One day not only will I know my rights but it will be considered my right to use them!

In this issue...

- Education
- Disability
- Health
- Sexuality
- NESB young people
- Juvenile Justice

... and much more!

Young People and Discrimination
WHAT IS YANQ?

The Youth Affairs Network of Queensland (YANQ) Inc. is the independent, non-government umbrella organisation of groups and individuals from Queensland's youth sector.

Operational since 1989, YANQ was incorporated in January 1991. The Network acts to promote the interests and well-being of young people in Queensland, especially disadvantaged young people. It advocates for them to government and the community and encourages the development of policies and programs responsive to the needs of young people.

YANQ also supports the development of regional networks in the non-government youth sector. It's YANQ's view that the development of stronger Networks will lead to better services for young people as information and skills are shared.

YANQ consists of over 400 individual and organisational members throughout Queensland, including youth workers, advocacy groups, church groups and community organisations with interests in areas as diverse as juvenile justice, housing, health, rural issues, young people with disabilities, young women's issues and young people from Aboriginal and Torres Strait Islander and non-English speaking backgrounds. Associate members are from federal, state and local government bodies.

WHAT DOES YANQ DO?

YANQ employs three staff in its Brisbane-based secretariat. It undertakes a variety of activities designed to raise the profile of and encourage action on issues affecting young people. Activities include:

- submissions to government reviews
- making representations to government and other influential bodies
- undertaking campaigns and lobbying
- consulting and liaising with members and the field
- publishing newsletters and journals
- hosting projects, disseminating information to members and the field
- providing training and operating with interstate and national youth affairs bodies.

HOW DOES YANQ WORK?

YANQ is managed by a Coordinating Committee elected by the Ordinary members to oversee its day-to-day operation and supervision of staff.

YANQ holds a Policy Forum at least once a year at which delegates representing the membership give direction for YANQ's policy-making and activities for the next twelve months. Delegates to Policy Forum must be Ordinary members.

YANQ working parties on specific issues may be formed at any time during the year. Any interested member may participate in such working parties.

YANQ's decision making processes are based on a consensus model.

YANQ PUBLICATIONS

NEWSLETTER

Network Noise is the bi-monthly newsletter of YANQ. Members are encouraged to contribute to the newsletter which is aimed for communicating news on:

- training events
- youth programs
- interagency or youth forum meetings
- publications and resources
- positions vacant
- changes of address

Network Noise is distributed to subscribers and YANQ members only.

JOURNAL

Transitions is the YANQ journal published three times per year. It's in-depth articles on research and topical issues of relevance to youth affairs. Both in Queensland and nationally, it's an ideal forum for youth service providers to describe and analyse their work. Transitions is distributed to subscribers and members only.

WHO CAN JOIN?

Membership of YANQ is open to anyone with a proven interest in youth affairs.

ORDINARY MEMBERSHIP

Is available to individuals and organisations from the non-government sector and entitles you to:

- subscribe to the Coordinating Committee & Policy Forum
- full voting rights
- six newsletters and three journals per year
- information on campaigns and reviews
- opportunities to participate in YANQ workshops.

ASSOCIATE MEMBERSHIP

Is available to individuals, departments and offices from local, state or federal government and entitles you to:

- six newsletters and three journals per year
- information on campaigns and reviews
- opportunities to participate in YANQ workshops.

Associate members do not have voting rights and cannot nominate for the Coordinating Committee or Policy Forum.

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Fees are due and payable on a calendar year basis (covering the period 1 January - 31 December).

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transitions

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Editorial...

Age Discrimination, Ageism and Young People

This is a very disturbing issue of transitions. It is disturbing because, despite the wide range of topics and contexts explored in the various articles, a number of themes recur relentlessly. The picture I have after reading these articles is not just that discrimination against young people happens, but that there is a sense of enormity in the support of its continuance and the society that perpetuates it to be oppressed, and allows this to continue, will sow the seeds of that term divisiveness. This is happening now to young people in Australia, and in Queensland specifically.

Age discrimination

In one sense, discrimination on the basis of age is commonplace in western societies. Chronological age is used routinely to define, in an administratively convenient way, who gets what (Dharmarana & Williams 1991). It is most often applied to people at each end of the lifespan. With the advent of anti-discrimination laws around Australia, and the exclusion of age as a basis for action, legal definitions of age discrimination are increasingly common. However, the matters covered by these statutes are partial at best when compared with the range of situations where young people experience discrimination.

Discrimination is also utilised in the social justice frameworks that both the Commonwealth and Queensland governments profess underpin their youth policies. Despite this inclusion of age discrimination in legislative and policy contexts, the term, I suggest, really means exactly the same as ageism. The term which is really a synonym, professional and government views about young people. It has boundaries which are arbitrary given that discrimination on the basis of age is a long accepted and continuing practice. Put simply, the term does not clearly enough convey the nature of the problem.

Ageism

I suggest a term better able to expose unquestionably discriminatory attitudes and policies towards young people is "ageism." Like any term not commonly used in formal speech, it is difficult to use in a "not to be read thesis" than everyday language. Indeed, I can hear the roars of protest from some commentators about this being the newest wave of political correctness from a bleeding heart.

Ageism involves discrimination on the basis of age where people are in some way deprived of power or influence (Kuhn 1978). Interestingly, as a term it has been used more frequently in relation to relative age, for example to point out the discriminatory nature of compulsory retirement. Ageism involves the reliance on, as well as the promotion of, myths about young people which are based on ideas about young people which have widespread acceptance and are convenient for maintaining the marginalisation of people of certain ages.

It is now widely accepted that the lifestyle we call youth is socially constructed. The distinction can be made between physiological ageing which is a biological process (and which we can only marginally affect), and sociocultural ageing which imposes roles on people of various ages, often based on folklore, prejudice and misconceptions (Comport 1976 as well as the perceived needs of the prevailing economic system. Ageing in this sense is a changing phenomenon with the invention of "adolescence" as a time of developmental "storm and stress" at the turn of the century, which has given rise to a whole new set of grandparents, laments and infantilisation. The battle over this naming has been long, and is still quite fragile, with numerous efforts to distance it from a subset of the population. At the same time, the outcomes have been often repeated in different ways by different contributors, were these:

- that young people are routinely not acknowledged or heard in social processes and decision making. Indeed, they are often actively excluded.
- that young people have diminished the public interest in young people.
- that classic theories of adolescence, which view young people as being in a transitional stage of storm and stress, are part of the way that this discrimination against young people is maintained. The result is that issues are routinely individualised rather than seen in systemic or structural terms, whether this be in the education, the mental health or other system.
- that the adult world has a big blind spot with young people's issues (the high tech name for this in the literature is "adolescentism" (Perin 1992).
- that themes of intervention and control of young people currently policy directions. Rob White talks about the politics of exclusion, about how the political agenda becomes one of containment rather than empowerment, criminal justice rather than social justice, with the result that we manipulate young people into a youth underworld. The trend is to use punitive sanctions rather than deal with the underlying dynamics of young people's lives in a respectful or inclusive way:

- that the impact on young people of discrimination is long lasting
- that discrimination severely impacts on both highly visible (ATSIC youth) and highly invisible (gay and lesbian) minorities.
- that ageism and the age discrimination derived from it require the continued proactive maintenance of particular myths and folklore about young people (e.g., the moral panic of which crime waves are one type).
- that youth services themselves often reflect discriminatory attitudes and practices.
- that there is an underutilisation of the anti-discrimination laws that are available.
- that young people should receive accurate and clear information about their rights and options.

This edition of transitions includes a removable copy of the National Children's and Youth Law Centre's 1994 Guide to rights at school. Please feel free to distribute this as widely as possible.

Thank you to all those who have contributed to the content and publication process of this edition.

Phil Crane

References


Would you work a mate or a trend (my emphasis).

The individualist and pathological images used in relation to young people fit quite nicely with stereotypes for a reason that currently emanate from the political domain. At times carefully masked in the form of the age of the discriminator, ageist and often punitive policies and proposals continue to have a stronger appeal and so make the folklore of young people's differentness and exclusion. The proposals to criminalise them for example offer a number of retorts: "scene" you people's access is a graphic example of ageism in contemporary society. The persistent vilification of young people in the media that has occurred in Queensland over the last twelve months is another example, as is the Queensland Department's failure to support the student rights kit and the wide range of exemptions to age discrimination contained in Queensland's Anti-Discrimination legislation.

Of course, all bad news (Youth Policy Forums, and some of the work done in YACCA are actively addressing ageism) and that's what upholds the belief that with continued work is possible (without being too naive about the structural barriers to substantial change).

In the last few decades, terms such as "sexism" and "racism" have gradually gained general usage. Their naming has been critical and important. One thing the women and Aboriginal and Islander people gaining greater political recognition is that ageism in the community is relatively invisible. The battle over this naming has been long, and is still quite fragile, with numerous efforts to distance it from a subset of the population. At the same time, the outcomes have been often repeated in different ways by different contributors, were these:

- that young people are routinely not acknowledged or heard in social processes and decision making. Indeed, they are often actively excluded.
- that young people have diminished the public interest in young people.
- that classic theories of adolescence, which view young people as being in a transitional stage of storm and stress, are part of the way that this discrimination against young people is maintained. The result is that issues are routinely individualised rather than seen in systemic or structural terms, whether this be in the education, the mental health or other system.
- that the adult world has a big blind spot with young people's issues (the high tech name for this in the literature is "adolescentism" (Perin 1992).
- that themes of intervention and control of young people currently

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Youth Rights, Social Responsibility and the Politics of Denial

If we are to make a decisive and positive difference in the lives of young people then it is essential to continuously examine the life worlds and life circumstances of young people, and to constantly and critically evaluate our practices in relation to their changing social situation.

Over the last few years in Australia, the youth affairs political agenda has tended to reflect and reinforce particular conceptions of young people - viewing them, for example, as 'victims', as being 'at risk', as 'survivors', and, more recently, as 'rights holders'. The periodic shifts in thinking about young people have important implications for immediate intervention practice. For example, the portrayal of young people as 'victims' was central to the process of gaining better data on the extent and nature of homelessness, youth poverty, youth wages, violence, health problems, and so on. It translated readily into demands for more funding, more programs, and more youth and community workers.

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (United Nations General Assembly, 1989).

In wider terms, we are seeing a series of major shifts which directly impact upon the well-being and long-term life prospects of increasing numbers of young people in the advanced capitalist countries:

- A major polarisation in wealth, income, and poverty levels. This is occurring both on a world regional basis (i.e., the North-South divide), and within the advanced capitalist countries (i.e., growing underclass accompaniments ever greater concentrations of wealth at the top). In Australia, the process has been documented by the Catholic Bishops' Conference (1990) and various academics, although the Labor Party/Commonwealth Government has steadfastly refused to undertake a systematic wealth inquiry.
- A major shift in the broad functions and benefit provisions of the welfare state. This is particularly evident in countries such as Great Britain, the United States and New Zealand, as well as Australia (see, for example, Cockayne & Clarke, 1993). Basically the 'welfare state' of the post-war period is being demolished in its present form. This has involved systematic privatisation of health, education and welfare functions, as well as introduction of user-pays schemes, increasing inequity in the allocation of benefits and services, and the use of economic criteria to assess social services.
- A major change in how the purposes and role of social institutions such as education are conceived. Education, and students, are increasingly being treated simply as 'commodities', something to be bought and sold on the 'market'. The pervasiveness of economic rationalism as a guiding ideology, the adoption of corporate management models, and the commercialisation of schooling, has had a significant impact upon the social and pedagogical processes.
content and structures of education. Much the same can be said about 'training' in its many and varied forms.

In Australia, it is notable that we spend much less comparatively on education, and active labour market programs, than most other countries in the Organisation for Economic Cooperation and Development (OECD). That is, for all the talk of creating the 'clever country', Australia still lags behind the majority of the advanced capitalist countries in expenditure levels and program development (OECD, 1993). Moreover, as the experience in Victoria has recently demonstrated (and which simply replicates what has or is presently being done around the country and state and territory governments regardless of political complexion), quality school provision available for all is far from being the primary objective of current government action. It has been estimated, for example, that school closures in Victoria have led directly to some 3,000 students discontinuing their education (Charlak & Seifert, 1994). Case studies have pointed to the traumatic effect such closures have on not just the students involved, but on whole communities (Parents and Friends Association, 1993).

State cutbacks in educational resources, teaching staff and support services, as well as school closures, contradict the central tenets of the Convention of the Rights of the Child. For instance, the Convention sets out in Article 28 (b) and (c) that each signatory State will, in particular:

- encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need, and
- take measures to encourage regular attendance at school and the reduction of drop-out rates.

The 'politics of denial' is one which says on the one hand we are doing the best we can for every Australian (Victorian, Queensland, Tasmanian, etc.) child, while on the other hand ignoring the real harms perpetrated by the adoption of stringent, inequitable and unjust policies. Furthermore, the 'style' of this politics is one in which, increasingly, 'democracy' means rule by fiat. It is time when the mighty are doing down the weak through the exercise of what is essentially an authoritarian rule. The social state, once premised upon welfare for all, is now becoming the repressive state, one oriented towards budget cutting and boardroom rates, and where the focus of public attention is on policing the dispossessed and the vulnerable. In particular, state policy is both generated, and directed against the so called 'underclass' of contemporary society.

The Spectre of a Youth Underclass

Underclasses do not simply appear on the historical scene in some kind of random, unexplainable fashion. They are made (see White, 1993). Certainly in the present time period the welfare state, its trends such as those identified above is bearing heavily upon ever larger sections of the population, including young people. Global patterns of inequality, the winding back of the welfare state, and the commodification of all aspects of society have led have had devastating consequences for billions of people worldwide. The 'triumph of capitalism' in Russia, for example, has left many belies empty and filled the streets with beggars and the thugs of the new Mafia entrepreneurs. European member countries of the OECD are also quickly learning that the underclasses of New York or Los Angeles, while looking different and having a different history, are not that far removed after all - as witnessed by the new and burgeoning, lupenproletariat now readily visible in the streets of Berlin, Paris, Amsterdem, Naples and Manchester (Barnett, 1994).

An underclass is comprised of those who are marginalised socially, economically and politically. It is characterised by disconnection from major social institutions such as school, paid work, leisure and recreation outlets. It is characterised by alienation, a profound sense of powerlessness and lack of self-worth. The disconnected and alienated are of the society, but cut off from the community. The hidden injuries of (underclass) are manifested in retreatism (eg suicide, substance abuse), exploitation (eg prostitution, organised crime rings), homelessness and sickness (mental and physical), and antisocial behaviour (eg racist violence, vandalism).

Entry into the underclass is getting easier. Marginality is fostered by an acceptance of high levels of youth unemployment. It is encouraged by closure of 'good' schools, such as Norland's High School in Melbourne which had been praised by the Royal Commission into Aboriginal Deaths, Councilsea model for all Aboriginal educational programs wanting to 'make a difference' (Johnson, 1991). It is solidified by persistent and enduring patterns of inequality and unemployment, by facts such as, that by 1992 the average duration of unemployment for 15-19 year olds had risen to 30.5 weeks (Senate Standing Committee, 1992).

The politics of denial is closely associated with the 'politics of expertise'. That those who are marginalised under current social and economic arrangement are deemed to be 'less deserving' of 'support', services and civility. The longer they are marginalised, the less deserving they are deemed to be. In practice, this boils down to the failure of citizenship rights across a range of economic, cultural, social and legal areas. The new market is constructed ideologically to be the main threat to suburban peace, urban cleanliness and beauty, and community safety. Social deviance, moral degeneration, juvenile crime, waves and the 'fearal' behaviour of the youth underclass, all combine and congel into an image of the 'outsider'.

One consequence of the material and ideological marginalisation is that the political agenda becomes one of containment (rather than empowerment), criminal justice (rather than social justice) and stigmatisation through shaming (rather than social development and construction of positive self-identity). Cleaning up the streets means literally to clear them of young people, and in particular young people who do not fit, is to force vulnerable and marginalised backgrounds and situations. Disconnection and alienation are thus reinforced by the agents of the state, and by private security firms, which actively intervene to construct the social and physical space of the dispossessed, the uncertain, and the visible poor.

The structural marginalisation of many people, the active creation of a youth underclass, thus gives rise to a whole series of ever expanding contradictions and conflicts. The brutalisations of poverty, unemployment, isolation, racism, homophobia and hunger are compounded by the snarl of the police officer, the shriek of the shopping mall proprietor, the admonitions of the magistrate, the lashing of the lay preacher. The systematic denial of children's rights is thereby lost in the noisy clamour of those reacting to the symptoms of class restructuring, while all the while emphasizing the 'responsibility' of the survivor for their own plight. Social responsibility is abrogated yet again - this time at the concrete level of interaction between young person and the other sections of their community.

Transformation and Youth Work Intervention

If we acknowledge that young people's experiences and opportunities are shaped by wider societal developments, then what is it that ought to be the role of the youth worker in their interventions in the lives of the young? Ultimately the answer to this depends upon our understanding of what we are trying to achieve, the political values we hold, the assumptions we make about young people and about society, and the methods we choose to employ in our everyday practices.

Youth work can, broadly speaking, be characterised in terms of four basic models of intervention (see Cooper & White, 1994). In summary form, these include:

- the treatment model - which focuses on changing the young person to fit the conventions and values of mainstream society, to make them more competitive, to instil in them self-discipline and respect for authority
- the reform model - which focuses on providing the young person with individual adaptive skills, and personal development, and on expanding the resources available so they can take full advantage of the opportunities available to them
- the advocacy model - which, in its more narrow sense, focuses on advocating on behalf of individuals to achieve their rights in a case-by-case basis, or in its more general sense, to advocate on behalf of groups and individuals for wider social changes to existing institutional arrangements;
- the empowerment model - which, in its more narrow sense, focuses on simply being a friend and supporter of the young person and to let them decide what they want to do with minimal intervention, or in its more broad sense, focuses on raising consciousness through education and collective action with the aim of radical social change.

The specific methods used by activities engaged in by youth workers very much depend on the work circumstances and the young people with whom we are working. Nevertheless, the principles and politics of ethical practice postulates the overall nature of the youth work practice. Thus, for example, 'meeting the immediate needs of individuals (including medical care or personal counselling may be a necessary precondition for building the trust and confidence which is essential to the empowerment process' (Cooper & White, 1994). The point here is that we need to self-consciously reflect upon the directions and politics of youth work practice. This is particularly so if we acknowledge that the situation facing young people is indeed not of their own making.

If we think of youth work practice as lying on a continuum from conservative to liberal to radical we can see that 'transformative' youth work is that which challenges rather than supports existing socio-structural arrangements. In the conservative model, the young person who is seen to be the primary cause of the problem (eg lack of skills, lack of education, lack of...
motivation), and it is up to the 'expert' to use service delivery to 'rehabilitate' the young person. In this social framework, the cause of the problem is both personal and environmental, and the role of the youth worker is to improve the client's awareness of resources available and their rights, as well as to engage in various 'self-help' activities. In the didactic framework, the problem is seen to reside primarily with societal values and social structures, and the task is to work with young people to gain understanding and confidence, and to develop collective and individual strategies for change.

A transformative practice of youth work must be informed by transformative theory. That is, to transform the conditions of existence for young people means that we have to understand the generation of the problem, and not only or exclusively deal with the effects of structural marginalisation. In part, this means thinking through concepts such as 'social justice' (in its varied meanings), and recognising that 'youth issues' are in fact broader social issues which reflect the state of society as a whole. In the light of the importance of 'transformative theory' to concrete practice, it is crucial that youth workers build such things as 'campaign work' and 'thinking time' into the job. Not every second of every day has to be spent upon direct service provision or catching up on the admin.

Thus, in mid-career, the problem is seen to reside primarily with societal values and structural issues, and the task is to work with young people to develop understanding and confidence, and to develop collective and individual strategies for change.

Strategic Practical Interventions

To think and act strategically means to develop interventions which speak to the immediate circumstances of young people in such a way that they link up with broader social struggles. There is something that we can do, here and now, which at least begin to make a difference for young people and indeed for the majority of people in our society.

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Thus, in mid-career, the problem is seen to reside primarily with societal values and structural issues, and the task is to work with young people to develop understanding and confidence, and to develop collective and individual strategies for change.

The actual experiences of state terror provide a graphically vivid depiction of the systematic, and unapologetic, intrusion on young people's rights. Sam Watson, of the Aboriginal Legal Service in Brisbane, describes a recent case (Watson, 1994):

On Tuesday, May 10, between 3 and 4am, three Aboriginal juveniles aged 12, 13 and 14 were walking through the Fortitude Valley mall, and walked past a cafe where six uniformed police officers were having coffee.

These juveniles were not committing any breach of the peace. They were just passing by, and were not wanted for questioning in relation to any offence.

However, the police came to them, apprehended them and placed them in three marked police vehicles, one juvenile per vehicle. There were two sedans and one hal van. They were taken from the Valley mall to a place we now know was Pinkinba in the area between the terminals of Brisbane Airport and the Brisbane River.

When the police reached there, the boys were taken out of the vehicles. They were told to keep away from the Valley mall, and that they weren't welcome there.

They showed them a flat piece of timber, told them to place their hands on the timber so that they had their fingers cut off. The police then told them to remove their shoes. The boys refused to do that, so the police pulled their shoes off, threw their shoes into the bushes, told them to keep out of the Valley or they'd end up in the river, and then the police vehicles drove off.

The persistent and entrenched character of police harassment, brutality and disrespect for youthful users of public spaces has now been documented in a number of states (see White & Alder, 1994). From the point of view of youth workers a justified question is whether they too are going to act simply to 'keep them off the street' or whether the issue of police terror and the right of young people to have a place in the public domain.

Strategically, some of the most visible and important youth work has been in the area of police-youth relations. Youth workers helped to spearhead public campaigns and forums against 'Operation Sweep' in WA. In a number of states they have been instrumental in gathering data on police mistreatment and misconduct, and have used this data to feed into academic, research, periodic reports and ongoing 'Street Watch' committees have all been essential elements in defending youth rights. Such work has also been instrumental in highlighting the evils of racism, and how entrenched institutional racism needs to be eradicated at all levels in society. Similarly, campaigns have been used to demonstrate the structural reasons for street conflicts, in particular the over-policing of the poor and homeless, the non-consumer and the unattached, in the wider social order. It needs to be emphasised again, that the struggle for the streets is a collective phenomenon. It involves among other things an assertion of the human rights of young people generally, as well as defence of and assistance for specific individuals.

Another area of practical intervention relates to the presence of young people in shopping centres. Again, the evidence from around the country suggests that certain young people are not welcome in shopping centres (see, for example, Youth Justice Coalition, 1990). There are two related issues here. One has to do with the general visibility of and use by young people in public spaces designed primarily with consumerism in mind. The other has to do with specific leisure activities of young people, such as use of amusement parlours.

To take the latter example first, periodically we hear of the 'problems' created by and for young people in their use of amusement parlours. I am aware, for instance, of a case in a Victorian country town where a number of business proprietors formally objected to a planning permit for an amusement parlour in their shopping strip area. The objects spoke of the 'unsavoury behaviour' of the young patrons, "groups of boisterous youth" who congregated outside amusement parlours, and high incidences of 'vandalism and littering' which accompany such enterprises. In effect, they required 'tough action' to stop these 'undesirable youths', who have no claim upon commercial or community resources. There was no 'needs analysis' of local young people, nor discussion with them as to what kind of leisure or recreational options they may have wanted. The response was entirely negative towards young people, and was predicated upon excluding them from the shopping area.

The irony of this position, in particular the idea of actively excluding young people as a means to stop criminal activity, is that it is contradicted by recent theoretical developments in criminology, and by the deconstructive work of some more 'enlightened' local authorities. This is a well-established, with sensible rules of conduct, friendly atmosphere and openness to youth concerns and issues, could in fact serve to reduce anti-social, criminal or so-called 'deviant' behaviour.

This is precisely the kind of 'crime prevention' approach currently being adopted by many local councils and non-government organisations, especially those trying to provide young people with a place and activities which they, the young people, are interested in.

The same type of negative attitude, and the same kind of assumptions and stereotypes, underpin the management approach adopted in many of our cities' larger shopping centres and malls. Young people who are not there to obviously consume are told to 'keep out'. To enforce this, private security guards are hired, spy cameras set up, police sounds (in loud and "fear-free" seating designed). Not surprisingly, there is often conflict between different groups of users, each of which may have a different purpose for being there, and each of which sees their action as being justifiable in the circumstances. The crisis of the problem, however, is that often a technical measure (ie increased surveillance and security) is seen to be the answer for what is basically a socially induced conflict.
The underlying issue is one relating to the private ownership of public space (i.e. shopping centres), the state regulation of public space (both privately owned and public owned, as in the case of school grounds), and the closing off of public space to groups of people who do not have the means to pay for it (either directly in the form of rent of indirectly through being consumers). There are important matters which now of the heart of democratic decision-making processes concerning the use of community resources, which raise the issue of the accountability of state officials to people other than those who have the capital of their own business and commerce. The demonstration of community space is an issue which looms large in the years ahead, particularly in the light of the way in which urban land is being bought, sold and 'developed' according to the dictates of private interests. More often than not, the use of urban space is now subject to a regime ofury, with powerful implications for the dispossessed and marginalised in our society.

So where do youth workers fit in? First, it is essential to acknowledge that street policing and shop centre conflicts are not isolated from wider structural developments. They pertain to both the increasing polarisation of wealth and poverty in society, as well as to the overall distribution of and decision about community resources including public space. This, wider campaigns involving urban action groups, resident groups and environmental groups are part and parcel of the struggle to extend basic human rights for children and young people. Secondly, and in more specific terms, we need to recognise that the relationship between young people and shopkeepers/customers is shaped by such factors as mutual respect, negotiation and consultation over use of public space, and establishing a positive and healthy proprietorship relationship with the part of the young users of a shopping area. Young people can be a vibrant and active part of the local community. At times it will take young workers and others to demonstrate that this is the issue.

The political contest over public space can take a number of forms, not all of which may overtly be fought by reference to the larger debates over community resources and decision-making, but have wider implications for precisely these issues. Consider the following two scenarios:

**Example 1: Youth & Parent Power**

A group of young people who used a youth agency were convinced that they were being treated unfairly by a shopping centre where they tended to congregate. They were moved along by security guards on a regular basis. The youth worker organised an approach to the shopping centre management by the group of young people. The youth worker, after talking with the young workers, wrote a letter which outlined their view that the continued harassment of their children would lead them to take their spending power elsewhere. The combination of young people raising their concerns, the youth worker organising a response, and the parents exercising their economic power, was enough for this particular shopping centre management to change its approach to the presence of the young people. (Bulman, K., 1992: Youth Studies & Youth Legal Service, 1992: 81.)

**Example 2: An Inclusion Approach**

A shopping centre was experiencing increasing incidents of vandalism, such as cars and anti-social behaviour, largely attributed to young people in the area. The conventional solution was to employ security guards to deter the increased police patrols. However, in this instance, the management decided to hire a youth worker to act as a link between the young people and the management. Within a relatively short period of time, the atmosphere at the centre had changed considerably. Young people were able to access needed advice and support services, as well as to participate in youth-oriented projects such as graffiti work. The manager reported a marked downturn in delinquent behaviour. The Shopkeepers reported a positive change and were no longer concerned for and fearful of the behaviour of the young people. In other words, a policy of inclusion negotiated with the involvement of the key players provided a positive outcome for all round that the previous exclusionary focus centred on control and punishment. (see Midland Gate Youth Project, 1993.)

The two examples demonstrate that youth workers can make a significant, albeit limited, impact at the local level. It is significant in that it does open up more space for young people, and acts a range of specific services available to them. It is limited in that it still leaves begging the wider issue of ownership and control of community space, and who, ultimately, should make decisions about such resources. Nevertheless, such interventions are strategically important in so far as they can act as an initial bridge linking the immediate concerns of young people, to the wider social problems underpinning these concerns.

**Rights, Responsibilities and the State**

The whole point of transformative youth work is to extend the boundaries of youth rights by fighting for better and fairer allocations of community resources, and by insisting upon the protection and securing of the autonomy, worth, dignity and respect implied in the term 'human rights'.

Importantly, the struggle should not be about the provision of minimum services tied to restrictive conceptions of 'need'. As Raynor comments (1994: 66):

In terms of its responsibility to individuals who cannot express their personal autonomy or a full range of life choices because of their age, dependency and exclusion from the economic wealth of the community, the government must also categorise social services to family members, through of independence of those families in terms of universal human rights, rather than needs.

The struggle for human rights for children thus has implications for how the Australian community as a whole allocates resources and how, conceptually, we see the claims of young people to these resources.

**References**


Rights are inextricably linked to responsibilities. Before young people can truly be considered 'responsible' in and for their own actions, before they can truly be said to be 'right holders', we must seriously tackle the question of responsibilities of society and the state to the well-being of youth and in fostering the incorporation of young people in the democratic and social life. The dominance of the few who own and control the means of production, the increasing commodification of all facets of social life, and the actions of a republic-state apparatus against the youth, are both factors on the rights and well-being of young people. The struggle for human rights is, thus, at one and the same time a pyramid of human liberation and social transformation.

For youth workers, the task is to 'see, judge and act'. Fundamentally this means that the struggle for and social human rights for children - defined in the broadest sense possible and including the economic, social, civil and cultural rights outlined in the UN Convention - is ultimately a political struggle, a struggle at the grassroot level of local neighbourhoods and local shopping centres, and it is part of an ongoing struggle to form wider social relationships and social structures which are manifestly unjust, unequal and dehumanising. It is a struggle in which we are already a part. It is a struggle which demands that we reflect and act upon what is, in essence, the shape of our future.

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*Cartoon reprinted with permission from Launig, The Age*, Melbourne.

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**Midland Gate Youth Project (1993)** Various reports and submissions, Perth: Midland Gate Shopping Centre.


A Young Woman’s Perspective of Two Roads of Life

This article is written from the perspective of a young woman with a physical disability, and is not like the academic articles that are usually featured prominently in this journal. However, the author believes that this story clearly shows the different expectations faced not only by young people with physical disabilities, but also young people with other disabilities.

