



SACOSS

*South Australian Council
of Social Service*

Submission on South Australia's Youth Action Plan 2023-2026

August 2023

This submission is directed to:
The Department of Human Services
SA Youth Action Plan
GPO Box 292, Adelaide SA 5001.

By email: youthactionplan@sa.gov.au

About SACOSS

The South Australian Council of Social Service (SACOSS) is the peak body for non-government health and community services in South Australia, and has a vision of justice, opportunity, and shared wealth for all South Australians.

Our mission is to be a voice that leads and supports our community to take actions that achieve our vision, and to hold to account governments, businesses, and communities for actions that disadvantage South Australians.

SACOSS aims to influence public policy in a way that promotes fair and just access to the goods and services required to live a decent life. We undertake research to help inform community service practice, advocacy, and campaigning. We have 75 years' experience of social and economic policy and advocacy work that addresses issues impacting people experiencing poverty and disadvantage.

Acknowledgement

We acknowledge the traditional lands of the Kurna people and acknowledge the Kurna people as the custodians of the Adelaide region and the Greater Adelaide Plains. We acknowledge the traditional custodians of lands beyond Adelaide and the Adelaide Plains, and pay our respects to Elders past and present. We acknowledge and pay our respects to the cultural authority of Aboriginal and Torres Strait Islander communities, organisations and colleagues and recognise the cultural expertise that they hold.

Title: *SACOSS Submission on South Australia's Youth Action Plan 2023-2026.*

Published by the South Australian Council of Social Service, August 2023.

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1. Introduction

The South Australian Council of Social Service (SACOSS) welcomes the focus on South Australia's next Action Plan for young people, with attention being given to hearing from young people and the assurance from Government that their voices will be heard. We strongly support the emphasis being placed on enhancing fair and equitable access to opportunities, resources and supports for all young people, as outlined in the Consultation Paper, and hope that the outcomes of this Plan will lead to a comprehensive and assertive approach to ensuring that the needs, rights and interests of young people are met.

It is noted that the consultation process to arrive at an Action Plan is primarily focused on gathering the views of young people themselves. This is as it should be. However, the onus should not be placed on young people to identify or remind governments of their obligations and commitments to young people. It is therefore proposed that a plan of action for South Australia's young people should be foregrounded and framed by the existing obligations and commitments of governments to young people and then, in conjunction with young people, set out the actions that are to be taken to realise these and other areas of interest. The content and character of the actions, and the mechanisms for implementing them, need to be co-designed and shaped with the involvement of young people.

While a number of SACOSS member organisations will be making submissions, SACOSS itself does not provide services or routinely engage directly with young people. Our contribution in this submission therefore focuses primarily on foundational issues, as well as the responsibilities and accountabilities of governments to ensure that the needs and rights of young people are met.

This submission highlights the various international human rights instruments which currently require compliance and offer protections to the rights of young people. It then highlights key determinants of young people's wellbeing, and provides additional context and responses to the Consultation Paper's invitation to address the following aspects in the proposed Plan:

- Physical health, and social and emotional wellbeing and mental health
- Safety and justice
- Education and employment
- Citizenship and participation
- Connections and access to resources.

2. Key areas for consideration

A rights-based perspective

From a rights-based perspective, most of the fundamental needs and interests of young people in South Australia, including those highlighted in the Consultation Paper, would be met if we were to honour the international commitments that Australia has made to realising the human rights of young people. These human rights instruments automatically apply to young people.

By way of example, Article 10 of the International Covenant on Economic, Social and Cultural Rights, calls for special measures of protection and assistance to be taken on behalf of all children and young people without any discrimination. This includes their right to: adequate housing; education; the highest attainable standard of health; work; non-discrimination in economic, social and cultural rights; take part in cultural life; sexual and reproductive health; and the right to just and favourable conditions

of work. In addition, the Committee on the Elimination of Discrimination against Women includes a focus on the rights of girls and young women. The Committee on the Rights of Persons with Disabilities, in its General Comment No. 5 (2017) on the right to independent living, makes a particular reference to young people. The Convention on the Rights of the Child calls for a range of rights to be realised in the best interests of children and young people.¹ The United Nations Declaration on the Rights of Indigenous Peoples protects the rights of First Nations children and young people, and calls for particular attention to improving their economic and social conditions; their right to live in freedom, peace and security, including protecting children from being removed from their family or community by force; the right to all levels of education without discrimination; the right to be protected from economic exploitation or hazardous work; and the right to be protected from violence and discrimination.²

The Sustainable Goals 2030 Agenda identifies young people as agents of change, recognizing that the Sustainable Development Goals are integrated, indivisible and global in nature, and that all the Goals apply to young people.³

Promoting the rights articulated in the range of international human rights instruments outlined above, requires that governments act on realising these rights, and entails governments taking responsibility to address the specific challenges and barriers faced by young people in realising their rights. Doing so, and including these rights and the associated commitments to acting on them in the SA Youth Action Plan, would offer a useful foundational framework for the Plan.

