

Submission No. 37

(Youth Violence)

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A.O.C

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MEMBER FOR MOLONGLO

Chair, Standing Committee of Family, Community, Housing and Youth PO Box 6021 Parliament House CANBERRA ACT 2617

Thank you for your letter of 9 September 2009 to the Chief Minister inviting the ACT to provide a submission to the Commonwealth Parliamentary Inquiry into the Impact of Violence on Young Australians.

The ACT Government is committed to eliminating violence against children and young people in the ACT. This is reflected in the ACT Government's strategic policy framework notably, the 2008 *Canberra Plan: Towards our Second Century* and the 2004 *Canberra Social Plan.* The attachment to this letter outlines some of the ACT's current initiatives that focus on a continuum of programs, interventions and support to ensure the safety and wellbeing of young people.

Thank you for the opportunity to provide input to the considerations of the Inquiry.

Yours sincerely

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Katy Gallagher MLA Acting Chief Minister

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ACT LEGISLATIVE ASSEMBLY

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Attachment

ACT GOVERNMENT SUBMISSION TO COMMONWEALTH PARLIAMENTARY INQUIRY INTO THE IMPACT OF VIOLENCE ON YOUNG AUSTRALIANS

Canberra is a city with a young population. While the proportion of young people in Canberra is forecast to decrease, Canberra will continue to have a higher proportion of young people than the national average. In 2006, 21.47% of the population in the ACT were aged 12-25 years (69,574) compared with 19.10% nationally (Youth 12-25 inclusive yrs).¹

By 30 June 2008 there were 73,534 persons in the ACT aged 12-25 (inclusive), or 21.28 %, compared to 4,167,138 persons (19.44 %) nationally.

Strategic policy framework

The ACT Government's strategic planning framework, notably the *The Canberra Plan: Towards our Second Century* and the *Canberra Social Plan*, provides a strong policy platform for a coordinated response in meeting the needs of the Canberra population. Investing in children and young people, increasing participation, engagement and achievement of children and young people, and improving transitions between school, further study and the workforce underpin a continuum of responses to support the safety and wellbeing of young people. This is complemented by the ACT Government's commitment to community inclusion and ensuring that the most vulnerable in the community are supported to reach their potential, make a contribution and share the benefits of our community.

Strategic policy focus - young people

The ACT Young People's Plan 2004-2008 provided a whole of government policy framework for all young people in the ACT based on the four directions of Participation, Access, Transitions and Support.

The ACT Department of Disability, Housing and Community Services (DHCS) is currently reviewing the ACT Young People's Plan. As part of this, DHCS conducted consultations with young people through surveys and forums over an eight week period from May to July 2009 for preparation of the draft Young People's Plan 2009-2014. The final Plan is due for launch in December 2009.

During consultations, a number of issues were raised by young people about their safety. These included:

- young people felt unsafe in public areas, particularly in bus interchanges and whilst catching public transport. This was particularly evident for young people with disabilities, who often would not take public transport due to feeling unsafe;
- safety during social outings, particularly in the city and especially at night;
- violence and stereotyping towards select groups of young people particularly those from the gay, lesbian, transgender, bisexual and intersexual community;

¹ ACT and Australian Data: 2006 Census

- young people would like safe housing, particularly when transitioning from supported accommodation or from the care and protection system;
- bullying generally, with some young people stating that it happens in both the school environment and in the home environment from siblings, step-parents and sometimes parents; and
- cyber-bullying was also raised as an issue of importance by many young people.

The ACT Government will respond to these concerns in the Young People's Plan 2009-2014 that will focus on improving outcomes for all young people in the ACT.

The ACT Children's Plan was originally launched in 2004. This Plan is currently being refreshed, in consultation with children and young people, simultaneous to the review of the ACT Young People's Plan so that the two plans are complementary and provide a continuum framework for the ACT regarding the care and opportunities for children and young people in the ACT.

Provided below are specific comments that encompass the Inquiry's Terms of Reference.

Young People in the ACT

The ACT has a Commissioner for Children and Young People. The Commissioner's role is to consider complaints, encourage and assist users and providers to make improvements to services and ensure service standards are met. For children and young people, the Commissioner's role is to consult, seek advice and encourage participation in decision-making.

