



The Northbridge curfew (A)

Northbridge, an inner-suburb of Perth in Western Australia, has had a long and colourful history as the city's nightlife capital. Yet by 2000 the area was in decline, faced with high crime rates and a variety of other problems which threatened the precinct's social and economic wellbeing. One ongoing issue was the presence of unaccompanied juveniles (mainly indigenous) who frequented the area at night. As well as attracting welfare concern, city councillors and traders complained that these young people were behaving in an anti-social manner and adversely impacting local businesses. Northbridge also attracted considerable negative media attention, a situation heightened by the March 2002 release of a government report looking into the precinct. In its wake came calls for young people to be banned from Northbridge after 10.30pm.

The changing Northbridge environment

Located within the City of Perth, Northbridge is situated immediately adjacent to Perth's central business district, bordered by the Perth Railway Station (*Exhibit A*). The suburb had long been the city's leading nightlife and entertainment precinct and is one of its most ethnically diverse areas. The 1980s and 1990s saw the advent of widespread alfresco dining, as well as a growing concentration of bars, pubs and nightclubs. In 1991, licensed premises in Northbridge were approved to hold a total 5418 people. By 1999 the

This case was written by Marinella Padula, Australia and New Zealand School of Government, for Professor John Alford as a basis for class discussion rather than to illustrate either effective or ineffective handling of a managerial situation. The assistance of Chris Dawson, Charlie Carver, Paul Coveney and Peter Feasey is gratefully acknowledged.

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total capacity had more than doubled to 11,711.¹ This period also heralded increasing numbers of late liquor licences, some premises trading until 6am.

But the party atmosphere was underscored by some more disturbing trends. During the 1990s, the number of reported serious assaults had almost trebled; common assaults were up by more than 150 percent.² They occurred most frequently on weekends from

11.00pm to 3am. Property offences including vandalism had also risen substantially but started to decline somewhat in the mid-1990s.³ Violent offences had only just begun to fall, down by 14 percent in 2000. Added into the mix were significant numbers of unaccompanied underage teens, particularly indigenous youth, who frequented the area late at night. Even children as young as six had been observed wandering the streets without parental supervision. Deputy Police Commissioner Chris Dawson (previously the local District Superintendent) also recalled seeing very young mothers with infants out at 3am.

Most juveniles arrived from outlying suburbs, usually by train. “In the suburbs there is very little for these kids to do after dark,” observed Police Inspector Charlie Carver. “They come to the bright lights of the city because it’s vibrant, there are things happening. But basically after 10pm there’s nothing for kids to do in Northbridge because it’s all liquor licensed.” According to Dawson, some youngsters were there to just to check out the action with friends and extended family members. Others, especially young Aboriginal females, were there as a means of escaping domestic abuse and neglect. Yet others came with the intent of fighting rival groups or committing petty crime. Restaurateurs frequently complained of young people stealing food, spitting on patrons and otherwise intimidating or pestering their clientele.

Alcohol and other substances played a prominent role in the problem. “Once the kids get here,” observed Sergeant Paul Coveney, “they go find somewhere to drink, generally in an outlying park, or walk around the streets sharing bottles, or paint or whatever intoxicant is available to them. They walk from place to place doing nothing except getting more drunk and agitated and fighting amongst themselves or whacking the odd punter and stealing what they’ve got.” As well as increasing the propensity for violence and antisocial behaviour, police noted that substance abuse also placed many already vulnerable young people at greater risk of harm or exploitation.

The Juvenile Aid Group (JAG) had been dealing with these issues since the 1980s. A special unit of the WA police force, JAG officers aimed to reach young offenders before they had any serious involvement with the justice system and redirect them towards the appropriate social services. Under the *Child Welfare Act 1947*, police were also authorised to take unaccompanied juveniles into care. Section 138B stated that:

¹ Aisbett, N. ‘Saving Northridge’ *The West Australian* 6 July, 2002.

² Busch, J. *Northbridge – Shaping the Future* Department of Premier and Cabinet, March 2002 pp.24-26.

³ *ibid.*

- (1) Where any police officer, or an officer of the Department authorised by the Minister, finds a child —
- (a) which he has reason to believe is away from the usual place of residence of that child and is not under the immediate supervision of a parent or responsible person; and
 - (b) which is in his opinion in physical or moral danger, misbehaving, or truanting from school, he may apprehend the child without warrant and forthwith take the child to its usual place of residence or school.

