



Network

Newsletter of the Youth Affairs Network of Queensland Inc

Noise

Quarterly Newsletter February/March 2006

UN criticises Qld criminal justice

The inevitable has come to pass. On September 30, 2005, the United Nations, through its Committee on the Rights of the Child, singled Queensland's justice system out for criticism.

In its concluding observations¹ on the report submitted by the Commonwealth about Australia's implementation of the Convention on the Rights of the Child, the UN noted its concern that "in Queensland, persons of 17 in conflict with the law may be tried as adults in particular cases". It then went on to recommend that 17-year-olds be removed from the adult justice system in Queensland.

It is not the first time that the UN has

commented on children being dealt with as adults in Australia, but it is the first time Queensland has been singled out. In September 1997, the same UN Committee noted the anomaly that, "in some jurisdictions, 16, 17 and 18-year-old offenders are classed as adults."² That same year, the Australia Law Reform Commission recommended that each of the Northern Territory, Victoria, Tasmania and Queensland should legislate to make 18 the age at which a child reaches adulthood for the purposes of the criminal law.³

Tasmania (1998), the Northern Territory (2000) and Victoria (July 1, 2005) have amended the age of adulthood. Only Queensland has yet failed to do so. It is unsurprising then, that Queensland has been singled out for UN criticism.

Queensland is out of step with national and international standards. This matters.

In Queensland, 17-year-olds are regarded as too young to vote, buy alcohol, get married without parental consent and watch certain categories of film, but they are not too young to experience the full force of the adult criminal legal system. In Queensland, we house children in adult jails. At the other end of the sentencing spectrum, effective diversionary options such as youth justice conferencing cannot be used for 17-year-olds, while they can be for all other child offenders.

Our legal system's inconsistent treatment of 17-year-olds is striking when the position of 17-year-olds before the criminal law is compared with that of 17-year-olds in civil disputes. A hypothetical example illustrates the differences. A 17-year-old goes to Schoolies Week and (a) has a dispute with an accommodation provider who breaches the rental contract by failing to provide the apartment which was booked and paid for, and (b) is also charged with an offence for drinking alcohol in a public place.

While that young person will be dealt with as an adult in relation to the criminal matter, they are denied the right to pursue civil remedies for the breach of contract as an adult, but must instead use a litigation guardian.

A 17-year-old, having left school and joined the workforce or commenced university studies, cannot pursue a range of civil remedies without having a litigation guardian. They cannot commence proceedings in the Federal Magistrates Court for sexual harassment by their employer, they cannot sue for unpaid wages, they cannot sue for breach of a consumer contract for goods or services or commence proceedings, even in the Small Debts Court, without a litigation guardian. But the legal system treats them as adults for the purposes of the criminal law.

Other anomalies

There are other anomalies. Two friends in year 12 together at school, one aged 16 and the other 17, steal goods from a store as a dare. Unlawful, but not an uncommon adolescent experience. The 16-year-old's parents are called into the police station, he is formally cautioned, is chastened, and the experience terrifies him sufficiently not to do it again. But the police feel they have no option but to charge the 17-year-old. He appears before a court. His parents are not informed. He is represented by a duty lawyer, prosecuted by the police and ultimately dealt with by the magistrate. He is fined, but because he is still at school will have difficulty paying the fine.

The juvenile justice system in Queensland is, in many respects, a good system. Since the new legislative regime was introduced in 1992, the system has demonstrated that, as a framework, it is capable of delivering appropriate outcomes when a young person is charged with a criminal offence.

Minor offending can be dealt with by
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Contributions Welcome

Ring, write, email or fax
your latest news on...

- workshops & events
- youth programs
- training events
- projects
- change of address
- latest resources
- research news
- innovations

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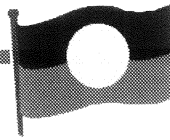
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in this publication do not necessarily
represent the views of YANQ.

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YANQ believes that the primary culture of Australia is Aboriginal.

We recognise that Aboriginal, Torres Strait Islander and South Sea Islander peoples are 3 separate cultures. We recognise Aboriginal people as the permanent custodians of mainland Australia, including those areas of land whose owners have been wiped out as a result of racist policies and acts. We use the term *custodianship* in the context of protection and care for the land. YANQ is committed to respecting Murri communities and individuals. We seek to understand their responses to policies and issues affecting them. We are committed to learning about their understandings of the impact of decisions on them. YANQ apologises for the past and present social mistreatment of Murri and Islander people created by colonisation, and is committed to supporting the healing process.

