

Nowra Youth Protocol



A Safe and Welcoming Community



Introduction

The Nowra Youth Protocol is a set of guidelines for all those who use public and private space around the Nowra CBD. Its aim is to ensure people of all ages feel safe and welcome. While it's focus is on young people, the protocol also seeks to promote coordination between young people, community members, shopping centres, CBD shops, management, security, police, council, council rangers and shop owners.

Why do we need a protocol?

In 2013, Stockland Nowra identified a need for a Shopping Centre protocol. After consultation with various community organisations and key stakeholders including the Nowra Youth Centre, Access Community Group (ACG), Nowra Police and Shoalhaven City Council, it was identified there was a need for an inclusive Nowra Youth Protocol to help provide "inclusive and safe spaces throughout the Nowra CBD".

Who wrote the protocol?

Starting with the draft originally written by Stockland Nowra and Access Community Group Nowra, the community including young people, community youth workers, police, Council employees and businesses throughout the Nowra area were then invited to take part in a workshop, to draft an agreed set of guidelines to:

- allow young people and other members of the community to feel safe in the Nowra CBD
- promote cooperation between young people and other community members
- provide a clear set of rules that deal fairly with issues that arise concerning young people
- help the community deal with young people in a positive and constructive manner

A Nowra Youth Protocol Steering Committee was then formed after to oversee the development of the youth protocol.

The steering committee gathered further feedback from young people through the Nowra Youth Centre, local schools and the Shoalhaven Youth Advisory Committee.

It is important to note that as well as outlining what behaviour is expected of young people in Nowra, the protocol also summarises the grievance procedures and rights of appeal for young people who feel they have been unfairly treated.

What are the underlying principles of the protocol?

The protocol's guidelines support the underlying principle that young people are welcome members of the Nowra community who deserve to be treated with respect and who, in turn, should treat other members of the community with that same respect.

Nowra ought to be a safe and friendly place for the entire community; having a youth protocol means that incidents of anti-social or illegal behaviour can be dealt with promptly and consistently.

What areas of Nowra CBD does the youth protocol cover, and what is expected in each area?

The Nowra Youth Protocol has widened its focus over the entire Nowra CBD; this includes the Stockland Shopping Centre, Nowra Mall, the Bus Interchange, The Nowra Strip shops including Woolworths, Aldi, IGA and other commercial spaces. It is unique in that it has widened and applies to both public and private space.

All streets and roads are classified as public land; the Bus Rail Interchange is what is known as enclosed land, while most of the remainder is privately owned – including shopping centres, shops and restaurants.

Undesirable behaviour can be anti-social or it may be illegal; either way the following guidelines – while not all-inclusive – describe different types of unwanted behaviour and the consequences of such behaviour.



Private spaces

What behaviour is expected in private spaces?

There are lots of private places where the public is welcome, but are privately owned. Some examples are shops, cafes and shopping centres. The owners have a right to make a list of rules for people to follow whilst on their premises and they can prevent people from coming onto their property if the rules are not followed.

Managers & shopkeepers at Stockland Nowra, private property owners, local businesses and the community all want to be able to own, manage and visit places that are safe and welcoming to everyone.

The enforcement of rules within private spaces is the responsibility of the management of that space; this may include security guards, shopkeepers or shopping centre management. Illegal behaviour in Nowra may mean involvement with the police, as well as with store or centre management.



PRIVATE SPACES				
Behaviour	Description	Initial Response	Continued Behaviour	Maximum Response
Anti-Social Behaviour	<ul style="list-style-type: none"> ➤ Swearing ➤ Bullying ➤ Not following instructions/rules ➤ Drinking alcohol 18+ ➤ Riding skateboards or bikes ➤ Drunkenness ➤ Not wearing appropriate clothing i.e. must wear a shirt, no bikinis or bare chests 	Caution and advise of rules issued by security, centre management or store management and possibly asked to leave the private space for the day. Incident will be reported/recorded by security, centre management or store management. Person/s unable to care for themselves due to intoxication/drug effected, person/s will be assisted by security/management and police notified	Ban of up to three month (see below for banning procedures) It may be appropriate in certain circumstances that police are notified	Ban of up to six months
Abusive Behaviour	<ul style="list-style-type: none"> ➤ Spitting ➤ Swearing at anyone 	Caution and advise of rules issued by security, centre management or store management and possibly asked to leave the private space for the day. Incident will be reported/recorded by security, centre management or store management	Ban of up to three months It may be appropriate in certain circumstances that police are notified	Ban of up to six months
Minor Illegal Behaviour	<ul style="list-style-type: none"> ➤ Illegal Smoking ➤ Littering ➤ Trespassing 	Caution with a ban of up to one month	Ban of up to six months, matter referred to police	Ban of up to twelve months, matter referred to police
Serious Illegal Behaviour	<ul style="list-style-type: none"> ➤ Stealing ➤ Dealing Drugs ➤ Assault ➤ Vandalism ➤ Graffiti ➤ Drinking <18 ➤ Direct threats ➤ Intimidation ➤ Stalking 	Matter referred to police with ban of up to six months	Referred to police with ban of up to twelve months	Referred to police with ban of up to two years, to be reviewed.

