

STANDING COMMITTEE ON LEGISLATION

PARENTAL SUPPORT AND RESPONSIBILITY BILL 2005

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 8 MARCH 2006**

SESSION TWO

Members

**Hon Graham Giffard (Chair)
Hon Giz Watson (Deputy Chair)
Hon Ken Baston
Hon Peter Collier
Hon Sally Talbot**

Hearing commenced at 10.37 am**LISIGNOLI, MS KARYN****Executive Officer, Youth Affairs Council of WA, examined:**

CHAIR: On behalf of the committee, welcome to the meeting today. Thank you for attending to assist the committee with its inquiries. There are a few formalities that I would quickly like to address before our discussions commence. To begin with, would you please state the capacity in which you appear before the committee?

Ms Lisignoli: I am appearing here as the executive officer of the Youth Affairs Council of WA Inc.

CHAIR: You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Ms Lisignoli: Yes, I have.

CHAIR: Today's discussions are public. They are being reported, and a copy of the transcript will be provided to you. Please note that until such time as the transcript of your public evidence is finalised, the transcript should not be made public. I advise you that premature publication of the transcript or inaccurate disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. If you wish to make a confidential statement, you can ask the committee to consider taking your statement in private. If the committee agrees, the public will be asked to leave the room before we continue. To begin with, would you like to make an opening statement to the committee about your submission?

Ms Lisignoli: Yes, I would. Thank you very much. First of all, I would like to thank the committee for inviting the Youth Affairs Council of WA, hereafter referred to as YACWA, to have input into this committee inquiry. To begin with, YACWA is the peak body for the non-government youth sector. We have been the peak body for 25 years. Essentially, that means that we are a membership organisation. Our members are agencies that provide services to young people, whether that be Mission Australia, Anglicare, Perth Inner City Youth Service, Northcliffe Youth Voice, local government authorities, individual youth workers or individual young people. Our job ultimately is to act as the conduit between the sector and government and other key stakeholders that have input into young people's lives. Our role, essentially, is to consult with our members, find out what is happening with them and what is happening with the young people with whom they are dealing, and then relay the information back to government, funding bodies and other stakeholders, and to organise different training and sector development opportunities. Essentially, our role is to help the sector to help the young people for whom they work. Ultimately, we are a human rights organisation that promotes the rights of young people, and we do that on behalf of, and in consultation with, our membership.

You have a copy of the submission in front of you, so I will not read through the exact thing again, because I am sure you are all very competent at reading. In terms of the bill, essentially, we have really strong concerns about this legislation. We believe that the approach of the legislation is punitive rather than capacity building, and that really, ultimately, it is a punitive response to what we see as a very complex social issue. We feel that punishment is not effective in these types of situations when we are talking about families and young people who are struggling, and we believe

that it can actually be counterproductive. I think that if we are talking about families that have enormous amounts of stresses already impacting on them, by introducing the judicial system and another layer of the legal system and potential fines etc, you are increasing that stress, you are increasing that frustration, and you will then decrease their coping and their caring skills and strategies.

Ultimately, as we say, we believe that the bill does not focus on or address those structural inequalities. As we know, there have been enormous amounts of evidence all over the world that have shown that criminal behaviour among young people and truanting and other social acting up by young people are normally linked to fairly severe structural inequalities. These young people are normally struggling with poverty and lack of educational opportunities. They often have families that are struggling with drug and alcohol issues or misuse issues. There are often mental illnesses in these families. They are sometimes second or third generation unemployed. There is social isolation. There can be histories of violence. Ultimately, these families are struggling. I am not saying that every single young person who truants or gets in contact with the juvenile justice system or acts up in some other manner has that situation at home, but in the overwhelming majority of cases that is actually the case.

Ultimately, we feel that this is again legislation that serves to punish parents - parents who are already struggling to provide the care and support for young people, but they obviously do not have the strength, competencies or capacities to do so. Particularly if we are looking at young juvenile offenders, we know that young indigenous people are overwhelmingly represented in the young offender statistics, and we know already - it is well documented - of the structural inequalities that indigenous families have been dealing with for years and years. When we look even at the whole concept of parenting issues, we essentially took indigenous children away from their parents. They were parented by institutions. Now we are going to fine them for not being able to parent properly, and we were the ones who essentially modelled the parenting for them. However, sorry, I digress there.