Recommendation:

- Incorporate the rights that Australia has endorsed in international human rights instruments into a Young People's Plan for South Australia, framing these rights as foundational principles accompanied by actions to be taken by Government, the broader community, and young people.

Socio-economic context and material conditions experienced by young people

The transition from childhood to adulthood and from dependence to independence and autonomy, occurs at different times in relation to different needs and rights.⁴ These include, for example, feeling safe, secure and nurtured in your home environment as a child and young person; access to early learning and, later, formal schooling and tertiary education; training and employment; health – physical, mental, sexual and reproductive health, and feeling safe and protected from trauma or discrimination; access to adequate social security; accessing accommodation to enable living independently; and participation in social and public life. All these rights, amongst others, are directly affected by the socio-economic context and the material conditions experienced by the young person.

The lives of young people are directly determined by their experiences of childhood. In order for the key elements of the proposed Youth Action Plan to be realised, it is critical that attention is also given to ensuring that young people are given the best possible start to life and that every effort is made to ensure that their needs, both material and emotional, are met during their infancy and childhood.

¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/193/07/PDF/G1819307.pdf?OpenElement>

² <https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/children-and-youth.html>

³ United Nations, *Youth for SDGs - Promoting youth involvement for the SDGs worldwide*.
[https://sustainabledevelopment.un.org/index.php?menu=2857#:~:text=Youth%204%20Global%20Goals%20\(Youth4GG,Global%20Goals%20and%20Agenda%202030](https://sustainabledevelopment.un.org/index.php?menu=2857#:~:text=Youth%204%20Global%20Goals%20(Youth4GG,Global%20Goals%20and%20Agenda%202030)

⁴ Youth and human rights: report of the United Nations Office of the High Commissioner for Human Rights (2018)
<https://digitallibrary.un.org/record/1640929>

In South Australia, one in four children is growing up in a family that is overwhelmed by increasing challenges, including poverty, substance use and addiction, homelessness and housing insecurity, domestic and family violence, intergenerational trauma and mental health challenges.⁵

Of the 122,494 people experiencing homelessness across Australia in 2021, there were 17,646 (14.4%) aged under 12 years, with 2,339 South Australian children in this latter cohort.⁶ This level of homelessness and housing insecurity experienced by children in South Australia has a significant impact on their ability to grow into strong and coping young adults and to develop a positive life trajectory.

Of the 1,332 South Australian young people who responded to the 2022 Mission Australia Youth Survey, 13.3% were worried about having a safe place to stay; 2.9% had no fixed address or lived in a refuge or transitional accommodation; 8.9% said they or their family sought financial help from family, friends or charity; and 9.4% said that they or their family could not pay bills or car expenses.⁷

If the intention is to ensure that the five key elements of the proposed SA Youth Action Plan are realised, it is essential that the underpinning social and economic drivers and determinants – such as poverty and housing insecurity – are addressed. The successful realisation of the Plan is dependent on a concentrated effort being made to correct these foundational issues.

Recommendation:

- Governments must act to address the multi-dimensional aspects of poverty and housing insecurity, in a bid to improve young people's life chances. Central to this is an increase in the rate of social security payments, including Youth Allowance and Jobseeker, as well as a rapid increase in the provision of decent and secure public and social housing, that is thermally efficient and at an affordable rent.

Access to health, including mental health, social and emotional wellbeing, and sexual and reproductive health

It is widely acknowledged that health is more than simply the absence of illness and disease, and that a range of social and environmental factors have a significant impact on the health and wellbeing of young people – these include poverty, gender, housing insecurity, discriminatory responses to people's cultural and ethnic background, family environment, geographic location and connectedness with family, school and community. As the transition from childhood to adulthood, adolescence is a critical time in the development of health-related attitudes and behaviours. Research shows that health compromising attitudes and behaviours exhibited in adulthood are often initiated during adolescence, making this an ideal time for prevention and early intervention.⁸

⁵ Alexander, K. (2022) *Trust in Culture – a review of child protection in South Australia*.

<https://www.childprotection.sa.gov.au/documents/report/trust-in-culture-a-review-of-child-protection-in-sa-nov-2022.pdf>

⁶ Australian Bureau of Statistics, Estimating Homelessness: Census 2021 at

<https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/2021#age>

⁷ Mission Australia. Youth Survey 2022 <https://www.missionaustralia.com.au/publications/youth-survey/2618-youth-survey-2022-report/file>

⁸ Walker, R. & Reibel, T. (2013) *Young People's Experiences with Health Services - A literature Review*. Telethon Institute for Child Health Research, University of Western Australia and Commissioner of Children and Young People, Perth, WA.

