



13 November 2013

## **MEDIA STATEMENT**

### **Auckland Judge to provide keynote address to Brisbane Conference on Fetal Alcohol Spectrum Disorder**

Auckland's District and Youth Court Judge Tony FitzGerald will present the opening Keynote address at an Australasian FASD conference being held in Brisbane on 19- 20 November 2013. His presentation, '**Current situation and developments with FASD in New Zealand; A District and Youth Court Judge's Perspective**' will focus on the Judge's own experiences of learning about Fetal Alcohol Spectrum Disorder (FASD) and its impact on the NZ Court system. The plenary presentation will be followed by a Workshop on FASD and Criminal Justice Issues.

Fetal Alcohol Spectrum Disorder (FASD) is an umbrella term describing a range of physical, behavioural and learning disorders that can arise from exposure to alcohol before birth. FASD is recognised internationally as the leading preventable cause of intellectual disability in the western world. It is also now recognised that a large number of individuals affected by FASD are at greater risk of becoming involved with the criminal justice system. Individuals with FASD are at least 10 times more likely to offend than people in the general population. The alcohol-related brain damage occurring before birth makes it difficult for affected individuals to distinguish social rules and boundaries and to stay out of trouble with the law.

Judge FitzGerald says he has had a long held interest in issues affecting young offenders such as those with FASD. In 2007 he established the Intensive Monitoring Group ('the IMG') in the Auckland Youth Court, which accommodates young people who are at moderate to high risk of re-offending and have moderate to severe mental health and/or alcohol and other drug issues underlying their offending.

*"In both the District and Youth Courts I meet people facing charges who suffer from FASD and other neurodisabilities. Common characteristics of those affected, that can lead to offending,*

*include poor emotional regulation, impulse control and social judgment. Once they are before the Court, characteristics include such things as non-compliance with bail conditions and repetition of the same mistakes even after attending standard rehabilitation programmes.*

*“In the absence of information to the contrary, such behaviours are viewed as criminal justice issues only, and therefore tend to be addressed by increasingly severe sanctions when the offending continues. That approach is doing nothing to change the life course of those affected by the neurodisability or reduce their risk of reoffending.*

*“By seeing the behaviour for what it is and responding appropriately, those with a FASD are able to have productive lives and there can be significant reductions made to the risk of recidivism and the associated costs to society,” he says.*

The conference is a collaboration between Australian and New Zealand health organisations concerned about FASD and actively engaged with its prevention and intervention. The conference aims to bring people together from across the South West Pacific region to exchange knowledge and experiences on practice, research, policy and care.

Ends.

**Further Information:**

For information about FASD in New Zealand, contact Christine Rogan, Fetal Alcohol Network Coordinator for Alcohol Healthwatch email [christine@ahw.org.nz](mailto:christine@ahw.org.nz) or ph 09 5207037.

Information about the Brisbane FASD Conference can be found on [www.phaa.net.au](http://www.phaa.net.au)

**FACTS about FASD and Justice**

- The average age for first offending by a person affected by FASD is 13 years
- International evidence suggests that FASD is present in 2-5% of all birth
- Youth with FASD are 19 times more likely to get in trouble with the law than those in the general population
- A youth offending population study in Canada found 23 percent met the criteria for a diagnosis of FASD

- The Canadian Bar Association and the American Bar Association have both passed unanimous resolutions that recognise FASD is permanent brain injury that causes neurological and behaviour changes and they call for FASD to be identified and responded to effectively
- Around 80% of New Zealand women of childbearing age report drinking prior to pregnancy recognition and between 25-34 percent continue to consume alcohol after pregnancy recognition
- The Commonwealth Government of Australia has developed and begun implementing a nationwide strategic plan to specifically address FASD prevention and treatment and has made an initial investment of \$20million in 2013
- New Zealand has no nationwide FASD strategic plan and the numbers of affected individuals in the general population remains unknown.