This is a story about two roads of life. It talks about the lives of two people going down each road and how this has led to different life experiences and opportunities for each of them. This is the story of two friends and how their lives have been affected by this difference.

In the Beginning...

Katrina and Sally both went to a special school (an alternative segregated setting for educating children with disabilities). They were best friends and sat together in school every day. They played together at lunch time, shared secrets and did their school work together. They were two of the brightest girls in their class and did more challenging work than the other students. Their academic abilities were treated with much respect as they were in a “special” school.

Katrina’s parents began to notice that she was picking up some different behaviours. She came home from school and dribbled and stuck her tongue out. Her parents, however, both knew that she was achieving well above her peers academically. They heard from the teacher that Katrina was being mainstreamed and began to dream about the wonderful possibilities for their own daughter.

Sally’s mother went to the school one day to discuss options for her daughter. She was invited to a big meeting that involved Sally’s doctor, teacher, therapists, and social worker. Yes, everybody was there except Sally, the one person who mattered! This meeting was not the positive one that Sally’s mother had hoped for. She was told that although mainstreaming was a “far off” possibility, she would have to accept that her daughter would always have limitations because she had an intellectual disability. They believed Sally had an “intellectual disability” because she had speech difficulties. When these professionals (term used to describe specialist teachers, doctors, therapists and social workers who work specifically with people with disabilities) were confronted with the fact that Sally did the same work in class as Katrina (for whom mainstreaming was also being discussed), they simply replied that they could not possibly subject Sally to the teasing and torment that she would “obviously” receive from “normal” children. Defeated, Sally’s mother went home.

Meanwhile, because Katrina could talk well, her parents and the various professionals were in the process of looking at regular schools which she could attend. Maryland State School was wheelchair accessible and only about a fifteen minute drive from where Katrina lived. It was decided that she could begin there at the start of the next school year.

Sometime later that week, Sally and Katrina were talking at school. Katrina was very excited about all the new friends she would make, new games she would play and things she would learn at what she termed the “real” school. This made Sally feel sad because her mother had told her that people had said she was not good enough to attend a regular school. The only thing she liked about going to school was that her best friend was there and, if she left, Sally felt she would have no-one. Sally and Katrina had promised to always keep in touch so that Katrina could share all her wonderful new experiences. On the last day of school, the class had a big party for Katrina to wish her all the best for her future.

Several Years Later...

It was a bright sunny day in February and Katrina jumped out of bed with much excitement. Finally, primary school was over and it was time to move on to high school and all the challenges it would bring. Katrina was a little sad that she was leaving behind many of the friends she had made at Maryland Primary School, because Maryland High School was not wheelchair accessible. She had many happy memories of her days at Maryland, where she felt that the children had accepted her as one of them, and she got on well with all of her teachers. However Rebecca, one of Katrina’s friends, had moved house during the holidays and was going to start with her at Rover High School (one of the only wheelchair accessible high schools in the city). This made Katrina feel good because she would not be alone.

Sally had just finished her first day in Senior One class at the Special School. She was feeling depressed because the teacher had just written out a new Individual Education Program to teach her how to make vowel sounds. This frustrated her because she could not understand why the school did not just accept what she could not do and focus on things that she wanted to do. Her friend Katrina still kept in contact with her and she had done so many wonderful things at the regular school. She had read novels like “Treasure Island”, acquired valuable maths skills, learnt about the environment and country she lived in, and formed friendships with people other than those with disabilities. Sally started to aspire to some of these things for herself and this concerned her parents. They felt that Katrina was filling Sally’s head with unrealistic goals and this would do her much psychological harm.

Meanwhile, high school was going just great for Katrina. She was doing classes that interested her, had plenty of friends and even a boyfriend. She felt sorry and somewhat angry for Sally, whom she felt might never experience these things. What was even worse was the knowledge that even Sally’s parents had lost hope.
Several Years Later...

Year Eleven started and with that so did the talk of careers. People, including Katrina, were starting to think about the major choices that would affect the rest of their lives - choices like what classes to take, whether to go to university, what careers to think about. Katrina had always wanted a job where she could help people, especially others with disabilities. She thought of maybe becoming a social worker or psychologist. These were very real jobs and vocations that required a lot of hard work and study. This pleased her parents who wanted her to go on to further study because they felt that because of Katrina's disability, she could not just settle for a job sweeping the streets or with large amounts of manual skill. Also, none of their other children had pursued further study and they would feel proud to have at least one university graduate in the family.

Choices were also becoming part of Sally's life, although these choices were different. First, Sally had little say in any of them and second, these choices were not like the ones Katrina faced. Unlike Katrina, who was encouraged to make her own decisions, Sally still had many of her decisions made for her by her parents and various professionals. They made choices like whether she would commence sheltered workshop employment (a segregated work setting for adults with disabilities, usually based on sub-contract work, and paying poorly) or attend an Activity Therapy Centre (an alternative setting to employment for people with disabilities, usually for people who are considered unproductive); whether she would leave school early or stay until she was 16; whether there was "any hope" for her to learn skills, such as being a Kitchen Hand or a Person Friday, and whether she could learn such things through a TAFE course.

During this process of choice, no one had ever asked Sally what she wanted. She loved children and wanted to learn how to work in a Day Care Centre. She was told, however, that this was an aspiration too far out of her reach and that she had to be "realistic". With that, she accepted her so-called "limitations" and thought that everybody else knew better than her.

This made Katrina very angry. She tried to explain to Sally that she had a right to have her ideas listened to and that she had a right to make, and be included in, decisions that affected her life. Unfortunately, this was to no avail. Katrina's parents received a very irate phone call from Sally's mother who made the following points very clear:

- she knew what was best for her daughter
- Sally could not make decisions for herself
- inclusion (to place and support students in regular schools in a way that welcomes them in) is to be there, participating and belonging to their local, regular school community

May have worked for Katrina but it was not an option for her daughter. Katrina was doing irreparable damage to Sally by feeding her head with all these "radical" ideas and if this was to continue, the friendship would cease.

Present Day...

Today, Katrina is currently studying for an Arts degree at university. She has been in a long-term relationship with a man for over two years. Katrina has also learned to drive a car and, within the next year, will move out of home into her own flat. She still keeps in contact with Sally, although not as much. This is partly because of Sally's mother's reaction toward her, and partly because, as people grow up, they develop different interests and this sometimes causes them to grow apart.

Katrina's dreams for her future are that she finds a job that satisfies her interests, gets married, has children and owns her own home. These are the dreams most people Katrina's age have.

Sally's life has turned out very differently. She is currently working four hours a day as a Kitchen Hand at the local restaurant. Apart from Katrina and her mother, she has no other friends. Her parents drive her where she needs to go and she couldn't imagine living without her mother, so independence has never been anything she has thought about. Katrina still keeps in contact but Sally feels awkward about their relationship. First, she knows that her mother does not like Katrina. Second, Sally feels inadequate compared to Katrina. Third, she feels that Katrina must have better things to do than hang around an "underachiever" like her.

When Sally thinks about her future, she sees herself continuing in her current job, living with her mother and perhaps occasionally looking after her sister's children. Thoughts of marriage, children and a home of her own sometimes come into her mind but are quickly dismissed, if not by her mother, by herself.

Conclusion

This story is just one example of what can happen on two different roads of life. It is thought provoking that two girls started out with equal life opportunities but ended up with seemingly unequal lives. For too long, "professionals" have been telling people with disabilities what is best for them. For too long, parents have had no other choices. For too long, our dreams and our parents' dreams have been killed. It is time now for change. It is time now for us to dream and have visions of what life could be. It is time now for Sally and all others with disabilities to go down the road of life that is rightfully theirs.

Postscript

I would like readers to know that except for the names, every part of this story is true. This is a very real example of how a young person with a disability who is only involved in segregated settings can have very different life experiences from those of a person who is included, regardless of the type, nature or severity of their disability. I hope this has provided food for thought for professionals who might find themselves in situations where they are advising what they consider is the "better" road.

The author of this article is a university student specialising in the areas of human services and disability issues.

Schools in Australia have always produced failure. Indeed, grooming some students for higher education and the professions has too comfortably assumed that the failure of other students is acceptable. In one sense, schools have been little more than an academic and vocational turnstile which regulates the flow of youth traffic into the adult world of work and higher education. For students who succeed at the narrowly constructed academic curriculum this is a comfortable and rewarding experience. For those whom schools fail, their experience of schooling has been described as the painful and humiliating endurance of public failure (Polk, 1988).
School failure is not a benign process of random selection or the recognition of merit (Young, 1971). Some individuals and groups of students are far more likely to fail than others (Yates, 1986). There is now a large and impressive body of research which confirms that schools have historically rewarded, failed and excluded young people on the basis of gender (Weiner, 1994; Yates, 1993; Kenway & Willis, 1991; Kenway, 1990; Weiner, 1985; Spender, 1982), class (Willis, 1977; Apple, 1979; Connell et al., 1982; Henry et al., 1988; Connell et al., 1992; Connell, 1993), race and ethnicity (Ott, 1993; Troyna, 1993; Lisle et al., 1993; Folds, 1987) and perceived disability (Tomlinson, 1982; Barton, 1987; Oliver, 1980; Sree, 1993). Simply put, schools discriminate against those who don't easily fit the narrow, white, Anglo-Saxon, middle class, male, academic curriculum. These students become objects for policies of containment, management and control.

Ironically, it is the majority rather than a minority of students who do not move through to a successful conclusion of their schooling. Three agents have assisted schools to conceal the travesty of this educational scandal. The 'unskilled labour market', school disciplinary procedures and special education have all contributed to maintaining control over the school system. All of this has been done by blaming the victims. People who fail are written off as being 'lazy', 'disruptive', 'socially and emotionally disturbed', suffering from 'attention deficit', 'culturally or socially deprived', 'developmentally delayed', 'special needs students' or 'slow'. Queensland has recently expended much energy to develop a bureaucracy to 'assure' the deficits of students to include them in the regular classroom. Never has similar attention been devoted to the diagnosis and remediation of dysfunctional schools.

This brief discussion will consider the ways in which schools have sought to control students to fit their institutional requirements and how this discriminates against some students more than others. Particular attention will be given to the application of suspension, the proliferation of behaviour units and the reclassification of students as 'special needs students'. I want to challenge the assertion that these special treatments of students are 'in their best interests'. In fact, such special attention tends to exacerbate students' marginality and diminish their options beyond schooling.

The Growing Need to Control a Crisis in Schooling

Schools traditionally accepted widespread failure as routine. It was not considered to be a problem for the school. Failures had been absorbed into the labour market or into segregated special schools and units. The farm, the factory, the shop floor, the garbage, the construction industry, and the streets were a number of sites which provided a legitimate destination for those who did not complete their secondary schooling. Failure was thus made invisible and unproblematic.

Structural economic change has witnessed the disappearance of the unskilled youth labour market (Poll & Tait, 1990; Sweet, 1989). This has had a significant impact on schools and classrooms. Although special educational provision has extended like so to soak up school failure in Australia (Lewis, 1993), as it has elsewhere (Corbett, 1993; Skrtic, 1991), many students are staying on at school (Margison, 1993). Neither a love of learning nor a belief in the promise that schools hold for their futures maintains these young people in the classroom. There is nowhere else to go.

Unemployment benefits are no longer available to young people under the age of 18, whereas they may be eligible for an AUSTUDY allowance. This becomes a more powerful inducement for post compulsory schooling than the content of the school curriculum. Schools have become an instrument of micro-economic reform, promoting those skills deemed necessary for the shaping of the workforce of a clever country (Dawkins, 1988; Mayer Committee, 1992). Schools are also used as a policy site to advance the social control of young people: keeping the young people off the streets and in the schools where they belong. Schools have not engaged in anything more than cosmetic change, to deal with the changing needs of their changing constituency. This becomes a powerful brew for creating frustration, resistance, and disruption in schools. The marginalised and disadvantaged groups and individuals are the most threatened and vulnerable in the classroom.

Where students resist what they perceive as the hopelessness or powerlessness of their position (Knight, 1984), schools attempt to control them. Not all resistance to schooling is purposive or rational. Frequently, however, it is (Furlong, 1985, Furlong, 1985). Schools are culpable in the production of disruption (Booth & Coulby, 1987). Schools are increasing their reliance on special education and disciplinary procedures to maintain institutional authority and equilibrium. Let's consider how this works.

Discipline or Control in Schools?

In May 1983 the Victorian Ministry of Education formally abolished corporal punishment and announced that discipline should be 'interwoven within the fabric of the school curriculum' (Victorian Ministry of Education, 1983). This may have been interpreted to mean that discipline, for the Victorian Ministry of Education, suggested an intrinsic connection between the learner, what and how they were learning, and where it was leading them. It may have suggested that discipline would be more than the application of student external controls.

This was not the case. My research into suspensions in Victorian revealed that schools placed greater reliance on more frequent suspension in order to maintain control in schools (Sree, 1988, 1994). Corporal punishment was abolished and suspension was applied more frequently. From northern parts of the continent we could readily point to the short sightedness of the Victorian policy makers. Had they read the Dettman Report (1977), published in Western Australia a decade earlier, then they would have been aware of the problems of suspension that they were destined to repeat.

In simple terms, what Dettman argued was that suspension is useful until we start to use it. The more it is applied, the less effective it becomes, according to any criteria of deterrence, punishment or reform. Students most likely to be suspected fear it least and many had their status elevated amongst their peer group when they were suspended and returned to school to tell their story, according to Dettman (1972).

Dettman was not alone in questioning the use of suspensions. Researchers in the UK and the US have demonstrated that suspensions are most likely to be applied to low minority group students (Kasera, 1979; Wu et al. 1982) and occur more frequently in ineffective schools (Reynolds, 1976). Students who are suspended once are more likely to be suspended again because suspension labels students as 'disruptive' (Grunell, 1979). A recent study in Western Australia points to the disproportionate use of suspension against Aboriginal students (Vickers, 1993).

Suspension statistics in Victoria reveal a dramatic increase in suspensions after the end of primary school. This suggests that suspension might not be a reflection of student ideologies, but of a complex interaction between students and the institutional arrangements of schools (Sree, 1988). Moreover, recent data shows that suspension is now being applied more frequently in the post compulsory years of schooling, as well as at all other levels of schooling (Sree, 1994). Altruiism, or goodwill, or unskilled work are now problems for the school to deal with. School disciplinary procedures may in fact be an attempt, albeit unrecognised as such, to deflect attention from schoolings failing fight against history.

We cannot remain smug when looking at Victorian education. Queensland's collaborative processes are themselves prone to policy myopia. It was only recent intervention by youth advocacy networks in Queensland that obstructed the redrafting of suspension and exclusion policies in Queensland (Andrews, 1992). The youth advocacy network would have widened their network to examine more students. This is paradoxical when considering early drafts of the Queensland Education Department's 'Supportive School Environments' policy.

Having opted for the gradualist approach of phasing corporal punishment out over a four year period, the Education Department initiated the drafting of new policy guidelines by a committee that was thought to represent the education community. As a member of this committee my first observation was the absence of students. It was pointed out to me that students had little to contribute to policy discussions, would be bored by proceedings and would not adequately represent the student body! This was most vigorously argued by a school support centre officer and seemed to reaffirm my belief that school centre support and bureaucracy more than they support students.

Following executive scrutiny, the 'draft policy' on Supportive School Environments was returned as School Discipline: Behaviour Management in a Supportive School Environment. While the intention had been to shift the focus from the behaviour of individual students and narrow behaviour management programs, it was clear that the Department required a framework for student control. Demonstrating Gillian Fisk's observation that policy is made at all levels, many schools have subsequently used the new policy guidelines to frame new statements of rules and punishments.

While this policy was being made, other sections of the department were reframing regulatory strategies to expand the reach of suspension and exclusion in Queensland state schools. This was inconsistent with the deliberation of the policy advisory committee, but reminiscent of the confusion and authoritarianism of the Queensland approach to school discipline irrespective of party in government office (Meadmore, 1992).

Beyond the Margins

To augment the removal of troublesome students through suspension, the Minister for Education accepted a recommendation from the Report and Open Education and the Provision of Special Education 1993-1996 (Andrews, Elkins & Christie, 1993) to use what had been segregated special schools as schools for violent and disruptive students.

The proliferation of 'behaviour units' is extremely disturbing for the number of reasons. First, reflecting the conservative special educational orientation of the authors of the recommendation, the assumption is that the students are deficient and in need of isolation and treatment in their own best interest. This application of the medical model fails to fix its diagnostic gaze on the school that...
is the disproportionate discrimination between special educational treatment and imprisonment (Brodna, 1987; Cook & Slee, 1994). In an address to the International Congress on Special Education in Cardiff, Tom Skrnic vigorously asserted that the two greatest threats to democracy in the United States were special education and educational administration theory. Special education because it provided the technology and infrastructure for diminishing expectations and outcomes for vulnerable students, and educational administration theory because it provided the national and bureaucratic justification for so doing (Skrnic, 1991).

Analysis as a Prelude to Policy?

The intention of this paper is to call for more thoughtful approaches to responding to student differences, social change and dissent in schools. The intention is of applying quick-fixes to complex social problems is prone to failure. The problem is that students are made casualties of short-term policy fixes.

Rather than dispersing students to the margins and beyond, through exclusion and all the accompanying social, educational sites, attention ought to be paid to developing school cultures which respond to the needs of all comers. The conversation about how we achieve this may well commence by analysing the differential impact of curriculum, teaching approaches and school policies on students and develop an inclusive and disadvantaged minority group students.

This is not to say that all schools should be the same or that alternatives are unacceptably. Alternatives may be credence-styled if we aim to produce more than ghettoes and repositories for 'second class students'. Precedents exist where schools have sought to reconstruct themselves and the future for their students rather than Social group space. The first step taken by such schools is the provision of space for the student voice. In this way, dissent is legitimated and hashed out in the process of reconstructing schooling. O

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provides some students with limited or no options for a transition into the adult world of higher education and work. A school system that is losing its race against history is going to require many more behaviour units than recommended in the Andrews, Ekins and Christie report. School inspectors referred to the international research on the performance of such units elsewhere, they may have reconsidered their proposal. In 1978 Her Majesty's Inspectors in the UK evaluated off-site provision for disruptive students (HMI, 1978). The children who were referred were very expensive in disturbing the flow of students out of the regular school, they were unsuccessful in their stated goal of reintegrating students into the mainstream of educational life. This evidence has replicated in a number of subsequent studies which have identified problems of reintegation (Daines, 1981; Hartford Public Schools, 1975; Francis, 1980), disproportionate referrals of minority group students (Francis, 1980; Tomlinson, 1988) to provide recognised criteria, and the intensification of labelling (Newell, 1988; Mongon, 1988).

Writing in 1988 about these units in the United Kingdom, Denis Mongon suggests that units do not exist for the 15000 students referred to the system but for the students who will never go to a normal school. Units provide an environment for completing curricula, which is either unreachable or unwilling to cope with the needs of some of their students. What this means is that when the 'problem student' is referred off the school, another student for whom a place is required is soon found. The more units we have, the more deviant students we can create. Stuete, when reviewing such practices in the UK and Europe, was moved to ask, 'which is the chicken and which is the egg?'. This places little pressure on schools to improve their own performance for all students.

Diverting an ever-increasing number of young people to anti-social units, relevant life skills, outdoor education programs or therapeutic settings signifies an educational system that is not only failing. The challenge is not to find relevant alternatives for disadvantaged, minority and disreputable students. The challenge is to make school relevant to their context and able to meet their need for an education that generates rather than closes options for the future.

The Myth of Clinical Judgement

The most recent weapon in the school control arsenal is the epidemic of Attention Deficit Disorder Syndrome or Attention Deficit-Hypoactivity Disorder (ADD, ADHD). Debate about the existence of the syndrome rages. While I have reflected on this debate elsewhere (Slee, 1994), I will simply urge that we rule out all other factors that contribute to disruption in schools before labelling young people on chemical interventions that can retard growth, cause nausea and a range of other side-effects (Govoni & Hayes, 1988). We ought to be sure that there are not other factors contributing to disruption in schools prior to labelling children as deficient and placing them on an emotional or behavioural intervention regimes.

It is not clear whether the incidence of ADD/ADHD reflects the diagnostic predispositions of professionals, shortcomings in teaching, curriculum on school organisation, or the problems of young people. Gartner and Lipsky (1987) observed the testing procedures of school psychologists across America. Frequently, when students performed well on IQ tests, further tests were produced until a problem or reason for special educational intervention was found. Recently I attended a seminar in New South Wales where a senior NSW Department of School Education Officer revealed the unpublished data on the disproportionate referral of Aboriginal children to special educational services. Scientific measurement inventories are frequently little more than cultural yardsticks which discriminate against students on the basis of class, ethnicity and race (Kamin, 1974; 1991).

This, of course, would not be a problem if we accepted the common assertion that special educational schooling was the best interest of those who participate in it. Anecdotal evidence from former special students (Walsh, 1993; Humphries & Gordon, 1992; Potts & Fido, 1991) suggest otherwise. Even more damning is the disproportionate discrimination between special educational treatment and imprisonment (Brodna, 1987; Cook & Slee, 1994). In an address to the International Congress on Special Education in Cardiff, Tom Skrnic vigorously asserted that the two greatest threats to democracy in the United States were special education and educational administration theory. Special education because it provided the technology and infrastructure for diminishing expectations and outcomes for vulnerable students, and educational administration theory because it provided the national and bureaucratic justification for so doing (Skrnic, 1991).
Domestic violence has been identified as a major concern in modern Australian society. It has been estimated that as many as 16 per cent of Australian couples experience at least one violent episode each year and that 6 per cent of these couples experience violence severe enough to cause injury to the battered spouse (Straus, 198; in Kirby, 1991). Unfortunately, the ability to determine the extent to which young people are the “secondary” victims of domestic violence is much more limited. However, research has indicated that despite the best efforts of battered women to shield their children from the violence, many young people not only witness parental violence but actually attempt to intervene to protect their mother. A 1988 phone-in conducted by the Queensland Domestic Violence Task Force found that 90 per cent of respondents with children reported that the children had witnessed the domestic violence and that in 11 per cent of cases a young person had called the police for assistance. A more recent Queensland study found that even very young children attempted to intervene in domestic disputes in one-third of violent families (Smith, 1994). Statistics such as these suggest that domestic violence is a problem that impacts on large numbers of young, “unintended victims” (Rosenbaum & O’Leary, 1981).

Young People and Their Rights to Seek Protection

Jennifer Smith

The need for protection: The overlap between domestic violence and child abuse

Research also suggests that young people may have to deal with a number of major stresses in the family in addition to domestic violence. A growing body of research suggests that spouse abuse and child abuse are often linked within families, with each being a predictor of the other in 40 per cent to 70 per cent of cases (Smith, 1994; McKay, 1994; Stanley & Boddard, 1993). Research indicates that child abuse is at least 15 times more likely to occur in families where domestic violence is present (Stacey & Spence, 1983). The Queensland Domestic Violence Task Force (1988) reported that 68 per cent of the respondents’ children were abused by their mother’s partner and alcohol abuse was identified in 70 per cent of the respondents’ families. Parents in violent relationships often underestimate the impact of the violence on their children. The mother may be so depressed and concerned about her own survival that she has no energy to respond to the needs of her children. Possibly both parents are so involved in their relationship conflict that young people are unimportant, except as pawns in the battle.

Furthermore, young people who accompany their mothers to a refuge for battered women are likely to experience a complete disruption in their social and familial support systems and hence a crisis situation equal to their mother’s. In some cases a physically mature, adolescent male is not able to accompany his mother to the refuge because some refuges will not provide accommodation for mature young men. Even a mother’s decision to separate or divorce does not necessarily free the mother or young person from continued threats and abuse, particularly if contact is maintained due to visitation of younger children (Shephard, 1992; Smith, 1994). Alternatively, if a mother returns to the violent spouse, young people who may not wish to return often feel they have no choice but to do likewise because of a sense of responsibility for their mother’s protection and/or limited financial circumstances.

In many ways then, young people are the unacknowledged victims of violence in the home. Whilst they might escape without physical injury, they may bear emotional scars that last a lifetime.

Outcomes for young people from violent homes

Maria Roy (1988), who has studied the plight of young people who have grown up in violent homes in the United States, refers to these “children in the crossfire” as a “runaway problem of infinite proportions.” In Australia, there is also evidence that running away and homelessness can also be one of the outcomes for some young people from violent homes. A report commissioned by the Youth Affairs Council of Western Australia (1992) stated that between 50 and 85 per cent of young people accessing Western Australian youth services came from families where spouse abuse and/or child abuse had occurred. The Human Rights and Equal Opportunity Commission’s Report of the National Inquiry into Homeless Children (1989) also stated that many young people left home because they found family conflict intolerable.

Although there has been a tendency to separate child abuse from domestic violence, the latter constitutes child abuse in the sense that forcing a young person to witness the abuse of a parent and cope with the fear of injury to this parent, siblings or self is a form of psychological abuse in its own right. The need for greater concern about these “secondary” victims of domestic violence is further highlighted by studies which suggest that the effects of experiencing or observing violence in the family may persist into adulthood and even perpetuate an intergenerational cycle of abuse in approximately 30 per cent of cases (Widom, 1989; Cappell & Heine, 1990). Retrospective accounts of men who battered their spouses indicate that many have witnessed domestic violence in their family of origin (Post et al, 1981; Caesar, 1988). Similarly, retrospective accounts of battered women suggest that they rely upon more avoidance and less active coping, responses and are less likely to seek refuge from their spouses’ beatings if they have witnessed the mothers as victims of abuse during childhood (Hoatling & Sugarman, 1986).

The Protection of Young People Under the Queensland Domestic Violence (Family Protection) Act 1989

The stated purpose of the Domestic Violence (Family Protection) Act 1989 (Qld) is to:

- provide for protection to a person against violence committed or threatened by his her spouse, for protection of
certain other persons and for prevention of behaviour disruptive to family life.

It should be noted that the Act only attempts to deal with violence by a spouse and does not cover child abuse (Clarke, 1990).

The Act states that an application for a protection order can be made by a police officer, an aggrieved spouse or "an authorised person" who the Act defines as "a person who is authorised (in writing) by an aggrieved spouse to appear on behalf of the aggrieved spouse, unless the court otherwise orders. An authorised person is not able to assist in.

In essence, young people do not have the right to seek a protection order under this legislation. However, children, young people and other relatives of the aggrieved spouse can be mentioned on a protection order obtained by the relevant authorities.

The primary reason why young people do not have rights to instigate protection proceedings under the Queensland Act is related to recommendations made by the Queensland Domestic Violence Task Force in 1988 during the developmental phase of the legislation. The Task Force felt that the impeding legislation should address spousal violence only. Whilst the Report of the Queensland Domestic Violence Task Force (1988) highlighted the association between child abuse and domestic violence, the Task Force considered

"to seek to cover children by the protection orders would serve no useful purpose other than to further complicate an already complex area and unnecessarily interfere with the review already in progress of Queensland's child protection law.” (p. 163).

Unfortunately, the review of the Children’s Services Act 1965 is still in progress and six years after the Task Force made this recommendation, no draft laws have been tabled. Hence, in the case of young people, there continues to be a number of problems related to ensuring their protection within current child welfare systems.

Firstly, under Queensland’s child welfare legislation - the Children’s Services Act 1965 - a young person does not have the right to initiate an Application for Care and Protection in the Children’s Court. Where abuse is reported, either by a young person or an adult, the young person remains dependent on child protection authorities to act on the complaint. An additional complication to this process is that young people over 15 years of age are often perceived to fall into a “grey area” when it comes to child protection authorities deciding whether intervention is necessary.

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whilst many young people might want police protection, they want it on terms which allow them some control over active role in the process. Hence, mandatory reporting and/or the necessity for child protection agencies to seek protection applications on the young person’s behalf has the potential to add a further dimension of powerlessness.

Lastly, perhaps one of the strongest arguments against relying solely on child protection systems to protect young people from violence in the home has to do with how the young person’s safety is secured. The child protection system frequently relies on removal of the young person from their home to ensure their safety. Domestic violence protection orders, however, are far more likely to result in the perpetrator being removed from the family home. In the latter case, the young person will experience less disruption to their schooling, social networks and sense of physical and emotional security.

Similarly to the child protection system, where a young person is dependent on an authorised person to act on their behalf, the provisions for the protection of young people under the Domestic Violence (Family Protection) Act 1989 are not sufficiently different. A young person is also dependent on authorised adults to seek their protection under this legislation. Unfortunately inadequate tools only help to perpetuate young people as hidden victims of domestic violence and fails to acknowledge young people’s capacity for autonomy and basic right to protection in the family. Hence, the legislation has serious shortcomings. As Simpson (1991) argues:

"There is a crucial difference between having the right to initiate proceedings and relying on someone else to proceed. Although it might be said that children will still require the assistance of adults to enforce such a right, this is a different matter from requiring the approval of an adult before the right can be exercised." (p. 10)

There are a number of other problems with the current domestic violence legislation with respect to the safety of young people. For instance, in circumstances where the mother has not applied for a protection order and wants to remain with or return to the violent spouse, the young person’s desire for a protection order may not obtain the battered parent’s support. Such a situation would result in the young person being dependent on a police officer to apply for a protection order on the battered parent’s behalf in which the young person was also named. Where a protection order is obtained (either by the aggrieved spouse or the police) but is later revoked by the aggrieved spouse, the young person is no longer protected. This applies even in cases where the battered parent may have given sworn evidence that the violent spouse had abused (either sexually or physically) the young person.

As a last resort, a young person seeking protection could apply for peace and good behaviour order under the Peace and Good Behaviour Act 1982. However, as this legislation was originally introduced to address such problems as disputes between neighbours, there is no provision for an interim order under this act. A young person may have to wait weeks for the matter to be heard before an order could be made (whereas Queensland’s domestic violence and child protection legislation have provisions for interim/temporary orders).