<https://www.telethonkids.org.au/globalassets/media/documents/news-and-events/youth-health-research-young-people-s-experiences.pdf>

In response to the Consultation Paper's invitation for suggestions on how the Plan can ensure that young South Australians are physically, mentally, and emotionally healthy, we believe that in the first instance, the social determinants of health need to be addressed, followed by prioritising making it easier, more affordable and culturally safer for young people to access local health and social and emotional wellbeing supports earlier, and that service responses should be co-designed with young people.

There are numerous factors that are consistently identified in consultations and research involving young people regarding ways to enhance their access to health services. For example: The ease of access to health services (location and proximity to transport); extended opening hours; the immediacy of obtaining appointments; someone who will listen to young people independent of parents; respect and validation; having an advocate or parent attend, if requested by the young person; and people skills and the ability to relate.⁹

Responding to the mental health and emotional needs of young people is becoming all the more important given that a third of South Australia's 15-19 year olds see mental health as their biggest personal challenge, with over half needing support with mental health at some point in their lives.¹⁰ It is essential that barriers to safely accessing mental health information and services are removed, particularly for LGBTIQ+ young people, First Nations young people, and for young people living outside metropolitan areas. This would be enabled by increasing access to high quality school and community-based mental health assessment and support, including culturally sensitive and trauma-informed services, and Aboriginal-led services.

Out-of-pocket health costs for all Australians, including young people, remain a key challenge to accessing and affording health services. The major out-of-pocket costs are associated with non-PBS (pharmaceutical benefit scheme) pharmaceuticals, and dental and medical services; specialists' services (33.7%), general practitioner services (24.6%), and diagnostic services (12.3%). Out-of-pocket costs can lead patients to forgo or defer health care. The Australian Bureau of Statistics 2016–17 Patient Experiences Survey found that 7.6% of people aged 15 years or more (1.3 million people) deferred or did not use specialist, general practice, imaging, or pathology services because of the cost involved.¹¹

The problem of out-of-pocket costs is compounded by the shortage of general practitioners and the uneven geographic distribution of GPs, and the high costs of rural practice, which can in turn affect the bulk-billing behaviour of some practices.¹²

For young people to be physically, mentally and emotionally healthy, they need access to appropriate and responsive health services that don't involve access barriers. Recent reports, such as that by the Commissioner for Children and Young People,¹³ have highlighted that in addition to general health

⁹ Walker, R. & Reibel, T. (2013) *Young People's Experiences with Health Services - A literature Review*. Telethon Institute for Child Health Research, University of Western Australia and Commissioner of Children and Young People, Perth, WA. <https://www.telethonkids.org.au/globalassets/media/documents/news-and-events/youth-health-research-young-people-s-experiences.pdf>

¹⁰ Mission Australia. Youth Survey 2022 <https://www.missionaustralia.com.au/publications/youth-survey/2618-youth-survey-2022-report/file>

¹¹ Angeles, M.R. Crosland, P. and Hensher, M. (2023) 'Challenges for Medicare and universal health care in Australia since 2000' *The Medical Journal of Australia* <https://doi.org/10.5694/mja2.51844>

¹² Ibid.

¹³ <https://www.ccp.com.au/wp-content/uploads/2022/01/Health-Hub-ideas-for-creating-more-child-and-youth-friendly-health-services.pdf>

services, sexual health information and services are not equally accessible for all young people, including LGBTIQ+ young people, Aboriginal young people, and those from regional areas.

In some respects, South Australia has led the way in spearheading law reforms to protect the rights of the LGBTIQ+ community, in other respects, the state lags behind the rest of the country in its protection of their rights. South Australia was the first Australian state to decriminalise homosexual sexual activity and to introduce an equal age of consent for same sex and different sex couples. However, South Australia has not passed laws against the practice of conversion therapy, whereby a person's sexual orientation is supposedly changed through psychological or spiritual therapy. The practice is widely believed to be harmful and ineffective and has been condemned by medical bodies.

It is envisaged that the work being led by SACOSS towards co-designing and establishing the *People's Health Voice* in South Australia, will become a useful mechanism for young people to articulate their health needs and interests, and thereby contribute towards improving their access, inclusion and use of public health services in this state.¹⁴

Recommendation:

- That young people are supported and enabled to participate in co-design processes that inform improvements in their access and inclusion in the public health system.
- That there is increased access to high quality school and community-based mental health assessment and support, including culturally sensitive and trauma-informed services, and Aboriginal-led services.
- That reforms to Medicare, especially regarding the size of the out-of-pocket and gap-payment, are addressed as an access and equity issue, with people having easier access to bulk-billed services.
- That age-appropriate comprehensive sexuality education, consent, relationships and intimacy is introduced into curricula at all levels.
- Ensure that sex education, sexual health services and information are accessible for all young people, with specific attention being paid to gender and culturally sensitive services, particularly for LGBTIQ+ young people in regional areas. In addition, that consideration is given to ensuring that access to sexual and reproductive health services do not require parental consent.
- That South Australia undertakes legislative reform to disallow the practice of conversion therapy.