Office for Children, Youth and Family Support

The Office for Children, Youth and Family Support within the ACT Department of Disability, Housing and Community Services brings together a range of services and functions with the aim of developing integrated policies and programs for children, young people, their families and carers. To provide support for young people, the Office funds and works in partnership with a number of services that work directly with young people. These involve community organisations that include youth centres, youth support, youth development and youth representative services.

Child Protection Policy

On 2 July 2008, the *Children and Young People Act 2008* was passed by the ACT Legislative Assembly. The Act significantly reformed the law relating to children and young people in the ACT, particularly in the areas of care and protection. The new legislation is Human Rights compliant legislation and specifically addresses the issues relevant to the protection of children and young people, youth justice, child care and the employment of children and young people. Key changes that were made to the Act include:

- the threshold for voluntary reporting was changed from reporting that a child or young person is in "need of care and protection" to reporting a "belief or suspicion about the child or young person being abused, neglected or being at risk of abuse or neglect"; and
- a new mandatory reporting exception has been inserted. The new exception applies if the mandated reporter reasonably believes that the child or young person has experienced, or is experiencing, non-accidental physical injury caused by another child or young person and the subject child or young person has a person with parental responsibility who is willing and able to protect them from further injury.

Actions to prevent violence in ACT Government schools

The psychological impact of violence perpetrated on young people and their experience of violence is a small but significant component of the work of teachers and school counsellors in ACT schools.

The development of universal programs that promote social emotional learning for young people is important to build resilience in all students. It is important to understand that victims of violence, whether directly or vicariously, often internalise the pain they have experienced. These often become the hidden victims, and universal programs are important in reaching this group. In ACT public schools the frameworks *KidsMatter* and *MindMatters* are being deployed as an organiser for schools to develop social emotional learning programs.

Universal bully prevention strategies are encouraged in all ACT public schools. Specifically the *Friendly Schools and Families program* is supported across the public school system as an effective evidenced based approach to preventing bullying in schools. Inherent in this approach is community education about what bullying is and what the effects are of bullying and violence in the community.

The Department of Education and Training's *Providing Safe Schools – P-12* policy and related policy *Countering Bullying, Harassment and Violence* were published in 2007 to guide schools as they develop their whole school plans to deal with issues of bullying and violence that might occur within schools. The policies require that schools have in place practices and programs that are designed to ensure that all students are protected from bullying, harassment and violence. School procedures must include specific strategies for reporting, intervening, accessing help and support and, for teachers and staff, professional learning. Schools are also required to report instances of bullying, harassment and violence that pose an immediate threat to the safety of students and staff as critical incidents.

ACT schools use *Protective Behaviours* as an organiser to develop personal safety skills for young children. This has been rolled out in the majority of primary schools and is considered a useful program for developing personal safety skills in students in school and outside school. The *Protective Behaviours* program aims to enhance the problem-solving and communications skills of people of all ages. It also encourages individuals to identify situations that are unsafe, or potentially unsafe, and to develop strategies to counter these situations and preserve their physical and emotional safety.

Adolescence is a time of heightened vulnerability to violence in schools. It may also be a time of increasing alienation from adults. This alienation can amplify the impact of actual and perceived violence. In ACT public schools each high school has a Pastoral Care Coordinator and a Youth Support Worker whose essential goal is to increase students' connections to adults who care and provide an opportunity to talk through issues of concern and importance to young people.

School Counsellors work individually with students who display trauma related behaviour that has resulted from their experience of violence at home or in the community and with school staff to have them better understand how to respond to trauma behaviour in classrooms. In the ACT the resource *Calmer classrooms: A guide to working with traumatised children* published by the Child

Safety Commissioner of Victoria (2007) is frequently used as a useful guide for school counsellors when working with school staff.

Restorative Practices are widely used in ACT public schools as rational and peaceful ways of resolving conflict between students. These actively teach students alternatives to violence as a means to have their needs met and develop empathy in perpetrators of violence. Where appropriate, the use of restorative practices by suitably qualified practitioners is an approach that is used along with a range of other supports.

Social factors that contribute to violence by young Australians

Alcohol Consumption

Evidence increasingly suggests that risky drinking during adolescence can impair healthy brain development including long-term memory and learning problems. This in turn can impair social development, leading to poorer performance at school and an increased risk of social and psychological problems. It is important to note that determination of 'risky drinking' levels are generally based on guidelines for low-risk drinking levels for adults. However, young people are generally smaller than adults and have developing brains. No strong body of evidence exists to guide recommendations about low-risk drinking levels for young people.

