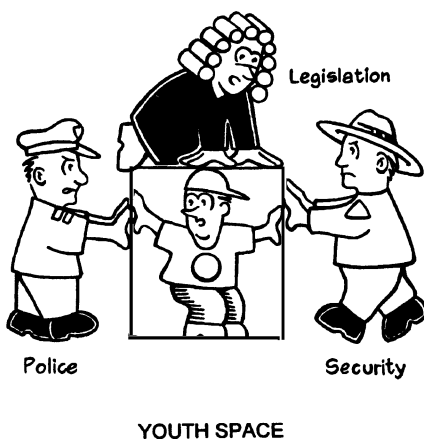


regulating youth space

Rob White

Are young people losing the struggle for a space of their own?



The social polarisations in Australian society are not only manifest in high levels of youth unemployment and poverty; they are increasingly being translated into a series of interrelated spatial polarisations. This occurs across several dimensions. For example, the formation of urban ghettos in this country is now emerging as a serious problem, a trend which bodes ill for the many young people locked into particular neighbourhood and residential locations.¹ Meanwhile, much publicly-owned space has given way to the predations of private developers and governments keen to balance budgets by selling off public assets.

Ghettoisation and fortification are mirror images of the broad processes of institutionalised inequality. So too, the trend towards ever more mass private space, and the diminishing of publicly-owned community space, has implications for the entrenchment of a form of spatial apartheid. And very often it is young people, particularly the most vulnerable, dispossessed and poverty-stricken, who are the losers in the struggle for a space of their own. The use of space generally is increasingly constructed around the notion of space as a commodity — those with the resources have access; those without money are in essence being purged from the public domain.

In part, the ideological cover for these processes of social inclusion and exclusion is found in the law and order discourses of the 1990s. Images of anarchy, 'ethnic youth gangs', juvenile crime waves and various moral panics over the state of youth today, have gone hand-in-hand with concerted campaigns to make many young people unwelcome in our city streets, shopping centres, malls and beaches. The regulation of youth space is big news.

Coercive control

Given the major polarisations in Australian society, and given the track record of countries experiencing similar developments overseas (especially the United States and the United Kingdom), we can expect an extension of coercive controls on young people's use of public spaces in the foreseeable future. Already we have seen a wide range of legislative changes and police operational strategies in Australia which signal that young people are perceived to be a problem. Very often the response has been to devise ways in which to manage and contain the physical presence of the young.

In the main, the measures described in this article demonstrate the continuing and central role of the state in dealing with the 'non-productive' layers of the youth population (especially the unemployed). In particular, the intention of many of these measures is to curtail youth movements and the visibility of youth in the public domain, in part by transferring and extending the responsibilities for regulating youth behaviour beyond the formal institutions and agencies of the state itself.

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State policing

The interventions of State police are and will continue to be the linchpin of social control as this pertains to young people's presence in and use of public space. From a legislative point of view, already a number of States have in recent years extended the powers of the police to stop, question and generally 'move on' groups of young people. In many cases, this has simply provided the statutory cover for what many police already do as a matter of course as they interpret the common law. The systematic harassment and regulation of young people in public spaces has long been a key aspect of the maintenance of public order as conceived by authority figures.²

From an operational perspective, the use of specific campaigns such as 'Operation Sweep' in Western Australia in 1994 denotes a concern by some police departments and political leaders that the activities of the police should be directed at, literally, cleaning the streets of young people. In this particular case, the police undertook a campaign to pick up any teenager on the streets of Perth (especially around the restaurant district of Northbridge) and Fremantle beyond a specified hour (as early as 8.00 p.m.). The public rationale was based on existing 'welfare' laws which allowed police to do so in the 'best interests of the child' — the clear political function, however, was to expunge young people from the commercial areas.

Parental responsibility

Increasingly, around the country there is also a concern to make parents 'more responsible' for the behaviour and actions of their offspring. In New South Wales, for example, legislation passed in 1994 was directed at drawing parents into the street policing process. The *Children (Parental Responsibility) Act 1994* (NSW) basically said that while police are to have a duty in gathering up street-present young people in particular locations and beyond certain times, parents are ultimately responsible for securing their children and ensuring that they are not on the streets in the future.

