

WHAT'S IN THIS EDITION

- 1 Children and young people
Culturally and linguistically diverse
- 2 Homeless
Indigenous Australians
- 3 Litigants in person
Newly arrived
Prisoners
- 4 Refugees
- 5 Women
Services
- 6 Other
About JARA

CHILDREN AND YOUNG PEOPLE

Juvenile justice in Australia 2009-10, Australian Institute of Health and Welfare, Juvenile justice series, no. 8, Canberra, 2011 (Australia)

<http://www.aihw.gov.au/publication-detail/?id=10737420208&tab=2>

STATISTICAL DATA: This report presents information on the characteristics of young people under community-based supervision and in detention and the type and length of their supervision. In Australia, around 7,250 young people were under juvenile justice supervision on any given day in 2009-10. During this period, these young people spent, on average, a total of 6 months under supervision. Most (86%) were under community-based supervision, with the remainder in detention. Almost half of those under supervision in 2009-10 had never been in detention.

Keep them safe? A special report to Parliament under s31 of the Ombudsman Act 1974, NSW Ombudsman, Sydney, 2011 (NSW)

<http://www.ombo.nsw.gov.au/publication/PDF/specialreport/SR%20to%20Parliament%20-%20keep%20them%20safe.pdf>

REVIEW: 'Keep Them Safe' is a shared approach to child wellbeing recommended by the 2008 Special Commission of Inquiry into Child Protection Services in NSW. It represents a significant shift in the way that child protection and early support services are delivered in NSW. This report uses data from Community Services to examine whether the Department's capacity to adequately respond to children assessed as being at risk of significant harm has improved as a result of changes to the child protection system introduced through Keep Them Safe. The report makes a range of findings and recommendations.

Protecting Australia's children research audit

(1995–2010): final report, M McDonald, et al., Australian Institute of Family Studies and Social Policy Research Centre, Melbourne, 2011 (Australia)

<http://www.aifs.gov.au/nch/pubs/reports/audit/2011/audit2011.pdf>

AUDIT: This audit identifies and describes Australian research projects, including program evaluations, on topics relating to the protection of children. Building upon the methodology employed by two earlier audits, it asked researchers working in relevant fields to submit information via an online audit form about projects they have been, or are currently, undertaking. In recognition of the limitations of this approach, a literature search to identify research projects that met the audit criteria was also conducted. In total, 1,359 research projects that met the audit criteria were identified. Analysis of available information about these projects showed that just over half addressed issues specifically relating to child abuse and neglect and just over a quarter related to out-of-home care.

CULTURALLY AND LINGUISTICALLY DIVERSE

Race or reason? Police encounters with young people in the Flemington Region and surrounding areas, Z Dolic, Flemington and Kensington Community Legal Centre, Flemington, Vic, 2011 (Vic)

http://www.communitylaw.org.au/flemingtonkensington/cb_pages/files/FKCLC%20report%20March%202011_small2.pdf

RESEARCH: This research examines the role that demographic factors, such as country of birth and gender, play in shaping young people's experiences of and attitudes toward the police. A total of 151 young people, aged 15-24, participated in this research by completing an anonymous survey. The young people surveyed lived in Flemington and the surrounding areas, roughly half were men and half women, and came from diverse ethnicities and non-English speaking backgrounds. The findings showed that young men of African descent reported experiencing frequent encounters with the police. They were considerably more likely to be stopped by the police compared with young males of Australian descent and they were slightly more likely than their Australian born counterparts to experience heavy handed treatment by the police. No Australian born males reported receiving a summons or infringement whilst almost 20% of African born males did. Almost 15% of African born males were charged by the police for minor offences compared with none of the male Australian born participants.

