

**Space Invaders? Young People and Public Space
Forum Report, June 2005.**

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Executive Summary

This report documents the proceedings of the *Space Invaders? Young people and public space* forum hosted in June 2005 by the Youth Affairs Council of Victoria in partnership with members of the Public Space Action Group, a network of organisations advocating for young people's equitable access to public space. The forum brought together young people, youth service providers, academics, representatives from local and State Government, and other members of the community sector to explore the issue of young people and public space and to inform the Public Space Action Group of how to direct its advocacy efforts.

A consideration of the issues surrounding young people's relationships with public space has been undertaken comprehensively in academia, public debate and is some times reflected in policy development. This report draws on previous research to provide some background information canvassing four key themes:

- Fear and Stereotyping of young people.
- The regulation of public space.
- The privatisation of public space.
- Diversity of young people's experiences of public spaces.

Leading up to the forum, issues surrounding young people and public space had re-surfaced in policy debate with some concerning potential implications to young people's rights to access public spaces. A core purpose of the *Space Invaders* forum was to provide an opportunity for young people and members of the youth and community sector to feed into the public and policy debates surrounding young people and public space.

Following presentations from our keynote speakers, participants engaged in small group discussions in which they drew from their own experience to considered key issues relating to young people and public space. Core themes that stemmed from these discussions were:

- negative perceptions, fear and stereotyping of young people,
- the ownership and regulation of public spaces,
- the importance and diversity of young people's engagement with public spaces, and
- exclusionary practices.

YACVic and other members of the PSAG took direction from the information shared by the speakers and participants to formulate some future actions for the network. These recommended actions focus on:

- Lobbying state and local governments to engaged with local communities to promote young people's equitable and safe access to public spaces.
- Disseminating information, promoting awareness and highlighting good practice in relation to young people and public space, including information on training for security guard and shopping centre managers.

- Monitoring media, legislative and policy responses to young people and public space, particularly in the lead up to the Commonwealth Games.
- Exploring potential campaigns, such as an 'Is Melbourne the most liveable city for young people?' campaign, within a youth participation framework.
- Examining young people's participation in local government planning processes and highlighting the diversity of young people's needs, interests and concerns.

Introduction

Public Space And Young People

Issues related to young people and public space have been the subject of ongoing public debate for many years. Like many other members of the community, young people generally use public space as a meeting ground where they can socialise with friends, meet new people, work and engage in leisure activities, yet their presence often raises concern among some members of the community and this can lead to restrictions on the way young people utilise public space.

The perception of young people in public spaces, especially those congregating in groups, is usually that they are up to no good. Research suggests that fear and negativity surrounding young people's use of public space is heavily influenced by media images that depict young people as anti-social and as the perpetrators of crime. Sensationalised and selective reporting in the media can influence community perceptions of young people.¹

As young people are often perceived as 'troublemakers', their use of public space is increasingly regulated. Seen as a way to combat criminal and anti-social behaviour, regulations controlling and policing the use of public spaces can manifest in the restriction of young people's movement and their use and enjoyment of public space. These concepts will be further discussed in the literature review.

Recent developments in Victoria and other Australian states indicate that the regulation of young people in public space is still high on the political agenda. There have been a number of recent policy proposals in Victoria that aim to regulate young people's use of public space. For example, the Inner City Entertainment Precincts Taskforce (ICEPT) released a discussion paper earlier this year that considered measures to enhance safety in the inner city regions of Melbourne. The introduction of 'move on powers' was one of the proposals. Similarly, the State Opposition released a suite of justice policies in 2005, which propose anti-social behaviour orders and curfews.² Additionally there is concern that move-on laws, similar to those enacted during the Sydney Olympic Games, might be introduced for the upcoming Commonwealth Games in Melbourne. If this is the case, young people may be particularly disadvantaged as they have been the obvious targets for move-on powers in the past.

¹ For more information see YACVic's, Policy Issues Paper '*In the Spotlight: Young People and the Media*' (2002-2003)

², *Combating Anti-Social Behaviour*, Policy Information from the Victorian Liberals for the 2006 State Election: www.vic.liberal.au

The Public Space Action Group

The importance of equitable access to public space and the ways in which young people can be discriminated against in relation to public space are issues of particular concern to the Public Space Action Group (PSAG). PSAG is a network of community agencies which have come together to advocate on these issues. PSAG is convened by the Youth Affairs Council of Victoria and involved representatives from the Equal Opportunity Commission, Youthlaw, the Centre for Multicultural Youth Issues and the Western Young People's Independent Network. As a first step, PSAG organised a public forum to consider the issue of young people and public space.

Space invaders forum

In June 2005, YACVic and the PSAG hosted the '*Space Invaders? Young people and public space*' forum. The forum provided an opportunity for young people and members of the youth and community sectors to come together to identify specific issues of concern regarding young people and public space and to kick start some community action to address these issues.

Approximately 100 people attended the forum and around 30 of these participants were young people. Participants came from a range of organisations and agencies, including youth service providers, Local and State Government representatives, universities and schools. The forum was held at the National Australia Bank Building in the Docklands, Melbourne.

The forum offered a unique opportunity to hear from three interstate speakers who were able to provide contextual information on the topic of young people and public space. Speakers included:

- Dr Phil Crane, The Queensland University of Technology
- Professor Rob White, The University of Tasmania
- Garner Clancy, Youth Action and Policy Association 'Hanging out Together', project consultant.

Following the presentations participants took part in small group discussions led by a facilitator. The groups considered four questions:

- What are some of the key issues relating to young people and public space?
- How are we responding to these issues? What's happening in our community and who is doing it?
- How do we ensure that children and young people are involved in the dialogue about public space issues?
- Where to from here? What more can we do?

Key themes from the group discussions are summarized later in this report. They raised several issues of concern and provided some insightful and interesting ideas about how to approach these issues to effect change.

See Appendix 1 for the forum program.

Outline of this report

This report provides a brief summary of some of the existing literature on the issue of public space and young people. This is not an exhaustive literature review but rather outlines some key research themes. The report also provides an overview of discussions at the *Space Invaders?* forum. The report includes:

- a background to the issue;
- forum speaker's notes;
- focus group discussion themes, and
- recommendations and potential future actions.

Setting the Scene

There is a wealth of information and research on the topic of young people and public space. It is not possible to cite all these issues in this report. This review focuses on the key issues emerging from the literature including:

- Fear and stereotyping of young people.
- The regulation of public space.
- The privatisation of public space.
- The diversity of young people in public space.
-

Fear and stereotyping of young people

Young people in public spaces, particularly in groups, can be viewed with suspicion and fear. Community perceptions of young people are largely influenced by negative images, particularly in the mainstream media.

