conflict resolution of inmates;
- provide a continuity of service through case management practices;
- develop program links with the Special Care Unit; and
- develop and train staff to manage these inmates in a therapeutic milieu (Tabled Document).

The Unit will deal specifically with inmates who have committed premeditated violence within the prison system. It is hoped that the programs can establish links with community groups and the judicial system to provide ongoing support (Vita Evidence, 29.08.94).

While the Committee endorses the establishment of the Violence Prevention Unit at Long Bay Correctional Centre, it believes that violence prevention programs can also be offered in prisons without the considerable capital expenditure required to construct separate facilities. Once a therapeutic program is developed, the Committee recommends the feasibility of extending that program to other Correctional Centres should be assessed.

RECOMMENDATION 158

That the Minister for Corrective Services:

- **facilitate the establishment of the Violence Prevention Unit at Long Bay Correctional Centre; and**
- **examine the feasibility of extending the therapeutic program developed for the Violence Prevention Unit to other Correctional Centres.**

12.2.3 The Young Offenders' Program

The Young Offenders' Program has been operating since 1992. The Young Offenders' Program aims to include all male 18-22 year old offenders who have been sentenced to an adult Correctional Centre for a term of less than four years. Depending upon their suitability, offenders up to the age of 24 may also be included in the program. Young offenders on the program are separated from the mainstream correctional centre population at Parramatta and Parklea Correctional Centres and at the former Newnes Correctional Centre.

The program is highly structured and focuses on six areas which are aimed at addressing the underlying needs of young offenders. They include work, educational, developmental, vocational, recreational and pre-release programs. These program areas are fully integrated so that no program operates in isolation from the others, but complements and reinforces the work being done in other areas.

The program is aimed at beginning the process of changing attitudes and behaviour by addressing the underlying needs of young offenders.

The Committee was informed that an evaluation of the Program was planned (Vita Evidence, 29.08.94). The Committee endorses this approach.

12.2.4 Crisis Support Units

The Crisis Support Unit at Long Bay Correctional Centre is an area for suicidal and/or self mutilating inmates, with cells designed to ensure that self-harm is minimised.

A form of Crisis Support Unit exists at Goulburn Correctional Centre and a pre-release Crisis Support Unit, which is similar to a Peer Support Program, is offered at Kirkconnell Correctional Centre.

While the Committee supports the intent behind the establishment of Crisis Units within Correctional Centres, it nevertheless considers that their ultimate goal can also be supported through the development of appropriate programs that can be offered at all Correctional Centres. An amount of \$2.9 million was allocated in 1994-5 to enable an extension of induction processes in all correctional facilities, so that prisoners are fully assessed and informed of services within the prison such as psychologists. The Committee supports this approach.

Because of the incidence of self-mutilation, the Committee urges the establishment of a Crisis Support Program at the women's prison at Mulawa Correctional Centre as a matter of priority.

RECOMMENDATION 159

That the Minister for Corrective Services:

- **establish, as a matter of priority, a Crisis Support Program at Mulawa Correctional Centre; and**
- **continue to establish Crisis Support Units and Programs throughout New South Wales Correctional Centres.**

12.2.5 Sexual Assault

It was suggested to the Committee that within Correctional Centres the issue of male sexual assault needs to be addressed, both in terms of sexual assaults in prisons and for victims of past assaults:

it is fairly well known that a high proportion [of prisoners] have been assaulted [in] boys' homes or institutions and that it is not being dealt with is a real issue (Denborough Evidence, 29.06.94).

The Committee is aware of the high rate of sexual assault survivors among female prisoners. The Women in Prison Taskforce (1985:54) reported one estimate suggesting 80% of female prisoners had been sexually assaulted as children. In the Committee's Inquiry into Juvenile Justice in NSW, evidence suggested that 90% of young female offenders in institutions had experienced sexual assault (Standing Committee on Social Issues, 1992:139).

The Committee believes pilot programs should be developed for victims of sexual assaults in prisons, and for victims of past sexual assaults, including gender-specific programs.

Data from the 1994 NSW Prison Census reveal 3.4% of prisoners aged under 25 years have been gaoled for rape or serious sexual assault as their most serious offence. These crimes constitute a higher proportion (6.2%) of the most serious offences of prisoners over 25 years (Tabled Document). However, when the numbers of prisoners gaoled for these offences are compared with population statistics in these age groups for every 100,000 of the general population aged from 18 to 24 years, there are 11.5 imprisoned sexual offenders. The rate for older prisoners is 9 per 100,000 of the general population in this age group. The Committee is also aware that many older sex offenders are recidivists who commenced offending at a young age, and that young sex offenders are likely to continue offending. U.S. research shows that most sex offenders begin their deviant sexual histories as teenagers or earlier:

[W]e find that the majority of [rape] offenders had attempted or committed their first sexual offence by the age of sixteen (Groth and Hobson, 1983:161, cited in Hecht Schafran, 1993:1043).

While a program for child sex offenders existed at Cooma Correctional Centre, as yet no programs have been specifically designed for prisoners sentenced for sexual offences, or who commit sexual assaults in prisons.

Given its concern regarding the incidence and recidivism of young sex offenders, and the seriousness of sexual offences, the Committee believes that prison and community-based pilot programs should be developed to target this group in an attempt to prevent future victimisation. The Committee believes the effectiveness of any such programs should be evaluated after a reasonable time.

RECOMMENDATION 160

That the Minister for Corrective Services develop pilot programs:

- for victims of sexual assaults in prisons; and
- for victims of past sexual assaults, including a program designed specifically for female inmates.

RECOMMENDATION 161

That the Minister for Corrective Services:

- develop prison and community-based pilot programs for young sex offenders; and
- evaluate the effectiveness of such programs after a reasonable time.

12.2.6 Responding to Violence in Prison

■ Protection Status

The Committee heard that strategies available to the Department of Corrective Services to minimise the risk of violence occurring in prisons include protection status which segregates prisoners deemed to be at risk of assault by other inmates.

■ Administrative Segregation

If an inmate assaults another inmate, and as a result of that assault a superintendent of an institution deems that the continued association of that inmate with the prison population would constitute a threat to good security and safety, the assailant can be moved to a segregation area for a period of 14 days. The Committee was informed that segregation of inmates does not occur primarily as a punishment, but rather for the good order and discipline of the prison (Vita Evidence, 29.08.94).

■ Charges under the Prisons Act

Inmates involved in a fight or assault can be charged under the Prisons Act, with penalties ranging from the removal of privileges and amenities for a period up to 28 days, to confinement in cells for a period of up to 72 hours. In cases of a major assault, a superintendent can refer the matter to the visiting Justice for adjudication. Irrespective of the nature of the assault, it is always reported to the police. If the person that has been attacked wishes to pursue police charges, then Corrective Services staff cannot deal with the issue under the Prisons Act and it becomes a police matter (Vita Evidence, 29.08.94).

■ Prevention

The Department of Corrective Services has instituted a more structured day for inmates over the last two years, with equal components of education, employment and recreation. The Committee heard that if prisoners are occupied with meaningful work and education, they are less likely to become involved in misconduct, fighting and assaults (Vita Evidence, 29.08.94).

The Committee endorses the continuation of spatial arrangements, programs and policies that contribute to the prevention of violence in prisons.

The Committee also acknowledges that drug and alcohol rehabilitation programs are necessary, since there is a level of drug-related violence in prisons, which includes self-harm.

■ The Alternatives to Violence Project (AVP)

The Alternatives to Violence project was first established in 1975 when the Society of Friends (Quakers) in New York State set up a program to help inmates in Greenhaven prison who were

working with under-age offenders. Following that involvement, the program was conducted in the prison.

The project aims to reduce violence in society by teaching non-violent empowerment through experiential workshops which build self-esteem. Participants practise affirmation, community building, communication and listening and experience co-operation.

There are three levels of workshops. At the advanced level participants contribute to decisions regarding the workshop content, which may include dealing with issues such as anger, AIDS, fear, forgiveness, power and stereotyping.

In New South Wales the first prison workshop was conducted in October 1992. Prison inmates volunteer to participate in the program, and the programs are facilitated by volunteers. In 1993, 36 inmates completed the basic course in three groups. In 1994, one basic course with 15 participants and one advanced course with nine inmates were completed (Joy Evidence, 29.08.94).

The project also aims to train prison inmates and individuals in the community as workshop facilitators, but this is yet to be achieved in NSW. Since workshops have been conducted in the Reception and Industrial Centre at Long Bay Correctional Centre, with a highly mobile prison population, the project has been unable to retain a group of volunteer inmates to be trained as facilitators.