HOMELESS

Report on targeted consultations for the reform of the boarding house sector, Mercury Advisory, Inter Departmental Committee, Department of Ageing, Disability and Home Care, NSW Department of Family and Community Services, 2011 (Australia)

http://www.adhc.nsw.gov.au/_data/assets/file/0004/250393/Mercury_Report.pdf **RESEARCH:** This report presents findings

from consultations undertaken by a Government Interdepartmental Committee chaired by Ageing, Disability and Home Care (ADHC), to seek views about options for reform of the boarding house sector. Thirty key stakeholders were interviewed, ranging from government departments to advocacy groups, owners and operators, developers and others including local councils, not for profits involved in SAAP programs, and Housing Association representatives. Group consultations sessions were also held. A key theme to arise concerned occupancy rights. Residents, advocacy groups and key stakeholders other than property owners strongly supported occupancy rights similar to those found within the ACT legislation. Most believed that such occupancy rights would be in accordance with basic human rights and should be relatively uncontroversial. Advocacy groups and key stakeholders considered it essential to introduce a registration process with minimum standards associated with accommodation to ensure safety, security and cleanliness.

A special court for special cases, T Walsh, TC Beirne School of Law, University of Queensland, Brisbane, 2011 (Qld) <http://www.law.uq.edu.au/documents/news/2011/a-special-court-for-special-cases-report.pdf> **RESEARCH:** The

Special Circumstances Court (SCC) aims to rehabilitate people who have committed low-level criminal offences, are homeless, or are suffering from impaired decision-making capacity. For a case to go before the court the criminal charge faced must have arisen in circumstances connected to the person's homelessness or impaired capacity. Over six months, researchers observed 185 defendants, 93 of whom appeared multiple times before the court. Most were homeless and the most common charges faced were public space offences, such as public nuisance, contravention of police direction and begging. Almost one third were young adults aged between 17 and 25 years of age. Mental illness was confirmed as a problem in 53 per cent of cases and raised in a further 24 per cent of

cases. Twenty defendants were also interviewed regarding their personal experiences of the court. Findings from these interviews included that, in contrast to treatment by judicial officers in the past, they felt safe and supported by the SCC, where magistrates worked closely to find practical solutions to the difficulties they faced.

INDIGENOUS AUSTRALIANS

Addressing Aboriginal disadvantage: the need to do things differently. Special report to Parliament under s 31 of the Ombudsman Act 1974, NSW Ombudsman, Sydney, 2011 (NSW)

http://www.ombo.nsw.gov.au/publication/PDF/specialreport/SR_Aboriginal%20disadvantage%20report.pdf **RESEARCH:** This report

details an audit of the implementation of the NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities 2006 - 2011. It seeks to bring together what the Audit Office has said over a number of years publicly - as well as to agencies directly - about the systemic reforms that are needed to address Aboriginal disadvantage in NSW. It also builds on the findings and recommendations contained in its December 2010 report about service delivery to the Bourke and Brewarrina communities. The report highlights the importance of taking bold approaches to the priority areas of education, building economic capacity and protecting vulnerable children in Aboriginal communities.

Social justice report 2011, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission, Sydney, 2011 (Australia) http://www.humanrights.gov.au/social_justice/sj_report/sjreport11/pdf/sjr2011.pdf **RESEARCH:** This report looks at historical

and contemporary factors in communities with a particular focus on Palm Island in North Queensland, cyber bullying, young people and bullying in schools, workplace bullying, organisational conflict, social and emotional well-being and involvement in the criminal justice system. It introduces the concept of lateral violence and its relevance to Aboriginal and Torres Strait Islander communities. It also explores how a human rights framework, particularly the Declaration, can assist both Aboriginal and Torres Strait Islander communities and governments address lateral violence. Appendix 2 provides a chronology of key events for 2010-2011.

LITIGANTS IN PERSON

Litigants in person: a literature review, K Williams, Research summary, no. 2/11, Ministry of Justice, London, 2011 (United Kingdom)

<http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/litigants-in-person-literature-review.pdf>

LITERATURE REVIEW: This literature review considers the published research evidence on civil and family litigants in person. It was undertaken to inform an assessment of the likely impact of the proposed Legal Aid Review reforms on the number of litigants in person and their potential impact on court processes. Methodology consisted of a database search of published research, and stakeholder input involving email and telephone contact made with academics, stakeholders and research funders. While some good quality evidence existed, this was limited. Together the studies in this review provide useful indicators of the types of motivations, problems encountered and outcomes for litigants without legal representation. However, there are still a number of gaps in the understanding of this issue. There was little research examining the impact of the various methods of assistance on case outcomes.

