

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON VIOLENCE IN THE
COMMUNITY MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART,
ON THURSDAY 23 SEPTEMBER 2010.**

**ASSISTANT DEPUTY COMMISSIONER SCOTT TILYARD AND INSPECTOR
STUART SCOTT**, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY
DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Stuart, Scott heard it last time, but the evidence you give is protected by parliamentary privilege, that is the evidence you give in this room. As soon as you go outside the room, of course, it is not protected by parliamentary privilege. If there is any evidence that you want to give in camera as well because of matters that you think should not be out in the public domain at the moment, please let us know and we can listen to see whether we should go in camera. If it should then we go in camera, so do not let that hamper the evidence that you want to give. I will open it up to you, let you give the evidence - either through you or through Scott - and then we will ask you some questions.

Mr SCOTT - Thank you very much.

Mr TILYARD - Thank you to the committee for inviting us back. As I understand it, today was really an opportunity to hear from Stuart. Stuart has been extensively involved, from our perspective, as well as from a broader community perspective, in addressing some of the issues involving violence, particularly in more recent times here in the southern part of the State, and he has been quoted through the media quite regularly, as you all know, in relation to some of the issues that we are dealing with and some of the work that is being done by some of the key stakeholders who work collaboratively to address this issue. Maybe, subject to the committee's views, we will hand over to Stuart to give a bit of an overview of his experiences in working with this issue in the Hobart area in particular. Stuart, are you happy to give a bit of an overview?

Mr SCOTT - If you do not mind, what I would like to do is to give a bit of a broader perspective of the issue of violence and alcohol-related violence, and perhaps a perspective on why we have got to the position that we are in now and drawing on some research, international as well as national research. What I have to say is underpinned and is congruent with the research, so my experience is backed up by, if you like, statistical evidence, but it is also backed up by research. In particular, I would like to draw your attention to this paper here, which draws on international and national research and it is congruent with my experience as well. The executive summary, in particular, is absolutely excellent.

CHAIR - Can we take a copy of that, please, Stuart?

Mr SCOTT - I can leave it with you at the end, but I will draw upon that. In my preamble I would like to talk about a little bit of history as to why perhaps we have got to the position that we are in now. In saying that, I do not want to sound in any way doom and gloom because I think there is some cause for optimism, both in terms of dealing with the tactical issues relating to liquor and violence but also in terms of the sociological

issues. There is some really good work going on and some considerable progress has been made, and in Hobart and across the State there has been quite a significant reduction in violence over the last five years, and I think that in itself leads to ideas of what can work.

I will just go back a little bit and try to explain why we are where we are at the moment. Research and experience suggests that in the late 1970s, the 1980s and the 1990s the traditional method of managing economies started to fail, and governments adopted a business approach to delivering services and to the way that they administer issues. That is very true for our department, where we introduced benchmarks and a business approach, and we had departments focusing on core business, and this also informed the way that we developed legislation. In research it points out that what we did in terms of liquor was to treat it as an ordinary good, that is, that we need to apply the market to the way government runs, but also how we deal with issues, and liquor was one of those, and so we treated liquor as an ordinary good. That is, if we open up the market and allow competition to operate vigorously, we would end up with the best approach, the easiest supply and the best choice, and best results would occur from freedom of the market. This is applied to liquor internationally, nationally and in Tasmania, and so we have a Liquor Licensing Act that treats liquor as an ordinary good when in actual fact it is a drug, and there lie perhaps the historical issues surrounding it. The act in itself is based on the premise of competition, deregulation and freedom of the market providing the best results to the public, but the difficulty is it is a drug and it is not an ordinary good. That is supported in the research and documentation. It is not just our experience, it is the experience internationally, nationally and in Tasmania.

That has started to wind back, and the legislation internationally and nationally is now starting to incorporate objectives in the act which address the fact that liquor is in itself a drug, and it addresses the issues of minimising the harm to the individual and the community relating to the use, sale, consumption and abuse of alcohol.

Dr GOODWIN - Stuart, can I just ask you to cite that, just for the benefit of the poor researchers who might be thinking, 'What's he talking about?'

Mr SCOTT - Okay. This is actually a paper. I only have the top half of it - it is 278 pages - but it is called *Restrictions on the Sale and Supply of Alcohol - Evidence and Outcomes*, and it is from the National Drug Research Institute, Curtin University of Technology, Perth, Western Australia. The authors are Dr Tanya Chikritzhs, Professor Dennis Gray, Ms Zaza Lyons and Professor Sherry Saggers.

Mr HALL - Would you not agree that in Tasmania alcohol is less freely available? In Victoria or other jurisdictions, the UK or America, it is available in virtually every corner store, whereas here it is not. It is still restricted to hotels and bottle shops, it is not available at supermarkets. From travelling, and most of us do, that is my observation.

Mr TILYARD - That is true. Certainly in some other jurisdictions in Australia and definitely overseas, it is freely available in supermarkets and corner stores. There are many more outlets.

Mr HALL - Yes, so in that case we are more regulated here in Tasmania than in other jurisdictions.

Mr SCOTT - Yes, that is quite true, but I would suggest to you that liquor is still very available -

Mr HALL - Oh yes.

Mr SCOTT - and it is quite cheap. That context will also inform some of the comments that I might make later on in terms of some of the sociological elements around violence.

Mr DEAN - You made the comment about the fact that there is a reduction in violence.

Mr SCOTT - Yes.

Mr DEAN - Is there really a reduction in violence or is there only a reduction in the reporting of violence? There is a lot of evidence of failure of people to report and the reasons, and there is a document cited by one of our witnesses on the very first day of this committee's sitting in regard to that. Do you have any statistical data available? Can you make any comment?

Mr TILYARD - Can I make a comment first. Sorry to interrupt you. It would be fair to say that there will always be, I think, and always have been some contacts between people that would constitute an assault under the law that are not reported to the police. Not everybody reports every assault to the police so we would have no firm statistics in relation to any under-reporting that may occur, but that would apply in any jurisdiction. What I can say with some certainty, based on my experience, is that the majority of serious assaults would be reported or become known to police, but I cannot support that with figures. You don't know what is not reported to you. Clearly, we are not saying for one minute that every assault is reported to us, because it would not be. There would be a whole range of reasons why individuals might not report, particularly lower levels of assault, to the police, but certainly with the more serious assaults, there would be a higher reporting rate to police.

Mr SCOTT - The other comment I could make is that we apply the rules consistently and they have been the same for some time. So, yes, if there is under-reporting, it would be consistent and our reporting is consistent. So I think the statistical data would be reliable in that sense, if what you say is correct. Also, we have assaults reported to us that are not assaults, and those come out in the wash. But those also were done consistently and statistically recorded in a reliable way.

Mr HALL - Stuart, you said there was a reduction in violence in Tasmania, yet in the submission we had last week, of the offender rate per 100 000 population by State, Territory and national, we are the second highest after the Northern Territory. I think it qualifies it a bit by saying there is an effective clean-up rate, but would you not agree that we still have a pretty high incidence?

Mr SCOTT - I have very publicly said that the level of violence is unacceptable. My staff and I work extremely hard to reduce that because we do not believe it is acceptable.

Mr HALL - I am just pointing out that we are still the highest in Australia outside the Northern Territory per 100 000.

Mr SCOTT - That is correct.

Mr TILYARD - We made the point last week as well in relation to those statistics; we are very successful in terms of identifying offenders in this jurisdiction and, as the statistical documentation says, we are good at that. As Stuart said, the level of violence is unacceptable. Any level of violence really is unacceptable. I do not see that we have a higher level of violence than any other jurisdiction in Australia. You do have to be careful how you interpret statistics, we all know that, but certainly it is not our view that Tasmania is a more dangerous place than any other jurisdiction. In fact, we feel it is a safer place than any other jurisdiction. Other statistics will support that argument across a broad range of indicators.

Mr DEAN - If we are going to get on top of the violence issue in the State and in the country, we need to know how much violence is occurring out there. What do the police do to have people report assaults, street crime and violence committed on them? I do not mean to say that you should go out touting for business but what are the police doing?

Mr SCOTT - I can answer that. I will give you an example.

Mr DEAN - There was a recent case in Hobart of where the people who were allegedly assaulted said the police did everything to entice them not to report and not to continue with their allegations. What are you doing as a police service to try to find out really what is happening in the street?

Mr SCOTT - I will give you an example if you like, Mr Dean. There has been a considerable degree of, shall we say, angst relating to international students, and one of the difficulties we had is that the international students were talking amongst themselves about incidents that were occurring to them and not reporting them to police. We very publicly said to them, 'We need you to report every single instance so that we can start putting these instances together to be able to create a pattern, to gain intelligence, so that we can track down the offenders'. We worked with the university union and with the international students area there to try to, if you like, penetrate the discrete networks that they have, particularly on computers and within faculties, so that we can start to get a build-up of intelligence around that.

Mr DEAN - The reason I ask the question is that I think this committee will be given evidence later on from a gentleman who will say that he is aware of 13 fairly violent assaults in Launceston which have never been reported to the police, for instance. It is a very important area.

Mr TILYARD - Yes. I was going to make the point, following on from your words, that we do actually tout for business. For many years we have gone out in relation to a range of offence types, assaults being one of them, to say, 'Report things to us. If you don't report them to us then we can't investigate them, we can't do anything about them'. So we have actually gone out publicly, and this has occurred regularly through the media, urging people to report to the police things that happen to them. But, as I said, there is a range of reasons that people don't do that, and that does not apply just to assaults. It does apply to other types of offences that are occurring. You gave an example of someone whose perception was the police did everything to discourage them from reporting it. It may

well be that that person had an experience that they went through and they felt that way. I would like to think that that was not the case. Certainly that is not our policy, as I am sure you know. When people come in to report things like assaults and we say, 'We need to get a statement, we need to interview your friends, we need you to go off and get a medical examination, we need you to come in and have some photographs taken', I think when people realise what is involved sometimes they form the impression that maybe we are trying to make things difficult, when what we are trying to do is obviously gather the evidence that we need to support a successful prosecution. It is people's perceptions, and I am not sitting here for one minute to say that absolutely every member of the public that we have contact with as a police service comes away 100 per cent satisfied. We have thousands and thousands of contacts with people over a broad range of different types of situations, and of course the vast majority are satisfied and tell us that they are satisfied with our service, but you are always going to have a few cases where people felt that more could have been done, I guess. Without the specifics, obviously I can't comment on that.

Maybe, Stuart, if you talk about the experiences with violence in the public place type of situation.

Mr SCOTT - Okay. As I said, I think there has been considerable progress made. Certainly in the last five years our figures are reasonably positive. I think also that if you walk around at night there is a better atmosphere out there, and indeed with some of the major events and on nights such as New Year's Eve, the 'cage night' as we call it, there has been substantially less disturbance and community concern than in the past, and I suppose it would be useful to describe some of the elements that have been employed to address those issues. I think probably the biggest positive impact we have had is about controlling alcohol on the street. This was possible because we were able to prescribe certain areas as being alcohol-free at certain times, and as a consequence of that and our ability to issue liquor infringement notices there has been a community education process where people generally speaking do not walk around with alcohol now, and that, as research will point out, gives them time to sober up in between drinks, as it were, and that has had a substantially positive impact upon the issue. We have also taken a stronger approach to enforcement of the Liquor Act and gone through the Liquor Act in terms of licensee's obligations. We scrutinise them and we talk to them. There has been some very good work with the licensees and the vast majority of licensees try very hard to comply with the law, to comply with their obligations and to provide the best possible level of amenity and safety.

CHAIR - I suppose what could occur, isn't it, is that somebody who was intoxicated goes to a hotel, the licensee doing what the licensee should be doing says, 'We are not going to serve you with any alcohol because of your state' and that person immediately goes out onto the street and is perhaps aggressive because they were not served the alcohol. The licensee gets the blame, 'Look, you have just left such and such a hotel', and they have done all they can to ensure that they are acting in accordance with the law.

Mr SCOTT - That is right. We get quite a bit of conflict on the door, and the licensees are sensitive to having conflict in and around their premises. But if they have conflict on their door because they are refusing entry because somebody is disorderly, or they are not of the required dress standard, or whatever, then that is an appropriate response and they cannot be held responsible for the behaviour of that person. Likewise, we have paid

particular attention to the issue of crowd controllers, their behaviour and their compliance with the law. Again, I think that their standards of behaviour, their professionalism, has improved markedly over the last few years.

There has been a lot of long-term strategic work and I remember when working in Launceston issues such as public transport can be absolutely critical. If we have an exodus of people onto the street they tend to accumulate around public transport, taxis and so on, and also fast food outlets. It is about having those set up in such a way that any conflict is reduced, minimised, mitigated, there is good lighting, there is common knowledge and that they are not undermined by poor practices by, if you like, some taxis doing the wrong thing and not keeping to a level playing field.

Going back to that issue of letting people into the premises, the difficulty is of course that we have a very, very competitive market. The desire to let people in is increased when there is a very competitive market and there is no doubt that we have had a fairly competitive licensing market down here on the waterfront and into the city.

We have more cameras around the city. That may not help us in terms of preventing crime, but it certainly helps clear up quite a few. We have also worked with Liquor and Gaming very cooperatively and with the licensing industry in terms of having video surveillance in and around licensed premises. That has helped us in detecting some of these issues as has imposing area restriction orders and bail conditions for some of the repeat offenders.

Mr DEAN - With the video cameras that you currently have, what publicity is given? What identification is made that these areas are under video surveillance? It seems to me that it is all very well to have video surveillance, but unless people know that there is video surveillance of some areas, their behaviour really does not change too much at all. But if they know that they are under video surveillance then it is a whole different situation.

Mr SCOTT - Forgive me if I disagree with you. Most people know where those cameras are and, in particular, the ones that are in the bus mall and in the mall. We have had fights start outside a police divisional van in the mall. So there is a limited deterrent effect, but they can be effective in helping us.

Mr TILYARD - Which in turn has a deterrent effect; if you are more likely to catch people then they are less likely to offend, so there is that factor as well.

CHAIR - Have you noticed an increase in violence - this is probably a fairly easy question for you - as a result of an increase in the use of drugs - that is, non-alcoholic drugs?

Mr SCOTT - I can answer that question, but in doing so I have to be very, very careful because it can be taken out of context and out of perspective. Yes, there are drugs out there. I think they are increasing, but the primary problem for violence is alcohol. I want to make that very, very clear. It is alcohol, alcohol, alcohol. Now you will find people who are drug-affected, but they are usually under the influence of alcohol as well, and alcohol is the primary precursor for that violence, and it is largely a male alcohol problem. Yes, females are there, but it is the domain of the intoxicated male.

CHAIR - When you look at the stats the female violence has increased as well.

Mr SCOTT - It has, and that is a concern.

CHAIR - Do you have an idea as to the reason for that?

Mr SCOTT - I think that is sociological. It is linked to alcohol, but it is sociological and quite complex, which I am happy to talk about.

Mr TILYARD - Bear in mind it is not particularly our area of expertise, but we obviously have some views on these things.

CHAIR - Yes. People might say they know there is the problem, don't come to them with the problem, come to them with the solution. If it were put in your hands, what would be your solution?

Mr SCOTT - I can provide you with a range of things that would help, but they are long-term strategic issues. There is a lot of progress being made at the moment in terms of how we address some of the broader sociological issues across government. I am very optimistic and positive about that, because there is now a recognition that, for instance, government agencies need to work together to be able to deal with the complexity, also the amount of information that you require to be able to case manage some of these issues, and I am very happy to talk about that. I believe I have some expertise, because I am in charge of the Early Intervention Unit, and the family violence area as well. There is some cause for optimism but these are going to be long-term projects that require a lot of coordination and collaboration across government and with local government and with non-government agencies to be able to address this in the long term.

CHAIR - Have you noticed the level of the violence, not the number of times it occurs but the actual level and severity of the violence, and whether it has increased in recent times, or has that been pretty well standard over the last 10 years?

Mr SCOTT - I think there is a concern, and I know that it has been articulated before this committee before, that sometimes there is a level of viciousness and aggravation about the violence which is concerning. It is certainly of concern to myself and to my team.

Mr DEAN - Does that include a greater use of weapons, knives? I was going to ask a question last time but I left it until today because of our time limitations.

Mr TILYARD - Yes, we certainly are concerned about the number of people, many of them young people, who do carry knives these days, or some form of sharp implement. The statistics in Tasmania do not at this stage indicate that there is a major issue. We certainly have the power to stop and search someone if we believe they are in possession of an item. I do know, as no doubt you do as well if you monitor some of the activity that is happening in some of the other jurisdictions - and I guess Melbourne is fairly close to us - they have had some major issues over there in relation to knife attacks, people carrying knives, and recently introduced new legislation there effectively allows police to stop anyone any time to see if they have a knife on them, because of some of the issues they have been experiencing. Personally I have a concern with it in relation to the aspect of the safety of our people and the safety of other emergency services staff as well. We did have a stabbing of one of our officers at Glenorchy a little while ago, as

you know, and it is a concern in terms of their safety when they are out there doing the job, because some of these people do carry knives. If you talk to these individuals they say it is for their protection, for self-defence, but it clearly indicates a preparedness to use a knife in a conflict-type situation.

Mr DEAN - The reason I raise this is that it would be about 18 months, I think, since the introduction of that legislation in Victoria where police now have the right, where they believe someone is carrying a knife et cetera, to search and take the knife and the other things that go with, but it would seem that the level of violence involving knives and weapons has not decreased at all as a result of that legislation. Am I right in saying that?

Mr TILYARD - I would have to check the statistic specifically, but it is still a concern. We were regularly dealing with instances where people are stabbed either in the home or on the street and the number of people who do carry knives around is a concern.

Mr SCOTT - And that raises the issue too of using glass, which has been of concern to us.

Dr GOODWIN - Stuart, we have received a submission from the Safer Hobart Community Partnership and I understand that Tasmania Police is involved in that partnership -

Mr SCOTT - That is correct.

Dr GOODWIN - and I wondered whether you were aware of the submission and the recommendations in it?

Mr SCOTT - I am.

Dr GOODWIN - I think there are six key recommendations around the issue of alcohol and licensed premises. I am interested in your feedback on those recommendations. Do you want me to run through them?

Mr SCOTT - I have that submission here. I will answer that question and then come back to some of those other things.

Some of them related to the Liquor Licensing Act and certainly I think there is some room for some increased clarity and some more useful provisions within that act.

Dr GOODWIN - I was interested that apparently we do not have a definition of 'intoxication' -

Mr SCOTT - That is correct. The issue for us is that RSA is an absolutely integral part of being able to reduce violence and the research is absolutely adamant that RSA will not work unless there is enforcement. The difficulty for us is -

CHAIR - For everyone concerned, RSA is the responsible serving of alcohol.

Mr SCOTT - Yes, thank you, and it does not work without enforcement. The difficulty for us is that to enforce RSA we cannot establish a case without a definition of 'intoxication' under the act.

Dr GOODWIN - One of the other recommendations was to investigate measures to restrict the sale of alcohol in glass containers after midnight statewide.

Mr SCOTT - That would assist. If you look at when assaults occur, it is particularly in the Southern District which contains the major entertainment and nightclub venues, and the vast majority of assaults occur between 11 p.m. and 3 a.m. in the morning, which is the permit period.

CHAIR - So it is 11 to 3 and not 11 to 5?

Mr SCOTT - I have the graph here for you if you wish. The peak period is between 11 p.m. and 3 a.m. and then it diminishes from there and it is on the key nights of Wednesday night through into Thursday morning and Friday night into Saturday but the biggest night is Saturday into Sunday in that added-hours permit period, and I think that is a salient issue.

So licensing hours is a matter that needs to be discussed, and the research is also very clear and adamant about licensing hours.

Dr GOODWIN - We have discussed the lockout issue previously. The other one was the cut-price drinks promotion issue, the 'happy hours' -

Mr SCOTT - That is right.

Dr GOODWIN - and those sorts of things. The other one talked about examining the potential for the diversity of business mix to be considered when assessing applications for new liquor licences as part of the definition of what is in the best interests of the community, presumably to stop the proliferation of licensed liquor outlets.