Meanwhile, where young people have been charged with an offence — which in many cases relates to their street presence, rather than any preconceived desire to commit a crime — there has been a strong push here and overseas to make parents accountable in the courts.³ In Queensland, for example, there are provisions in the *Juvenile Justice Act 1992* (Qld) which make parents legally liable for their children's offensive behaviour, by requiring them to pay compensation to the victim. Recent amendments to this Act add further responsibilities to parents and increase the fine levels, as well as enforcing court attendance. The message is abundantly clear — the role of the parent is first and foremost to police their young in particular ways. This is regardless of circumstances (for example, domestic abusive situations), resources (for example, financial capacities of the household), cultural factors (for example, nature of parenting practices) or abilities (for example, to control teenage children beyond a certain stage of development or physical competence).

Private security

Much of the regulation of youth space is in the hands of private security guards, whose task is to monitor and manage privately owned spaces such as malls and shopping centres. For many young people, the security guard is just as likely to be the main person curtailing their activities and preventing

them from congregating in certain places as is the State police officer.

From a legislative point of view, the protection of private property and commercial enterprise is now being supported in some cases by changes to private policing guidelines. For instance, in Queensland, the *Southbank Corporation Amendment Act 1995* (Qld) is geared to granting private security guards extraordinary powers of intervention and exclusion in Brisbane's public centrepiece. The legislation provides that security officers have the power to direct people to leave the site, and to ban people from returning to the site for 24 hours or, with written notice, for up to 10 days. In practice, this has meant that private security guards have even greater powers than the State police to exclude young people from certain city sites. Also, the exercise of these powers has so far been disproportionately directed at ethnic minority groups, indigenous young people and visibly poor young people.

Youth curfews

The panacea to the 'youth problem' is increasingly seen to be the youth curfew. Both State governments (as in Queensland) and city councillors (as in Hobart) have this year talked about the idea of introducing youth curfews as a means to combat crime and vandalism. Youth curfews represent a sweeping measure designed to clear the streets of young people once again, regardless of whether or not they have done anything wrong, much less illegal.

The use of youth curfews would in some cases simply formalise and extend what is already occurring via existing state policing strategies and private security interventions. Such a measure represents a massive disregard of young people's rights to space and, just as importantly, entrenches the idea that young people are of necessity a group to be watched and controlled as closely as possible. Furthermore, questions have been raised regarding the lack of legislative authority for police to enforce curfews of a general nature (rather than those tied to bail or community-service order conditions). The facts are that youth curfews do not work in large urban centres, that the policing of curfews tends to be highly selective in terms of which groups are targeted and, somewhat ironically, that some of the main losers where curfews are in place are businesses such as cinemas, which rely heavily on young patrons.⁴

The developments discussed above indicate significant shifts in social responsibility with respect to youth activity, in particular, towards parents and private companies. This is occurring at a time when the state (at both federal and regional levels) is abrogating its responsibilities to enhance the social welfare of children generally. The role of the state is changing in other ways as well. For example, the legislative framework is being set whereby street policing of the young can be carried out by non-state authorities. In the context of mass private property (privately-owned public spaces) and an extension of powers to the private owners to police their own commercial districts (shopping areas), what is to be the future role of public authorities with regard to public space issues? Here it is likely that mass private spaces will increasingly be subject to 'private order', while the streets and thoroughfares become the main targets of 'public order' state policing.

Accommodating the young

Not all measures designed to regulate public spaces are coercive in nature. As discussed below, there is also a range of ways in which young people have been incorporated into public spaces in a manner which can be broadly described as 'accommodating'. In most cases such strategies are premised on the position and status of young people as 'consumers' (or potential consumers) — rather than as producers or unproductive members of society. This conception of the young lends itself to a far different social dynamic than coercive regulatory measures.