Domestic violence legislation in other states

In some states there is greater recognition of the increased capacity of people to act without adult permission or assistance than is the case in Queensland. For instance, the Victorian Crimes (Family Violence) Act 1987 was amended in 1990 to allow young people aged 14 years or over to seek the court’s permission to apply for an intervention order in their own right (that is, without relying on an adult person to initiate the complaint). The legislation in the Australian Capital Territory has also been amended and allows a “child” (who is defined as someone who has not yet attained the 18 years) to seek a protection order.

Tasmania does not have separate domestic violence legislation and domestic violence restraint orders are covered under the Justices Amendment Act 1985. This Act states that where the person protecting a child is a domestic violence order to be allowed by the Court, the child is entitled to another person to seek for the child’s protection.

An examination of the different states therefore reveals that not all states and territories extend to young people the full rights to seek protection that have been extended to adult victims. In several states however, young people have more rights to seek protection than they do in Queensland.

It is also worth noting that the Family Law Act 1975 (Commonwealth) allows young people to seek orders for their “personal protection” and to initiate their own proceedings with respect to custody although in practice exercising these rights and the enforcement of restraining orders has often proved problematic (Otwowski & Tisman, 1992). Since this jurisdiction recognises the capacity of young people to initiate action there seems little justification for denying young people rights under State domestic violence legislation by relying on the rights available under the Family Law Act 1975 (Simpson, 1991).
Obstacles to young people obtaining rights to protection

As discussed earlier, young people are also the victims of domestic violence. While there have been attempts to empower adult victims of domestic violence, the granting to young people of certain rights in this context has been less forthcoming. Why is it that not all legislators have embraced the notions of young people's autonomy and capacity to seek a protection order either with or without an adult assistant? The response to this issue is indicative of: (i) the relatively powerless position that young people occupy in the family and society, generally, and (ii) the conflicting views that society holds of young people, children's rights and state intervention into the privacy of the family.

First, domestic violence legislation reflects certain values and assumptions about families and their internal power dynamics. Giving young people equal rights with adult family members is thus perceived by some community members to be a danger to the "traditional family" because it threatens the autonomy of the family unit. As Simpson (1997) suggests

"Legislation aimed at giving children and young people rights to protection from domestic violence will be labelled as undermining the 'family structure', a euphemism for the traditional family with power exercised by its adult members, particularly the father where there is one." (p18)

Even more than this, however, giving young people such rights would also challenge the family's so-called "right to privacy" (which is no more than a protection of patriarchal rights to maintain relations of inequality and dominance) and the market processes and legal systems which construct gender and age vulnerabilities, and then fail to provide protection or redress (Cass, 1992).

Second, it is an established fact that domestic violence is a problem which occurs in all classes in society. Could it be that young people having rights to seek protection from domestic violence, brings into families of all social classes the possibility of state intervention to protect young people's interests: a practice to which mainly poor families and Torres and Aboriginal islands people have long been subject.

Finally, there are two conservative perceptions of young people which have posed a major challenge for those who would argue that children and young people should have the same rights to protection as adults. One of these perceptions is that young people are "deviant" and may be a threat to "decent" adults who may be averaged for their presumably minor infraction of physical punishment by adults without children's meaningful participation. The opposition from some sections of the community to the abolition of corporal punishment and to Australia's ratification of the United Nations Convention on the Rights of the Child, for example, highlighted not only how much these views are still widely held by many Australian community and government members.

What should be done?

First, workers need to recognise that domestic violence is not a private family matter but a "dangerous situation that may have serious physical and emotional consequences for women and young people living in a violent home (Nolan, 1991, Parkinson, 1994). Given the violent and dangerous family realities, young people face, Wells (1990) quite rightly argues that there is an "...abundant need for provision for young people, as a last resort, to initiate on their own behalf if they have not received the help as they should have done from adults in society - proceedings for alleviation of their problems." (p568)

Whilst it is acknowledged that there are obvious difficulties in extending such rights to very young children, these same problems are not so apparent in the case of young people. Although, adult assistance would still be required to give effect to this right, young people would at least be placed in a similar position to many other youth seeking protection from domestic violence. Besides, many adult victims require information and assistance when seeking protection orders, although they do not require official consent to initiate orders.

At the international level, the Convention on the Rights of the Child contains provisions, which both "...require obligations on nations to protect young people from violence (Article 19) and which acknowledge the right of young people to participate in judicial proceedings (Article 12). As Rayner (1991) suggests,

"...the convention's principal usefulness is as a means of removing hermeneutic status being fully entitled to human rights, rather than being the objects of social concern and control, and as having a legal and ethical right to be heard..." (p 34)

An acceptance of the principles of the United Nations Convention on the Rights of the Child, therefore, requires all young person's right to live in a safe family environment is protected in law through the appropriate formulations and sanctions. Once this occurs, these legal protection will not only redress the imbalance of power between young people and those adults who hold the "duty-of-care", but they will serve an educative and preventative purpose in informing young people themselves about their rights to protection (Cass, 1992).

Even in those states where young people do have rights to seek protection orders, there is a need to address their personal safety in situations where the battered parent applies to revoke a protection order. Legislative reforms are needed which would require that a court has to be satisfied that the revocation has been discussed with the young person (by a person authorised by the court) and that she is happy for this to occur.

In order to change the inadequacies in the present legislation, young people will need to advocate for young people to have the right to legal protection and the right to be heard. By claiming and protecting state workers can help lay the foundation for extending the transmission of violence into the next generation by empowering young people themselves.

References


Discriminating Evidence:

Sue Wright

In 1993, the Report of the National Inquiry into the Human Rights of People with Mental Illness was released. The Inquiry's terms of reference were:

1. To inquire into the human rights and fundamental freedoms afforded persons who are or have been or are alleged to be affected by mental illness, having due regard to the rights of their families and members of the general community.

2. In particular, to inquire into the effectiveness of the legislative provisions, legal mechanisms and other measures in protecting and promoting the human rights of such persons.

3. To examine the respective roles and responsibilities of Commonwealth, State and Territory Governments in these areas.

4. Without limiting the generality of the preceding terms, to consider:
   a) any discrimination on the basis of mental illness in Commonwealth laws or programs;
   b) any discrimination in employment, occupation, accommodation or access to goods and services on the basis of mental illness.

As is perhaps obvious from the above, the task of the Inquiry, conducted by the Human Rights and Equal Opportunity Commission (HREOC), was complex, immense and at times nebulous. The substantial efforts of Inquiry members to consult with individual consumers, consumer groups and a range of interest groups should be recognised as exemplary. The act of instigating such an Inquiry, in itself gave mental health issues a chance to be aired at a national level. This in turn has hastened the formulation and reworking of relevant policy and legislation. As with the HREOC's Inquiry into youth homelessness, the Inquiry into mental health has provided consumers, and those working with and for them, with a powerful lobbying tool legitimised by the status of the Commission.

4. While I do not wish to diminish the positive impact of both the process of the Inquiry and the Report of the Inquiry, I do wish to raise particular concerns in relation to the Report. These concerns are:
   i) the absence of the voice of young people as consumers, within the Report;
   ii) the uncritical usage of the category of 'expert';

iii) the reliance on 'expert' advice drawn primarily from within the discipline of psychiatry (particularly in relation to young people) and the lack of alternative views canvassed from within this discipline;

iv) the issue of language within the Report which diminishes the credibility of consumer concerns;

v) the lack of consideration within the Report regarding the impact of the cultural, political and historical construction of mental illness and 'the diagnosis' on young people; and

vi) the separation or compartmentalisation of broad structural issues such as power, culture and gender.

Reliable vs Unreliable Witnesses: Expert Opinion vs Consumer Subjectivity

It is stated clearly within the Report that,... no single model of mental illness or mental disorders is adopted" (HREOC, 1993:40). However, the dominant 'expert' status of the clinical psychiatric model is just as clearly confirmed within the Report. It is true to state that psychiatry is viewed as somewhat problematic in the Report, however, there is also a particular and significant defence of psychiatry which sees most 'expert' evidence being drawn from within this discipline. Perhaps this reliance on one clinical model is incapable given the dominance of psychiatry in the diagnosis and treatment of mental illness. However, evidence provided to the Inquiry by consumers is diminished within the Report by statements which allude to the reliability of expert opinion and the unreliability of consumer allegations.

To begin with, consider that within the report, psychiatry is equated with clinical care. Clinical care is suggested to be:

- the psychiatrist's response to criticism by those who challenge the validity of psychiatric diagnosis or the concept of mental illness itself (HREOC, 1993:46).

This is not necessarily the position taken by the Inquiry, however, when clinical rigour is pitched against consumer 'allegations' it becomes clear as to who the reader should regard as 'expert' and therefore objective. A prominent example of consumers being relegated to the 'unreliable witness' category is as follows:

Numerous allegations concerning the over prescription of drugs in psychiatric hospitals were made to the Inquiry. Commonly the evidence was of a subjective and non-clinical nature (emphasis added) (HREOC, 1993:243).

It is quite apparent that the Inquiry suggests that "an overly meticulous reliance on clinical definition (particularly those relating to 'mental illness' and 'personality disorder') is not only unhelpful it is part of the problem" (HREOC, 1993:11). However, as is equally apparent from the above, the Report reinforces the idea that subjective and non-clinical evidence is somehow unreliable. The subjective and non-clinical evidence being referred to above is the plethora of consumer allegations which suggest that the over-prescription of drugs is a day-to-day occurrence used in the management of patient behaviour. To classify such evidence as merely subjective and non-clinical suggests that consumers by themselves are unreliable witnesses, no matter how many of them state a particular case. Therefore it would seem that such evidence needs to be confirmed by 'expert' opinion and 'clinical rigour' before being considered as substantive evidence. Thus whilst consumer experiences are drawn upon heavily within most of the Report (and they do not portray a homogenised view of the mental health system), they are rarely unaccompanied by expert opinion to validate them.

Interestingly, some consumer groups are drawn upon in the Report in much the same way as other 'experts'. That is, their evidence is legitimised by a title suggestive of authority and therefore objectivity and reliability, for example: "the Executive Director of the Queensland Association for Mental Health" stated... (1993:263), or "the President of ARAPMI Queensland" stated... (1993:234). In addition to this, the descriptive language that is employed in reference to consumers differs greatly from that employed to describe 'experts'. Whereas the Report never refers to experienced consumers, it does employ the following terms consistently in reference to psychiatrists in general and those deemed to be 'experts': 'an experienced psychogeriatrician' (1993:245), "one experienced psychiatrist" (1993:249,255), "expert witness" (1993:608). One consumer is however allowed to cross the boundary from consumer to 'expert' witness. The catch is that even though she is a consumer she is also "Dr Joan Ridley, psychiatrist" (1993:253) and therefore still a reliable witness despite her mental health status.

Whilst I understand that such techniques are supposedly employed to give greater credibility to the consumer voice, they do little to ensure that the "voice of the individual sufferer... is accorded analytical status" (DiGiacomo,1992:143). Thus the Report may be seen to reinforce consumer concerns that their complaints may not be believed or their protests against treatment simply dismissed as being symptomatic of their illness. As one experienced consumer of many years eloquently states:

One of the worst things that can be done to you is to have a psychiatric label put on you... because it discredits you for the rest of your life. And people use that to discredit what you say, when you want to complain about the abuses in the psychiatric hospitals... and abuses in hospitals today (HREOC, 1993:444).

The defence of psychiatry and the medical model of diagnosis and treatment within the Report is fairly consistent and uncritical despite the sound consumer demanding psychiatry receives in volume 3 of the Report. This defence can be illustrated by looking at the Report's references to the DSM (see below). It is stated within the Report that:

The aim [of the International Classification of Diseases and the Diagnostic Statistical Manual of Mental Health Disorders] is to ensure, as far as is possible, coverage of the full range of psychiatric disorders, and simultaneous within the delineation of syndromes into clear, clinical entities (HREOC, 1993:46).
What the Report fails to achieve in referring to the DSM in particular, is to canvass alternative views from consumer groups and from within the social sciences which includes culture, conceptions, culture bound, and the DSM. Instead, the Report relies heavily upon the category of ‘expert’ one might have expected a greater input from other ‘expert voices’ questioning not only the practices of psychiatrists but practices within the mental health system in general.

There is also little within the Report that portrays psychiatry as a multi-faceted discipline wherein particular players question the reliance on social, political and cultural understanding. Ernest Hunter (1991) has written extensively about psychiatry’s failure in general to incorporate social and cultural understanding into the discipline. He illustrates the discipline’s fundamental flaws in his examination of problems experienced by Aboriginal people. He argues:

"Until two decades ago most psychiatric writing on Australian Aborigines was focused on the ‘psychopathology of the exotic’. In the years since there has been a greater [but not sufficient] recognition of the social and cultural context of behaviour (Hunter, 1991:658).

Hunter’s work examines the ways in which problems experienced by Aboriginal people have been constructed in a manner which has smothered an analytical framework which includes culture. Hunter (1991) also suggests that the responses devised to counter such problems were also constructed in a cultural vacuum. Views such as Hunter’s should have been prominent within the report to broaden the understandings of how ‘clinical rigour’ and ‘the diagnosis’ are culturally determined and often used for the purposes of political expediency. Such views should also have been drawn upon to confirm the position taken early in the Report, that no one model of mental illness was being adopted. Given that such views have been more or less left out of the Report’s content, one is left to ponder the Inquiry’s commitment to such a position.

Chapter 20: The Absence of Voice

Elsewhere, Hunter (1991:468) has concluded that the construction of problems to fit solutions is particularly seductive for health where the medicalisation of often primary social problems may appeal to both political and health care delivery systems. As Hunter suggests, the seduction of medicalising primary social problems is appealing because it can be politically expedient. That is, it is easier to blame individual, familial or a collective pathology than it is to look at fundamental structural flaws within a social/political system.

Whereas Hunter may be able to detect a forward movement in relation to how Aboriginal mental health problems are understood, there appears to be no visible analytical movement within the Report away from the “psychopathology of the exotic” in relation to young people. Indeed chapter 20 of the Report entitled Children and Adolescents reeks of the medicalisation of primary social problems and politically expedient explanations.

Part of the problem is that the voice of young people as consumers is totally absent in chapter 20. If the voice of young people is absent, then the one question being asked is “who was being represented, by whom and what quality were being imputed?” (Duncan,unknown:43).

It is abundantly clear that young people do not represent themselves. Those speaking on behalf of, or in the place of young people are family members, service providers, ‘experts’ and the Report’s authors. In the absence of the voice of young people we must apparently be thankful for the invaluable insights of ‘expert’ opinion. Without such insights I for one would not be aware that incarceration within the juvenile justice system and pleading guilty was actually beneficial for young people, despite their plea status. Please read on:

“If the voice of young people is absent, this begs the question ‘who was being represented, by whom and what qualities were being imposed?’ It is abundantly clear that young people do not represent themselves. Particularly difficult – requiring specialist knowledge not only on the part of mental health professionals, but also from a range of other individuals involved in the young person’s care. (emphasis added) (HOREC, 1993:636).

Indeed much of the evidence drawn upon in chapter 20 is as equally unsophisticated and relies defiantly upon stereotypical and discriminatory constructions of adolescence as a transitional phase of uncontrollable storm and stress (Hall,1994). Any consideration of how cultural, social and political constructs shape the diagnosis and treatment of children/young people are noticeably absent within the Report, particularly within chapter 20. Thus, the qualities that are imputed to children/young people are generally tethered to developmental rationales. This can be illustrated by focusing upon the plethora of evidence within the Report, from health professionals which suggests young people (in particular) to be a difficult group to diagnose for mental health problems. The difficulty is stated as being due to the confusion caused by ‘adolescence’ itself, in that adolescents are normally prone to ‘the developmental storms and stresses’.

A large number of these youngsters are suffering major depression, sometimes of a primary nature but because of other behavioural and developmental issues it tends to be not seen because it is masked (HOREC, 1993:607).

Here ‘expert’ evidence is used to reinforce culturally inappropriate and stereotypical notions of young people as being tormented by an uncontrollable physiology. One does not have to read much further into chapter 20 to understand why such an unctuous and inappropriate notion of ‘youth’ is being asserted.

The definition of ‘mental illness’ in children and adolescents - and its interrelationship with ‘emotional disturbance’ and ‘behavioural disorders’ is complex and contentious issue. The co-existence of these problems in young people makes diagnosis (and prevention, therapeutic intervention or treatment)

If the voice of young people is absent, this begs the question – who was being represented, by whom and what qualities were being imputed? It is abundantly clear that young people do not represent themselves.

THE SUSPECT APPEARS TO HAVE NO PARENTS!

SHE'S LOSING CONCENTRATION! TYPICAL ATTENTION DEFICIT DISORDER!

RIDICULOUS CLOTHES!

I’LL BET SHE’S A LESBIAN!

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claiming to have such specialist knowledge. Young people in general are certainly not deemed to have or be able to appropriate or understand such knowledge. As it is suggested that:

Most do not have the knowledge or the ability to identify either the kind of problem they are having or the type of assistance available. Many adolescents are also unlikely to have the knowledge or ability to identify an emerging health problem (HRC93, 1993: 661-67).

Young people are thus deemed to be trapped by their own physiology, apparently unable, unwilling or unwilling to act in their own best interests. There is no questioning within the Report of evidence, such as the above, which is highly indicative of an ‘age-related regulatory ideology’ (Bough, 1994: 177). Thus young people find themselves increasingly under scrutiny/ surveillance, bound by flawed constructions of adolescence which dictate that they do not have the social legitimacy to be left alone (Bough, 1994).

Schizophrenia

The diagnosis and subsequent treatment of schizophrenia poses a range of difficulties that young people may have in not only negotiating their right to be left alone but their rights as consumers of services. Within the Report it is stated that ‘most young people’ should be diagnosed as schizophrenic. The peak age of onset for schizophrenia is stated as being in late adolescence and early adulthood (at an age of 16).

It is further stated that in New South Wales alone, there will be five times as many cases of schizophrenia in the year and that most of these will be young people.

Failure to seek or comply with treatment is suggested within the Report to be a common symptom of schizophrenia. Whilst this may indeed be the case, this conclusion serves to further illustrate the impossible bind that young people are placed in when voicing their negative experiences and concerns about their diagnosis and treatment, as their concerns may easily be dismissed as being a confirmation of the diagnosis.

Whereas I remain optimistic that the set recommendations will achieve positive outcomes, a focus on greater provision of programs and services is not a significant consolation given that the representation of ‘youth’ within the Report is a highly problematic one.

Indeed the broader climate in which the recommendations will be operationalised can be just as uncritical and thus problematic. Two recent articles from ‘Youth Studies’ highlight the very significant problems that the Report’s recommendations pose by outlining the research, program and policy climate in which recommendations will become operationalised.

Fuller et al (1994:51) argue that research already exists on young people suffering from schizophrenia and that there is an increasing alert to the concern that Aboriginal and Torres Strait Islander young people’s young men in particular) are more likely to be diagnosed as schizophrenic than their white peers (Brady: 1991).

The Operational Climate

Not surprisingly, the Report’s recommendations that directly relate to young people concentrate heavily on the greater provision of programs and services. While such an action is identified by consumers as being essential, the social, cultural and political constructions of ‘youth’ and mental illness need to be accounted for so as to develop relevant actions. By this I mean actions which do not simply position the causes of mental illness (in health in the realm of individual, familial or collective pathology

A further example of this uncritical climate is the work of Dr Ken Levy. In a recent University News article it is claimed that Levy has just completed ‘one of the most comprehensive studies on adolescent delinquency ever done in Australia’. Having tested the ‘adolescents’ aged from 13 to 17 Levy found that half could be classified as delinquents. He also found that “disturbingly there were no Aboriginal males in the study who did not end up being classified as delinquents” (1994:3).

What is disturbing is not Levy’s findings, noteworthy though they are, but his seemingly inability to understand the impact of primary social concerns such as race, culture, gender and power, although the voice of young people is absent within the Report this is not necessarily so for all groups represented within the Report. In regard to women, the cultural, social and political constructions of the diagnosis and mental illness is given limited consideration within the Report. A woman’s voice to the Inquiry is accounted for and given the status of expert evidence. This in turn is reflected in recommendations within the Report which, to a degree, account for the cultural, social and political constructions of mental illness in regard to women. This view of women being represented as experts, particularly in regard to violence against women, can be illustrated by the following:

Evidence also confirmed what was obvious throughout the Inquiry that public sector patients suffered from more serious mental illnesses than private sector patients. Approximately 60% of patients seen in private sector practice suffered from a neurosis or personality disorder. Only a quarter of the public sector patients received one of these diagnoses. Patients in the public sector were also twice as likely to be prescribed drugs especially anti-psychotic medication whereas patients in the private sector were twice as likely to be in psychotherapy (HRC93, 1993:174).

It is therefore recognised within the Report that there are primary social structures which mould the constructions of mental illness and diagnosis for women1. Such an analysis is not considered in relation to young people thereby suggesting that constructions of gender are somehow separate from the ‘youth’ issues under consideration.

Conclusion

While there is much to be applauded in relation to the release of the Report of the National Inquiry into the Human Rights of People with Mental Illness, there are serious concerns which should be noted in relation to the Report in general and more specifically in relation to the portrayal of young people.

First, although the Report suggests that no single model of mental illness or mental disorders is adopted, a particular and significant deficiency of psychiatry and bio-medical care can be clearly discerned within the Report.

Second, the structure and presentation of evidence nurtures a distinction between those to be regarded as ‘expert’ and those to be regarded as unreliable witnesses. A discernible theme within the Report is the disparagement of consumer evidence against the ‘reliable and clinically rigorous’ evidence of experts, which serves to diminish the credibility of consumer concerns. It appears to me that for primary social problems to be recognised and apt recommendations for action made, the consumer voice must be present and acknowledged credibly.

As a consequence, while the Report’s recognition as reliable authority also needs to be explored to make it evident that this category is restructured by and constructed within the bounds of culture and power.

Third, when focusing on young people as a ‘vulnerable’ group, the Report does little to contest evidence which relies upon a preconceived inappropriate and blatantly discriminatory notions of young people as being bound by developmental stoms and stresses. Indeed the Report portrays young people as a homogeneous groupetering between normality and mental illness with only high levels of surveillance and intervention to keep them from harm. Schizophrenia provides a powerful example of how young people may be caught within such an age related regulatory ideology, by highlighting the way in which young people may find themselves should they choose to resist diagnosis or treatment.

Finally, the Report makes recommendations which directly target young people. Whilst the recommendations attend to calls by consumers and consumer groups for increases in the provision of programs and services, this is suggested by consumers to be only part of a much broader strategy needed to change the system. The Report’s recommendations are targeted at young people, in essence, only relate to the greater provision of programs and services. I have suggested that the recommendation given that the climate in which the recommendations are likely to be operationalised, is unlikely to question discriminatory representations of young people either within the Report or in other research.
Grants for Young People's Health

Do you have a program in mind which:

- addresses an unmet health need for young people;
- uses a new approach in encouraging young people to use your youth health service;
- provides health information/education for young people;
- provides training to support the health and well-being of young people in your community;
- tackles the problem of making a health service information & advice 'friendly' for 'difficult to reach' young people.

Grants up to $3,000 will be available for 'one-off' programs which target the health needs of young people. These grants are not for recurrent or ongoing funding.

This is an opportunity to try something new in health services for young people, developing information/education resources or tackling the areas/issues/groups which are usually in the 'too hard basket'.

For further information and funding guidelines, please contact:

Youth Health Policy Unit
Queensland Health
GPO Box 48
Brisbane Q. 4001
2 (07) 534 0759

Closing date for applications: 11 November 1994

Feeling you belong

Paul Martin and Amanda Nickson talk to Corrie Macdonald

Many young gays and lesbians experience discrimination of one kind or another. But, by joining together, they can start to deal with their own doubts and any other obstacles they may face.

Talking to Paul Martin and Amanda Nickson about discrimination affecting young gays and lesbians is surprisingly uplifting experience. At 22, they are happy, vital people and, even discussing this serious subject, their positive approach to life is obvious.

Paul is an Education Officer, and Amanda a Project Officer, at the Queensland AIDS Council. Seven years ago, Paul founded Toehold (a support group for young gays and lesbians) and, in April this year, Amanda called the first meeting of BVLS (Brisbane Lesbian Youth Support Service). Their understanding of issues affecting young gays and lesbians comes from their own experiences and those of the many young people who have participated in the support groups they've established.

When asked to describe the discrimination which most affects young gays and lesbians, Paul talks about the dominant social norms which construct these young people as "other".

"I think that the biggest form of discrimination is not the big, well-publicised things, like a person being sacked from their job, but is less noticeable. It's things like relationships not being recognised, your partner not being invited to family gatherings. And in textbooks, magazines, movies and songs, most of the images we receive are heterosexual. So each time a young person reads a book, or goes into class and there's a heterosexual example, that just reinforces that they're not part of mainstream culture, that they are being marginalised, and that they're not accepted. And I think that's the most important form of discrimination, the low-key stuff behind the scenes, that isn't front page news."

At the same time, Paul acknowledges that more overt forms of discrimination do occur.

"The Anti-Discrimination Commission has received some complaints from gay people, although I'm not sure what age they were. I suppose most of them relate to discrimination in everyday situations, like not getting a job or not being advanced in a job, or being discriminated against in the private rental market."

Amanda believes that young lesbians face these issues, and more.

"I think that going back to very basic socialisation processes, young women are generally not as empowered as young men to go out and deal with problems that they're facing, and, therefore, the whole empowerment issue around sexuality becomes even more of a trial or a difficulty for them to face."

The mention of "empowerment" moves us on to discuss the limitations which young gays and lesbians may impose on themselves. When these young people internalise negative social beliefs about their sexuality, the results can be devastating.

As Paul says: "One of the other issues is the person's expectation that they are going to be discriminated against, which is sometimes classified as 'internalised homophobia'. If I believe that I'm a gay person and therefore I'm not able to do this or that, then that actually stops young people from even attempting to do things. It's not that they don't want to do it, but they perceive that the situation is so bad for them that there's no use trying because they 'know' they're going..."
to get knocked back, they 'know' they're going to be discriminated against anyway."

Amanda also sees this among young lesbians.

"So many of the girls when they first come to BLYSS just sit there and won't say anything. They're really scared. They can't deal with any of the labels, they can't deal with the words or the language associated with identifying as a lesbian, and they have no sense of who they are as a person. It goes beyond 'I don't want to sleep with men', or 'I'm not attracted to men', to 'I have no idea who I am, where I'm going, what I'm doing'. It leads to a sense of self-imposed isolation, in addition to any isolation which may be imposed by society.

"Another thing that comes up for many young women is that they assume that if they identify as a lesbian, they no longer have a right to be 'feminine', they no longer have a right to want to do things that other women do. Sometimes this removes any sense of gender at all from who they are as people, which can be utterly devastating, because so much of female socialisation is based around that gender issue.

"The extent to which young people accept themselves and feel good about themselves goes back a lot to what sort of socialisation processes have been part of their growing up."

Paul argues that these individual problems are closely linked to broader issues.

"The poor self-esteem around sexuality is a result of structural discrimination, and then the poor self-esteem helps to perpetuate the structural things remaining in place."

So it doesn't sound like young gays and lesbians have it easy. But, when asked about their own experiences of discrimination, Amanda and Paul smilingly reply that they have never encountered any serious problems. They say this is because they have positive attitudes, know their rights, and have strong support networks.

Amanda: "I've never gone into a situation expecting discrimination and I've never experienced it. I'm Amanda first, and it happens that this is a part of who I am; if people can't deal with me on that level, then generally I don't have anything to do with them. I don't make it an issue and it's not an issue for the people I deal with.

"I suppose one of my strategies to deal with it is to tell people, 'This is how it is, if you've got questions, ask me about it, there's really nothing you can ask me that's going to bother me.' I suppose I take a feisty delight in encouraging people who've never had any contact with the community to ask me questions, because I don't care what they ask me and I have no problem talking about it. People will often come back later and say 'You know, I've never had any contact with the gay or lesbian community before, I've never met a gay or lesbian person before, but I didn't have as much of a problem as I thought I would.' I suppose it's my personal crusade - to be as out as I can possibly be and show people I don't have a problem with it."

Paul: "It's the same for me. There's been no personal discrimination - or maybe I just don't notice it because I don't find it particularly important. I certainly don't go into a situation with the expectation that I'm going to be discriminated against and that hasn't happened to me - or to any of the people that I know."

But Paul also realises that some young people are more vulnerable.

"All the people that I know go through Toehold, where you develop that sense that nothing will happen to you or, if it does, you can deal with it. That comes from being part of a group. If you feel you belong to a group of people, you draw strength from the group, whereas people in isolation are more likely to experience discrimination.

"Those people most likely to be discriminated against are people who aren't aware that discrimination shouldn't happen, whether that's legally or within themselves. And also young people from working class backgrounds may have more difficulties, because I think it's easier to be out in a middle class job than out on a work site or in a factory. I worked at Schweppes for three years, and I certainly wasn't out in that environment, surrounded by butch men!"

"Once a young person does come out, they may find it difficult to enter and negotiate the gay or lesbian community. Paul says that the gay community itself may disadvantage certain young people.

"I think that there's discrimination within the gay community. The accessible or identifiable gay community is based on the venues, and supposedly you need to be 18 to access those venues. You also need a certain amount of money to survive in gay culture, because you have to have a good body, go to the venues, go to coffee shops, and have all the best clothes and be on the cutting edge of trends.

"If you're not those things, or you don't have those things, then you're discriminated against by the venues, which is the only identifiable community, other than the groups that we run. Older men go through the scene, build up their friendship networks and then leave it, but young people have to get into the scene to build those networks to be able to then leave the scene alone."

Amanda says the lesbian community is different, but has its own pitfalls.

"The lesbian community is not necessarily venue-based, because a large part of belonging to any of the lesbian pockets in Brisbane tends to be a general rejection of that kind of culture, and a rejection of what is seen to be a superficial, money-based, patriarchal set-up. It's almost an opposite form of discrimination: you are not supposed to want to belong to trends, you are not supposed to want to look or dress a certain way, and yet that still means you have to conform."