Mr SCOTT - That is right. This comes down to the market being very, very competitive. In a market that is exceedingly competitive it is very difficult for some licensees to abide by RSA because, quite frankly, they are under too much pressure and the pressure is always on them to let certain people in and to serve them alcohol. Those are the sorts of things that we need to be considering. Yes, it is a complex milieu, but the research is clear that if we can slow down drinking and have an increase in standards of dress within licensed premises, then we mitigate those issues to do with violence. But it comes down again to, if you like, the objectives in that Liquor Licensing Act. I have a copy of, for instance, the Youth Justice Act objectives. There is a very clear set of objectives for the Youth Justice Act, which underpins philosophy and how it is administered, but there is none for the Liquor Licensing Act. It would be useful, and if I had a wish it would be that the Liquor Licensing Act clearly articulates that one of its roles is to talk about harm minimisation to the individual and the community as a consequence of the sale, consumption and abuse of alcohol. Then we can talk about issues to do with definitions of intoxication and whether an obligation should be enforceable because the obligations under the act are currently not enforceable. They can only be breached and that is not an enforceable. So sections 41 to 61 are obligations and there is no penalty provision, and that is an issue that may be something of concern.

Mr HALL - I will go back to the subject of knives again, and I think Mr Dean talked about the Victorian Government having enacted legislation for police to have the ability to search anybody. You were a bit reticent about that, I thought.

Mr TILYARD - Not reticent. Obviously from a purely police perspective these powers are very useful to police. Other people have different views as to whether or not police should have a carte blanche power to search absolutely anybody, whenever they want, for things like knives. As the legislation currently stands in Tasmania, we need to have a reasonable belief that someone might be in possession of one to do a search in a public place. That is the law as it stands at the moment. From a purely police perspective we would like to see that power expanded, but when I say that, we have not had some of the issues that they have been experiencing in recent times in Victoria. They introduced that in specific response to problems that they are having and we do not have the same level of problem.

Mr HALL - That was the question I was going to ask: do you think we have the same level of problem? I have a transcript from the *7.30 Report* on the ABC the other night and I will quote one little bit here. A youth worker from the Salvation Army says:

'We see between 70 and 100 people a night and out of that group one in three indicated that they either had a knife on them at the time or they normally carry a knife.'

That was shocking. You would say that we are not anywhere in that league?

Mr SCOTT - I can help you out here. My staff are working the street at the front line all the time. We do search people for drugs, for alcohol and so on. We do charge people with possession of a dangerous article. The number is not increasing and it is not common for us to find a knife of the type that you are talking about. So I do not believe it is increasing in that sort of sense at all and if it was, we would pick it up.

Mr HALL - It is a bit concerning, given that they have had that legislation and this report was only done a week or two ago.

Mr SCOTT - That is not the case. I can only really talk about the southern district, but I can tell you that my staff are right at the front line, doing this all the time, and we are not seeing a rapid increase in those kinds of issues.

Mr TILYARD - In Melbourne, for example, they have some specific gang-related types of issues as well. Fortunately in Tasmania we have never had those sort of problems, and there has been a link made in relation to carrying knives and some of their gang activity over there.

Mr SCOTT - Can I just finish answering the question that I had before about some of the other things that can have a positive influence? Lighting has been an issue around the city, and that has been improved because of some good strategic work with council and, indeed, your own Parliament. The lawns out here is a case in point, and that has been addressed. Event planning is absolutely critical and major events can be a major headache in terms of control of alcohol. A lot of work is going into those and it is about being able to police wet areas, and control rapid consumption of alcohol at some of these

events. Some good work is going on there and event planners and Liquor and Gaming are helping us with that process. So there is some good stuff there. I have to say I would like to give some credit to the police, the guys that are on the street, because we are doing a lot of foot patrols, a lot of high intervention work, and I think that is helping the bike squads and so on.

CHAIR - When you say high intervention work, what do you mean by that?

Mr SCOTT - That means engaging with people, and it might be as much as a smile, but it is about interacting with the community and engaging with them; walking around Salamanca and so on and so forth, and engaging with them and being there. I think that Tasmania is still lucky in the sense that we can still talk to the public in a very free and open way. And I suppose, too, the other thing I would like to give credit to is the move-on provisions have been very useful because we can very often prevent trouble from happening when we can use the move-on provisions to prevent trouble, and that has been of great assistance to us.

Mr DEAN - I think you briefly touched on closing hours, and I want to expand on that. Have you had a close look at the position in Newcastle at the present time where they have closed hotels at 3 a.m. or 3.30 a.m., one or the other? If you haven't, what is the position of police in relation to closing hours being brought forward?

Mr TILYARD - As we indicated last week when we appeared before the committee, I think everybody realises it is often not as simple as just closing hotels earlier. There is a whole range of factors that come into this. My awareness of the Newcastle situation is mainly informed through the media reporting of that work that they have done up there, and clearly they had a significant problem. A number of strategies were implemented, one of which was some earlier closing times, which has flowed on to some reductions in assaults. We have said before that even in Tasmania you can see a relationship between public place assaults and licensed premises. If you do the map overlays, you can see that there is clearly a relationship in some cases. Here in the south of the State, if you look at the Hobart overlay then, yes, there are some specific premises where we do have reported to us public place assaults in some clusters around those areas. In other parts of the State there are not necessarily so much. For example, in the north-west of the State public place assaults tend to be more widely spread across the region. So you can't get a solution that might work in one area and apply it across the board and expect it to have the same success. That is one of the things that we do realise. As I said last time, if we have issues in relation to closing times or operating hours of certain premises, then we consult with the Liquor and Gaming Branch. They take on board our views in making their deliberations. As Stuart said, often these incidents occur more frequently outside designated trading hours into the out-of-hours permit provisions, and there are a number of conditions that are imposed by Liquor and Gaming to these premises that are granted these permits, including things like installation of CCTV, additional security personnel on duty, and a whole range of other factors that they do require for those hours that cross over into that out-of-hours permit area. If, for example, every pub and club closed at 11 o'clock at night, then you will probably find there will not be as many public place assaults on the Hobart waterfront, but if that is society wants in terms of being able to go out and socialise then that is fine, but we are not here saying close all the hotels or clubs down early because it suits us, because you have to look at the bigger picture - any

society or any community does, about what amenities or what entertainment they want to provide.

Mr SCOTT - I support that. I can give you a quick quote from the research about trading hours, and it is very quick.

Mr DEAN - The reason I asked the question is that this committee is going to have to make a decision, I would think, about licensing hours and whether they are appropriate and whether they should be allowed to open at 4 a.m. and 5 a.m. and 6 a.m. That is the reason I asked the question, and I would like to see what the position of the police is on that. Should the closing time be reduced to no later than 3 a.m. or 3.30 a.m.?

Mr SCOTT - I will quote you from the research, which is pretty clear, but it is with the caveat that the Deputy Commissioner has indicated, that we do not want a sudden rush of people out onto the street -

Mr DEAN - We had that in Launceston, didn't we? We had that problem.

Mr SCOTT - that is right - where we haven't all the things in place such as public transport, fast food outlets, lighting and all the rest of it. You need to be able to cope with that. The research says that over several decades - and this is about the restrictions on hours and days of sale for licensed premises, and adds a weight to what the options are and how successful they are, and this is giving the highest weight for importance and potential success:

'Over several decades Australian research has made a substantial contribution to the literature on the effect of trading hours for licensed premises. National research, evidence for the relationship between consumption, harm and trading hours for licensed premises, has consistently demonstrated that increased trading hours for licensed premises are associated with increased levels of consumption and harm.'

As the Deputy says, if there is a restriction on hours, then we need to have all of those other things in place. It is not just about one silver bullet. We need a whole range of things to be absolutely right to be able to address this, but that is the basic premise that is in the research.

Mr DEAN - So police would support that, provided everything else was in place to be able to cope with it?

Mr SCOTT - I am just quoting from the research.

Mr DEAN - My question went a bit further than that.

Mr TILYARD - We support anything that has the potential to reduce harm in the community. If premises closed earlier then that would make our job easier in some ways and it would probably lead to a reduction in those public place-type assault situations because, as I said, there is a relationship between them. From seeing where these things are happening, the time of the day they are happening and people frequenting licensed premises where alcohol is being consumed it is obvious that these are contributing

factors. I know that there are other issues, too. Some of these premises are around the Salamanca area where on Saturday mornings people are setting up pretty early for that the market at 5 a.m. and 5.30 a.m. when the council is trying to deal with drunks as well as cleaning up rubbish and broken glass and all that sort of thing, so there does need to be a balance.

Mr SCOTT - One of the frequent things that we work with licensees on and that they point out to us is that there is a lot of pre-loading goes on before people get to town. You see them getting out of taxis with grog and they are already halfway there, if not a lot of the way there.

CHAIR - It is called pre-loading, is it?

Mr SCOTT - It is called pre-loading.

CHAIR - That is the first time I have heard of it.

Mr SCOTT - That is what the liquor industry calls it. It is called pre-loading and that is a concern. On Wednesday nights people come from work and certain hotels have \$5 jugs at 5 p.m., \$6 jugs at 6 p.m. and so on, and they start earlier. That pre-loading does not occur to the same extent and the evening finishes a lot earlier. The nightclubs start at about 11 o'clock and you will observe that the whole nature of the waterfront changes at about 11 p.m. to 11.30 p.m. The diners go home, the people who frequent the restaurants go home and then the people come in for the nightclubs and the whole character of the waterfront and CBD changes.

CHAIR - I can see what you are saying. You are saying that there has to be a balance because taking -

Mr SCOTT - Prohibition does not work, does it.

CHAIR - those steps, as they are, you close down at 11 o'clock because the stats show that the violence occurs between 11 and 3. So there has to be this balance and it is not the one silver bullet as you mention.

Mr TILYARD - We mentioned last time that people's socialising habits have changed by necessity often. They are working different times, they are working later, many young people, for example, do work until midnight and so socialising has changed over the last 15 to 20 years as well.

CHAIR - On the stats again, and I know statistics can say a number of different things, there seems to be an increase in youth violence. I know you were saying it is going to take a number of years because it is a sociological thing but if there was a focus upon youth and attempting to do all you can to try to steer youth away from violence, that to me is probably a very good start. There can be ways to do that. One way is if those youths are charged and they go through that restorative justice program like your drug diversion courts then, hopefully, it might mean that these people are not going to become recidivists in relation to violence but will learn from the restorative approach that occurs at a younger age.

Do you know of any good restorative justice jurisdictions in relation to violence and, if so, which ones are they?

Mr SCOTT - I think there is tremendous work going on in terms of restorative justice and that is within government and through our diversionary processes.

CHAIR - Sure.

Mr SCOTT - I think the real gains to be made in terms of reducing youth violence come from early intervention, and by early intervention I mean intervening and building on any support that is available at an earlier age. The biggest risk factor for a child is disengagement with school. If you consider that many families are under pressure and the family unit has perhaps been eroded and some social boundaries have been eroded over a period of time, the one constant thing where there are normative values inculcated with young people is with school, so anything that keeps kids at school has to be of tremendous benefit. In terms of early intervention if we can get the kid back to school we consider that to be a real achievement. There is some really good work going on across government to do those sorts of things to keep them at school.

Again, it is about a whole-of-government approach, working together and identifying where support needs to be put in, and having very interventionist and supportive approaches and building on the strengths that there are in the community.

Mr TILYARD - Tasmania really is at the forefront of this sort of work, particularly with the restorative approach to young people, and for many years now. Other jurisdictions were coming to us in the early days, and still do to some extent, asking us what we are doing. The other positive aspect of that is that early intervention is a key: appropriate early intervention. Not only does it provide the opportunity to have long-term benefits for the offender and the community, but also the person who is often not forgotten about but left to one side sometimes in these discussions, and that is the victim. The restorative justice approaches, particularly with the way we deal with young offenders, is more inclusive of the victim. The victim has an opportunity to participate and be part of the process far more so than in the old days of the children's court situation where the victim could not even go into the courtroom. Clearly, particularly in cases of violence and assaults, it is extremely traumatic for victims, perhaps the most traumatic thing that has ever happened to them in their lives and they need to be part of addressing the issue.

CHAIR - We are starting to run short of time. I know Scott has been back a lot and he will become a life member pretty soon but, if we can, we might invite you back at some later stage after we get some more evidence and put to you a couple of scenarios to see what you think and then move on from there.

Dr GOODWIN - I wanted to pick up on the previous discussions around this issue of early intervention. I accept that there is a lot of work being done across government in this area, particularly in the child protection area. You mentioned the fragmented family units or dysfunctional family units. Are there any gaps in what we are doing at the moment or any areas where you think we need more resources, or families we are not working with that we should be working with?

Mr SCOTT - There are gaps. There are gaps in every State. In an ideal world what we would have is an integrated service delivery mechanism across government agencies and a set of programs that would address each of the risk factors. Where you have a child or a family that has certain risk factors you would prioritise those and then be able to refer those, in priority of the risk factors, to the programs that are available to address that. Obviously drug issues, anger management, supported accommodation are some of the areas which have, shall we say, tested the resources of the State. In saying that, I am not being critical because this is international, national, but it is also Tasmanian, and I am acutely aware of a lot of work and a lot of effort going into trying to address both the coherence and integration of government service delivery, its integration with local government and with non-government agencies, but there is a lot of work yet to be done.

CHAIR - Thank you very much, gentlemen, for coming along and supplying us with that information. It has been valuable and, as I say, hopefully we can invite you back again at some later stage when we get the other evidence before us and ask you some more questions.

THE WITNESSES WITHDREW.

Mr GRANT HERRING AND Mr STUART FOSTER, THE SALVATION ARMY, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Good morning, Grant and Stuart. Thank you for coming along. Sorry we are running a bit late.

Mr FOSTER - That's okay. It is an important discussion. Thanks for the opportunity for us to present to you today and discuss violence in the community. The Salvation Army is, I guess, quite close to a lot of the issues that are occurring out there. We experience violence ourselves in our own organisation; occasionally, I guess, from our clients as well. It is part of what we do. It is part of life for us, especially in some of our youth services. It was interesting to listen to the police evidence around early intervention and preventing violence occurring 10 or 15 years down the track with kids, and that is probably where we would like to really aim our submission. I don't know if you have read our submission. That is what we are looking at. We are not looking at the immediate responses out on the street. We are really looking at our experience in dealing with people that don't have the upbringing and the leadership within their own families that would encourage this sort of behaviour not to occur.

CHAIR - That is, of course, what we are looking for. We want to know whether it is increasing; and whether the level of the violence is increasing. It is good to hear that the actual propensity of it has perhaps remained the same. Different age groups now are being more active than they were and the level is a bit of a problem, but if we can come forward with recommendations to stop that happening, I think we will have done a fair job.

Mr FOSTER - Certainly we are finding that young people especially have more propensity for violence. We have just taken over the running of the youth residential homes on behalf of the DHHS and what we have found within that group of kids, and it is only a small group of kids, is that most of them have underlying experiences of violence in their early years. So you are talking from 18 months to six years old where in the formative years of their life they are exposed to violence in the family and they just model that behaviour. They learn that behaviour and their reactions to mini crises in their lives, however small, actually manifest themselves in violence because that is the only way they know how to act. They do not know any other mechanism of being able to deal with the trauma and the experience of violence that they have had in their own lives, so they react in that way. It is a dangerous situation for our kids, it is a dangerous situation for people who care for them and it is a dangerous situation for the people who are around them within the community. I guess that is where we are putting our thoughts and this paper really addresses that - around our early intervention programs.

CHAIR - Do you want to proceed with what you wanted to say in relation to those programs or, alternatively, would you rather questions come at you now?

Mr FOSTER - I might just hand over to Grant to give the drug and alcohol picture as well.

Mr HERRING - There are a couple of aspects to this. In putting the paper together I had a couple of thoughts for working titles and one was: 'Not Another Skate Park'. I was trying to point out that the community building a facility does not necessarily resolve the issue. In thinking about that I tended to focus on what the community could do.

Growing up in a small community, and Tasmania certainly is a small community, we should have at our fingertips much more of that community self-reliance than currently we are able to see. If the community was more able to take responsibility for itself and its own happenings, then perhaps the incidences of community violence would not be quite so apparent. Growing up in a small community it was not just the village policeman who tapped you on the shoulder if you were doing the wrong thing, it was just someone in the community. People looked after each other. To get back to that feeling of community responsibility, I believe we need to start earlier, and the focus on youth and education and children and families is, I think, a very fair one. In doing that we can identify that there were triggers or factors which precipitated the break-up of family, which precipitated the breakdown of that community responsibility, and alcohol and drug abuse is, of course, one of the significant factors there.

We know that 87 per cent of domestic violence issues are because of alcohol and drug abuse. If younger people are being exposed to a violent situation at a very early age, then of course the role modelling or the examples given have that supreme influence over their future decision-making. So if we control drug and alcohol issues differently, if we reduce availability, if we manage premises and situations slightly differently there is a fair chance that there will be a direct benefit in reduction of domestic violence, home violence, community violence issues. We know that; we do not need to be rocket scientists to work that out.

What I think the Alcohol Education Research Foundation has done and released just recently is a real indication of the actual cost to the community of drug and alcohol overuse. All the research is there, all of the background information is there and I think it is incumbent upon us now to do something about changing people's approach to management of the problems. It is not about penalties, it is not about being party poopers and closing down venues; it is not about that at all, it is about how we think about the use of alcohol or the use of violence, and the two are parallel.

CHAIR - Do you think it is more educative as well? There have been some comments made to me that in Europe you see younger children having a wine and they are able to drink it more sensibly than our youth. The next day if you are drunk it is not something to be proud of whereas here, sometimes it seems to be. Bad decisions make good stories for some whereas if you are a responsible drinker of alcohol, as in some countries around the world, that just follows through from the youth to the adult situation. If you go to Italy, for example, people have one or two wines and that is about it.

Mr FOSTER - That is about our culture as Australians. Just last week we released an alcohol awareness report, that you may not have seen, which indicated that 12 per cent of people sometimes drink purely because they just want to get drunk. That is quite disturbing. Within that cohort, another one in three 18 to 24 year olds report that they sometimes or often consume alcohol because they want to get drunk. I have some copies of that report -

Mr HALL - Is that 12 per cent in an age group or across the board?

Mr FOSTER - That is overall, and within that the 18 to 24 year olds seem to be particularly at risk. That is a culture thing that we have here and that culture is around consuming alcohol in large quantities. Certainly the Salvation Army does not hold that everyone

within society should be a teetotaler, because we do not believe that. What we are really concerned with is alcohol misuse and the risk and associated costs that come out of that high consumption, whether it be health or risky behaviour, and violence it is certainly an integral part of that.

CHAIR - It is not only that is it? It is the way, it seems to me, that both alcohol and drugs can spoil a life, and I am saying that for all people. You can be the brightest person out but you can have a problem with it and your career can go up in smoke. You can be the best sportsman out, you get into a situation - and you see it time and again on the mainland - you get into a situation where you are unable to meet the talent that you have because of an overindulgence. It does seem to be an educative program. If that could be put into the schools in some way at an early time then you could show that these are the risks and tell children that if they want to go down that path they could be spoiling their lives. There does not seem to be that at the moment in schools.

Mr HERRING - I think, Jim, you have touched on the essence of what we wanted to talk about and that was a cultural change. Perhaps the best way to influence our culture is to start earlier and educate and inform earlier so that people's behaviour reflects much more what is known to all the researchers and things around us. I brought this quote today: 'The best time to influence the character of a child is 100 years before they are born'. It smacks of cultural change, which we can only really influence at that educative level, and that includes family development, community development, not just at school. It is a whole cultural change that is required. To see on a street corner in Rome a couple of young people having a glass of wine, is a cultural difference. I suppose our culture is certainly quite different from that, and while we pride ourselves on being multinational in all things, and we certainly respect people's rights to do whatever they choose with their lives, it would be nice if we were able to provide a cultural foundation that allowed decision-making to be much more productive and to build community capacity. There are a lot of people in Italy who drink wine, that's for sure, but the cultural difference is that a number of people in Central Europe would probably say there are a lot of people who don't.

Mr HALL - So how do we, in pragmatic terms, provide that cultural foundation? What do we do? That is the real essence of the problem, isn't it.