The media plays a significant role in influencing and shaping public opinion and as such can perpetrate stereotypes about young people where images focus on the 'troublemakers'. Sercombe suggests media representations of young people can feed community fears that young people are a problem and a threat.³ Sensationalised reports

³ Sercombe, H. (1999) '*Media representations, policing interventions: How language and discourse shape the policing of young people in public space*', Paper presented to the Youth in the Plural City Conference Rome May 24-28 1999.

about young people engaged in anti-social behaviors are more prevalent than positive stories about young people.⁴ While these stories sell newspapers, they present young people in a negative light and as a consequence members of the community may see young people in public space as a threat and a challenge to the personal safety of those around them rather than as valuable members of the community.⁵ The issue of young people and the media is explored in more detail in YACVic's *In the Spotlight* report.⁶

The regulation of public space

In Australia many local and state governments have enacted laws to regulate the movement of people in public space. These laws often disproportionately impact on young people and can be seen to contravene Article 15 of the UN Convention on the Rights of the Child which states that children and young people have a right to freedom of association and peaceful assembly.⁷ Examples of such laws include curfews and move on powers.

Youth curfews

A solution often proposed to combat the perceived problem of young people using public space has been the introduction of curfews. A curfew policy has been implemented in the Perth district of Northbridge, where children and young people under 18, who are at risk of physical and moral danger or are engaging in anti social behaviour are returned home after 10pm.⁸

Proposals for youth curfews have also been considered in Queensland, South Australia, Sydney, Alice Springs and the Gold Coast. In Victoria the State Opposition have proposed a midnight curfew for young people (15 years and under).⁹ This proposed law would authorise police officers to return a child to their home if they are found in a public place after midnight or judged to be acting in an anti-social manner.¹⁰

Youth curfews have been labelled as unfair because they criminalise non-criminal behaviour, label all young people as potentially threatening and they don't address the reasons why young people are engaging in potentially risky behaviours.¹¹ Curfews can also target marginalised and disadvantaged young people who spend more time in public space. For example. the proportion of Indigenous young people removed from the Northbridge area under curfew legislation was far greater than the number of non-Indigenous young people.¹² Rayner argues that curfew policy is a form of indirect

⁴ The Herald Sun (2005) '*Gang Crime Sparks Call For Curfew*', 26/5/05.

⁵ White, R (1995) '*The Forbidden City: Young People and Public Space*', Arena Magazine February-March 1995, p.35.

⁶ For more information see YACVic's, Policy Issues Paper '*In the Spotlight: Young People and the Media*' (2002-2003).

⁷ UN Convention on the Rights of the Child 1989 (Article 15)

⁸ Rayner, M. (2003) '*Northbridge Curfew*', Indigenous Law Bulletin, Vol.5, Issue 27.

⁹ *Combating Anti-Social Behaviour*, Policy Information from the Victorian Liberals for the 2006 State Election: www.vic.liberal.au.

¹⁰ *Ibid.*, p.1

¹¹ Youth Affairs Council of Western Australia (YACWA), '*The Public Fight For Young People To Be In The City*', Indigenous Law Bulletin September 2003, Vol.5, Issue 27.

¹² Koch (2003) Curfews Special Forum, Aboriginal Legal Service of Western Australia, Indigenous Law Bulletin, September 2003, vol.5, Issue 27.

discrimination because it has a 'hugely and disproportionately adverse impact on one particular racial group'.¹³ White contends that 'youth curfews open the door to the criminalisation of young people, the active resistance of young people through hide and seek games with the police and the penalisation of young victims who use the streets to escape abuse and violence at home'.¹⁴

Move-On Powers

Move on, or dispersal powers give the police the authority to 'move on' people who are judged as engaging in anti-social behaviour or likely to cause fear in others. Although no crime may have been committed, it is a criminal offence to disobey a direction to move on.

Move-on powers have been legislated in New South Wales, Queensland and Western Australia. In NSW, the *Crimes and Legislation Amendment (Police and Public Safety) Act 1998*, gives police officers the power to give a reasonable direction to a person to move on if they believe their presence is obstructing people or traffic, harassing or intimidating other people, causing fear to other people or for the purpose of supplying or obtaining illegal drugs¹⁵. Those who do not comply with a direction are issued with a fine. Non-payment of a fine results in a community service order.¹⁶

Additional move-on powers were introduced in NSW for the Sydney Olympic Games (2000). These powers allowed police officers and security guards to give a move-on direction on the grounds of 'annoyance' or 'inconvenience'.¹⁷ Penalties for disobeying a move-on direction under the Olympic move-on powers included a court hearing, physical removal and a ban for up to 6 months from an Olympic venue.¹⁸

In Victoria the State Opposition have proposed move-on laws to address the 'serious and growing problem' of anti-social behaviour in Victorian communities.¹⁹ Under this proposed law a person reasonably suspected of engaging in anti-social behaviours could be asked to leave the area. Failure to comply with a direction could result in an arrest.

While these laws theoretically apply to everyone, research indicates young people have been disproportionately affected by the powers. In particular marginalised groups of young people have been targeted by move-on powers as they spend greater amounts of time in public space than others. For example, The NSW Ombudsman conducted a review of these police powers in 1999 and found that 48% of all directions were issued to people under 18, and about 50% of directions were issued without a valid reason. A Queensland review of the use of these powers found that police were using them as a general enforcement measure beyond that prescribed, and that young and Indigenous people were disproportionately targeted. 37% of young people being moved on were Indigenous

¹³ Rayner, op cit, p.10.

¹⁴ White, R. (1996) *10 Arguments Against Youth Curfews*, Youth Studies Australia, Vol.15, No.4., p.30.

¹⁵ For more information please refer to Garner Clancy's presentation 2005 'Reasonable Direction Powers- the NSW Experience' beginning page 24 of this report.

¹⁶ Saul, B. (2000) '*Olympic Street Sweeping*' 11 *Polemic*, p.1.

¹⁷ Ibid., p.3.

¹⁸ Ibid., p.3.

¹⁹ Liberal Party of Victoria, op cit., p.1.

despite the fact that Indigenous youth represent only 4% of the general Queensland population.²⁰

A common theme emerging from research examining these powers is that the laws are an unfair and ineffective way of combating anti-social behaviour and reducing youth crime. Spooner says 'move-on powers are having a negative impact on young people and may contribute to an increase in youth crime because young people feel more alienated and unjustly excluded from public space.'²¹ Furthermore move-on powers can increase levels of conflict between police and young people by reinforcing stereotypes.²²

The privatisation of public space

The parameters of 'public space' are impacted upon and shift in response to a number of issues. The increasing privatisation of spaces that were once publicly owned and the 'public' use and nature of privately owned spaces such as shopping centers can create a tension between interests and confusion around rights. Garner Clancy notes that 'young people believe they have a right to access shopping centres, to meet their friends and to utilise the facilities available, often without understanding that shopping centres are private or semi-private property'.²³ So what does this mean for young people?