Toehold and BLYSS connect young people with their peers, without the complications of any 'scene'. They aim to overcome isolation among young gays and lesbians, and help them start dealing with issues around self-esteem and sexuality. They have succeeded in this. Toehold still attracts 15 to 20 participants for its weekly workshops, while similar numbers of young women regularly attend BLYSS's Sunday afternoon meetings. When Paul and Amanda talk about these groups, they are visibly - and justifiably - excited by their success, and their potential for future growth.

Yet, these groups, run by volunteers, can only do so much. Paul and Amanda are concerned that other groups working with young people are still not considering the needs of young gays and lesbians.

"As Paul says: 'I think for youth workers, gay and lesbian young people are the last minority, the invisible minority. I think in the youth sector it's still a silent issue, both at a policy level - where gay and lesbian young people are hardly ever talked about explicitly - and at the level of the individual worker. I find a lot of people can't see, as one person, to do anything proactive in their agency for gay and lesbian young people, because others will think they are gay or lesbian, or find out they are gay or lesbian, or their management will come down on them.

"Also, it's almost like gay and lesbian young people are the only ones who are allowed to talk about being gay and lesbian. If you're in the room, another youth worker won't bring it up, you're the gay person, you have to bring it up and if you're not in the room, it won't be brought up, because it's up to you to do it.'"

Not surprisingly, however, Amanda and Paul have very clear ideas about what youth organisations can do to start addressing gay and lesbian issues. Our conversation concludes with a number of positive suggestions for the youth sector.

Amanda: "I think that youth workers have to start talking about it, because that will start to break down some of the discrimination, as it becomes less tabo and less isolating. And I also think that youth workers need to understand the issues around sexuality and the impact they have on all young people."

Paul: "They should be raising the issue whenever it's needed, and whenever they're raising issues about other marginalised groups. They should be more vocal, because they will show each other that there's a shared understanding. They should find out about relevant information and training.

"And, at a policy level, YANQ needs to remember to include gay and lesbian young people in all its work."

Readers wanting more information about Toehold or BLYSS can contact Paul or Amanda at the Queensland AIDS Council on (07) 844 1990.

Readers may also be interested to know that, at YANQ's 1994 Annual General Meeting, Paul Martin was elected to the YANQ Management Committee.
SYMBOLISING PANIC: The construction of a ‘black juvenile crime problem’ in Queensland

Richard Hil and Lorna Fisher

July - October 1994

Moral panics concerning juvenile crime are far from new. Indeed, contrary to the simple incrementalist view of such crises getting progressively ‘out of control’, historical studies illustrate the tendency of most industrialised societies to engage in periodic bouts of alarm and hysteria in this respect (Cohen 1980, Pearson 1983, Sindall 1990, Finnane 1984). At such times politicians, ‘community leaders’, police commissioners, criminal justice practitioners and ‘experts’ embark on an apologia search for ‘solutions’ to the ‘crime problem’. The ‘problem’ itself assumes a taken-for-granted status and is regarded generally as analogous to a natural disaster, or to the spread of a disease to the social body.

Whether or not such alarm can be justified in terms of the veracity of criminal statistics is usually less important than the perception of increasing crime. For example, as Rob Sindall observes in relation to ‘street robberies’ committed by the ‘criminal classes’ in nineteenth century Victorian England:

‘...whether such events actually happened is not of central importance...as a fact which will forever remain unknown. What is important is that the middle classes believed they actually happened and that the consequences of this belief led to changes in the control structure of their society’ (Sindall 1990:1).

Moral panic and black crime

Moral panic and black crime

Similar episodes of panic are evident in relation to the emergence of working class youth subcultures in both England (Teds, Mods and Rockers, Skinheads, Punks) and Australia (Hooligans, Bogdies, Wiggers and Sharpies), and have also led to changes in their respective crime control cultures.

The most significant moral panic to surface in recent years in England and the United States relates to the street crime of ‘mugging’. During the 1970s this term became most closely associated in the mind of politicians and the public with Afro-Caribbean and Afro-American young people in the badlands of the inner city. Mugging was seen as symptomatic of a general crisis in social order in which growing numbers of disaffected and marginalised sections of the ‘underclass’ (and particularly black young people) threatened to overwhelm a beleaguered, law abiding citizenry (Hall et al 1978). The moral panic over mugging originated in the context of a society experiencing deep economic crisis. Against this background the crimes of black young people came to signify the most vivid and alarming example of the consequences of mass youth unemployment. For the liberal state besieged by economic and social problems, mugging provided the pretext for increased social control and the imposition of preventative and other measures in ‘problem areas’ (Hall et al 1979). During the 1970s and 1980s Australia experienced an economic crisis similar to that of other Western industrialised states. High structural unemployment (particularly youth unemployment), growing levels of poverty and deprivation became prominent features of the economic and social landscape. It was during this period of decline that the moral panic over juvenile crime in Australia emerged (White 1980). Juvenile crime was increasingly perceived as the major social problem confronting state and territory governments across Australia.

Yet while marginalised working class young people were perceived by the media as a major threat to social order, it was Aboriginal young people in particular who came to signify the most immediate and potent danger. As Chris Cunneen (1994:152) points out: ‘...an important part of the discourse on law and order has been the racist doctrine which identifies Aboriginal people as the cause of the “crime problem”’. This association between black people and crime has led to the emergence of a range of more coercive and para-militaristic responses by the police, particularly in relation to the presence of young Aboriginal people in public places (see for example, Kitchener 1992).

Interestingly, the representation in the public discourse of Aboriginal young people as a threat to social stability has occurred at the same time as the Queensland state government, along with other governments, has sanctioned a number of punitive measures to deal with the ‘growing problem’ of juvenile crime. These include a more punitive approach to sentencing practice (as evidenced in the 1992 Juvenile Justice Act), an increase in police powers (for example, in Brisbane’s South Bank complex) and support for localised initiatives such as curfews (Simpson & Simpson 1993). Right-wing politicians have also called for even more draconian measures, such as the enforced exclusion of Aboriginal people from certain areas (for example, on the Gold Coast) and the re-introduction of public floggings for juvenile offenders.

Manufacturing News

It is against this background of economic decline and the worsening plight of Aboriginal communities that we begin to understand the way in which the moral panic over (Aboriginal) juvenile crime, and the response to it, has been generated. A key player in this regard is the media. Newspapers, television and radio reports not only define and construct ‘news’ within the journalistic parameters of ‘newsworthiness’, but news itself generates a symbiotic effect in which news feeds from itself, thereby creating a spiral of even more news (Windhuttle 1988).

The process of ‘sensitising’ the public to social problems involves the exaggeration and distortion of events and phenomena that eventually magnify the problem out of proportion (Chibnall 1977). In the case of juvenile crime the media has represented this matter in terms of threat, widespread disorder and lawlessness. The sustained focus on the crimes of Aboriginal young people over recent years has served to represent this group above all others as primarily responsible for the growth of juvenile crime. Moreover, the repeated emphasis on particular crimes (street crimes’, taking and driving away) in certain places (‘high crime areas’, ‘high profile areas’, ‘trouble spots’, ‘crime zones’, ‘crime hot spots’) draws attention to the activities of young people in particular sites. As a result of this process, certain areas come to symbolise the nature and scale of the ‘crime problem’. 
In this article, we attempt to demonstrate the way in which juvenile crime in Ayr — a small sugar cane town in North Queensland — has come to figure in the apparent slide into ‘lawlessness’ brought about by the action of ‘lawless’ black young people. Indeed, over the past two years Ayr has attracted both local and national media attention. At best, the ‘crime problem’ in Ayr has been formulated in terms of the actions of a few ‘out of control’ black teenagers or, at worst, as the harbinger of full scale social disorder and ‘racial war’.

Background

Major concerns over juvenile crime in Ayr emerged in late 1992. At that time the behaviour of a South Sea Islander family made up of parents and 12 children began to attract the attentions of the local media. Despite evidence of widespread petty offending and delinquency among both white and black young people in the area, media attention focused increasingly on the above mentioned family. Certainly, the family was known to social welfare organisations and the police, as were a number of other ‘problem’ families in Ayr. That the children in the family were troublesome and committed many offences is undoubtedly true. Yet for a number of complex reasons, this family, and the actions of black young people in general, came to represent the sum total of all crime in the region.

In order to examine the way in which the ‘juvenile crime problem’ in Ayr was constructed, we focus on reports in local newspapers over a period of nine months, from June 1993 to March 1994. In mapping the course of these reports we draw on Stan Cohen’s three major processual stages in the inventory of a moral panic: that is, exaggeration and distortion, prediction and symbolisation (Cohen 1980: 27-48).

Exaggeration and Distortion

The major form of distortion in the reporting of the Ayr situation lies in the tendency of the print media to exaggerate the nature and extent of crime committed by black youth, and to represent such events as symptomatic of a more general 'juvenile crime problem'. In seeking to outline the nature of exaggeration and distortion evident in relation to Ayr, we identify a number of recurrent themes in news reports. These themes include references to crime waves, lawlessness and youth gangs, threats to community survival and the apparent symbiotic connection between black youth and rising juvenile crime.

Crime Waves

References to juvenile crime in Ayr in terms of ‘rising tides’ and ‘crime waves’ generate an impression of a community about to be overwhelmed. According to one report, the community is ‘powerless in the face of a rising tide of crime’ (Townsville Bulletin, 5 June 1993). The report observes that the Ayr community has lost ‘control over juvenile crime and that attempts to form “vigilante groups” would not help the situation. The image of “out of control” juveniles is further reinforced by references to widespread drunkenness among young people. For example, a report headlined ‘Booze Bailed for Braids’ (Townsville Bulletin, 12th October 1993) states that teenagers in Ayr are being sold alcohol ‘by the bucketful’. A witness is quoted as saying that: “The kids are getting smashed out of their brains and then spilling out on to the streets in the early hours of the morning, where they are totally out of control.”

Another witness states that ‘The kids come out of the pubs full of grog or marijuana and just go berserk.’ In a further report headlined ‘Continuing Crime Wave Plagues Ayr’ reference is made to ‘a spate of break and enters in Ayr’. The report states that: “Businesses, clubs, schools and private residences were all targeted by vandals. . . . Two Aboriginal or Islander youths were seen leaving the front door of Joyce and Sokker Pharmacy at 4.30am Tuesday.”

Lawlessness and youth gangs

The ‘crime wave’ is now linked to juveniles who are seen to be indulging in (uncontrolled) ‘lawless behaviour’. An editorial caustically denounces those theorists who propose that juvenile crime results from boredom as... ‘symptomatic of the fuzzy thinking which has created the climate of lawlessness in Ayr today’ (Townsville Bulletin, 5 June 1993). Other reports, however, cite unemployment, little or no money, alcohol and lack of respect for both people and property as factors contributing to the ‘crime problem’. These factors, according to the local Ayr daily paper, constitute ‘a recipe for trouble’ (The Advocate, 20 October 1993). Whatever the precise origins of juvenile offending in Ayr might be (and theories about this vary from one newspaper to another), the escalation of crime threatens, according to an Opposition police spokesperson, ‘to destroy the social fabric of Queensland’ (Townsville Bulletin, 4 February 1994).

Lawlessness and juvenile crime are further linked through repeated references to ‘youth gangs’. Under the graphic headline ‘Youth Gangs Terror’ a police spokesperson is quoted as saying that ‘. . . Queensland is in the grip of a spreading reign of terror carried out by rampaging gangs of mainly Aboriginal youths.’ The situation is described as ‘close to urban terrorism’ and ‘no community is safe’ (Townsville Bulletin, 4 February 1994).

Threat to Community Survival

The connections between lawlessness, juvenile offending and growing violence are evidenced in a report headlined ‘Death Fears From Ongoing Attacks’ in which a mother is reported to ask: ‘how long will it be before someone gets killed?’ (The Advocate, 13 October 1993).

The perceived threat to the safety of citizens is evident in reports dealing with proposals for various community defence measures. Such measures are commonly found in the light of the juvenile justice system (courts, police and so forth) having failed to protect people and property in Ayr.

The threat to local order is seen to emerge from teenagers and particularly from black teenagers. Media reports regard the culprits as a ‘gang of black youths who have no respect for authority’ (Townsville Bulletin, 20 November 1993) and as ‘a group of young people... mostly of black parenting... who have behaved in such a manner that many citizens fear for their safety’ (Townsville Bulletin, 8 February 1994).

Juvenile and black young people

Having targeted black young people, media reports proceed to sensationalise and exaggerate their behaviour. One report begins with the view that: ‘... it appears the authorities of Ayr were quick to blame Aboriginal and Torres Strait Islanders for street offences and crimes.’ The same story goes on to state that ‘... a gang of young black girls... [event] on a rampage’ (Townsville Bulletin, 17 November 1993). Another report asserts that juvenile crime in Ayr is committed almost exclusively by black young people: ‘The core problem is centred on a handful of black youths and the whole community knows it’ (Townsville Bulletin, 20 November 1993). A further report states that Burdekin residents have had enough of ‘... attacked by groups of young people - who then brazenly turn around and threaten charges of racial discrimination if others show any intention of retaliation’ (The Advocate, 39 November 1993).

The assertion that ‘everyone knows’ that black young people are responsible for the majority of crimes in the Ayr district is linked to a broader claim that black crime is a threat to the entire state. For example: From Cunnamulla to Cairns, from Brisbane to the Burdekin, these things... mainly Aboriginal youths... are ruining people’s lives (Townsville Bulletin, 4 February 1994).

A compelling case was made for an Opposition police spokesperson goes on to state that ‘... no doubt many of the offending children had been inspired by extremist statements from radical Aboriginal leaders’ (Townsville Bulletin, 4 February 1994). Thus, the links between the dominant themes of rampaging gangs, black youth and juvenile crime (and, at least, the shadowy presence of ‘radical Aboriginal leaders’) are made explicit.

Later reports, apparently based on pronouncements of local Aboriginal and Torres Strait Islander people, take the scenario of threat one significant step further. Now the spectre haunting the local community is that juvenile (black) crime may lead to full scale ‘racial war’. This apocalyptic vision is set out in the following advice from Ayr’s National party parliamentary member: ‘... rein in teenage terrorists or stand responsible for tragic events in Ayr.’ An article headed: ‘Goss Asked to Prevent Racial War’ depicts a community living in fear.

Black leaders don’t want the white flag waving of the Goss government...[but]... an immediate and practical approach to the problem confronting the whole community in Ayr. This does nothing, they are afraid the community will be torn apart by some tragic event (Townsville Bulletin, 8 February 1994).

Prediction

The imagery of armed conflict typified by references to ‘racial war’, ‘teenage terrorists’ and so forth illustrates the way in which news reports increasingly reflect the drama and apparent seriousness of the Ayr situation. The implicit reference to the possibility of warfare being waged between white and black residents on the streets of Ayr was perhaps the most dramatic and graphic representation of a (black) crime problem ‘out of control’.

Apocalyptic forecasts of crime waves and the possibility of ‘racial war’ lead to the search for ‘new’ ameliorative measures to deal with juvenile crime in the Burdekin and wider area. Pressure emerges from various quarters to introduce ‘tougher’ sanctions to combat the ‘juvenile crime problem’.
industrialised states (Britain, America and Australia etc.) have been characterised by a tendency to regard the 'crime problem' essentially as a 'black problem'. In attempting to provide an explanation for this phenomenon in Australia it is necessary to locate the analysis of social and political discourse within the framework of a society that has both historically and contemporarily oppressed indigenous people (Cunneen 1994: 153).

The combined effects of dispossession, the foreclosures of economic and social opportunities, the over-policing of Aboriginal communities and the policing of public space has led directly to the over-representation of this group in the Australian criminal justice system. Indeed, the latter fact in itself helps to generate the unsubstantiated impression that Aboriginal people commit the vast majority of criminal offences. This proposition cannot be supported by the available evidence.

As the Ayr case indicates, the media plays a major role in generating an impression of widespread, lawless behaviour perpetrated mainly by Aboriginal young people. Moreover, the Ayr case also indicates the tendency of the media to regard the 'juvenile crime problem' either as symptomatic of a more general problem (of black crime), or more simply, the result of the actions of a single black family. Either way, the problem is constructed in terms of a black problem. Further, the issues facing the family concerned are formulated in terms of a 'crime problem' per se. Little or no attempt is made to discuss or understand this situation according to its welfare and social dimensions. Indeed, within the ideology of newsworthiness such matters are not deemed worthy of consideration.

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References

Media Sources

Transitions
July - October 1994

SPECIAL LIFOTUT SECTION
know
your
rights
at
school
An information kit produced by the National Children's and Youth Law Centre.
Choosing a School

Education is important. A good school can offer advantages both during your schooling and in life later. If you live in a rural area you may have little choice of schools. But in cities or large towns there may be several schools to choose from.

What different schools are there?
- government schools, also called state schools or public schools, are provided by the Queensland government and are free for students aged between six and fifteen.
- non-government schools, also called church schools, independent or private schools, are privately run schools which usually require parents to pay fees. Some are run by religious groups and some are independent. These schools can choose which students they will take. Parents sign an agreement with the school which sets out what the school offers, and what it expects from students and parents.

What school can I go to?
The Department of Education must provide a school place for every student aged between 6 and 15, but most children start school at the age of 5. You are guaranteed a place at a primary or secondary school close to where you live. Normally students attend their closest school. You can find out the school for your area by calling any government school or the regional office of the Department of Education.

Can I choose my school?
Parents have the legal responsibility of choosing a school for their children. But you can have a say too. You, your parents, have to go to school and you may want to be involved in making the decision. You may not have go to your neighbourhood school. If you would rather go to another school, you can try to get into a school outside your zone or try a school that offers subjects which interest you, such as languages or music. If you have an older brother or sister at school you will be given priority for that school.

What should I look for in a school?
What is important to you? Do you want a school that has a good atmosphere? Or a school that has high standards and will make you work hard? Perhaps sports facilities, music, or arts courses are important to you. Or you may want to go to a school where your friends are.

Visit the schools in your area and pick up their school handbooks. These will tell you a lot about the school including information about the subjects it teaches, the school philosophy, sports played at the school, school uniforms and school rules. See what the school looks like and what facilities it offers. Some schools hold open days. Speak to other students and ask them what they think of the school.

Can my parents be asked to pay fees at a state school?
No. Education in government schools is free. But schools do not have to supply free text books, stationery, arts materials or home computers. Parents can be asked to pay for out of school activities that are not part of your education, such as a school dance, socials, field trips, or sports trips outside school hours.

Most State schools ask parents to make a voluntary donation towards school funds. Some schools ask for larger donations than others. These donations are sometimes referred to as 'school fees' but parents do not have to pay them. A school cannot refuse to teach you and must not treat you differently from other students because your parents have not paid school fees.

When can I enrol?
You have to be enrolled at a school no later than the day of your sixth birthday. You are allowed to enrol in school if your fifth birthday was before 31 December of the previous year. You should enrol in school at the beginning of the school year.

What happens if I move?
If you move house after you have started at a school, you may be enrolled in a new school closer to your home. If you want to continue at your old school, and can arrange transport, you will probably be able to stay there. If you are not happy at the old school, you should enrol in a school in your new area. You will need a transfer notice signed by the principal of your old school.

Do I have any other options?
If you don't want to go to school, you could talk to your parents about home schooling. Your parents need to get approval from the Department of Education. They will check that your parents have the resources to educate you at home.
Religion in Schools

Australia takes pride in having an education system which caters for the educational needs of all students whatever their religious beliefs or practices. No student has to attend religious education classes, and students should not be placed at a disadvantage because of their religious views.

Is religious education part of the school curriculum?
Yes. Religious instruction can be given in Queensland government schools to qualified ministers of religion. Each school has to allow one period (of up to three quarters of an hour) for religious education.

If you attend a government primary or special school you will be given half an hour of general religious education each week. This will usually be a Bible lesson taken from a reading book supplied by the Department of Education. In primary and special schools religious classes form part of the curriculum and are taught in normal class hours.

Do I have to go to religious classes?
No. You do not have to go to religious instruction classes.

Do I have to get permission from my parents not to go?
Under Queensland Education Regulations, your parents can decide whether or not you go to religious instruction classes. If your parents do not want you to go they can write a note to the school principal. You cannot be forced to go.

Under the Convention on the Rights of the Child (CROC) every child under 18 has a right to freedom of thought, conscience, and religion. Schools should respect this right and any students who are old enough to have their own views on religious matters.

What happens if I do not go to religious classes?
Religious instruction is held separately from normal classes. If you do not attend you must attend another class that is supervised by a teacher.

Do all religions have to be taught in religious classes?
No. Only ministers of religion and representatives of a religion approved by the Department of Education can take classes in government schools.

Even with an approved religion, a school does not have to teach classes in that religion. If there is a large number of different religions at the school, it might be too difficult to provide religion classes for everybody. A school does not have to provide special religion classes if it causes the school hardship, or there are no qualified people available to teach the class.

But the school should attempt to provide religion classes for all students who want to be taught religion, and should at least provide religion classes for the major religions within the school.

What is taught in religious instruction?
The minister or religious teacher must teach the views of the religion or denomination to which he or she belongs. Leaflets or other publications must not be left at the school.

Do I have to sing hymns or say prayers at school?
Most hymns and prayers are based on particular religious beliefs and should not be imposed on students who do not hold those beliefs and do not want to participate. Parents and students should be asked what hymns and prayers they think should be part of general school assemblies.

What if I want to observe special religious days?
If there is a special day that you are required to observe as part of your religion, and you need to miss school, your parents should write a note to the school principal explaining this.

The school should not set exams, school carnivals or other events on the same days as religious holidays.

Discrimination At School

Everyone should be given a ‘fair go’. But students sometimes feel they have been treated unfairly. Being treated fairly means being judged for what you do, not who you are, and being given the same opportunities and recognition for good work and behaviour as other students. It also means that if you break school rules you will be treated in the same way as other students.

The law cannot guarantee that all students are always treated fairly. Not everyone agrees on what is fair and what is unfair. But there are laws that make it illegal for anyone, including students, to be treated unfairly because of their race, sex, religion, political beliefs or for other reasons.

What is discrimination?
Discrimination is when you are being treated less favourably than other students because of your sex, your race, your beliefs, or because of a disability. A school which allowed only female students to study cooking and only male students to study woodworking should be discriminating against girls who wanted to do woodworking, and boys who wanted to learn cooking. Your sex is not relevant to your ability to cook or do woodworking.

What laws protect me from discrimination?
The Anti-Discrimination Act 1991 makes discrimination illegal in Queensland. There are also Commonwealth anti-discrimination laws which apply in Queensland. Complaints based on these laws can be made to the Anti-Discrimination Commission which has offices in Brisbane, Rockhampton and Cairns. The United Nations Convention on the Rights of the Child (CROC) also bars discrimination against anyone under 18.

Can I be refused enrolment in a school or be treated differently from other students?
It is illegal for a school to discriminate against you for any of the reasons set out below. You are being discriminated against if you are treated differently and unfairly because of something about you which makes you seem different from other students. The difference may be real, or it may arise from a stereotype of prejudice.

Types of Discrimination
Race, Colour, Nationality or Ethnic Origin

If a group of students was in trouble for breaking school rules, and only the Asian students were expelled while the other students received only a warning, this would be discrimination. In this case, the school would have to show that there was some difference in the Asian student’s behaviour which justified this unequal treatment.

It is illegal for your school or its teachers or staff to treat you less favourably because of your race, colour, nationality or cultural background. This applies to both State and private schools. So, if Murri students or non-English speaking students are refused enrolment at a school, or are placed in a class where they do not receive as good an education as other students, this would be discrimination.

For example, in 1993 a Queensland parent complained to the Anti-Discrimination Commission that her child had been subjected to serious racist abuse and that when her child reacted to this harassment he was punished. The school apologised and agreed to raise students awareness of racial issues, and to make the school’s support programs more widely known.

Racial Vilification
Vilification is when someone deliberately shows hatred or hostility towards a person or a group because of their religion or race. This is a criminal offence in Queensland and the person responsible can be prosecuted and punished through the criminal courts.

Sex
You must not be denied the chance to do something because of your sex. This means that all school subjects must be available to both male and female students. School rules must not favour boys over girls, or girls over boys.

A school rule that says girls can have long hair but boys cannot would be discriminatory, if it can be shown that boys are disadvantaged by the rule. A rule that boys can wear shorts to school, but girls have to wear skirts could be discriminatory if it can be shown that girls are disadvantaged.

Sexual Activity
If you engage in legal sexual activity you cannot be disadvantaged because of that activity. Legal sexual activity is homosexual or heterosexual sex between people who both consent, provided they are 16 or older. This does not mean that a school cannot make rules restricting your sexual behaviour at school. A school cannot treat you differently or less favourably because you are gay or
lesbian, because you have a boy-friend or girl-friend, or because your are (or are not) married or living with someone.

Sexual Harassment

This is a common form of discrimination where a student treats another student in a way which is humiliating, intimidating, or offensive. Making offensive remarks about someone's body or their sex life is sexual harassment. Sexual harassment includes a teacher of a fellow student making unwelcome sexual advances to you, or making offensive sexual remarks to you personally, or in front of other students.

Pregnancy

If you are pregnant you cannot be excluded from a school or denied opportunities available to other students. You cannot be refused a school place because you are breast-feeding a child.

Political Belief or Activity

You are entitled to believe in and express any religious or political view even if that view is considered "wavy out", or is not shared by your teachers. You cannot be banned from a lesson because the teacher or other students do not agree with your views. You have the right to express your opinions and beliefs, as long as this does not disrupt the class.

You usually have the right to ask fellow students to sign a petition or attend a meeting to discuss a political or school issue as long as it is during a school break or after school, and does not disrupt the running of the school. You may also be allowed to wear a badge with a political message as long as it is not obscene, offensive or likely to disrupt normal school activities. It is probably best to discuss these things with a staff member first.

Disability

People with a physical or intellectual disability should not miss out on educational opportunities because of that disability. A disability includes emotional and behavioural disorders, or having an infection or the HIV virus.

It is illegal to deny a student in a wheelchair access to certain areas of the school grounds, unless it can be shown that this would be a danger to that student or other students. A visually impaired student cannot be denied the right to have a guide dog at school.

Exceptions: A school can deny special services of facilities for students with disabilities if the school or department of Education cannot justify the cost, or other circumstances prevent it.

Special schools for students with a particular disability do not have to admit students with different disabilities.

Age

Students are entitled to be treated equally whatever their age. Older children should not be given special advantages. Privileges should not be denied to younger children. You should not be denied the opportunity to study a particular subject or sit an exam because of your age unless there are regulations covering the position. A rule that prefects or school captains must be a certain age could also be discriminatory.

However, schools can make special rules protecting younger children, or for other reasons that affect the well-being of a group of students.

What can I do if I believe I have suffered discrimination?

You should talk to your class teacher, school principal, or any teacher that you feel will understand. Schools have a procedure for dealing with these complaints. You will usually be able to get a copy of the school policy on discrimination and the steps involved from the school office.

If you are not satisfied with the way in which the school has dealt with your complaint you should get in touch with the Anti-Discrimination Commission (Queensland), the Human Rights and Equal Opportunities Commission, or the QMIS Secretariat (contact Telecom for current phone numbers).

Searches and Confiscations

Australian law protects the right of people to own property and to enjoy the use of their property. If you own something then it is against the law for anyone to take it from you against your wishes, to refuse to return it if you ask, or to deliberately damage it. If it belongs to someone else, but you are using it with the permission of the owner, then you are entitled to keep it and use it until the owner asks for it back.

Schools can make reasonable rules about what you can and cannot bring to school. They can ban anything which is illegal or dangerous, or is likely to cause unreasonable disruption to the smooth running of the school and the education of other students.

What can I take to school?

You can take anything to school unless it is illegal (such as drugs, knives or weapons), forbidden by school rules (likely to include cigarettes, matches, certain items of jewellery), dangerous or likely to cause disruption to the running of the school or to other students (such as a ghetto blaster, a pet snake, or a noisy whistle or toy).

If you take valuable items to school they are your responsibility and you cannot expect the school to compensate you if they are lost or stolen. A school staff member or the school office can agree to look after them for you.

Do teachers have the right to search me or my school bag?

Teachers have no right to search you or your school bag unless you agree. If you have nothing to hide, it may be easier to agree to a search but you do not have to.

If I do not agree can they search me by force?

No. Teachers have no right to use physical force on you to carry out a search. It is criminal assault if they search you, or grab your school bag or clothing, without your permission. But a teacher can ask you to open up your bag, or empty your pockets. Teachers can look inside your school desk, even if you object.

If the school gets permission from my parent or carer to search me must I let them?

You can decide for yourself whether to let a teacher search you or your bag. Your parents cannot give permission on your behalf, unless you are so young that you cannot make your own decision. Teachers should obtain your consent before any search is carried out. You do not have to agree to a search, and cannot be physically forced to empty out your bag or pockets. But refusing a request from a teacher may result in your being punished by the school.

Can teachers search my locker without my consent?

This depends on whether you pay for the use of the locker. If you have paid money that is non-refundable for the use of the locker, then, unless you have signed an agreement giving teachers the right to open and search the locker, it is for your own use and the school has no right to search it without your consent. If you have paid nothing, or paid a refundable deposit, then the locker is school property, and the school has the right to search it without your consent.

Can teachers hold me or lock me in a room against my wishes?

No. The school cannot hold you, or lock you in a room, unless they have a reasonable fear that you are an immediate danger to yourself or others.

Can the school confiscate clothing or personal property without my consent?

Teachers cannot take any of your personal property from you unless you agree. They cannot force you to hand over your clothing or jewellery. If you do agree to hand it to a teacher, it should be returned to you at the end of the school day.

There are exceptions to this general rule. A teacher who thinks an item of property is dangerous to you or to other students, is entitled to confiscate it. If you have a dangerous weapon, drugs, cigarettes, fireworks, jewellery with sharp edges, stolen property, or indecent literature at school they can take them from you. Any drugs or weapons you have may be handed to the police. Other items should be handed back to you or your parents as soon as possible, usually after school.