It is also important to note that young people can suffer the consequences of other people's drinking. For example, 21% of victims of alcohol related physical abuse are aged 14-19 years, and 12% of victims of alcohol-related verbal abuse are aged 14-19 years.²

The following figures provide an indication of alcohol impacts over an average12 month period for the ACT based on data from a number sources:

- 15 deaths per year, on average, caused directly by alcohol³
- five road deaths per year, on average, caused by drivers affected by alcohol⁴
- 293 ACT inpatient hospitalisations as a direct result of alcohol use⁵
- 553 emergency department presentations for ACT residents⁶
- 280 ambulance attendances per year on average for high level intoxication involving alcohol⁷
- around half of the NSW risk-of-harm reports made to care and protection services (in NSW) involve parent/carer and other drug abuse.⁸
- 26% of 14-19 year olds at risk of short term harm to their health from alcohol consumption on a monthly basis, and 7% at risk of long term harm⁹

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² Ibid.

³ Population Health Research Centre, ACT Health unpublished data

Chikritzhs, T. Catalano, P. Stockwell, T. Donath, S. Ngo, H. Young, D. et al 2003, Australian alcohol indicators

Patterns of alcohol use and related harms for Australian states and territories 1990-2001, National Drug Research Institute and Turning Point Alcohol & Drug Centre, Melbourne

⁵ Population Health Research Centre, ACT Health unpublished 2006-2007 data.

⁶ ACT Health unpublished EDIS data 2006-2007

⁷ ACT Health unpublished Ambulance Service Attendance 2005-2008 data

⁸ Estimation based on Department of Community Services. NSW figures in the absence of ACT data. Source is.

Bruce Barbour, NSW Ombudsman letter to The Hon Jenny Macklin MP. Minister for Families, Housing, Community Services and Indigenous Affairs, dated 15 July 2008

- 10% of those in the ACT aged 14 years and older reporting drinking at risky or at high risk levels in the long term¹⁰
- 21% of those in the ACT aged 14 years and older reporting drinking once a month or more at levels considered to be harmful in the short term¹¹
- 2865 people seeking alcohol and other drug treatment for problems involving alcohol¹²
- 1617 people apprehended for intoxication ¹³ including 560 intoxicated persons taken in to police custody for their own protection and a further 814 intoxicated persons lodged in custody for behaving in a disorderly manner.¹⁴

It has been estimated that nationally, approximately 62% of police time is spent in response to alcohol-related incidents. Alcohol is involved in 73% of assaults, 77% of street offences, and 40% of domestic violence incidents and in approximately 90% of all late-night Police call-outs.¹⁵

The draft ACT Alcohol, Tobacco and Other Drug Strategy 2010-2014 is expected to be released for public consultation in late 2009 with a view to the Strategy being finalised in March 2010. Actions to prevent and reduce the harm associated with alcohol are a key focus of the draft strategy.

Strategies to reduce violence and its impact on young people - ACT context

The ACT recognises the benefits of, and need for, early intervention and prevention strategies. The ACT Government provides an early intervention and prevention program for children from birth to age five and their families. The program provides a range of universal and targeted parenting information and support services, specialist clinical services, community development and community education programs. Services are delivered in partnerships with other agencies, local community organisations and service providers.

The ACT Government also provides a range of services that whilst not specifically designed to reduce violence and its impact on young people, support a holistic and individualised approach to young people and family support that can assist to reduce the likelihood of violence or reoccurrence of violence, and provide support for victims of violence. These include the Turnaround Program, the Junction Youth Health Service and the Women's Centre for Health Matters, all of which are discussed further below. In addition, programs such as the Youth Interact Network exist to identify and promote messages among young people in the ACT, the Family Violence Intervention Program provides coordinated criminal justice and community

11 Ibid.

http://www.afp.gov.au/about/publications/annual_reports/actpol.html

^{9 2007} National Drug Strategy Household Survey - ACT Confidentialised Unit Record File.