Mr FOSTER - Maybe it would be good here to outline some of the things the Salvation Army does in that space already. They are working with families at that early intervention point, because what we are finding is that families do not have the role models that they should have. A young girl with a child who has had a teenage pregnancy or an early pregnancy might not have a mother who can teach or has taught her over a period of 17 or 18 years how to communicate with a child. Often they are having kids at that age out of a feeling of wanting someone to love them as well, so once that child becomes not the baby in arms and is starting to be a little bit more active and a bit of a problem, that love and that feeling sometimes starts to disappear.

We are working with families who come through our doorways centres, which are our front-line centres, where we provide emergency relief, front-line relief, and we have worked to change our doorways centres into a case-management style as well, so we are not just providing food and that sort of support. We are trying to get people out of poverty by case managing them and giving them some hope and places to go. Alongside

those services we are running parenting programs in a number of places. We are providing parenting education, positive lifestyle education, how to communicate with your child, how to bring your child up and how to provide nutritious meals for the family because right nutrition is also an important part of helping a child grow up and develop. How to engage with kids, how to teach your child, how to read a book to your child - all those sorts of things are happening within these centres, and we are finding that people are responding to that and are able to change their situations through that. We are finding that is a really good way of working with them. We are also working with parents where they have had a child removed into care, and working to try to reintegrate them with their child, bringing the family back together as well, and we are having some success there.

We run facilitator playgroups, which are different from your middle-class Australian or Tasmanian playgroups where there are mums, and dads in some cases, and grandparents who don't access those because they are the realm of the middle-class. So getting access to those is a fantastic thing to do. As I said, within the youth space we have a Breakfree program which works with young girls from the ages of 12 to 17 who have first come to the notice of the police and working with them around what are the issues behind your offending? Why is it manifesting perhaps in violence or in the crime that you are actually committing? And getting to the heart of those matters. So running them through those things and supporting them, and we are finding success with those as well. They are directly keeping kids out of Ashley.

Mr HALL - We had circulated an article done recently by a British Labour MP who talked about the levels of violence rising in the UK and simply because of family breakdown and the lack of parenting skills. People did not know how to be good parents. He was advocating, in a lot of senses, that actually being able to be taught to be good parents should be part of the school curriculum. What would be your answer to that?

Mr FOSTER - We are finding girls being pregnant in their teenage years, so education working alongside would be useful, I would think. I would not think it is the whole answer, but it certainly would be useful for them to understand kids do not come with -

Mr HALL - I think a lot of kids who were surveyed said, 'Yes, we would like to be taught how to be good parents' and then keep the social fabric of the family together.

Mr FOSTER - Kids do not come with an instruction manual.

Mr HALL - No.

Mr HERRING - That does have some positive influence on what I was saying before about the development of a culture of community support because if all of the young people in the classroom have a greater understanding of the value of the family and how families develop, then you are really starting to address the cultural shortcomings. Again, it is not the sole answer but it is a significant step.

Dr GOODWIN - Stuart, you mentioned the youth residential homes that you have just taken over or initiated and that you are using a therapeutic approach -

Mr FOSTER - A therapeutic model, yes.

Dr GOODWIN - because of the kids coming into your care who have a history of violence and the impact that has on their behaviour. Can you talk a little bit about what that therapeutic approach involves?

Mr FOSTER - With the model that we are running now we do not have residential workers, we have youth workers, so the role that the youth worker plays in the kid's life is extremely important because they are the constant, they are the ones who create the boundaries, they are the ones that are helping the kid understand what their behaviour is. With the therapeutic model we have two therapeutic specialists, we have four units here in the south and one therapeutic specialist attached to two units. Their predominant role is to work with the workers so that they can unpack and understand exactly why it is that a kid reacts when a cup is dropped or broken in the unit. It is because when he was a two year old he dropped a cup, broke the cup and his dad belted him. That is what the therapeutic model is meant to do, to understand that behaviour and then how to try to de-program that behaviour within the kid.

Dr GOODWIN - With these kids is the expectation that at some point they will go back to their parents and if so, what work is being done with the parents around the behaviours that have caused concern?

Mr FOSTER - The first goal would be to have them back out into foster care if they can, into home-based care; the second option is that if it is possible for them to be re-integrated with the family, that is very high on the priority list - if they can do that, then they can. So that is about the service working with the parent and any other siblings within that setting as well to get the kid reintegrated, and try to get the parents to understand what is going on as well.

Dr GOODWIN - Is demand outstripping supply at the moment, or is there a balance?

Mr FOSTER - We took over on 3 September. We thought we were going to have nine kids, and we are talking about nine very volatile, very aggressive kids with a lot of anger, a lot of stuff in their lives -

CHAIR - Can I ask the age group of those children, please?

Mr FOSTER - Twelve to 17. We were meant to take on nine and on day one we had 16 -

Dr GOODWIN - I thought that might have been the case.

Mr FOSTER - and that was our capacity. So it has been a very challenging three weeks for us in that service.

Dr GOODWIN - Is this new approach being evaluated?

Mr FOSTER - It is being piloted. We are fortunate here in Tasmania because we have learnt from the Victorian experience. The therapeutical model in Victoria is being run as a pilot and Salvation Army West Care Service is part of that pilot so we are able to implement something that is being introduced in Victoria very quickly.

Evaluation? I am not really 100 per cent sure right at the moment what the evaluation process is.

Dr GOODWIN - Presumably that Victorian pilot was evaluated.

Mr FOSTER - It would have evaluation but I am not aware of what that process is at this point.

CHAIR - The Salvation Army is running that?

Mr FOSTER - Yes, the Salvation Army West Care Services in Victoria is running that.

Mr HALL - In regard to that model, are you aware of how many other NGOs are running something similar? Are there any that you know of?

Mr FOSTER - Within Tasmania?

Mr HALL - Yes, or nationwide or both.

Mr FOSTER - In Tasmania Anglicare is running a therapeutic model in the north and the Salvation Army in the south.

Mr HALL - In general terms, what is the gut feeling of Anglicare and yourselves? Are you just scratching the surface with it? You are doing your very best, I know that, but does it need a lot more support?

Mr FOSTER - The biggest challenge that we have I think is that a lot of the kids that we are dealing with are often sometimes coming straight out of Ashley, so they are coming straight out of a very volatile situation -

Mr HALL - Yes, we know all about that.

Mr FOSTER - to a residential setting and that is our biggest challenge.

Victoria have a lot of other services that they wrap around their youth residential services. They have some other specialist services which we do not have where you can divert kids with severe drug and alcohol issues. We do not have any real youth-supported drug/alcohol issue programs here in Tasmania but that would be one way in which we could work with these kids as well.

Mr HALL - So we would look at the Victorian model, you would suggest?

Mr FOSTER - I would suggest that we have a stronger look at the Victorian models in that area. Certainly DHHS are aware of that.

Mr HALL - I think we picked some of that up when we had a committee on Ashley too but it has not happened here yet. It was one of our recommendations.

Mr HERRING - Young people come out of that area of dysfunction created by drugs and alcohol. The court-mandated drug diversion program does manage from time to time

people outside its scope by virtue of age. I know that there are not a lot of young people, 12 and 14 year olds, but it does happen. So for a 12 and 14 year old to come to the notice of the court-mandated programs, one would assume that there is a lot more out there who do not come to notice. So there is a growing issue to approach that with some forms of resolution before it gets to the stage of going to Ashley.

Dr GOODWIN - I am trying to get a view of where there might be any gaps in service delivery. The picture I am getting with the Salvation Army is that with the Doorways - is that it -

Mr FOSTER - Our Doorways centres, yes.

Dr GOODWIN - there is the opportunity to do the really early intervention, so working with families, teenage mums around nutrition, budgeting and parenting skills so hopefully their kids will be able to stay with them rather than being taken out into foster care or a group home. Then you have the hard end where you have kids who have come out of Ashley and because of serious issues can't go and live with their family. Is there any gap there?

Mr FOSTER - The police were talking about schools earlier. We did have a program that we called Home and School Support which was Salvation Army-funded for a while until their funds ran out. That program was working with the schools with kids that were at risk of leaving school and then becoming homeless and falling into those sorts of patterns. That was a very intensive support program as well that worked with the kid and the family, and the other siblings in the family.

The issue we have in the sector is that these programs are very expensive to run because they have small case loads and they also need to work medium to long term with families to really make a difference. So the investment in programs like that is not really attractive because you may not see the immediate results, but you would see the results in 10, 12, 15 years down the track.

Mr HERRING - It is interesting thinking of other family supports. We are delivering a program at the moment for parents of children removed from families. We are working with those parents in modules of about 10 weeks, I think, a few hours a week. It is program-directed particularly at parent recovery from the situation that caused the child to be removed. Eight weeks ago I first saw a group of young women and mothers sitting in their workshop room and I said hello and had small conversations with them. It was interesting for me to meet them and find out what had brought them there. I saw them again this week and their bearing is different, their language is different, their appearance is different, all in the space of something like a 10-week program. They often have haircuts, they are wearing make-up, they are presenting as if they care about the community, they care about their family.

As Stuart says, there is a small load of people but the effect is one which is so obvious. We strongly believe the community should be backing the development and programs just like that and delivering them as quickly as possible.

Mr FOSTER - To answer your question directly, Vanessa, the areas of drug and alcohol, youth programs especially, would be a gap. We don't fill the gap enough in that

parenting and early intervention area and the education area is a gap too - support around the kids and those sorts of things.

Another thing we haven't specifically mentioned but I would like to make sure that we do mention, is our rising concern with the number of off-licence premises that are starting to occur. That seems to be something that has been happening over the past 12 months and, in terms of community-related harm, that can only lead to increasing the consumption of alcohol within our communities. With the direct links that we know of between alcohol, domestic violence and health-related issues, it can only serve to increase these issues for us.

I heard the police again talking about people coming in charged to situations. We believe that that is coming from off-licence consumption at home before going out in the evening as well. We would just like to flag that for the committee and say that it is a concern, and we, as a community, need to set the boundaries around that and say, 'Look, when is enough enough?', 'Where is that point?', 'What are we prepared to accept?'

Mr HERRING - That is supported enormously by the National Preventative Health Strategy where maybe we have in the past looked at community violence and overuse of drugs and alcohol as issues of justice. If we shifted our own culture to one of health rather than justice, I think it would allow justice to do its job a lot better and put the responsibility where it really lies. If we can develop that culture of community, if we can develop the culture of community health overall, I think it starts right there with earlier intervention, with education and information about cultural redevelopment.

Mr DEAN - Your officers are out in the street a lot providing support and all of the other great things that you do. How do they see the issues of violence and alcohol now in the street? What are they saying?

Mr FOSTER - I think they live with it every day so they don't point to it as being something that is even emerging. They actually see that every day as part of their everyday support, so I can't say they actually have reported back to us that they experience violence in a heightened way. Is it clear what I am trying to say?

Mr DEAN - Yes. I was just interested because your people are there, and from my background as a police officer I am aware of your involvement in that area, and I was wondering whether or not it is becoming a bigger issue, or whether we are just noticing it more now, and wanting to do more about it.

Mr FOSTER - I think they are noticing more about it. The reports that I do get are around concerns that there is an increasing element of young girls being violent, and in a lot of ways they can be more vicious than the young men.

Dr GOODWIN - Do you have any capacity in your new residential program for young people on bail? That is another issue that has been raised, and I guess the concern is that we see young people going into Ashley because there is nowhere else to put them. They can't continue to live with their parents, or they are homeless, or whatever the reason, and once they go into Ashley there is a very high likelihood of them either going back into Ashley when they are released, or progressing to the adult corrections system. Is that another gap?

Mr FOSTER - It is definitely a gap, and we have been talking to DHHS around that. My understanding is that DHHS are looking at that quite closely, because of that issue of placing kids into residential where perhaps they might be having a 10-day gap between stints in Ashley. They are being put back into a house for 10 days, they create havoc for 10 days and then go away. Yes, they certainly are aware of it and are looking at it. At this stage I am not sure that they have a solution for it.

Mr HERRING - As highlighted by the chief magistrate, it is hard to apply diversionary packages in that period of time. I have to smile when you raise that, because that is a personal cross I bear. I really want to see those male hostel kind of facilities available in the community.

Dr GOODWIN - I think there are many people who share your passion and concern for that.

Mr DEAN - In regard to the emerging position now in relation to the bottle shops, the applications that are coming in for them mushrooming around the State, I have a question. You make the comment in your documentation that distribution of bottle shop outlets is broad with a subsequent availability and access to alcoholic beverages contributing to the incidence of violent behaviour visible in our community. Do you wish to make any further comment on relation to that because that evidence has come out here before in this committee? You are saying that there is a direct correlation between the availability of alcohol in these outlets and what it is currently doing?

Mr HERRING - Yes, again in the National Preventative Health Strategy it is highlighted. It is not just us saying it; it is the national picture. Yesterday there was an annual general meeting for Advocacy Tasmania and Roscoe Taylor was the guest speaker. When asked what couple of things that he would suggest to do to reduce the influence of alcohol in the community that was the first thing that he raised - the availability.

The second thing was in relation to volumetric taxation and pricing. When our Director of Health can see that and with the national strategy around that highlighting the value of consideration of the number of outlets, the type of outlets and the density of outlets, if this committee has seen any rise in community violence it may be paralleled with a 29 per cent rise since 2002 in the number of licences in this State.

CHAIR - Thanks, Stuart and Grant. We have gone over time but your information was valuable. Thank you for your submission and the way that you put it to us.

THE WITNESSES WITHDREW.

Mr ROSS BUTLER AND Mr DAVID HARRISON, TASMANIAN TAXI ASSOCIATION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Welcome along. I will leave it to both of you to tell us what you wish to tell us and then you can answer some questions from the committee.

Mr BUTLER - I am representing before this committee the Tasmanian Taxi Association of 9 Birdwood Avenue, Moonah, which represents various taxi operators and drivers across the whole State, but not all operators. Since being asked by Mr Toby Green to appear before the committee on behalf of the association, I did the following: firstly, I asked Taxis Combined Services and United Taxis to put a message on the computer screens of taxis inviting drivers to give me details of incidents of violence committed against them and ideas they had to prevent these. One person, Mr David Harrison, who is here present, Mr Chairman, gave me details of an assault on him and Mr Harrison can speak for himself on that matter. Secondly, I asked both taxi offices for any statistics on assaults and received none. Thirdly, I discussed the matter of violence towards drivers with various experienced drivers and operators.

I will give a brief outline of the views expressed to me on the general matter of violence and its causes. I will outline one instance of assault on a driver that I witnessed and in which I came very close to being the assailant's second victim. I will report the frustration I have heard expressed by drivers about their perception that police are reluctant to take any effective and timely action after assaults to apprehend and charge those who assault taxi drivers. I would like to make some suggestions on actions that could help to minimise the likelihood of violence towards taxi drivers and to increase the likelihood of apprehension of assailants after an assault.

The general views that were put to me were these: that violence towards taxi drivers is believed to be on a level with violence towards staff of cash-flow businesses, such as service stations, food outlets, video outlets, bottle shops and so on; no more, no less. These more serious offences are generally reported in the print media. Secondly, they are believed to be almost invariably accompanied by the consumption of alcohol and there is the suspicion about some that there are elements of racism underlying some assaults. Three, that they stem substantially from a lack of respect for people and orderly behaviour, and this underlies most assaults and it is believed that these aspects are part of the perception in the community of deterioration in recent years of social standards. Four, there is particular danger for taxi drivers in that they work alone; they often drive to secluded areas; they provide an essential service to people seeking that service when their judgment - that is, the judgment of the people seeking the service - and their civil standards have been impaired by alcohol.

Particular episodes: I refer to an assault on a colleague and what is particularly frightening about this is that it did not occur at 2 a.m. in some secluded outer suburban area on a Sunday morning after consumption of lots of alcohol but occurred at about 11.45 a.m. in Eastlands car park on 30 July of this year. It happened when a colleague of mine had come in to reverse his car into the taxi rank, pointing in towards Woolworths at Eastlands; Eastern Shore people would be able to envisage the situation. He stopped and waved on another car which had come in seeking a position. That other car did not move

and then the taxi driver moved forward to improve his angle before reversing in at the same time as the other car moved. No, there was no collision, they did not even come within 2 feet, but the driver of the other vehicle, for whatever reason, got out of his car, raced around the front, I saw him lean in the car, I saw the fist go and then I got out of my car - I was on one of the ranks - and bellowed out to him, 'What do you think you are doing, back off. Mike I saw that,' - that is the driver's name - 'I will be your witness for that'. The so-called gentleman then came and confronted me within about half an inch of my face and proceeded to tell me my history, including what a low-life taxi driver I was. I was tempted to tell him in fact the details of my professional qualifications, background and service to the community; that flashed through my mind but then I saw another vision of my glasses on the ground. He then backed off and I heard a voice behind me say, 'You touch the old fella, mate, you will have us to deal with'. I looked around to see where the old fella was and I think that persuaded him to move off.

At which point my colleague got out of his car. You could not see any blue in his shirt whatsoever, it was completely scarlet. There was blood pouring out of his mouth and nose all over the car park surface. I rang 000, which is an interesting story in itself. I was asked, 'Where is he?' I said, 'Can we have police presence in Eastlands car park? There has been a serious assault'. The voice said, 'Where is Eastlands?' I said, 'Rosny Park'. 'In which State is Rosny Park?' The only saving feature was that it was not an Indian accent. It is a worry when you ring 000 that you do not get a local answering the phone.

Last Sunday when I spoke to my colleague who was assaulted - and that is nearly seven weeks ago now - despite the fact that he tells me he has been to the Bellerive Police Station on at least three or four occasions and officers have promised to contact him to take statements - they did come down to Eastlands where I gave them my name and number and phone number and address as did a couple of other witnesses - they certainly have not contacted me and to my knowledge the man has not been charged. The number of the car was given also so it is a worry and frankly fits in with the perceptions that taxi drivers tend to commonly have of the degree of support they are likely to get from the police.

I repeat that that was at about 11.45 a.m. in Eastlands in broad daylight from a person who did not look like a thug. He was middle-aged and looked fairly well dressed in a \$50 000 motor car, contrary to what perceptions might have been for the kind of people who carry out these offences. There is a perception, as I said, of many that police attitude is such that taxi drivers are not held in high regard and there is a belief that there is reluctance to pursue assailants.

I have a few recommendations which might help in a small manner to obviate or minimise the likelihood of violence. Firstly, we are required to have a camera in the car and we are subject to fines of about \$350, I understand, if the camera is not in working order if we are driving the car with that camera yet we often get people in the car whose identities are not clear. It should be quite established common practice to ask young men in particular with hoods and sunglasses to remove them and smile for the camera. I have done that successfully on a couple of occasions with a bit of humour and, frankly, had they refused I would not have driven them.

Secondly, it should be standard practice and there should be a sign on the taxi door that after a certain time - maybe six o'clock or eight o'clock in the evening - all taxi fares will be paid for in advance by estimation of the amount by cash, credit transaction or EFTPOS on the spot and then any change will be given out at the end. I think that would be fair enough at any time, especially at night because so often, as Mr Harrison will indicate later, disputes and violence stem from people discovering that their taxi fare is twice what they thought it was going to be and suspect that there has been some kind of error, that the meter was kept on from the previous trip and so on, and many other things like that. Let us face it; where else can you get on a plane or a bus or a train without paying up-front? And that should be the same with taxis.

Also, I believe there should be designated police officers in the Hobart office whose job it is to follow up immediately after an assault has been recorded. I am not saying they should come to the scene but when the attending officer has taken the details the very next day there should be a designated police officer to follow that up in case the attending officer is off duty or on holidays. I suspect that in one or two cases the frustration of drivers has been the reason the police have not followed the matter up as diligently as the drivers would have hoped.

Another thing that I think would be - and with respect I do not know whether this is the case so I stand corrected if it is in fact the case because I do not now drive of a night myself - very helpful if there were continuous police presence on the ranks at the significant points, such as Salamanca and other ranks, from time x to time y that is designated to be the likely times of trouble at those ranks and I think that would have some mitigating effect also. I know as a schoolteacher and principal that when you are out on duty in the yard you go to where the trouble is likely to be and you keep your ears pricked as to which kids are likely to have been recently in dispute with one another and so on, so I think a little bit more care in allocating police duties might assist.

That is all I have prepared and wanted to say but I am happy to answer any questions.