If a teacher takes something of mine and does not give it back?

A teacher who confiscates something of yours must look after it, keep it safely and take care to ensure it is not damaged. If the teacher loses or damages your property, you can ask the teacher to replace it or pay you the value of the item.

Do teachers or the school have any special powers to search for drugs?

No. The only people who have special powers to search for drugs are police. If a teacher wants to search you for drugs you can refuse. They cannot order or force you to agree to a search.
Can teachers call the police to come to the school to carry out a search?
Yes. The school can ask the police to come to the school to search you if the school believes you have drugs or stolen property. But your parents should be told and asked to come to school to be with you when you are searched or questioned.

What special powers do the police have concerning drugs?
A police officer who has a search warrant or reasonable grounds for thinking that you have drugs on you has the authority to search you or your bag without consent. Not agreeing to a police search could lead to your arrest.

If I am searched by a police officer and drugs are found, what should I do?
Don't panic. You do not have to go with the police unless you have been arrested. If arrested you will be taken to the police station where you should phone a parent or carer or some other adult you trust. Ask them to come to the station. Never attempt to struggle or run away from the police or give a false name. Do not make a statement to the police until a parent or trusted adult arrives.

Bullying in Schools

Everyone in Australia is protected by the law from physical violence, harassment, threat and intimidation. Do not think that because you are being bullied, you are the problem. Schools should be safe and pleasant places for all students, and for teachers too. You do not have to put up with physical or verbal abuse. It is OK to complain.

What is bullying?
Bullying is any cruel, hurtful behaviour whether physical violence, threats, or harassment by one student or a group of students towards another student.

Bullying is serious. It can be a criminal offence if there is physical violence or threats, but the most common forms of bullying are verbal abuse like unkind teasing, name calling, humiliation, sexist or racist remarks, or exclusion of students from groups or activities.

Examples of bullying:
- pushing
- punching
- threatening
- spitting or throwing things
- humiliation and ridicule
- rumour spreading and name calling
- sexist and racist remarks or put downs
- exclusion from groups and activities
- being forced to play dangerous games

How common is bullying?
Bullying is common. Studies show that as many as one in four students may be bullied each week in some Australian schools. Bullying often takes place in the playground, in toilets, going to and from school, or in the classroom.

Aboriginal and Torres Strait Islander students, students of non-English speaking background and students with a disability are often the targets for bullying. Girls often receive sexist remarks or harassment. Anti-discrimination laws give special protection to these people. (see information sheet ‘Discrimination at School’)

Bullying and harassment occurs in all schools, but some schools treat it more seriously than others.

What can schools do about bullying?
Schools sometimes deny that there is any bullying because they don't want the school to get a bad reputation. What teachers and principals consider to be bullying can be different from what students think.

Schools should make sure that students are not bullied or harassed, and that the school is safe for all students. Most schools have effective ways of dealing with bullying. But you can help by working to create a caring and non-violent school environment.

Schools are bound by the law too. If a school turns a blind eye to sexual or racial harassment, a complaint can be made against the school to the Equal Opportunity Commission. (see information sheet ‘Discrimination at School’)

Ways in which schools deal with bullying:
- school staff take complaints by students seriously and act on them
- policies and programs are set up in the school to deal with bullying and harassment, and students are told about their rights
- students are taught self defence or personal safety as part of Human Relationships education
- anger-management, conflict resolution and anti-discrimination programs are provided by schools and targeted at students who regularly harass other students
- school involves students in creating a safe and pleasant school environment
- students who are persistently violent or disruptive are moved to special classes

Funding is available for special programs in schools under the Commonwealth Students at Risk (STAR) scheme.

What can I do to stop bullies?
If you are hit or threatened with violence, the bully, if over 10 years old, can be charged by the police and taken to court.

Unless you have a witness to the bullying, or have suffered a physical injury, the police may not want to become involved. They may see it as a school matter and not serious enough for police action. But violence at school is as serious as violence elsewhere. If the school cannot deal with this problem, the police should be asked to take action.

Some adults see bullying as being between children only and may tell you to sort the problem out yourself. This is unhelpful because you are seldom able to change things alone. If you cannot solve the problem, ask someone else to help you.

Where can I get help?
If you seek help, more students and teachers will be aware of what is happening, and will be able to protect you. Older students especially, may come and help you if they see that you are having problems in the playground or around the school.

Students are sometimes too frightened to make a complaint about bullying because they fear the bully will attack them for telling. But bullying is wrong, and it is important that you ask for help to protect yourself and any other students who are being bullied.

Classmates
You can talk to other people in your class and ask them to support you. You could form a group so that you can protect each other. Talking with classmates could mean that they will try and stop the bullying, or let you be part of their group.

Older brothers or sisters at the school
If you have an older brother or sister at your school you could ask for their help.

School buddy/peer group support
Some schools have a school buddy or a peer group support system where older students look after younger students. You could go to your buddy or peer group and talk about your problem.

Your family
If you are being bullied, tell your parents so that they can try to stop it. They can talk with the bully's parents, or make an appointment to see your teacher. If the teacher is unable to help, your parents should make an appointment and see the principal, or take the matter up with the school council or the Department of Education.

School Support
There are people you can talk to at school.

(i) Class teacher or playground supervisor
If you are being bullied, you should tell your class teacher, playground supervisor, or any teacher you think will understand. A teacher or supervisor can warn or punish the bully. If your teacher or playground supervisor does not take your complaint seriously, or says something like 'stop telling tales', or 'deal with it yourself', talk to someone else who will take your complaint seriously.

(ii) The teacher who is head of your year
If you are in secondary school you will probably have a year head who can help sort out these types of problems by speaking to the bully. If the bullying continues, you or your parents can go to the principal.
School Uniforms

What you wear is what you are! Whether you agree with this or not it is certainly true that a person's clothes and personal appearance tell us things about that person - their neatness, their taste and colour preferences, their likes and dislikes.

Are school uniforms compulsory?
The principal and the school council is responsible for the management and control of the school. The includes making rules about the standards of dress and grooming for students. They should consider the personal, social and cultural background of individual students and should ask students and parents for their views when deciding on a school uniform.

How can I tell if a school has a uniform requirement?
School rules about uniforms, students' hair styles and personal appearance are set out in the school handbook and are available from the school office. The school handbook or school newsletters will often say where the school uniform can be bought. Some schools have uniforms, all weather uniforms. Others have different styles for boys and girls, and summer and winter uniforms.

It is not compulsory for a school to have a uniform, and some schools do not have one. Some schools have detailed uniform rules. Others only require that students wear clothing of a certain style or colour. Secondary schools sometimes have a different uniform (or no uniform) for senior students.

What if my family cannot afford the school uniform?
Views vary whether uniforms are cheaper or more expensive than ordinary clothes.

Most schools are understanding if parents cannot afford a uniform. Many have a second-hand clothing exchange where uniforms can be bought cheaply. Or there may be a fund to help parents who find it hard to meet the cost. Most schools will excuse you from wearing a uniform if your family cannot afford the cost. But your family should write a note to the school principal explaining why you do not have a uniform.

What if I refuse to wear a uniform?
The Convention on the Rights of the Child (CRC) says that all children under 18 have a right to freedom of expression. Perhaps laying down strict uniform rules takes away your right to express yourself through your clothing, but school uniforms are part of life in Australia. Many working people (for example, airline attendants and bank tellers) have to wear special clothes as part of their job. While it has never been legally decided, it is likely that the courts would support the right of schools to set reasonable dress codes for students.

If you do not approve of uniforms you can get the support of other students and make your view known to the school principal or to the school forum or school council.

But if you deliberately break school uniform rules you are likely to be given a reminder and a warning. If you continue to break the rules, you could be punished or suspended from school.

Can a teacher send me home if I do not wear the correct uniform?
No. You can only be sent home if you have been suspended by the principal or concluded by the Minister for Education. Not wearing a school uniform is not a reason to suspend or exclude you, unless you are deliberately breaking school rules.

What if I have a disability or there are special reasons why I can't wear a uniform?
You should not be disadvantaged because of a disability. If you have a scar or physical disability which you are sensitive about, you should be allowed to wear long trousers, a long skirt or be excused from other dress rules. You or your parent or carer should write to the school principal giving your reasons and to ask to be excused from wearing the uniform. If the principal does not consider your disability or your circumstances you could claim the school was discriminating against you.

Can a school make rules about make-up, hair length, colour and style, or jewellery and accessories?
Yes, the school can make reasonable rules about wearing make-up, ear or nose rings, hair length, hair styles and wearing jewellery or accessories at school. The school handbook may set out the school policy on hair length, colour and style. These rules should apply to both male and female students, and not favour one group of students above another group.

A school can ban you from wearing anything that might be a danger to yourself, other students, or staff. Long dangling earrings or spiky rings, studded belts or jewellery can cause injury if they accidentally get caught on clothing or come into contact with someone else.

There may be classes or sports activities where special rules apply. You may have to tie back long hair while operating machines for woodwork, or remove chains or other metal objects while playing contact sports. Similar rules apply to working people to keep the risk of getting injured at work to a minimum.

A school can make rules about hair length, colour and style, or the wearing of make-up, provided the rules are reasonable and do not discriminate against a particular group. A school is likely to ban a hair style, make up or a badge that might cause others to be hostile or make fun of you, for example astashka, green or a mohawk hairstyle. But schools should not lay down rigid rules on matters of personal taste and preference which have nothing to do with your education. Schools are probably able to ban thongs and T-shirts because they are casual. But it is unreasonable for a school to ban all make-up or prohibit students from changing hair colouring.

Can a school make me wear a uniform to and from school?
Not normally. You are under your parents' control going to and from school, unless the school provides transport or supervision (for example, by running a school bus). A school may require you to wear a uniform you enter and leave school. If you leave the school grounds during lunch, you usually remain under the school's control and have to stay in uniform.

What about school trips and outings?
A school can insist you wear your uniform on school visits during school hours. If you play in a school sports team outside school hours, the school can make it a condition that you wear a school uniform to take part.

Can I wear dress appropriate to my culture or nationality?
All discrimination of the ground of race, culture and ethnic origin is forbidden. School uniforms in Queensland schools should reflect the cultural values of different ethnic communities. Stopping students from dressing in a manner typical of their race, culture or nationality could be discrimination.

If you are of Pacific Island origin, you should be allowed to wear a lava lava, pareu, sarong or other customary dress if this is your normal dress outside school. An Indian student should be able to wear a sari.

There are cultural factors involved in hair length and head dress as well. Sikh and other cultures have rules
Going to School

Education is compulsory in Queensland. If you are between the ages of six and fifteen, parents or carers have to make sure that their children go to school.

Do I have to go to school?
The Queensland Education Act says that every parent of a child aged between 6 and 15 must, unless there is some reasonable excuse, send their child to a school on every school day. You are not breaking the law if you do not go to school, but your parents or carers are.

What if I am not living with my parents?
Your legal guardian or the person you live with must send you to school.

When can I start school?
You must start school no later than your sixth birthday. But a primary school principal may enrol you at the beginning of the school year if you had your fifth birthday before 31 December of the previous year.

When can I leave school?
You can leave school at the end of the school day on the day before your fifteenth birthday.

Do I have to spend the whole day at school?
You must go to school each school day and stay there for the full school day.

Can I get permission to take days off if I am sick?
If you cannot go to school because you are sick, have an infectious illness, or have been injured in an accident, this counts as a 'reasonable excuse' and you do not have to be at school. If you are absent from school because of illness or some other reason the school can ask for a note from your parent or carer explaining your absence. If you are absent for more than a day or two the school can ask for a certificate from your doctor explaining what is wrong with you.

What about having time off school for family reasons?
If you want time off school for some other reason such as a death in the family or some special family occasion like a wedding or a family trip, your parent or carer should contact the principal and explain the situation. The principal can agree to you having time off school if you have a 'reasonable excuse'. In considering what is reasonable, the school should take into account any practices or expectations which are part of your culture.

What if I live a long way from school?
If you are under 10 years and live more than 3.2 km from the nearest school, and more than 1.6 km from public transport; or if you are over 10 years and live 4.8 km from school and 3.2 km from public transport, you do not have to go to school, but you will have to do correspondence lessons.

Does the school have to provide transport to and from school?
No. A school does not have to transport you to and from school, but the Department of Education can provide school buses or other transport, or pay you a travel allowance to cover the cost of travel by public transport. If you have problems getting to or from school, or you or your parents should talk to the Department of Education.

Can I be questioned if I am absent from school?
An attendance officer or police officer, can ask you why you are not at school on a school day during school hours. If you are between 6 and 15 years, you can be asked for your name and address, your school, and the reason why you are not at school.

Do I have to answer these questions?
You have to give the police or attendance officer your name, address, the name and address of your school, and the reason for your absence. You do not have to answer any other questions. If there is a good reason why you are not at school, like an appointment with a doctor or dentist or a funeral, you should say so.

Can an attendance officer or the police officer enter my home?
An attendance officer has no right to enter your home. The police can only do this if they have a warrant, or if your parent or carer, or the occupiers of the property, have given their permission.

What can the attendance officer of the police do to me?
If they are not satisfied with your answers they can take you home, or to your school, to check the information you have given. They can also contact the school principal of the Department of Education.

Can I be prosecuted in court for not going to school?
No. Not going to school is not an offence on the part of the student. But if you are regularly absent from school without a reasonable excuse an officer of the Department of Family Services and Aboriginal and Islander Affairs or a police officer could bring you before the court as being in need of care and protection.

Can the school punish me for skipping school?
Yes. If you deliberately miss school without a good reason you can be punished by the school, but you cannot be suspended or expelled for not attending school regularly.

What can happen if I miss a lot of school?
Your parents or carers can be taken to court, and may have to pay a fine of up to $50. It is rare for a school to take a parent or carer to court. Usually the school will phone or write to your parents if you have been missing school without a good excuse. If you continue to miss school, the school of the Department of Education may give your parents a written warning.

If I miss a lot of school through illness, does the school have to give me work I can do at home or extra tuition to help me catch up?
Schools do not have to give extra tuition or special home lessons. But if you miss a lot of school and get behind with your school work, you may find it hard to catch up. You can ask your teacher to give you work to do at home if you are going to be away for a long period.

If you continue to stay away school you could be taken off the school roll. In this case you may have trouble getting into another school.

What if I am bored with school and think it is a waste of time?
If you are bored or unhappy at school, arrange to see your school counsellor or guidance teacher. There are special programs which might suit you better or you might be happier at another school, taking different subjects, or doing school by correspondence. If you are over 16 you might prefer to study at a TAFE college.

Can I move to a different school?
Your parents or carers can apply in writing to the school principal of the school you are at, and ask you to be moved to another school. They should give the name of the school you want to transfer to and the reasons you want to transfer. If you do move to another State school your school records will be sent to the new school.

What if I hate going to school because I am being bullied, teased or given racial abuse?
Talk to someone you trust, like a school counsellor, class teacher or a teacher you like. (For further information see the information sheets of 'Bullying' and 'Discrimination at School').
Exclusion from School

Every Australian child has a right to be educated at a state school. This is seen as a basic human right and is recognised throughout Australia and internationally through the United Nations Convention on the Rights of the Child (CRCD). Exclusion from a school denies the student's right to education and should be a last resort.

Students who misbehave can be excluded for serious misbehaviour. Being suspended usually means that a student leaves the school for a fixed period, but can return. Being excluded means the student cannot ever attend that school again.

Being suspended or excluded from school can leave a student feeling rejected by the school community. Expulsion will harm a student's reputation, as well as disrupting his/her education. Because of the serious consequences, schools are required to act fairly when considering suspension or exclusion.

Can I be excluded from school?

For a student to be excluded from a State school in Queensland, it must be agreed to by the Director-General of Education, with the approval of the Minister for Education. School principals in government schools cannot expel students. An exclusion may be for a short time (sometimes called suspension) or permanent (sometimes called expulsion).

Even if you are excluded from a school you can still continue your education at another school or be correspondence.

For what reasons can I be excluded?

Education regulations state that a student can only be excluded from school for disobedience, misconduct or other behaviour that disrupts the order and running of the school.

Disobedience is more than just questioning or being slow to respond to directions from a teacher. It means deliberately ignoring school rules, or deliberately not cooperating with your teachers.

Misconduct can also include being violent towards a teacher, another student, or stealing. Bringing alcohol or drugs to school would also be seen as misconduct.

Being late for school, untidiness, uniform breaches or breaking minor school rules such as talking in class or running in the corridors, are not serious enough for your to be excluded from school. But students who constantly break school rules, swear at teachers, or refuse to cooperate with teachers, could be excluded.

Students cannot be excluded for being absent from school unless there is no excuse for their absence. A student cannot be excluded for poor school reports or not keeping up with the rest of the class.

Arguments against exclusion

- you have not done what the school says you have done
- you disagree with what is said to have happened and feel you should be given the benefit of the doubt
- the principal has not raised the matter with your parents before and they have not had the opportunity to deal with the problem
- the legal reasons for exclusion (for example, danger to staff or students, consistent or deliberate disobedience, consistent or deliberate interference with the learning of other students) have not been proved
- you are being dealt with more harshly than other students who have misbehaved in the same way
- the discipline policies of the school or the Department of Education are not being followed
- the complaints against you are all from one teacher or staff member and are exaggerated - other teachers are satisfied with your behaviour
- your misbehaviour is not serious enough to justify exclusion
- other methods of discipline should be tried before excluding you
- your general behaviour in the school and at home causes no problems
- you should be given credit for your positive contributions to the school and not be judged on one mistake
- you have not been given full details of the complaints against you, or have not been given the opportunity to comment or explain your views
- your behaviour was caused by cross-cultural misunderstanding or discrimination (see information sheet on Discrimination at School)
- you and your family's personal circumstances deserve sympathy and you should be given another chance

- since the event you have taken control on the situation, and further trouble is unlikely
- you should be offered counselling to deal with the cause of the problem rather than being excluded

Can I be suspended from school?

A school principal or head teacher can temporarily suspend a student from school. If you are suspended the school must give immediate notice to your parents (if you are under 18) or to you (if you are 18 or over) and to the Director-General of Education. Education regulations require that you and your parents be given the reasons for your exclusion, and any other information about your behaviour that has been given by the school principal to the Director-General. You and your parents can ask for a meeting and can ask the principal to reconsider a recommendation to exclude you from school. You could use some of the arguments set out in the box on the other side of this sheet.

What if the principal recommends that I be excluded?

A principal who wants to have you permanently excluded from school must make a recommendation to the Director-General of Education. A school principal cannot permanently exclude you. This can only be done by the Director-General of Education with the approval of the Minister of Education.

If you or your parents are unhappy with the principal's recommendation or your parent should write to the Director-General and the Minister of Education and ask for copies of all the information provided by the school principal. You should also say why you think your exclusion was unfair. Some of the arguments you might use are summarised in the box. You and your parents should also ask for a meeting with the Director-General and/or the Minister.

If you are granted a meeting write out what happened and the reasons why you should not be excluded. Take along any good school reports or character references. Ask a sympathetic teacher or school counsellor to support you. Bring to the meeting any people who can speak about your good character and general behaviour. These people might be long standing family friends, youth or church group leaders or a sports coach. If a meeting is not possible then you should put your case in writing and back it up with photocopies of good school reports, references of letters of support from teachers.

The Director-General can either lift the exclusion or, if the Minister agrees, order that you be excluded from the school for a fixed period or permanently.

What can I do if I think I have been unfairly excluded?

- ask the Minister of Education/Director General to reconsider the decision
- ask a local community legal centre or the National Children's & Youth Law Centre for advice and support
- if you believe you have been discriminated against because of your race, sex, age or disability you can complain to the Queensland Anti-Discrimination Commission
- if you have not been given a fair hearing or if the legal reasons for expulsion have not been proved you can complain to the Ombudsman
- you may be able to challenge the decision through the courts. You will need a lawyer to represent you but you might be granted legal aid. Legal Aid can provide a lawyer for little or no cost.

Can the school send me home if I misbehave?

You cannot be 'sent home' for not being in school uniform or for breaking other school rules. You are entitled to be at school during school hours unless you have been excluded by the school principal. But if you are very angry or upset it might be a good idea for you to have time to cool off and the school could phone your parents and suggest they come and collect you.

What if the principal asks me to leave?

Your parents or carers may be asked by the principal to withdraw you from school rather than have you formally excluded. This may be suggested as an act of kindness to save you and your family the embarrassment of you being excluded from school.

But if you are voluntarily taken away from a school you lose the right to challenge you exclusion if you think it was unfair.

Your parents or carers should not feel pressured into taking you away from the school. Schools have been known to get rid of difficult students in this way when there are no legal grounds to exclude them. Others schools in the area may be reluctant to accept you knowing you have been 'asked to leave' the first school.

Where can I go for help?

If you need further help contact a community legal centre through the QIELS Secretariat (07) 844 1635.
School Rules

Every school has rules. School rules are the standards of behaviour the school expects of its students. They tell students and parents what the school considers important. School rules set out students’ rights and responsibilities.

Some schools have a long list of do’s and don’ts controlling every aspect of school life. Other schools have general rules which set out the basic philosophy of the school and the values it promotes.

From a student’s point of view, rules should be clear and consistent: clear so that you know what is and is not allowed at school; and consistent so that you know what is likely to happen if you break the rules.

Schools can make reasonable rules on order and discipline within the school. But there are legal limits to the power of schools to make rules.

Who makes the rules?

Many students believe that rules are handed down from above. This used to be the case and is still so in some school. But the UN Convention on the Rights of the Child (UNCRC) states that children have a right to express their views on decisions that affect them. Because school rules lay down standards of behaviour for students should have a say when the rules are drawn up, or changed.

In Queensland, Education Regulations say that the school principal is responsible for the behaviour of students in government schools while they are under the principal’s care and control. Each school should have a discipline policy and that policy should be developed with the school community, including students.

How can I find out the school rules?

Most schools have a school handbook or information booklet for parents and students. This is normally given out at the beginning of each year and sets out the school rules. Rules can be added to or changed. Changes to school rules should be announced at school assemblies, in class, or in school circulars or newsletters.

School rules are sometimes posted on notice boards outside the school office or around the school. If you would like a copy of the school discipline policy or the school rules, ask at the school office or ask the school principal.

Can schools make rules about personal matters which have nothing to do with my education?

Education means more than just books and assignments. Education also means training children and young people to become independent adults. These days, schools encourage students to make personal choices and take responsibility for their own behaviour. CROC gives Australian children and young people a right to freedom of expression. This means you have the right to make your own choices and decisions about non-educational matters such as your personal appearance, your personal beliefs, and your friends.

But schools can make rules about matters to do with your education, and about behaviour which will affect other members of the school community. Schools provide education for many students. They need to be ordered and well organised so that teachers can get on with the job of teaching.

Schools cannot stop you from having or expressing your own views in a reasonable way, but they can stop you from distracting or upsetting other students.

Can a school make rules which apply outside school hours or away from the school?

The general rule is that schools cannot control what students do outside school hours and outside school grounds. But a school can make rules about what students do while they are in or near school grounds during school hours and for a short time before and after school.

Parents are expected to take responsibility for getting younger children to and from school. Older students can get themselves to school and back. Once a student has been collected by a parent or has left the school grounds and the street outside the school, schools can no longer make or enforce rules about the student’s behaviour.

If it is different if the school provides a school bus or other transport. Students remain in the responsibility of the school before and during the journey. If the school arranges activities outside school hours, whether at school or somewhere else, the school remains responsible for the student and school rules apply.

Schools cannot stop you driving to school, but they can refuse to provide parking in school grounds, or in the streets near the school. They can also make rules to protect students against traffic in or near the school. Schools cannot make you go straight home after leaving the school grounds.

Can schools make rules as to what I do in my own time?

Schools are not responsible for what you do in your own private time. They cannot punish you for behaviour outside school unless you are still under the school’s supervision and control (for example, at a school social or on a school bus). But if the school finds out you have broken the law the school can report it to the police. If they are concerned about your behaviour outside of school they can tell your parents.

Schools are entitled to give students homework. But homework should not take up so much of your time that it interferes with your family life.

Under Education Regulations a student can be kept in detention for up to half an hour at the end of the school day. A school can give students detention for disobedience, misconduct, deliberate failure to do home work, or other breaches of school discipline.

Can I be sent home from school?

Normally you cannot be sent home on a school day for not wearing the correct uniform or for breaking other school rules.

If your behaviour is violent or disruptive and is dangerous to school staff or other students, the principal may be able to suspend you. (see information sheet on Exclusion from School). The school may also contact your parent or carer and ask that you be taken home. However, you are the responsibility of the school during normal school hours and, if your parents are unavailable, the school cannot send you home.

Can the school fix punishments for particular misbehaviour?

Such schools cannot make rules which have a fixed punishment for breaking a school rule. Rules such as ‘any student involved in drugs or violence will automatically be suspended’ are not effective because schools must consider the behaviour and individual circumstances of the student in question.

But schools can make rules saying that drug involvement or violent behaviour by students is considered a serious matter and may result in the suspension or exclusion of any student concerned.

Can I be punished for the bad behaviour of other students?

Schools can make certain areas of the school buildings or grounds unavailable to certain students or certain classes of students as long as they do not discriminate unfairly. But they cannot make rules that punish you simply for being with students who are breaking school rules. A school can ban cigarettes, alcohol, drugs and other substances that are dangerous of damaging to health, but they cannot punish you because the people you are with are breaking the rules.

A school cannot punish the entire school for the bad behaviour of one or two students. For example, a teacher could not hold a whole class back after school because some students have behaved badly, or because no student will own up to something.

What if rules are unfair?

School rules must be fair and must apply equally to all students. They must not discriminate against one group of students in favour of another group.

Some examples of unfair rules are:

• a student is punished because parents cannot afford to buy a school uniform
• a student with a learning difficulty is punished for not paying attention or not keeping up with the rest of the class

What can be done to change rules?

There are ways in which you can have an influence on school rules:

• get a copy of the school discipline policy and school rules from the office or the school principal
• talk with your friends and fellow students and see if they agree with you that a particular rule or policy is unfair and should be changed
• think through some reasons why you consider the rule is unfair or should be changed, and write down these reasons
• talk to your student representative on the school council or a class representative on the Student Representative Council, Junior School Council or other student group in your school. You can ask your student representative to take the matter up with the school council, the Parents and Citizens Association or the school principal. You could also ask the school principal if you can speak at a school council meeting.
• ask sympathetic teachers or the school principal to support you
• ask one of the groups listed above for help or support

Useful Addresses

Queensland Council of Parents and Citizens Associations
(07) 252 3111

A newsletter, Connect, aims to provide a continuing network for students and others interested in greater student participation in schools. For details contact:
Connect (03) 489 4452 or 483 8573
Discipline and Punishment

Every community has rules. The school community is no exception. You go to school to receive an education. Schools are given certain powers to help all students get the best education possible.

A school can make reasonable rules for the good order of the school and the discipline of students. Schools have the power to enforce these rules by using discipline or punishment.

How are school rules enforced?

There are a number of ways in which schools get students to obey school rules. Most experts agree that positive discipline such as praise and reward for good behaviour, is more effective than negative discipline such as ridicule or punishment. Here are some examples of the ways schools create an orderly, safe, and disciplined school environment:

- praise and reward - giving praise, recognition and encouragement for good work or behaviour, in class or in school
- education - teaching students to understand the importance of school rules, for example running programs in drug education, conflict resolution, or anger management
- taking away privileges - stopping a student who behaves badly from going on a school trip
- time out from class - sending a student to wait outside the classroom or the principal’s office for a short time
- detentions or extra work - making a student stay back after school or during lunch to do extra work
- physical punishment - causing pain or discomfort to a student by hitting them with a cane or strap, or forcing the student to remain in an uncomfortable position.

What methods of discipline are used in schools?

In Queensland, schools can use physical punishment such as the cane or strap. A teacher can use this method to discipline students who break school rules or behave badly. This can usually be found in the school handbook.

What if I think the punishment is unfair?

The school principal and your teachers have the legal power to enforce standards of behaviour to help the school carry out its responsibility to educate students.

Can I be given "time out" or sent out of class?

A teacher or the school principal can order you to leave a class or wait in a particular place for a short period if your behaviour is disrupting the class. But if you are out of class for a longer period, say more than one school period, you should be supervised and given school work to do.

Can a teacher ridicule or humiliate me?

A teacher can criticise your work or your behaviour. But the UN Convention on the Rights of the Child (CRC) says that school discipline should be given in a way that respects a student’s human dignity. Teachers should not subject you to ridicule, offensive personal remarks, or put downs. Any remarks about your sex, race, culture, or disability may be considered as discrimination under the law. (See information sheet on "Discrimination at School")

You should not be punished by being made to stand in one position for more than a short period, or by having to do an unpleasant job such as cleaning out the toilets. But if you drop litter in class, or in the playground, the school can punish you by making you clean up the classroom or collect rubbish. Remember, if you treat teachers and other school staff with courtesy and respect, they are more likely to treat you in the same way.

What are my rights if I am put on detention?

The school or a teacher can punish you by giving you extra work in your classroom or in another room. In Queensland detention is restricted to 15 minutes over your lunch break or half an hour after school. Detention at morning break or for an entire lunch break is not permitted. Detention can be given for failure to complete homework, disobedience and for breaking school rules.

Under general law schools can only detain you after school hours with your parent’s consent. They should not keep you back if it will interfere with your normal arrangement for getting home (for example, you will miss your school bus or your normal ride home).

Teachers should not make you do detention outside the school grounds.

You should not be left alone for long periods of time during a detention. You should be given meaningful work to do, not humiliating tasks like writing 100 times ‘I am a stupid person’.

Can teachers or the principal use the cane or strap?

Hitting people is wrong. Physically or sexually touching another person is an assault under criminal law. Any person who does this to you can be charged and punished by a court. In Queensland there is an exception to this law which allows school principals and authorised deputy principals to use reasonable force to punish children for bad behaviour or for disrupting the school.