A number of testimonials were tendered in evidence to the Committee by AVP volunteers, outlining the attitudinal change the AVP workshops had fostered:

"I see a change in myself since I came to gaol, something has changed me, because I haven't been in any trouble for a fair while. When I first came to jail three years ago I was always in trouble. The course was nearly a year ago, and I think it was part of why I've changed" (Joy Evidence, 29.08.94).

In Queensland, a large proportion of inmates in several prisons have completed the course, which has resulted in a change in the prison culture. This has been reinforced by the provision of off-site correctional services AVP training, with time in lieu provisions implemented (Joy Evidence, 29.08.94). The Committee believes that staff involvement in AVP training would be advantageous.

While the program was set up through the Education section, project volunteers suggested to the Committee that this arrangement has limitations because of the time commitment and environment that the workshops require. At Long Bay, workshops have been truncated, as the inmates must leave for lunch and muster, and at times they cannot easily rejoin the workshops:

We are not creating what we call the AVP climate. We are not getting the climate we can work in where people can trust one another (Joy Evidence, 29.08.94).

Other accommodation problems have included the closure of the Education Centre pending the allocation of new facilities for education programs. The Committee heard that

We need our own private, dedicated space, without people just wandering through (de Voogd Evidence, 29.08.94).

An additional constraint for the effective operation of the project is that the Education Centre only operates during the week, and most volunteers have full-time work commitments. In Queensland, weekend workshops have been conducted in the prisons, and the Committee was informed of the greater success of the project in that state (Weiss Evidence, 29.08.94). The Committee believes that every assistance should be offered to ensure the success of AVP workshops in Correctional Centres in NSW.

RECOMMENDATION 162

That the Minister for Corrective Services

- **investigate the feasibility of allowing the Alternatives to Violence Project (AVP) to conduct weekend workshops in Correctional Centres;**
- **provide appropriate premises within Correctional Centres to conduct AVP workshops; and**
- **ensure disruptions to AVP workshops in Correctional Centres are minimised and participants are not removed during the course of the workshops.**

RECOMMENDATION 163

That the Minister for Corrective Services consider including Alternatives to Violence Project workshops as a staff training option for personnel of the Department of Corrective Services.

12.3 SENTENCING AND COURT-RELATED ISSUES

12.3.1 Parole Supervision Following Release From Custody

Under the *Sentencing Act 1989 (NSW)*, it is mandatory for judges and magistrates, when ordering a custodial sentence, to set a minimum term which must be served by an offender. For sentences six months or over, an additional term may be set to be served as parole, which is not to exceed one-third of the minimum term. For juvenile offenders a period of parole in excess of the mandated one third of the minimum term may be set. All sentences for six months or less must be served in full.

The NSW Judicial Commission's report *Sentencing Juvenile Offenders and the Sentencing Act 1989 (NSW)* indicates that the number of custodial orders with a parole component is down

to 8% from 64% prior to the *Sentencing Act* (Cain and Luke, 1991:29). In evidence to the Committee, the Senior Children's Magistrate suggested that the truth-in-sentencing provisions of the Sentencing Act have provided the scope both for giving a long custodial sentence, if that is justified, and providing for a short custodial sentence and a long term on parole (Blackmore Evidence, 28.07.94).

However, a recent review conducted by the Department of Juvenile Justice on the extent to which supervision is provided for juvenile detainees following their release on parole found the courts were failing to specify an agency to handle post-release supervision. The review noted that the Department of Juvenile Justice cannot take up supervision of juvenile detainees at the expiration of their minimum term unless this is specified by the sentencing court. It was also found the Sentencing Act had dramatically reduced the proportion of control orders that contained an additional term of parole. There had also been a reduction in the average length of parole (Cain, 1993a: 4-6).

The report recommended judicial officers should be made aware of the low level at which conditions for parole supervision are being specified; the unnecessarily limited use of parole as a feature of custodial sentences for young offenders; and the greatly reduced average period of parole offered to young offenders. Legislative amendment of s.27(4) of the *Sentencing Act* would be required to ensure that all parole is supervised, and that the Department of Juvenile Justice must accept responsibility for the supervision of juveniles where the court has failed to specify a parole agency (Cain, 1993a:8-9). The Committee supports such an amendment.

The Committee also believes that judicial education should be undertaken to encourage the greater use of appropriately supervised parole as a feature of custodial sentences for young offenders.

RECOMMENDATION 164

That the Attorney General amend s.27(4) of the *Sentencing Act* to ensure

- **all parole involving young offenders is supervised; and**
- **the Department of Juvenile Justice accepts responsibility for the supervision of juvenile offenders where the court has failed to specify a parole agency.**

RECOMMENDATION 165

That the Minister for Community Services and the Attorney General ensure, following the amendment of s.27(4) of the *Sentencing Act*, judicial education is provided to ensure that the changes to the legislation are understood and accepted to facilitate the use of appropriately supervised parole as a feature of custodial sentences for young offenders.

12.3.2 Homosexual Panic Defence

The Committee was informed by a solicitor involved with the Legal Working Group of the Aids Council of N.S.W. (ACON) of a number of recent cases involving what has become known as the "homosexual panic defence". Evidence presented by defence counsel in these cases suggests that an accused person was forced to use violence in order to repel an alleged sexual advance or was so angered by such an advance that he lost control and used violence in the heat of the moment.

In a Victorian Supreme Court case, a 23-year-old man was accused of murdering a 65-year-old who allegedly made a sexual advance. The dead man's head had been cut off with a kitchen knife and bashed in with a telephone. The accused then set fire to his flat before leaving. The jury returned a verdict of not guilty on the grounds of self-defence in this case (Bendall Evidence, 29.06.94).

In a NSW case in 1991, evidence in a murder case suggested the accused had told friends before the attack that he intended to pick up a homosexual to rob, and after the incident had bragged that he had "rolled a fag". Notwithstanding this evidence, the accused was acquitted on the grounds of self-defence (Submission 54). A similar verdict was reached in a case in May 1995.

The Attorney General has instructed the Criminal Law Review Division of his Department to investigate and report on this matter, with appropriate consultation with organisations representing the homosexual and lesbian community. The Committee believes the Attorney should consider this issue as a matter of urgency when the report is made available, and respond appropriately.

RECOMMENDATION 166

That upon the release of the report from the Criminal Law Review Division the Attorney General give priority to examining the validity and legality of the "homosexual panic defence".

12.4 CONCLUSIONS AND FINDINGS

- Prevention should be the first response of an effective juvenile and adult offending policy.
- Juvenile offenders who commit relatively minor offences, including those that involve less serious incidents of violence, should be referred to a Children's Panel, coordinated by the Department of Juvenile Justice and with involvement by the Police Service, community representatives, the offender and his/her family and the victim and any support people.

- Appropriate diversion and intervention strategies at the pre-court and sentence stage, including custodial stage, need to be developed, implemented and evaluated.
- The Department of Juvenile Justice and the Department of Corrective Services have a responsibility to ensure that violent offenders who come into their system are provided with appropriate and effective management to maximise their successful reintegration into the community.
- Violent juvenile offenders who are sentenced to a community based penalty involving supervision should be properly and consistently managed by the Department of Juvenile Justice and be provided with appropriate programs and counselling to address their violent behaviour.
- Violent juvenile offenders who are sentenced to a custodial sentence require intensive intervention, supervision and counselling that addresses their violent behaviour, and such supervision and counselling should be available to the offenders upon their release into the community.
- All violence-focussed programs and services for young offenders, both community and custodial based, should be culturally appropriate and be responsive to the needs of young offenders from various ethnic and cultural backgrounds.
- Specific programs should be developed for young female offenders who have committed violent offences and be responsive to their special needs.
- The Committee urges that the Juvenile Crime Prevention Advisory Committee have appropriate representation of and consultation with young people so as to develop strategies to reduce or prevent violence.
- Suitable levels of counselling services and counselling staff should be maintained to reflect the size and needs of the group of young violent offenders in adult Correction Centres.
- Systematic behaviour modification programs such as the adult-based Special Care Unit should be appropriately supported in the mainstream prison system, the establishment of the Violence Prevention Unit at Long Bay Correctional Centre should be facilitated and a Crisis Support Program should be established at Mulawa Correctional Centre as a matter of priority.
- Pilot programs for victims of sexual assault who are in the prison system should be developed and drug and alcohol rehabilitation programs in prisons should be adequately and consistently resourced.