Safety and Justice

The Consultation Paper invites suggestions on how the Plan can ensure that young South Australians have access to justice and are safe and nurtured. As a foundational statement and action, every effort should be made to enable children and young people to live at home with their family and connected to their community. This is more likely to be enabled if families are not subjected to financial and rental stress or other psycho-social and economic stressors. Actions to intervene early and to prevent an escalation of tensions and stresses in households would make a positive contribution to children being able to live in a happier environment at home and remain out of the child protection and/or youth justice systems.

Youth Justice and the minimum age of criminal responsibility

While SACOSS does not support placing any young person in detention, in the event that detention is resorted to, the following should apply: the minimum age of criminal responsibility must be raised to 14, with no exceptions; diversionary measures should be used; and alternatives to being remanded in

¹⁴ SACOSS (2023) *Community to have their say about a more inclusive and responsive health system*
<https://www.sacoss.org.au/community-have-their-say-about-more-inclusive-and-responsive-health-system>

custody should be employed. Children and young people who are detained are entitled to have their rights met and not be subjected to a range of violations as repeatedly found by the South Australian Training Centre Visitor and Guardian for Children and Young People.¹⁵

In order to protect the fundamental human rights of children and young people who are held in watch houses, police vehicles, police or court cells, or youth justice detention, amongst other facilities, it is critical that there are scrutiny and accountability mechanisms in place.¹⁶ This emphasises the critical importance of implementing the Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) by establishing a National Preventative Mechanism (NPM). OPCAT represents a commitment to upholding preventive human rights obligations for people in various forms of detention.

As a party to OPCAT, Australia is required to agree to and comply with international inspections of places of detention by the United Nations Subcommittee on the Prevention of Torture. Early in 2023, this Subcommittee took the significant decision to terminate its visit to Australia, having been refused entry to certain places of detention, thereby effectively preventing it from carrying out its mandate. This lack of compliance and Australia's flouting of its stated commitment to fulfil its obligation to protect the rights of people in detention and to address the violations of human rights within these facilities is cause for international shame and embarrassment and does not serve the best interests of children and young people. To date, South Australia has not legislated or resourced the functions of the NPM.

South Australia has committed to working towards reducing the rate of incarceration of Aboriginal and Torres Strait Islander young people by at least 30 per cent, by 2031, in accordance with Target 11 in the National Agreement on Closing the Gap. According to the latest Productivity Commission report, improvement on this target has been made.¹⁷ However, Aboriginal and Torres Strait Islander young people remain disproportionately represented in the youth justice system.

Young people entering youth justice systems invariably have a number of complex needs, and a significant proportion of the young people in the youth justice system experience challenging home circumstances, unstable accommodation or homelessness, racial discrimination, and socio-economic disadvantage or poverty.¹⁸ If we are to address and reduce the number of young people engaged in the youth justice system, our attention and focus needs to be on the drivers and responses that are leading to the criminalisation of young people from low-income areas, locations of socio-economic deprivation and poverty, and profiled population groups.

Safety on campus and in the workplace

Safety on campus

While young people have the right to access and enjoy learning and education, the lack of safety of students and young people on university campuses is a growing concern. The impacts of sexual violence on a student's educational experience and outcomes can be devastating. Students who have

¹⁵ Richards, S (2023) *Child detainees suffering in isolation in Kurlana Tapa Youth Justice Centre cells, watchdog says*. ABC News, accessed at <https://www.abc.net.au/news/2023-06-21/staff-shortages-at-adelaide-youth-justice-centre/102498964> and Martin, P (Dec 2022) *SA children locked up in adult cells thousands of times breaching their human rights, report finds*. ABC News accessed at [Patrick Martin](#)

¹⁶ Guardian for Children and Young People. (2022) *Call to governments to give OPCAT powers to oversight bodies* <https://gcyp.sa.gov.au/2022/12/01/call-to-governments-to-give-opcat-powers-to-oversight-bodies/>

¹⁷ <https://www.pc.gov.au/closing-the-gap-data/annual-data-report/report/snapshot-socioeconomic/outcome-area11>