In Queensland government schools, corporal punishment is allowed under Education Regulations for students in year three or above, but must not be given for minor offences or learning problems. It must not be degrading or unnecessarily severe and must not cause injury.

Under the CROC, school punishment must uphold a student’s human dignity and it is doubtful whether hitting a student is consistent with this. The Queensland Education Department has said that it intends to abolish corporal punishment in 1995.

Can a teacher lock me up or physically hold me?

A teacher can use reasonable force to restrain any student who is likely to cause injury of damage to property. So a teacher could stop a student from self-mutilation or from behaving dangerously, or could restrain a student who is threatening violence or behaving in a violent manner. If necessary a school can lock a student in a room for a short period until the police or the student’s parents come, but only if the student is dangerous to school staff or other students.
NESB YOUNG PEOPLE AND DISCRIMINATION

Ben Thomson

For young people of non-English speaking backgrounds (NESB), discrimination is a very real barrier to the enjoyment of their rights to fair and equitable opportunities and resources. Not only are NESB young people discriminated against because of their age, but also because of factors which distinguish them from people of English-speaking backgrounds (ESB).

This paper argues that racial discrimination exists in systems such as schools, the workplace and social and human services because these systems are structured to cater for a predominantly ESB society. Consequently, NESB young people are not given the same opportunities and access to resources as young people of ESB. Focusing on NESB young people and their experiences of discrimination can reinforce cultural prejudice, and stereotype them as a homogenous group, creating further discrimination. By locating the problem within these systems, and focusing on their shortcomings, discrimination is viewed as a structural problem, rather than an individual problem for NESB young people.

July - October 1994
Discrimination and Racism

There is a general lack of understanding, both in the youth field and wider society, of what discrimination is and how pervasive it is. Racial discrimination is not just an act of individual prejudice, but a direct result of racist ideology and racist attitudes deeply embedded in social structures and institutions. Kendus (1992:14) refers to the term racism as "an ideology which consists of propositions or arguments, not necessarily coherent, based on negative evaluations of real or presumed biological and/or cultural characteristics of a person or group which render them different from 'us.'" Discrimination then, can be seen as an extension of this ideology, which seeks to disadvantage, distinguish or prevent a person or group from functioning/existing in the same way as other individuals and groups, who usually represent dominant biological and/or cultural characteristics.

This paper addresses barriers which in some way exclude NESB young people from effectively interacting with schools, services and the labour market. These systems are structured in such a way that people who do not possess characteristics common to people of ESBI are not able to participate and function as fully or as well. When the system is not able to provide access and participation for NESB young people in the same way that it provides for ESBI people, it is discriminatory.

Employment

Discussion about employment-related discrimination is usually concerned with isolated examples of racist remarks and other direct forms of discrimination in job selection. There is, however, discrimination in the labour market that affects NESB young people on a much broader level. According to Tough and Steward (1991:8), "the basis of anti-discrimination laws is that job selection should be based on merit - that is, the principle of the best person for the job without taking into consideration irrelevant factors such as a person's age, sex, sexuality, race etc.

However, the principle of merit does not allow for the fact that many young people of NESBI are disadvantaged in areas such as language proficiency and labour market experience.

Equal opportunity policies do not cover all vulnerable forms of discrimination which may be encountered in employment. ACCOS (1994:10-11) reports that "ethnicity is a major factor associated with the greatest disadvantage in the labour market" and that discrimination may be used by employers as "an available mechanism to take account of what are seen as necessary culling of potential workers".

The very concept of "equality" often results in "liberal" policies towards NESBI young people from effectively participating in the labour market and from having genuine equal opportunities. In organisations which are usually established, controlled and run by people of ESBI, the principle of equality remains theoretical because the existing system is designed for, and targeted to, people of ESBI.

The ACTU's Matheson says; "It is one of the most fascinating and disturbing dimensions of industrial relations. We have what is perhaps the most diverse workforce in the world, yet at all levels of the industrial relations hierarchy we are still operating as if we have an Anglo Saxon Celtic workforce, all speaking English." (James, 1991:47)

Although the concept of equality is widely used in employment policies, NESBI young people are underrepresented in all levels of employment. The unemployment rate among NESBI young people in Queensland is 25.5 per cent, compared with 18.2 per cent among all young people (O'Connor, Gowing & Macdonald, 1994:2). Seeto (1991:69) points out that the principles of NESBI young people in metropolitan Brisbane found that NESBI young people are consistently underrepresented in labour market programs despite being identified as a very high employment needs group.

Young people in schools, colleges and universities may not understand that the principles of NESBI young people through cultural awareness education, if schools do not take teaching strategies beyond concepts of cultural differences and racial tolerance. However there is little hope of achieving this when education is becoming increasingly focused on the labour market, with little attention given to areas which attempt to critically examine and challenge current philosophical and ideological trends.

Cultural awareness education, is inadequate because it often approaches NESBI culture as a problem which needs to be overcome. For example, Aboriginal people are very often constructed as a social problem when, in reality, it's white dominated systems which are not working, or which are not culturally relevant for Aboriginal people. The focus has always been on Aboriginal people as the problem, rather than identifying structural reasons for their situation. Similarly, cultural awareness education related to NESBI people often focuses on the more superficial and individual aspects of discrimination, such as differences in language and colour, rather than attempting to challenge the source of structural racism and discrimination within a historical, political and social context.

There is a risk of simply reinforcing stereotypes and consequently, discriminating against NESBI young people through cultural awareness education. If schools do not take teaching strategies beyond concepts of cultural differences and racial tolerance. Likewise, Brisbane research by Hughes and Gabboton (1994:55) found that "Many young people of NESBI are unable to access social and human services, despite high levels of need and disadvantage."

There is little hope of achieving this when education is becoming increasingly focused on the labour market, with little attention given to areas which attempt to critically examine and challenge current philosophical and ideological trends.

Furthermore, young people of NESBI are entering an education system which narrowly directs them toward positions in the labour market that do not necessarily meet their own perceived aspirations and abilities. Family members often explain to NESBI young people into this situation (Seeto, 1991:61; O'Connor, Gowing & Macdonald, 1994:3-9). They may also choose employment where they are less disadvantaged by discrimination, such as working for their parents.

Services

Social and human services, including services that specifically target young people, often discriminate against NESBI young people. There is now convincing evidence which shows that NESBI young people are not accessing relevant human services, particularly in the area of accommodation.

A recent study conducted in South-East Queensland by O'Connor, Gowing and Macdonald (1994:73), found that "Many young people of NESBI are unable to access social and human services, despite high levels of need and disadvantage." Likewise, Brisbane research by Hughes and Gabboton (1994:55) found that "Many young people of NESBI did not know about existing services, including services targeted specifically at young people and people of NESBI. Lack of information regarding services, and language barriers, were the main identified reasons for this. In an early study of NESBI high school students in the Ipswich and West Moreton region indicated that none of the survey participants knew of a particular youth service operated close to their school. They commented that there was no information given to them about services and that educational material distributed by services dealing with issues such as drugs and sexuality were not culturally sensitive or appropriate (Olsen, 1993).

Recent statistics collected by the Queensland Department of Family Services and Aboriginal and Island Affairs show that, in the 10 months to April 1993, 225 and NESBI young people combined accounted for only 1.5 per cent of arrivals in youth-focused supported accommodation services in Queensland with the remaining 86.5 per cent being ESBI young people (O'Connor, Gowing and Macdonald, 1994:2). This is in contrast to Queensland's 1991 census of 12 to 25 year olds, which identified 7.4 per cent as having two parents born in a NESBI country and 14 per cent with at least one parent born in a NESBI country (O'Connor, Gowing and Macdonald, 1994:2).

The very low percentage of young people from NESBI accessing social and human services suggests that they are being discriminated against (Wallace, 1992; Seeto, 1991:85), and Hughes and Gabboton (1994:55) all identify institutional and structural racism as a major reason for NESBI young people not accessing these services.

A report by Macdonald (1993:80) for the Youth Affairs Network of Queensland (YANQ) found that many relevant support agencies were not interested in the clients that NESBI young people were not using their services, displaying attitudes which could be perceived as discriminatory and which denied racism was a problem for young people.

It is clear that there is a need for youth services to consider whether their organizational structures are culturally able or unwilling to access these services. Many youth services do not have policies which
address NESB issues and those that do may need to re-evaluate their existing policies. It is particularly important to evaluate whether a service is culturally relevant to the needs of young people of NESB.

Youth services that deny that racial discrimination is a problem, or that fail to take measures which make their services more accessible, are discriminating against NESB young people. Although this may occur unwittingly, it cannot be ignored that NESB young people make up a substantial proportion of young people in general.

Legislation and International Instruments:

Since June 1992, Queensland has had an Anti-Discrimination Act which is administered by the Anti-Discrimination Commission. A major purpose of the Queensland Act is “to promote equality of opportunity for everyone by protecting them from unfair discrimination in certain areas of activity, including work, education and accommodation (Section 6.1). Young people can make complaints to the Commission when they experience discrimination, although complaints will only be acted upon if an area covered by legislation.

The International Convention on the Elimination of all forms of Racial Discrimination is the main international authority on discrimination and, in Article 55, promotes “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion” (Banton, 1991:545).

The Convention on the Rights of the Child also ensures that the rights of young people are not excluded from international scrutiny and in Article 2 declares that State Parties ensure the rights of each child without discrimination of race, colour, ethnic or social origin.

While the aim of these bodies and instruments is to address cases of discrimination, many NESB young people do not have the power to deal with discrimination. The discrimination experienced by NESB young people who participate in school, work and accessing services is often out of reach of antidiscrimination and equal opportunity legislation. However, making complaints enables the Commission to monitor where and how discrimination is occurring.

Conclusion

The structural discrimination which exists in services, schools and the workplace is interconnected. When NESB young people are not able to access services, such as labour market programs, it directly affects their opportunities for employment. Being disadvantaged by the education system also effects employment prospects, and the knowledge and skills which facilitate access to social and human services.

Because youth services, schools and organisations are designed by and for people of ESOL, a significant proportion of young people are discriminated against because they happen to be of NESB. This can be seen in the higher than average unemployment rate of NESB young people and in the low proportion of NESB young people accessing services. Examination of social systems such as schools, services and the workplace reveals that discrimination is maintained on a structural level. Until the issue of discrimination is addressed through policy, education and training within these social structures, NESB young people will continue to be marginalised and disadvantaged.  

References


The Office of Multicultural Affairs (1990) Information Kit, Canberra: Department of Prime Minister and Cabinet.


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**Work**

Young people phone the Commission about the whole range of discrimination problems at work. However, the main problems are discrimination on the basis of race, age, sex, disability, and pregnancy, and sexual harassment.

**Race Discrimination**

Racial discrimination in employment remains a problem in Queensland. For example, Aboriginal or Torres Strait Islander young people may meet employers who are unwilling to even give them an interview. A recent decision of the Queensland Anti-Discrimination Tribunal (26/6/94) makes it very clear that employers can face substantial financial penalties for this type of discrimination.

In this case, an Aboriginal man, Mr O'Neill, was referred by the CES to a labouring position. The employer, Mr Steller, asked Mr O'Neill to come for an interview but when he arrived, he was told that the position had been taken 10 minutes previously. When the CES phoned to check on the situation, Mr Steller said the position was still vacant, that he had seen Mr O'Neill and that he would not employ or work with an Aboriginal person.

The President of the Anti-Discrimination Tribunal, Ms Atkinson, ordered Mr Steller to pay Mr O'Neill more than $15,000 in damages for lost wages, interest, hurt and humiliation. In her decision, Ms Atkinson said:

"His [Mr Steller’s] behaviour was contemptuous not just of Mr O’Neill but of Aboriginal people in general. If Aboriginal people are denied work on the basis of their race, then the basis for their independence and self-esteem within the Australian community is denied to them."

For Aboriginal and Torres Strait Islander people who have found employment, discrimination may include racial harassment from co-workers or supervisors; denial of opportunity for promotion or training; confinement to the most menial or dirty tasks; or over-vigilant supervision by management.

**Disability discrimination**

Young people with disabilities often face problems getting employers to look at their abilities rather than their disabilities. Clearing the first hurdle into the paid workforce is difficult, with many employers not stopping to consider that most people with disabilities need no special facilities to work; that many jobs and work routines can be altered at little expense and to the mutual benefit of all employees; and that workers with disabilities have comparatively low absenteeism rates.

Once in the job, young people with disabilities often find they are given jobs well below their capacities and that’s where they stay, because they are constantly overlooked for training and promotion. One young man, for example, told the Commission his supervisor refused to give him higher duties because he had a speech impairment and the supervisor assumed this meant he was a slow worker and incapable of promotion.

**Pregnancy discrimination**

Many young women in job interviews are still asked about whether they plan to have children. Discriminatory questions like this are against the law. Employers are required to choose the best person for the job, regardless of whether they may be pregnant or at an age where they might have children.

Pregnancy discrimination complaints to the Commission have increased substantially in recent years. Many young women now realise that an employer has no right to put them off or reduce their hours because they are pregnant, and seek compensation for lost wages and stress.

The typical pattern of pregnancy discrimination complaints is that the worker tells her boss she is pregnant and is then dismissed for “work performance” reasons. When the Commission investigates the complaint, it is common to find no evidence of poor work performance and no warnings from the employer about this issue.

**Sexual harassment**

Sexual harassment at work remains the most common type of complaint to the Commission. In Queensland, this is a particularly ugly form of discrimination directed at young women in particular, but also at older women and, occasionally, at men.

Very distressed young women phone the Commission each day to ask for advice about sexual harassment. They often feel trapped in a work situation because they know jobs are hard to get and they fear rocking the boat. It is usually their boss who is harassing them and they are often working in small businesses, community organisations or small government offices where they have no one to turn to.

One young woman phoned in a very distressed state recently. She said she was alone in the office and her boss had gone away leaving another man to look after the business. He had just followed her into the stationary room, propositioned her and touched her. She said when she ran back to her desk, he had tried to lift her chair with his hand to kiss her. He had phoned the Commission because he had just called her from his car to say he was on his way back to the office and should ‘better be ready’. She was terrified and wanted to leave, but had her rent to pay and thought she would have to wait 13 weeks for unemployment benefits. This, however, is not the case. If people lose their jobs because of sexual harassment, and lodge complaints with the Commission, the waiting period for benefits does not apply. They need to explain the situation at their local CES office.

**Education**

Last year, the Commission received more than 200 calls, mostly from young people, who said they had been discriminated against or harassed at school, university or college. The most frequently mentioned types of discrimination related to race, sex, disability and sexual harassment.
Disability discrimination was the most common, with many young people or their parents complaining about lack of access to various courses, institutions or facilities. Others spoke of inappropriate teaching or testing methods.

The racial discrimination complaints fell into two main categories. The first concerned students who said that, when they were harassed by other students, the institution had failed to deal with it properly. The second involved mainly Aboriginal and Torres Strait Islander students, who said they had been disciplined to an extent that non-Aboriginal students were not. One example involved an Aboriginal student who was involved in a fight with a non-Aboriginal student. He said the other student had been harassing him because of his race. The Aboriginal student was suspended while the other faced little or no disciplinary action.

A number of young people, mainly young women, phoned about sexual harassment. Some said they had been harassed by their teachers or lecturers, while others were complaining of harassment by other students. One woman phoned to say her 15-year-old daughter had been harassed by a boy at school to the point where she was experiencing anxiety attacks and was finding it difficult to study for her exams. The mother had spoken to the school principal about the harassment but little had been done and the harassment was continuing.

All educational institutions have a responsibility to ensure that the learning environment is friendly to all students regardless of their race, sex or the fact that they have a disability. If teachers fail to take action to deal with harassment, the teacher and educational authority can be the subject of a complaint of discrimination.

Rental accommodation

Last year, 25 young people phoned to say they had been refused a flat or a house because the agent or the owner had said they were too young. Some agents argue that they will not rent to people under 18 because they are not legally able to enter into contracts such as leases.

This, however, is not the case. Young people are able to enter into contracts concerning the necessities of life, such as shelter. Agents who refuse to rent to people because of their age or who say the owner of the property will not allow it are leaving themselves open to an age discrimination complaint. Where both an agent and an owner are involved in the discrimination, both are liable.

The Commission has recently produced wallet-sized cards for tenants providing a quick guide to their rights under anti-discrimination laws.

Night clubs

The two main discrimination problems young people face when they go to night clubs appear to be racial discrimination and sexual harassment.

Night clubs cannot refuse entry to people because of their colour or race or because they are with friends of a particular race. While night clubs have the right to impress dress standards and codes of conduct, these standards must be applied equally to everyone. It would not be acceptable, for example, to allow people to wear t-shirts but to exclude anyone wearing a T-shirt with an Aboriginal flag or anti-racist message on it.

Sexual harassment is against the law in Queensland, regardless of where it occurs. This means that young people can make complaints about sexual harassment in night clubs or even on the street. The catch is, of course, that they would need to supply the name of the person who had harassed them so that the Commission could deal with the complaint and sometimes they do not have this information.

Making complaints

Anti-discrimination laws are complaint-based. The Commission has neither the authority nor the resources to "police" discrimination or harassment but instead relies on people making complaints about what has happened to them.

Many young people ask how they will be able to "prove" their complaint. They point out that there were no witnesses to the harassment and the employer or landlord is unlikely to admit it. It is obviously the case that most harassment and discrimination occurs when there are no witnesses around, but it is not necessary to prove the complaint at the time of making it.

If the complaint is covered by either Federal or Queensland anti-discrimination laws, the Commission will take it up and investigate. This may involve interviewing people who have some knowledge of the situation even if they were not direct witnesses.

The Commission cannot take sides but, through a private conciliation process, must try to help people make an agreement about what will settle the complaint. Agreements may involve an apology, financial compensation, a reference, a job interview or anything else both sides think is fair. If the Commission cannot settle the complaint, it can be referred for a public hearing but the complainant chooses whether this should happen.

Because the Commission must remain neutral, advocacy and support cannot be provided for either side. Instead, the Commission refers people to support services which can help them through the process. The Legal Aid Commission has established an anti-discrimination unit which will provide legal assistance to young people who meet the means and merit tests. With so many young people unemployed, this has been, and will continue to be, an invaluable service.

This article has focused on some forms of discrimination affecting young people, but there are many other matters the Commission may be able to take up. They include discrimination on the basis of sexuality, religion, political belief, trade union activity, marital status, parental status, criminal record or social origin. Complaints can be made about discrimination which happens not only at work, in education, rental accommodation and night clubs but also in government programs, some clubs and sporting activities and services such as doctors, dentists, hotels, restaurants, transport, banks, insurance companies and shops.

Robert Ludbrook

Some Sydney buses have a large sign which reads "No schoolchildren allowed". Is this age discrimination?

No doubt the bus company would argue that the buses on this particular route are packed to capacity and that priority should be given to commuters. You often see signs "No children in this shop unless accompanied by an adult", or even "Not more than two schoolchildren allowed in this shop at any time." Do these discriminate against children?

The Sydney Film Festival has a rule that it does not accept members under the age of 18 years. Could they be in trouble if someone under 18 complained of discrimination?

These days, accommodation ads seldom say "No dogs or children accepted", but some landlords are known to be reluctant to accept tenants with children. Is this now unlawful? And what about the blocks of flats which have a rule that children are not allowed in certain areas?

We have received two complaints that children are stopped from using the garden and public areas by a Body Corporate or by older tenants in the block.

And what about the restaurants that have electrified their"inspiring their child"? Complaints based on sex discrimination were successful but would a claim of age discrimination succeed?

The answer to most of these questions is unclear because, although five Australian
states and territories have age discrimination legislation, there have been few complaints from children and young people. It is well known that younger members of the community seldom exercise their legal rights even when they are aware of them. And, in New South Wales and probably elsewhere in Australia, the fact that youth discrimination is unlawful is a well-kept secret.

Queensland’s Anti-Discrimination Act (1991) bans age discrimination in the workplace, in state education (but not in private schools), in the provision of goods and services, in education, and in sport. But there is a series of exceptions. Some of these are beneficial to children, allowing them to receive reduced price fares on buses, and cheaper admission tickets to cinemas, swimming pools and other facilities.

Other exceptions reduce the value of the age discrimination laws. Under the Queensland legislation, young people can be denied equal pay for equal work; under 21s can be paid "youth wages". While a case can be made for genuine "training wages", where younger workers are acquiring a skill and the employer has made a commitment to providing real training, "youth wages" are a euphemism for "Less pay for equal work". And a supplier of goods or services can insist that children be accompanied by an adult where there is a risk of "disruption" or where the child may be a danger to the child or to others. This has been described as the "kid in the china shop" exemption and, at first glance, it may seem reasonable. But, is there not implicit in this the notion that children are more likely to cause disruption than other people? If a particular person is disruptive, a shopkeeper or bus driver can within his or her right to be in a shop or on a bus. Should a bus driver or restaurant be able to refuse entry to children or young people on the assumption that they are likely to be noisy or badly behaved? This seems to perpetuate a negative stereotype of children, something that anti-discrimination laws seek to eliminate. There is a similar exemption in the Northern Territory legislation but not in New South Wales, Western Australia or South Australia.

Queensland buses could probably not lawfully ban schoolchildren on certain routes during rush hours. They might demand that children be accompanied by an adult on the basis that there was a reasonable risk that the child might cause disruption, but this would hardly solve the overcrowding problem. Signs in shops that require an accompanying adult or restrict the number of children might be justified under the same exception. But a baby who was denied access to a shop or restaurant would succeed in an age discrimination complaint even if it could be proved that other diners were offended. Without an "accompanying adult", the baby's enjoyment of human milk would be impossible.

A film festival that denied membership to under 18s could only bring itself within the law if it could show that allowing young people to join might create a "reasonable risk of injury to the minor or other people". But age classifications would apply and children could be excluded from films restricted to a particular age group.

And what of children who are denied the right to play in the garden or the open spaces adjoining an apartment block? If there could be shown to be a danger from traffic or machinery, they could be banned. Otherwise the ban could be challenged, even if children created noise or additional wear and tear on the lawns or garden. Children should not be restricted in their use and enjoyment of common property just because they engage in youthful games and activities.

The United Nations Convention on the Rights of the Child does not include age discrimination among the 14 grounds in its non-discrimination section (Art. 2), although the preamble to the Convention recognises that children are "equal members of the human family". In England, age discrimination is not banned. In New Zealand it is, but the definition of age excludes under 16s, thus entrenching age discrimination in anti-discrimination legislation. In comparison, Australia has a good record on age discrimination laws (although age discrimination is still not addressed by our federal human rights legislation). While state and territory provisions may have some shortcomings, it is a pity that more children and young people do not make use of legislation like the Queensland Act to protect their rights.

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Research on Young People and Smoking

In 1993, Queensland Health selected AGB McNair to undertake research on young people and smoking. Young people aged 15-24 years residing in Logan City were targeted as a test case. AGB McNair's study (1993) indicates that young people's estimate on average that two-thirds (67%) of Logan 15 - 24 year olds smoke. They perceive their smoking rate to be quite similar to the national average (Health Advancement Branch, Queensland Health, 1993, p. xii).

Logan City is typified by a high proportion of unemployment, particularly youth unemployment, high truancy rates, large numbers of low income families, a large Housing Commission Estate, a lack of basic infrastructure and poor community identity. These factors contribute to a significant group of young people who experience discrimination through their geographical setting. The AGB McNair (1993, p. iii) study highlights that young people in the area are characterised by "feelings of hopelessness, boredom and depression".

The study notes that young people and youth workers identify several reasons for smoking. These include smoking to relieve boredom; smoking as a means of expressing assertiveness; smoking as a security mechanism for young people who have low self-esteem; and smoking as a way that young people can feel grown-up and independent. Smoking cannot access other passages to adulthood (such as education or employment). Young people also refer to smoking being something they enjoy, cigarettes being one of the few luxuries that they can afford and the socialising aspects of sharing smokes with their friends. (AGB McNair, 1993, p. vii)

Beliefs, Attitudes and Trends about Smoking

Smoking is perceived by young people as a non-issue. They see it as a normal, legal activity and warnings about the effects of smoking and health are
ignored. Similarly, the acceptance of smoking by parental figures contributes to Logan young people taking up the smoking habit. For instance, as many as three-quarters of the young people in the area grew up in a "smoking" household (AGB McNair, 1993, p. xxv). Furthermore, most of the Logan youth workers interviewed regarded smoking as having a "low priority when compared to the other issues, more immediately life threatening issues, such as other drug taking, STD's, or even unemployment" (AGB McNair, 1993, p. viii).

In the Logan area, youth workers perceive that, for young people, the age of experimentation with smoking ranges from 7 to 11 years of age. By the time young people reach secondary school age, they have reached the "social or habitual stage of the smoking life cycle" (AGB McNair, 1993, p. iv). This implies that they "either smoke in a social or group context, or are addicted in a psychological or a physical sense, with some needing nicotine and some just thinking they need cigarettes" (AGB McNair, 1993, p. iv). Likewise AGB McNair (1993, p. vii) research reports that "smokers in general are believed to come from lower socio-economic groups, including the unemployed".

Queensland's Proposed Smoking Legislation

Currently the Queensland Government has drafted legislation on the supply of tobacco products to young people. The "Tobacco Products Control Bill 1994" will replace the "Juvenile Smoking Suppression Act 1965" and the 1989 Voluntary Agreement between the Minister for Health, and Tobacco Companies. The Health Department envisages that this new Bill will be introduced into State Parliament during October 1994, and most sections of the Act will be proclaimed shortly thereafter.

The introduction of this proposed legislation raises concerns that young people who smoke will be disfranmitated against. These concerns are based on:

1) The injustice of the proposed legislation

The proposed legislation is unjust as it discriminates against young people when it recommends that a punitive system be practiced with young people while no legal restriction is placed on adults. In adult society the issue of smoking being a health hazard is addressed totally through education. The same strategy could apply to young people.

Moreover, increasing the age of purchasing cigarettes to 18 years is unjust when one considers that young people in Queensland can be employed at 15 years, have sex at 16 years and drive a motor vehicle at 17 years, but still be thought too young to smoke!

A third injustice in the legislation is the proposal endorsed by the Department of Family Services and Aboriginal and Islander Affairs to request exemption from the legislation for young people in detention centres. "This exclusion is based on the experience of detention centre staff who suggest that these children and adolescents resort to very dangerous activities if they are not supplied with tobacco" (Discussion Paper, 1993, p. 34).

There are inconsistencies in this proposal as it can be argued that the same dangerous behaviour is practised by marginalised young people in the community when they are unable to have ready access to tobacco.

2) The ambiguity of the legislation

The drafted legislation refers to "responsible adults" being permitted to provide young people with tobacco products. The explanation of a "responsible adult" is based on the Liquor Act's guidelines of a responsible adult ranging from parents through to "adolescents who might reasonably be expected to have authority over the minor's conduct" (Section 5, Liquor Act, 1992).

However such legislation becomes unclear and subjective as to who is a "responsible adult". Specific ambiguities include:

1. A 19 year old young person living with other younger people in a "loco-parental" role classed as a responsible adult?
2. Detached youth workers and street workers categorised as "responsible adults" when they offer cigarettes to young people?
3. The ineffectiveness of enforcing the legislation.

Another major problem with the draft legislation is that it appears ineffective and cumbersome to enforce. Through written and oral inquiries of the various government departments, it is evident that the Queensland Police Service will support the recommendations of the Discussion Paper. However, the Police would not be responsible for enforcing the legislation. Instead, "Queensland Health would have primary responsibility for enforcement" (Discussion Paper, 1993, p. 20). It must be stressed that the enforcement process is unclear. For example, Environmental Health Officers have the role of enforcing the legislation. However, the Police will be expected to carry out the prosecutions. Furthermore, the proposed legislation does not state the process of these prosecutions. At this stage, the lack of clarity linked with the enforcement of the penalties will make it difficult to implement.

3) Accelerating groups of Young People into the Justice System

The proposed legislation contradicts the "Justice and Law" section of the state government's "Queensland Youth Policy". The objectives in this area refer to protecting "children's and young people's rights as consumers ... and providing opportunities for diversion of children and young people from the normal justice system where appropriate" (Youth Policy, 1993, p. 34). With the current political focus on juvenile crime, and the media attention on young people and criminal activity, there are serious concerns that the legislation will further discriminate against marginalised young people and attract, rather than deter, them to the justice system.

Recently, claims that people are "reacting in an hysterical way" to youth crime were made by Brisbane's Youth Advocacy Centre (Courier Mail, April 7, 200). There is a possibility that young people who offend by buying tobacco (a minor offence) will become victims of the community's reaction to juvenile crime. For instance, this minor offence could be used by police as a means of questioning young people about major offences. Second, having received a reprimand and a record for a minor offence, these young people could become involved in the Juvenile Justice System. They will gain a court record.

5) Inconsistencies with Youth Policies

Inconsistencies with the principles of the Queensland ALP policies and the Queensland Youth Policy are significant reasons for not accepting the "Tobacco Products Control Bill 1994" in its present form. In the report from the 34th ALP State Conference (2 - 7 June, 1991, p. 39 - 40), the Labor policy on "Health Advancement" in relation to smoking, is outlined. Briefly, Labor is committed to the establishment of a "Health Promotion Foundation" which promotes "education on the antisocial and unhealthy effects of drug use and abuse, including tobacco" (ALP Social Policy, 1991, p. 39). Furthermore the ALP's Social Policy states that as a result of the recognition of the harmful effects of smoking, Labor undertakes to "cater for stop - smoking education" (ALP Social Policy, 1991, p. 40).

In summary, the State Labor policy makes no mention of its stance on young people and tobacco. Secondly, it does not address the young people and smoking issue through the introduction of penalties that make smoking a criminal offence. Rather the policy encourages using educational programs as an effective strategy to address the smoking issue.