- The *Sentencing Act, 1989* should be amended to ensure that all parole of young offenders is supervised, and that the Department of Juvenile Justice accepts responsibility for the supervision of juvenile offenders.
- The Attorney General should give priority to examining the validity and legality of the "homosexual panic defence".

CHAPTER THIRTEEN

OTHER GOVERNMENT AGENCIES

This chapter examines the responses of a range of other departments to youth violence. The Committee recognises that an integrated approach to dealing with violence in the community is required.

The Department of Community Services, through its responsibilities for young people in care, supported accommodation assistance, and responding to child abuse, has particular importance in this regard. Services funded under the Community Services Grants Program and Area Assistance Scheme are also relevant to violence prevention. The policies of a number of other agencies are also considered, including the Departments of Transport, Housing and Health. The Committee also considers the issue of government responsibility for Youth Affairs, and the role of inter-agency collaboration through initiatives such as the Community Youth Support Taskforce and subsequent developments in Moree, Walgett and Marrickville. The role of community education is also examined.

13.1 DEPARTMENT OF COMMUNITY SERVICES

The Committee is aware that many offenders have a history of contact with the welfare system. Services provided to young people in care, who are in supported accommodation or who have experienced various forms of abuse are therefore relevant to the violence prevention.

13.1.1 Young People in Care

The Committee was informed that 5,676 children are in the care of the Department of Community Services, 2,433 of whom are state wards (Shier Evidence, 29.08.94).

The Committee heard that the Department of Community Services has adopted a number of strategies to support young people expressing acting-out or violent behaviour. These include the provision of one-to-one staffing for difficult children according to their needs, specialised counselling, and obtaining the advice of experts in assessment. There are also individual service models and individual case plans for children (Shier Evidence, 29.08.94).

■ Ormond and Minali

The Committee heard of a strategy for the redevelopment of Ormond and Minali to provide a focus on individual case plans for residents. Three types of placement programs will exist in Ormond and Minali: emergency care, assessment care and a therapeutic program.

Emergency care caters for young people who need accommodation for a short period of time. Assessment care caters for young people in need of a stable environment for assessment by teachers, health workers, doctors, psychologists and social workers. Placement options are considered and an individual case plan formulated over a period of approximately six weeks.

The therapeutic program caters for young people who require intervention management over a longer period of three or four months. These young people are assisted in gaining self-control over their impulses and an insight into their behaviour (Goh Evidence, 29.08.94).

The Committee was advised Ormond and Minali will be more directly linked. Minali will offer services for younger children who are less street-wise and sophisticated and who may have a mild intellectual disability. The Ormond program will be offered to children who are more street-wise and may have a drug and alcohol dependency or be prone to suicidal behaviour. Ormond will have a close link with the Health Department's adolescent psychiatric services.

The redevelopments at Minali and Ormond enhance the new substitute care services that are being established. Information will be collected to develop area plans and identify the young people that require intensive therapeutic involvement because of their behaviour (Shier Evidence, 29.08.94).

The Committee considers it vital that programs at Ormond and Minali addressing the needs of young people with acting-out or violent behaviour are maintained.

RECOMMENDATION 167

That the Minister for Community Services maintain a commitment to ensuring programs for young people at Ormond and Minali address the needs of young people with acting-out or violent behaviour.

■ **Substitute Care Reforms**

Under the substitute care reforms there will be 16 new residential services, providing 96 beds. The first five successful tenderers to provide the new services are Barnardo's Australia (Illawarra); Centacare (South West Sydney); Burnside (Macarthur); Baptist Community Services (Cumberland/Prospect) and St Saviour's Neighbourhood Centre (Southern Highlands) (Minister for Community Services, 1994).

The Committee heard from Departmental representatives that the reforms will enhance the provision of appropriate care and support by providing more personalised programs tailored to meeting the children's needs in their local area. The small numbers in residential units will ensure trained staff focus on the individual needs of the children, anticipating problems as they arise and preventing them from escalating to the same extent as can occur in large congregate care arrangements (Shier Evidence, 29.08.94).

The substitute care services required in each of the Department's twenty areas are being identified through a process of community consultation. Individual case audits of each young person currently in the Department's care are being carried out to identify how future services should cater for individual needs. The Committee believes this process should be closely monitored to ensure all needs are met by future services under the substitute care reforms, and an evaluation should take place after three years.

One witness was critical of what he believed to be the "flawed" concept of the Usher report which suggests that non-government institutional care is better than government institutional care. The Committee was informed that in the U.S. and England a number of institutions were bought back by the Government after a number of years when it was found a core of young people were not being taken on by the non-government welfare sector (Bowie Evidence, 08.11.93).

RECOMMENDATION 168

That the Minister for Community Services

- monitor the audits conducted by the Department of Community Services to ensure that the needs of each young person currently in the Department's care will be met by future services under the substitute care reforms; and
- evaluate the effectiveness of the reforms after three years to ensure these needs are being met.

13.1.2 Supported Accommodation Assistance Program (SAAP)

The Supported Accommodation Assistance Program (SAAP) provides assistance for families, single men or women, and adolescents who are homeless. It has been estimated from a range of data, including numbers in a SAAP service or refuge on census night in 1991, that there are between 15,000 and 19,000 homeless young people in Australia each year (MacKenzie and Chamberlain, 1992). In 1992-93, 175 services offered support for young people under the SAAP program. These services provide accommodation, information, referral, assessment and outreach, with a primary focus on preventative activities.

The Committee is concerned that there be a continuum of service for young people in supported accommodation, recognising that the primary needs of these young people include long-term secure accommodation, reintegration into the education system and drug and alcohol counselling.

A number of witnesses expressed concern regarding the shortage of crisis accommodation leading to children under 16 years of age being placed in refuges designed for older youths:

A number of students in residential care have adult supervision once every few days. Because of this lack of support there will be difficulties in the future. I know that the answer to that is institutionalised care. I do not care much for that, but I do not believe sufficient services are being made available for students in residential care (In camera evidence).

The Committee heard that children under 16 years may be placed in refuges or other supported accommodation services as part of a case management plan, for example, as a short-term solution to crisis, or in cases where a child presents at a refuge and remains there under

supervision after assessment while appropriate support is negotiated (Shier Evidence, 29.08.94).

National and NSW reviews of SAAP were carried out in 1993. Both reviews recognised that accommodation is one of the range of supports that homeless young people require. Other key initiatives being considered include brokerage services, detached workers and multipurpose services with a strong emphasis on case management (Shier Evidence, 29.08.94). The new Supported Accommodation Assistance Program (SAAP) agreement negotiated between the Commonwealth and the States does provide for the placement of younger children.

The Committee believes appropriately supervised facilities should be available for children under 16 years under the SAAP program. The Committee also recognises children may accompany a parent or parents, including mothers escaping domestic violence, in entering crisis accommodation services, and believes the needs of these children should be considered in such services.

One submission to the Committee suggested that continued funding was not secure for the NSW Government to match federal funding for growth in the Supported Accommodation Assistance Program (Submission 19). The Committee believes it vital that funding is maintained at a level which ensures the short, medium and long term needs of young people are met in these facilities.

RECOMMENDATION 169

That the Minister for Community Services ensure the NSW Government's funding commitment to SAAP is maintained at a level enabling the program to meet the needs of young people through support services which

- **provide appropriately supervised accommodation for unaccompanied children under 16 years;**
- **assist children under 16 years accompanying their parents in other crisis accommodation facilities; and**
- **address the long term needs of all groups of young people.**

13.1.3 Response to Child Abuse

As discussed in Chapter Four, the experience of child abuse has been linked to later aggressive behaviour. Several witnesses were critical of the Department of Community Services' response to child abuse. One witness stated there had been staff cuts in the Department so that

the ability of [Departmental] staff to follow through on cases of child sexual assault and other more primary prevention areas is made increasingly difficult (Bowie Evidence 08.11.93).

The Committee was also informed that, while the Department of Community Services formerly had District Officers who became part of a local support network of welfare workers, the Department now has teams of officers, which do not foster the development of collegiate support networks (In camera Evidence).

In response to the assertion that staff numbers have been cut, a Departmental officer advised the Committee the Department had increased district Officer numbers and introduced child protection specialists in each Departmental Area Office (Sinclair, 1994). In addition, the Minister for Community Services has indicated that 60 specialist child protection positions will be created within the Department by the end of 1996 (Mathieson, 1995).