CHAIR - Any questions or do you want to wait for David to give his submission and then ask questions?

Mr HALL - We will wait until David gives his.

Mr HARRISON - I can tell you about an experience I had one night with violence. I am of the opinion that it is not just the taxi industry but any minor crime that is reported to the police that is almost a waste of time in Tasmania. I have had two instances - one involving my wife and an assault on me - and you just cannot get anything done. Honestly, in Tasmania I and a lot of other people have the opinion that all the police are doing is policing the roads and that they will not do anything to help anybody who is a victim of small crime. To me, this is totally stupid because if these kids are doing these things and they get away with it they think it is a big joke and they just keep doing it.

I would like to tell you about an incident involving my wife. I don't know whether I can or not - it's not a cab thing.

CHAIR - Yes.

Mr HARRISON - My wife and a friend were having a coffee in the Shoreline Shopping Centre when two young people ran through and picked up her handbag that was under her seat. My wife yelled out and she and her friend and several other people ran out after them. A lot of people saw them get into the car and there were another two people in the car. They had an exact description of the car, the numberplate and everything else. I was not there but my wife rang me and she called the police. A policeman came and took a statement and a week later we had not heard a thing. I thought to myself, 'How easy was this? They had the number and description of the car and when they got home the police could have been waiting for them'. A couple of days after it happened my wife spent hours and hours on the phone cancelling credit cards and organising things and, as you would know, with 1800 numbers you are there all day.

After a week I was pretty annoyed about it. I went to the Bellerive Police Station and saw the sergeant in charge and they had not even investigated it. They had not even looked at it. On the way out the policeman behind the desk said, 'You're Mrs Harrison, we've got your handbag here'. It had been handed in the day after it happened and they had not even let us know. That is the sort of thing that happens all the time.

In the end we made a lot of calls trying to get something done and about a month later they rang and said they couldn't go ahead with it because the witness they had didn't want to go to court. So, it was a waste of time.

The taxi thing - I was driving one night, picked up a guy in the middle of Hobart and he was going out to Old Beach. On the way up the Brooker he stopped at BP on the Brooker and he was in the service station messing around for a good five minutes. We carried on and on the way out the Brooker he was carrying on like a pork chop and going crook about things and thought the fare was too dear. We got over the Bowen Bridge and out the road a bit and the fare was \$30 and he said, 'That's ridiculous, I'm not paying that' because, as Ross would know, to Old Beach is around \$40 from the city. I pulled up and said, 'Pay it or I'm not going any further' and he said, 'I'm not paying it and that's it'. I intended to get back to town and go to the police station, not that it would probably have done me any good, but anyway. I was heading back to town and he got more aggressive on the way. We got to the Risdon lights and pulled up for the red light. I was driving with my right hand and he started swinging his arm like that and hitting me. I had this arm up here and he hit me in the ribs and broke one rib, as I found out later. He got out, I called the police, a policeman came and took the statement but they could not find him. I knew from experience with what goes on with the police these days that I would have trouble getting something done so I went to the police station in town - this was on the Saturday night - on Monday morning because I wanted to get something done and I said, 'Could I see someone in charge? I was assaulted on Saturday night and I have made a complaint'.

They said they could not do anything and that I had to go through the police officer that took the statement. I said, 'Okay, give me a number and I will call him'. He gave me a number, I called it for two days, no answer, so I rang and got another number. I called that and it was a fax machine. So I got back to them again and they gave me the number for Glenorchy police station. They said, 'That number they gave you is for Claremont. That is a one-man station'. I had been calling that for days. I tried to talk to someone in charge at Glenorchy and they said that I had to go through the police officer, they would put a note on his mobile, send a message on his mobile, and he would call me. Several

days later I had not heard anything so I rang Robin Jones, the Manager of Taxis Combined. They have a taxi liaison officer in the police force so he said that he would call him and see how we got on.

He obviously called him because the guy called me. I told him what had happened and the next thing I get a call from the police officer who took the statement originally. I forget how long after it was; it was a few months ago. It was probably a week later or more. I told him that when this happened there were cameras in the car and that he would be on that but it only lasts a couple days because it overruns. I said he went to the service station so he would be on the service station camera and because I knew they would be a long time doing anything, I had gone to the service station and seen the guy that was working there that night and he remembered the guy. He said he knew what he had bought and he would get the chit out and it would give us the exact time and he would leave a note for the manager, because he could not do it, to download the images.

He did that and the police officer said he would follow it up and give me a call that afternoon. About two days later he called me and said, 'We cannot recognise anything from the camera in the service station and we cannot do anything'.

It was a complete lack of cooperation as far as I am concerned.

Mr DEAN - Were you given a report number by the police?

Mr HARRISON - Yes. I had an incident number for both things. I only threw it away last week. I had finally given up and thought what a waste of time and then got on to Ross a few days later.

Mr HALL - Ross, you thought the taxi industry personnel are not targeted any more than people who work in fast-foods outlets or anything at that time of the night but generally those hours between 3 a.m. and 5 a.m. - we have had a lot of evidence - is the critical time when a lot of the violence occurs. Are members of your industry reluctant to work in those hours? Do you think there are more assaults in those times, or potentially more?

Mr BUTLER - I believe that the likelihood is greater of being assaulted in those times, and also runners. I think generally the industry gets enough drivers prepared, the casual younger men, to drive, and I know some who carry their own weapons and some pretty vicious weapons to defend themselves if necessary, not big things but some little short pretty severe weapons I have seen. Also the younger ones can make some fairly good money but I do not think you would get too many people of my age and physical condition or David's working those hours, but I do not know for certain.

Mr HALL - Would an earlier closing time, say 3.30 a.m. as has been suggested, as has happened in Newcastle and other places, rather than 5 a.m. make a difference, do you think?

Mr BUTLER - I really would not know. Possibly. In principle the less alcohol that someone is consuming, the less likelihood there is going to be a severe assault. Only to that extent.

Dr GOODWIN - Ross, how do you think the prepayment idea will go? Have you heard of any other State or Territory trying that?

Mr BUTLER - I am not aware of it, Vanessa. I am not aware of any other State. We are allowed for any reason we think valid to seek a deposit. As far as I am concerned, a deposit is a bit more than my estimation of the full amount. It is not just 50 cents deposit or something of that nature and I really agree. During day-time driving on occasion I have asked young fellows for a deposit and they look a bit taken aback, and if they ask why, I say, 'Because, son, you can run faster than me and if I thought I could run faster I would not bother'. On three or four occasions they have paid the amount. I think people are a little affronted and think that you are suspecting their honesty, but let us face it, it is somebody you are probably meeting for the first time and are never likely to meet again. When we have regular passengers you would not bother asking at all. Especially, too, when you pick up someone at a rank. If you pick up someone at a stated address and you see them come out of the house, that increases your confidence that you have some contact to go back to. But still it would be very handy, especially when you are dropping people off where there is nowhere to stop and you are illegally stopped in a lane and you want the cash transaction to be very quick. If they have paid in advance in a suburban street where there is no traffic congestion, they just have to get out of the car and away you go at the end.

CHAIR - What is the average of runners, as you have called people who are not paying?

Mr HARRISON - Very few, I think. I drive rarely these days, just the occasional weekend, the occasional night, and probably get one every 12 months. You get a feel for people when they get in. I quite often ask for money up front. Obviously if I am in town and a young guy gets in and wants to go to Bridgewater, I would not go without getting the money, and most young people understand that now. If anybody argues about it I say, 'Well, jump out and go somewhere else, I am not taking you'.

CHAIR - Of course there is that offence, as you know, of evading the taxi fare.

Mr HARRISON - Yes, but that is a waste of time anyway. I have had a couple over the years and got the operator to call the police and you sit there for an hour. You cannot work, you are sitting there waiting for the police to come and in the end you just give up.

Mr DEAN - Ross, having regard to the position that both of you have identified about the perception or reality, whatever it is, of police reluctance to be involved with taxi issues, what percentage of assaults on taxi drivers and other offences would now be reported to police? Has that created any difficulty there?

Mr BUTLER - I could not give any particular figure. Certainly there is a general perception that unless it is really serious, you just do not bother and likewise, frankly, with the runners. I have not had direct personal experience, I have had experience of a runner, but not of an assault, apart from the one that I mentioned in Eastlands where I was nearly the second victim of the assailant, but there is the general belief. I feel for the police because the people talking like this generally say that the magistrates let them go in any case, so they sympathise to a certain extent with the police for not wanting to go through the paperwork. But I keep on thinking back to the story I read in the press probably 30 years ago now about the New York zero tolerance, and you are all aware of the zero

tolerance philosophy and so on, and how much that improved the on-the-ground conditions for people and cooperation with police.

Mr DEAN - It did. It changed the way that New Yorkers saw things - a huge change.

Mr HALL - You did say there was a liaison officer, did you not?

Mr BUTLER - David did, yes.

Mr HARRISON - I did, yes.

Mr HALL - So that has not helped the situation?

Mr HARRISON - When Robin Jones, the Manager of Combined, rang the liaison officer, suddenly I got a call from the policeman who took the statement originally. I just could not get anywhere until then. To me, somehow or other, there should be some way. I tried everything to get something done from that and I just could not. To me, that is just a pretty poor set-up.

Mr DEAN - Ross, are you saying that on the inquiries that you made, and you put it out that you wanted information on incidents and assaults and so on, is it the perception of taxi operators and drivers that violence is becoming greater and towards taxi operators in particular? What is the position there?

Mr BUTLER - No. I know Taxi Combined, one of the companies I work for, put the message out. I do not know whether United Taxis, the other company I work for, did, and David was the only person who responded and rang me when I made my mobile phone number available. I do not think there is any perception that there is any increase in violence at all. As I said at the beginning, a general overview that I received from talking to people, and not those who had had experience of violence, apart from David, was that it is no more, no less than the general violence towards shopkeepers and other people.

Dr GOODWIN - I wondered whether the association keeps any statistics on violent incidents against taxi drivers?

Mr BUTLER - I am pretty certain they don't because I asked Taxi Combined Services, which is pretty close to the Tasmanian Taxi Association through Toby Green's involvement in both the association and the company, and neither Taxi Combined Services nor United volunteered any statistics and I frankly suspect they do not keep statistics.

Another point which I thought of making and which is possibly not really relevant to this committee, is that I believe that the taxi industry needs a very strong body to speak for operators and drivers. I know Peter Cooper, a Clarence City councillor who drives a cab, wants to see set up a TOAD, a Taxi Owners and Drivers organisation -

CHAIR - That is so you can frog-march them into court I suppose.

Mr BUTLER - Yes, absolutely, Mr Wilkinson.

Laughter.

Mr BUTLER - but for various reasons, over the years, they have just not been united in a union nor a very valid, I don't think, taxi operators association. That is my judgment of it, not like other industrial organisations like teachers that I have been involved with.

Dr GOODWIN - I guess it is a bit difficult to get a handle on the unreported incidents and probably even the reported incidents.

CHAIR - Gentlemen, thank you for coming along and thank you for giving your evidence. I cannot tell you when we are going to conclude the investigations but I would say there will probably be a report out early next year. Hopefully that will be the case but it depends on when we can get all the evidence together.

THE WITNESSES WITHDREW.

Mr STEVE OLD, Mr PAUL JUBB, Mr DARREN BROWN, AND Mr PHILLIP CAPON, AUSTRALIAN HOSPITALITY ASSOCIATION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Gentlemen, thanks for coming along.

Mr JUBB - I think Steve's going to lead, but can I just say I have a funeral to go to at two o'clock so I will need to leave probably at about 20 to.

CHAIR - We might have to call you back again because we are tied to times. I think the time is from 12.30 to 1.15 so you will be able to get to that.

Mr OLD - If you want me to, I will start off by just introducing who is with me so the committee is aware of who they are. My name is Steve Old. I am General Manager of the Tasmanian Hospitality Association, which is a combination that officially happened earlier this year, which is a merger of the Australian Hotels Association in Tasmania and the Restaurant and Catering Association in Tasmania, so we are now the Tasmanian Hospitality Association. Paul Jubb is the President of the Tasmanian Hospitality Association, and under the Tasmanian Hospitality banner under our board structure we have three presidents. Phil Kapon is President of our Restaurant and Catering branch, Darren Brown is President of our Australian Hotels Association branch, and Robert Humphries is our Accommodation President, but we did not think there was a need for Robert to be here today. What I was going to do is give a brief introduction from our industry's point of view and then you guys and ladies can fire some questions about whatever you want, but we thought if we give a bit of a brief overview to start with, then we might cover off on a few comments.

One of the things I did was read the extracts from the Legislative Council *Hansard* on Tuesday 13 October, which is when I think this whole committee was formed and started. The first comment I want to make is that back in October 2009 there was a lot of media scrutiny, not only in Tasmania but around the country in relation to violence on the streets and violence in the community, and those sorts of things. Obviously, from an industry point of view, we believe that a lot has happened in the last 12 months since this committee first started and we are going to give you some details in relation to that. One of the things that we need to be mindful of is that when the media grab hold of an issue it becomes a bigger issue sometimes than what it actually is, and I think this has been one that has been drummed up into a really big buzz story, which, as I said, in the last 12 months we believe has actually calmed down.

We just want to make it on record, and I know that the police have already been here, that as an association we have worked extremely hard in my three years of the association to form a really good working relationship with the police and obviously from Darren Hine and Scott Tilyard down, we believe that the police are doing a good job and that we do have a good relationship with them. There has been a lot of committees and structures that we have put in place with the police, like local liquor accords and other things, that have really enabled the industry to take a leadership role in the whole alcohol debate in the State and also in the country.

Jim, you yourself and I think just about every member on the committee made a lot of reference to start off with in relation to drugs and that is one issue that we really want to

put on the table. We appreciate that alcohol is a dangerous commodity if it is not sold and served responsibly and looked after, but the one thing that we have tried to talk to the Government about over many years is that there is a drug issue in the country and there is a drug issue in the State, and if we continue to put our heads in the sand then we are never going to get to the true indication of what is happening, so we never for a minute step away from our obligation with alcohol because it is a dangerous substance as well. But the industry, to be honest, is sick and tired of people attacking the industry and not taking a look at the drugs side of it because the drugs is a massive issue, but I think by governments it is seen to be too hard to deal with, so it is basically ignored and they say, 'If we cannot tackle that issue then we will just hammer the shit out of the publicans'. And to be honest, the publicans are sick of it and the industry is sick of it.

We are, and we will prove that we are, at the forefront of trying calm harm minimisation but, as I said, we want to make sure that people also respect that there are some other factors out there. We appreciate - I saw in a lot of the *Hansard* comments - that the committee actually made reference to that. We just want to put that on the record from the start.

One of the issues that we will talk about throughout our conversation is that 70 per cent of alcohol, if not higher, nowadays, is purchased and consumed off premises, and that simply means it is purchased from bottle shops and other places and it is not drunk in hotels, restaurants, cafes, et cetera, so whenever we are talking about the availability of liquor and all those sort of things, the one thing the industry will always argue is, it is safer to drink at a licensed venue where there is responsible service of alcohol and those provisions that go on, rather than it being sold and purchased and drunk in parks, homes, those sort of things where the RSA principles are not as strongly adhered to. Obviously, the whole community would be aware that if a publican, or one of their staff, serves someone who is intoxicated then there are heavy fines that can be put on, not only the licensee, but the staff member, and that means that the livelihood of that publican is at risk if they do the wrong thing. But none of that happens if alcohol is purchased and consumed away from premises, so we do want to put that on record that it is a major issue for the industry.

As we talked about before, I know there is a lot of conversation in relation to lock-ups, and I know that you will probably ask me some questions, so I am not going to go too in-depth with it. But, as we have said for a long time, Tasmania is a unique industry compared to what it is in New South Wales and other areas; we do not have a high nightclub volume, as in we do not have 30, 40 nightclubs out there. We only have a limited number and it caters to the young people who want to go out until five o'clock in the morning. Most of us sitting around this table are not doing it anymore, but there are a lot of young people out there that want to go out. They do not go out until midnight, or whatever, and they want to be out there until five o'clock in the morning. That is what they do and that is what the market caters for and the market is the size it is because it caters for that part of the industry.

We are happy to take a question on the Newcastle stuff later on, but not only was lock-outs part of what they did in Newcastle, there was a raft of other things that happened at Newcastle that all helped drop the issues of violence. Obviously lock-ups was one of the focuses that the media jumped on, but there was a lot of other things that were done around that that helped deal with that situation.

CHAIR - It is interesting, though, with that because, as we were told previously, the majority of the violence that takes place takes place between 11 p.m. and 3 a.m. So here you would have the lockout at 3 a.m. or 3.30 a.m. and that is not the major statistical evidence in relation to when the violence takes place, so it is an interesting point.

Mr OLD - It is an interesting point, Jim, and we have had this discussion with the police, and we have had this discussion with the Government and the police association, and I know you have chatted to two of those already. One of our issues in the industry is also about the fact that if statistics say that the most trouble happens out on the streets, whatever it might be, between 12 and 3 a.m., that is the time when we have the least amount of policemen on the streets. You can walk through North Hobart between 8 p.m. and midnight on a Saturday night and bump into 12 policemen going in and grabbing a coffee, or whatever, and walking through the streets, but then the statistics state between 12 and 3 is when there is the most trouble. Then the conversation is if that is the case, if it is costing our industry hundreds of thousands of dollars every year to put security on their doors and do the best by inside their venue then at some time the Government has to come to the party and actually put their security on the streets to deal with that part of it at the times that are required. We have said that for a long time.

As I said, I think, Greg, you made some valid comments in the introduction when you spoke to us first. As I said, we accept our dealings with it but there are a lot of other things about mental health issues, lack of respect for the law, bullying, violence in schools, lack of education programs - all that - and we support that.

As an aside, one of the things that I am involved in through my Hobart Chargers hat is a program that Anthony Stewart does which they are starting off down at Huonville at the moment, which is about going into schools and being role models. They have bumped into kids who are 12 who have come to school who have been drunk and intoxicated on drugs and all those sorts of things. What that program is about is going into schools and being role models and leaders and talking about not only getting active but it is about leadership - if you have come from a bad background how do we help you through those things?

One of the things - and I am happy to deal with that later - that you might do as a committee, if you have time, is ask Anthony Stewart to come along to your committee and hear from him what programs he is starting to run in the community with kids to talk about some of these issues that Greg raised because I think it would be very worthwhile for you to hear some of the things that are being instigated in the community and how we are trying to deal with these things. He is going to try to seek some support from the Government on this and I think it would be worthwhile, if you have the time, to call him in and ask him about it.

CHAIR - One of the issues there, I was speaking to Phil about it a couple of days ago or yesterday, is in relation to the culture that we are in as opposed to the culture in Europe and places like that where because of their culture people are drinking wine probably at an early age, young kids, but they appear to know how much they can drink and they do not drink it to the excess that we drink it. That seems to be our culture at the moment. We wear the night before sometimes like a badge of honour as opposed to saying we made fools of ourselves; we are not going to do it again. Sometimes the bad decisions

we make are the good stories the next day and people seem to accept that and seem to think that that is good; we are going to do it again. So there is a whole new cultural thing that we need, isn't there, which is an educative program that needs to be taken into account at an early age as opposed to what is happening now.

Mr OLD - I guess to quickly answer that Jim, as an association we have put programs to the Government previously - to Michael Aird - in relation to taking the educational side from an association point of view, saying we need people out there in schools educating kids from a young age about responsible consumption of alcohol. What is alcohol? There is myth that when you turn 18 there is something magical that happens behind a pub door that you want to get to. What we are trying to say is let us not put our head in the sand and say that there needs to be some sort of education done on that and teaching kids about responsible consumption. Alcohol is going to be around for a long time but there is a thing that our industry wants to do and it is responsible consumption. We do not want drunks in our premises because they do not make us money, they cause us trouble, but we need to make sure that there is that face. We have as an association tried to seek funding on that and have been knocked back.

Our issue is when is someone going to actually put their hand up and say, 'Okay, let us tackle this.'? We have role models out there, as I said, the Anthony Stewarts from the basketball team. There are people like David Foster out there who are screaming out to be a role model for kids in certain areas and I have said this to the Government, 'Why aren't we utilising these people to go in and actually sell some messages?' There is a lot of money we spend on some projects but there are some really cheap alternatives that will get us some real results.