¹⁰ Australian Institute of Health and Welfare 2008 2007 National Drug Strategy Household Survey: detailed findings. Drug statistics series no 22 Cat. no PHE 107. AIHW: Canberra

¹² ACT Health unpublished ALCOHOL AND OTHER DRUG treatment data 2006-2007.

¹³ Source: Australian Federal Police annual reports 2004-2005, 2005-2006 & 2006-2007 available at.

Australian Federal Police 2008. ACT Policing submission to the Department of Justice and Community Safety Discussion Paper: Review of the Liquor Act 1975. ACT Policing. Canberra

¹⁵ Doherty, SJ & Roche, AM 2003. *Alcohol and Licensed Premises' Best Practice in Policy. A Monograph for Police and Policy Makers*, Australasian Centre for Policing Research: Adelaide

response to criminal family violence matters and specific Indigenous programs also operate from Gugan Gulwan Youth Aboriginal Corporation.

Turnaround Program

The ACT's Turnaround Program is designed to provide services for young people aged between 12 and 18 years with high and complex needs that are not met or sustained by existing services. Turnaround clients typically have a significant history of early childhood trauma, involvement with statutory services (Care and Protection and/or Youth Justice), multiple personal issues (mental health, drug and alcohol issues, offending behaviours, homelessness etc), families with multiple issues (as above and family violence and criminal behaviour by other family members are common) and an average of seven different services involved with them. The aim of the program is to establish social connectedness and positive life pathways. Turnaround uses 'wraparound' service principles to ensure that services are individualised, young person centred, collaborative, culturally appropriate, coordinated, and community based.

The Junction Youth Health Service

The ACT's Community Health Policy Unit has a Service Funding Agreement (SFA) with the Junction Youth Health Service. The Junction is funded by ACT Health to deliver health care services to young people who are unable to access mainstream health care providers, with a focus on advocacy for improved access to relevant health and wellbeing services for homeless or otherwise at-risk youth.

Based on reporting provided by the Junction for the period January – June 2009, of all consults, where a cultural background was recorded, 25% were from an Aboriginal and Torres Strait Islander background and 24% were from a Culturally and Linguistically Diverse background.

The Junction offers outreach services in the form of an Outreach Team consisting of a Doctor, Nurses and Youth Workers. The key role of the outreach program involves engaging with at-risk youth via presentations at schools and other youth services. During the delivery of the outreach program the Outreach Team provide support and information regarding domestic violence, harassment and bullying, in addition to other information.

The Junction provides free counselling services for at-risk young people up to the age of 18 years. Wherever appropriate the Junction will refer clients to specific services for example Relationships Australia for Family Violence Prevention counselling, Early Intervention Services and Relationship Skills Courses.

The Women's Centre for Health Matters

The ACT's Community Health Policy Unit has a Service Funding Agreement (SFA) with the Women's Centre for Health Matters. The Women's Centre for Health Matters is funded by ACT Health to work to improve the health and wellbeing of women in the ACT and surrounding region, by providing information, health outcome improvement programs and representation on health issues affecting women of all ages, with a focus on those who are marginalised or disadvantaged.

The Women's Centre for Health Matters provides all women in the ACT with access to women's health information resources; supporting clients to locate the most appropriate services relevant

to their needs, for example referral to the Domestic Violence Crisis Service ACT. This provides a crucial service to all women in the ACT, including young women.

Family violence and young people

In the ACT, on average, 1680 children are present per annum during reported family violence incidents. This constitutes between 33 - 44% of all family violence incidents attended by police in the ACT.¹⁶

This statistic indicates that while children and young people may be exposed to violence in society, through the media and in cultural institutions, a significant number of children and young people experience violence in their family relationships. This is particularly relevant for young people at a time when they are forming their attitudes and beliefs about relationships.

One of the ACT Government's identified key priorities relates to homelessness resulting from women and children who are escaping domestic violence. Under the *Supporting Victims of Domestic Violence* initiative, a partnership is to be established between Housing ACT and the Domestic Violence Crisis Service to enable women and children who are victims of domestic violence to retain their housing by removing the perpetrator from the public housing lease where a final Domestic Violence Order is in place.

An ACT Prevention of Violence against Women and Children Strategy will be developed to align with the development of a National Plan to Reduce Violence against Women and their Children.