The Committee also heard from a youth worker that over the last few years the Department of Community Services has increasingly specialised in child sexual assault and the Department's response to child physical abuse is lacking. The youth worker had made a notification to the Department about a young person whose father was beating him. The Department allegedly said they were not able to do anything and returned the young person to his home. The father was later alleged to have been sticking pins into his child's leg as punishment

and I still could not get the Department to do anything because it was not sexual assault and was not a priority (Brown Evidence, 25.10.93).

Another witness informed the Committee that the Department will not act on reports of children at risk unless bruising is evident (Winter Evidence, 08.11.93).

The Committee was subsequently advised that two key factors are considered in assessing the urgency of allegations of child abuse:

- the current circumstances of the case, and perceived level of risk to the child; and
- the known history of the case (Sinclair, 1994).

Departmental data, shown in Table Ten below, relating to children with confirmed abuse and neglect in 1993-94 indicate the percentage of sexual abuse decreased whereas the confirmation rate of physical abuse increased:

TABLE TEN

Children with Confirmed Abuse and Neglect, 1992-3 and 1993-4

Abuse Type	1992-93	1993-94	% Increase in 1993-94
Emotional	3571	3969	11.1
Physical	2905	3222	11.0
Neglect	2234	2430	8.8
Sexual	3584	3019	-15.8
Total Abuse	12,300*	12,634**	20.6

* There were 6 cases where abuse type was missing/unknown.

** There were 3 cases where abuse type was missing/unknown.

Source: Department of Community Services.

The Committee remains concerned, however, that the perception among some welfare workers is that allegations of physical abuse are not receiving adequate attention, and believes the Department's responsiveness to these allegations should be reviewed.

RECOMMENDATION 170

That the Minister for Community Services undertake a review of the Department's responsiveness, and adequacy of staff to respond, to notification of child physical abuse and ensure immediate action is taken to guarantee the safety of the child by

- **prompt investigation; and, where desirable**
- **removal of the child.**

13.1.4 Community Services Grants Program

A range of government and non-government community support services are provided through the Community Services Grants' Program which provides support for young people, older people and families and adolescents under stress or in crisis.

Several witnesses highlighted the importance of the program in funding projects that can directly impact on levels of youth violence. The Committee heard, for example, that the Barnardo's street work team in Marrickville, funded through the Program, was instrumental in

addressing the potential escalation of violence following a fight at a local school involving a knife and two young people of different ethnic backgrounds. While the dispute was not racially based, the school realised the importance of containing the matter and held an assembly to explain the matter to students. The youth work team was then able to go out on to the streets and contact other young people to prevent an escalation of violence:

That could have erupted into another quite nasty incident between members of those communities, but the work of that team I think went a long way to diffusing that situation (Pisarski Evidence, 29.07.94).

A number of street work programs operate in the metropolitan area. The Committee heard that street-workers can teach young people more productive ways of dealing with arguments than resorting to violence (Malak Evidence, 01.11.93). The Committee also believes other services receiving Community Services Grants provide essential support for young people. Such services include Family Support Services, Neighbourhood Centres, Parent Support Centres and Children's Services Centres.

The Committee believes it vital youth programs that can contribute to crime prevention continue to be funded under the Community Services Grants Program.

13.1.5 Interagency Involvement

The Committee heard that the Department of Community Services has been developing protocols between key Government departments such as the Department of Juvenile Justice, and the federal Departments of Social Security and Employment, Education and Training for services to homeless young people aged under 18 years (Shier Evidence, 29.08.94). The Committee supports this approach.

The NSW Child Protection Council (1991) released interagency guidelines for Child Protection in 1991, and a resource kit, *Working Together to Protect Children*, has recently been launched to ensure a co-ordinated approach by all departments and agencies in the investigation of child abuse (Department of Community Services, 1994).

The Joint Investigations Team (JIT) Pilot Child Protection Project was launched at the end of 1994 as a twelve month trial in Bankstown and Wyong. Police and Department of Community Services officers are co-operating in interviewing child victims of abuse to make the process less traumatic for them. An independent review is planned for the pilot project when it is completed.

The Committee believes the Police Service should ensure officers are appropriately trained to interview child victims without contaminating their evidence. The feasibility of establishing a specialist unit to ensure children are appropriately dealt with and response times are improved should be examined.

RECOMMENDATION 171

That the Minister for Police examine the feasibility of establishing a specialist unit to be responsible for investigating child abuse cases.

13.2 DEPARTMENT OF TRANSPORT

The Committee is aware that the community is concerned regarding safety on public transport. At one high school in Sydney's western suburbs prefects and head teachers have patrolled railway stations to ensure violent brawls between students do not occur on the way to and from school. Senior students introduced the anti-violence strategy in response to fights being planned at school but carried out before and after school at railway stations and bus stops, often involving groups from other schools (Davey, 1994).

In a submission to the Committee from a security officer, it was suggested that the violence allegedly observed between school children on public transport is a new phenomenon. The submission called for liaison between the Ministers for Police and Transport in relation to implementing appropriate safety measures. The submission also recommended patrols on trains, platforms and outside station areas during peak times and the introduction of uniformed officers on buses (Submission 6).

A number of strategies have been introduced in an attempt to minimise violence and crime on trains and stations.

The State Rail Nightsafe scheme was introduced in November 1993. It has seen all but the last two carriages locked and a rail guard riding with the passengers on trains leaving the city after 9 pm. Nightsafe has now been extended to include all incoming trains arriving after this time. The introduction of help point alarms and closed circuit television cameras at stations has also improved passenger safety. In addition to the existing force of 220 transit police, the 800 Sydney beat police were instructed in 1994 to increase patrols of trains and stations (Morris, 1994). The Nightride bus service was introduced in 1989 to maximise the safety of late night passengers. The service utilises buses rather than suburban trains which do not operate from midnight to dawn (approximately 5 am). The buses have an on-board booking facility to arrange for taxis to meet the bus and provision for the bus driver to call the police if required.

In addressing a crime prevention Conference in Brisbane, Professor Marcus Felson of the University of Southern California contended that the NSW rail system has a number of important features which improve passenger safety. Indicator boards display the number of carriages so that passengers know where to wait for the train; the double-deck carriages mean that smaller platforms are required, concentrating the number of people waiting for the train, and the two rows of windows improve passenger observation. Stations have wide entrances, with shops which encourage public use (Felson, 1994).

Safety on buses has also recently received attention. The Minister for Transport indicated that a Code of Sanctions outlining five categories of misbehaviour by school children on school buses - ranging from nuisance to life-threatening misconduct - would be introduced. The Code will give children and parents clear guidelines on conduct and punishment.

The proposal was contained in a report of an Inquiry into the Behaviour of School Students on Buses. Under the new Code of Sanctions, misconduct will result in the cancellation of bus passes for varying periods, with a permanent ban for serious offences. Police action will be taken against children who behave dangerously or destructively, and cautions or counselling have been recommended for less harmful behaviour (Minister for Transport, 1995).

The Committee believes that crime prevention strategies should continue to be considered in the provision of transport services.

While offence data used by the NSW Bureau of Crime Statistics do not provide any reliable information on the identity of the assault offenders, the *Crime on the Rail System* report notes that the NSW Transit Police have attributed a large proportion of assaults on the rail system to youths (Jochelson, 1994:26). A significant proportion of assaults were found to be alcohol-related, most commonly late at night or in the early morning. The report suggests this presents a policy dilemma in that while the public are encouraged to use public transport rather than drink and drive, the congregation and interaction of people under the influence of alcohol may increase the incidence of assault and other crimes (Jochelson, 1994:26).

The Committee believes, however, initiatives which increase the use of public transport are also valuable in reducing crime. Young people should be encouraged to utilise public transport to increase their access to venues providing recreation and leisure options, and reduce the risk of drink-driving and road accidents. The Committee believes pricing policies should continue to encourage young people to use public transport.

RECOMMENDATION 172

That the Minister for Transport continue to ensure

- **crime prevention strategies are considered in the provision of transport services; and**
- **pricing policies encourage young people to use public transport.**

13.3 DEPARTMENT OF HOUSING

Briefing papers supplied to the Committee from the NSW Police Service suggest large high-rise style housing developments concentrating thousands of residents from low socio-economic groups appear to encourage violence and crime and may lead young people to form gangs for peer approval and individual survival.

The Committee believes the Minister for Housing should continue to pursue a policy of integrating public housing into the broader community. The Committee believes it essential that access to adequate indoor and outdoor facilities is provided for young people in housing estates, and families with young people are housed in areas with adequate facilities for young people. The Committee believes these considerations must be given prominence in the

planning of any new public housing developments. This concern is also reflected in the Committee's key recommendation regarding the review of state planning provisions (Recommendation 29).