Private property rights enable owners to regulate who has access to their space. It is possible for business owners or managers who believe the presence of young people intimidates paying customers to use these private property rights to discriminate against young people. For example, in NSW the number of young people charged with criminal trespass (under the *Inclosed Lands Act 1901*) on a shopping centre was 17 in 1995, and increased dramatically to 121 in 1998²⁴.

Conversely it has been noted that centres deliberately seek to attract young people as consumers,²⁵ however even with legitimate consumer status young people can be discriminated against. Business owners in a Victorian country town objected to a permit for an amusement parlour in their shopping area, based on the belief that it would lead to increased criminal and/or deviant behaviour and that this in turn would affect other businesses in the vicinity.²⁶ Such objections are based on loose stereotypes of young people as deviants or troublemakers and can dismiss young people's role as consumers.

²⁰ Spooner (2001) *Moving in the wrong direction: an analysis of police move-on powers in QLD*, Youth Studies Australia, v.20, n.1, 2001, p.30.

²¹ Ibid., p.31.

²² YACWA, op cit., p.8.

²³ Clancy, G., Doran, S., Robertson, D. (December 2003) *Shopping Centre Protocol- Creating the Space for Dialogue: The Report* University of Western Sydney, p.4.

²⁴ Grant, C. (2000) *Banning the Banning Notice*, *Alternative Law Journal*, vol.25, no.1.

²⁵ Clancy, G., et al op cit p.4.

²⁶ White, R. (1995) op cit., p.35.

Diversity of young people's experiences of public spaces.

Young people are not a homogenous group and it is important to consider the ways various groups of young people experience and use public space differently. The following section outlines the issues faced by a range of young people.

Young people experiencing homelessness

The 2001 Census revealed that 35% of the recorded homeless population in Victoria was aged between 12-25 years.²⁷ While these numbers do not suggest all young homeless people are sleeping rough, a significant number of young people do live on the streets. For these young people heating, shelter and safety are a high priority making public spaces that are comfortable and protected from the cold, such as shopping malls attractive. Their increased visibility in public space means they are more likely to attract the attention of police and shopping centre managers and their behaviour could incur a penalty or criminal record.²⁸

Indigenous Young People

A theme commonly reiterated throughout the literature is how regulatory laws such as move-on powers and curfews have disproportionately targeted Indigenous young people. Community gatherings in spaces that hold cultural significance are an integral part of life for many members of the indigenous community.²⁹ Walsh says 'if they are going to stop indigenous people from assembling in the parks they are ultimately stopping their heritage'.³⁰ Indigenous young people can also more likely to be affected by public space laws, as they are 'extremely vulnerable to homelessness'.³¹ The prevalence of racism can mean that Indigenous young people experiencing homelessness may be in particular risk of being adversely affected by public space laws.

Young Women

Research suggests that young women are less visible in public space than young men.³² Factors that can limit young women's use of public space include issues of safety and the dominance of men in public space facilities. Public spaces created for young people often exclude young women and are centered on male-orientated activities such as skateboarding.³³ While young men tend to engage in physical activity in public space young women more commonly prefer non-competitive environments where they can develop social networks and interact with others.³⁴

A three-year research study conducted in Australia in 1997 called *Growing Up In Cities*, looked at young people's perception and use of public space through their experience of growing up in urban environments. This study indicated that young people, especially young women don't venture far from their homes because they fear for their personal safety. The danger they felt was mainly due

²⁷ Strategic Policy Background Paper, 'Contextualising Young People: Implication for Young People Experiencing Homelessness' Council to Homeless Persons, p.1.

²⁸ Walsh, T (2004) 'Who is the 'Public' in Public Space' A Queensland Perspective on Poverty, Homelessness and Vagrancy' Alternative Law Journal, Vol 29, No.2, April 2004.

²⁹ Ibid, p.17

³⁰ Walsh, op cit., p.83.

³¹ Council to Homeless Person, op cit, p.5

³² Lloyd, K., Kiewa, J., Burden, J., & Wright, L. (2003) 'Young Women, Identity and Use of Public Space: What do the Suburbs Offer Young Women?' In S. Colyer & F. Lobo (Eds.), Leisure futures, leisure cultures: selection of papers from the 5th ANZALS and 3rd Women in Leisure International Conferences, 2001, (pp. 39-46), p.1.

³³ Ibid., p.2

³⁴ Ibid., p.2.

to adult activities, especially drug use and drug related violence, and the likelihood of encountering physical or verbal abuse.³⁵

In a social climate that fosters anxiety about young people as perpetrators of violence and crime, young people's own anxieties about their safety in public spaces can easily be overlooked. There is an unwillingness to recognise and explore young people's experiences as victims of crime and the vulnerability sometimes experienced by young people accessing public spaces.

The lack of literature relating specifically to young women's experiences, interests and relationship with public space highlights the fact that more research needs to be undertaken on this issue.³⁶

CALD Young People

Young people from culturally and linguistically diverse backgrounds are often represented in the media as perpetrators of violence and belonging to gangs and as such attract a high level of policing. The policing of CALD young people was identified as a key issue in a qualitative study that involved 120 young people from six different ethnic and cultural backgrounds across metropolitan Melbourne.³⁷ Like all young people, young men from CALD backgrounds may congregate in groups and go out together for companionship and security yet it is not uncommon for their presence to evoke fear in others and attract police attention.³⁸ Murray says 'young people from non-English speaking backgrounds are doubly discriminated as the colour of their skin, their language and their physical appearance attract police more often than their Anglo peers.'³⁹ At the National Police Ethnic Youth Relations Summit in Melbourne it was recommended that urgent training for police was needed to combat racist and discriminatory attitudes towards young people from non-English speaking backgrounds.⁴⁰

Summary

This overview indicates that there are a diverse range of issues to be taken into account in considering young people and public space. Young people come from diverse backgrounds, have a range of interests and experiences and use public space for a variety of reasons and in a variety of ways. It appears that young people are commonly regarded as illegitimate users of public space as is reflected in the amount and type of regulatory laws that exist to restrict their movement in public areas. Young people need to be acknowledged as valuable members of society and encouraged to feel they are part of the community.⁴¹ The literature makes it clear that punitive approaches such as youth curfews and move-on powers have a negative impact on young people and that more constructive forms of intervention need to be developed.⁴²

³⁵ Malone, K., Hasluck, L. (1998) 'Geographies of Exclusion: Young Peoples Perceptions and use of Public Space', Australian Institute of Family Studies, Family Matters No.49, Autumn 1998.