STOP

discrimination against young people immediately

The "Women in Prison" report released on 8th March 2006 by the Anti-Discrimination Commission of Queensland (ADCQ) calls on the Queensland Government to take immediate action to transfer 17 year olds from adult prisons to Youth Justice facilities. The ADCQ report clearly demonstrates that the Queensland Government is breaching the human rights of Queensland children.

The "Women in Prison" report by the Anti-Discrimination Commission of Queensland recommends that "the Queensland Government immediately legislates to ensure that the age at which a child reaches adulthood for the purpose of criminal law in Queensland be 18 years. The Commission also recommends that it is not in the best interest of 17 year old offenders to be placed in an adult prison, or for correctional authorities to place a female 17 year old offender in a protection unit of an adult prison. The Queensland Government and correctional authorities should take immediate steps to cease this practice."

YANQ had made a submission to the Anti-Discrimination Commission of Queensland highlighting the plight of 17 year old children being caught in Queensland's adult criminal justice system. YANQ is highly concerned that Queensland children are the only children in Australia to be locked up in adult prisons.

The treatment of our 17 year olds in our system goes in the face of all the recent child protection reforms in Queensland and Premier Beattie's commitment that during the current term in office, he will focus his Governments' efforts on child protection issues.

YANQ is also concerned that the majority of women prisoners are young people and that the current prison system is doing very little for rehabilitation of individuals as well as dealing with the socio-economic circumstances which contribute to the imprisonment rates of young women. With over 1200 young people under the age of 25 in Queensland prisons, a focus on young people in the correction system is of utmost importance, which requires urgent attention.

YANQ hopes that the Queensland Government will listen to the growing voices of concern. We encourage the Government to do all they can to bring Queensland out of the dark ages and up to national and international standards of justice.

To access a copy of the "Women in Prison" report by the Anti Discrimination Commission of Queensland please visit the ADCQ site at <http://www.adcq.qld.gov.au>

Summary of Results from the 2005 Survey of YANQ's members

Between November 2005 and January 2006, 255 of YANQ's members and subscribers were asked to provide their views on YANQ's performance during the previous 12 months. The survey also invited members/subscribers to indicate what they saw as the top issues facing young people and youth services. A summary of the results of this survey are provided below. Please note: The results presented below are just a snapshot of the overall results. Open-ended comments and details of respondents (eg number of staff, services offered, client groups catered for etc) have been removed from this summary. More detailed results are available from YANQ's website at: <http://www.yanq.org.au/memsurvey05>.

Number of Responses

Number of Surveys Sent: 255
 Number of Surveys returned: 48
 Return Rate: 18.82%

Section 1: Rating YANQ's Work

Rating of YANQ's Services to Members & Subscribers

Service	Very Good	Good	Average	Poor	Very Poor	Unsure
Email Bulletin	60% ¹	32%	2%	0%	2%	4%
Network Noise	34%	43%	2%	2%	0%	18%
Response to Phone or Written Queries	21%	40%	2%	0%	0%	37%
Interagency or Network Support, Regional Visits	17%	26%	19%	5%	2%	31%

Rating of YANQ's work as a Lobbyist/Advocate for Young People

Area	Very Good	Good	Average	Poor	Very Poor	Unsure
Media Attention	21%	34%	26%	2%	0%	15%
Policy Papers and Statements	40%	32%	11%	2%	2%	11%
Reprsnt Sector on Adv. Groups and Cmmttees	37%	30%	11%	2%	0%	17%
Forums and Events	33%	39%	15%	0%	2%	11%
Innovative Projects and Research	17%	46%	15%	0%	0%	19%

Participation in Networks facilitated by YANQ

Network/Forum	Participation		Ratings				
	Respondents who Participated ²	Actual number of Participants	Very Good	Good	Average	Poor	Very Poor
MYNQ	9	368	5	4	0	0	0
ATSI-YA	2	50	0	2	0	0	0
ADHD	2	10	0	2	0	0	0

Has YANQ Been Consistent with its values?