The section also stated that, “Where on inquiry no responsible person can be found to take care of the child for the time being the officer may cause the child to be detained at some convenient place until such time as the child can be returned to the care of a parent or responsible person.” Since 1999, that convenient place had been Mission Australia’s On Track headquarters in Northbridge. A nationwide, non-denominational Christian service organisation, Mission Australia established the program out of concern that typical police custody arrangements were not appropriate for juveniles and because JAG lacked suitable alternative facilities. Peter Feasey, a team leader with the On Track program, recounted how previously children were routinely detained for lengthy periods (16 hours in one instance) until they could be processed. But aside from the inconvenience, there was a greater issue at stake. Said Feasey:

“One of the objectives [of On Track] is to prevent young people from being incarcerated from what was originally a welfare concern. What was happening was that young people would be picked up by the police, sit in a police station and because they are probably a bit anti-police, purely because they’ve been picked up by them, they can get done for assaulting an officer, damaging public property or assaulting another person waiting with them.”

JAG and Mission Australia were now co-located, with the facility and utilities paid for by the latter. The police, however, contributed to the electricity costs. Mission Australia received both state and federal funding, however the On Track program was itself financed by Commonwealth grants. Under the new regime, when a child was apprehended by police, s/he was taken back to the On Track centre, questioned for their particulars, searched for weapons and had their belongings bagged for later return. Once the child was cleared by officers, they were free to proceed to the Mission Australia section of the building where social workers would locate a safe place for the child to return to and assess what kind of follow-up intervention was required. If a suitable parent/guardian could not be found, workers could call the Department of Community Development, the agency responsible for child protection and welfare issues, for over-the-phone assistance. Once an appropriate place was identified, On Track workers would then organise transportation. During 2001, close to 350 juveniles were referred to the service, the majority of them indigenous.⁴

In addition to JAG and On Track was the Nyoongar Patrol. It was established in 1998 out of concern about high indigenous incarceration rates – an issue given prominence by the Royal Commission into Black Deaths in Custody in 1992. The Patrol was a volunteer group of Aboriginal community members who would walk the streets of Northbridge,

⁴ Harvey, B. and Gauntlett, K. ‘Aboriginal link to late unrest’ *The West Australian* 9 January, 2002

offering assistance and referral advice to at-risk youth and defusing trouble in an attempt to divert indigenous people from the criminal justice system. Various funded by local councils, the Nyoongar Patrol operated on weeknights and until 2am on weekends. Although many JAG officers had developed a rapport with the kids they encountered, Dawson realised that the police uniform was a barrier for many people. He saw the Patrol as a valuable adjunct to police services, despite the criticism it had attracted in recent times. Some groups, including traders and residents, wanted the Patrol to act more like a security service, whereas the Nyoongar Patrol saw itself in primarily a community liaison and mediation role. By contrast, Dawson was frustrated that not all agencies, particularly government agencies, seemed to realise that the problems of Northbridge weren't confined to business hours.

Northbridge “at a crossroads”

Early into the new decade, the ongoing problems of Northbridge were becoming increasingly prominent. The precinct had long been a favourite target of the media, somewhat unfairly in Dawson's estimation: “I'm not at all trying to suggest that there's no violence in Northbridge, but the way the media portrays it is far disproportionate to other areas that have similar social problems.” He recalled one particularly telling incident which concerned a nightclub killing. Recounting the slew of bad press it provoked about the area, he also remembered asking staff to look into Northbridge crime statistics. The result: it had been the suburb's first murder in over a decade. Similarly, WA's Chief Justice David Malcolm claimed that media coverage had created the impression of a “youth crime wave” when in fact university research revealed that the number of young offenders appearing before the courts had fallen by more than 60 percent.⁵

Nonetheless, the area's reputation for violence and petty crime was well entrenched and, in the opinion of many, eroding Northbridge's social and economic base. The area also hadn't had a major civic upgrade in many years which many felt gave it a run-down appearance. Traders regularly aired their grievances in the media, claiming that their businesses were suffering as customers went elsewhere. Daytime businesses had issues with property damage, antisocial behaviour and litter. Late-liquor licences contributed to the problem as there was often insufficient time to clean the streets before morning trade commenced. Night traders weren't necessarily faring much better.

Northbridge Business and Community Association president Vincent Tan spoke to the media of “very difficult” times in Northbridge. According to him, many businesses were facing bankruptcy “including some that sell liquor, and some local ‘landmarks’”.⁶ Said Tan: “Once, if you owned any business in Northbridge it was almost a licence to print money. Now, if many had a chance, they would get out. And these are good operators, not Mr Joe Blow. The business just isn't there.”⁷ Meanwhile: “The owner of Valentino cafe, Robert Smales, said lawless groups of Aborigines and violent nightclubbers had

⁵ Butler, J. ‘Young maligned – Judge’ *The West Australian* 14 May, 2002.

⁶ Aisbett, N. ‘Saving Northridge’ *The West Australian* 6 July, 2002.