³⁶ Ibid., p.3

³⁷ Guerra, C., White, R., Perrone, S., Lampugnani, R. 2001 'Ethnic Youth Gangs In Australia – Do They Exist?' Brief Overview of the Main Findings, The Australian Institute of Criminology, pp.2-8.

³⁸ Malone, K. 'Dangerous Youth: Youth Geographies in a Climate of Fear', (Book Chapter- Representing Youth, Julie Mcleod and Karen Malone), p.6.

³⁹ Murray, op cit., p.4.

⁴⁰ Ibid., p.9.

⁴¹ Sercombe, op cit., p.30.

⁴² White (1996), op cit., p.30.

Space Invaders Forum

Included below are the speaker's notes that have been available for reprint, which formed the basis for the presentations at the *Space Invaders?* forum.

The changing character of public space: Implications for young people and community action. Dr Phil Crane.

There is substantial blurring between what we have traditionally categorised as public and private space. A range of community functions are being re-located to privately owned or managed spaces, as well as many forms of public space becoming privatized and/or commodified. The result is many forms of what could be termed 'hybrid' or 'community accessed' space which cannot be defined simply by considering ownership or function.

This is occurring in the context of rapidly changing urban landscapes. Some features of this include:

- the loss, fragmentation and commodification of natural environments such as bushland., coastal fringes and water courses;
- the development of urban precincts and planned 'communities';
- the quest by cities for continued economic growth and the link between this and the development of 'livable' cities and towns attractive to investment;
- the individualisation of risk and as part of this the trend for 'feelings' of security to assume heightened importance in urban design and management. The propensity for authorities to adopt 'move on' policing strategies is an example of this;
- an increased focus on 'localism' with particular localities targeted for intervention around disadvantage.

The pace of urban development and strength of the factors driving this are such that opportunities to influence it are uneven and limited.

Public space is the site of numerous tensions between competing principles, policies, processes and people. These tensions regarding young people's use of various forms of public space often arise from a combination of:

- Limited amenity for young people including a paucity of "things to do";
- The way a space is designed;
- The way the space connects to its surrounds;
- Large numbers of young people using a particular space at a particular time;
- Interactions between young people and authorities;
- Behaviour- most commonly behaviour that is considered unsafe, annoying or 'anti-social' by some others rather than behaviour that is criminal;

- Difficult situations young people are in, for example if affected by substances, and/or their marginalisation from other areas of life, such as homelessness.

Public spaces play a range of important roles in the lives of young people. They are critical sites for what has become termed 'youth development', acting as venues for learning and developing social competence, independence and interdependence. Public spaces both allow and require people to interact with others, known and unknown to them. From this perspective youth inclusive public spaces are needed because 'they' need them.

The second purpose of public spaces for young people is pragmatic. Young people as a section of the community have a relatively high dependence on public spaces by virtue of their increased dependence on public transport and public venues. This dependence (and thus visibility) arises from regulatory and economic constraints such as age limitations on vehicle licensing and their more limited access to age restricted and user pays 'out of home' venues for leisure and interaction.

Public spaces are also critical venues for realising citizenship and fostering a fair and inclusive society. A democracy requires public spaces, which encourage the widest diversity of people to have access, gather and interact. From this perspective young people as members of the community have the right to participate in economic, social and cultural life and as such are legitimate users of public spaces. The alternative is for young people to be simply considered as 'other', as outside the community. Within this frame various conceptions of citizenship exist and notions of mutuality are now emphasised in some of these.

I offer a pragmatic vision or set of principles for considering the character of public spaces if they are to be inclusive of young people. These are:

- That economic and social vibrancy can be considered jointly. Indeed social vibrancy contributes to economic vibrancy.
- That inclusion involves young people being seen and treated as part of the community, as members of families, as well as being individuals or an age cohort;
- That the greatest challenges involve the inclusion of those most marginalized, who are also members of the community, of families as well as being individuals;
- That public spaces are venues for building connection and wellbeing (developmental frame);
- Where we should be safe and feel safe; and
- Should be 'youth friendly'.

In recent years there has developed a widespread interest in the linkages between spatial development and social amenity. This translates to a potentially broad coalition of people who share some concern about what is happening in respect of public spaces. There is political vulnerability about this adequacy kept alive by various unresolved tensions and continuing pressures, the manifestations of which are frequently reported and debated in the media.

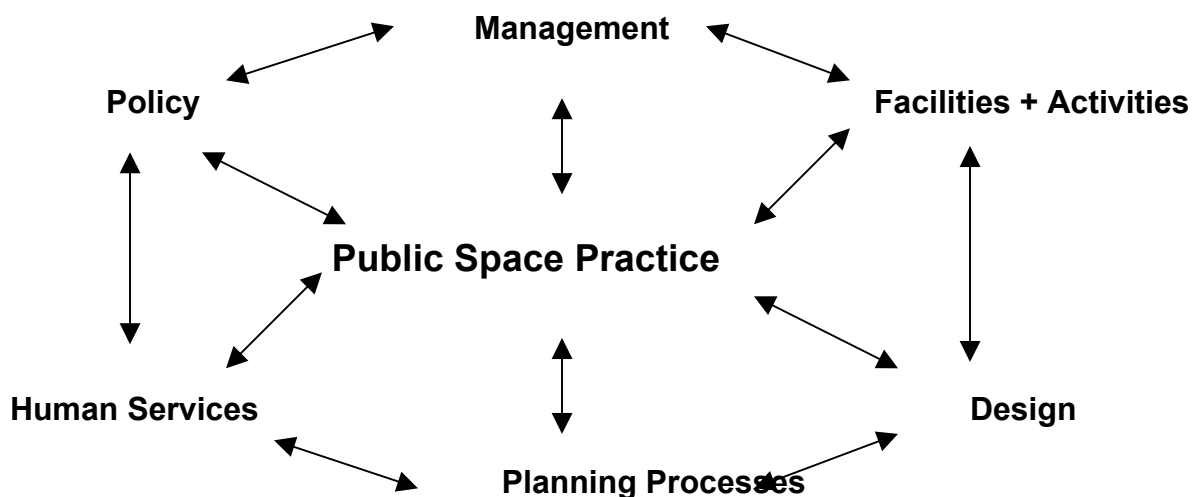
For a complex of reasons, which are not able to be explored here, the resolution of pressures and issues regarding young people often takes the form of increased regulation, displacement and/or specific provisions to encourage 'purposeful activity' by young people. Such responses are usually underpinned by a behaviourist logic- that the issue is about discouraging or encouraging young people in respect of particular behaviours. In order to see a broader range of options that have more constructive potential there is a need for a broader framework to be used which draws on cross-sectional and cross-disciplinary perspectives.