Yes	No	Not Answered/Unsure
35	0	13

Section 2: Looking to the Future

How can YANQ improve in the future? Top 5 Suggestions

Suggestions (Categorised)	Matching Responses
Increase contact with the sector	6
Focus on women's issues/employ women's worker	4
Increase media coverage/community profile	3
Address issue 'x'	3
Increase involvement of youth workers/sector	2

High Priority Issues Facing Young People. Top 5 Responses

Issues (Categorised)	Matching Responses
Housing/Accommodation needs	25
Employment/Unemployment (inc. Indust. Relations)	13
Education (inc. ETRF)	13
Drug and Alcohol misuse or abuse	12
Relationships (w/ family, peers, support networks)	11

High Priority Challenges Facing the Youth Sector. Top 5 Responses

Challenges (Categorised)	Matching Responses
Responding well to needs of young people ³	28
Obtain sufficient funding/resources	20
Working in partnership with other services	12
Coping with lack of complimentary services	7
Responding to gov't policy and reporting requirements	6

About Survey Respondents

Respondents by Type and Location (postcode division)

Region	NGOs	Gov't Services	Individual (> 25 yrs)	Individual (<=25 yrs)
Brisbane City	1	3	0	1
Inner Brisbane Suburbs	2	1	2	0
Outer Brisbane Suburbs & Logan	12	1	1	2
Pine Rivers, North of Brisbane	0	0	1	0
South of Brisbane to Gold Coast Hinterland	2	0	1	0
Ipswich Corridor	1	0	0	0
South West QLD, Toowoomba-Cunnamulla	3	0	0	0
Western QLD, Burketown-Mt Isa-Bedouri	0	0	0	0
Sunshine Coast	2	1	0	0
Wide Bay & Burnett to Gladstone	1	0	2	0
Central QLD, Rockhampton-Winton	0	1	1	0
Mackay/Whitsunday	0	0	0	0
North QLD, Townsville-Cloncurry	1	0	0	0
Far North QLD (the Cape)	3	0	0	0
Interstate	2	0	0	0
Totals	30	7	8	3

1. Percentages are calculated from total responses to the question (i.e. 'No Answer' column is not included in calculations).
2. These networks are not restricted to members or subscribers, and thus the numbers of members/subscribers who indicated they participate in the network is not an indication of the total number of participants in that network. The actual number of participants includes those on the relevant mailing list for that network.
3. Responses under this category were of ten in the form of: 'responding to young people dealing with issue x'. These have been collapsed into one category because the previous question dealt with the particular issues faced by young people.



Young Australians dropped in Howard's reshuffle

by Rey Reodica, Young Spokesperson, Australian Youth Affairs Coalition (AYAC)

Young Australians are the big losers in the Prime Minister's recent ministerial reshuffle. Whilst the reshuffle was anticipated to usher in a more youthful front bench, Prime Minister Howard has dropped Children and Youth Affairs portfolio from his Government altogether.

The Australian Youth Affairs Coalition (AYAC), the nation's non-government youth affairs peak, has renewed calls on the Howard Government to stop turning their backs on young people.

AYAC itself receives no federal funding to research and speak up on issues of importance to young people, after the Howard Government ended decades of support and funding for a national youth affairs peak in 1998. Then in 2004, the Children and Youth Affairs portfolio was downgraded from a Ministerial role to a Parliamentary Secretary. A year later, the size of the National Youth Roundtable - described by the government as the centerpiece of its youth consultation strategy - was halved.

As difficult as it is to speak out on youth affairs without funding, AYAC says it is clear that Howard's reshuffle means young people must again question who in the Government is actually there to listen. The young people of Australia have no specific representative in their Government to hear their needs and concerns.

Youth issues are diverse and in need of particular focus and attention. Mr Howard appears to have forgotten that his Government's policies on issues such as education and employment affect the lives of young people in distinct ways.

The interests of young people cannot simply be placed with issues such as family and community services and expected to be given a fair go. Young Australians have a right to fair representation by their Government and this reshuffle is a huge failure in this regard.

AYAC has renewed calls for the Howard Government to take a greater interest in the wellbeing of young people by fully funding a national youth affairs peak and reappointing a Minister for Children and Youth Affairs.