To just summarise the paper, we feel that the bill will punish parents - parents who are often struggling themselves already. It introduces another layer into the legal system. The legal system is a very, very intimidating system. It is very intimidating for young people; it is very intimidating for these families. The bill makes reference to ensuring that the mechanisms that we use will be culturally appropriate and appropriate for young people, but it does not kind of detail how that will happen. We see a lot of documents and a lot of government policies, statements and acts that talk about government departments being responsive and being culturally appropriate etc and being youth friendly. They are fabulous ideals, but they are very difficult to put into practice. We think that the whole thrust of this legislation is completely against trying to create that type of environment.

Ultimately, we believe that families should be supported. They need assistance to be able to do their job better, and punishment is not an effective system to do that.

[10.45 am]

We need to normalise the fact that parenting is a skill that needs to be learned like every other skill and that gaining access to find out how to do that is a normal part of everyday behaviour. If that is something that people are forced or punished to do, it does not make for normal behaviour. Community education programs are the types of things that are more likely to make parenting programs far more effective. In terms of parenting programs, there are certainly families that are at the most stressed and dealing with the most number of disadvantages and they are the families that are least likely to benefit from these types of programs. Quite literally, some of these people are struggling with a hand-to-mouth existence. It is very hard to look at the bigger picture values of what they are doing as a parent when they are really struggling with the day-to-day crises that they

are living with. The lives of a lot of these people are incredibly chaotic. That is the norm for most of the young people whom the youth workers deal with - it is not the exception.

With one or two areas, there is already a lack of support services. DCD is already struggling. The Department of Education and Training is already struggling in terms of student support services. The not-for-profit sector is definitely struggling to keep up with demand as it is. The more effective way to deal with these issues would be to increase the resourcing to those sectors and to the Department for Community Development. We should increase the capacity of those agencies to provide the support that is needed for these families and young people. We will have far more effective and cheaper outcomes in the long run by using the resource-heavy Department of Justice, which, again, as we say, serves to further exacerbate the problem by pushing these young people and families away, making them more sceptical of authority and putting another fine on their list. It does not actually work to engage these young people or to engage their families.

We are also very concerned about the potential for this to increase the stress within the families, particularly with young people when there is violence in the family. Again, the act makes some provision for the judge or the magistrate to not prescribe these orders in the event that there is the potential for the child to be harmed, but that is not always going to be immediately obvious. A lot of young people who are in these situations are very good at keeping secrets: they often have to keep secrets as they have very dysfunctional lives and they often have parents who are abusing drugs or who are taking part in a lot of other illegal activity. They are very good at keeping secrets and keeping quiet about what is going on in their homes. It will be very difficult for magistrates to always determine whether prescribing a parental responsibility order will have quite severe repercussions for the young person involved.

Ultimately, we believe that it is increasing the stresses on these families. It is not addressing the structural inequalities that are creating these problems, and it is not looking at poverty and long-term unemployment and the lack of access to appropriate training, indigenous disengagement and alienation that has been happening for quite a long time now. Culturally and linguistically diverse people come from a lot of situations where they are very fearful of authority, where they have very different parent systems and different cultures. These families have a lot to deal with and we do not believe that a punitive approach will assist at all in the care and protection of young people. We think that it will be very counterproductive. We would rather see instead an increase of resources going to the Department for Community Development and also particularly to the not-for-profit sector to provide resources to these families and young people. We believe that the not-for-profit sector is ideally suited for this, because that sector does not often have that history or the label of government, which, unfortunately for certain groups, particularly indigenous families and for a lot of families who have seen DCD as welfare, it is the agency that takes their children away. A lot of that stigma is removed and that is where the not-for-profit sector plays an invaluable role in being able to provide services to these particular families.

We also believe the government should work to increase the number of parenting programs that are freely available for people and to work towards some type of community education approach to normalise that type of process, as we have done with cigarette smoking, when there have now been lots of community education programs to stigmatise it so that it is not seen as normal behaviour, it is seen as inappropriate behaviour.

We believe that a lot of the thrust is about care and protection of juvenile offenders. If we are talking about indigenous people and indigenous young people, we believe that we definitely do not need a punitive system. We do not need the government coming in again and being heavy handed and to serve as a wedge between families and young people. We applaud the idea of looking at things like an indigenous court, which we believe would be a more appropriate way of dealing with these issues, because those court systems allow the magistrate to have a kind of flexibility in the

sentencing. It is more of an interactive and therapeutic approach to justice as opposed to the punitive approach to justice, which is what is needed with these young people.