The submission from the Wollongong Youth Refuge Association Incorporation recommends increasing stock and access to public and community housing for youth and families (Submission 19). The Committee believes strategies for increasing the access of young people to public housing should be examined, and increased funding should be allocated from the housing budget specifically for the purpose of housing young people, such as for the development of special purpose-built housing for single unsupported young people. The Committee is aware of past developments in the style of boarding houses with shared facilities which may be suitable for this purpose.

RECOMMENDATION 173

That the Minister for Housing pursue a policy of integrating public housing into the broader community, both in new and existing housing developments.

RECOMMENDATION 174

That the Minister for Housing ensure consideration is given to

- **providing access to adequate indoor and outdoor facilities for young people in housing estates; and**
- **housing families with young people in areas with adequate facilities for young people.**

RECOMMENDATION 175

That the Minister for Housing examine strategies for increasing the access of young people to public housing, including special purpose-built housing for single unsupported young people.

13.4 DEPARTMENT OF HEALTH

The need for counselling services for young people was stressed by a number of witnesses appearing before the Committee. The Committee was informed that requests for counselling at Community Health Centres have resulted in long waiting lists (Condonis Evidence, 29.08.94).

The Committee heard that few health and counselling resources are available to young people in the 18 to 24 year age group who may be perpetrators of violence:

If they have a drug and alcohol problem they will go to a drug and alcohol centre for that. They will not necessarily be seen for the violence. They could go to Relationships Australia if they could pay. Most of these young people cannot pay. Centacare offers some services, but they are minimal and tend to focus on the under sixteens, as most adolescent services do (Condonis Evidence, 29.08.94).

The Committee believes the availability of counselling at Community Health Centres for young people aged 18 to 24 years should be reviewed, particularly for the perpetrators of violence.

The Wollongong Youth Refuge Association Incorporation claimed the NSW Health Department provides inadequate resources for sexual assault, drug and alcohol, mental illness and crisis and long term support services, and recommends increased resources to the community sector for these purposes (Submission 19). The Committee believes adequate funding levels should be provided for these services.

RECOMMENDATION 176

That the Minister for Health review the availability of counselling at Community Health Centres for young people aged 18 to 24 years, particularly the perpetrators of violence.

RECOMMENDATION 177

That the Minister for Health ensure adequate funding levels are provided for sexual assault, drug and alcohol, mental illness and crisis and long term support services for young people.

13.5 AREA ASSISTANCE SCHEME

The Area Assistance Scheme commenced in 1979 with the funding of the Western Sydney Area Assistance Scheme. The program was extended in 1985 to include the Hunter, Central Coast, Illawarra and Macarthur regions, with the North Coast included in 1990. The Area Assistance Scheme aims to redress inequalities in the distribution of human services in areas experiencing rapid population growth, high unemployment or isolation by regional committees advising the Minister on the allocation of funds to community groups. An amount of \$6.96 million was allocated for 1994-5.

The Area Assistance Scheme has been evaluated as a successful and valuable scheme for providing the community with new services, needs identification and growth in the community sector.

An initial period of funding is provided to projects by the Department of Planning, with other departments such as the Department of Community Services encouraged to fund the projects

on a recurrent basis with pick-up funding provided by Treasury. The time for which pick-up funding is available is limited, requiring Departments to fund projects from their own budget or terminate funding. The Committee was informed that many Departments are now reluctant to sponsor new projects under the Area Assistance Scheme because they will be left with the unpopular responsibility of de-funding the projects (Submission 19). The Committee believes this limitation on the availability of pick-up funding for Departments sponsoring projects under the Area Assistance Scheme should be reviewed.

The Wollongong Youth Refuge Association Incorporation has contended that the Area Assistance Scheme is one of the few schemes where services aimed at young people, violence prevention and education could be developed. They recommended that the Scheme be expanded to ensure ongoing funding for projects identified as providing effective service delivery (Submission 19).

RECOMMENDATION 178

That the Treasurer review the limitation on the availability of pick-up funding for Departments sponsoring projects under the Area Assistance Scheme.

13.6 YOUTH AFFAIRS

The Office of Youth Affairs was disbanded after the March 1995 elections. Its policy and programs responsibilities were split between the Youth Branch of the Cabinet Office (policy) and the Youth Program Unit of the Department of Training and Education Coordination (programs). Ministerial responsibility for youth affairs now lies with the Premier with the Minister for Education and Training also taking on responsibilities as Minister Assisting the Premier on Youth Affairs. The administration of the Youth Advisory Council Act has been transferred from the Minister for Education to the Premier.

The Committee considers the closure of the Office of Youth Affairs to be a very retrograde step. Not only are members concerned with the messages the closure sends to the youth of the state, but they are not satisfied the new arrangement, that splits the coordination of policy and programs, will be appropriate. The Committee therefore calls for the re-establishment of the Office of Youth Affairs with an emphasis on fostering community involvement and empowerment of young people.

RECOMMENDATION 179

That the Premier re-establish the Office of Youth Affairs as a matter of urgency and ensure it is sufficiently resourced to meet its objectives fully.

13.7 INTERAGENCY COLLABORATION

13.7.1 Community Youth Support Taskforce

During the course of the Inquiry, the Committee heard evidence from the Chairperson of the Community Youth Development Taskforce and the Co-ordinators appointed in Moree, Walgett and Marrickville.

The Community Youth Support Taskforce was established by the Premier in 1993 in response to concern over young people engaging in unsupervised activities late at night in a number of communities. The Premier had received depositions on this issue from the towns of Moree, Walgett and Bourke. The Taskforce determined to develop strategies for application in both rural and urban areas, and selected Moree, Walgett and Marrickville as pilot areas for detailed investigation and the exploration of appropriate initiatives (NSW Social Policy Directorate, 1993:2).

While there was significant public concern over youth lawlessness, the Committee was informed that only two incidents of bashings had come to the attention of the Taskforce (Schwager Evidence, 29.07.94).

The Taskforce recommended the establishment of Community Youth Co-ordinating Committees as a two year pilot initiative in the three communities to identify and develop a community plan of action. The plan aims at motivating young people, involving them in the community, identifying core perpetrators and working together with those young people and their families to encourage behavioural change (Schwager Evidence, 29.07.94).

Area co-ordinators have been appointed to develop the co-ordination and resource sharing for an agreed program of action for young people. Regional Project Support Groups comprising regional directors of Departments have also been created to respond to the priorities of the Co-ordinating Committees.

The Committee was informed this approach inverts the traditional model by which government services are delivered, with Chief Executive Officers at the top, a middle layer of regional directors and a range of departments delivering core services to the community. It was suggested the traditional approach is inappropriate in areas with a small population base and results in wastage (Schwager Evidence, 29.07.94).

One witness questioned whether the appointment of full-time co-ordinators is the best use of resources to address youth services. While recognising the need for increased co-ordination, he suggested the appointment of part time co-ordinators with funds allocated to activities and programs would be preferable (Acheson Evidence, 01.11.93).

A Monitoring Group comprised of Taskforce representatives of a number of government departments is monitoring the implementation of Taskforce recommendations and reporting to the Premier.

The Committee was informed, by the local co-ordinators, of a number of initiatives that have involved government agencies, both at Commonwealth and State levels, responding to

community pressure by working together to meet common goals. The Nardoola project, for example, involves a property outside Moree owned by the local Aboriginal land council and not being utilised. At a public meeting on youth violence in 1993, a suggestion was put forward that the property could be utilised for a project involving young offenders. The Department of Juvenile Justice is to contribute to the establishment costs, with the Aboriginal and Torres Strait Islander Commission contributing to the development and construction of housing and facilities.

The Department of Housing and TAFE have been working together under an agreement for Aboriginal housing programs, and TAFE students will be involved in construction. The federal Department of Employment, Education and Training will be involved in landscaping and will work with TAFE to develop courses for residents. A management committee will be formed which will include Aboriginal, non-Aboriginal, government and non-government representatives (Green Evidence, 29.07.94).

The Committee believes that NSW Government agencies should support the Community Youth Support initiatives in Moree, Walgett and Marrickville as models for interagency co-operation. The Committee also believes that, dependent on the evaluation of the operation of the initiatives, they should be extended to other areas of the state.

The Committee recognises that an integrated approach to dealing with violence in the community is essential.