Update on the Youth Consultative Network

Many readers will be aware that YANQ is attempting to establish a Youth Consultative Network (YCN) in Queensland. Briefly, the YCN is an umbrella term for a variety of processes that YANQ is developing to help us learn about, and respond to the issues that affect young people and youth services in Queensland.

The YCN is not new to YANQ, but has been in hibernation for some years and is being redeveloped to include:

1. Processes for Youth Interagencies and Networks to connect with YANQ
2. Strategies to support the participation of young people in collectively identifying and responding (at a macro level) to challenges in their lives
3. Processes for members (individuals and services) of YANQ to easily raise issues and work with us to respond to them.

Phase One: Involving Youth Interagencies

The first phase of redeveloping the YCN will focus on the participation of Youth Interagencies and Networks, with other elements following in the future. The interagency part of the YCN is a process whereby interagencies submit to YANQ (via a fax-back or online form)

a description of high priority issues facing young people and services. YANQ then collates this information to build a picture of the main issues across the State, and will use the results to help it decide which policy issues deserve its attention. When responding to a particular issue, YANQ will easily be able to locate people 'on the ground' with vital information about the issue and work with them and others to develop a response (e.g. develop a discussion paper, begin a lobbying

the end of March. YANQ has already received one interagency form and we are looking forward to receiving many more.

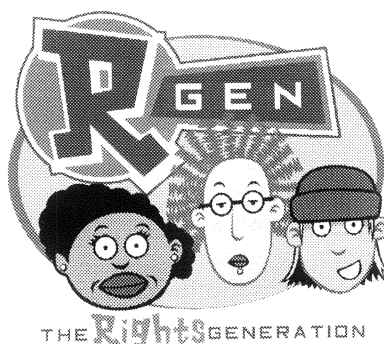
If you think your interagency would be interested in participating in this process but has not yet begun to do so, please contact David (as per the details below). David can discuss the process in more detail with you and provide all the information you need to get started.

Phase Two: Involving Young People

While we continue to build the YCN process with interagencies, YANQ has also begun to consider different strategies that we can use to support young people to become directly involved in raising and responding to issues that affect them. A discussion paper is in the works and will be released to members within the next 3 months so that together staff, management committee and members of YANQ can develop some processes for involving young people that are repeatable and sustainable. In the meantime, if you'd like to discuss this with us, please phone or e-mail David.

Who to Contact at YANQ About the YCN
David Powell, YANQ's Network Development Officer is primarily responsible for building the YCN. You can contact him via:

E-mail: ndo@yanq.org.au
Phone from SEQ: 3844 7713
Outside SEQ: 1800 177 899



campaign or information campaign etc). The information interagencies submit to YANQ will also help us to connect youth organisations and young people across the state that are working on similar topics and who may benefit from discussing their ideas with other colleagues.

At the time of writing this article, 28 of the interagencies in the State have been contacted via phone or face-to-face regarding this process. All but one have (verbally) agreed to participate. 16 of these have been faxed a more formal invitation, and the others will be sent formal invitations before

Young Carers are...

By Carers Queensland

Young carers are children and young people up to 25 years of age who help care in families where someone has an illness, a disability, a mental health issue, or who has an alcohol or other drug problem.

The person they help care for might be a parent, a sibling, a grandparent, their children, or other relative, or maybe a friend.

According to the Australian Bureau of Statistics (1998), there are 388 800 Young Carers in Australia. Approximately 1 out of 10, that is, 10% of young people aged 15-25 years in Australia are carers and these figures are likely to be significant underestimates.

What are the effects of caring?

When queried, young people collectively express that caring can be a rewarding and positive experience. However, when support is not adequate, young carers risk experiencing:

- socio-economic disadvantages;
- isolation;
- low levels of health and emotional well-being;
- impaired psychosocial development;

- limited friendships;
- difficulties when engaging in intimate relationships;
- low participation and attainment in school and employment;
- difficulties in making transitions in independence; and
- a significant lack of opportunity and choices.

Unfortunately, 98% of young primary carers receive no support at all. Young primary carers have educational and employment participation rates comparable to or worse than other youth sub-groups commonly recognized as being among the most marginalized and 'at risk' population in Australia.