⁷ *ibid.*

pushed Northbridge to the brink. There had been a 30 percent drop in trade in recent years as diners and drinkers headed to other areas, he said.”⁸

The latest spate of negative press had been prompted by the leaking and eventual release of a report to the Department of Premier and Cabinet by Jack Busch entitled *Northbridge: Shaping the Future*. The report had arisen from the desire of the Safer WA Council to ensure that “Perth’s premier entertainment district” was a safe and secure place for the community.⁹ The Council (later subsumed into the WA government’s Office of Crime Prevention) convened a meeting in 2000 which included the Deputy Premier, the Lord Mayor of Perth and the Mayor of the Town of Vincent. This resulted in the commissioning of Busch’s report to examine the problem and make recommendations.

In March 2002, he delivered his report which concluded that Northbridge was at a crucial juncture: although the area had many strengths, prompt action was needed to ensure its ongoing vitality and viability. Of particular interest to the media were the crime statistics, especially the assault figures. Less well aired was the revelation that the majority of assaults (71 percent in 1999/2000) were committed by people aged 18-34, typically men (81 percent).¹⁰ These figures were similar to state-wide averages. Victims were also predominantly male (81 percent). Examining the 279 assaults committed in 2000, 100 occurred inside nightclubs, 16 in pubs and 122 on the street. In 211 of the assaults, the victim and perpetrator were acquainted and 208 of those charged were alcohol-affected.¹¹

Research cited in the report from Perth and elsewhere in Australia revealed that licensed premises with later trading hours tended to have an increased incidence of assault. While the number of assaults was higher in Northbridge than in similar areas of Perth, the area had a greater concentration of licensed premises and higher number of visitors. As at July 2001, Northbridge had 98 licensed venues. Fifty-nine of these were restaurants, though twelve had a Cabaret Licence which allowed them to trade until 6am. A further seven had a Special Facility licence which permitted them to stay open until 3am.¹²

As for youth issues, the report stated that: “Young people are part of the vibrancy of Northbridge and sustaining the positive aspects of that and making them welcome in Northbridge are important.”¹³ However, it acknowledged that the presence of very young unaccompanied juveniles had become problematic: “Among the young people visiting Northbridge, Indigenous youth have become the subject of concern. The concerns centre on their antisocial behaviour and the fact that, due to their young age, many are at risk. It should also be recognised that many such youth visit Northbridge to share in its vibrancy and interact with their friends and are not involved in antisocial behaviour.”¹⁴

⁸ Harvey, B. and Rasdien, P. ‘Crime Hot Spot: Police vow action on Northbridge thugs.’ *The West Australian* 8 January, 2002.

⁹ Busch, J. *Northbridge – Shaping the Future* Department of Premier and Cabinet, March 2002 p.1.

¹⁰ *ibid* pp.28-29.

¹¹ *ibid* p.29.

¹² *ibid.* p.46.

¹³ *ibid.* p.41.

¹⁴ *ibid.*

From July to December 2000, 86 percent of young people apprehended by police were aged 13-16. Nearly half were Aboriginal.¹⁵ The report cited Curtin University research on 100 indigenous youth who were regular visitors to Northbridge. The majority of respondents were aged 13-18 and cited social reasons (such as to be with friends) for visiting the area. They also indicated that they would still visit Northbridge even if there were “more attractive options in their home areas.”¹⁶ With regard to dealing with the youth issue, the report stated that, “It is considered further strategies should be put in place to work with Indigenous youth while they are in Northbridge, to better understand their needs and interests, and develop subsequent strategies for them as individuals or as a group.”¹⁷

A call to action

In its coverage of the report, the media seized upon the law and order aspects but didn't always differentiate between juveniles and those aged 18+, for example, “Superintendent McCagh and other senior police agreed young Aborigines caused much of the trouble.”¹⁸ Soon after the report was leaked, publican and Deputy Lord Mayor Judy McEvoy made calls for a youth curfew in Northbridge. She also supported fines for parents whose children flouted the ban. Concerned that there had been too much talk and too little action, McEvoy stated that: “We have to do something about it...Our hands are tied. It is a police issue but we cop the brunt of it. It's fine until 10.30pm. It is a restaurant area early but once it becomes a bar area there is no need for the kids to be there.”¹⁹ She believed that civil rights groups would “just have to get used to a curfew.”²⁰

But welfare and Aboriginal organisations, including the Youth Affairs Council of WA which represented some 300 groups, were vehemently opposed to the notion of a curfew. It was viewed as a simplistic solution to a complex problem and uncomfortably reminiscent of the 1905 *Aborigines Act* which restricted Aboriginal access to towns after 6pm. (The Act was not repealed until 1967 when Aborigines acquired full citizenship and voting rights.) Mission Australia immediately and publicly rejected the curfew idea, stating that young people were just as entitled to use the public space of Northbridge as anyone else.²¹ Explained Feasey:

“Northbridge is seen by the Nyoongar people as a traditional meeting place. That's generally what young people do in Northbridge; they meet up with their cousins and friends that are from other suburbs because it's easier to meet in the city than go out to a suburb where there's not much on. I don't think providing activities in Northbridge is what is required, it's more an

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ Harvey, B. and Rasdien, P. ‘Crime Hot Spot: Police vow action on Northbridge thugs.’ *The West Australian* 8 January, 2002

¹⁹ Hewitt, S. ‘Northbridge curfew urged.’ *The West Australian* 26 February, 2002.