¹⁸ Armytage, P. and Ogloff, J. (2017) *Youth justice review and strategy: meeting needs and reducing offending*. Department of Justice and Community Safety (Vic), accessed at: <https://apo.org.au/node/101051>

been sexually assaulted experience elevated rates of post-traumatic stress disorder and clinically significant depression and anxiety, resulting in higher rates of non-attendance, delayed academic progression and higher academic failure rates (p. 133).¹⁹

As highlighted in a review report on Australian Higher Education,²⁰ staff and student safety, including in relation to sexual assault and sexual harassment, requires concerted action (p. 21). Sexual assault and harassment on campus is affecting the wellbeing of students and staff, and their ability to succeed (p. 129). The 2021 National Student Safety Survey found that one in six (16.1%) participating students had been sexually harassed, and one in 20 (4.5%) had been sexually assaulted.²¹ The Review heard that existing approaches to reduce the incidence of sexual harassment and sexual assault on university campuses are inadequate, with some stakeholders advocating for increased transparency, monitoring and accountability mechanisms.²²

Safety in the workplace

While young people are encouraged to engage in the workforce, and many are compelled to work in order to pay for their studies and meet their cost-of-living expenses, workplaces are frequently not safe.

According to the fourth National Workplace Sexual Harassment Survey, people aged 18 – 29 (45%) are more likely than those in other age groups to have experienced sexual harassment at work, and one in five (20%) of 15 to 7 year-olds have been sexually harassed at work.²³ The Adelaide-based Working Women's Centre, reiterates that young female workers under 30 years of age are particularly at risk of sexual harassment in the workplace.²⁴

Recommendations

- That every effort is made to enable children and young people to live at home with their family and connected to their community – this will involve particular attention being paid to preventative measures and intervening as early as possible.
- That detention is considered only as an act of last resort, and is avoided through the use of diversionary programs and intensive therapeutic supports, and that South Australia raises the minimum age of criminal responsibility to at least 14 years without exceptions.
- Every effort is to be made to prevent sexual harassment from occurring on campus or in workplaces. Students and workers are to be supported to report sexual harassment; campus and work environments are met with enforced compliance measures when there is a breach of safety; intensive efforts are to be made to raise awareness about sexual harassment and to promote accountability.

Employment and Social Security

¹⁹ TD Molstad, JM Weinhardt and R Jones, 'Sexual assault as a contributor to academic outcomes in university: A systematic review' *Trauma, Violence, & Abuse*, 2023, (24)1:218-230, doi:10.1177/15248380211030247.

²⁰ Australian Universities Accord Interim Report (2023) <https://www.education.gov.au/australian-universities-accord/resources/accord-interim-report>

²¹ W Heywood, P Myers, A Powell, G Meikle and D Nguyen, National Student Safety Survey (2022) [National Student Safety Survey: Report on the prevalence of sexual harassment and sexual assault among university students in 2021](#) The Social Research Centre, 2022, accessed 13 June 2023.

²² Australian Universities Accord Interim Report (2023) <https://www.education.gov.au/australian-universities-accord/resources/accord-interim-report>

²³ Australian Human Rights Commission (2018) Fourth National Workplace Sexual Harassment Survey <https://humanrights.gov.au/our-work/sex-discrimination/publications/everyones-business-fourth-national-survey-sexual>

²⁴ Working Women's Centre (website) Sexual Harassment. <https://wwcsa.org.au/campaigns/sexual-harassment/>

The Consultation Paper invites suggestions on how the Plan can ensure that young South Australians are successfully learning and/or working.

Of the 1,332 responses from South Australian young people to the Mission Australia Youth Survey in 2022, 82.4% were studying full-time, 45.4% were employed, and 32.3% were not employed and looking for work.²⁵

Young people are more likely than adults to be unemployed. Where young people are employed, they often face precarious working conditions, gig-economy jobs, casualised contracts (including zero-hour contracts), and consequently lack quality jobs and access to social protections. Working poverty disproportionately affects young people, with a high number of young working people living in poverty. In some cases, youth poverty is linked to sub-minimum youth wages which subvert the principle of equal pay for work of equal value.

Under the Fair Work Act, students completing vocational placements are not considered to be employees and are therefore not entitled to receive a minimum wage or any other entitlements. They are not eligible to enjoy the benefits afforded to young people completing apprenticeships as trainees. The allocation of time dedicated to undertaking mandatory work experience placements invariably means that students are required to forego their part-time employment and wages in order to fulfil their academic qualification. There is growing anecdotal evidence that the financial toll of unpaid placements is resulting in many students dropping out before completing their degree.²⁶

The current rate of the Youth Allowance payment leaves young people living below the poverty line. For a single person who is younger than 18 and has no children and lives in their parent's home, the maximum fortnightly payment (as at March 2023) is \$332.90. However, if a young person has this profile but lives away from their parent's home, the payment is \$562.80 per fortnight. Given the current cost of living crisis and soaring rents (in the event that a young person can find available accommodation), most young people on Youth Allowance are being pushed further into poverty and are increasingly at risk of homelessness.