There are a number of key frames of local governance that we need to strategically and creatively work with. These include:

- Safety;
- Risk management;
- Economic and infrastructure development (growth and liveability);
- Managing physical infrastructure;
- Health and wellbeing (resilience);
- Locality focused planning and intervention (precincts, place management);
- Community participation; and
- Youth development.

There is a strong need for appreciating that public space interventions may occur in one of a number of arenas. Further it is common for responses to occur within one arena without appreciating that an effective response may often require consideration of the various contributing factors leading to 'the issue' and utilise responses that are drawn across or use multiple arenas. Figure 1 below depicts 6 common arenas for these responses to potentially occur:

Figure 1 Arenas of Public Space Practice



Some considerations, which exist in relation to each of these (by no means exhaustive):

Management

- Making sure laws and regulations foster inclusive communities managed responsibly.

Planning Processes

- How could young people be involved in the planning of future developments?
- Incorporating an integrated community space strategy into CBD planning.

Design

- Designing young people in not out
- Young people as designers
- Young people's involvement in designing neighbourhood streetscapes

Policy

- Development of laws, regulations, contract specifications and endorsed policies which have the effect of recognising and reinforcing the central place of public spaces in the lives of all people in the community, including young people i.e. which taken together an inclusive effect
 - Police powers and responsibilities
 - Criminal law
 - Local laws
 - Town planning law
 - Contract law in privately owned publicly accessed spaces e.g. access guarantees to public transport at shopping centres
 - Other policies that condition expectations eg Youth Charter, endorsed public space guidelines.

It is particularly important to consider the differential impact of laws and policies on those who are marginalised and address the deeper social attitudes and processes that perpetuate exclusion.

- Site specific or local youth protocols
 - A protocol is useful when the gains or clarifications made are likely to be short lived if a written, ongoing agreement is not reached. A protocol can assist in the institutionalisation of inclusive practice (Crane, Adkins and Marston 2000 Brokering Inclusion).*
 - The energy for protocols often arises out of a 'crisis'
 - Protocols can facilitate cultural shifts in the way a space is managed
 - Protocols can result in more inclusion or be a new layer of regulation

Facilities and Activities

- A range of affordable, accessible facilities and activities that are important to young people, developed, managed and reviewed with them.
- Legitimising passive as well as active leisure options (and recognising the interface between these)
- Young people's art in public spaces
- Recognising and valuing youth cultures and expression

Interface with Human Services

- Available, visible and relevant human services for young people

Linking these arenas of practice together into more integrated public space strategies.

Rather than assuming the response should be in one arena the analysis and the possible options for response can be from a range of arenas so as to address both presenting and underlying factors. Action in one or more arena may alleviate issues in another. For example an issue may present as a management of behaviour issue but be underpinned by design deficiencies and a lack of amenity that in turn results in 'facility stress' not allowing cooperative use of the space by multiple groups of users.

What can we do, or advocate that others do?

Response options can also be thought of generically as including one or more of the following:

- **UNDERSTAND** the space, use and the contexts that condition it. It is essential that responses to public space issues and challenges first 'understand' the space and the tensions within it.
- **WAIT** (Is this the issue to respond to? Right time?)
- **FACILITATE/** encourage an inclusive (usually local) process
- **NEGOTIATE** more inclusive alternatives
- **PROVIDE** resources (material, physical, experiential, cultural)
- **REGULATE:** make law/endorsed policy more inclusive
- **INTEGRATE** responses across 2 or more arenas

Some specific strategies that those working with and for young people can encourage the adoption of:

- Endorsement of a clear policy statement which commits to an inclusive approach;
- Maximise participation which is seen as meaningful by a diversity young people for example, through using participatory action research;
- Develop strategies which respond to the connection between public space issues and young people's need for other resources/ supports eg housing options, accredited education and training, supportive families, youth mental health services;
- Identify, circulate and affirm best practice principles and guidelines for inclusive public space planning, design and management for young people;
- Include considerations about teenagers in family friendly planning and design;
- Respond to 'hot' spots and issues in a way that engages, understands, involves and problem solves. Avoid an over-reliance on law and order approaches;
- Develop one (or more) youth related inclusive public space initiatives to build local expertise and confidence;
- Reward and publicise youth friendly public space initiatives;
- Consider how current youth and cultural development funding can articulate to better public space outcomes;
- Develop state/ local multi-disciplinary forum/s for considering public space issues and futures;
- Support other stakeholders struggling with public space tensions to develop inclusive and communicative responses eg shopping centre managements; and
- Incorporate a consideration of inclusion into safety audits and plans (including the application of CPTED).

A wide range of resources on young people and public space can be found on the Yspace website at www.yspace.net

Young people and community public spaces. Dr Rob White

The 'Dancing Man' died in Melbourne in May 2003. His death sparked spontaneous outpourings of grief, love and sadness in Hobart, his place of residence and dancing for a number of years. Most people did not know his name [Anthony James Day]; they only saw him dancing – in the main city mall, at civic events, in all manner of public spaces. He died soon after leaving Hobart. He left Hobart shortly after being fined for failing to obey the direction of a police officer to 'move on'. Tributes were written in the mall in chalk. Alas, the chalk memorial was washed away by local council workers that same night. The next day, undeterred, friends, acquaintances and complete strangers gathered to celebrate his life by dancing in the mall. Such are the contradictions and ambiguities of street life. Nuisance laws are used to sweep people off the streets. We grieve at the loss of vitality and creativity when the music stops. Yet the streets are kept clean – whether appropriate or not, whether we like it or not.