Likewise, the proposed legislation is inconsistent with the current "Queensland Government Youth Policy". The Youth Policy's principles emphasise that the state government is "committed to addressing the health needs of young people by encouraging and supporting them to adopt healthy lifestyles and use appropriate health services" (Youth Policy, 1993, p. 29). The implementation of this policy highlights education programs that address the smoking and health needs of young people. No reference is made to using penalties.

6) Legislation's irrelevance to the real issues about smoking

It can also be argued that the legislation is irrelevant, because a change in laws will not solve the youth smoking problem. Research indicates that the...
initiation and early stages of drug use such as tobacco are largely the "result of social influences, the most powerful social influences being peers, parents and other role models" (Dept. of Education, 1988, Information Sheet). Similarly, several studies emphasise that "parental attitudes and behaviour, poor school performance, low grades and truancy, also correlate with smoking cigarettes" (Dept of Education, 1980, Information Sheet). It can be concluded that through this legislation will not address the real issues relating to young people and smoking.

Conclusion

Through its proposed legislation and penalties, the State Government is advocating a "social control" strategy to deal with youth smoking. Yet, both the ALP State Policy and Queensland Government Youth Policy recommend educational strategies to address this issue. Neither refers to the use of "social control" methods. This is a serious discrepancy and demands an immediate response before the Bill is enacted. As a draft version of the Bill is now available, youth organisations need to respond to the injustices in the proposed legislation. Through networking, lobbying and a media campaign, we can highlight the complexities of the youth smoking issue and how the legislation is a poor attempt to address the problem. Instead, the government should support an education strategy, which will ensure young people are treated justly and presented with information about a healthy lifestyle.

References

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Kathy Beacham
Youth Health Policy Unit

When a young person attends a community health service, a GP's surgery or a hospital they may be looking for information about sexually transmitted diseases, they may want a prescription for the pill and general advice about contraception, or they may be in need of help/support for an unplanned pregnancy. For many young people in these situations, they are reluctant to ask for information and/or do not want their parents to know about their visit to the health service.

They wish to access the information or service in their own right, yet are often unclear as to what their rights are. The service provider is also faced with a dilemma. Can they provide information to a young person? Can they provide a service to a young person without parental consent? What do they do if a parent should contact them and demand information about one of the young people?

It is therefore very important that consumers of health services and health service providers know about young people's rights when accessing health services.
Young People's Rights

Young people should have the right to attain optimum health and well being through health services which are appropriate, affordable and accessible. Within this environment, young people should be able to access health care which reflects their needs and which is delivered in a non-judgemental way. A young person has the right to be treated as an individual. However, problems arise when it is expected that young people be with a parent when requesting health information or services. It is in these situations that issues of privacy, confidentiality and informed consent can arise. Many young people will not access health services because they feel that their individual rights may be ignored. However, these rights can easily be ensured through the development of user rights and complaints mechanism within health services.

Informal consent is established in common law, for all people, including those under 18 years of age. In the House of Lords case Gillick v West Norfolk (1986) it was held, that as a child matures and their capacities develop, parental power to consent to medical treatment diminishes. Young people are able to provide consent if they are able to understand fully the information and the choices available to them.

The Queensland Law Reform Commission is undertaking an enquiry into consent by young people to medical treatment. The outcomes will impact on the interpretation of the rights of young people in relation to decision making about their health.

It is important that young people are made aware of their rights as consumers of health services. Guidelines for service providers regarding confidentiality for young people need to be developed along with health service policies which address this issue.

Consumer Rights and Responsibilities

Queensland Health has developed a consumer guide to rights and responsibilities while using Queensland public health facilities, as an interim measure until the Code of Health Rights has been finalised (by 1995). The main areas relate to:

- Right of access to care: being entitled to high quality, safe, appropriate health care delivered in an environment in which you feel safe; free from discrimination; intimidation; abuse; and without regard for your ability to pay.
- Right to respect and dignity: being entitled to considerate, respectful care at all times, under all circumstances, with recognition of personal dignity, disability and cultural background. This includes health records being free of prejudicial remarks.
- Right to privacy and confidentiality: being entitled to have your personal privacy protected and information held about you kept confidential.
- Right to adequate information: being entitled to a complete explanation about your condition, tests, treatments and likely outcome in language and terms you can understand and in writing if necessary. This includes any alternatives, side-effects or risks, prior to giving your consent.
- Right to determine what happens during treatment: being entitled to make your own decisions regarding treatment. This means you have the right to be asked your permission before any procedure is carried out and to refuse a procedure.

In addition there is a section relating to Consumer Responsibilities when accessing health services, which includes factors such as:

- letting the provider know if you do not understand your condition or the treatment;
- giving accurate information about your health history;
- following instructions in a treatment program;
- understanding your condition, tests etc before agreeing to them;
- reporting changes in your condition;
- keeping appointments or letting people know if you cannot keep them;
- considering the rights and property of others.

Queensland Health 1994 (a) Rights and Responsibilities

A more detailed outline of these rights and responsibilities has been made available to health care providers, to assist them in day-to-day activities. These guidelines have been developed to ensure the rights of patients are preserved and that patient responsibilities are exercised.

It is extremely important for young people and for health service providers to be aware of their rights, the limitations of these rights, and ways of exercising these rights without infringing on the rights of others.

Sometimes it is necessary to make a complaint to maintain high quality standards of health care. The first move is to discuss the problem on a consumer/service provider level or with a person nominated to deal with complaints. Complaints mechanisms should be developed by all agencies to facilitate the process for both consumers and service providers. Alternatively, complaints can be raised with the Health Rights Commission directly.

The Public Patients Hospital Charter (Queensland Health) is part of the government commitment to improving the delivery of hospital services to the public. It is based on the principles of the Medicare Agreement and is a companion document to the Queensland Health Guide to Consumer Health Rights and Responsibilities. It provides information about public hospital services but also outlines a patient's rights within that system.

There is also the Freedom of Information legislation which allows people to access information including their own health records. Specific guidelines have been developed for Queensland Health with regard to the administrative access to health records.

Queensland Health 1994 (c)
Development of a Code of Health Rights and Responsibilities

The development of a Code of Health Rights and Responsibilities has been driven partly by the statutory requirements of the Health Rights Commission Act (1991) and the demand by the community for greater accountability in the provision of health services. A condition of the signing of the Medicare Agreements Act (1992) included the development of a Charter of Patients Rights. Currently no other State specifically articulates rights and responsibilities of consumers in a statutory-based code.

The Health Rights Commission Act (1991) has set out a series of principles which must be considered when developing such a code. They are:

- A person should be entitled to:
  - participate effectively in decisions about their health; and
  - take an active role in their own health care.
- A person should be entitled to be provided with health services in a considerate way that takes into account their background, needs and wishes.
- The confidentiality of information about a person’s health should be preserved.
- A person should be entitled to reasonable access to records concerning their health.
- A person should be entitled to reasonable access to procedures for the redress of grievances about health services.
- A person who provides health services, or provides care for another person, should be given consideration and recognition for the contribution they make to health care.

A Health Service View of Young People’s Rights

Young people do not access mainstream health services for many reasons. The success of programs such as the Innovative Health Services for Homeless Youth Program and the Health Services for Disadvantaged Young People Program which target young disadvantaged and homeless people has revealed that young people still use services which take greater account of their specific needs and which are delivered through a “one-stop-shop” centre.

The provision of services to young people can present health workers with many challenges, especially in relation to the rights of young people for confidentiality and informed consent, and how these rights can be exercised and addressed.

Many of the services provided for young people through youth agencies or specific programs, act as advocates for young people, to ensure their consumer rights are maintained. They also offer education and information to young people on a variety of health issues, so that these young people can make informed choices about their health. For young people to make informed choices, they need to have access to all the information available including the outcomes both positive and negative, of all the options available to them.

Young people who use specialised youth services have raised many concerns about their access to contraception. Some young people believe this service is denied them because the provider deems them too young.

Young women who have been the victims of physical and/or sexual abuse have fears about re-victimisation should they have to see a male health practitioner. Many young women are unaware of their right to choose a female practitioner. They may need help to find a suitable health care provider in such cases, and it is here that the advocacy role of health workers for young people comes into play. Not only do they advocate on behalf of young people, they also serve as educators in many health settings about the special needs of a particular young person or a particular group.

Obstetricians may be unaware that many of their patients have been victims of abuse. Often, their presence at a birth for one of these young women, can be traumatising for the young mother.

Health workers for young people provide information to their client group, to ensure the young people are better informed about hospital procedures or their options for health care, so that they can make their own decisions. In addition, they educate the hospital staff about the rights of the young people, the need for young people to make their own decisions and the need for confidentiality.

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References

Intoxicated young people... is there a safe place for them?

Monica Pritchard

Young people who are intoxicated with alcohol or other drugs pose particular problems for accommodation services. The health and safety of the intoxicated young person as well as that of other residents and staff can be jeopardised if appropriate provision for their care is not made. The funding provided to support emergency accommodation cannot be stretched any further to safely accommodate intoxicated young people. Because of this, many homeless young people are denied shelter when intoxicated and at their most vulnerable. Others are accepted into shelter by workers who know that they are risking the health and welfare of the young people in their care. There is nowhere else for these young people to go. They suffer, in effect, a double discrimination, being both homeless and denied shelter when most in need of care and protection. It is time we made some sensible provision for their care.

A Gap in Services

It is now five years since the publication of the Report of the National Inquiry into Homeless Children (Human Rights and Equal Opportunity Commission, 1989) commonly known as the Burdekin report. This report identified a significant range of health problems experienced by homeless young people, along with a range of factors limiting their access to existing health services.

This problem of access to health services was echoed two years later by the National Health and Medical Research Council in a report entitled Health Needs of Homeless Youth: a Summary of the Key Health Issues for Those Developing Policies or Providing Services for Young People (NHMRC, 1991).

While several of the issues identified by Burdekin and the NHMRC report have been addressed through initiatives like the Innovative Health Services for Homeless Youth Program, youth service and policy networks in Queensland have, for some time, been concerned about the lack or suitable emergency accommodation for intoxicated young people. No appropriate facility exists and no appropriate arrangement has been formalised to ensure that homeless young people can be offered protection when intoxicated and at their most vulnerable.

What Happens Now?

Because this need has not been addressed in any formal way, the provision of accommodation for intoxicated young people who do not have a home or, if they do, cannot communicate where it is, often becomes the responsibility of police services or of the accident and emergency departments of hospitals. This is unsatisfactory both from the point of view of these services and of the young people so accommodated.

Police Services

If these young people are picked up by police, they can be held at the station without being charged unless or until the police have other duties to attend to, which would require them to leave the young person unattended. The officers involved often have no option but to charge the young person with some offence associated with or arising out of behaviour caused by intoxication. These young people are, in a sense, 'criminalised' because of an accommodation problem. There is no doubt that the police services would welcome an alternative option for dealing with these young people. Emergency shelters throughout Queensland report that the requests they receive to accommodate intoxicated young people come overwhelmingly from the police.

Accident and Emergency Services

If these young people are delivered to accident and emergency departments of public hospitals, and once their health status has been established, they become the responsibility of hospital staff, who often have no option but to admit them. This is inappropriately, in view of the scarcity of hospital beds and the demand from patients with more pressing medical needs than those of young people who just want a safe place to 'sleep it off'. Alternatively, an intoxicated young person might be left to lie on a trolley in the Accident and Emergency Department until they have sobered up. In either case, they add substantially to the workload of a department which is often frantically busy and designed to provide acute care only. Not surprisingly, treatment for these young people may be provided with less than good grace. As soon as possible, the young people sign themselves out, their alienation from mainstream services a little further entrenched.

Youth Shelters

Youth shelters have been perceived as being reluctant to accept intoxicated young people. The information available suggests that this is because workers fear disrupting other residents, the risk of violence, the lack of a safe positive environment for other residents and staff, and lack of training in issues related to drug and alcohol use. In some cases, the shelter's sponsoring organisation prohibits the acceptance of intoxicated young people into the shelter. There is also a reasonably widespread misunderstanding that the funding guidelines for the Supported Accommodation Assistance Program (SAAAP) specifically exclude the provision of accommodation to intoxicated young people.

In fact, many shelters, particularly those in country areas, are already accepting intoxicated young people, and many other shelter workers express the view that they would be prepared to do so if it could be done safely.

Other Options

Some intoxicated young people are looked after by friends. Other accommodation options include St Vincent de Paul or Salvation Army shelters, deserted buildings, the beach, under bridges, along river banks, in clothing bins and on the streets. This last option often translates into the watch-house. Some country shelters report that if they cannot accommodate an intoxicated young person, they will pay for a night's accommodation in a caravan park or backpackers unit.

Is there a better alternative?

One would think there has to be a better alternative to some of those described above. Other models which have been proposed, and, in some states,
established, include youth-specific detoxification centres and youth-specific sobering up units.

Youth-Specific Detoxification Service

The need for a youth-specific detoxification service is raised regularly by youth service and policy networks. Despite this, those of us who work in the area of youth-specific drug and alcohol treatment maintain that a youth-specific detoxification program is probably not warranted in Queensland. This is because relatively few young people have the duration and levels of intensity of usage which require medically supervised, in-patient detoxification. Moreover, ‘treatment’ intervention which has abstinence or even controlled usage as a treatment goal may be quite inappropriate for many of these young people who, in terms of the stages of change model, (Prochaska and DiClemente, 1986) are firmly in the pre-contemplative stage.

If we accept that the principles of harm minimisation should underpin our treatment efforts for these young people, then ensuring the availability of safe and appropriate accommodation for them when intoxicated must represent this aim at its most fundamental.

Youth-Specific Sobering Up Centres

Another possibility for accommodating intoxicated young people is a youth-specific sobering up centre. A facility based on this model (the Hindmarsh Centre) has been operating in Adelaide for around two years. This centre is funded under the Innovative Health Services for Homeless Youth Program. While the evaluations of this service have been very positive (Barrett, 1992), a major drawback of this model is that a single centralised unit such as the Hindmarsh Centre represents a significant financial commitment. Such a unit is limited to those few who live near or visit the general area in which the sobering up unit is situated. Few country towns or regional centres are likely to be able to afford such a unit.

Emergency Shelters

It seemed to us that a useful alternative approach might be to assist existing shelters to accommodate intoxicated young people who do not have, or cannot reach, their own home.

It is quite clear that the provision of this service to young people is not precluded under existing SAAP funding guidelines. It does not constitute a specialist clinical or treatment focus, it is not a service provided exclusively for a single group, it does not duplicate an existing service and it does not depend on the client undergoing rehabilitation.

We have been aware of one emergency shelter on the Gold Coast (McLaughlin House) which has been accepting intoxicated young people for over two years. Structural alterations to the shelter have been made and specific training requirements for staff set in place to maximise the safety and security of everyone involved. We have also known that, in a medium to long-term shelters or supported accommodation providers are prepared to be somewhat flexible in their interpretation of rules prohibiting intoxication coming to the shelter in a state of intoxication. In short, some shelters have been providing a service for intoxicated young people. We were keen to find out their attitudes to the provision of accommodation to intoxicated young people and their perceptions of what assistance they needed to provide this service safely.

Therefore, we decided to conduct a survey of shelters on this issue.

The Shelter Survey

A survey of emergency, short and medium-term shelters and accommodation services yielded responses from 10 services based in or near Brisbane, and 17 regional services. The regional services were based in Mount Isa, Townsville, Bundaberg, Rockhampton, Toowoomba, Redcliffe, Mackay, Cairns, Gladstone, Gympie, Inisfail, the Gold Coast, Urrangan and Mooloolaba.

All of the regional services claimed that they accept intoxicated young people, with as little as there is no violent behaviour evident on presentation. Six of the services in or near Brisbane also conditionally accept intoxicated young people. The services which decline accommodation do so on the grounds that they provide medium-term to long-term accommodation only. Emergency accommodation is not available in those shelters, intoxicated or not.

Of the seventeen regional services, only four reported that, in the previous four weeks, they had NOT been approached with a view to accommodating intoxicated young people. The frequency of requests varied; there were two and thirty requests in the four weeks prior to survey completion. Requests came overwhelmingly from police services. Other requests came from hospitals, modified police services, acute psychiatric services, other shelters, youth services, crisis accommodation services, the Salvation Army, Lifeline, hotels, welfare agencies and individuals. Ten of these regional services had declined accommodation to intoxicated young people because of their behaviour on presentation.

Of the ten services in or near Brisbane, only three reported having been approached for accommodation for intoxicated young people in the four weeks prior to survey completion. The number of requests ranged from three to eight. Again, police services most often requested accommodation. Hospitals, other youth services and Crisis Care were reported as sometimes enquiring about accommodation for intoxicated young people. Eight of these services had declined accommodation to intoxicated young people because of their behaviour on presentation.

Obstacles to the Provision of Accommodation

Asked specifically about what elements they felt created obstacles to accommodating young people, shelter workers identified the following: staff shortage and room shortages; concerns about the safety of staff, other residents and the intoxicated young person; deficits in the skills and knowledge of workers, particularly in areas pertaining to assessing health and risk; drug and alcohol information; handling potentially difficult behaviour, including aggression, violence, paranoia and suicidality. Additionally, one expressed concern when a young person who enters the shelter is intoxicated; and the inability to accommodate that young person separately from other residents.

Training Requirements

As posed specifically how the Youth Program could assist shelters to safely accommodate young people, the following, elaborating on existing services, was identified: handling the physiological effects of intoxication including overdose, blackouts, nausea, calming intoxicated young people to a level where you can ask them to go to bed; procedures for dealing with very difficult behaviour; safe use issues; cross-infection; first-aid measures; legal aspects; understanding addiction; intervention techniques; relapse management; communicating effectively with intoxicated young people; effects of particular drugs; and other sources of information and support.

One poignant response emphasised some of the difficulties faced by shelter workers.

If you have really at heart the willingness to provide a valuable training course then think of the youth worker who has to help a young person at 2 o’clock in the morning full of booze and dope when other services are closed and when, as usual, service resources are stretched to the maximum and no one else is on hand to provide back-up.

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Intoxicated Young People: A Guide to accommodating them safely

Having identified these needs, we have developed a manual which we hope shelter workers will use as a guide in developing their own policies and protocols for safely accommodating intoxicated young people. It has not been written as something to pick up and follow rigidly, but simply as a guide or resource for individual shelters to refer to and use, adapt or reject.

It has been produced in the hope that existing youth shelters will feel more capable and confident in accommodating young people who are at risk because of their degree of intoxication, young people who may be injured, abused, arrested or become sick or die if not given protection and care.

It has also been produced in the hope that funding bodies will recognise the extra demands placed on shelters which provide this service. These extra financial demands are generated by the structural modifications required, the training of additional staff, and the training requirements which are implicit in the medico-legal aspects of their duty of care.

We hope that the manual will be a useful resource for emergency shelters which are already providing accommodation for intoxicated young people in the most difficult circumstances of all. The following responses illustrate some of these difficulties:

With one youth worker on duty overnight and on weekends and public holidays, with up to six or eight aggressive youth, it is of the utmost importance to keep the house safe for other residents and the worker. Thise youth can and do turn on the youth worker if that worker is not skilled in keeping things in order without opening conflict. If we were to adopt a more open policy and take in alcohol and drug affected youth, and the residents saw this as acceptable behaviour in the house, then we would have great difficulty in managing the house and in creating a safe environment for the residents and a safe working place for the staff. (City shelter worker)

“We are not supposed to accept them but no staff in this centre likes refusing accommodation in these circumstances, especially since we know there really is nowhere else. (When) we take them, though, the residents don’t have the physical or staffing resources to cope as we should. Plus we put our other clients at risk.” (Country shelter worker)

There really is nowhere else for these young people to go. Youth shelters are already stretched and are stretching themselves even further to fill this gap. I believe it is appropriate for emergency shelters to be offering this service but it is long over-due that we recognise it, legislate it, formalise it and above all fund it so that shelters have the structural features and staff have the numbers, the training, the recognition and the support needed to provide this service to homeless young Queenslanders when they are intoxicated.

Compared with the financial cost of providing inpatient beds, or the cost of contact with the judicial system, or the cost of establishing and maintaining a number of accessible sobering-up units and compared with the cost in human suffering of some of the other options open to intoxicated young people, the extra cost required to support shelters in the provision of this service could be regarded as a bargain.

As a worker from a shelter in regional Queensland succinctly put it, “We accommodate the lot. They are our problem.”

Monica Pitchford is a Research Psychologist with the Youth Program of Brisbane North Alcohol and Drug Services. "Intoxicated young people: a guide to accommodating them safely" is available free from Brisbane North Alcohol and Drug Services (07) 870 9122
I began working in the area of homeless and disadvantaged young people in August 1973, when I and another priest took on chaplaincy at Wilson Youth Hospital, now known as the Sir Leslie Wilson Youth Centre and soon, thankfully, to be closed down.

The following two examples will illustrate something of what was happening then to young people caught up in the welfare/justice system and something of what Wilson was like for them.

Clive

Clive (a pseudonym) was a 15 year old Aboriginal lad from Western Queensland. I met him in Wilson regularly over a number of weeks. Clive was quiet, shy lad. He indicated to me that he did not know why he was in Wilson. He had been working on a station, enjoyed his work, and had not been in any trouble with the authorities. He asked me to intercede for him.

I went to the Manager of Wilson. He told me that Clive had Hanson’s disease and was put in Wilson so that his medication could be administered to him three times a day. I protested that surely someone responsible on the station could be found who would be capable of giving him his tablets. He told me that while Clive did not really need to be incarcerated “Wilson was helping him to socialize.”

When Clive was finally released it was not to the place where he had originally come from, but to a hostel in South Brisbane.

Angela

Angela (another pseudonym) was nearly 16 when she was placed in Wilson for being uncontrollable. She had been fostered as a child. Her foster parents sent her to a private Secondary Girls College. While in Wilson, her formal education had ceased and she spent her days doing knitting and crocheting.

She came to see me when she had been in Wilson for six months. She had no idea why she was in Wilson. While incarcerated she had not been in any trouble, but, because nothing was happening, she felt she was beginning to “crack up” which she didn’t want to do as this could cause her stay in Wilson to be prolonged.

With her permission, I approached her psychiatrist. He initially told me that she was a “bad girl” and that she had “stolen cars”. When I pressed him on this, he admitted firstly that she hadn’t stolen any cars at all, and secondly, that he thought that Angela’s boyfriend may have stolen a car. I then suggested that there was no reason for Angela to be in Wilson. He agreed that this was true.

We were able to have Angela released the following week.

These two case studies illustrate the following points:

- Most young people were not legally represented in the Children’s Courts.
- Many were incarcerated for status offences only, i.e. non-criminal activity. Some had committed minor criminal offences eg. stealing $2.
- Young women in particular were being incarcerated for so-called status offences i.e., for being uncontrollable, likely to lapse into a life of vice or crime, or for living in moral danger (Section 60 & 61 of the Children’s Services Act, 1963); most of these young women were running away from violence at home.

Young people were incarcerated for indeterminate periods of time.

The young people received no formal education whilst they were in Wilson.

Staff in Wilson were mostly untrained, however well-intentioned.

The medical model was used to “treat” these children, which meant that all children were treated by psychiatrists.

Solitary confinement was used extensively, with some young people kept in solitary for two to three days, a few as long as three and a half weeks. The regulations stated that no child should be kept in solitary for longer than one hour.

There were few suitable places for young people to live in after leaving Wilson: in fact, many young people were inappropriately placed in roaming or boarding houses; many young women ended up in rooming houses which were mainly occupied by men with drinking problems.

The young people were indeed voiceless and powerless; they were mere chattels and could be disposed of by the authorities at will and with little or no accountability. Their young people had rights or were to be treated justly was totally unheard of.

I couldn’t believe that in a civilized society, we, in the late twentieth century, could treat our young people in such a hideous and de-humanising way. In fact, it was only on one occasion I knew where people who had committed no criminal offences were treated psychiatrically was in the former Soviet Russia.

The numbers of Aboriginal young people incarcerated was far out of proportion to their percentage of the population. The State Government of the day did not collect statistics on incarcerated Aboriginals as their policy was that this would be discriminatory. At that time, according to my observations 50 per cent to 70 per cent of young people incarcerated at any one time would have been of Aboriginal or Islander descent. The higher figure was confirmed some years later.

Upon release from Wilson, the young people were convinced that they were mad and/or bad: “mad” because they had been treated psychiatrically, “bad” because they had been locked up.

Action

Some of us formed the Wilson Protest Group in an effort to educate the public as to what was being done to these voiceless and powerless young people in its name, and in an endeavour to bring about necessary changes. This group like its predecessor, the Justice for Juveniles Group, was totally composed of volunteers.

The response of the Welfare Minister of the time to its criticisms was that Wilson was full of murderers, rapists and anarchists. In my three years as Chaplain I met no murderers, no rapists and only two boys who had been convicted of arson, one of whom could possibly be termed as an anarchist.

Because Wilson was run by two government departments, namely, Health and Children’s Services, there was always a buck-passing between these departments.

The Wilson Protest Group gave hope to some of the young people who had been locked up. It showed them that some adults were prepared to listen to them and their concerns, and take these concerns seriously.

Later on, in 1979, we established the Justice for Juveniles Group. This group replaced the Wilson Protest Group and widened its focus. It researched the juvenile justice system: the Children’s Court, police, legal representation, the Children’s Services Department, as well as Wilson. It proposed recommendations and alternatives. It conducted public education, and action campaigns on particular issues, for example, education and solitary confinement in Wilson. It participated in public seminars on such issues as the incarceration of young women who were imprisoned for being in moral danger, or for being uncontrollable, which really meant that they were running away from violence at home. Young women were removed from their families because of incest and were locked up, while the perpetrator remained at home.

This group actively sought and obtained the involvement of young people.

Former inmates of Wilson were encouraged to criticise its work, especially its submissions to government. They were encouraged also to write their reflections on specific issues. Their reflections were included in submissions.

Many were keen to be involved in educational work, and lectured with us or in their own right to community groups as well as to secondary and tertiary students.

Justice for Juveniles achieved such gains as the placing of teachers in Wilson, the strict monitoring of solitary confinement, and the implementation of a duty lawyer scheme in the main metropolitan Children’s Court which was located in the Wilson Institute.

While all this was taking place, we were running Kedron Lodge, where we gave preference to young people who had been incarcerated in Wilson. The work was difficult as there were very few services available in Brisbane for these particular young people. Our aim was to be competent in working with these young people, endeavouring to assist in them stabilising themselves.

We knew this would take a long time, as these young people had been damaged over a long period of time, and had lost trust in adults. We knew they were not going to be able to turn that around in a short space of time, and that our commitment to them would have to be ongoing if they wished, whether they were living with us or not. The staff at the Lodge were mostly not professionally qualified. However, we had regular supervision which assisted in increasing our skills.

Initially, we received no financial assistance from the Federal or State Governments. We were happy to support the young people who stayed with us from our own meagre resources. Most of the young people were on the dole and were in receipt of $56 per week. We suggested that they pay $8 per week as board.

In about 1977, the Commonwealth Government under the Homeless Person’s Assistance Act provided us with 25 cents a day per meal and 50 cents per bed per night. The State Welfare often placed their young people with us, and whilst they promised us $20 per
week for them, they paid us in fact a total of $60 over a three-year period.

In the meantime...

At the 1978 Conference of Welfare Ministers, the State Ministers urged the Commonwealth Government to provide funding to assist in meeting the increasing demand for emergency accommodation for homeless adolescents. (Our Homeless Children, 1989:9)

In response to the increase in youth homelessness, the Commonwealth Government established the Youth Services Scheme for a pilot period of three years from 1 July 1979. This Scheme sought to provide short-term accommodation to young people in need of emergency shelter and support services to assist them to move into stable living situations. (Our Homeless Children, 1989:10)

In August 1982 the Senate Standing Committee on Social Welfare published its Report on Homeless Youth (Parliamentary Paper No.231, 1982). The Standing Committee was critical of the focus of the Youth Services Scheme on youth refuges and stated that "the most effective response to this problem is to provide medium and long term accommodation" which would eliminate much of the demand for refuges (39). Nevertheless, the Standing Committee recommended the system of refuges should be retained but rationalised to ensure that they were located in areas of demand.

The Standing Committee was also critical of the levels of income support for homeless young people (65).

Also in 1982, the Youth Services Scheme was evaluated by a National Committee. The Committee's Report, "One Step Forward: Youth Homelessness and Emergency Accommodation Services" was published early in 1983. The evaluation revealed that in most States approximately 60 per cent of requests for accommodation were not being met. The figure for Queensland was under 30 per cent (4).

The Committee realised that the provision of emergency accommodation was a necessary first step towards the resolution of the homelessness situation, but that it was only one step forward. The funding of additional facilities and other types of assistance was also needed to complete the process of establishing homeless youth in stable living situations. (Burdekin said much the same seven years later in "Our Homeless Children".) In fact, Burdekin noted that the situation for many young people had become urgent and for some desperate (12).

Certainly the numbers of young people incarcerated in juvenile detention centres in this State seem to have dropped. It must be said, however, that young people's absence from detention centres does not necessarily mean that their quality of life, and access to support, is any greater.

Certainly the numbers of young people incarcerated in juvenile detention centres in this State seem to have dropped. It must be said, however, that young people's absence from detention centres does not necessarily mean that their quality of life, and access to support, is any greater. It must also be asked whether the number of young people in adult correctional institutions has increased. I strongly suspect it has.

A second change decided upon in late 1982 was to bring all Commonwealth crisis accommodation programs together under a Supported Accommodation Assistance Act, which was passed by the Commonwealth Parliament in 1985. The Supported Accommodation Program, a sub-program of the Supported Accommodation Assistance Program was designed to provide services for persons of not less than 12 years of age nor more than 25 years of age, and their dependants who are homeless as a result of a crisis and who need support to move towards more appropriate accommodation, including independent living where possible and appropriate. (Chesserian 1988:11)

In 1987, the Federal Human Rights and Equal Opportunity Commission announced its wide-ranging Inquiry into Homeless Children and Young People. Having conducted hearings in all States and Territories, and commissioned in-depth study in several areas of particular relevance, the commission presented its report in February 1989.