Greg made a comment in the *Hansard* about booze bombs served in Melbourne pubs and the level of alcohol in these things so we want to put on record that the AHA does not support those sort of things, and Paul will talk about that at a later stage. Rapid consumption of drinks, the high-level spirits and all those sorts of thing, are not things that our association supports and we actively as a policy say that to our members, so we want to put that on the table right from the start. Happy hours and all those sorts of things are not things that we condone as an association. We have been working with the police and other authorities as part of liquor accords to make sure that where possible, when the ACCC does not jump in, things like price fixing can be something that can be put on record when it comes to alcohol.

Mr CAPON - I think it might be worth describing the situation we found ourselves in some time ago when the happy hours were a concern. We had heard some rumblings about young female customers out and about having too much to drink and then getting into bother - being sexually assaulted or worse. So we made some reasonably heavy comments about harm minimisation. We have had three officers from the ACCC in Canberra arrive on the doorstep and give us a bollocking on price-fixing. Not one word was mentioned about price or price-fixing. We talked about harm minimisation, because we are obviously concerned that the pubs' young customers go out and get into trouble. Our potential customers that come to the restaurant get frightened off, 'I wouldn't go to Salamanca, it's a scary place'. We don't want that happening, apart from let's do the right thing. But I am still appalled months later that we had heavies from the ACCC giving us chapter and verse as to why we couldn't mention prices, and we had made no mention of them at all.

Mr OLD - And some of the comments that I think you made, Ivan, in relation to Launceston from your experience - I know from talking to our Launceston guys, the one thing that industry has been a big player in in the Launceston area with the Launceston Liquor Accord, and we were only talking to a couple of our board members from Launceston, like James Harding et cetera and some of the young guns up there, about some of the things that the industry have actually done working with the taxi companies, the council, the police et cetera to really try to clean up the Launceston area and the north, and it has been very successful. The industry is very much part of trying to make sure we fix the problem as well. We appreciate we are part of the industry and we are a big part of it but, as Phil said, harm minimisation is a big issue for us.

Mr DEAN - The Launceston Liquor Accord, that is a group that has been set up, isn't it?

Mr OLD - Yes. They have set up their own committee.

Mr DEAN - We were trying to get the name for our committee, because we thought we should invite them along at one stage.

Mr OLD - James Harding is the new chair. He is one of our board members and is the owner of Irish Murphy's and Hotel New York and the new Manhattan Wine Bar up in Launceston. We were going to try to get James to come today but he has had to go to Melbourne. They are doing some great things up there and, as I say, that is part of the industry being very proactive. The hoteliers up there are the ones who are the chair, treasurer, secretary et cetera of that group with support from the council, but it also involves the police and liquor and gaming and all those sorts of people, and it is a community that is doing some really good things, as we are down here. There are some different committees down here that are working on liquor accords and stuff. The liquor accord hasn't been signed off on but there is a Hobart partnership group that involves the police, the council, the AHA and Metro. Target is the lead store for business, and there are some really good things happening. We are not sitting on our backsides waiting for other people to fix it. We are trying to do it but we, like you, need the support of government in some areas too to actually support us, because some of our issues are that there are a lot of liquor licences being handed out to people, and the process to get a liquor licence is very easy. We get the piss taken out of us by the Liquor Commission when we go and object to someone getting a licence, because we are in the industry, but we firmly believe that there needs to be a more thorough process in relation to people who apply for liquor licences to get them, because you are going into an industry that is selling alcohol, it does have its dangers and it does need to be done responsibly. As I said, as an industry body we have fought for changes to the Liquor Act for a long time, and it has fallen on deaf ears, and some of the things that might come out of this might be some recommendations to look at the liquor.

CHAIR - And especially areas where the licences are supplied as well.

Mr OLD - Yes. The way the Liquor Act is specified is that the onus is on the objectors to make sure the licence does not get up, rather than it being on the person applying for the licence to prove why it is in the best interest from the social point of view. It says it has to be in the best interests of the community, but the emphasis on that is on the community to kick up a stink and get it knocked over, rather than it being on the

applicant to say, 'Okay, there are five boxes I have to tick off, and that might be I have to get the tick from the police, the local government, whatever it might be. I have to make sure I have a proper traffic plan in place et cetera. It should be on the applicant to have to go through that process, not on the community to object to it and find out reasons why bottle shops shouldn't start. It should be on the applicant to prove why the bottle shop should be needed, or the new pub or restaurant or whatever it might be, so we think that process needs to be looked at, and if that is something that comes out of this, then -

Mr DEAN -There are some questions on that for you about bottle shops and the ease of getting the licences, and we know there is one down at George Town and another one at Ravenswood and popping up all over the place.

Mr JUBB - Kingston is your classic example.

Mr DEAN - Kingston is a good one, yes, the ease with which they can get them and as to whether or not the law needs tightening up and changing, and you have already mentioned that.

Mr JUBB - I think discounting then comes into it. You have more operators competing, obviously, and then it is all about the discounting.

Mr OLD - We could keep going, but we will hand back over because of the pressure of time, and we will probably cover our answers as we -

CHAIR - I was going to say, did you want to hand it to the others to have a bit of a chat, or would you just rather questions?

Mr OLD - It is probably best if we just get questions, Jim, because I think you will flush out the answers as we go.

CHAIR - One thing that really concerned me about it and one of the reasons that I spoke with Greg about getting the committee up and running in the first place was that there has always been violence and unfortunately there is probably going to continue to be violence, and all we can do is do what we can to ensure that it does not increase; hopefully we can reduce it. One of the main things that has concerned me is the intensity of that violence. It would seem that on the statistics, even though some say that it has increased, especially with the youth and especially with females, what seems to have increased and you see it in courts day in and day out, is the severity of that violence. Have you noticed that in the industry that you are in and what do you believe is the cause for that?

Mr JUBB - I think you are correct. I am 55 and I have been in the alcohol industry my whole life. if you look at when I was growing up, hotels were a less safe place to be, particularly the front bar. I think the front bar is changed now; we have a very safe environment. In those days you would have maybe one or two thugs that would be in the bar, but I think if you were assaulted it did not go overboard, and you have this propensity now for stomping on people, glassings, and I truly believe it is related to the mix of alcohol and drugs.

CHAIR - That is my belief, but I am not an expert.

Mr JUBB - I believe that in general, the numbers of assaults would have reduced, but you cannot not report a glassing or where you have been stomped on, or your leg is broken and I think it is definitely the drugs. If you have experienced that with security, as someone mentioned before, it takes four and five people to hold down someone who could be jockey size. So it is just not alcohol.

Mr OLD - The bit that it leads back off, I think, Jim is what we said before about the purchasing and consuming of alcohol off premise. The majority is now that you get it, you drink it at home and then you come out. The issue for us as an industry, is our security numbers, as in costs, and numbers of people, has gone through the roof over the last couple of years nationwide, but in the State, because you have to protect your premise and you have to protect your punters inside the venue. That is the key for them. Our issue is that the only thing we have responsibility for is inside our venue and around the close proximity of. The one thing we have tried to get to people is, what would you do if two young guys sit at home all night, have a carton of beer and then have a few smokes or whatever, or take whatever pill, rock into the door of Customs House and then at the front door the security guy says, 'Sorry, boys, you are not allowed to come in.'? They go, 'Got to come in because my girlfriend is in there.' 'Sorry, boys, you are too drunk, you are not coming in.' Then they start a fight outside the door with two guys in the line who say, 'Mate, can you get out, we are trying to get in.' A fight starts, the police come along - and we have had this conversation with the police - the police come along arrest those two guys, take them away and then they look and go, 'Where was that again?', 'That was Customs House,' so that gets marked for a cross, whether they like it or not.

What happens is that Customs House gets a black mark. Our question to the authorities is: what did Customs House do wrong in that situation? They are told to not let the person in the venue, they are not allowed to. They have done their right, responsible thing, and this is the message that we are trying to get out: the industry takes their responsibility seriously, they have security. We are happy to play the role that we do, but we do not want to be seen as the bad guys all the time. What we always say to the Government and other people is, 'You tell us what that pub did wrong and what they should have done' and they go, 'Nothing, they did exactly right', and we go, 'Well, why did they then get a black mark? and the industry gets the bad name, as in the publicans, when they have not done anything wrong. That is where we get frustrated.

Mr JUBB - The cost of drugs, too, it is \$20 roughly for a tablet to have the same kick and effect of maybe \$100 in alcohol. So you have that scenario if the kids are on a budget and they are 18, they are bulletproof, they will have a propensity to risk it and take those drugs.

Mr OLD - I recently had a letter written to me from Duncan Kerr, through Economic Development, which I had to reply to, which was saying that the Government now wants to look at legislating about venues having to provide free drinking water to patrons.

Mr DEAN - I had that down here to ask you whether free water jugs are available.

Mr OLD - The majority of venues do provide free water, but what we have said to them is that it should be like liquor is, the responsibility of the staff to decide whether they do

provide that free water, because publicans will tell you that there will be certain clients that will just come up and grab free water most of the night, they do not drink a cracker. They are having the water for a reason, so there needs to be some level of authority for water to be provided.

CHAIR - Because they use other substances, don't they, with the water.

Mr CAPON - They get themselves into a lather dancing frenetically and yahooping around and then they need to re-hydrate, but they make no purchases.

Mr JUBB - Yes, and you provide free entertainment, you make sure they are secure in having security there. To me it is a business decision.

Mr BROWN - As an example of that, I employ 75 mostly young people now and I had a situation not that long ago where with the kids who were about to go out - I call them as if they are my kids - the discussion was whether they had enough money to have a night out on the drink or whether it was cheaper to go and buy some tablets and have their night out that way. This is a discussion that is taking place at work; they had knocked off and that discussion took place. Obviously I tried to counsel these kids, but they are the decisions they are making and it was all about price.

That is the other point that Paul made. With so much liquor being sold off premise the price is being driven down through competition and it is not one industry that needs the price driven down, we actually need the price to go the other way. We do not need competition in alcohol. There should be a set level of pricing so that it is not about let us go and buy the cheapest bottle and get drunk quickly and then go out. That is the thing that has changed.

Like Paul, I have been in this industry for 30-odd years, this is all that I have done, and what has changed is that we used to drink and the end result of our drinking would be at some time in the night we would end up at a point of intoxication. We may or may not have achieved what we set out to do which was to find someone of the opposite sex -

Dr GOODWIN - This is an insight to me now.

Laughter.

CHAIR - You don't want it in camera, do you, Darren?

Mr BROWN - We would then go home and sleep it off.

What is happening now, and I see it with the guys I employ, is the very first hour is about drinking to get drunk then they will go out, and that is the change. When I had had a few drinks I wasn't capable either of the other things that I have just mentioned, where now they are up and about and hyper by the time they go out. They are fully intoxicated but the alcohol has not slowed them down, it has actually lifted them the other way, and that is what we are seeing now where this rapid consumption is the problem that is changing the culture of drinking.

As I say, we drunk for the enjoyment of drinking and the other things that went on. They now drink just to get drunk and it is a different culture than what we were brought up in.

CHAIR - You have noticed that over how many years?

Mr BROWN - It is not that many, it really isn't.

Mr JUBB - Maybe 10 years.

Mr BROWN - It has been around a while but I was going to say five to 10 years, and it really has changed.

Mr JUBB - We have been at Customs since 1992 and I reckon for the first eight years we never had any security, we did the security ourselves, but you just could not do that now. You could not rely on the type of clientele that might come.

Dr GOODWIN - Some of them go out for the sole purpose of picking a fight. That's a good night out.

Mr BROWN - Absolutely.

Mr OLD - You are right, Vanessa. They don't have any intention of going into a pub either. That is the other issue.

Mr CAPON - Yes, they are just brawling in the streets.

Mr OLD - That is part of their fun night, as you say; that is what they get their kicks out of.

Mr BROWN - The classic example is one of our colleagues in the industry who had had a large night out. He was walking home - a guy much bigger than me - and three guys decided to give him a push. After he fell, one of them jumped on his leg across the gutter and that guy still hasn't got back to work two years later. And there was no issue. There was no discussion, there was not an argument between them and they did not take his wallet; it was simply, 'We will have a go at this fellow for the sake of having a go at this fellow'. It was not in a licensed premises, he was walking home, and that seems to be their night out, to get their kick out of the fact that this is what they did for the night.

Mr JUBB - You can tell too with the product that you see in the street, the cans of Woodstock. There would not be a venue within this area that would have a can of Woodstock in their fridge but that is the type of rubbish that you see in the street of a morning. I come to Customs and do the old sweep-up in the morning and it is these sort of products that are there so they are bringing it, drinking in their car -

Mr DEAN - Yes, and tossing it out.

Mr BROWN - We used to put Bourbon off our shelves years ago late at night because you would not serve it. Now we have put it in cans and everybody has it.

Mr HALL - Steve, you mentioned the subject of Newcastle so we had better have a little bit of discussion about that and we had evidence given to us about the 3.30 a.m. closing as

opposed to five o'clock. Some of the evidence was pretty positive in the reduction of violence. Could I put it to you that I suppose Newcastle is like a big Hobart and it has a waterfront area as well but they obviously had some pretty severe problems. Then on the other side, if you would read some of the AHA stuff, it has had a very detrimental commercial effect for some of those hotels there as well. Would you like to make a general comment about the whole Newcastle experience from your point of view?

Mr OLD - I have never been to Newcastle so I have never seen what it is like but I have chatted to the AHA people in New South Wales and also about the clientele as in the employment-type side of what is in Newcastle where there is a lot of, as I understand it, big industry-type groups. So the market you are talking about are the people who probably go out drinking slightly different to us. But some of the detail the AHA gave me from there is that whilst the Newcastle restrictions caused some drop in assaults, they note that nine of the 14 hotels either closed, went into receivership or sold. They saw a drop of over 20 per cent in employment across the hotel sector in Newcastle:

'These restrictions have decimated the late night economy in Newcastle as well as the once vibrant live music industry in Newcastle. It should be noted that there was also a variety of restrictions placed on the Newcastle hoteliers in addition to earlier closing times and lockouts. Many of the hoteliers also put in place a range of their own proactive initiatives. However, whilst their restrictions have caused some reduction in assaults, what has not been addressed in Newcastle is the issue of under-age drinking, drinking on public transport, antisocial behaviour in parks and other unregulated areas as well as the complete lack of transport in Newcastle.'

They said:

'The hotel industry in New South Wales directly employs 55 000 people. A 20 per cent reduction in employment across the State if these restrictions were replicated would be devastating.'

From our point of view, we have over 23 000 people employed in the hospitality industry, which is obviously restaurants and pubs, and if we started to get reductions like that, that would be massive for us down here. What the industry over there is doing is working with the Government, the Opposition and other stakeholders on education and personal responsibility initiatives as well as generating real change through a range of local solutions through their 147 local liquor accords which, as I have said, we have here and we are an active part of.

'It should be noted that the recently released BOCSAR data showed a 10.8 per cent drop in assaults across licensed venues in New South Wales. This was in no way related to the Newcastle restrictions but can be attributed to the range of rearing proactive initiatives by licensees and other stakeholders across the State.'

CHAIR - What was that, Steve?

Mr OLD - The BOCSAR report. It was a report put out - I cannot think -

Dr GOODWIN - Bureau of Crime Statistics and Research, New South Wales, I think.

Mr OLD - Thanks, Vanessa. As I said at the start, Greg, they say that the lockouts were part of, say, 10 things that happened. It is very easy to then pluck it out and say that lockouts fixed the solution here. The issue for us is, and we have had these discussions with the police and other authorities, that as an industry there is no evidence to suggest a lockout at 3 a.m. in Hobart or Tasmania is going to have any effects. We do not have as big a nightclub market as other States. If you look at the waterfront, there are probably only about four or five venues that open after two or three o'clock in the morning anyway. There are articles in the paper in the last few days about why kids are leaving these shores. They are leaving for better job opportunities and they are leaving because they do not want to see Tassie turned into, like they are saying, a nanny State.

The fact is that, as I said, none of us around this table go out until 2 and 3 in the morning, but there is a segment in our community that are the younger people, the 18 to 22, 23 market, that want to do it and the market that is there at the moment caters for them. There are not more nightclubs starting because there is not a bigger market that is required. But if you want to start closing them down or locking them down, then you are cutting out that segment of the market that chooses to do that. There is no evidence to suggest to us that by doing a lockout is going to reduce the on-street violence that is happening now.

Mr JUBB - It is a discriminatory policy, too. You find that all your shift workers, be it taxi drivers or our industry, come to a venue completely sober at three o'clock and we have to exclude them. I think that is totally unfair and it creates several problems. It will create problems as much as it might make that go away. I can understand the situation because you have a lot of people moving around in a small space and if you look back a few years now, this is a big pre-ACCC, I think Geelong had an accord that made the venues charge a cover charge, and then the kids went to that venue and they made a commitment, and it stopped the migration around the area. We cannot do that anymore, I think, but it needs a combination of policies. The Licensing Commission I think are very regulatory, but they are not proactive when it comes to harm minimisation.

If you look at, say, the Queensland example - and I will give you that document - that is in their regs and it has a raft of measures such as if you have a liquor promotion, what is acceptable, what is not acceptable. What is not acceptable is that it creates excessive consumption and it goes for three hours. What is acceptable maybe is that you have a promotion that goes for one hour and it does not lead to rapid consumption, so Licensing do play a big part in this, I think, and they need to be strengthened or get a proactive licensing commissioner that wants to address those problems.

Mr DEAN - Should there be an entry fee into a licensed premises, say, after one o'clock in the morning?

Mr JUBB - That is what the Geelong accord did. That would fix the problem as opposed to locking out people. I think in those days it was \$5. You will find that they make a commitment to a venue and then they won't want to pay another \$5 to go into another place and then another \$5.

Mr DEAN - Should we introduce it here then?

Mr JUBB - I would advocate that.

Dr GOODWIN - We used to have cover charges way back when I used to go out - last century.

Mr JUBB - Now we have no cover charge and there are certain renegade venues that are not members of us that do all this two for one, \$5 jugs.

CHAIR - I was going to ask you about those, the \$5 jugs at 5 p.m., \$6 jugs at 6 p.m., that type of promotion to try to bring people there, get them to drink as much as they can as quickly as possible, and then they either stay, fall over or go out to the next venue.

Mr OLD - That is another issue that is faced by the after 12 o'clock licence people, that if you do start those sorts of things at six o'clock, seven o'clock, eight o'clock, whatever it might be, the places that open after 12 are then dealing with the repercussions. But it is not only that, Jim, the other factor is it is an increasing thing by the Hobart City Council to run events like Beerfest, Taste of Tasmania, that started off as a family affair and over the last couple of years is now running to one or two o'clock in the evening. Our answer to council is that there seems to be a lot of events for us that are starting to come into the marketplace, especially in the busy summer period. What is Beerfest about? It is about drinking as much grog as you can in four or five hours, and then what do they do? They do it up on the Domain and then they send them into town. Who deals with them when they get to town? The venues have to deal with them. One of the other things we have to remember is that over the last five to 10 years smoking laws have changed dramatically, and in no way does the industry say that they should not have banned smoking indoors and all that sort of thing, but the thing we have to remember - and there is no simple answer to this -

CHAIR - Paul was giving me a hard time quite a few years ago.

Mr OLD - The smoking laws have meant that people going to nightclubs go outside for a smoke so what it has done to a lot of venues is that you have your insiders but then you've got your big groups that congregate outside that want to go out and have a smoke. That unfortunately means that when people go into venues, even if it is before 12 o'clock, you still get your congregations of people outside because they want to go out and have a smoke, and that is reality. We can't do anything about it, but we have to be mindful that over the last five or 10 years that has been a major change in law, which has probably meant that a lot of people do congregate outside venues a lot more than they used to, to smoke.

Mr CAPON - But they are at risk when they are off the premises or outside the premises because you go back to the guys that have been refused entry and they are looking for trouble. They see some attractive woman talking on a mobile phone having a cigarette or whatever, and she is at risk.

Mr BROWN - May I go back to the point about the happy hours and promotions? We have tried through our industry association to really reel these in, bring the venues into the tent, if you like, and we get absolutely no help at all from the Licensing Commission. It

is really a case of, 'Sorry, we can't be involved here'. As Paul said, I think it is something that perhaps should be their job, to actually get involved at that level as to what is reasonable consumption and what isn't, as opposed to us having the ACCC on our door because we are trying to ban happy hours.