Defining Public Space

multi-functional spaces
commercial spaces

Regulation of Public Space

young people and police intervention
concerns about safety of children and youth
access to or desirability for activity in public spaces

Youth Perspectives

young people's active and frequent use of public space
desire for more and better amenities and resources

Planning and Design

resources available and commercial imperatives
lack of knowledge about youth needs and interests

Dimensions & Ambiguities of Public Space

public *versus* private

multi-functional *versus* consumer-oriented

mega-events & spectacles *versus* simple pleasures

private contracts (functions, services, sites) *versus* public accountability

cost-benefit and profit *versus* social need

regulation and security *versus* excitement and disreputable pleasures

social exclusion *versus* social inclusion

commercial spaces *versus* community spaces

group suspicion *versus* group protection

Youth Agency and Street Life

Youth music scenes that shape cultural and physical spaces (for example, 'hip hop' adaptations around the globe; raves)

Street machiners and car culture (that involves the public parading and showing off of automobiles)

Street dancers and the street as stage (involving public performance and exhibition of skills)

Direct action politics focusing on music, political issues and people power (via appropriation of public spaces by large numbers of people)

Anti-globalisation protests and social movement actions that involve large numbers of young people (as with Australian protests against the treatment of asylum seekers)

Marking of the public landscape (through graffiti art and other forms of graffiti production)

Youth group formation and the sense of territory (usually perceived as 'gangs' of young people who hang out together and who generally share common interests or identities).

Group Behaviour

Mobs

spontaneous, by chance
un-organised
no outcome
without order or intent
violent

Flash Mobs

spontaneous, by communication
organised
specific outcome
with motivation/purpose/intent
fun

Swarming

spontaneous, by communication
organised in terms of where
no unified purpose except fun
excitement of the moment
mixed responses

Raves

predetermined
organised
specific purposes
cultural environment: dancing, drugs, non-violence
crowd anonymity
fun

General Factors Affecting Group Activity

Technology – mobile phones, cars, SMS

Location – segregated nightlife according to user pays, activities outside of private clubs, house parties, streets, parks, malls

Leisure – emphasis on adrenaline, risk taking, fun, emotions, costs of commercial leisure, availability of leisure outlets

Security – private security of nightclubs, street policing especially of 'hot spots', testing out authority figures

History – of gatecrashing, of 'larrikin' behaviour, of taking back the streets as multi-functional space, of search for 'controlled loss of control' as part of thrill seeking

Youth – financial dependency, later pregnancies, household arrangements, housing and leisure costs, ambivalent status of the teenager

Urban Life – feelings of being hemmed in, regulation of ordinary everyday life, high security in private and public venues, resistance against authority

Violence – spontaneous as well as ritualised, rules of engagement, excessive ‘no rules’ violence, racist violence, homophobic violence, masculinity and aggression

Crowds – anonymity, unpredictability, individual and group protection, ‘gang’ identity

Social Planning

Basic Principles: to promote and celebrate diversity while at the same time providing constant reassurance about order, safety and security.

Public Spaces as ‘Community Spaces’

- public space as community resource
- public space as community meeting place
- emphasis on social inclusion
- public spaces to provide physical and social links
- public displays, events and facilities

Constructing a Comfortable Physical Environment

emphasis on providing a convivial atmosphere which is safe, inviting and secure for all sections of the community

a place where people can congregate, sit and walk

controlled spaces, all-weather cover, adequate signage

clear sightlines, good lighting

low-level shrubs, non-screening trees, ‘cool’ and ‘green’

provision of children’s play areas

durable, graffiti-proof furniture

Participatory Regulatory Environment

low-key, friendly and inclusive forms of social regulation

toleration of diverse activities, diverse groups of people, diverse types of uses of public space

visible, but unobtrusive security

point of intervention (both passive and active) is to facilitate harmonious community relations, not to enforce rules

use of ‘community information officers’

public space management committees

Youth Participation as Best Practice

Specific projects and programs (such as documentation of youth friendly spaces and youth unfriendly spaces)

Strategic planning and public space development (in the form of developing comprehensive, multifaceted responses by local government)

Direct youth involvement in planning for their needs and in site development (particularly with respect to skateboard parks and recreational areas)

Urban design and planning guidelines developed specifically with young people in mind (as produced by the government departments dealing with urban affairs and planning)

Youth participation and youth policy initiatives at the local government level (which is now evident in many local council structures and processes)

Shopping centres adopting youth friendly approaches (through provision of youth services, supporting youth worker involvement, adopting low key inclusive management strategies).

Youth Participation

Mapping Places

Environments

- physical environment [sites, unsafe situations]
- social environment [users, uses]
- regulatory environment [approach, orientation]

Amenities

- youth-specific amenities
- youth-friendly amenities
- sense of ownership

Mapping Movements & Experiences

“Mental Maps”

- identify spatial range and flow of young people through urban landscape
- how people use time, space and with whom they interact
- use of drawings and photographs

Techniques

- identification of ‘positive’ and ‘negative’ spaces & places
- active orientation: drawing, painting, bicycles, making maps

- young people’s perspectives: own language

- professional perspectives: language of morphology: paths, edges, districts, nodes, landmarks

- pre-determined model of observation: the five senses

- comparison tours: 'toxic' and 'pleasant' sites
- risk-related cognitive maps: 'safe' and 'dangerous'

Planning Activities

Policy Development and Planning Processes

- consulting with young people
- developing youth policy
- incorporation of youth concerns into planning regulation
- youth advocates
- public documentation

Action-based Planning

- during mapping phase
- as part of actual planning and design
- collaboration with older people, including professionals
- participation

Futures-based Visions

- alternative visions: 'what is' to 'what ought to be'
- use tours and 'case studies'
- making collages, brainstorming, cardboard models
- 'hands on' equals 'tuned in'

Model of Observation of the Neighbourhood

ROLE	CATEGORY OF OBSERVATION	ACTION ON THE FIELD	RESULT
Explorers	Physical Perceptions (smell, sound, touch)	Smell, hearing, and touch were used to observe the space around.	Neighbourhood as a land to be discovered described in terms of impressions
Extraterrestrials	Perceptions and feelings (emotions evoked by the place)	Children were not able to read the names of streets on the map. Places and streets were renamed according to the impressions the place evoked in them.	Neighbourhood as an unknown place. New toponomastic and geography of the place.
Architects	Anthropic and natural forms and materials in the space.	Sight and touch were used to observe shapes, colors, and materials of the built and natural environment around.	Neighbourhood as an architectural object. Description of shapes and materials that have been used in the different sites.
Journalists	Behavior and moods of the people in the place.	Age, mood, actions, facial expressions, and attitudes of people in the streets were observed.	Neighbourhood as a social place. Description of the relation between people's behavior and the environment.
Highway Patrolmen	Movements in the space (such as driving, biking, walking, and skating).	Street traffic's flow and movement. Cars and pedestrians' behavior, cars frequency and quantity were observed.	Neighbourhood as a flow of movements and energy. Description of traffic rules and behavior of the citizens related to them.