Noting the SA Government's current review of concessions, there is an opportunity to provide a more equitable response for young people who are facing cost of living pressures – whether they are working or reliant on Centrelink payments. In particular, attention needs to be paid to concessions that focus on relief for young people who are missing out on essential support for transport, health, utility and cost of living expenses.

Recommendations:

- Ensuring access to social protection for all workers, regardless of the form of employment, and abolishing sub-minimum youth wages where they exist.
- Federal and State governments to prioritise creating fixed-term payments to young students who are fulfilling placement requirements as part of their academic qualification, and who are at risk of losing other employment and wages.
- The current SA review of concessions is to consider increasing and/or extending support for young people, more especially regarding transport, health, utility and cost of living expenses.

²⁵ Mission Australia. Youth Survey 2022 <https://www.missionaustralia.com.au/publications/youth-survey/2618-youth-survey-2022-report/file>

²⁶ ABC News. *Inflation, cost of living pressures increase struggle for students in unpaid health placements* <https://www.abc.net.au/news/2023-05-24/health-students-completing-unpaid-placements-inflation-struggle/102373242> and ABC News *Calls for university students to be paid for placements* <https://www.youtube.com/watch?v=kQVPzdYhyE0>

- Advocate for the abolition of sub-minimum youth wages and the implementation of the principle of equal pay for work of equal value, irrespective of age.
- The SA Government is to advocate for the Federal Government to increase the social security rate of the payments, more especially those affecting young people, such as the Youth Allowance, Job Seeker, Single Parent payment, and the Commonwealth Rent Assistance payment.

Social and political participation

The Consultation Paper invites suggestions on how the Plan can ensure that young South Australians participate actively in society, and that they are connected to community and needed resources.

It is clear that young people are more likely and interested in participating in social and economic life if they feel included, safe and connected to their community. For this to occur, every effort needs to be made to ensure that young people do not have to deal with persistent discrimination and exclusion.

After their concern about the environment, 35.9% of young people across Australia identified equity and discrimination as the most important issue affecting their lives. Over a quarter (27.1%) of young people said that they had experienced unfair treatment or discrimination in the last year, and identified the reasons as being their gender (38.6%), race/cultural background (31.3%) and mental health (28.9%).²⁷

Young migrants including newcomers, asylum seekers and refugees, young people in conflict with the law and young people with disabilities face additional challenges due to their specific situation. Age is one characteristic that often intersects with and multiplies discrimination based on other grounds, thus preventing many young people from enjoying equal opportunities and substantive equality, or feeling included and confident to participate in social and public life.

Given that young people have made it clear that they want to be listened to, taken seriously and have a voice in decision-making about issues that affect them (Consultation Paper, p. 25), it is essential that direct mechanisms are co-designed with young people and established so that young people are able to contribute to policy and legislative developments and reforms, and to shape and strengthen service delivery outcomes. Amongst others, this would include opportunities to contribute to reviews and improve decision-making about the child protection and youth justice systems, as well as the environment and climate change policy. It would also involve requisite investment in youth-led advocacy initiatives across regional, remote and metropolitan South Australia.

Young people are increasingly raising their voices and taking action about the need for social, environmental and political reforms, as evidenced by campaigns led by the LGBTIQ+ community, university students opposing the recent anti-protest legislation, and the School Strike for Climate Action. Their rights to freedom of assembly and freedom of expression are not always respected, and it is important that the proposed Plan does not limit their participation in public life to consultation exercises, but includes meaningful participation in decision-making and processes that have implications for their future.

In addition to engaging young people through public consultations, participatory budgeting programmes, innovative deliberative processes, affiliating advisory youth councils to government or specific ministries, or through youth councils at national, state or local levels, governments can also

²⁷ Mission Australia. Youth Survey 2022 <https://www.missionaustralia.com.au/publications/youth-survey/2618-youth-survey-2022-report/file>

provide adequate resourcing for non-government and community-based organisations and initiatives that involve and are led by young people.

If young people are to be encouraged to participate in the social, political and economic life of our society, it is essential that they are not faced with barriers or punitive responses, and are not dissuaded from protest action. The freedom to assemble and protest allows young South Australians to express their views on issues important to them and to press for legal and social change. Attending or leading a protest is a way for young people to have their voices heard and to participate in public debate. It is noted that the recent amendments – via the *Summary Offences (Obstruction of Public Places) Amendment Bill* in response to protest activity in Adelaide – to the *Summary Offences Act 1953* to, among other things, dramatically increase the maximum penalty for obstructing a public place, are likely to have a chilling effect on young people expressing their views through protest action.