We also need to really work to ensure that there is across-government and across-department care for young people. We make reference to this in the act a lot. We think that is absolutely imperative, and it is one of those things that sounds very nice in theory and we often hear is what a government is working towards, but it is very difficult to put that into practice. In most decisions that the government is making, the children and families should be a separate and be a unique group that sits across all the different departments of government because young people and families are very complex. Just about every aspect of governance and community life has an impact on them. We need to be very careful that our policies are supportive and complementary and do not undermine each other. My understanding is that in terms of the Department for Community Development, through the new Children and Community Services Act, the Department for Community Development already has the capacity to engage in some type of parenting order with families to provide them with that support and assistance needed. We think it is counterproductive to go a step further and make a legal ruling that is enforceable by the court. That is when it slips over from being a therapeutic, counselling and supportive methodology to a punitive system.

Hon PETER COLLIER: I have a point of clarification. I have a reasonable understanding of the role that YACWA plays in the community. I was not aware of the broad expanse of the representation that you have and the groups that you represent, such as Anglicare etc, and these are obviously extremely broad. With regard to your submission, my question is twofold. First, did YACWA consult widely with its membership base, and, secondly, do the views that you are expressing now represent the views of the broad membership base?

Ms Lisignoli: Yes. In terms of consultation, any time that YACWA makes a presentation or a statement, that is the view of the sector - it is not the view of the individual organisation of YACWA. We have ongoing consultation processes. To begin with, our executive committee is made up of various members representing a number of different agencies. Then we have two different policy advisory groups, one of which is made up of young people and one of which is made up of the youth sector. Again, there are different members of our membership involved in those different advisory bodies. With these types of events we normally develop a draft paper, we send that to all our membership, we ask for feedback and then we organise a consultation meeting at which our members can participate in an interactive process. We often also will phone and consult directly with a number of team members who have 20, 30 or 50 years' experience.

Hon PETER COLLIER: Did that occur on this occasion?

Ms Lisignoli: Yes, that occurred on this occasion, and with our previous submission as well.

CHAIR: How many affiliate organisations are you talking about?

Ms Lisignoli: In terms of our membership?

CHAIR: Yes.

Ms Lisignoli: Our membership is about 110 at present. I think that is around 80 organisational and about 30 individual.

CHAIR: Karen, you state in your submission that the bill represents a fundamentally inappropriate and potentially harmful approach to a complex social issue. If the bill is passed, what harm do you predict might occur?

Ms Lisignoli: I think the harm that will definitely happen is that there will be an increase in friction in the families where these parental responsibility orders are imposed. I think that increase in friction can result in quite real increased abuse for those young people, whether it be physical, emotional, sexual or whatever. Certainly, there will be increased stresses in the household. If you look into research into resilience in young people, a lot of young people sometimes endure some

quite horrific circumstances. I do not need to outline those to you; you know what they are. There has been a lot of research done into why some young people seem to be able to deal with this and lead productive, healthy, even quite amazingly successful lives, whereas other young people are quite shattered by it. Most people who have experienced this will be struggling with it to some degree for the rest of their lives. Ultimately, what the research tends to show is that they have had contact with a significant other, someone who has cared and loved and supported these children and has provided, most importantly, that unconditional love to allow the child to be able to explore, develop, go through the processes that a child goes through from childhood to adulthood. When we talk about a lot of these young people who come into contact with the juvenile justice system, the kids who are really acting up frequently do not have that at all, or if they do, it is very limited. Aunt Flo may have been connected with them for a while but suddenly Aunt Flo has other stresses in her life and perhaps she has moved to some other town or something like that. Perhaps it was the grandmother who was really supportive to them, and perhaps grandmother dies or whatever. The reality is that we live in a healthy, productive and wealthy democracy and we generally have a very high quality of life and a high standard of living for most of our citizens, but, unfortunately, it does not apply to all of our citizens. We have structural inequalities, we have people who still fall through the gaps and we have some people who fall through those gaps quite severely. The young people are the ones who really wear that because they have been brought up in those homes. As I say, they are the ones who do not necessarily have access to these support services.

We know that DCD is struggling to deal with the demand that it has at present. We know that the not-for-profit sector is struggling to deal with the demands it has at present. We need to take on that responsibility to increase the resources and not give in to community sentiment, which is aroused every time we hear a media frenzy about young juvenile offenders. As community leaders, we need to take responsibility and not give in. There are big issues behind this behaviour and we need to take responsibility for those. We need to put the resources into those issues rather than dealing with the popular response - and it is a very natural response - to want to punish people because they are just not doing it properly. It is very easy for the community to feel that way. It can be very frustrating if these families are living in your household etc and you feel they need to get their act together. Unfortunately, it is a lot more complicated than that.