NEWLY ARRIVED

Family harmony sessions for the newly arrived communities: report and preliminary evaluation, A Costi, Victoria Legal Aid, Melbourne, 2011 (Vic)

EVALUATION: Family harmony information sessions were run for newly arrived migrants from Sudan, Burundi and the Congo, now residing in Shepparton, rural Victoria. The aim of the sessions was for participants to understand their rights within an intimate relationship, parental obligations, and the rights of children. The sessions used a storytelling approach to provide education about the law on child protection and to facilitate a general discussion about parenting responsibilities. As well as the immediate verbal feedback sought from the participants and service providers after each session, a focus group of ten community representatives, community leaders and community workers was also held. Their response to the Family Harmony sessions was positive.

Shepparton sessions for newly arrived communities: evaluation report, M Ferrari & A Costi, Community Legal Education Program Victoria Legal Aid, Melbourne, 2011 (Vic) **EVALUATION:** In late 2009, Victoria Legal Aid's Community Legal Education

Program began a community engagement project with newly arrived communities in the Shepparton region. The project featured seven education sessions delivered to 400 participants from the Congolese, Burundi, Sudanese, Afghanistan and Iraq communities and community workers for these communities. A formal evaluation of this program was undertaken in November 2010 with twenty local stakeholders involved. There was consistent feedback from community representatives and project partners that the project had significant and ongoing benefits for communities and local service providers. These included: stopping opportunistic sales of water purifiers in the area, which were leading to debt; increased use by community members of financial counselling services; reduction in drink driving offences; improved referral pathways; local services tailoring programs to meet the needs of recent arrivals; increased community dialogue and action on sensitive issues, for example child protection; and development of significant trust and good will between community members and service providers.

PRISONERS

Minimum standard non-parole periods: final report, Sentencing Advisory Council Queensland, Brisbane, 2011 (Qld)

http://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0009/107676/PDFFinalReport.pdf **RESEARCH:** This report examines the offences to which a Queensland minimum standard non-parole period scheme (SNPP) should apply and the levels at which those non-parole periods should be set. The Council also considered a range of related issues, including whether or not the NSW SNPP approach should be adopted in Queensland. It hosted roundtables with key stakeholders, released a detailed consultation paper and a companion research paper, invited submissions from the community and conducted a range of consultations, including with Aboriginal and Torres Strait Islander communities and prisoners. Based on what emerged from these consultations, the Council presents a SNPP scheme aimed to function as a single integrated sentencing model.

Sentencing snapshot: child sexual assault, 2009-2010, J Holmes, Issue paper, no. 68, NSW Bureau of Crime Statistics and Research, Sydney, 2011 (NSW) [http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/BB68.pdf/\\$file/BB68.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/BB68.pdf/$file/BB68.pdf) **STATISTICAL DATA:** This report describes the penalties imposed on adult offenders

convicted of child sexual assault. Over the two year period 2009 and 2010, 431 offenders were convicted of child sexual assault. Ninety seven per cent of those convicted were male and 67 per cent of offenders had no prior convictions for child or adult sexual assault in the preceding five years. The most common penalty imposed on an offender convicted of child sexual assault was a prison sentence. Prison penalties were imposed on 75 per cent of offenders convicted of an offence of aggravated child sexual assault, with an average aggregate sentence of 68 months, and an average minimum term of 39 months.

What makes juvenile offenders different from adult offenders?, K Richards, Trends & issues in crime and criminal justice, no. 409, Australian Institute of Criminology, Canberra, 2011 (Australia)
[http://www.aic.gov.au/documents/4/2/2/\(4227C0AD-AD0A-47E6-88AF-399535916190\)tandi409.pdf](http://www.aic.gov.au/documents/4/2/2/(4227C0AD-AD0A-47E6-88AF-399535916190)tandi409.pdf) **RESEARCH:** While a substantial proportion of crime is perpetrated by juveniles, most juveniles will 'grow out' of offending and adopt law-abiding lifestyles as they mature. This paper outlines the factors (biological, psychological and social) that make juvenile offenders different from adult offenders and that necessitate unique responses to juvenile crime. It is argued that a range of factors, including juveniles' lack of maturity, propensity to take risks and susceptibility to peer influence, as well as intellectual disability, mental illness and victimisation, increase juveniles' risks of contact with the criminal justice system. These factors, combined with juveniles' unique capacity to be rehabilitated, can require intensive and often expensive interventions by the juvenile justice system. Although juvenile offenders are highly diverse, and this diversity should be considered in any response to juvenile crime, a number of key strategies exist in Australia to respond effectively to juvenile crime.