An ACT Strategy will provide overarching principles to guide violence prevention activities across government and support the ability of key service providers (government and non-government) to provide flexible and targeted responses to women and children experiencing violence, including support to men using violence.

In the ACT, a number of successful and innovative programs seek to develop young people's understanding of healthy relationships, and to challenge violence supporting attitudes, or early use of violence. Two are described below.

Canberra Rape Crisis Centre and CASA House Victoria

Canberra Rape Crisis Centre is working in partnership with the Centre against Sexual Assault (CASA House) to implement CASA's *Sexual Assault Prevention program for Secondary Schools* in three secondary (high school and college) schools in the ACT – Narrabundah College, Telopea Park School and Canberra Grammar School. This is part of the Commonwealth Government's funding related to the development of a *National Plan to Reduce Violence against Women and their Children*. With funding from the ACT Government Office for Women, Campbell High School students will also have access to the program. Approximately 700 students and 50 teachers will benefit from this program over three years.

The program reaches beyond the issues of sexual assault and seeks to build a culture of zero tolerance of violence and disrespect.

Relationship Things

¹⁶ Office of Victims of Crime Coordinator *Criminal Justice Intervention in Family Violence in the ACT* 2006 pp2, pp17-18

The YWCA of Canberra has developed a range of resources and training materials designed to support young people to develop healthy and respectful relationships. These can be found at: http://www.ywca-canberra.org.au/community_resources/relationship_things.

Relationships Things training is a free training resource that allows people to develop their own violence prevention programs in collaboration with colleagues from other services with the support from the YWCA of Canberra and Relationships Australia. Relationship Things also has community resources available for download from the website.

Aboriginal and Torres Strait Islander Young People

The ACT submits that particular consideration should be given to Aboriginal and Torres Strait Islander young people in consideration of this matter, in particular the broader application of the term family violence and that issues need to be addressed holistically and not individually. The Indigenous Family Violence Program in the Commonwealth Department of Family, Housing and Community Services aims to develop a sustainable reduction in, and prevention of, Indigenous family violence and child abuse through the enhancement of existing, or establishment of new services/initiatives, in partnership with States and Territories throughout Australia. The ACT supports this program.

ACT Health funds Winnunga Nimmityjah Aboriginal Health Service for the Youth Detoxification Support Service, Opiate Program and the Dual Diagnosis Program.

- Youth Detoxification Program provides support for young people up to the age of 25 years who are accessing detoxification services.
- Opiate Program provides a flexible multidisciplinary health care service to meet the needs of opiate, benzodiazepine, amphetamine or alcohol dependent people utilising the unique relationship between the Winnunga Medical Practitioner, patient and clinical worker.
- Dual Diagnosis Program to case manage emotional and social well being, mental health and suicide, alcohol, smoking, substance and drug abuse.

ACT Health has committed to establishing an Aboriginal and Torres Strait Islander Residential Rehabilitation Service to address need within the community.

Restorative Justice in the ACT

In examining the terms of reference detailed in the Inquiry, the work conducted by the ACT Restorative Justice Unit (RJU) addresses the Committee's particular interest in successful strategies to reduce violence and its impact among young Australians. Restorative justice is a private justice transaction that takes place in a safe and carefully managed environment. It gives the people who have been affected by the offence – the victim, offender and their respective supporters – the opportunity to come together to discuss what happened, who has been affected, and what can be done to move forward. It is a voluntary process with the victim and offender able to withdraw their consent at any time during the process.

There is strong evidence to suggest that the most positive application of restorative justice is with violent offences¹⁷. Further to this are the positive findings around the capacity for restorative justice processes to reduce post-traumatic stress in victims of crime¹⁸.

The ACT's RJU is governed by the *Crimes (Restorative Justice) Act 2004*, and has been in operation since 2005. Currently the RJU works on referrals involving young people who have committed less serious crimes including burglary, car theft, criminal damage and all forms of assault. In the ACT, restorative justice can occur at any stage of the criminal justice process – from the point of police caution through to post-sentence. Each referral is extensively assessed to determine if it is eligible and suitable for restorative justice. Following the assessment, the convenor coordinates either a face-to-face meeting with the victims and offenders or facilitates an indirect exchange of information between the main parties.