What is being done?

However, the good news is: help is available. Carers Queensland has just recently employed a Project Officer to develop, implement, and evaluate projects geared towards reducing the negative effects associated with caring. Furthermore, Carers Queensland and the Commonwealth Carer Respite Centers can offer assistance for young carers in areas such as:

- housework;
- access to financial assistance;
- transport;
- involvement in young carer

- recreational and sport activities;
- free counseling;
- educational support;
- linking with other young carers for peer support and psychosocial development;

Carers Queensland have a young carers pack with all sorts of goodies to help young carers.

Who to Contact

Michael Ireland: Young Carer Project Officer, Carers Queensland
Ph: 3421 5900
Email: mireland@carersqld.asn.au
Web: <http://www.carersqld.asn.au>

Commonwealth Carer Resource Centre - for information, support, counseling and ideas regarding what help is available.

Ph: 1800 242 636

Email: kidskare@carersqld.asn.au

Commonwealth Carer Respite Centers - for timeout, extra support in the home, and ideas about how to get breaks when you need them. Emergency support available 24 hours a day.

Ph: 1800 059 059

Young Carers website:
<http://www.youngcarers.net.au>

Alcohol and other Drugs...

Peer Education: Planning successful programs

by Natalie Skinner and Ann Roche, National Centre for Education and Training on Addiction, South Australia

Peer education essentially involves sharing and providing information about alcohol and other drugs to individuals or groups. It occurs through a messenger who is similar to the target group in terms of characteristics such as age, gender or cultural background, has had similar experiences and has sufficient social standing or status within the group to exert influence (McDonald, Roche, Durbridge @ Skinner, 2003).

Peer education is popular, widely used and intuitively appealing. What constitutes best practice in peer

education, however, is a difficult question to answer. Despite its popularity in practice, there is very little consensus in the research literature regarding:

- the definition of peer education (i.e. what it is and is not)
- strategies to ensure maximum impact (i.e. what works best).

Therefore, instead of presenting a step-by-step approach of 'how to do peer education', in this article we highlight four key issues for consideration when setting up peer education programs:

1. developing program aims and objectives
2. identifying and training effective peer educators
3. designing credible and effective messages
4. strategies to conduct peer education activities.

Developing program aims and objectives

Identifying clear programs aims and objectives is a crucial step that informs other important decisions such as the type of information to provide and the education strategy(s) to be used.

Program aims may be as simple as increasing knowledge about drug-related issues so that the target group is able to make informed decisions, or as complex as attempting to change attitudes and behaviour.

It is important that the design of the program is in line with the stated aims. For example, if the intention is to change young people's knowledge, a classroom-based approach may be sufficient. However, if the aim is to change attitudes and behaviour, then more informal approaches may have a greater impact.

Identifying and training effective peer

educators

Peer educators are people who are considered by themselves and other group members to be fellow peer group members, or to share similar characteristics but differ in some way (e.g. they may be a few years older).

For peer education to be effective, intended recipients must believe that the person providing information is a trustworthy and credible source of information. A person who is a leader or respected within the peer group is more likely to be influential (Prendergast & Miller, 1996). The credibility of a peer educator can also be influenced by their personal characteristics, role, experience and knowledge (Shiner, 2000). For example, participation in drug education programs, contact with people who use drugs and good communication and presentation skills may increase perceptions of a peer educator's credibility and trustworthiness.

The meaning of 'peer group' may be as narrow as a group of friends or as broad as the more generic group regarded as 'drug users'.

Careful consideration should be given to the way in which a peer educator is recruited. To maximise credibility with a peer group it may be preferable to seek volunteers or nominations from the group, rather than recruit on the basis of the preferences of health workers, teachers or community leaders.

In regard to training peer educators, most programs provide information and training regarding social, psychological, health and legal issues associated with alcohol and other drug use, and skills training in areas such as communication, planning and presentation. Peer educators' knowledge, skill and confidence is likely to benefit most from interactive methods with an emphasis on modelling of techniques and practice.

Designing credible and effective messages

The credibility of the message will be increased if it is culturally relevant, targeted and non-judgmental. Keep in mind that drug use is increasingly seen as normal behaviour, both by users and non-users and many people see drug

use as fun, social and functional.