CHAIR: Karen, in your submission you state that the bill would create a situation in which parents could be blamed and punished for something they have not done. Do welfare interventions aimed at increasing parenting skills actually work?

Ms Lisignoli: It depends on the type of intervention, when the intervention comes in, and it also depends on the capacity of the family to deal with that. It also depends on whether it is voluntary or whether it is coercive. Generally, as a rule, parenting interventions that are not suited to the personalities and the capabilities of the parents who are undergoing the training will be ineffective. That means there will need to be a mix. Some people will work better in a group situation, some people will work better in an individual hands-on situation, but certainly they can work. My understanding is that evidence shows that for those families that are at an extreme disadvantage, these type of parenting courses have a very limited impact. I am sure you are all aware of the multisystemic therapy system that has just been introduced in the Department of Justice and also in the Department of Health. That system looks at juvenile offending, but it is an ecological model that is saying that the young person does not offend in isolation and we need to look at and support the entire family in order to address the offending behaviour. It is very resource intensive and it is also a very intensive therapy program, but the research shows that it works. This is particularly effective for those who are more at risk and incredibly disadvantaged families as well. They can work. We must be careful that we do not create a single approach to the types of programs that are made available, and to how parents can access them.

[11.00 am]

CHAIR: In your submission, you state that evidence shows it is difficult for stressed families to benefit from parenting programs when they are faced with multiple disadvantages. Can you expand on that?

Ms Lisignoli: I am sorry that I have not made the research paper available to the committee. I have a copy of it here. It is an international review of parenting interventions, with a particular focus on the UK and the US. Essentially, that is its main reference. Despite the model of a parenting program and despite whether attendance of it is made voluntary or compulsory, parenting programs undertaken by families that are dealing with multiple disadvantages have only a minimal effect.

CHAIR: Can you provide a copy of that research to the committee? If not, we can look it up.

Ms Lisignoli: Yes. It is 2004 research.

The CHAIRMAN: From your experience with the youth organisations and the young people you represent, do you believe that young people blame their parents for their own truanting, criminal offending and antisocial behaviour?

Ms Lisignoli: That varies according to the young people. Often young people blame themselves and internalise the responsibility for their actions. As I said, there is the potential for that to be exacerbated in the home. Often young people have been told all their lives that they are responsible for everything that is going on and are told that they are not good enough etc. Very often, young people are astute enough to feel frustration at the system - Big Brother - and the way it affects them. They will often talk about an "us versus them" situation. "Them" is not necessarily the children's parents; it is the government, the wider community and all of us who are involved in forming policies that serve to disengage them rather than engage them.

CHAIR: Earlier you talked about the involvement of young people in a policy forum that feeds into your deliberations. That might be an appropriate vehicle for this. Do you have any information on whether young people consider the bill to have any merit? Are young people worried that they will be further punished by their parents if their parents have to appear in court or are fined?

Ms Lisignoli: I could not tell you that directly. The feedback I got from the Young People's Policy Advisory Group is that they did not support the bill because they thought it had the potential to increase problems and issues within families. They were not necessarily talking about it from their own perspectives and what would happen to them. It would not be difficult for us to undertake further research with our membership. When engaging in that type of research, it is most appropriate to consult with the young people who are likely to be influenced by the act.

CHAIR: That is why I am asking if you have any information.

Ms Lisignoli: We do not have any information on that at present, but we would be happy to undertake to conduct that research with our members. That would not be difficult to do.

Hon PETER COLLIER: Where did that feedback come from?

Ms Lisignoli: It is from the sector and the youth workers. When we consult with our youth workers, they talk to young people and the young people themselves provide information. We get information also from the Young People's Policy Advisory Group, which is comprised of young people who are relatively articulate. When asking about the potentiality of this bill, we believe it is best to consult with the young people who are likely to be influenced by it. We would do that on behalf of our membership and it would involve visiting some of our member agencies when they interact with young people, and talking directly to the young people.

The CHAIRMAN: If you have a mechanism for doing that, the committee would be most interested to hear what you are able to discover directly from the young people who, as you said, are

most likely to be affected by it. Certainly we will invite you to do that if you have a mechanism for doing it.

Ms Lisignoli: Certainly. When would this happen?