Burdekin's recommendations were comprehensive. Co-ordination, innovation, housing, income security, monitoring of standards, and prevention were some of the most important recommendations from this Inquiry. As a result, funding which was known as "Burdekin" money became available. While some of the recommendations were implemented, and are being implemented, for example, in the area of coordination, Youth Homeless Allowance, job training and health, the vital areas of prevention, and setting and monitoring of standards, have been largely forgotten. The States and, to a lesser extent, the Commonwealth have pleaded inability to do much because of the continuing downturn in the economy. On the other hand, money seems to be no problem when it comes to big circuses such as "Sydney 2000" and the "Cold Coast Indy".

On the State level, it could be said that the deck-chairs have been re-arranged many times in terms of review and re-organisation within the Department of Family Services and Aboriginal and Islander Affairs.

The Queensland Welfare system was the "lowest" funded Department in this nation under the previous administration. Under the new administration it now has the "less dubious honour" of being one of the lowest funded departments in Australia.

Another difference is whether children and 61 of the old Act which dealt with so-called status offenders were not rescinded. This fact alone is an indictment of the new Act.

The new Act could have been an opportunity for Queensland to do something better; to lead the way in juvenile justice in Australia, instead of delivering more of the same. The New Zealand Juvenile Justice Act 1989, with its avowed aim of substantially assisting the victim and, at the same time, using the model of re-integrating and shaming for the offender, seemed to have a lot to offer.

Some things have changed. The Queensland Welfare system was the "lowest" funded Department in this nation under the previous administration. Under the new administration it now has the "less dubious honour" of being one of the lowest funded departments in Australia.

Now...

What has changed?

Since 1981 a large number of fully funded youth services have hit the scene, as well as a number of partially funded services.

In Queensland we have some innovative housing programs for disadvantaged young people. Education programs allied with other supporting services have been established for young people who are homeless, but keen to continue with their education. Some mainstream schools are even supportive of disadvantaged or at risk young people.

Some community protective programs have been established in an effort to enable young people to remain in their local community. Such programs would include Bayeside Adolescent Boarding Inc. and North West Boarding Inc.

Specialist services have been set up in such areas as the legal and health needs of homeless and disadvantaged youth people. Services exist which meet the needs of special groups, for example, young women and Aboriginal and Torres Strait Islander young people.

Coordinating bodies have been established such as the Youth Affairs Network of Queensland, the South-East and North Queensland Youth Accommodation Coalitions, and the Youth Justice Coalition.

Social justice for young people is on the agenda of both Federal and State Governments, which is to be commended. However, it is essential for us in the non-government sector not to sit back and be lulled into thinking that all is well. Governments, especially those driven by economic rationalism, are wanting to appear "with it". We must critique government social justice policies to see what quality of social justice they purport to ensure. We must also scrutinise them to see what quality of justice they are proposing to address, who their target group is, and what capability there is to meet these new goals.

Young people are among the highest unemployed groups in this State. The Education system still does not address the human relationships issues that are confronting, most young people. Youth suicide in Australia is one of the highest in the western industrialised world. Teenage pregnancy seems to be on the increase. Approximately 50 to 60 per cent of males in prison are under 25 years of age. Women and children...
constitute the highest group living in poverty in Australia. Young people are committing more crimes of violence.

Most homeless and disadvantaged young people are trapped in a cycle of violence. This seems to continue for the young women. Many of the young men seem to continue on in this violence, but as perpetrators. Many are pushed into violent life as adults whether this is by poverty or prison or both.

We must ask ourselves the question:
What kind of society are we creating which puts young people into these circumstances?

We set up a service where we toll pick children up from the watch-house, bring them back, give them a safe place to crash for the night. freakies in the morning, help with whatever if we can, and on the way. We approached the watch-house two or three times now; spoke to them, left names, left written instructions. We’re also spoke to the Police Liaison Officers. Their response has been: “Yes. That’s good. We’ll use this service.”

There have been three times in the last two weeks when we were not contacted.

One was a girl who was really drunk in town, about 3 o’clock in the morning. They picked her up and threw her in the watch house because she was throwing stomachs at passing cars. She was one that they could have rung us about and we would have gone in and got her.

Another happened two days ago. Two youths, 15 and 16 year old girls, were arrested for obscene language to police officers. They were taken to the watch-house and processed. Both were intoxicated and both were put on the streets and not taken to any residence. These two girls we would have collected and they could have spent the night in our place.

We met up with one of the girls the next day after she had fronted Court. She still has to repaer because her parents were not present.

Regarding the Family Services Department and the change, if there are any, from years ago to now: I’m a basic accommodation provider which means I have Department children from the watch-house on bail. Supposedly that’s what’s meant to happen. It hasn’t always happened. On many occasions, the Department have not contacted us and the kids have consequently sat in the watch-house.

One boy I had here was 14 years old. He was on very strict bail conditions. The week he was with us really well, he was fine. We were free. The carry-on from that was the Department told us that we were meant to have more to do with that kid. He had interests such as BMX riding which shows children are involved in. We were happy to support that, but the Department failed. They haven’t interested in becoming involved through any of that. Consequently, we didn’t have anything more to do with him.

I tried on several occasions to have more to do with that boy, but they have blocked me every time.

Subsequently, he stayed here overnight once. I took him back to the institution he lives in. As recently as a few nights ago he rang up again. He and his 15 year old girlfriend who is eight months pregnant had been living in a squat. The police arrested an older man who was living in that squat, and told the young kids to move on. Both their placements had been broken down and the Department had been aware of that, but had done nothing to fix it up.

After the police left, they rang here asking if they could stay here for the night. I said they could. I rang Crisis Care straight away to let them know that I had the two of them here. The next day I spoke with their Child Care Officer and asked her what she was going to do; would she take care of them? My idea was to find out why the placements broke down, and so we could be fixed up in those placements again. If not, then final alternative placements.

I was under the impression that this was what the Child Care Officer would do. She got up me for having the kids here. She said I was meant to say no to them when they rang. I then took the kids down to her office. Both those kids were on the streets that very night. She hadn’t done the things she said she would do.

In a police interview a few days later I was asked if I knew where either of those kids were. I explained to the police what my actions were, what the Department’s actions were. The police were furious about that, especially the girl being pregnant. They said they really didn’t want to find that baby in a trash can.

The Department is still not doing their job. They’re not doing what they say they’re going to do. What I can see is that they have a yarn with the kids and the kids go back to where they came from - the squats and the streets. Then they write up some report, and they figure they’ve done their job.

They complain that there aren’t placements for these kids. However, in the last 12 months they have had many people willing to take these kids. They’ve had placements and they treat these people so badly, don’t support them one iota, and just use them. I know of two households which have just turned away and said no. They won’t have Department kids any more and that’s the Department’s own fault and no one else’s. They don’t look after the people they get, and they don’t work with those people. They still tell us what we can and can’t do, but they are not doing the things that the lawyers can’t do. Consequently, the young person is getting nothing done for them.

Reverend Wally Delleths is currently working as a resource/research person for Church Network for Youth Justice. He has worked with homeless and disadvantaged young people for 20 years.

WAYWARD is a network of women formed in 1991 to address issues affecting young women. One of WAYWARD’s early activities was to write a Rationale explaining why its members thought such a group was necessary. In essence, the Rationale highlighted the different barriers facing young women. This activity is drawn largely from the Rationale.

Issues Facing Young Women

Young women experience discrimination and abuse because they are young and because they are women. This discrimination and abuse affects all aspects of a young woman’s life and is being done to redress their situations. This article was put together by members of WAYWARD, a network of workers who work alongside young women to bring about change in areas that young women specify. Discrimination is an area of constant concern for young women and which members of WAYWARD have identified as serious and detrimental to young women.

Gender-based discrimination is thriving in patriarchal society. Dominant structures have been developed to meet the needs of men and further their interests. Thus women face oppression and disadvantage through their experiences of being female in a male-dominated sexist society. Despite claims that we live in a “post-feminist” age, women still have to fight for their rights in the private, public and political arenas. All other things being equal, young women experience greater disadvantage than young men.

Furthermore, young women face one additional obstacle to those faced by older women: their youth. Being young in society generally means having fewer opportunities to participate and influence decision making processes. It also means not having access to information and/or an independent source of income. As a result, most young people have no real control over their future. Their well-being is dependent upon one or more adults who may or may not consider the young person’s interests as important.

Programs and services which have been developed to meet the needs of “youth” and “women” are often inappropriate, inadequate, inaccessible and intimidating for young women. Most services fail to acknowledge or respond to the fact that young women have issues and needs which are very different from that of either older women or yet either older women or young men. Such negligence aggravates and adds to the difficulties confronting young women as they attempt to access and use essential services.

Young women are subject to discrimination in many areas of their lives. Young women’s right to participate in decision-making is often denied and limited by their access to information, support and power. In order to have freedom to choose, individuals need to be able to access reliable information and then to exercise their rights. Information is often located within power structures dominated by males, thus making much information unavailable for young women. As a result, young women’s issues do not have a high profile in society, sending a very clear message that young women are not considered important. This negative message negates the fact that young women are part of the future and are currently vital members of society. Young women need support if they are to make choices on matters affecting their well-being. Too often, structures within government and commerce either do not permit or do not encourage young women to make choices or be vocal about their experiences and ideas.

Education and training for young women often creates, supports and perpetuates gender myths and inequalities. Many educational authorities now acknowledge that young women are disadvantaged in education and training, particularly when in co-educational systems. On average, young women receive less teacher time than young men, and studies show that young women are still concentrated in traditionally female areas of study. Young women often experience sexual harassment in schools and other training institutions. This experience is more common when young women opt for non-traditional areas of study, that is, in classes dominated by male students and teachers. Young women have found that they are not always supported or believed when reporting sexual harassment to appropriate authorities. In these situations, a very clear message is sent to young women saying that their experiences are not important or serious and this may leave them vulnerable to further abuse. This situation allows the perpetuation and increase of abuse by men against young women.

Employment opportunities for young women continue to be concentrated in low-paying, low status industries and occupations already dominated by women. Women are over-represented in casual and part-time jobs where job stability and rates of union membership are low. Young women experience higher rates of unemployment than men. Women receive a lower average wage than men and yet many women are responsible for families. The workplace is also a common setting for sexual harassment.

Many young women face pregnancy and motherhood at an early age. They are often rejected by their families and are likely to be the sole financial breadwinner. They are vulnerable to poverty, and may experience negative community attitudes, social isolation and
a lack of support. Anti and post-natal care available through mainstream health services is often perceived by young women as judgemental and frightening.

Young women in alternative care may leave such places worse off than when they enter, because state intervention is not sensitive to their needs. Young women placed in care are usually survivors of physical and sexual abuse. Generally, they are given no choice concerning their case worker, placement or future. Inappropriate services and practices can reproduce the same destructive power dynamics experienced by a young woman in an abuse situation, institutionalising young women’s powerlessness and lack of control over their lives.

Violence against young women is an ongoing and largely unacknowledged part of their lives. Violence is a common experience among young women, as they are more vulnerable to violence than others, and are often highly susceptible to social pressure which suggests they are somehow to blame for their assault. Services have failed to respond to this issue and as a result, young women are poorly equipped to deal with such violence. Due to a lack of support and young women’s experience of violence in their lives and begin to believe that the violence is an acceptable part of their lives.

Young women experience discrimination in health services. Few services incorporate a delivery approach relevant to young women’s lifestyles. Areas of particular importance to young women include reproductive health, STD and HIV/AIDS information, mental health and well-being. Most young women still find it difficult to access information about contraception and are not assisted in making informed choices about unplanned pregnancies. Young women often become caught up in inappropriate mental health services as they show normal reactions to abuse and discrimination within their lives.

Accommodation for young women on low incomes is likely to be unsafe, expensive and short-term. Access to the private rental market is restricted by the high cost involved in establishing a household. Discrimination by landlords and real estate agents is a particularly common experience for young women, especially when they have children. Supported accommodation services are often mixed gender settings which may reproduce the discrimination, harassment and violence that young women have endured in previous accommodation arrangements.

Young women may experience discrimination because they are from different cultural backgrounds, because of disabilities, or because of their sexuality. The experiences of discrimination against young women is endless and this article has only touched on some experiences. To be a young woman is to be vulnerable to discrimination and abuse.

WAYWARD

There is a distinct lack of services addressing young women’s issues and redressing the discrimination and abuse they experience. Workers with young women often report that they receive more requests for help than they can meet. Some of these workers have come together to form a network. This network is called WAYWARD.

WAYWARD (Women Alongside Young Women for Action, Research and Development) is a community based, feminist network which strives to empower and celebrate young women and the women who work with them, through action, research and development. The network formed in 1991 in order to begin to address the needs of young women. WAYWARD members are drawn from agencies which provide information and support to young women. Workers also advocate on their behalf about issues including physical and sexual abuse, accommodation, employment, disability and health and well-being. Meetings are held monthly in and around Brisbane and minutes are sent throughout Queensland as required.

WAYWARD attempts to provide a space where young women can meet to discuss issues concerning young women, to share information and gain skills, knowledge and improve their practice. Activities which WAYWARD has undertaken include lobbying, writing policy submissions, organising Speakouts and the publication of a book of young women’s poetry.

In February 1994, the WAYWARD network developed its first strategic plan. The goals which the network decided upon include:

- celebrating young women and their achievements;
- ensuring young women’s needs are represented in research;
- raising the profile of young women in society;
- influencing policy which impacts on young women;
- lobbying for increased and appropriate services for young women.

Activities which are planned for the immediate future include a Skills Day for workers, which will be explore ideas that can be used when working with young women. Following on from this, WAYWARD intends to develop a resource book for workers documenting these skills. WAYWARD has applied for funding to hold a Speakout during Youth Week. These Speakouts are very popular as they give young women an opportunity to voice their concerns and share them with other young women. The network, in association with young women, is striving to develop ways in which young women can input into WAYWARD in an ongoing manner.

What Can You Do?

WAYWARD has begun to redress the discrimination that young women experience. But discrimination against young women will continue until workers, committees, peak bodies, governments and society address the problem in an appropriate and effective manner. Such changes start with individuals and there are ways that individual workers can begin the process of change.

What can a worker in the youth sector do to address the issue of discrimination faced by young women? A starting point is to consult with young women to determine what they identify as their needs. Existing reports and research on issues faced by young women are also a useful source of information. It is important to remember that information about rights and services needs to be provided in a way that is accessible to young women. Services must be involved in lobbying to make young women’s needs a priority for organisations, networks, peak bodies and governments. Funding for services which respond to needs identified by young women must be pursued. Become involved with WAYWARD or support the involvement of another worker from your service. Such options will begin the process of change and stop the discrimination and abuse committed against young women.

Feel free to contact these women if you want to be involved in WAYWARD or its activities or if you would like more information about young women.

Helen Latimore (Youth Housing Project) P (07) 252 8022
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young people are more often first on, and therefore first off. Under the new proposal, an independent 16 or 17 year old being retrenched will be able to apply for Youth Training Allowance. Often though the rate will be affected by parental income to such an extent that the independent young person with be left with insufficient income support. Their living arrangements will collapse as rent and bills become due. Unless the young person qualifies for Young Homeless Allowance, they will be forced back into the family home. Very few families are willing or able to support their children in independent accommodation, and for some families independence of those old enough to work or look for work under Job Search Allowance is an economic imperative (A Living Wage, 1993).

My greatest concern with the government’s approach to youth unemployment however is not so much to do with the recent Youth Training Allowance proposal, as the government’s continuing discrimination against youth jobseekers. The Youth Training Allowance proposal itself is reasonably complete and addresses most concerns of support for young people. Maximum Youth Training Allowance rates are equivalent to Job Search Allowance for 18 to 20 year olds, so young people whose families are existing solely on welfare will receive the full benefit, and the government is assuring us at this stage that places will be available to place Youth Training Allowance recipients, Youth Training Allowance recipients will be managed by the CES or accredited case managers (White Paper Initiatives, 1994).

The problem is that the government has a history of treating young people as second-class citizens. From 1911 to 1929, young men under 18 were forced to undergo Compulsory Military Training. These young men were unable to vote and therefore have a say in the matter. In 1924, the Arbitration Court ruled against a basic minimum wage for school leavers, on the basis that it would encourage “inflated ideas of self importance” and “habits of extravagance” in the young. (Plum, quoted in Short, 1986). In recent history, young people still receive lower award rates than adults, and lower benefit rates.

At 15, a person is legally entitled to be independent. This is a right, not a privilege bestowed when convenient, to be withdrawn when economically impractical. All citizens 15 years old and over, and even some non-citizens, have the right to seek employment and pursue economic independence.

Why then do we as a society place less value on the young person’s right to pursue economic independence? When the economy becomes ‘tight’, we attempt to force young people back into the family home, instead of addressing the structural problems of an economy that cannot in its present state provide employment for all those who want to work.

Young people are often seen as the easiest group to manage, as they have no voting rights or strong advocacy groups to lobby for them. Therefore young people tend to beat the forefront of attempts to achieve political agendas. In 1911 the agenda was compulsory military training, which earlier was rejected for young men over 18 because of feared electoral backlash, and introduced instead for young men under 18. In 1944 the agenda was reducing unemployment, and youth unemployment is being hidden in ‘training’ as a convenient way of making the figures look good and still doing something to help young people.

Unfortunately, this is another step towards reducing choice for young people, and increasing the distance between what ‘adults’ can expect from society, and what ‘youth’ can expect.

References

AVPAC, A Living Wage, 1993
DEET, White Paper Initiatives, 1994
Canberra
Short, C. The Relationship Between Youth and Adult Wages from 1930 to 1985, 1986, Western Australia Labour Market Research Centre

Max Reithmüller is a training development officer with Access Inc.
Social Security Policy:

Issues & Options

This book is intended for people who make, administer, analyse or are in some other way interested in social security policy. The past decade has seen more change in the social security system than any other decade for at least the past fifty years. But the social and economic circumstances in which the system operates have changed even more substantially and will continue changing. This applies especially to the supply and distribution of work opportunities. It is clear that social security policies and administration must adjust further to these developments.

Social Security Policy: Issues and Options is a comprehensive and forward looking book which focuses attention on developments which will dominate public debate on income support in Australia into the next decade. Produced by the Department of Social Security, in association with the Centre for International and Public Law, at the Australian National University, the book brings together work by leading policy analysts, welfare specialists and academics from both public and private sectors for the first time.

Topics include:
- poverty and inequality in Australia in the 1990’s
- labour market trends and unemployment
- retirement issues
- service delivery
- the impact of social and economic change on women and families
- emerging income support issues and the way ahead

The book also incorporates detailed summaries of interactive discussions about the social security needs and priorities of specific groups, such as Aboriginal and Torres Strait Islander peoples, migrants, young people, rural people and people with disabilities.

The twenty contributors include:
Mr Peter Baldwin, MP, Minister for Social Security
Mr Philip Ruddock, MP, Shadow Minister for Social Security
Ms Lynelle Briggs
Mr Roger Brown
Professor Terry Carney
Professor Bettina Cass, AO
Professor Julian Disney, AO
Mr John Freeland
Dr Michael Keating, AO
Ms Alison McClelland
Dr Peter McDonald
Ms Julia Perry
Mr Michael Raper
Professor Linda Rosenman
Dr Peter Saunders
Ms Serena Wilson

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July - October 1994

Needs of Young People from NESB

The Non-English Speaking Youth Issues Network (NESBYIN) recently received a grant from the Youth Bureau, Department of Tourism, Sport and Racing, to conduct a consultation with service providers about the needs of young people from non-English speaking backgrounds.

The Network employed a project worker, Susan Ferguson, to run the consultation process. Susan made initial contact with workers from different areas of Queensland, but decided to concentrate her energy on the Cairns region due to funding constraints and significant interest from workers in that region.

Individual meetings were set up with service providers, as well as members of various NESB community groups in the area. Meetings were held in both Cairns and Atherton to ensure that people living in rural settings were also able to participate in the consultation.

A total of 28 people were consulted in this project; 14 were from NESB; 11 were representatives from services including government and non-government organisations. Unfortunately the project was limited by the size of the grant. However, Susan was able to spend three days in the Cairns region and the information gleaned from participants will be used as a basis for further consultation with the region.

According to the Australian Bureau of Statistics, 8.8 per cent of young people living in Cairns city and immediate surrounds are born in a country where the first language is other than English. This is a higher proportion than Brisbane. The types of difficulties that young people face in the area are similar to those experienced by young people in South East Queensland.

These are as follows:

Education
- Lack of support for English as a Second Language (ESL) for students
- Young people feel under pressure to conform to unfamilar 'Australian' behaviour at school.
- There is little contact between parents of NESB young people and the school system, which services to maintain misunderstandings about the education system in Queensland.

Language Learning
- There are not enough opportunities to learn English within the TAFE system.
- Courses offered are not comprehensive enough.
- Lack of chances to learn English to a fluent level, meant that young people were discriminated against when looking for employment.

Racism
- Nearly all participants felt that racism was a significant barrier to young people's successful adjustment to 'Australian' life, including employment opportunities.
The local paper perpetuated racism throughout the region.
Young people experienced racism at school as well as the broader community.
Young people felt torn between cultures.

**Homelessness**
- Participants agreed that young people from NESB do experience homelessness but do not necessarily access youth services after they become homeless.
- The experience of migration can contribute to young people becoming homeless.

**Legal Issues**
- Young people from NESB had experienced racism when in contact with the police.
- Some young people were not sure how to negotiate the legal system.

**Access to Services**
- Many service providers felt concerned that young people from NESB were not accessing their services.
- Some of the factors influencing access to services were lack of transport, lack of bi-lingual workers, lack of translated information and interpreter services, and a perception that workers may not understand how to work with NESB young people.

Participants had a number of suggestions for easing some of these difficulties. One of these was to hold a speak-out type conference for young people of NESB to provide an opportunity for young people to voice their concerns. A Filipino welfare worker has already written a submission to fund this project. The Brisbane NESBYLN has supported this submission.

Another recommendation was that the Cairns Migrant Resource Centre would coordinate another meeting of service providers and NESB community members to facilitate an exchange of information, and to be a working party to ensure that services continue to work on ways of becoming more accessible to young NESB people.

The consultation was able to establish that young NESB people and service providers experience similar difficulties across the state regarding NESB youth issues. A new worker will shortly be appointed through YANQ to resource the NESBYLN. This worker will be able to further consult with regions outside the southeast corner of the state and will be able to support the work of local people included in this consultation.

The consultations will be a beginning for some new work in redressing the disadvantage that young people from NESB currently experience across the state.

A report of the consultation will be available soon.

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**Don't miss the next edition of "transitions" - Young People's Issues**

This issue is dedicated to addressing youth issues from a young person's perspective. YANQ invites young people to write about issues which affect their lives. Focus topics may include:

- Young people's voice
- Culture, music and entertainment
- Education and schooling
- Young people's rights
- Government & non-government services for young people
- Issues for particular groups of young people
- Recreation
- Housing Accommodation
- Income
- Employment and work experiences

If you are interested (or know someone who might be) in contributing, please contact Judith at YANQ on (07) 852 1800.

There is also a cover design competition - If you are a talented, artistic, young person, you have the chance to win $100 plus free YANQ membership by submitting a design for the cover of the "Young People's Issue of transitions." (Illustration size: 235mm high x 195 mm wide). Entries close Friday 25 November 1994.

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Now here's a good YARN...

After a long development period, YARN (the Youth Affairs Research Network) is underway. YARN is an electronic network for individuals and organisations that are conducting or interested in research about young people. YARN aims to provide both a means of communication between researchers, and access to a database of recent, current and proposed research.

The Network is initially being established by the Youth Research Centre, based at the University of Melbourne. It will firstly establish a means of communication between interested people and groups through an electronic Mailing List. Second, YARN will build an electronic database of recent and current research, and of research proposals or tendering information.

Access to the YARN Mailing List is through electronic communication - either e-mail or Internet. The YARN Project will provide information and advice on how to gain access in easy stages. The project is also exploring the possibility of supplementing the electronic service with printed material, possibly through existing periodicals.

**The Mailing List**

Electronic mail sent to the Mailing List is shared directly between all members. The mail can be news of research initiatives or of conferences, queries about similar research that is underway, proposals for shared work and so on. Contacts made through the mailing list will enable you to follow up details directly and privately with individual people.

**Database**

The YRC is in the process of establishing a database on a YARN World Wide Web site. This database will accumulate information about recent research (generally since 1990), research that is currently underway, and proposals for research (either from researchers or from funding agencies). The precise nature of this information will be shaped by responses from YARN members through the mailing list. It is likely that the information will include the name and contact details of the researcher, an abstract of the research, the starting and finishing dates, a list of available publications and/or associated articles, and sources of support. Research titles will be grouped under major topics. To ensure that the database is up-to-date and comprehensive, YARN will be relying upon all members of the network for submission of material about research in which they are involved or interested.

A series of newsletters (YARNing) and a manual providing details on how to access and use YARN will be produced by the end of the project. The first issue of YARNing is now available, and contains details of the project, background to electronic networking, some resources and ideas for the Network's capabilities.

For more information about this project, contact Andrew Vanderstock at the YARN Project, Youth Research Centre, Institute of Education, University of Melbourne, Parkville VIC 3052

Ph: (03) 344 8585 Fax: (03) 344 8256
The Accommodation and Support Needs of Young People from a Non-English Speaking Background in South East Queensland


Reviewed by Rino Randazzo
When laws are being drafted or policies developed in areas which affect children and young people, the views of those likely to be affected are rarely sought. This is yet another example of the paternalistic view that ‘adults know best’ and that ‘children should be seen and not heard.’

There are two main reasons why children should be involved in decision making. First, they are people and citizens of Australia and, as a matter of fairness and human rights, they should have a say in laws and policies which concern them. This view is buttressed by Article 12 of the Convention of the Rights of the Child. Second, if our decision makers are aiming for good and effective laws and policies, they need to listen to the young people for whom the laws are fashioned. We, as a society, are so used to making decisions on young people’s behalf that we consistently undervalue their wisdom and good sense. We underestimate the contribution they can make to decision making if given an opportunity.

If anyone doubts that children and young people have anything worthwhile to say, they should read Volume 1 of *Juvenile Justice: Rhetoric or Reality?* published by Brisbane’s Youth Advocacy Centre Inc. Here, young people set out their experiences of the juvenile justice system in Queensland; they are harsh critics of the police, schools, lawyers and the courts. But they are fair and their criticisms are balanced with favourable reports of individuals who have treated them reasonably or sympathetically. The views of 130 young people aged 15 to 19 were obtained through in-depth interviews. Many of these young people had firsthand experience of the juvenile justice system and many were or had been in a Queensland detention centre.

Many of those interviewed report unfavourably on their school experiences. One young person describes high schools as “having no compassion or respect” and being “too concerned with a public image, upholding the good name of the school... correct uniform, neat appearance, conformity.” In contrast, a young Aboriginal person spoke highly of the Aboriginal workers at his Townsville school.

Young people felt they were picked on by the police, particularly at night in public places. ‘The police harass you. They keep at you; watch you; keep picking on you. Like, if you are walking through the mall at night they tell you to get out’. But there were positive perceptions of some police officers: ‘Some police come up to you and talk to you, ask you what you are doing, how you are going, treat you like a human being’. A number reported being chased or verbally abused by the police but felt that complaining was a waste of time because no one would accept their word against that of a police officer.

There was considerable scepticism towards lawyers and the courts. Duty solicitors had no time to do more than bombard them with questions and did not seem interested in them as people. Court language and court procedures were seen as alien and meaningless. ‘You walk in there and you walk out again, they all talk in jargon, when you ask in court what does something mean, they say “ahh, I will tell you later”, but they never do, never get around to telling you. I just get charged with all this jargon.’ When the magistrate talked to me he said “blah, blah, blah, do you understand?” My CCO said “Just say yes.” Officials who are there to support young people in court are often seen as part of the system rather than as independent advocates.

The second part of Vol 1 looks at the position of young people in detention centres and the need for accommodation and ongoing support after release. A number of sensible recommendations are made.

Volume 2 of *Rhetoric or Reality?* undertakes a critical analysis of Queensland’s Juvenile Justice Act 1992, which was described on its introduction to parliament as ‘an imaginative and comprehensive package of reforms’. There is a careful analysis of the role of independent adults present during police questioning. The point is made that young people are often ‘bewildered spectators’ in court. The authors support 51 (b) of the new Act which requires that children and young people be given full opportunity to be heard and to participate in proceedings) and 51 (b) (which requires that there be given an explanation as to the effect of any sentence imposed). But they express concern that, while representation by duty lawyers may oil the wheels of the system and lead to a saving of judicial time and greater efficiency in processing juveniles, it can be an obstacle to young people’s greater participation. It is always difficult to involve young people in a court-based process because of the rigid procedures, the dominance of the lawyers and legal language, time constraints, delays and the unfamiliarity of the process for most young people. It is a pity that Queensland did not adopt a ‘family conference’ model, which has worked well in New Zealand and has found favour in South Australia and New South Wales.

Reports of experiences under the new Act vindicate these concerns. The move towards fuller participation by young people has been described as a ‘total farce’ and duty solicitors are under even greater pressure because of the complex nature of the new provisions relating to pleas and elections.

The Youth Advocacy Centre is to be congratulated for listening to and recording the experiences of children and young people. When given the opportunity, these young people impress with the freshness of their insights and the incisiveness of their comments. It is a great pity that their views were not sought before the new Act was drafted. An important opportunity has been missed.

*Rhetoric or Reality?* builds on the views of young people themselves and makes a number of positive recommendations for change. Processing our young people through an alienating court system and locking them up is not an effective way of changing their behaviour. When will we ever learn?

Robert Ludbrook is the Director of the National Children’s and Youth Law Centre, based at the University of New South Wales. *Juvenile Justice: Rhetoric or Reality?* is available from the Youth Advocacy Centre for $15.00 plus p & h.  
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Membership applications must be approved by the YANQ Coordinating Committee.