Restorative justice is a process that provides the victim with a much greater opportunity to ask for and gain information about the crime. It gives the victim the ability to ask questions directly of the offender and to put forward their views on what the offender can do to put things right. Further to this, it allows the victim to be kept informed with what is happening with their case. In around two thirds of all referrals a restorative justice process occurs in parallel with a court process¹⁹. In these cases the victim is aware that the offender/s have been charged, pled guilty, made a commitment to participate in restorative justice, are willing to take responsibility for the offence and work towards putting things right for the victim. They will also know the outcome of the court case.

If the victim agrees to participate in restorative justice the consequences of the offence on the victim and the offender's commitment to address any issues of damage or harm are included in a report back to the court. The court may then decide to adjourn the matter until the young offender has completed the agreement they negotiated and signed with the victim. Alternatively, the court can include the terms of the agreement in the sentence. Further to this, it is common for the court to take into consideration, when sentencing, the young offender's participation in a restorative justice process and the successful completion of an agreement.

Central to a restorative justice process is the development of an agreement. That agreement can be up to six months in duration and typically focuses on two main issues. Firstly, what can the young person do to address any issues of damage or harm suffered by the victim? In cases of violence, this can include letters of apology, payment of medical expenses, agreements to stay away from the victim and participation in anger management counselling. Secondly, an agreement also contains commitments to avoid repeat offending. This latter issue is often a core reason victims decide to participate in restorative justice – to do what they can to make sure the offender doesn't hurt someone else.

These agreements typically consist of commitments to engage with school, to seek employment or to undertake volunteer work. A common type of volunteer work in assault cases is helping people with an acquired brain injury. This is a very powerful reminder of one of the possible consequences of committing an assault. Irrespective of what the agreement is, young offenders

¹⁸ Ibid

¹⁷ Sherman, L & Strang, H (2007) Restorative Justice: The Evidence, The Smith Institute - <u>http://www.smith-institute.org.uk/pdfs/RJ_full_report.pdf</u>

¹⁹ The remaining third are typically referred as a diversion from ACT policing.

participating in restorative justice in the ACT have a high rate of compliance with their restorative justice agreements – 93%.

As of October 2009, the RJU has received a total of 792 referrals, 228 (29%) are referrals involving violent offences. Of these 228 referrals 123 (54%) have involved 142 young victims of violence.

A total of 483 restorative justice processes have been conducted by the RJU. Of these, 60 processes have involved 63 young victims of violent offences. Of the 63 young victims who have participated in a restorative justice process 54 have been given the opportunity to provide feedback on their experience (9 survey are pending). A total of 42 have provided feedback on their experience (10 were unable to be contacted and 2 declined to participate). Of the young victims of violence who were asked to complete a survey 95% provided feedback. This result, in and of itself, indicates the experience is positive for the vast majority of participants.

The chart below details the feedback from young victims of violence who attended a restorative justice conference.



These results are consistent with feedback from victims of other types of crime, such as property. They are also similar to the feedback provided by offenders. The RJU has an annual performance indicator that captures the proportion of respondents who are satisfied with restorative justice. The 2008-09 financial year produced a satisfaction rating of 93%.

Restorative justice is a strategy that has the potential to reduce violence and its impact on young Australians.

One critical challenge that lies ahead is the interaction between violent offences and the use of technology. Increasingly, victims are not just subjected to the physically violent act but the crime being filmed and placed on *YouTube*, *Facebook* and other internet sites or forums. Further to this, discussions about the crime can occur on *MySpace*, *Bebo*, *Twitter* or via text and e-mail long after the crime was committed. It can be much harder for the victim to emotionally and mentally

separate from the crime if their phone, e-mail or social networking pages are inundated with opinions about the crime or threats from the perpetrator, the perpetrator's friends or family.

Concluding comment

The Commonwealth's inquiry is timely and has the opportunity to generate valuable insights into the impact of violence on young people through looking at the research evidence, learning from the range of interventions, support and programs that are being undertaken across diverse contexts and importantly, hearing from young people themselves. The care of children and young people is a community responsibility and all aspects of service delivery should focus on the impact of policies and services on children and young people. The Inquiry focus on effective interventions that address the causes of violent behaviours and which interventions best support a coordinated and responsive approach to supporting anti violent behaviours is welcomed. The ACT Government will look forward with interest to the final report and recommendations of the Inquiry.