It is important to target peer education strategies to the particular group in terms of drug type (licit or illicit), type of user (experimental, recreational, regular or problem users) and readiness of users to change their behaviour (Coggans & Watson, 1995; Tobler, 1992). Those with some experience of drugs are unlikely to respond to scare tactics, for example 'all those who experiment with drugs will become addicted' or 'use of softer drugs will lead to addiction to harder drugs'. People with little or no experience of drugs are more likely to listen to information about the negative consequences of drugs (Bloor, 1999), whereas those who currently use drugs are more likely to respond to information about how to minimise risks associated with drug use.

Messages that are non-judgmental and based on accurate facts are generally credible (Tobler, 1992). Messages based on fear-arousal or those advocating abstinence are less convincing because they are seen as biased and contradict people's experience and knowledge of drug use (Coggans & Watson, 1995; Shiner & Newburn, 1996).

Peer education strategies

Peer educators may act in different roles, such as facilitators, counsellors, sources of information, support workers or tutors (Prendergast & Miller, 1996). They may work alone or with others present. Alternatively, they may simply pass on information in informal, everyday situations (Gore, 1999).

One peer education strategy is the Peer Teaching model, where the peer educator prepares and conducts an education session much like a teacher in a classroom. Unfortunately, this approach does not differ much from traditional teaching which creates a 'hierarchy of power', and its content is usually imposed from outside the peer group (Gore, 1999).

More informal approaches based on opportunistic interactions may be more effective in reaching a particular audience. Informal approaches can be as simple as everyday conversations, handing out information leaflets and answering questions at a music event, such as the Big Day Out, or presenting a play which raises and deals with drug-

related issues.

Conclusion

Peer education has the potential to be a highly successful approach to informing people about issues associated with alcohol or other drug use, and supporting behaviour change. However, to be effective peer education programs must be designed with the specific target group in mind. Involving representative numbers of the target group in the design, implementation and evaluation of a program can help to maximise the credibility and impact of a peer education initiative. This approach is also likely to result in creative and interactive approaches that take peer education out of the textbook and into real life.

References

- Bloor, M, Frankland, J, Parry Langdon, N, Robinson, M, Allerston, S, Catherine, A, Cooper, L, Gibbs, L, Gibbs, N, Hamilton-Kirkwood, L, Jones, E, Smith, R, William, & Spragg, B 1999. A controlled evaluation of an intensive, peer-led, schools-based, anti-smoking programme. *Health Education Journal*, 58, pp. 17-25.
- Coggans, N, & Watson, J 1995. Drug education: approaches, effectiveness and deliver. *Drugs: Education, Prevention and Policy*, 2(3), pp. 211-224.
- Gore, C 1999. Peer education among injecting drug users. In National Centre for Education and Training on Addiction (Ed.), *Strategies for intervention in opioid overdose: a resource for community workers. Report of the Workshop, 'Heroin Overdose: National Forum on Strategy Development'*, Adelaide, February, 1997. Adelaide: National Centre for Education and Training on Addiction.
- McDonald, J, Roche, AM, Durbridge, M & Skinner, N 2003. *Peer education: From evidence to practice*, National Centre for Education and Training on Addiction, Flinders University, Adelaide.
- Prendergast, N, & Miller, S 1996. Reducing the risk: the Juvenile Justice peer oriented approach, In *Re-shaping the Future: Drugs and Young People*.

Conference proceedings, Australian Drug Foundation, Melbourne, pp. 277-286.

Shiner, M 2000. *Doing it for Themselves: an evaluation of peer approaches to drug prevention*, Public Policy Research Unit, Goldsmiths College, University of London, London.

Shiner, M, & Newburn, T 1996. *Young*

people, drugs and peer education: an evaluation of the Youth Awareness programme (YAP), Home Office Drugs Prevention Initiative, London.

Tobler, NS 1992. Drug prevention programs can work: research findings, *Journal of Addictive Diseases*, 11(3), pp. 1-28

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Anti-Terrorism Bill (No 2) 2005:

what does it mean for young people?

The news has been dominated recently with debates about terrorism in Australia and new laws are being developed to address the threat of terrorism.