RECOMMENDATION 180

That NSW Government agencies support the Community Youth Support initiatives in Moree, Walgett and Marrickville as models for interagency co-operation and, dependent on the evaluation of the operation of the initiatives, they be extended to other areas of the state.

13.8 COMMUNITY EDUCATION

Peter West, a senior lecturer in education at the University of Western Sydney, has suggested that a series of programs is required to model appropriate behaviour for boys, including a campaign similar to "Real Men Don't Bash or Rape Women", using popular, identifiable men. In his opinion, boys need to be encouraged to reduce risk-taking behaviour and to express emotions (West, 1994:9).

Community education to combat violence against homosexuals and lesbians has also been supported in evidence to the Committee. The submission from the Gay Services Committee of the University of New South Wales Student Guild recommends a state-wide advertising campaign on the value of diversity in our society (Submission 40). A campaign of this nature could also be directed at protecting other minority groups.

The Committee believes it would be appropriate for the new Juvenile Crime Prevention Unit in the Attorney General's Department to implement public education campaigns of this nature. Such campaigns should target boys and young men and encourage non-violent conflict resolution and non-sexist and non-violent relationships. Such campaigns should also condemn violence against minority groups.

RECOMMENDATION 181

That the Attorney General ensure the responsibilities of the Juvenile Crime Prevention Unit include the development of public education campaigns targeting boys and young men and

- **encouraging non-violent conflict resolution;**
- **encouraging non-sexist and non-violent relationships; and**
- **condemning violence against minority groups.**

13.9 CONCLUSIONS AND FINDINGS

- The Committee is aware that many offenders have a history of contact with the welfare system. Services provided by the **Department of Community Services** to young people in care, who are in supported accommodation or who have experienced various forms of abuse are therefore relevant to the violence prevention. Programs at Ormond and Minali addressing the needs of young people with acting-out or violent behaviour must be maintained. Case audits should be closely monitored to ensure all needs are met by future services under the substitute care reforms, and an evaluation should take place after three years. There must be a continuum of services for young people in supported accommodation, recognising that the primary needs of these young people include long-term secure accommodation, reintegration into the education system and drug and alcohol counselling. The needs of young people under sixteen, either accompanying their parents or entering supported accommodation alone, must be met.
- The Department of Community Services' responsiveness to allegations of physical **abuse** should be reviewed. The feasibility of establishing a specialist unit in the Police Service to ensure abused children are appropriately dealt with and response times are improved should be examined.
- Crime prevention strategies should continue to be considered in the provision of **transport services**. Pricing policies should continue to encourage young people to use public transport to increase their access to venues providing recreation and leisure options, and reduce the risk of drink-driving and road accidents.

- **Public housing** should be integrated into the broader community. Access to adequate indoor and outdoor facilities must be provided for young people in housing estates, and families with young people housed in areas with adequate facilities for young people. Strategies for increasing the access of young people to public housing, such as special purpose-built housing for single unsupported young people, should be examined.
- The availability of **counselling** at Community Health Centres for young people aged 18 to 24 years should be reviewed, particularly for the perpetrators of violence.
- The limitation on the availability of pick-up funding for Departments sponsoring projects under the **Area Assistance Scheme** should be reviewed.
- The closure of the **Office of Youth Affairs** has been a retrograde step, and it should be re-established as a matter of urgency and sufficiently resourced to meet its objectives of providing a voice for and empowering young people in the community.
- An integrated approach to dealing with violence in the community is essential. The Community Youth Support initiatives in Moree, Walgett and Marrickville should be supported as models for **interagency co-operation**. Dependent on the evaluation of the operation of the initiatives, they should be extended to other areas of the state.
- The new Juvenile Crime Prevention Unit in the Attorney General's Department should implement **public education campaigns** targeting boys and young men and encouraging non-violent conflict resolution and non-sexist and non-violent relationships. Such campaigns should also condemn violence against minority groups.

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APPENDIX ONE

SUBMISSIONS

-
- **Anscombe, Mr W** School of Humanities and Social Science, Charles Sturt University
 - **Backhouse, Ms GM**
 - **Bahari, Ms M** Youth Services Development Officer, Youth Action & Policy Association - Western Sydney Project
 - **Barbeler, Ms V** Australian Lesbian Youth Coalition
 - **Baxter, Mr D** Executive Director, AIDS Council of New South Wales Inc (ACON)
 - **Bertagnolli, Fr F** Director, Boys' Town
 - **Bowie, Mr V** Lecturer, Department of Youth Work and Justice Studies, University of Western Sydney - Macarthur
 - **Bowles, Mr B R** Vice Chairman, Western Suburbs Division, Real Estate Institute of NSW
 - **Byrnes, Ms J**
 - **Campey, Mr B G** Careers Adviser, Alstonville High School
 - **Carpenter, Mr K** District Guidance Officer, Oatlands Learning Difficulties Centre
 - **Clay, Ms N** Co-ordinator, Wollongong Youth Refuge Association Incorporation
 - **Cunningham, Ms M** Director, Rosemount Youth and Family Services Inc.
 - **Cureton, Mr W H** Regional President, Southern Metropolitan Region, The Registered Clubs Association of New South Wales
 - **Denborough, Mr D** Men Against Sexual Assault (MASA)
 - **Eros Foundation**
 - **Fairlie, Mr D** President, The Law Society of New South Wales
 - **Falk, Mr B** Publisher, *District News*
 - **Finnie, Mr J H** Christian Science Committee on Publication for New South Wales
 - **Gartland, Mrs G**
 - **Goldsmith, Mr J**
 - **Goth, Mrs R** Deputy Chairperson, Prison Fellowship New South Wales
 - **Grant, Mr B** Lesbian and Gay Anti-Violence Project
 - **Grant, Mr G** Picton High School
 - **Griffin, Ms J**
 - **Grunsell, Ms L** Secretary, School Psychologists Australia (Inc)
 - **Hampton, Mr A**
 - **Hancock, Mr G**
 - **Handley, Mr R** South Coast Wilderness Enhanced Program, NSW Department of School Education
 - **Hatswell, Ms J** Training and Development Officer, Australian Guidance and Counselling Association
-

- **Hickman, Sergeant P J** NSW Police Service
- **Hodges, Mr W M**
- **Hua, Mr M** Gay Services Committee, University of New South Wales
Student Guild
- **Huntley, Ms S** Social Worker
- **Hunter Regional
Student Representative
Council**

Lachlan Cornford
Krystal Evans
Jane Goldman
Belinda Gould
Bernard Gresser
Jaynie Slee
- **Hurstville Boys'
High School**
- **Jablonka, Mr J** Street Worker, Wentworthville Youth Service
- **Jenkin, Ms J B** Lecturer - Special Education, School of Education & Language
Studies, University of Western Sydney - Macarthur
- **Le, Hien** Vietnamese Youth Policy Development Officer, Vietnamese
Australian Welfare Association (VAWA)
- **Lovett, Mr K** Lesbian and Gay Solidarity
- **Ludbrook, Mr R** Director, National Children's & Youth Law Centre
- **Macquarie Fields
High School**

Brant Appleyard
Anthony Barthelmess
Terille Bourke
Susie Chua
Luke Rodoreda
Natalie Short
Anna Vukojevic
Natasha Williams
Janine, Joanne, Jodie, Kimberly, Marissa, Rebecca, and
Students from Years 8, 9, 10, 11 & 12
- **Marist High School
Kogarah, Year 9**

Anthony Barbuto
Steven Botterill
Justin Brown
Pino Diloris
Neil Gillett
Brad Hales
Joshua Hasham
Gavin Jennings
Neil Gillett
Paul Leahy

Mark Kohoury
Shane Kouros
Mark Melek
Marc Napoli
Michael Ongkowidjaya
Michael Sanchez
Peter Taouk
Fabiano Truglio
Chris Ward