²⁰ *ibid.*

²¹ *ibid.*

acknowledgement by the city council and business owners that young people are as an important part of Northbridge as the people sitting in restaurants and going to nightclubs.”

He contended that in some instances, young people were safer in the well lit, populated areas of Northbridge than in their own homes. While young Aboriginals had become a focal point, he believed other important factors were being overlooked, “Everyone has their opinion, but in my view [the problems of Northbridge] are a direct result of town planning and the city of Perth. The areas of alfresco dining infringe so much on the footpath that it creates a problem for people moving between restaurants and nightclubs. When you add young people to the mix you get traffic problems.”

Deputy Police Commissioner Dawson was also critical of Northbridge’s town planning or, in his opinion, the lack of it. Firstly, structural factors such as poor urban design and vehicular access contributed to security and congestion problems, which in turn facilitated violence and property crimes. Secondly, he believed that for many years the City of Perth had, in conjunction with the licensing authorities, been too relaxed in its liquor licensing policy. As a result, large numbers of drunken revellers spilled out on the streets at closing time and were unable to vacate the area quickly. He also felt Northbridge lacked sufficient commercial diversity to attract and keep a wide variety of people in the precinct. Another problem was the growing residential influx. Previously, Northbridge had not had a large permanent population but the construction of new apartment complexes was beginning to change that. Dawson was concerned that this process was not being properly managed and wondered whether the expectations of Northbridge’s newest residents were realistic:

“I used to regularly go to residential forums for people who overlook the Northbridge area from their multistorey apartments who used to complain about the violence and disruption to their lives. I’d say to them: ‘I’d like to see a show of hands of how many of you came here with your real estate agent at 2am on a Sunday morning to view the premises because I can guarantee you came here at 2pm on a Tuesday afternoon.’”

While he acknowledged that the problems of Northbridge were serious, Dawson doubted the motives of some the most vociferous complainants: “I’ve got some healthy cynicism about some of the commercial operators in there who in many cases are just wanting to attract a certain type of clientele.” Coveney was more blunt in his assessment, contending that the City of Perth and Northbridge traders simply did not want young people there at all and certainly did not want to provide facilities which might encourage them. Dawson observed that unlike their white middle-class peers, Aboriginal youngsters were not spending money in the cafes. Nor did they frequent nightclubs where operators devoted much energy to selling copious amounts of alcohol. Dawson felt that while many traders were quick to point the finger at Aboriginal youths or the police response, they were reluctant to examine their own actions. Feasey agreed, commenting that:

“Young people and indigenous young people make up a very small percentage of the problem (of violence) in Northbridge but they’re the ones they focus on. It’s obvious why they do that – it’s because all the people that own business in Northbridge that complain about young people are the ones that in reality create the problem. It’s all about their perception about what the problem really is.”

Added Dawson, “A lot of the operators in Northbridge were often doing themselves and their businesses a lot of damage by saying: ‘Northbridge has a problem’. I’d keep saying: ‘Guys, you keep talking it up, you’re going to drive people away.’” And, more so than ever, the drinking and dining public of Perth had choices. Once quite unique, Northbridge now had increasing competition nearby from fashionable inner-city areas such as Leederville, Subiaco and Mt Lawley. However, Dawson was not opposed to the idea of a curfew. Basically, he did not consider Northbridge a safe or appropriate environment for children and as such felt that there was an obligation to intervene. Said Dawson:

“There are a whole lot of commentators who say, ‘It’s public space and they’re entitled to use public space without being harassed.’ I reject the notion that you can deal with this issue with bland statements like that. The biggest issue for me is: are the children at risk? That is the primary driver we must look at, as opposed to an argument about public space and young people’s rights. That runs roughshod over some people’s view of the world. But we need to protect young people at risk and everything is secondary to that.”

Barely a year before the curfew calls, Geoff Gallop had led the Labor Party to victory in the 2001 state election. Previously a shadow minister for Aboriginal Affairs, Gallop had a keen interest in social justice and community policing issues. Although he had not played a role in commissioning the Busch report, the Premier was eager to see an end to Northbridge’s bad press by addressing some of its chronic problems.

Exhibit A: Northbridge Locality Map

(source: Busch, J. *Northbridge – Shaping the Future* Department of Premier and Cabinet, March 2002)