Representation by young people in public and political institutions is critical to ensure that public decisions consider the different perspectives, policy solutions, and benefits derived from a range of experiences and skills, and that policy outcomes are sustainable and responsive to everyone's interests and needs. The active involvement of young people can also inspire others of the same age and help restore their trust in public institutions.²⁸

Young people are routinely under-represented in political institutions and processes, with less than 2% of parliamentarians worldwide aged under 30.²⁹ While democracy does not necessarily require institutions to mirror demographics, the under-representation of young people in parliament indicates the existence of norms, rules and regulations that hamper their participation in democratic processes. In 2020, on average across the OECD countries, only 22% of members of parliaments were under 40 years of age. In 2020, 20-39 year-olds represented 34% of the voting-age population on average across OECD countries, but were noticeably under-represented as members of parliament, reflecting an average representation gap of more than 12 percentage points. Worryingly, Australia is in the top three OECD countries with the largest representation gap (-24 percentage points), after Luxembourg and the United States.

Recommendations

- Every effort needs to be made to ensure that young people do not have to deal with persistent discrimination and exclusion.
- That direct mechanisms are co-designed with young people and established so that young people are able to contribute to policy and legislative developments and reforms, and to shape and strengthen service delivery outcomes.
- That there is requisite investment directed to youth-led advocacy initiatives across regional, remote and metropolitan South Australia.
- That young people's rights to freedom of assembly and expression are respected, and that their participation in public life is not limited to relatively narrow consultation exercises, but includes meaningful participation in decision-making and processes that have implications for their future.
- That appropriate levels of resourcing are directed towards non-government and community-based organisations and initiatives that involve and are led by young people.

²⁸ OECD (2020a), *Governance for Youth, Trust and Intergenerational Justice: Fit for All Generations?*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://dx.doi.org/10.1787/c3e5cb8a-en>.

²⁹ Youth and human rights: report of the United Nations High Commissioner for Human Rights (2018) <https://digitallibrary.un.org/record/1640929>

- That all avenues of expression are afforded to young people and that they are encouraged to participate in the social, political and economic life of our society, without having to confront needless barriers or punitive responses, and are not dissuaded from protest action.

Connections and access to resources – Digital exclusion and poverty

Data from the most recent Census highlighted that South Australian students generally face higher levels of social and digital exclusion compared to other Australian students, with an estimated 6% of public-school students without internet access at home.³⁰

The following extract from a report (p.6)³¹ by the Commissioner for Children and Young People, highlights the realities of digital poverty and the key issues confronting young people experiencing digital access challenges:

Young people who had limited or no digital access spoke about a lack of resources and the challenges of sharing laptops with others, or of buying a laptop and other supplies to work or learn from home. Many talked about the difficulty of having to share an unstable internet connection with several others in a household, and the impact this had on their schooling. Some described being unable to complete tests or tasks at home, as well as being unable to access libraries, or other places they would usually go to access computers and Wi-Fi ... For those young people with no or partial access, these digital barriers will impact on their ability to be fully participating citizens.

Inclusion and participation and connection is reliant on young people not being digitally excluded. Bearing in mind the constraints highlighted in the above quote, we note with concern that much of the participation in this current conversation about the Action Plan requires online access and significant data time, aside from requiring access to digital devices and a fairly dedicated amount of internet access. These constraints may well mean that a significant cohort of young people, more especially those living in regional and remote communities or with limited access to devices or internet access at home, may not have been able to optimally participate in the consultation process towards the development of this Action Plan.

Recommendation

- Given the unique and disproportionate impacts of digital poverty on young people, it is essential that a comprehensive digital poverty agenda specific to the needs of this age-group is established as a matter of urgency. This will probably require multi-sector support, collaboration, and investment across all levels of government as well as from public and private sectors, communities, and service providers.

3. Recommendations

The primary recommendation is that governments take measures to ensure the protection and realization of young people's rights, while involving organisations of young people or structures led by

³⁰ ABS 2016 Census data (2017). Barbara Preston Research, 2020. Digital Inclusion for all public school students. Table 4. Available at <http://www.barbaraprestonresearch.com.au/wp-content/uploads/2020-BPreston-Digital-inclusion-forall-public-school-students.pdf> cited in Connolly, H. (2021).

³¹ Connolly, H. Commissioner for Children and Young People, South Australia (2021) *My Digital Life: Understanding the impact of digital poverty on children and young people* <https://www.cyp.com.au/wp-content/uploads/2022/03/My-Digital-Life-Understanding-the-impact-of-digital-poverty-on-children-and-young-people.pdf>

young people in the development, implementation, monitoring and evaluation of policies, programmes or strategies affecting their rights, and in decision-making more broadly. These measures are to guarantee an enabling and safe environment for meaningful participation, which fully respects the right to freedom of opinion and expression, including the right to access information, and the rights of freedom of peaceful assembly and of association.