-
- **MacKnight, Mr I B**
 - **Malak, Ms M** Youth Pilot Project, South West Region, Department of Social Security
 - **McNair, Mrs S**
 - **McPhillamy, Ms P**
 - **McRay, Mr P**
 - **Michel, Mrs M** Correspondence Secretary, Quota Club of Bathurst Inc
 - **New South Wales Youth Advisory Council**
 - **Nguyen, Mr C** Street Worker, Bankstown Multicultural Youth Services
 - **O'Brien, Mr R**
 - **O'Grady, The Hon P** Member of the Legislative Council
 - **Paul, Mrs J**
 - **Phan, Ms C** Multicultural Youth Activities Groups
 - **Re, Mr D** Secretary, Lawyers Reform Association
 - **Riggs, Ms P**
 - **Shannon, Ms C**
 - **Stuart, Mr G** Youth Development Officer, Community Youth Development Project
 - **Ta'ala, Mr J** Street Worker, Bankstown Multicultural Youth Services
 - **Tunstall, Mr A** Vice President, International Amateur Boxing Association
 - **Van de Ven, Mr P** School of Educational Psychology, Measurement and Technology, University of Sydney
 - **Wadson, Ms P** General Manager, The Peer Support Foundation Limited
 - **Waide, Mr M**
 - **Women's Action Alliance (NSW)**
 - **Women's Electoral Lobby (NSW)**
 - **Young Women's Electoral Lobby (NSW) Group of Women's Electoral Lobby**
 - **Youth Worker** Holroyd City Council
 - **Zeltins, Mr R**
-

APPENDIX TWO

WITNESSES AT HEARINGS

Mr Richard Acheson	Manager, Community Development, Marrickville Council
Dr Christine Alder	Senior Lecturer, Department of Criminology, University of Melbourne
Mr Bill Anscombe	School of Humanities and Social Sciences, Charles Sturt University
Mr Roy Atkinson	Assistant Manager, Kings Cross Adolescent Referral & Support Service
Ms Beverley Baker	Publicity Officer, Federation of Parents & Citizens Associations (NSW)
Ms Ian Baker	Director, Policy and Programs, Catholic Education Commission of NSW
Mr Anthony Bendall	Member, Legal Working Group, AIDS Council of NSW
Ms Leanne Berry	Young Womens' Electoral Lobby
Dr Judith Bessant	Lecturer, School of Social Science, Australian Catholic University, Melbourne
Mr Ross Black	Principal, Rivendell School
Mr Rod Blackmore	Senior Children's Magistrate, Bidura Children's Court
Dr Ken Boston	Director-General, NSW Department of School Education
Mr Vaughan Bowie	Lecturer, Department of Youth Work and Justice Studies, University of Western Sydney, Macarthur.
Mr Tony Branigan	General Manager, Federation of Australian Commercial Television Stations
Ms Roslin Brennan	President, Federation of Parents and Citizens Associations (NSW)
Mr Ian Brodie	Co-convenor, Gay and Lesbian Teachers and Students Association
Ms Janelle Brown	Supervisor, Community Development Employment Project, Orana Aboriginal Corporation
Mr Mick Brown	Chairman, Orana Aboriginal Corporation
Mr Shane Brown	Co-ordinator and Senior Youth Worker, South Sydney Youth Services
Ms Joan Byrne	Independent Teachers Association
Mr Shaun Carey	Year 11, Campbelltown Performing Arts High School and Representative of Youth and the Law Project
Mr Ken Carpenter	President, School Psychologists Australia (Inc)
Ms Violet Carr	Wellington Juvenile Justice Panel
Mr Michael Chaaya	Youth Advisory Council
Mr Terry Chapman	Executive Director, Association of Independent Schools of NSW
Ms Narelle Clay	Co-ordinator, Wollongong Youth Refuge Association Incorporation.

Ms Margaret Condonis	Manager, Adolescent Family Therapy and Mediation Service (RAPS)
Ms Marie Coussens	Policy Officer, Department of Juvenile Justice
Mr Phil Cross	President, NSW Teachers' Federation
Mr William Cureton	Secretary/Treasurer, Southern Metropolitan Region, Registered Clubs Association of NSW
Mr Mark D'Astoli	Youth Advisory Council
Mr David Denborough	Men Against Sexual Assault (MASA)
Mr Mark Dennis	Solicitor, Western Aboriginal Legal Service
Mr James Dibble, AM, MBE	Chairman, The Peer Support Foundation Limited
Ms Marg Edwards	Co-convenor, Gay and Lesbian Teachers and Students Association
Ms Claire Edwards	Youth Advisory Council
Senior Sergeant Ian Fitzsimmons	Station Controller, Dubbo Police Patrol, NSW Police Service
Ms Leonie Funk	Social Worker, Come-in Youth Resource Centre
Ms Mary Ghaleb	Youth Advisory Council
Ms Margaret Gleeson	Co-ordinator, Community Youth Support Taskforce, Walgett
Ms Unis Goh	Acting Manager, Care & Protection Directorate, Department of Community Services
Ms Jenny Grant	Senior Parenting Consultant, Tolland Parents as Teachers Program
Mr David Green	Youth Co-ordinator, Community Youth Taskforce, Moree
Ms Lenore Grunsell	Secretary (and School Counsellor), School Psychologists Australia (Inc)
Mr Ray Handley	Head Teacher, South Coast Wilderness Enhanced Program, NSW Department of School Education
Ms Chastity Harris	Come-In Youth Resource Centre
Ms Judy Hatswell	Training and Development Officer, Australian Guidance and Counselling Association
Ms Suzi Hewlett	Executive Officer, Youth Action and Policy Association (NSW) Inc
Ms Cathy Hickey	Independent Teachers Association
Sergeant Phillip Hickman	Former Team Leader, Transit Crime Unit, Tactical Intelligence Group, NSW Police Service
Ms Leora Hirsch	Co-ordinator of Street Work Program, Barnardo's
Detective Tony Holmes	Broken Hill Patrol, NSW Police Service
Mr Ron Hurley	President, NSW Secondary Principals' Association
Mr John Jablonka	Street Worker, Wentworthville Youth Centre
Mr Ian Jackson	Education Officer, Parramatta Catholic Education Office
Mr Peter James	NSW Secondary Principals' Association
Ms Tanya Jeffcoat	Young Women's Electoral Lobby
Ms Jean Jenkin	Lecturer (Special Education), University of Western Sydney, Macarthur

Mr Warren Johnson	Executive Officer, Federation of Parents and Citizens Associations (NSW)
Mr Alec Jones	Psychologist
Mr John Jones	Participating Parent, Tolland Parents as Teachers Program
Ms Valerie Joy	Alternatives to Violence Project (AVP)
Mr Seng Kaing	Multicultural Youth Activities Group
Mr Wayne Karelle	Deputy Director, Registered Clubs Association of NSW
Mr Tim Keogh	Director of Psychological Services, Department of Juvenile Justice
Mr Keith Kerr	Executive Director, Registered Clubs Association of NSW
Dr Nick Kowalenko	Director, Arndell School for for School Purposes and Acting Head Department of Child and Adolescent Psychiatry, Royal North Shore Hospital
Ms Liz Layton	President, "LISTEN ... to the music of your children"
Mr David Leary	Assistant Director, Come-in Youth Resource Centre
Ms Estelle Leonard	Wellington Juvenile Justice Panel
Mr Lou Lewis	Member, NSW Boxing Authority
Ms Sandy Lindeman	Adolescent and Family Counsellor, Dubbo Community Services Information Neighbourhood Centre
Mr Robert Ludbrook	Director, National Children's and Youth Law Centre
Ms Maria Macek	Psychologist, Wagga Wagga Community Health Centre
Ms Mary Malak	Youth Pilot Project, Department of Social Security
Ms Anne Malcolm	Acting Executive Director, AIDS Council of NSW
Ms Gordana Marin	Acting Manager, Codes and Conditions Section, Australian Broadcasting Authority
Mr Andrew Marsden	Community Re-integration Project Officer, Youth Action and Policy Association
Mr Ken Marslew	President, Enough is Enough
Ms Cathie McDonald	Participating Parent, Tolland Parents as Teachers Program
Ms Merrilyn McPherson	Australian Guidance and Counselling Association
Mr Ian Morris	Country Vice President, Federation of Parents & Citizens Associations (NSW)
Ms Michelle Newman	Community Safety Project Officer, Marrickville Council
Mr Cuong Nguyen	Vietnamese Street Worker, Bankstown Multicultural Youth Centre
Mr Shaun O'Dwyer	Men Against Sexual Assault (MASA)
Ms Be Be On	Welfare Worker , NSW Indo-China Chinese Association
Ms Lesley Osborne	Acting Director, Program Services Branch, Australian Broadcasting Authority
Mr Greg Packer	Aboriginal Liaison Officer, Riverina Health Service
Mr Garry Page	Manager, Western Region, Department of Juvenile Justice
Ms Sue Pamment	Australian Guidance and Counselling Association
Mr Laurence Peckham	Manager, Orana Aboriginal Corporation
Mr Ken Pedler	Member, NSW Boxing Authority
Ms Margaret Pickering	Committee Member (and District Guidance Officer), School Psychologists Australia (Inc)