Mr JUBB - And pricing. That was the thing. They are trying to put an accord together without any relation to happy hours.

Mr BROWN - Because we can't talk about price.

Mr JUBB - That is a key to an accord; it is really to not have the discounting.

Dr GOODWIN - What sort of coverage does your organisation have in terms of hotels in Tasmania? Do you have most of them under your umbrella?

Mr OLD - We have about 70 per cent of hotels.

Dr GOODWIN - Paul, you mentioned glassings, and one of the suggestions that has come out of the submissions is around reducing the use of glass after midnight or whatever the peak time is. Is that a worthwhile suggestion, do you think, or are there some issues with that?

Mr JUBB - To be quite honest, again it is a little bit like lockouts, the majority are going to pay because the product is not as good to consume alcohol out of, I think, and a lot of places have non-shatter glass. To be quite honest, I would not be an advocate for it because I think mostly there are a few glassings but then you have the issue of stubbies and that too. Then people who buy a \$10 stubby want to drink it out of the stubby because that is the image sort of thing.

There is a product that is going to come onto the market that Coca Cola and their Blue Tongue Brewery are looking at and that product will be as good as glass but it is a poly product.

Mr HALL - Yes, in the states now that is what they have.

Mr JUBB - A lot of technology is going to come over the next couple of years and it would be worthwhile even if you need me to put you in contact with the -

Dr GOODWIN - Thanks, that would be worth knowing.

Mr JUBB - They have chips in them, the whole works; fantastic technology that is just on the horizon.

Mr BROWN - Our reading of it is that the glassings for this State are over-reported as far as a media event goes as to what really is taking place. I have been in the Shoreline now 10 years and I have not had a glassing and we have sold a fair bit of beer. We do not want one, don't get me wrong, one is too many, but as soon as it happens at a venue it does get very sensationalised.

Mr OLD - The last lot that was released in the media was that 51 or 53 glassings happened so far this 12 months or whatever and the *Mercury* ran a front-page article on it but then later on came out and said that they found out more data which was seven out of those 53 or whatever were in licensed venues so 44 or 48, or whatever it was, are in the home or wherever they are. It is an issue; one is way too many but there is a bigger issue outside of the venues.

There was a famous one a few years ago. Again, what was it all based around? It was based around drugs. Two blokes who knew each other were completely off the show on drugs - the police said this - and one glassed the other one. How do we deal with two idiots? Some come in and want a fight and they get their thrills out of it. If they are going to do it, they are going to it and they are going to find a weapon. If it is not a glass, it will be something else that they will find that they will do the damage with. It is just whatever is probably in their hand, and there are stubbies and all those sorts of things.

I think if you are trying to change the glass situation you are really trying to make a cheap political statement to try to get somewhere that is not going to fix the underlying problem is my guess.

Mr JUBB - The Licensing Commission made us change to polycarbonate at Isobar. We had, they claimed, multiple issues and they closed us and they have made us change to polycarbonate, and so far we are the only ones where it is mandatory. So every other venue can have glass but we have to have polycarbonate.

Mr BROWN - And I still have eight-ball cues. They will pick something up if they are that way inclined; if they are going to belt somebody, they will find something.

Dr GOODWIN - Or bring their own knife or whatever.

Mr BROWN - I don't want to go there.

Mr CAPON - It is my strong feeling that education is required. There is obviously a cultural change that has to take place on a couple of levels. The consumption of alcohol and the use of drugs seems to be what we are discussing here but it also seems to be some sort, without getting too pathetic about it and showing my age, value that is missing in our community. I am not saying that is everyone because like Darren, we have 50-odd staff and many of them are young kids and they go on to be excellent, outstanding doctors, lawyers, accountants, engineers and so forth. It has been a wonderful part of my working career that we are able to push those guys out into the community; they are better for having worked in our industry.

They also, because they are the consumers of what we are discussing here, go out late at night. You will see a gorgeous little thing in a short dress with 'eat me' written all over her. She should be safe but we have some pretty mean streets out there. Having lived and worked in this area for quite a lot of time, it really does come down to the behaviour of many members of our community who are not our clients. They have a gutful at home and they have, as Steve said, a couple of smokes and pop a couple of pills, then they are supermen, so, 'That big ugly bouncer is not going to tell me anything'. They want to take this guy on and no-one in uniform is going to stop them. The other thing

that we get, too, and I have mentioned it a couple of times, is this business of Monday to Friday, nine to five policing. The trouble is late at night. We have had very few call-outs to the police, thank the Lord, but when we do have it, 'It will be 45 minutes, the car is at Glenorchy'. Hang on guys, this is Salamanca Place, we have however many thousands of restaurant seats, however many thousands of nightclub goers all around the area and, 'The car is at Glenorchy'. So there are some issues there. By and large we do have a good relationship with the police and obviously they are suffering from resources issues with overtime and just cannot get the bloody boots on the ground. But we need the boots on the ground because we are doing our damndest. We do not have security at work, but my brothers in the hotels and the nightclubs they do and they have security cameras. We have security cameras as well, not because we want to spy on people but because we want people to be safe, 'That guy clocked me in the dial'. You go back, 'No, he did not'. At least we can prove conclusively what is going on. But the expenditure on security right across the restaurants, the hotels, the clubs is enormous.

We would like to see that matched by the guys in blue. Sometimes even with the drug-driven stuff when the boys in blue turn up it will not pull these guys into line. I do not know what you do with that; just club them into the ground, I suppose. But I think we do need that educational, cultural awareness thing happening and we all need to be mindful of it because we are trying to do the right thing and we are not being allowed to.

CHAIR - Have you got a figure as to how much you have spent over the last however many years in relation to what you are just talking about, security?

Mr CAPON - I can tell you about our own premises. We started off just covering key areas, and then I got a bit paranoid. We had a couple of situations where someone fell down the stairs and I thought, 'We will have to put another camera in there', talking to our insurance guys and so forth. As it turned out, there was no problem in terms of any sort of litigation because it was not our fault, but you just have to be belt and braces about this, so I reckon over the last 10 years we have probably spent \$25 000 because what happens is you put in a suite of technology and in five years you have essentially got to replace it because the hard disk drive or the cameras are not good enough, or whatever, so we are currently upgrading ours again and not because we are trying to spy on people, but just because of looking after insurance.

Mr JUBB - With Customs, James Squires and Isobar we would spend \$8 000 a week just on security.

CHAIR - Just on security?

Mr JUBB - Yes, not including cameras.

Mr OLD - I can get you that. We do have a report that tells us about that.

Mr DEAN - If you read the *Hansard* you will see where I raised the issue of responsible serving of alcohol and I put the proposition, I think, to the police and a number of others that you may not have the required number of staff working in your bars to monitor the service of alcohol to people. My suggestion was that we should have a law that for any person in a licensed premises providing alcohol to a drunk, so if a sober person comes up they get all the grog -

Mr JUBB - The secondary supplier type of thing.

Mr DEAN - Yes. Do you see any merit in that?

Mr JUBB - Absolutely.

Mr OLD - It is just like what we have said for a long time, Ivan; we have said to the police that we fully support the police having more power in relation to on-the-spot fines. We have said for a long time in relation to antisocial behaviour that there should be a zero tolerance. I know you have the debates that we cannot send them all to prison, that there has to be education, but from our industry's point of view, there are very strict laws that say, as I said before, if you serve someone who is intoxicated, there is a \$6 000 fine, but with the punter who goes up and gets the drinks for his drunk mate, or the punter that will not leave the premise and just will not go, the police are called and the police try to deal with him and that guy just cops a slap on the wrist of whatever and nothing happens. There has to be tougher laws, and the police have said the same, they support it, and, as I said, from our point of view, we fully support the police having that authority.

Mr JUBB - Over time it has shifted. In my early days you used to call the police and they came down and removed that person. Fair enough, they cannot do that anymore. We have our own security, but they do not have the underpinning of the law. If you say to a person, 'Sorry, mate, you have to leave,' and the police turn up there should be the facility to have on-the-spot fines straightaway, bang. 'You have refused to leave a licensed premises, \$200', whatever it is.

CHAIR - Who gives those on-the-spot fines?

Mr JUBB - No-one currently.

CHAIR - But if you cannot get the police down there -

Mr JUBB - With the responsible service of alcohol, most people will take it well now when you cut them off. We say, 'Look, sorry, you have had enough', and most people take it well. The odd one does not. That has just been education over the period. If you said to this person, 'Mate, if you do not leave the licensed premises it is a \$500 fine. If the police arrive, bang'.

Mr DEAN - It would be a great deterrent, I would suggest, to have your security officers or even yourself say that, 'If you do not go, the police will be here in two minutes and you will get a \$200 on-the-spot fine'.

Mr BROWN - At the moment if the police ask them to leave, they leave and nothing happens. We have had them for the last hour or so trying to sort this problem out.

Mr JUBB - For the city people, we know that they will be there but if you, say, work in the Campania Tavern and the bully in the bar knows it is going to take three-quarters of an hour for the police to get there, he can stand over the young barmaid.

CHAIR - Thanks very much for coming.

THE WITNESSES WITHDREW.

Mr PAUL MASON, TASMANIAN COMMISSIONER FOR CHILDREN, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Wilkinson) - Thanks for coming along, Paul.

Mr MASON - Members, I invited myself, through Mr Wise, after I read the report of what Assistant Commissioner Scott Tilyard said, and what he said was not what the newspaper heading read. The newspaper heading said children are born violent. Scott does not believe that, nor do I. If children are born violent, and if violence and war are inherent characteristics of the human species then, with respect, you should wrap up your committee and do something else. The expectation of committees like this and the parliaments you serve is that you can change culture, you can change people's behaviour. I am not a behavioural expert, I am a lawyer, but I am a family lawyer of 30 years' standing and I have spent the last three years as Commissioner for Children looking at particularly causes of family violence and the effects of family violence. What I want to say about community violence in relation to your terms of reference is that my personal experience of street violence is that there is a very wide acceptance, a cultural acceptance, of a degree of violence that falls short of wounding someone. So I do have some suggestions that I will make later in my presentation.

I think an important thing for this committee to look at is alcohol-fuelled violence, and I am hoping that you have evidence from the police about the level of alcohol-fuelled violence in this community. I went to a presentation last night in fact by Dr Roscoe Taylor, the Director of Population and Preventative Health in this State, and he was explaining the alcohol reduction strategy that has been developed in this State, and he gave us statistics. The police estimate 1 200 Family Violence Act-related offences a year; 6 600 charges related to alcohol a year; about 1 200 family violence offences were alcohol-related according to the police assessment. The 6 600 charges of alcohol-related crime included 3 900 drink-driving offences, but the others are other behaviours which are alcohol-related. I submit that the Parliament must address the alcohol culture in our society, the excessive use of alcohol, and alcohol-related violence, if it is going to make a dent in street violence. Dr Taylor outlined how you go about tackling something like this, something as big as this, something as enormous as this. We have a society where people say, 'I haven't seen you for a while. Let's go to the pub and have a drink', so there is an acceptance of the use of alcohol as a social lubricant as well as a drug and as well as self-medication.

Dr Taylor made the point that when you are tackling a large problem like this, if you can cause a small shift of the entire population away from a dangerous level of alcohol use, tobacco use or any other behaviour that you want to change, driving behaviour or street violence, if you can shift the bell curve to the left, if you like, then the extreme behaviours become fewer in number, simply by moving the whole thing to the left. So the questions are how do you do that, and what strategies do you employ?

We have seen some marked changes in tobacco behaviour, culturally and socially, in the last 20 or 30 years. I can remember a time when I would go to a dinner party and light up a cigarette between courses, at the table, between main course and dessert. I would be less likely to do that now than I would be to throw the chair through the window. It is just completely and utterly unacceptable these days to do that. So how was that

achieved? Did it just happen or was it achieved by a whole range of different inputs? The evidence is - and if you invite Dr Taylor along he would give you the charts and all the rest of it - from the Australian Institute of Health and Welfare, from the ABS, a whole scatter of different strategies over the last 10 or 20 years have changed that entire perception of when and where it is appropriate to smoke. The same could happen with when and where it is appropriate to drink to intoxication, and the same could happen outside of alcohol in relation to when or where it is appropriate to act out, to behave in an overt manner, even in an aggressive manner. There are places where it is acceptable to act in an aggressive manner, and I will come to that in a moment. But back to government strategies toward changing culture, Dr Taylor outlined seven particular strategies: the first is leadership and this happened in relation to HIV in Australia, which is one of the lowest incidences of HIV transmission in the world. Again, not because it just happened, but because in the eighties, when it became apparent there was going to be a problem, there was a concerted Government effort to change culture, to change the way people behaved to limit the spread of that disease. HIV, tobacco and seatbelts are examples that he gave of things where you can actually make a difference.

Seven strategies: (1) is leadership; (2) was primary prevention, which is changing the physical environment to achieve your purpose and so it affects the entire community. Social marketing, which is limited and expensive, but can work if it is part of the rest of the strategy, that is TV advertising about the dangers of say smoking or the dangers of not wearing a seatbelt or the famous bowling ads in relation to HIV. Secondary prevention, which is having a targeted message to people who are, either engaging in risky HIV behaviour or smoking or seatbelts, there was evidence, Dr Taylor says, that if your doctor says to you, 'By the way are you smoking?' The patient thinks well he thinks or she thinks it is important, so maybe it should be important and you say, 'Yes, I am.' And the doctor says, 'How many?' And you say, '10 a day, or two packets a day,' just that inquiry, secondary inquiry has an affect; that is four.

The fifth is access to services. Services that are there to help people who have a chronic attachment to the anti-social behaviour and the final one is law and regulation. That includes things like, in the case of tobacco, taxes; in the case of alcohol also, the evidence is Dr Taylor was saying that the most effective strategy is pricing, volumetric pricing in the case of alcohol, so that you pay progressively more for whisky and less for low alcohol beers.

CHAIR - If I might, Paul, do you think that would assist because the majority of the evidence that we have got to date says that violence is occurring - this is the alcohol-fuelled violence - is occurring between the 18 and 24-year-olds. It is occurring between 11 and 3 in the morning. Years ago some mates of mine used to have the green ginger wine because that would give them that alcoholic rush for a fairly cheap price, so therefore you say well, if the prices go up do they then go for the bottom of the range cheap stuff.

Mr MASON - There are two issues there: one is that this is maybe not a state issue. That taxes and excise are established by the Commonwealth Government, not by the State Government. It may be that there is a role, a residual role - you would have to ask Treasury about this - for stamp duties in order to have a state limited volumetric pricing regime. But volumetric pricing is the key issue there. If you think about, say, green ginger wine -

CHAIR - I don't like thinking about it.

Mr MASON - I must say when I was a young person I used to drink it for that same reason. In those days it was like \$1.30 a bottle. I am showing my age. You would have to drink - it is about as strong as what sherry or port or something, is it not, and that is a fairly high alcohol. You would have to drink a lot of 3 per cent beer to get the same effect as you would from drinking Stones Green Ginger Wine or drinking whisky. So that is how it works. You say to kids 18 to, well I should hesitate here. Rather than 18 the reason I am here as Commissioner for Children is that the drinking levels start to rise at about 14 and they continue. There is not a lot of difference between the drinking rates of 16-year-olds and 18-year-olds. That is all a question of accessibility and price is an aspect to accessibility. If the price is high then that particular alcohol is less accessible.

To answer your question about Stones Green Ginger Wine, if that is priced in the middle, higher than light beer but cheaper than wine and cheaper than whisky, sure, there will be kids who drink Stones Ginger Wine to get an intoxicating effect. They have got to drink a lot more of that to get that same effect and the proof in that pudding is in the alcopops tax that was run in the previous Federal Government. That did show a direct impact on the amount of alcohol that was being consumed by that very age group, the 18 to 24s and I would say that based on the AIHW, the Institute of Health and Welfare data the 14 to 24s. As I said there is not a lot maybe that the State Government can do about pricing except to lobby at the COAG level or maybe look at stamp duty through the back door.

Certainly availability and pricing are connected and availability is related to the number of outlets, it is related to hours. There are a lot of outlets. There is one that has been opened on the corner of Augusta Road and New Town Road at the top of Elizabeth Street. That is opposite a school and it is the most recent one that I know of. I think that is unfortunate. I do not criticise the developer. I do not know whether the council was constrained to grant that licence but in my view it was inappropriate. So that is one thing a State Government can do is to limit the availability through location, types of outlets and time. That is alcohol related violence.

There is other street violence that is not alcohol related. There is street violence that is gender related. Although the gender roles for kids are changing. There is a lot of evidence that teenage boys are more aggressive, more anti-social in their behaviour than teenage girls. Again, going right back to my original point, is that inherent. In which case throw your hands up and give up. Or, is it a learnt behaviour and this is what I thought Scott Tilyard was saying. It is something that kids learn in the home. Kids who grow up in a violent home will learn a number of things.

They will learn, firstly, that violence is an acceptable form of communication. Secondly they will learn that violence is an acceptable response when someone does something that you do not like. So it is a particular statement we are making. I do not like what you are saying so I hit you. I do not like what you are doing so I hit you. It is learnt that it is a reasonable response to frustration or to anger. That if you are frustrated or you are angry you hit the person. One, I think, of the most important lessons that kids learn about violence in the family is not about violence between mum and dad, between the adults, but violence between adults and children. Children learn at a very early age, two upwards, that it is culturally and socially acceptable for bigger people to hit little people.

That is a lesson that they carry forward into the school playground and it is a lesson they carry forward into the street when they gang up on people minding their own business, and it is a lesson they carry through to the workplace, and the Antidiscrimination Commissioner but one before the current commissioner launched a statewide campaign about bullying in the workplace. Bullying behaviour is not something you are born with, it is something you learn, and the evidence for that is overwhelming. My submission to this committee and to the Parliament generally has consistently been that we have a situation where the Government spends a lot of money teaching parents non-violent ways of disciplining their children, and to my mind that is a bit like the Federal Government spending money on advertising against excessive alcohol use. You have an enormous industry worth billions of dollars marketing its product, and then you have a government come along with a drop in the bucket saying, 'But don't drink too much'. It is a cultural thing.

Before I come to my ultimate submission, I come to my penultimate submission, which is this: children model on their parents and on their heroes; they model on their cartoon heroes, they model on their sporting heroes. Now two things are important to notice about our sporting heroes. One is that they are often - not always these days, but often - surrounded by marketing campaigns for alcohol, so it is hard to watch the Grand Final on Saturday without becoming aware that someone is trying to flog alcohol. The second thing is that within the game itself there are rules about how to conduct the game. I used to appear as counsel for the Victims Compensation Tribunal in New South Wales, and I spent a lot of time arguing that things were not assaults when applicants and claimants for compensation said that they were assaulted, so I got quite deeply into the area of sports assaults because some people were pretty horrendously injured -

CHAIR - Then Rogers v Bugden came about, didn't it?

Mr MASON - That's exactly right. The classic statement is Pilanti Stadiums, which is a case where they said boxing is all right provided you abide by the rules of the Marquis of Queensbury, who was the father-in-law of Oscar Wilde at one point. But I got quite deeply into that, and the law is very clear that if an intentional use of force against the person of an opponent is outside the rules of the game it is a criminal assault. It astonishes me, and it is something I think Parliament can do something about, to watch a football match where someone gets a three-match suspension and they show footage of what he got it for, and he has a bloke in a headlock, he has his fist closed and he is going boom, boom, boom and the ball is over there somewhere.

I don't want to offend anybody by generalising, but it is a bit like being a member of the clergy who commits a sexual offence against a parishioner and being dealt with by being moved to another parish, or being reprimanded by a bishop or something. If a crime is clearly being recorded on television in front of a crowd of 80 000 people, the police should be arresting those people, because once that happens once it will stop, and kids watching that game will learn that it is okay to tackle someone, it is okay to shoulder them, it is okay to grab the ball off somebody and chase after them and do all the things within the rules of the game and compete hard and fast to win the game, but it is not all right to apply intentional force outside the rules of the game. I think a simple step like that, getting police to enforce the law where it steps outside the rules of the game, would go a long way to teach children, especially young boys - and these are mostly boys'

sports I am talking about - that aggression and violence have a place and that is where it should stay and you do not take that kind of behaviour outside that environment.