⊘ If you are issued with a banning notice by shopping centre management or shopkeepers:

- you must be advised of the full reasons for your exclusion, in writing, if the ban is for more than one day. The names of security/management involved must be on the notice

- your details are to be written on the notice (name, address and date of birth) as should the length of the ban and the date that you can return
- copies of the notice will be kept on file and sent to your home.

FAQ about Banning

What is a banning notice?

A banning notice is issued by security, Centre Management or business owners and management if you have disobeyed the rules.

What happens if I get a banning notice?

Firstly, if you are under 18 your parents will be contacted, if your parents cannot be contacted the police will be in relation to illegal behaviour.

Once you receive a banning notice it is important that you do not go into the place you have been banned from. If you do, police may be contacted and may deal with the matter. This may involve you being charged with trespassing or being dealt with under the Young Offenders Act.

It is important to also remember that at the time of the banning, negative or uncooperative behaviour may mean a longer banning period.

What if I need to go to the bank or something similar and the service is located in the area I am banned from?

Arrangements can be made for specific access to services. It is important to let the people managing the space you are banned from know in advance that access is needed. If a visit is made to the area without the knowledge of management, it may be assumed you are trespassing.

What happens when my banning is over?

It is important that you contact the person or team that manage the area you were banned from and make an appointment to see them before returning to the area. If parents are unable to accompany you then you can contact the Youth Centre, who may be able to provide a youth worker to accompany you.

What if I don't think the banning notice is fair? How can I appeal?

You can appeal against a banning note by doing one of the following;

- make an appointment to see the organisation that has banned you. This could be Centre Management or store Managers or land owners
- contact one of the Councils Youth Workers, who can give you advice on the matter.
- organisations that can give you support are listed on page 7.

What are the grounds for appeal?

Property owners and managers will act on the basis of establishing the reasonable likelihood of guilt rather than proving guilt beyond all doubt. If you didn't do the action you are accused of and can provide proof, or if you feel the punishment or banning is too extreme or out of proportion to the offence, then you may have grounds for appeal.

Public Transport Space

The bus interchange is the transport hub of Nowra. There are also numerous bus stops and taxi rank areas. The space is neither private nor public and so some of the rules differ from other areas of Nowra. Transit officers can enforce rules in these areas.

Transit officers have the authority to issue on the spot fines and offenders are obliged to

either show them valid ID or to give their proper name and address (not doing so can result in arrest).

Maximum fines are issued only if the matter goes to court. Police may be called in any of the above instances, as well as in the case of other illegal behaviour such as stealing or assault.

There is 24-hour video surveillance in the Bus Interchange. Offenders can only be banned from the Interchange in severe circumstances.



ENCLOSED SPACES

Offence	On Spot Fine	Maximum fine	Under 16 Fine	Under 16 Max
Travelling without valid ticket <16	▶ \$50			
Travelling without valid ticket >16	▶ \$200	▶ \$550	▶ \$100	▶ \$275
Littering	▶ \$200	▶ \$550	▶ \$100	▶ \$275
Drinking Alcohol	▶ \$400	▶ \$1,100	▶ \$200	▶ \$550
Offensive Language, Behaviour or Spitting	▶ \$400	▶ \$1,110	▶ \$200	▶ \$550
Smoking	▶ \$400	▶ \$1,110	▶ \$200	▶ \$550
Graffiti or Vandalism	▶ \$400	▶ \$1,110	▶ \$200	▶ \$2,200

Public Space

What behaviour is expected in public spaces?

Public Space is a commonly shared area that is open and generally accessible to all people in the community. This may include roads and pathways, parks and public entertainment and recreation areas.


Council rangers and police refer to the Local Government Act 1993 as a guide to appropriate behaviour within public spaces. The police officer's first concern is to try to stop any offensive or anti-social behaviour.

Rangers have the authority to issue penalty notices where a sign has been erected prohibiting certain activities such as skateboarding, or to call police should they witness any illegal behaviour. Littering however does not require signage and is referred to under the Protection of the Environment Operations Act 1997, and attracts a penalty notice and fine of up to \$375. Local Courts can issue fines of up to \$2,200.



