

5 October 2016

To the Commissioner

Child Detention

Northern Territory

- **On behalf of the National Organisation for Fetal Alcohol Spectrum Disorders (NOFASD)**

NOFASD Australia is the organisation which represents the interests of families, carers, those affected, and those who work with people who have a Fetal Alcohol Spectrum Disorder (FASD). This disorder is a direct result of a fetus being exposed to alcohol. I won't outline more on FASD because the information is readily available on our website and many others, should you require further detail.

The purpose of this letter is:

To formally note that FASD's are over-represented in the justice system and are frequently the root cause of behaviours such as offending, impulsiveness, failure to understand cause and effect, inability to regulate emotions and other negative behaviours. Without knowledge and understanding, FASD behaviours are easily interpreted by those managing young offenders as oppositional, defiant and based on refusal, rather than inability, to behave differently.

Research on prison populations in Australia in relation to FASD is limited. Research undertaken in Canada in custodial facilities points to a high incidence of FASDs amongst prisoners and young detainees. There is ground-breaking research currently underway in Western Australia's juvenile detention facility which is gathering FASD data on the WA system.

The recent tragic WA case related to the death of a newborn baby while in the unsupervised care of his birth father is a stark example of tragic outcomes for undiagnosed young people. The birth father was a former juvenile detainee and was released to the community at the time of his baby's birth. He is now in custody again though his sentence has been reduced due to the Chief Justice recognising his impairment. This young father was affected by alcohol before he was born and he has a serious brain injury as a result.

We can envision few things more certainly beyond one's control than the drinking habits of a parent prior to one's birth. Florida Supreme Court, Dillbeck v. State (1994) as cited by The FASD Centre Aotearoa, Dr Valerie McGinn.

Lack of knowledge and awareness about FASD (Fetal Alcohol Spectrum Disorders) has caused the death of this baby. While each individual affected by an FASD is unique there are some commonalities which frequently lead to the disability being overlooked. A fifteen-year old adolescent may have expressive language skills in keeping with his age. However, his comprehension skills, psycho-social skills and capacity to regulate his emotions when tested may indicate that he is functioning at the level of a five-year old. Typically, children with FASD appear more competent than they are and without diagnosis their presenting behaviours can be misinterpreted.

On behalf of NOFASD Australia, the National Organisation for parents, carers and community workers supporting FASD affected individuals and families, I urge your Government, using a bi-partisan approach, to:

- Include FASD and its impact on young detainees as a consideration in the parameters of the Royal Commission's work. Young people with an undiagnosed FASD are in many cases being detained because they have a disability and through this disability have committed offences.
- Recognise that workforce training in custodial facilities is essential to enable those working with vulnerable children to identify and respond to FASD.

Please do not hesitate to contact me if you require further information.

Yours Faithfully

Privacy

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