CHAIR - They have tried that, haven't they? Leigh Matthews was charged, there was a couple of people down here that were charged, but they seem to do it only for the assaults that cause some type of significant injury and nothing more.

Mr MASON - That's right. I think you will find that most of the people who get arrested for street violence do not set out to cause injury, they set out to cause violence and mayhem. They might set out to punch someone in the head a few times, and then they fall down and crack their head on the pavement and, hey presto, you've got a brain injury. That is when you get to the real pointy edge of the problem. You are right, they will prosecute someone if they cause an injury, but the example I gave is dead-set true. It happened about six weeks ago and there was the arm-lock and there was the one, two, three with the closed fist and I was thinking, 'A three-match suspension is a nonsense.'

Kids these days play computer games where they crash their car and drive off a cliff and all it says is, 'Game over, start again', so there's a sense that they're learning that you don't die, you don't get seriously injured, you just keep on going. They also learn by watching the footy, 'Well, that guy's not really getting hurt by being punched in the head and when I'm 15, 16, 17 that's really acceptable because the guy only got a three-match suspension, the police did not jump on him and the other bloke didn't get injured so it's all right', but it injures the fabric of society. I think the State Government could urge police locally to start to take the rules of the game seriously because the law is crystal clear about that, and it just staggers me that it is not applied the way it is.

It is a matter of teaching very young children about acceptable behaviour, and that brings me to my final submission, which is about the recommendations of the Tasmanian Law Reform Institute of 2003. If you have forgotten about this they recommended that the defence of reasonable parental discipline be removed from the Criminal Code as a defence to claims for civil damages. The reasons are very clearly set out. If you read the parliamentary debates about the Education Amendment Act in 1987 the reasons are all set out there. There was debate then about whether teachers should be allowed to use physical punishment against kids in their care and the reasons were all set out why they are not.

Foster carers in this State are told in their instruction manual that they are not to use physical punishment because it does not work according to the best evidence of the Department of Health and Human Services. If they do use physical violence they risk being taken off the register and not being able to be foster parents. When it happens, because it does happen, the department focuses a lot of counselling effort on those foster parents to explain to them how to do things differently. In a childcare setting, again, physical punishment is not permitted. In the homes it is, and it is when your babysitter hits you or your grandma or the next-door neighbour if you are over at their place. There is another aspect of it that is not dealt with very much in the PLRI report, which is the question of human rights, and I would seek, with your leave, to table a position statement that I have prepared about physical punishment of children. That sets out an argument on the front page and referenced reason behind that with references to what is happening in the world generally. There are now 29 countries in the world which have outlawed the use of corporal punishment in the home. None of them have experienced increased rates

of prosecution of parents for using physical force against children because that has never been the purpose of those laws. The legal change is intended to be educative. If you remove the defence it does not mean that the police have to prosecute and it does not change the discretion that police have to maintain the peace. I was in Liverpool Street recently and saw a scuffle outside a pub and I'd say there was a bit of alcohol involved, just judging from experience, but the police handled it very well. They separated the two combatants and said, 'You go that way and you go that way and if you're here in five minutes I'll arrest either of you who's here.' So off they went. That's the way to deal with it - 'Wake up and behave yourself'.

If a policeman or policewoman sees a parent whacking a kid at the supermarket, it is up to the police officers to decide whether that constitutes something that they are going to arrest and prosecute or whether it is something where the police officer should just say, 'Oi - don't do that. Stop. Is there some other way you can deal with it?' It gives the police the capacity to assist in the way they are so good at. New Zealand changed their laws in 2007 and the police department there conducted a study of prosecution rates before and since the change and there was no change, but there is an increased awareness amongst parents of the fact that there are other ways of disciplining children.

Why do I raise this? Because, as I said at the very outset, I believe violent behaviour is learned behaviour and if you are learning it from the age of two onwards or younger, if you are six months old and you see mum hitting your big sister, then you learn that very, very early. The most recent research in this area is about what children think of physical punishment. It is only in the last five years people started looking at that and the connection between physical punishment and bullying as well as the connection between physical punishment and youth offending. That is all extrapolated into statistics. Only in the last five years have they been asking kids, 'Where do you get hit, what do you hit for, what do you think about that and how do you feel about your parents when they do it?', and so on and so forth. So the research is all there and essentially the kids are saying to the researchers that they think it is inconsistent. They say, 'I get hit for hitting my sister', and the classic example is a parent grabbing a kid and saying, 'How many times have I told you to not to hit your brother?', as they're hitting them! On that note I will conclude.

CHAIR - Can Ivan hit you with the first question?

Mr MASON - Please do.

Mr DEAN - You were talking about learned behaviours and I am wondering what your position is about the violent videos that are currently around and the CDs and all the rest of that. What do you believe the impact of that is on young people and young children in particular?

Mr MASON - The research I have read is consistently that there is no direct connection between watching a violent video and going out and committing a violent act. There are exceptions. I think the James Bulger case in the UK was like that. There was also some evidence that Martin Bryant was a frequent video hirer. He lived in Clare Street, New Town, just up from the video shop, and I think someone looked at what videos he had been taking out. But generally speaking there is no direct correlation. I do, however, think that there is an acculturation of young children to accept that violence is an

acceptable thing, so that the level of what is unacceptable violence is raised. I do think that is true.

Mr HALL - Paul, you talk about that effective strategy on pricing on volumetric -

Mr MASON - Alcohol, yes.

Mr HALL - Yes, for alcohol, and one way you said the State could do it would be through stamp duties. That is just one way, but could I suggest to you probably it would really need to be a COAG decision. It would probably be better if it was a Federal -

Mr MASON - I couldn't agree more, absolutely.

Mr HALL - I think there would be some problems otherwise.

Mr MASON - It is like labelling, for instance. One of the primary strategies is to put warning labels on stuff, and people say, 'Oh, that's just crap, no-one will look at it' - pardon the French - but the fact is the research shows quite clearly that one of the dips in smoking prevalence in Australia was after the labelling happened. But you are right about that. It is probably best done at COAG level, but the Commonwealth Government has good reason for dragging the chain because of the excise and the taxes they get from the sale of alcohol.

Mr HALL - Yes. If you look at Muslim countries where they haven't got that culture, like Malaysia, you could buy limited alcohol, but the price is right up there which makes it almost prohibitive to buy in a lot of ways.

Mr MASON - Thanks for mentioning Islamic countries, because theoretically there is no alcohol-related violence there, but I would imagine there certainly is street violence like there is in this country. So again, the street violence we experience may be increased by alcohol but it is not the only explanation.

Mr HALL - Just finally, as Commissioner for Children, Paul, would you see an opportunity in the education curriculum for younger people to be taught parenting skills at that age?

Mr MASON - Yes, it is not so much parenting skills as about how to develop healthy relationships. One of the things about dealing with bullies - and I think there are people here more experienced in that than I - is that the key to changing bullying behaviour is to look at the relationships the bully has with the victim and other people; that is, his or her other peers and with his or her family, because that holds the key to it. I agree that there is room for uniform curriculum change in teaching how to build relationships and how to resolve differences - that is a very important thing - how to disagree with someone without hitting them and how to disagree violently with someone without disagreeing. So if you are a 16-year-old girl and someone nicks your boyfriend you don't set about to destroy their lives through Facebook and the rest of it, but you learn how to deal with that.

I was at a meeting of the Early Years Foundation this morning that had a presentation from the Australian Childhood Foundation which has a contract in Tasmania to deliver therapeutic children's services for kids who have been through the child protection mill.

On the mainland they have been rolling out parenting programs that focus primarily on the whole idea of not controlling your child but building a relationship with a child, and dealing with your frustrations; you know, 'You have two minutes to get into the car and you are still not out of the shower' and to deal with those very difficult parenting situations without resorting to aggression and violence, and anticipating things like that. It is a big area I think at the childhood level of teaching people how to deal with disputes. That is a very important thing. You would not teach an eight-year-old about parenting so much. Does that answer your question at all?

Mr HALL - Yes, sort of.

Mr MASON - What were you thinking about?

Mr HALL - Just that it would seem, and the committee has heard this before, that a Labour MP in the UK just wrote an article recently and talked about the fact that there is so much violence in the community because a lot of the kids, when they have grown up, do not know what parenting skills are. They do not know how to feed, clothe and do all those sorts of things that you were talking about before.

Mr MASON - That is true. You do not need a licence to become a parent, that is the bottom line.

Mr HALL - That is about what he was saying. He was mostly saying, in as many words, a lot of people should not be parents.

Mr MASON - They are parents and we as a community have to deal with it, so we generally parent the way we were parented, and that is a rigorous generalisation well supported by academic study. We parent the way we were parented, I know I do, but I am just one person. So if you are going to change that cycle you have to teach the children how to stand up for themselves and when to say no, and you have to teach parents as they are coming through how to deal with children. And, again, maybe parenting skills would be an appropriate curriculum subject for grades 9 and 10 onwards. I can see that.

CHAIR - Sometimes you have lost them at that stage, though, that is the issue with it.

Mr MASON - Yes, (a) you have lost them; and (b) they are a bit like bad drivers, they think well, that is not going to happen to me so I do not have to worry about it. But it is particularly young parents and first time parents who demonstrate aggressive behaviours towards their children.

Dr GOODWIN - I am sorry I came in late due to another commitment. I just want to make sure I do not cross over any territory you have already crossed over. What I was interested in, Paul, is your feedback on what we are doing in terms of early intervention and particularly the child protection reforms in the youth justice area. Is there anything that we are not doing that you think we should be doing that might address some of these issues that we are discussing from the early intervention perspective?

Mr MASON - You have come in a bit late, because what I was talking about -

Dr GOODWIN - I can pick it up later.

Mr MASON - I left what I hoped was my most important message for last, which was that I think the best, most effective and cheapest way to educate the entire community that violent behaviour is not acceptable, is to repeal section 50 of the Criminal Code so that everybody knows that hitting is not okay. Otherwise you have got this mixed message. It is not okay to go down the pub and beat people up, it is not okay to go to Sandy Bay and pick up an Asian student and hit them, it is not okay to do this that and the other, but it is okay if you ever hit the children. That is a completely mixed message and I think it raises generation after generation of people who just do not accept the other message.

Dr GOODWIN - As far as programs and interventions goes, is there anything -

Mr MASON - I am talking as primary as I can get. When you are talking about interventions you are talking about secondary interventions with people who are already above the radar, people who government services are aware of, either because they are drug users or they are gamblers or they have housing problems or they have family violence problems, they are in trouble with police, blah, blah, blah, poverty issues, youth justice issues, targeted problems are not as early as you can get. You can really go early. When you are talking about early targeted interventions you are talking about the sort of things that Mr Hall is talking about which is in the education system. Other early interventions, you did come a bit late. I was talking about a presentation I saw last night by Dr Roscoe Taylor and he was talking about changing the physical environment as an early way of changing behaviour. Trading hours. I remember there was a big thing in the 90s of ladies get their first five drinks free, or something like that, and you can control that with licensing laws. Very simply you say you cannot do that because that encourages young women to get very drunk. It encourages them to get pregnant. It encourages violence amongst the blokes and all that.

CHAIR - It encouraged cross-dressing too, I seem to recall.

Mr MASON - I did not notice that on the north coast of New South Wales. That is changing the physical environment of your street violence environment because lighting changes the patterns of street violence. Could I refer you to the work of guy called Professor Wortley. He is at Griffith University and he and a guy called Smallbone, which is spelt as it sounds, Wortley and Smallbone, are the world's leading experts on what is called situational criminology. I do not know if Vanessa has heard of them, Ms Goodwin. Their theory is that a crime is not a person acting, a crime is a person acting in an environment. It takes the setting as well as the person to create the crime.

I heard Professor Wortley's lecture in the context of his analysis of sexual assault on children and he was talking about profiling the kind of people who do that. It is virtually impossible because people who do it don't reoffend more than burglars, there is no way of knowing who is going to do it from anything that we know about people who do it. So where do you cast your preventative net? How do you do an early intervention to prevent people from sexually assaulting children? One of the things that this Parliament will soon be debating will be a working with children check. Does that work and there will be plenty of time to debate that so I will not go there at the moment.

He is making the point that you can target, say, I think drink-driving was his example. You can change drink-driving behaviour by having random breath tests. You can change

it by having public advertising. You can change it, for instance, by having something that no State has taken up yet, as far as I know, which is to have breathalyser machines as a condition of having a liquor licence. That popped into my head just then. That might be something, a regulatory thing, that a government can do in the licensing level is that every institution - they did have them in the clubs in New South Wales where I was. Every club had a machine at the front and you put in 20 cents and you got a straw and you blew into it with a big sign saying 'Wait for 10 minutes before you do this' and it meant that people were able to educate themselves about their level of intoxication.

Mr HALL - You said 'did'. Are they still there or not?

Mr MASON - It is five years, six years since I left.

Mr HALL - I think they might be.

CHAIR - I think they had them at the casino.

Mr MASON - Down here?

CHAIR - Ivan was saying that he thought it was for a trial period.

Mr DEAN - I think it was for a trial period, wasn't it?

Dr GOODWIN - I know there is a man who is trying to actually get them into liquor outlets down here for that very purpose.

Mr MASON - It is not strictly within my children's purview of course, but certainly from a public education perspective people want to learn. People are interested to know. It doesn't become a competition as to who can blow the machine up but it becomes a competition as to who is least likely to get arrested if they drive home. 'How many beers have I had tonight? Do you remember, Jim?' 'No, I don't.' 'Six? I will just have a blow and measure my blood-alcohol level against how I feel', because people do not know that. The whole problem that I have experienced with excessive alcohol use - and I plead guilty as charged here, having exceeded on several occasions - is that you don't know, you don't realise, and the drunker you get the less aware you become. I think people would really like to know. That is nothing to do with my function here but I'd certainly ask the committee to consider that.

CHAIR - What you are saying is that if you can create people's awareness of the problem then that creates a behavioural change.

Mr MASON - It does, and it would flow backwards to the under-18s as well.

One thing I might suggest to you is that one of the things that Roscoe Taylor was talking about was raising the drinking age but he thought that would face a number of political and civil liberties problems, which it might well do. Again, I do not have a view about that because it is not to do with under-18s, but it would certainly send a message to under-18s that alcohol really is a grown-up drug and something you should handle with care, because at the moment it seems like it is not such a dangerous thing, anyone can have a bit and be okay with it. But then a bit becomes a lot very quickly.

CHAIR - We're running a bit over time but we were at the start. You get to a situation where you look at places like Italy, for example, where children drink wine at an early age and you walk through Rome or wherever at nights and see people sitting out on the sidewalk drinking their wine without any real belief that something is going to erupt into violence at any time. So it is a cultural thing it would seem to me.

Mr MASON - I think it is. Mind you, I couldn't compare street alcohol-related violence in Tasmania with that in Padua or Rome or anywhere. It might be the same, I do not know, but it could be less in a culture where kids have grown up with moderate and cultured use of alcohol. One word of warning there is that the National Health and Medical Research Council guidelines are absolutely adamant that no alcohol below the age of 18 is an acceptable level because they say there is risk of brain damage in the growing brain, so I don't think the Government could responsibly promote having a glass of wine with mum and dad in the Italian style. But I think you're right, Mr Wilkinson, it points to it being a cultural issue and the question for parliament is how you change the culture. It is a very tricky thing but it has been done, as I said, regarding HIV, tobacco and seatbelts and I do not see why we can't do it with excessive alcohol use, street violence, school bullying and all these other cultural norms and violence against children in the home. I think these things can be changed with leadership, with social marketing, and by changing the physical environment and all those other things I mentioned.

Mr DEAN - It concerns me the number of young people you talk to today who will say to you when you ask them what they did last night, 'Oh, I had a great time, I had a night on the grog and I don't remember a thing I did.'

Mr MASON - Well, you can talk to 35-year-olds who say that too.

Mr DEAN - Or 25-year-olds.

Mr MASON - You can talk to 50-year-olds who say that.

Mr DEAN - It seems it's a good thing to be able to say that whether it's right or not. It's an accepted cultural thing.

CHAIR - Paul, is the document you are giving us for public consumption?

Mr MASON - It is.

CHAIR - Okay. Thank you.

THE WITNESS WITHDREW.

Mr JOHN LENNOX AND Mr LES DRELICH, JLD RESTORATIVE PRACTICES, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Welcome. We will leave it to you to deliver your submission first and then we will ask you questions.

Mr LENNOX - Firstly, my name is John Lennox. I was a former Australian Army member for nine years and after I left the Australian Army I joined Tasmania Police in 1977 and was there for 30 years, 18 of which was spent working in Bridgewater/Gagebrook. It was in that community that I grew to understand that problems Paul has alluded to and certainly some in your other submissions that we have been following through the press about cultural change, culture within families and young people ending up in the criminal justice system. It is through that understanding that in 1995 restorative practices were introduced into Tasmania Police and I was a very early adherent to that model and to some degree took it on board as part of my life really. After I left the Police I started up working with my partner, Les.

Mr DRELICH - I have quite a different background to John's. My background is in social work and after spending a short time in the adult probation service I came into child protection in 1979 and spent some 15 years or so working in that area with young people and families in often quite desperate and violent situations. It was at that time that I met John, who was out at Bridgewater and, as members of this community probably would know, many of those situations from a child protection officer's point of view were out at Bridgewater/Gagebrook or other lower socioeconomic areas.

At that time, often the response was to remove children from their parents in those violent situations and place them into alternative care or foster care, whatever the terminology might be. What I and others were seeing was that those young people often gravitated back either to their homes when they became adolescents or, unfortunately, gravitated into criminal activity, offending and then finishing up in the adult system.

Also I was interested to hear Paul talk about violence in the home and discipline and punishment. I would just like to reflect on that in respect to child protection back in the 1970s and 1980s and into the 1990s. There has been a significant shift in a level of serious crimes in the home and from my perspective a very positive shift through all sorts of strategies both in this jurisdiction, nationally and internationally. For example, I can still vividly recall, as a child protection officer, going to the Royal Hobart Hospital some time in the early to mid-80s and having to deal with two cases of young children, babies, with fractured skulls, on the one day, as a result of violence perpetrated in the home. Often, not necessarily with those children, the response to a child protection officer such as myself and parents was 'I was only disciplining my child', but what we were seeing were quite significant and traumatic injuries to children.

I then moved to the youth justice arena and there we were seeing another phenomenon and that was basically a pipeline from school, or exclusion from school, into offending as a young person and then that pipeline continues through the prison. They were not only stealing offences but they were also violent offences. What John and I were seeing in our individual work from a youth justice situation was a couple of things traditionally

emerging when speaking to the young people and their families. They were not being listened to at school, and this is not a criticism of the school system or teachers, and the school situation was not fair for them and they were fairly quickly suspended, excluded from school and they became socially isolated. Those are the young people that we are seeing out on the streets. I noticed one of the articles about those young people recently imprisoned for assaulting the people in the streets. They were termed 'thugs' by the media and one can understand why they would use that terminology, but those are the young people that John and I were seeing quite regularly, not necessarily them.

So where did that bring us to? For John and I around the level of violence, the level of offending, the level of dysfunction within families. As with John, I came across restorative practices, particularly out of New Zealand, and looked at that process and what we were seeing was that we were actually empowering families. We were empowering young people to be able to tell their story as they had never been able to tell their story before and being listened to which was not happening in schools.

In the early times of the restorative process I can vividly remember where a young child had been removed and placed in alternative care and the grandfather said for the first time he is being listened to. Even though he came from a history where his own children had been removed in care, he was able to tell his story and be part of the process as a community and as a family of being able to fix things and put things right.

Dr Goodwin has done a lot of work in her past career in looking at multigeneration problem families where there is a significant level of dysfunction, a significant level of violence and traditionally what has happened with those families is that they have gone through prison, they have become more violent, and as they have become parents their children have come into their families and they have become violent through the parenting process. We looked at what works and what does work is not about punishment but it is about, as Paul said, changing the way we parent and come together as a community.