CHAIR: The committee has an open-ended report date, and it is working furiously on it. What time frame do you envisage it would take?

Ms Lisignoli: I could get information to the committee within a week or two.

The CHAIRMAN: That would be great. Our time frame is a little bit longer than that. Is there any place for establishing a system for the compulsory attendance of parenting skill courses? Would the compulsion to attend such a course be effective?

Ms Lisignoli: We do not believe that compulsion works in these matters. That might achieve a countereffect. When people are compelled to do things, they dig in their heels because they think it is inappropriate. They will not take the matter seriously or they might not take it on board because they have been told to do it. There is a danger that that can happen with the legal system also. As I said earlier, the judicial system is an intimidating and scary system for young people to come up against. If young people come up against it a lot, they lose their fear of it and it becomes something that can be mocked, which is exactly what we do not want to happen. There is a potential for that to occur regarding parenting skills courses if attendance is made compulsory. We do not believe that compulsion works. We would rather people were encouraged and supported to do things. We currently have mechanisms for compulsion. If parents are able to access all the resources they need but are still refusing to parent properly, it becomes a matter of care and protection for the child. Consideration must then be given to whether the family environment is the right environment for the child to live in. I do not believe that forcing parents to go to parenting skills programs will make them realise that they must begin to take responsibility for their children. Self-motivation comes from a different place other than compulsion.

Hon PETER COLLIER: You mentioned resilience at schools regarding children who are often truanting and engaging in criminal offending etc, and their associated coping strategies. From your experience with young people, have you seen any shift in the community patterns regarding the resiliency skills of those types of children? Has there been any shift in groupings?

Ms Lisignoli: I could not comment on that at this stage. When I was talking about resiliency, I was talking about young people who were born into families that has meant they have lived with and endured very stressful circumstances.

Hon PETER COLLIER: That is what I am asking about. Has there been a shift in the lack of resiliency skills in the groups of children with which you are associated?

Ms Lisignoli: I cannot comment on that. Most of the members with whom we deal are dealing with young people who are in crisis situations. The young people they see who begin to benefit from the interventions and interactions usually move on. More young people are accessing those services today.

Hon SALLY TALBOT: I suspect I know the way that you will respond to my question. I want to focus on some of the answers you have given to this question. You are probably aware that it has been suggested to this committee that the essential provisions contained in the bill under consideration are perhaps more appropriately incorporated into the new Children and Community Services Act 2004. Do you have a view about that?

Ms Lisignoli: I concur with the judgment made earlier that the separation of welfare and justice is appropriate when deciding how to deal with children and young people. We believe that parenting is therapeutic. It is a counselling and a welfare issue; it is not a justice issue. We would much rather see parenting dealt with in that act.

Hon GIZ WATSON: My question is more generic. Based on what you have told the committee this morning and on other submissions made to the committee, members are aware that many organisations expressed their opposition to this bill when it was a discussion paper. I have a growing sense that very little of that opposition has been taken on board. Is that a fair assessment of the representation that you made on behalf of your organisations? Do you feel that your concerns have modified the approach taken in the process of this legislation from the point at which it was a discussion paper to the drafting of the bill? Have the concerns of your organisation led to a modification of the policy approach?

Ms Lisignoli: Our biggest concern is the compulsory parenting orders. That certainly has not changed at all. The biggest concern we have with this legislation is that punishment is being used and that ultimately we do not have enough resources to deal with the situation.

Hon GIZ WATSON: Would it be fair to say that -

Ms Lisignoli: There has been minimal change as a result.

Hon GIZ WATSON: There remains also clear opposition to compulsory parenting orders.

Ms Lisignoli: Yes.

Hon GIZ WATSON: Would the bill have any merit if that part of it were taken out?

Ms Lisignoli: If that part of it were taken out, I would question why the bill was needed. We believe that enough current legislation covers the care and protection of children.

CHAIR: Does YACWA have a web site from which the committee can obtain a list of its members?

Ms Lisignoli: It is on the front page of the submission.

The CHAIRMAN: Does that contain the names of the members?

Ms Lisignoli: No, it does not.

The CHAIRMAN: Could the committee obtain a copy of that?

Ms Lisignoli: Sure. It changes by the minute.

CHAIR: We would like to see the current list of members.

Ms Lisignoli: Does the committee need that before the submission from the young people is sent to the committee?

CHAIR: No. That concludes our questions. Thank you very much for your evidence today.

Hearing concluded at 11.11 am