Mr Adrian Pisarski	Co-ordinator, Marrickville Community Youth Support Project
Professor Ken Polk	Reader, Department of Criminology, University of Melbourne
Mr Terry Purcell	Director, Law Foundation of NSW
Mr Tony Rae	Director of Management Consultancy, Association of Independent Schools of NSW
Mr Alan Raisin	Community Program Officer, SW Sydney Area Office, Department of Community Services
Ms June Richards	NSW Secondary Principals Association
Ms Valerie Richie	Young Womens' Electoral Lobby
Associate Professor Ken Rigby	Director of Institute of Social Research, Faculty of Humanities and Social Science, University of South Australia
Ms Natalie Russell	Year 9, Picton High School and Representative of Youth and the Law Project
Senior Sergeant Neil Scarr	Wellington Police Patrol, NSW Police Service
Ms Jane Schwager	Executive Director, Social Policy Directorate
Ms Sonia Shay	Aboriginal Liaison Officer, Riverina Health Service
Ms Jan Shier	Director, Care and Protection, Department of Community Services
Ms Anna Seed	Program and Training Manager, The Peer Support Foundation Limited
Mr Rod Smith	Former Project Manager, Youth and the Law Project (YALP)
Mr John Stathers	Member, NSW Boxing Authority
Dr Warwick Stening	Member, Trauma Committee of the Neurosurgical Society of Australasia
Ms Catherine Sterling	Parenting Consultant, Tolland Parents as Teachers Program
Ms Kerri Sutton	Secretary, "LISTEN ... to the music of your children"
Mr Kek Kong Tai	Co-ordinator, NSW Indo-China Chinese Association
Ms Joli Tie	Director, Policy, Research and Evaluation, Department of Juvenile Justice
Mr Ab Towney	Aboriginal Community Liaison Officer, Wellington Police Station
Mr Greg Tyrer	Psychologist, Department of Community Services, Dubbo
Mr Harley Ullrich	Cool Squad
Mr Paul van de Ven	School of Educational Psychology, Measurements and Technology, University of Sydney
Mr Paul van Reyk	Acting Co-ordinator, Lesbian and Gay Anti-Violence Project
Superintendent Michael Vita	Acting Governor, Reception & Industrial Centre, Long Bay Correctional Centre
Mr Jan de Voogd	Alternatives to Violence Project (AVP)
Ms Pam Wadson	General Manager, The Peer Support Foundation Limited
Ms Esther Walsh	Independent Teachers Association
Professor Brent Waters	Director of Psychiatric Services, St Vincent's Hospital Sydney Ltd

Dr Don Weatherburn	Director, NSW Bureau of Crime Statistics and Research
Mr Ben Weiss	Alternatives to Violence Project (AVP)
Mr Paul West	Aboriginal Community Liaison Officer, Wellington Police Station
Dr Chris Wever	Child Psychiatrist, Rivendell Adolescent Unit and School
Ms Judith Wheeldon	Principal, Queenwood School for Girls
Ms Michelle Williams	Come-In Youth Resource Centre
Ms Joyce Williams	Wellington Juvenile Justice Panel
Ms Susan Wilson	Program Manager, Jasper Residential Unit, Centacare
Ms Di Winter	(District School Counsellor), School Psychologists Australia (Inc)
Sergeant Paul Woodward	Beat Police Supervisor, North Sydney Police Patrol

In Camera

The Committee heard evidence in camera from eight witnesses.

APPENDIX THREE

BRIEFINGS/VISITS

■ **Aboriginal Youth Forum**

Katy Brown
Matthew Coe
Willy Gordan
Maxine Hickey
Willy Robb

Co-ordinated by:

Jenny Anderson
Sue Holden

Juvenile Justice Worker, South Sydney Youth Services
Deputy Principal, Cleveland Street High School

■ **Boys' Town**

Father Denis Halliday
Joe Murik
Louise Single

■ **Campbell House SSP**

John Frew, Principal

Staff

Lyn Crighton
Tim Grew
Georgina Kennett
Peter Passaliokis

Students

Eric Faiai
Matthew Gibbons
Kristina Lennox
Jeff Spires

■ **Cobham Juvenile Justice Centre**

Superintendent Robert Ferguson

Manuel
Warren
James
Ben

■ **"The Cottage" Regents Park Public School**

Bruce Goudge, Principal

Staff

Adriana Cufre
Clare Hannagan
Joanne Heighes
Barney Potts

■ **Dubbo South High School**

John Summers, Principal

Staff

Brian Crispin
Kathy Crispin
Adrian Daley
Michael McCabe
Mary Powell

Students

Carolyn Boyd
Matthew Carr
Merryn Hampel
Ben Howey
Gareth Jones
Emma Long
Jennifer Lennox
Robbie Moore
Kristy Riley
Soli Sahukar

■ **Granville Boys' High School**

John Hardgrove, Principal
Kym Orman, Deputy Principal

Staff

Rosalie De Paoli
Don Hones
Tim Jones
Mona Mansour
Asuman Semel
Stephen Sergis
Louise Yeomans
Christina Ziolkowski

Students

Izzet Anmak
Ibrahim Anmak
Khalid Etri
Benyameen Issa
Jack Makhoul
Hadi Joweihan
Bhavin Patel
Pierre Sande
Michele Sarnelli
Hala Talanoa

■ **Hurstville Boys' High School**

Bob Ramsey, Principal

Students

Danny Abbas	Alex Kassem
Walid Awada	Paul Malekas
Mohammad Chahine	Matthew O'Reilly
Zoran Cirevski	Michael O'Reilly
Ty Cooper	Tarik Salame
Kareem Galal	Tom Taoube
Jarrad Harwood	Savas Topalidis
Adam Johnson	Fabrizio Uchino
Alex Karavias	

■ **Working Party on Hurstville Youth and Town Centre Project
His Worship the Mayor Councillor Bill Pickering**

Council Representatives

**Working Group
Representatives**

Councillor Dick Swanton	Wendy Allerton
Kristi Curtiss	Mark Bailey
David Crane	Sarah Bromley
Peter Jackson	Sgt Peter Cook
Lynne George	Barry Dunn
Howard Wallace	Paul Dwyer
	Cherie Garvin
	Katrina McKenzie
	Nicole Scobie
	Vicki Taranto

■ **James Busby High School**

Liz Donnan, Principal

Don White, Deputy Principal

Staff

Students

Ross Barker	Caroline Antwan
Kris Coury	Roy Barbaro
Maria Hailo	Caroline Barton
Yvette Heyward	Michael Hala
Margaret Hudson	Lidia Ilieski
Peter Minkow	Joanne McCarthy
Alan Schembri	Raymond Nicholson
Punu Sungaran	Michael Shaw
	Tammie Styles
	Leanne Weeks

■ **Koori-Matha Committee, Wellington**

Emma Austin
Kate Austin
Greg Carr
Fiona Gibbs
Jamie May
Adrian Toomey

Representatives from Wellington Aboriginal Health Centre

Jane Austin
Lee-anne Daley
Dianne Smith

■ **Liverpool West Public School**

John Hazell, Principal

Staff

Nicole Benson
Wendy Chisholm
Lisa James
Pauline Kotsellas
Trish Smith

Students

Melissa Denner
Jessica Fraley
Julia Iervasi
Justine Kasparian
Sasha Morris
Amanda Thompson
Andrew Tregonning

■ **Magpie Cottage, Lismore**

Jenny Rae, Administrator

■ **Menai Public School**

Trevor Somerville, Principal
Julianne Hughes, Deputy Principal

Staff

Zoe Owen
Narelle Purkiss

Students

Leigh Anderson
Emma Bray
Terry Chung
Laurent Ducasse
Candice Houda
Alexandra Jones
Daniel Walton
Alexandra Westley

■ **Mt. Druitt High School**

June Richards, Principal
Cathy Anderson, Grievance Officer

Students

Matin Baquayee
Susi Fiso
Emma Gadd
Mamoud Karanough
Finau Luma'a'va
Nader Mahud
Rachel Shackley
Sam Tautua
Kamilia Zraika

■ **New South Wales Department of Juvenile Justice**
Mr Carl Loughman, Assistant Director General

■ **New South Wales Department of School Education**
Ms Eleanor Davidson, Co-ordinator of Curriculum

■ **New South Wales Police Service**
Assistant Commissioner Ken Moroney
Executive Director, Education and Training Command

Chief Superintendent PW McKinnon
Commander, State Intelligence Group

Chief Superintendent P Clamp
District Commander, Prospect