For a start, the main players in this instance are trans-national corporations or large companies. Rather than an overriding interest in law enforcement and public order maintenance (as per the state), the key interest of private capital is profit and commercial viability. A law and order agenda is evident, but here the main concern is to prevent crime in the most effective way possible and in such a manner as to facilitate the further accumulation of capital. This can translate at a practical level into measures which are far more youth-friendly, and which at least appear to open the door to positive, albeit circumscribed, spatial policies.

Securing spaces for some

Making money from young people is big business. And to do this it is important that there be youth-specific spaces for youth-specific consumption. Thus we have the situation where capitalist enterprises (especially leisure outlets) require public access in general (hence their resistance in some cases to youth curfews), but selectivity in terms of ensuring that paying customers are the main users of their spaces.

Enter the notion of selling 'security' to parents and young people. For example, one can market security and thus generate business, by providing youth leisure and entertainment complexes which are based on exclusive entry and use rules. Sophisticated security arrangements (for example, closed-circuit cameras, attendants wired-up to a central desk, pass-card entry) are a feature of recent American companies which are now interested in setting up in Australia. Privately-owned profit-centred complexes such as these are designed and built in such a way as to provide a 'totally secure environment', including hidden weapons sensors. Entry is by fee, but once inside we are assured that the young people will be safe from harm, and free to engage in leisure pursuits or simply to do their homework!

The development of such complexes does, however, raise a number of important issues, such as, for example, the problem of financial criteria in order to gain access to the general public spaces (albeit privately-owned ones). Another issue relates to the ways in which the establishment of such complexes may be premised on particular arrangements with local councils, in particular to exclude the availability of other public spaces or leisure outlets which may not require monetary payment. Furthermore, at a subjective level, the young people who do gain access may be 'free' to do as they wish, but the nature of the security context belies this apparent freedom, and there is a constant and not-so-subtle manipulation of their behaviours or preferred activities.

Shopping centre management

Many existing shopping complexes are by nature open to the public, including young people. While the regulation of young people has in some instances been based on overt coercive models (as seen above), there is a new trend occur-

ring which is based more on a consultative and developmental model of intervention. The impetus for the new management strategies often stems initially from a concern to prevent vandalism, to reassure customers of their safety and well-being, and to offset somehow the high costs of using security guards to regulate behaviour.

A shopping centre in Western Australia (Midland Gate) was probably the first in the country to try a different strategy in this regard, one based on accommodating young people within the context of commercial public space. The answer to the 'youth problem' was simple. A youth worker was hired, and management (via the youth worker) listened to the concerns of the young people who until this point had felt alienated by the regulatory environment. The result of this experiment was a much greater level of satisfaction on the part of all parties (that is, manager, shopkeepers, customers, young people). Many young people now feel that they belong as part of the 'shopping centre community'.⁵

Development applications

While the methods of shopping centre management appear to offer little from the point of view of legislative guidelines or state involvement directly (except via funding of youth workers and youth services), the processes associated with new planning developments do appear to offer scope for the development of a legal framework which does directly incorporate youth-specific interests and needs.

Here we might point to the recent Glebe redevelopment project in Sydney, where the youth worker with Leichhardt Council (and the council itself) was able to negotiate youth-specific spaces and services as part of the 'Development Application' process. The result of these negotiations was, among other things, an agreement by the developer to provide low-cost, youth-specific games and socialising areas, employment of a youth worker in the complex, an annual youth activities budget and the formation of a Youth Advisory Committee to be involved in ongoing discussions throughout the design, building and eventual operation of the complex.⁶

In future, it should be possible to include these types of negotiations and agreements in local government planning guidelines. Whether these processes and concerns should be entrenched legislatively as part of local government planning regulation is a matter warranting further discussion.

It is important, however, to acknowledge the precarious and vulnerable position of local councils generally. Changes to local government structures and processes can have major impacts on young people. For instance, in Victoria, elected councils were sacked by the State Government in 1993-94 and replaced by appointed administrators. The result of council amalgamations, the new economic rationality now driving local government activity, and school closures has been a twofold process. On the one hand, youth-specific public spaces, particularly school grounds, have in many instances disappeared due to the State Government selling off public properties as part of an education rationalisation process. On the other hand, due to budgetary targets and financial pressures, many local councils are being forced to auction off land and property in an effort to balance the books. Is public community space to be replaced in the end with private commercial space? And is this really where we want our young people to spend their time when outside the home?