In addition, the Government is encouraged to enact legislation prohibiting discrimination on the grounds of age in all areas of life, and to provide straightforward, accessible mechanisms for reporting discrimination and seeking redress.

Summary of recommendations

A rights-based perspective

- Incorporate the rights that Australia has endorsed in international human rights instruments into a Young People's Plan for South Australia, framing these rights as foundational principles accompanied by actions to be taken by Government, the broader community, and young people.

Socio-economic rights and material conditions

- Governments are to direct intensive consideration to addressing the multi-dimensional aspects of poverty and housing insecurity, in a bid to offer young people better life chances. Central to this is an increase in the rate of social security payments, including Youth Allowance and Jobseeker, as well as a rapid increase in the provision of decent and secure public housing, that is thermally efficient and at an affordable rent.

Access to health

- That young people are supported and enabled to participate in co-design processes that inform improvements in their access and inclusion in the public health system.
- That there is increased access to high quality school and community-based mental health assessment and support, including culturally sensitive and trauma-informed services, and Aboriginal-led services.
- That reforms to Medicare, especially regarding the size of the out-of-pocket and gap-payment, are addressed as an access and equity issue, with people having easier access to bulk-billed services.
- That age-appropriate comprehensive sexuality education, consent, relationships and intimacy is introduced into curricula at all levels.
- Ensure that sex education, sexual health services and information are accessible for all young people, with specific attention being paid to gender and culturally sensitive services, particularly for LGBTIQ+ young people in regional areas. In addition, that consideration is given to ensuring that access to sexual and reproductive health services do not require parental consent.

Safety and Justice

- That every effort is made to enable children and young people to live at home with their family and connected to their community – this will involve particular attention being paid to preventative measures and intervening as early as possible.
- That detention is considered only as an act of last resort, and is avoided through the use of diversionary programs and intensive therapeutic supports, and that South Australia raises the minimum age of criminal responsibility to at least 14 years without exceptions.
- Every effort is to be made to prevent sexual harassment from occurring on campus or in workplaces. Students and workers are to be supported to report sexual harassment; campus and work environments are met with enforced compliance measures when there is a breach of safety; intensive efforts are to be made to raise awareness about sexual harassment and to promote accountability.

Employment and social security

- Ensuring access to social protection for all workers, regardless of the form of employment, and abolishing sub-minimum youth wages where they exist.
- Federal and State governments to prioritise creating fixed-term payments to young students who are fulfilling placement requirements as part of their academic qualification, and who are at risk of losing other employment and wages.
- The current SA review of concessions is to consider increasing and/or extending support for young people, more especially regarding transport, health, utility and cost of living expenses.
- Advocate for the abolition of sub-minimum youth wages and the implementation of the principle of equal pay for work of equal value, irrespective of age.
- The SA Government is to advocate for the Federal Government to increase the social security rate of the payments, more especially those affecting young people, such as the Youth Allowance, Job Seeker, Single Parent payment, and the Commonwealth Rent Assistance payment.

Social and political participation

- Every effort needs to be made to ensure that young people do not have to deal with persistent discrimination and exclusion.
- That direct mechanisms are co-designed with young people and established so that young people are able to contribute to policy and legislative developments and reforms, and to shape and strengthen service delivery outcomes.
- That there is requisite investment directed to youth-led advocacy initiatives across regional, remote and metropolitan South Australia.
- That young people's rights to freedom of assembly and expression are respected, and that their participation in public life is not limited to relatively narrow consultation exercises, but includes meaningful participation in decision-making and processes that have implications for their future.
- That appropriate levels of resourcing are directed towards non-government and community-based organisations and initiatives that involve and are led by young people.
- That all avenues of expression are afforded to young people and that they are encouraged to participate in the social, political and economic life of our society, without having to confront needless barriers or punitive responses, and are not dissuaded from protest action.

Connections and access to resources

- Given the unique and disproportionate impacts of digital poverty on young people, it is essential that a comprehensive digital poverty agenda specific to the needs of this age-group is established as a matter of urgency. This will probably require multi-sector support, collaboration, and investment across all levels of government as well as from public and private sectors, communities, and service providers.

4. In conclusion

A primary focus on ensuring that young people do not experience levels of poverty and homelessness would enable a significant number of children and young people to live at home in a safe environment, avoid coming into contact with either the child protection or youth justice systems, and to live better and healthier lives.

Framing the Action Plan against the backdrop of international human rights commitments, listening to the voices of young people, adopting a preventative and supportive approach, and considering alternative and effective approaches and incorporating these into the Action Plan would make a significant contribution to the realisation of young people's rights and to ensuring their wellbeing.