PUBLIC SPACES

Behaviour	Description	Initial Response	Continued Behaviour	Maximum Response
Anti-Social Behaviour	<ul style="list-style-type: none"> • Swearing • Spitting • Not following instructions • Drinking in Alcohol Free Zone • Smoking in a smoke free zone • <i>Skateboarding</i> 	Warning or asked to leave the area	<ul style="list-style-type: none"> • Fine, or matter referred to police and possible arrest • <i>Penalty notice \$110</i> 	<ul style="list-style-type: none"> • Arrest or: <ul style="list-style-type: none"> • Up to \$200 fine • \$220 fine • \$300 • <i>Confiscation of board</i>
Abusive Behaviour	<ul style="list-style-type: none"> • Lewd behaviour • Swearing at ranger or police • Drunkenness 	Warning or asked to leave the area	Matter referred to police and possible arrest	Arrest
Minor Illegal Behaviour	<ul style="list-style-type: none"> • <i>Littering</i> • <i>Not providing proper name and address when asked</i> • Graffiti • Drinking or possession of alcohol <18 • Trespassing 	Warning or asked to stop behaviour	<ul style="list-style-type: none"> • <i>Penalty notice \$375</i> • Up to \$200 fine • Matter referred to police • \$20 fine • \$300 	<ul style="list-style-type: none"> • \$200 fine • Arrest • Arrest • \$22 fine • Arrest
Serious Illegal Behaviour	<ul style="list-style-type: none"> • Shoplifting • Stealing • Dealing Drugs • Assault • Vandalism • Custody of a knife in a public place • Intimidation • Stalking 	Matter referred to police and possible arrest	Matter referred to police and possible arrest	Matter referred to police and possible arrest

 You can only be banned from a public space if it is ordered by the court, as in a condition of bail. Behaviours in *italics* are within rangers authority.

Rights and Responsibilities

What are the rights and responsibilities of young people when dealing with police?

Your rights if arrested:

- You have the right to be told why you have been arrested
- If you have been arrested, you do not have to do or say anything unless you want to. Anything you do or say can be used in evidence at Court
- You can contact a parent or lawyer
- If you are under 18 and have been arrested, and are being interviewed, you must have a support person present. If you are 15 or under it must be your parent, guardian, free legal aid or a lawyer. If you are 16 and over you can nominate a responsible person who is not involved

Your responsibilities if arrested:

Police have the right to ask you to identify yourself and you must legally identify yourself in the following circumstances:

- If police are trying to serve a fine default warrant (Fines Act 1996, section 104)
- If police 'reasonably believe' you may be witness to an indictable offence by virtue of the fact that you were near the scene of the offence. Section 11 of LEPR applies
- You have been arrested
- If you are under 18 and police suspect you of carrying or consuming alcohol in public Section 11 of Summary Offences Act

applies, Police have the power to request identity if they 'reasonably suspect that a person has committed an offence' – possession of liquor

- If you are driving a car or accompanying a learner driver sections 175 & 176 of the Road Transport Act 2013
- Unreasonably refuse a breath test when driving a car section 4 of Schedule 4 Road Transport Act 2013

Police searches:

Police can search you and your belongings if they:

- Have reason to believe you are carrying something that is stolen
- Have reasonable suspicion that you are carrying something that may be, or is being used in a serious crime (eg weapon) Section 21 of LEPR.
- Reasonably suspect that you may have a knife or dangerous implement –section 26 of LEPR. In this case, police must identify themselves and may only ask you to remove outer clothing. It is an offence to refuse a search for knives - Section 27 of LEPR.
- Have reason to believe you are carrying a prohibited drug – section 21 of LEPR.
- Have a search warrant, which names you or the location you are in

You can be strip-searched (a search should be done by an officer of the same sex and out of public view) if you:

- Have been arrested
- If the police officer suspects on reasonable grounds that it is necessary and that the seriousness and urgency of the circumstances require the strip search to be carried out.

P The police officer must provide evidence that they are a police officer (unless the police officer is in uniform) and provide his or her name and place of duty. They must inform you of the reason for the search and warn you that failure to submit to the search may be an offence.

Police have the power to strip search - section 31 of LEPR:

In appropriate circumstances and if it is deemed necessary, a police officer may strip search a young person. To do this

- The young person does not have to agree. It can be done provided sections 31 and 33 are complied with.
- The strip search must be conducted in a private area
- The stripe search must not be conducted in the presence or view of a person of the opposite sex.
- In the presence of a parent or guardian

The rules for strip searching is contained in section 33 of LEPR.

Police directions:

Police can direct you to move from a public place if they have reasonable grounds to believe that your presence or conduct is:

- Obstructing other persons and traffic
- Harassing or intimidating others
- Likely to cause fear in a reasonable person
- For the purpose of supplying or purchasing drugs

Move on directions – section 198 of LEPR.

H The direction must be reasonable in the circumstances to reduce or eliminate the obstruction, harassment, intimidation or fear, or to stop the drug sale/purchase. Examples of reasonable directions include police telling people to stop fighting or to move if they are blocking a doorway. It is not reasonable to tell you to leave the area and not come back for 24 hours, seven days etc. It is only an offence if the direction is disobeyed after the police have identified themselves and two warnings have been given and there is failure to comply.