Source: I. Salvadori (1997) 'A Dragon in the Neighbourhood: City Planning with Children in Milan, Italy', *Social Justice*, 24(3): 192-202.

Remember the 3P's

Principles

- Social inclusion [diversity is good]
- Safety and security [for everyone]

Policies

- Participation [in planning and design]
- Facilitation [tolerance zones, learning to skate]

Practices

- Active citizens [in creating youth-friendly spaces]
- Ambiguities [are linked to pleasurable spaces]



**Reasonable Direction Powers –
the NSW experience**

Garner Clancey



By way of introduction

My background -

- Educated in psychology and criminology
- 13 years experience in criminal justice system (2 juvenile justice centres, counseling and rehabilitation of juvenile offenders, conferencing and NSW Police)
- Last 5 years lecturing in crime prevention and law enforcement
- Various youth and crime prevention projects (including recent PCYC project, young people and shopping centres, training of shopping centre security guards)
- Current member of the NSW Juvenile Justice Advisory Council and Youth Justice Advisory Committee
- Commercial Associate of the Australian Centre for Security Research, University of Western Sydney



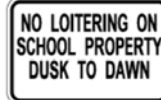
Session Overview



- Background to introduction of move-on (reasonable direction) powers in NSW (and initial opposition to the powers)
- Overview of the key powers
- Outcomes for young people
- Issues for consideration



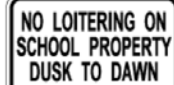
Picture a Time When



- There was extreme political and media attention on young people.
- 'Gang' activity, anti-social and street-frequenting behaviour heralded a decline in morality and there were calls for tougher response to the 'youth' problem.
- Now you are starting to picture the environment prior to the introduction of the *Crimes Legislation Amendment (Police and Public Safety) Act 1998*.
- "Working class jobs are the most enduring of suitable enemies" (Cohen, 2002: viii)



Parliamentary Debate



NO LOITERING ON
SCHOOL PROPERTY
DUSK TO DAWN

- "Knife crime is growing in unprecedented and epidemic proportions ... gangs are notorious in the George Street entertainment strip ... serious assaults occur daily in the cinema district" (Nile, 28 April 98, Hansard - Legislative Council, 3911)
- "I hardly need to remind this House of the outrage of the people of NSW following the deaths of Peter Savage, Cst David Carty and Cst Peter Forsyth ... Two years ago today we witnessed the tragedy of Port Arthur" (Whelan, 28 April 98, Hansard - Legislative Assembly, 3968)



The Powers



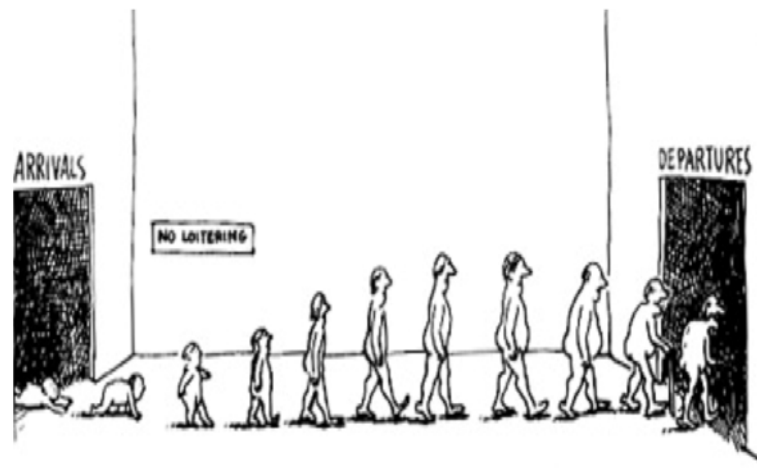
- In public places and schools, police can give a reasonable direction if they have reasonable grounds to believe that your conduct or presence is:
 - Obstructing people or traffic
 - Harassing or intimidating other people
 - Causing fear (or likely to cause fear) to other people (provided that the behaviour or presence would cause fear to a person of reasonable firmness)
 - For the purpose of supplying or obtaining illegal drugs
- Failure to comply with a *reasonable direction*, can result in the issuing of a penalty notice (\$220)
- Stop and search powers also introduced as a means of reducing knife and knife-related crime



Opposition



- Anderson, Campbell and Turner (1999):
 - “Unreasonable and unjustified interference with a child’s or an adult’s freedom of association and assembly would breach both Article 22 of the *International Covenant on Civil and Political Rights* (1966) and Article 15 of the *Convention on the Rights of the Child* (1989)”
 - Key criticisms pertained to subjectivity of tests associated with searches and move-on directions and arbitrariness of interventions



“[The community] would consider the Vienna Boys Choir a gang if they were in jeans, T-shirts, and standing outside the shopping area”

(Discussion with Commander and officers from a suburban local area command – NSW Ombudsman, 1999: 35)



Use of Powers



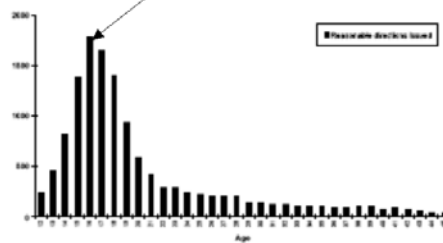
- “The data indicates that people from 15 to 19 years of age are much more likely to be stopped and searched for knives than any other age group ... there were more knives found on 17 year olds than on anyone else, but it is important to note the high number of people being searched ... the proportion of productive searches is comparatively low for teenage suspects, but is much higher for older suspects” (NSW Ombudsman, 1999: 18);
- “... almost half of the people issued with s.28F directions (to move-on) were aged 17 years or younger” (1999: 205);
- “According to the police data, 3194 (or 22%) of the 14,455 people given directions were Aboriginal and Torres Strait Islanders” (1999: 38);
- “According to police records, the Darling River, Castlereagh, Barwon and Barrier Local Area Commands were many more times likely to use the powers than other areas of the state” (1999: 39).

Peak – 16 years of age for reasonable directions

Ages of persons given directions

1.142 Another similarity between the 'directions' data and the search data is the comparatively high numbers of young people affected by the powers. The following graph shows the ages (where known) of people that were issued with s. 28F directions during the 12 month review period.

Graph 10.2: Ages of persons given directions



Source: Summary data from NSW Police Service on ages of persons issued with Police and Public Safety directions 1.7.98 to 30.6.99. Note, the data does not include records of people moved on whose age was not known, and 562 people given directions who are younger than 12 years or older than 45.

²¹ The directions given to 14,455 people relates to records of 5903 incidents.