The Senate Legal and Constitutional Legislation Committee has recently held an inquiry into the provisions of the Anti-Terrorism Bill (No. 2) 2005 and is due to report by 28 November 2005. This article provides a brief background to the legislation and highlights the potential impact of the laws for young people.

Background

Before September 11, there were various Australian laws related to terrorism but no anti-terrorism legislation as such. Since 2002, Commonwealth, State and Territory Governments have introduced a range of legislative provisions related to terrorism. On 8 September 2005, in the wake of the London bombings, the Government announced proposed changes to Australia's counter-terrorism laws. A Bill has been drafted which is now the subject of the Senate Inquiry. Key features of the Bill include:

1. Introduction of a 'control order' regime to monitor terrorist suspects. The obligations, prohibitions and restrictions that the court may impose include (but are not limited to):
 - a prohibition or restriction on the person being at specified areas or places
 - a requirement that the person remain at specified premises between specified times each day, or on specified days
 - a requirement that the person wear a tracking device
 - a prohibition or restriction on the person communicating

or associating with specified individuals

- a prohibition or restriction on the person accessing or using specified forms of telecommunication (including the Internet)

Control orders cannot be imposed on people under the age of 16 and the maximum duration of an order is three months (as compared to up to 12 months for adults) although there is nothing to stop the making of successive control orders.

2. A new police preventative detention regime to allow detention without charge if there are reasonable grounds to suspect that the person will engage in a terrorist act. Preventative detention may last no longer than 48 hours in total but may extend to 14 days through orders made under State and Territory laws. The time maximums are the same for adults and 16 and 17 year olds. Preventative detention orders cannot be made in relation to a person who is under 16 years of age. 16 and 17 years olds can have monitored contact with parents or guardians for 2 hours each day.
3. Questioning, search and seize powers. A police officer may stop and detain a person for the purpose of conducting a search for terrorism related items. Terrorism related items are broadly defined as involving something that the police officer reasonably suspects may be used in a serious offence or a terrorist act, or is connected with the preparation of a serious offence or is evidence of, or relating to, a serious offence.

Community concerns

There has been very little time for the community to respond formally to the Inquiry. Youthlaw and the Centre for Multicultural Youth Issues (CMYI) worked in partnership with The Hon. Alastair Nicholson, Department of Criminology,

University of Melbourne, Mr John Tobin, Law School, University of Melbourne and Danny Sandor, Defence for Children International - Australia, to highlight the impact of the laws on children and young people. The submission focuses on where the Bill breaches Australia's international human rights treaty obligations. Youthlaw and CMYI also contributed a 'real-life' analysis of the Bill to consider the broader context in which the laws operate. The following provides a snapshot of the key issues raised in our submission.

Targeting young people

Young people already voice concerns about being targeted by police and their relationship with police is often strained. There is concern that the proposed legislation could lead to further tensions between police and young people if there is not adequate oversight of the use of these powers. Of particular concern are the proposed police powers to stop, question and search people in relation to terrorist acts. Young people may be disproportionately affected by these powers, particularly given they are significant users of and highly visible in public space. There are not sufficient safeguards in place to ensure these powers are not used inappropriately or that they target particular groups of young people.

Fear, discrimination and alienation

Of key concern is the indirect impact of the legislation namely increasing fear and racial discrimination in the community and in turn further alienating and isolating young people. The increase in racial discrimination after September 11 was evidenced in a recent report published by the Human Rights and Equal Opportunity Commission (Isma - Listen: National Consultations on eliminating prejudice against Arab and Muslim Australians). The report details the disturbing rise in racial abuse, discrimination and violent attacks directed at members of

Arab and Muslim communities following September 11, Key concerns in relation to this issue include:

- The impact on young people's social and mental health. When young people feel targeted and discriminated against, agencies report diminished self-esteem, an increase in aggressive, defensive and anti-social behaviour, and increased expression of anger and violence. Young women tend to withdraw and drop out from school. Young men may become more emotionally charged and feel the whole world is against them. This sense of marginalisation can further their disengagement from the wider community.
- Agencies are particularly concerned about young people dropping out of school, particularly as Post-September 11 School often proved to be an unsafe space for CALD young people.
- Isolation. Parents fear that their children may be detained under the new laws and families are becoming increasingly insular and more protective of their children. Young people may not be allowed to participate in outside activities such as school or sport or meeting

friends in public places.