REFUGEES

Family violence and Commonwealth laws: immigration, Australian Law Reform Commission, Issues paper, no. 37, Sydney, 2011 (Australia)
<http://www.alrc.gov.au/sites/default/files/pdfs/publications/IP37whole.pdf> **ISSUES PAPER:** This paper begins with a brief overview of the partner visa scheme before addressing a number of issues surrounding the 'family violence exception' including: the appropriateness of the definition of 'relevant family violence'; evidentiary requirements for making a claim of family violence; sponsorship arrangements; and information sharing. The second part of the paper considers the position of asylum seekers who seek refugee status in Australia as victims of family violence. It considers the current provisions in the Act and asks whether 'complementary' forms of protection are needed to protect victims of family violence whose claims may not fall under the United Nations Convention Relating to the Status of Refugees (Refugees Convention), but who may need international protection.

On her way: primary prevention of violence against immigrant and refugee women in Australia, C Poljski & A Murdolo, Multicultural Centre for Women's Health, Melbourne, 2011 (Australia)
http://www.mcwh.com.au/downloads/2011/On%20Her%20Way_Final.pdf **RESEARCH:** This report provides an overview of the various groups of immigrant and refugee women in Australia that should be considered in violence prevention efforts, the nature of violence perpetrated against these women, and the factors that may increase women's exposure to violence. Research methods included a literature review, a service provider workshop, and individual consultations, either face-to-face, telephone or email, primarily with representatives from agencies and organisations across Australia implementing violence prevention strategies. It also features violence prevention strategies that have been, or could potentially be implemented in efforts to prevent violence against immigrant and refugee women. Good practice principles for strategies are also highlighted.

WOMEN

Different types of intimate partner violence: an exploration of the literature, J Wangmann, Issues paper, no. 22, Australian Domestic & Family Violence Clearinghouse, Sydney, 2011 (Australia)

http://www.adfvc.unsw.edu.au/PDF%20files/IssuesPaper_22.pdf

BRIEF: This paper examines the growing body of research on typologies of intimate partner violence, their potential for informing about perpetrators and abuse, and differences between key theorists. It also considers concerns and criticisms raised about the methodology of various typologies, as well as concerns about their translation into practice. The research includes an analysis of different kinds of IPV and of the different types of male and female perpetrators.

Performance audit: Responding to domestic and family violence: Department of Family and Community Services, Department of Attorney General and Justice, Ministry of Health, NSW Police Force, Audit Office of NSW, Sydney, 2011 (NSW)

<http://www.audit.nsw.gov.au/Publications/Performance-Audit-Reports/2011-Reports/Responding-to-domestic-and-family-violence>

AUDIT: This audit assessed how well government and funded non-government organisations work together to respond to domestic and family violence. It concluded that organisations generally work together to improve the safety of victims when there is an overt and serious crisis, particularly when children are involved. After the crisis, there is some coordinated follow-up in a growing number of locations. However, these initiatives operate in isolation without common oversight or a plan to extend them across the State. Organisations do not have a strategy for working together across the State in response to domestic and family violence. There is no shared understanding between organisations of each others roles in providing a more responsive system that encourages people to seek help and provides them with support when they do so. The report made seven recommendations.

Personal stress, financial stress and violence against women, D Weatherburn, Crime and Justice Bulletin no. 151, NSW Bureau of Crime Statistics and Research, Sydney, 2011 (NSW)

[http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB151.pdf/\\$file/CJB151.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB151.pdf/$file/CJB151.pdf)

RESEARCH: This study explored the association between financial stress, personal stress, social support and violence against women. Logistic regression models were used with the

data coming from the General Social Survey, a large nationally representative sample survey conducted by the Australian Bureau of Statistics in 2006. Results found the risk of actual or threatened violence was significantly higher for women who lack social support or who in the last 12 months have experienced financial stress or personal stressors such as divorce or separation, death of a family member/close friend, serious illness, serious accident, mental illness, serious disability, inability to get a job, involuntary loss of job and gambling problems. The risk of actual or threatened violence for a woman at the lowest levels of financial and social stress was 4 per cent. At the upper end of the financial stress distribution (but the lowest end of the personal stress distribution), that risk jumped to nearly 15 per cent. At the upper end of the financial and personal stress distributions, the risk of actual or threatened violence was 36 per cent. These effects held up after controlling for age, being a sole parent, having alcohol and/or drug problems, level of social support and level of personal autonomy. The report concluded that financial stress, personal stress and lack of social support are strong independent correlates of violence against women, and that further research is necessary to determine whether these factors are causes or consequences of violence against women.