What do Security Guards do?

Security Guards are there to enforce the rules of management and to help provide an inclusive and safe place for everyone. All guards should be fair and consistent, friendly and approachable.

Is there a code of conduct for security guards and Shoalhaven Council rangers?

Yes. Security guards and rangers will:

- show you respect
- be prepared to listen to you
- be fair and consistent
- keep their cool
- not discriminate against you because of gender or culture, or because of the way you dress and look
- be friendly and approachable
- only physically detain you if they have seen you commit a crime
- be willing to take part in 'working with children' training where possible.

Your responsibilities when dealing with Security Guards and Council rangers:

- treat and speak to security with respect
- do not use abusing behaviour or language towards security and rangers
- respect that they have a job to do, listen to what they have to say and follow instructions they give you
- try to remember, if they ask you to change your behaviour, they are just doing their job.

Remember, how you treat and react to security and rangers will influence how they ultimately manage a situation. In most cases, your behaviour or attitude will play a large part in the outcome.

Does a security guard have the right to ask you to leave a premises?

Yes. If you are not following the conditions of entry, displayed on the front door of the premises or the guidelines set out in the Youth Protocol, then it is the security guards job to ask you to leave on behalf of the owners they are working for.

Can security arrest anyone?

Yes. A security guard can arrest someone they see committing an unlawful act. This arrest is considered a citizen's arrest.

How can you contact security if you need help?

If you are in a shopping centre you can ask any staff member in a shop or Centre Management to call a security guard.

Do you have to produce ID if asked by a security guard?

If you do not produce ID you may be able to asked to leave the property and will need to produce ID to stay. However, you do not legally have to produce ID if you wish to leave the property.

What can you do if you feel you have been unfairly treated?

You have the right to appeal against a banning notice, or to complain about treatment by shop workers, security, Council rangers or police.

If you want to either appeal or register a grievance, you can ask for assistance at the following places:

- Nowra Youth Centre T: 4422 1988
- Access Community Group T: 4286 5600
- Shoalhaven City Council Youth Development Officer T: 4429 3418
- Centre Management from any shopping centre where a ban was made:
 - Stockland Nowra Centre Management: 4421 8100
 - Nowra Mall Centre Management: 4628 3455
- Habitat T: 4422 4222
- Nowra Police Youth Liaison Officer T: 4421 9626
- Ring the shop or restaurant that you were banned from and ask for the manager/owner
- NSW Ombudsman T: 9286 1000



Formal complaints about police behaviour must be made to either the NSW Police Service or the Ombudsman.

Formal complaints regarding Council rangers can be made at Shoalhaven City Council Chambers on Bridge Road or by calling T: (02) 4429 3111

Remember:

The Nowra Youth Protocol provides a clear and consistent set of rules so that everyone feels safe in Nowra.

For additional copies of this brochure, or the accompanying flyer, you can download a copy from the Shoalhaven City Council website

www.shoalhaven.nsw.gov.au/mycommunity/communityservices



Glossary

- Anti-Social Behaviour is any behaviour that is deemed to be intrusive by disrupting the security of any public or private space.
- Initial Response is the first reaction of security or management to unacceptable behaviour.
- Continued Behaviour is when a young person or persons have been warned or cautioned and continues the behaviour. It may be on the same day or at a later time.
- Maximum Consequence is the maximum penalty for any one incident. There is the possibility of increasing the maximum penalty if abusive behaviour of the young person is directed at management or enforcement officers during the course of any incident.
- Warning may be issued by any member of management or enforcement worker.
- Caution may be given either immediately as an incident occurs or at a later time. This may involve a time and place for discussion/ education of the offence and why it is unacceptable or inappropriate behaviour. Should a caution be given it is desirable for the young person to bring along a support person, ie. a family member or youth worker.
- Enforcement includes any individual responsible for keeping the safety of an area, including security guards, Council rangers, transport officers or police.
- Management includes shopping centre directors, shopkeepers, retail or restaurant staff, Council workers, or State Transit Authority staff.

Some other community groups that offer support and services to youth include:

Barnado's:
T: 1800 061 000

Youth Beyondblue:
www.youthbeyondblue.com.au

Legal Aid Hotline (under 18's):
T: 1800 101 810

Nowra Mental Health Service:
T: 4424 6430

Nowra Police Youth Liaison Office:
T: 4421 9626

Sexual Health Clinic – Nowra:
T: 4423 9353

Shoalcoast Community Legal Service:
T: 4422 9529 or 1800 229 529

Shoalhaven Youth Accommodation:
T: 4421 8741

Youth Action Policy Association NSW:
T: 02 8218 9800

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Sources Used

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