Adolescent behaviours

Adolescence is a time of exploring new ideas, meeting new people and testing boundaries, and as a result young people are likely to be inadvertently caught up in these laws. Communities fear that young people could be investigated for possessing material, accessing internet sites, attending public forums etc that are in some ways linked to alleged terrorist activities or organisation even if there is no evidence that the person has directly engaged in terrorist-related behaviours.

Impact on community agencies

Agencies working with CALD young people have already reported increased calls for assistance. Following recent media about the proposed legislation and raids and arrests, agencies report being inundated with calls from people who are distressed and seeking support, an increase in demand for education about the laws from their communities, and reports of increased acts of racism towards clients.

Implementation strategies

It is vital that the introduction of legislation is accompanied by a

comprehensive education campaign about the laws and resources for community organisations to provide education to their communities. In addition to strategies targeting parents and adult family members, youth specific education is an important component of this. Young people will require significant education about this legislation and access to appropriate and timely legal advice and information.

Full text of the Anti-Terrorism Bill (No.2) 2005 <http://parlinfoweb.aph.gov.au/piweb/browse.aspx?NodeID=148>

Full submission available on the DCI - Australian website <http://www.dci-au.org/submission2.pdf>

Report by Paula Grogan, Director, Youthlaw. For further info please contact Youthlaw on 03 9611 2423 or email paula@youthlaw.asn.au

The preceding article *Anti-Terrorism Bill (No. 2) 2005: what does it mean for young people?* as appeared in the newsletter of the Youth Affairs Council of Victoria Volume 4 Edition 5 December 2005, is reproduced with the permission of the author and Youth Affairs Council of Victoria.

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way of cautioning. Youth justice conferences are available as forums in which a young person can be confronted by the victim of their offending so they might understand and accept the consequences of their actions, tailor an appropriate remedy, and deter them from any future offending.

More serious cases can be dealt with in the usual way, with sentencing options including good behaviour bonds, and supervised orders for more serious offences. For the particularly serious offences the court can impose periods of detention, and for the worst cases a juvenile can be sentenced to life.

This is not to say that the system is perfect. Defence lawyers are particularly aware of the system's ongoing flaws. One of those is the failure of the system to include 17-year-olds. The treatment of 17-year-olds has been a concern in many quarters for some time.

For example, Judge O'Brien, president of the Children's Court of Queensland, noted in the court's 2002/03 Annual Report that: "In Queensland, young people are not lawfully permitted to vote or to drink alcohol until they reach the age of 18, yet at the age of 17 their offending exposes them to the full sanction of the adult criminal laws. There are, I believe, real concerns involved with the potential incarceration of 17-year-olds with more seasoned and mature adult offenders."⁴

When the Act was introduced, it was intended that 17-year-olds be included in the juvenile justice system. At that time, the Minister then responsible for the passage of the legislation noted in Parliamentary debate: "It is the intention of this Government, as it was of the previous Government, to deal with 17-year-old children within the juvenile, rather than the adult system,...This is consistent with the age of majority and avoids such children being exposed to the effects of adults in prisons, thereby increasing

their chances of remaining in the system and becoming recidivists. This change will occur at an appropriate time in the future."⁵

That was 1992. The issue has been under government review since late 2004. The Queensland Law Society has advocated for inclusion of 17-year-olds in the juvenile justice system. In September 2005, the UN added its weight to the calls for change. Now experts, lawmakers and advocates from around the world are waiting to see Queensland's next step. Let us hope it is taken, and let us hope it is in the right direction.

Simon Cleary is Legal Aid Queensland's Youth Advocate and a member of the QLS Children's Law Section.

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NOTES:

1. Concluding Observations, Committee on the Rights of the Child, CRC/G/15/Add.268. 30 September 2005
2. Concluding Observations, UN Committee on the Rights of the Child, 10 October 1997
3. ALRC, Seen and heard: priority for children in the legal process. Report No 84, Recommendation no 196
4. Children's Court of Queensland, 10th Annual Report, 2002/03, p5.
5. Hansard, Legislative Assembly 5 August 1992, p6130, per The Hon Ann Warner, Minister for Family Services and Aboriginal and Islander Affairs