SERVICES

Managing mortgage stress: evaluation of the Legal Aid NSW and Consumer Credit Legal Centre

Mortgage Hardship Service, S Forell & M Cain, Law and Justice Foundation of NSW, Sydney, 2011 (NSW)

<http://www.lawfoundation.net.au/ljf/app/&id=A988378B45C49FB4CA25791000166960>

EVALUATION: Using Legal Aid NSW and CCLC corporate and program data, and the results of follow-up interviews with a modest number of the Mortgage Hardship Service (MHS) clients, this evaluation examined: whether the amount of mortgage-related legal assistance provided by Legal Aid NSW and CCLC increased after the MHS commenced; the characteristics of MHS clients and their mortgage issues, including demographic factors, geographic distribution, reasons for hardship and types of lenders; the stage of enforcement that clients were at when first assisted by the MHS; the nature of assistance provided by the MHS; and the outcomes for MHS casework clients. The results of the evaluation indicated that the MHS continues to represent a relevant and important legal service to safeguard the interests of people who experience mortgage stress.

Middle Income Access to Civil Justice Initiative background paper, University of Toronto Faculty of Law, Toronto, 2011 (Canada)

http://www.law.utoronto.ca/documents/conferences2/AccessToJustice_LiteratureReview.pdf

BACKGROUND PAPER: This paper provides a general overview of the issue of access to the civil justice system by middle-income earners. Its goal is to identify the most acute, unmet civil legal needs in the province for middle-income Ontarians across different key areas of law, and to explore a range of existing and possible solutions to these problems. The paper will be used as a starting point for broader policy discussions and ideas.

OTHER

The experience of mortgage distress in Western Sydney, Urban Research Centre University of Western Sydney, Sydney, 2010 (NSW)

http://www.uws.edu.au/_data/assets/pdf_file/0019/140536/mortgage_distress_report-webversion_hires.pdf

RESEARCH: This study investigated mortgage experience from the borrower's perspective in identified Sydney's suburbs where the occurrence of mortgage distress is high. It examined the experiences of mortgage distress in Western Sydney and of mortgage holders' coping strategies. The methodology involved a self administered survey of 33 individuals in mortgage stress, followed by in-depth interviews with 17 of these. The report concludes that the vulnerability of households to financial, and especially mortgage distress, needs to become a central issue in the way in which financial stability is conceived. The concept of financial stability must apply not only to financial institutions but to households as well. Such recognition requires that the process of financial regulation serves wider social needs than has hitherto been interpreted.

Predictors of confidence: community views in Victoria, K Gelb, Sentencing Advisory Council, Melbourne, 2011 (Vic)

<http://sentencingcouncil.vic.gov.au/content/publications/predictors-confidence-community-views-victoria>

RESEARCH: This paper presents evidence about the predictors of confidence in courts and sentencing among a sample of Victorians. It examines levels of confidence in the courts and sentencing, based on responses from 1,200 survey respondents. The study found that respondents were moderately confident in the courts and in judges' ability to impose appropriate sentences. In the study, victims of crime were found to have the lowest level of

confidence and people who did not perceive that crime levels had been increasing were found to have the highest levels. The study also suggests that confidence in the courts is improving, with 59% of respondents in this survey saying they were fairly confident or very confident in the courts and the legal system. This is compared to a 2003 Australian study in which 70% of respondents reported not very much or no confidence in the courts and legal system.

ABOUT JARA

The Justice Access Research Alert (JARA) is a free bimonthly email alert service for recent research in the area of access to justice and legal need. Items in past issues of JARA can be searched using Just Search, www.lawfoundation.net.au/justsearch

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