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Western Australia

MORAL GUARDIAN

The Government of Western Australia recently introduced new censorship laws aimed at 'striking a balance between protecting the community, particularly children, from offensive material while ensuring that, as far as possible, adults have the right to determine what they view'. In determining what, exactly, constitutes 'offensive' material, those responsible for classifying and limiting the distribution of these materials are asked to take into account 'the standards of morality, decency and propriety generally accepted by reasonable adults'. This, we are told, is but one way to ensure that the public is duly protected from exposure to objectionable sexual material which is 'simply beyond the pale and [which] should not be available to the public under any circumstances'.

Although designed to radically rewrite WA's censorship laws, a careful reading of the legislation reveals that the State's new *Censorship Act* stands as a rather unfortunate example of how *not* to address the individual and systemic harms that result from the production and distribution of pornography. Focusing solely on the need to protect against moral corruption, as opposed to seeing pornography for what it really is (a form of sex discrimination resulting in systemic inequality), the legislation fails to ensure that those most in need of

protection from pornographic harm are not so protected.

The legislation is also susceptible to inconsistent and discriminatory application. The Act calls for the formation of a panel of 'community representatives' responsible for classifying publications. The Act does not make it clear how these people are to be selected, nor does it indicate why some people are deemed to be more representative of the community than those not so selected. More troubling, however, is the fact that pursuant to s.15 of the legislation, the Minister responsible for the Act is not obliged to submit material to the Committee but rather can ignore the Committee structure all together. Should the Minister decide to do so, she or he need only follow the following guideline:

10. A publication will be classified as refused if, in the opinion, of the Minister, the publication:

...

(c) describes or depicts, in a manner that is likely to cause offence to a reasonable adult —

(vi) an act or matter that the Minister has determined, having regard to the standards of morality, decency and propriety generally accepted by reasonable adults, is contrary to the public interest.

Given the Act's obsession with moral propriety, it does not require a great deal of insight to foresee the potential for considerable abuse arising from application of the above section.

By focusing on pornography as an issue of immorality, rather than as an issue of inequality and the harms that result from inequality, the Government fails to ensure that those most in need of legal recourse will find it. It also risks imposing unjustified limits on legitimate forms of sexual expression — expression which, far from harmful, may in fact prove quite central to the goal of achieving systemic equality.

Despite assertions to the contrary, WA's new censorship laws are far from radical. What is needed is legislation which *is* radical in so far as it really does offer those who have been harmed by pornography the opportunity to do something about it. By redefining pornography as a threat to social equality and by adopting enforcement measures which *ensure* that this threat is curtailed, our legislators would do much to ensure that the harms of pornography are taken seriously, while guaranteeing that the 'right to speak' is a right shared by all citizens. This legislation, in its present form, does neither. ● CK

DownUnderAllOver was compiled by Elena Campbell, Anne Marie Donnelly, Jenny Earle, Catherine Hawkins, Christopher Kendall, Renee Leon, Jeff Giddings, Brian Simpson and Peter Wilmshurst.

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Conclusion

The way in which young people are perceived — as members of the community, or as threats to it — has important ramifications for how public space is constructed. Whether they be subjected to coercive control over their activities, and their very presence, in the public domain, or whether they be accommodated within existing commercial structures, it is clear that a number of major legal, political and social issues are associated with the regulation of youth space.

The challenge for the future is to expand our visions of both public space and of young people. It is crucial to speak about the need to democratise public space, particularly if entrenched spatial divisions are to be overcome. Similarly, it is vital that we treat young people with dignity and respect — from welfare to education, employment to consumption, the issue is ultimately one of basic human rights. And as 'our future', young people deserve no less than the best we can offer in the way of material and social space within which to live and grow. The future is now.

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