'Outcomes'

- NSW Bureau of Crime Statistics and Research findings (2001):
- 1 in 5 knife searches were 'successful'
- Between July 98 and March 2000 there were 24,778 move on directions issued
- "This result suggests that the knife legislation has reduced the number of robbery offences involving knives. Notice however that the drop in knife robberies commences before the introduction of the knife laws" (2001: 3)

Issues for Consideration



- **Mr Fenlon**—Yes. While it is fresh in my mind, I would like to tell you of something that was related to me some months ago. A police commander—a superintendent—at a local area command where there were a number of fishing wharfs, apparently issued instructions to his police to go and issue infringements to the fathers, young men, and women who were fishing on the wharf.
- **CHAIR**—Because they had fishing knives? My god! (Standing Committee on Legal and Constitutional Affairs, Reference - Crime and the Community, 7/11/03)



Small Group Discussions: Key themes

In the small group discussions participants attending the *Space Invaders?* forum shared their local community knowledge, individual views and professional insight into the issues surrounding young people and public space. These discussions provided a particular insight into how public space issues involving young people are framed and responded to in Victoria. This discussion is summarised under the following themes:

- Negative perceptions, fear and stereotyping of young people.
- The ownership and regulation of public space.
- The diversity and importance of public space.
- Exclusionary practices.

Comments in italics are quotes from forum participants.

Negative Perceptions, Fear and Stereotyping of Young People

Most participants agreed that there is a culture of fear about young people in public space. People are intimidated and scared by groups of young people who congregate in public areas like bus terminals, shopping malls and parks. They are seen as a problem or a threat, which needs to be addressed. The reasons given for why people don't feel safe is because they fear young people in groups are engaging in illegal activities such as drug and alcohol use and also because there is a general lack of understanding about how and why young people use public space.

In order to improve community relationships, improving public perceptions and challenging stereotypes about young people were identified as areas that needed focus:

Perceptions of young people are misleading. Just because of the way a young person looks doesn't mean they are out to cause trouble.

The presence of young people in shopping centres often brings feelings of anxiety to business owners. Shop owners feel that young people can be intimidating and scare off paying customers and fear that they might be stealing from them and concealing goods in their large school backpacks:

Shop owners want their business but they don't want them hanging around.

As discussed in the literature, some participants identified the media as playing a part in influencing and shaping public opinion of young people. It was understood that all young people could be vilified in the community for an isolated incident reported in the media:

Two people muck up = everyone pays.

Participants identified a need for improved understanding and stronger relationships between young people and other members of the community. With regard to youth specific spaces, a common question asked was, '*why should young people be separated from the rest of the*

community? They are just as valuable as anyone else in society.' It was thought that the construction of 'youth specific' spaces had the potential to isolate or marginalise young people.

The ownership and regulation of public space

Participants noted that there is a lack of available public spaces for young people to go where they feel safe, welcomed and included. Barriers to young people accessing privately owned or managed 'public' spaces can be related to cost or restrictive security practices that exclude young people. Participants also noted that young people who gather on the streets are often targeted by police and asked to move-on and police harassment of young people in public space was seen as an issue of key concern. Bearing in mind young people need places to 'hang-out' it was understood that due to the increasing privatization/ownership of public space, young people have fewer places to go that are not regulated or patrolled and that don't cost money. Therefore there is a need for more inclusive, youth friendly spaces where young people can feel safe and welcome to spend their time.

There were several issues raised by forum participants about the regulation of young people in public space, in particular in relation to move-on powers and the treatment of young people by shopping centre security guards. Young people reported being moved-on by security guards and as a consequence being forced into unsupervised areas, which place their safety at risk. It was also pointed out that moving-on young people solves nothing; it is simply a way of moving the problem to another area. As one participant noted, young people have been moved-on due to fighting in a shopping centre but once they leave the premises the fight recommences. Also, homeless young people are particularly disadvantaged by move-on powers, as they may not have private spaces they can access.

Participants reported concerns about proposals to introduce youth curfews, which were expected to have the effect of degenerating relationships between young people and police. Proposals to foster increased understanding and strengthen relationships with young people were favored for both police and security guards.

The importance and diversity of young people's engagement with public spaces

Young people use public space differently depending on their background, life experiences and culture. This diversity sometimes goes unrecognised in the types of spaces created for young people. For example, skate parks attract primarily Anglo-Saxon males and exclude certain groups of other young people like young women and young men from CALD backgrounds. For this reason, participants felt that in order to create accessible spaces for young people, focus needed to be placed on inclusive activities and spaces that recognize young people's diverse interests and needs.

Equitable access to public space was identified as a very important factor in the lives of young people. Reasons cited for this include young people's desire for social interaction and social connectedness, building support networks, accessing services and the opportunity for young people to identify with and feel part of their community. The importance of preserving and creating public spaces for socialisation is highlighted as a key issue in developing strategies aimed at improving the situation for young people in public space.

Young people's access to safe public transport was also considered to be a public space issue by Many participants.

Exclusionary Practices

The use of exclusionary practices aimed at keeping young people out of certain public spaces is a growing concern in Victoria. Classical music is played through speakers at selected train stations in Melbourne based on the belief that this will deter young people from spending too much time there. One participant also asked:

Why are grates being put down in wonderful spaces just to stop skating?

Participants noted that policies and practices regarding the monitoring and policing of public spaces would be an important issue leading up to the Commonwealth Games and participants were concerned to ensure that young people's access to public spaces would not be negatively impacted by this.

Where to from here?

In response to the core themes identified from the group discussions, the PSAG has identified the following potential actions:

Negative Perceptions, Fear and Stereotyping of Young people

- That the PSAG lobby the Department for Victorian Communities to engage with local communities to promote young people's equitable and safe access to public spaces.
- That PSAG consider options for disseminating information and highlighting good practice in relation to young people and public space. Ideas include:
 - promoting existing information sources such as YSPACE, and
 - collecting examples of positive Local Government practice in relation to young people and public space.

The Ownership and Regulation of 'Public Space and Exclusionary Practices

- That the PSAG promote awareness of training options for security guards and shopping centre management to better equip them in relating to young people.

- That the PSAG monitor and respond to media, legislative reviews and policy concerned with young people and public space, with particular focus in the lead up to the Commonwealth Games.

Young people, diversity and the importance of Public Space

- That the PSAG explore the possibility of a campaign investigating the questions ‘is Melbourne the most liveable city for young people’ and ‘How liveable is your local government area for young people?’ That the PSAG explore ways in which this campaign may be developed within a youth participation model.
- That the PSAG explore ways in which young people are engaged in local government planning processes and other decision making processes around public space with a focus on the diversity of young people’s needs, interests and concerns.