Looking at that pipeline, John and I decided to come into private practice and work in schools in this jurisdiction. In talking to teachers and then talking to parents about a different style of parenting, about a different style of teaching, which is not based on punishment but based on doing it with people. Of course John and I did not invent this. This is working nationally and internationally and what we are finding in different jurisdictions, which John will talk about shortly across Australia and also in other places, is that this restorative process is actually reducing the level of violence in schools, reducing the problem level in schools, retaining kids at school and ultimately will reduce the level of violence in communities in which this process is working.

Mr LENNOX -As Les has said we have done a lot of work in Tasmanian schools and we have worked in probably over 35, 40 schools in the last couple of years. Not only working with teachers, and giving them the skills to work with problem young people, but also working with students, particularly leadership type students - prefects, school student leadership groups or mentors. We work with young parents, particularly back in my old patch at Bridgewater, but also through Good Beginnings and other non-government organisations but with the families too. Getting parents in and helping them along.

Paul mentioned Scott Tilyard and Peter Powell when they gave evidence to you the other day and they talked a lot about respect. When I pick up the paper this morning I want to take up something that Paul was talking about just a short time ago. We have got the prison riot over at Risdon Vale and then a couple of pages in we have got the Coroner talking about a sports group going off on a drinking exercise and one of them drunk himself to death. Then a bit further in there is a letter to the editor about a football player who got the Brownlow medal for being the best and fairest after he had been suspended for punching somebody.

I want to talk to you about respect in terms of the lack of respect that is demonstrated to young people by the leaders in the community. We have got High Court judges who perjure themselves to get off a speeding fine. Then you have got clergy demonstrating through their paedophilia their total disregard for young people. Then you have teachers and police officers, solicitors and indeed members of this House who do not set an example. It does not give much for young people to model themselves on. We have got to change as adults the way we represent ourselves to kids and that includes not just drinking. It is everything we do. We have got to walk a walk and talk a talk if you are going to have young people look up to you and aspire to be like that person. Be it a football player or a member of the House or a police officer or a solicitor. I could not believe it when I saw, and I am not much of a football follower like Les, a Brownlow medallist get an award for being the best and fairest after he has been suspended for punching somebody. He is excused because it happened in the Grand Final last year and it does not count. It does count.

It just blows me away and that comes back to parenting. As Paul said, we end up being the parents that our parents were and we need to change that. We need parents to be responsible drinkers. We also need to have parents that use other methods, other than violence, to change the way young people deal with their problems. How they deal with their problems with young people. We have got to turn away from that punishment model.

We have brought along a paper that we will give to you shortly from a judge in New Zealand where they have implemented restorative practices to a very high level. There is also in the back of that paper an example of some areas in the United States and I will just read a small quote from that. It is about a school that has implemented, right across the school, restorative practices as a method of dealing with their problem behaviours. The teacher there is talking about how that can bring about change. Our experience and all the evidence that is coming in internationally about restorative practices is that it does make a difference but it is about walking the walk and talking the talk and modelling it. Some schools here have taken on restorative practices in a small way but there are several schools that model it in a big way and they have made substantial changes about behaviour. This quote is, 'My hope is that these tools our kids have learned can be carried through into their lives with families. In the long run I hope our students will remember the positive supportive atmosphere they were able to generate and the respectful relationships that came about through our work with restorative practices.'

So if we want to change the culture, as Paul talked about, it is not just the drinking culture. It comes back to giving young people, through the modelling, the skills that they can then as parents take into family situations and change how they deal with violence and deal all sorts of other issues within families, but in the community as well.

CHAIR - So how do we do that?

Mr LENNOX - Well, that's a good question. At the moment there is no real model of implementation of restorative practices in the Education department in Australia. We have the Youth Justice acts that employ restorative practices. The ACT in 2004 introduced a Restorative Justice Act that covers adults as well as juveniles and in the New South Wales prisons they have a restorative justice unit that works within the prison system. So there are some moves nationally, but within Tasmania it is pretty much left up to the schools and if the school has a person who is enthusiastic about restorative practices they might knock on our door, but there is no real clear goal about developing in teachers the skills to work with relationship levels. We see a number of young people on suspensions who end up on a merry-go-round, and the merry-go-round starts with the suspension and then they end up on the streets and then they get into the youth justice cycle and, before they know it, they are across the road having a riot.

CHAIR - I have been involved in this from time to time for years as well and you speak with a number of people in relation to it and a number of police officers and they say, 'I could take you to the mall today and I could show you the people that are going to be in trouble in years to come.' Why is that? Because they are not at school, they have either been excluded from school or suspended or they are just not going. These are the people they are mixing with and these people are in trouble. These newcomers are going to get into the same trouble as the ones they are mixing with now and there is going to be a problem. So how do we keep them at school because that really is a problem? Some say they are divorcing themselves from school as early as grade 5 now, so they are only 10 or 11 and they are divorcing themselves from school, some even a bit younger. In order to keep them at school, what do we do?

Mr DRELICH - I can really answer that question quite simply from our perspective. The school cultures need to change and we would argue on the evidence that it needs to be a restorative practice culture. What that means is that the schools are not about punishment, because traditionally schools are still mirroring the old criminal system. I am being quite simplistic about this because there are quite a number of different strategies and resources that are put into a school, but simply put, when a young person starts to develop problem behaviours in school, if that is not able to be managed then they go through the process of suspension, so it is punitive model rather than looking at a restorative approach. For example, if a young person is acting out by starting to bully other kids or acting out in class or using inappropriate language in class - all those sorts of things that happen in grades 5 and 6 - instead of looking at a regime and trying everything like saying, 'You can't swear at a teacher' or 'You can't kick a teacher in the leg', you then punish them. You can call it suspension or whatever you like, but it is eventually punishment and exclusion.

Restorative practice means bringing that young person together with the people they are harming. It is so important for that young person to start thinking about how they are affecting people, even at that age or younger. They need to think about how they are affecting the other kids in the school, how they are affecting the staff, how their family is being affected and how their community is being affected. You might say a fifth-grade kid may not understand that but our experience is that they understand it very, very well.

It is the teachers who need to understand it, and the parents over time need to understand that that is the way that works best.

The Commissioner for Children talked about building relationships and that is critical. You cannot teach a difficult young person or a young person with autism or those sorts of issues reading and writing well until you have developed a relationship with them. What we seeing consistently when we are working with those schools that are building towards a restorative process is that the school culture changes. They have less suspensions and they have better relationships with the parents. Things change considerably.

There is an example of something happening in the UK quite recently which I would really like for this committee to be aware of. In Hull in the UK they have not only introduced restorative practices into schools but across the whole community. So it is the police officers that work restoratively with young people in the community and it is also the youth workers. Dr Goodwin asked Mr Mason about early intervention and it is critical to be doing it at an early stage, but it is not just schools, it is police, community workers and child protection workers. There is the Children, Young Persons and their Families Act which has restorative processes in place, but how often do they not use them in the first instance but go to a reaction approach which removes kids rather than bring the family together in that restorative way? I am sort of rambling a bit but, getting back to the school situation, that's what works.

Mr LENNOX - To pick up on something Les said - and it came out of some of the teachers that give evidence and their union reps - we talk to teachers about being in loco parentis. One of the problems teachers have is a lack of time and a lack of resources to deal with problem behaviours. From our experience you will often get young people who will misbehave in class because the teacher is focused on dealing with a number of other young people in class. The way they deal with the problem is to take the problem out of class and send them to go and see the principal so they can concentrate on teaching the other kids something. What we are trying to do with those teachers is explain to them they are better off taking 15 minutes off their lesson and dealing with the problem in the class with that young person in a restorative way than sending them to the principal.

When I go through schools and see kids sitting in the principal's office they are just doodling on pieces of paper drawing pictures, and then they get into a cycle and think, 'Oh, that was easy'. Sometimes they are struggling and this is due to class size, which teachers have talked about for some time. They have big classes. They are struggling with their maths, they are embarrassed sometimes about asking for help and the teachers do not have time to give that one-to-one to them because they have 25 other kids in the class, so it is just easier to send that child down to the principal's office while they concentrate on doing their teaching. We suggest that if you get that young person who is causing a problem and being disruptive into a circle and he learns that that behaviour is inappropriate but he is not a bad person and he has just done something dumb, you can move into a new place.

Mr HALL - Sorry to interrupt your flow but what has changed? When you and I went to school we had class sizes of 40 and there were not many behavioural problems, or not that I can recall.

Mr LENNOX - Yes. but like Paul, I can remember getting thumped under the ear by Mr Hayes. I probably should not say that but, fair dinkum, he rapped me under the ear and I have been at Christian schools where they used a cricket bat and the kids used to have to autograph it when they got whacked with it. Those days have gone and he is right, we have to get rid of that model in schools. We have to come up with some strategies to show young people and give them the skills that there are alternatives to punishment. You won't have kids looking to go to the principal's office if they think, 'Oh my god, I'm sitting in a circle and everybody's looking at me. I don't want to be here tomorrow so I won't do that again.' But if you are on that cycle and then start to be regarded as the bad kid you get other kids and other parents saying, 'Don't play with Billy' because they have built up a perception about Billy. I can give a good example of that. At a conference I did for one of the schools, this boy lived in Clarendon Vale with his mum, a single mum, because dad had left. She was actually a teachers' aide and because of her circumstances she was forced to go to a housing area and her son's school was in a mostly private area. There were 600 students in the school and 40 of them came from Clarendon Vale/Rokeby. The others came from other areas around.

He hit a boy, broke his nose and when it came to the circle and mum told her story and Les talked about telling their stories. This mum caused the parents of the other boy to start crying because they had a perception that because of where she lived she was a certain type of person. They did not understand that her husband had left her in a bad situation. The boy had a birthday party and invited all his school kids to come and because they came from a private housing area they perceived that no, we do not want you going there, so they got phone calls just the night before. 'Look, sorry our son cannot come, he has got something else to do with the family.' Nobody turned up to his party. He was angry because nobody sat down and listened but once they heard the story the father of the boy who had been punched ended up crying and realised that part of the problem was what they had created.

CHAIR - Is there a definition you have as to restorative practices?

Mr LENNOX - There is. It is a fairly simple definition and it probably comes from John Braithwaite.

Mr DRELICH - It does. It comes from John Braithwaite who is an Australian academic and it is probably the best definition around. Restorative practices is about healing rather than hurting, moral learning, community participation and community caring, respectful dialogue, forgiveness, responsibility, apology and making amends.

Perhaps the reworking of many of the religious ethics that we have in our community.

Mr HALL - You mentioned New Zealand before. Is there a better model there than in Australia. Is that what you are saying.

Mr DRELICH - What I was referring to was that New Zealand was one of the first countries to introduce the model of restorative practices. Canada, New Zealand were forerunners and it came from their indigenous cultures. Our model in Tasmania, around the Youth Justice Act, is similar to what is in New Zealand.

Mr HALL - Jim and I saw some of that when we did the Ashley committee and we went to New Zealand.

CHAIR - In fact a number of years ago, before the Youth Justice Act came out, we again went to New Zealand to have a look at what they were doing.

Mr LENNOX - It has actually grown across the world now. There are so many countries that are using it. It is very big in England. Police in particular in a lot areas have supported the restorative practices because they realise that solicitors and the court system are just not worth the trouble.

CHAIR - I am the same. I have acted for people in strife for well over 30 years and what I am saying is that punishment in a number of cases, most cases, does not work. If you look at how many people commit offences and continue to commit offences and recidivism sets in so therefore you say what do we do. It has not worked. People are saying you have got to have stronger penalties. Stronger penalties are the only thing that are going to teach those people. They forget that those people get out of prison at some stage or wherever they might be and then come back into community and again cause the same difficulties, probably even more so than prior to going into prison. Therefore, what do you do. The drug diversion program has worked and worked extremely well. The beauty about it is, and it is a long winded way of asking you a question, is that those people keep coming back. They are not just told what is going to happen to them and then they forget anyway because they are nervous when they stand there. They ask the solicitor what happened. They do not really know what happened. The solicitor probably writes to them, lets them know what happened but that is it. Here they keep coming back for however long. How are you going, what are you doing? They go through these courses to assist them get over their problem and, I will not mention any name, but one fellow in particular who has been in and out of the court system and prison probably more times than we have had Sunday dinners - that is a bit of an exaggeration - but he has been in and out a lot. He is now starting to turn around in a big way and he would be 52, 53 years of age. The first time and the only time he has ever turned around is with this drug diversion program. Is there a program for violence that can have the same type of results as would, say, the drug diversion program?

Mr LENNOX - We have had a conversation with Graeme Barber and some of his staff. As I said the prison systems in some other jurisdictions use restorative practices to deal with in-house problems. It is used within Ashley. Why can't it be used in the prison system instead of going down the other path.

One of the problems when they introduced the RISE experiment in the ACT was with drink driving offenders. They have got a post conviction process over there where the driver goes off to a program but he has to take six mates with him. The six mates have to come for the full time of the program otherwise he goes back to court for sentence. Not only are you educating him, but you are creating a community of concern around that driver. So all his mates have to go to the program. They are learning something about drinking and if they do not turn up, and you cannot convince them to get there, he is in trouble so they then start to take care of him. It is just another restorative model.

Mr DRELICH - Just take a typical example and I understand that you may have heard some evidence from the taxi industry. Take that example of what has happened in the

community around damage to taxis and threats to taxi drivers and how they are feeling threatened and how does a young person feel when they have been on the grog that night, do something really bad and how do they feel the next day. The concept of restorative practices is the person going to court and being punished will still happen, but then have a process where in a formalised way they meet with the victim and the victim hears their story when they are sober. The victim then tells their story about how they were affected so what that does is, in a formal and controlled environment, you are showing the offender the extent of his offence, not only on the taxi driver but on the taxi driver's family and on the community. For the taxi driver then to meet with that person and often see that they are not thugs, that they made some very poor choices at the time, they come together and that person will probably never offend that way again.

Again, just going through the court system does not create that sort of awareness and an understanding of community. If you keep doing it and you keep doing it often enough then it does change culture as it has done in a lot of schools around countries.

CHAIR - I was just going to ask what are the good programs that you know about around Australia in relation to assistance for people with a propensity for violence?

Mr LENNOX - We wanted to talk a little bit about that too. Can I just add that I think our Youth Justice Act is probably one of the best models in Australia and I say that because in Victoria the kids have got to go to court before they get to a conference. Here the police as gatekeepers can get the young people away from the court system right from the start. In some of the other jurisdictions they have got a youth justice bureaucracy. In New South Wales the youth justice bureaucracy and the police sometimes are in dispute, then they get the DPP to adjudicate and it gets very convoluted.

To come back to your question, one of the problems we have with restorative practices is there is an undertaking under the act for young people to do something that is suitable in the circumstances of the case. That is one of the undertakings and invariably that is usually some sort of program that will help them overcome their issue. It may be anger, violence, drug or alcohol taking, or some other type of problem. There is an insufficient lack of programs and when we do get good programs the Parliament does not continue to fund them. Chance on Main, three years' funding then down the gurgler. The old Change, it is your Choice, for young offenders that the Salvation Army run got two terms of funding and then it went down the gurgler. We have got the TOOL program that you would be familiar with on the eastern shore. They are going to run out of funding shortly and it will go down the gurgler.

These programs just keep coming and going, coming and going. It is about time the people in this House sat down and funded some programs that are long term and sustainable as long as they are evidence-based and can be seen to be beneficial. All those programs I have mentioned have been good programs. They were doing something constructive for young people who were likely to become prisoners but the funding had run out. They just terminate it. What does it say to those kids? I think particularly of the kids of Chance on Main because we had some of our clients going there. On the day that it finished they were just out the door. They were not even halfway through the program and they were left on their own.

CHAIR - The previous member for Elwick spoke up strongly against that.

Mr HALL - Several members did too. Once again, it was the Government who at the end of the day -

Mr LENNOX - Yes, I know; I appreciate what you're saying, gentlemen, but as a community we have to accept that some people need some extra help.

Mr DRELICH - That in effect answers your question. Those programs work for young people. It is around building relationships and building their self-esteem. It is not just about anger management but, as you would appreciate, it is the solidity of those programs that work so well and turn those young people's lives around.

Mr LENNOX - All those programs had restorative practices as a base to their operation. We have trained a lot of the people who worked in all those programs how to use that model and they are all based on restorative.

Dr GOODWIN - I hear what you are saying about the programs that we have lost or we are at risk of losing and often they are Commonwealth funded to start with and then the State will not pick them up unfortunately and we lose them when they have been demonstrated to be an effective program. That must be incredibly frustrating for everyone who has been involved with them and for you as well because you are obviously seeing the end result with the kids who can no longer access the programs.

I guess this is probably the same question I have asked a few people who have appeared before the committee about where our gaps are. We are doing a fair bit in early intervention and child protection and really trying to break that cycle of violence that we have been talking about that you see in families and the school environment with bullying, in the sporting environment and then out on the streets. Do you have any ideas about what they are doing in other jurisdictions that we could be doing?

Mr DRELICH - I think a significant gap for young people is that there is no residential program for young people apart from incarcerating them in Ashley Detention Centre. We are one of the few jurisdictions that does not have the ability to support young people in a residential program that is not a prison or a youth prison. That is a major problem because if a young person goes down that pathway of youth detention, even for a week or two, the likelihood of their continuing on a pathway that is often violent is significantly increased because it is a detention centre. You are mixing young people who have begun offending with hardened offenders, 17-year-olds who are in detention centres, so it is a real major problem.

The other gap in my experience - and teachers say this often - is that there is a lack of resources to support the difficult young people and their families in our education system. Teachers are asked to do more and more and they do not have the support. It is not just about putting more social workers or guidance officers into the school. It is about a systemic support process within education to acknowledge that in our culture and community there are a lot of young people who are really struggling in traditional schools and they need a different type of support. It is not just about one-on-one social workers, it is that different type of support that we have talked about already. That is a major lack as well in our perception.

Mr LENNOX - We do a lot of work in private schools as well as public schools and they do have better pastoral care for their young people in the private schools. They do a lot more support work and that is not putting down teachers in the State system, it is just that the resources are not there. They always talk about time. 'We don't have time to do some of those things. Where do we get the time to do a circle to fix up that problem? Get real!'

Mr DRELICH - It is interesting that what a lot of people in our community would see as the best schools are the elite schools. I will not name them but you know which schools they are in the south. Those schools put a lot of energy into their staff being trained restoratively, each and every one of them. In the best of the elite schools you would expect that there would be very few social problems and yet they really make sure that their staff are trained and they work restoratively. Yet where there are likely to be more social problems those teachers are not supported. So what is happening is that John and I and others are doing a lot of work with schools individually but they are saying, 'Why aren't we supported from the top down?' They get so enthused about the fact that this works. 'We've just done some circles with the kids and this kid who was such a big problem who has been spitting at teachers and threatening them is a different person and we have now got a relationship with the family. This is fantastic but I don't have the time to do this because it takes time.' That is a real lack within our community.

CHAIR - I was wondering if you wanted to say anything at all in summary or alternatively if there are any final questions that you believe could be a good question to summarise everything.

Mr DRELICH - Before we summarise, this is a paper that was presented in Italy last year at an international conference which I was fortunate enough to attend by Judge Andrew Beecroft from New Zealand and it was certainly the most impressive presentation at the conference. Tongue in cheek, it is called 'How to turn a child offender into an adult criminal in 10 easy steps'. I would like to table it if I could and we also have a copy for the committee. It really does summarise a lot of what John and I have been speaking about today.

Mr LENNOX - Restorative practices work. John Braithwaite is a criminologist from ANU and he now works restoratively with warring communities - between Christians and Muslims in Ambon, on the Solomon Islands with the warring tribes, he has done work with the Timorese and Indonesians. Restorative practices were used in the Truth and Reconciliation Commission in South Africa between the Hutu and the Tutsi. If we can deal with it at that level of community we can certainly deal with it at a lower level within the schools and change our culture. That is what restorative practice is about - changing culture.

Mr DRELICH - I would just like to finish with some comments from West Philadelphia High School which has undergone a transformation. It has been on Pennsylvania's persistently dangerous schools list for six years but the implementation of restorative practices has made a huge difference. The culture and the climate of the school have improved significantly. Violent and serious incidents have plummeted and the rates of disciplinary procedures such as suspensions and expulsions have decreased dramatically. That was a school that the police in Philadelphia were saying should be closed down because they were spending more time in there than on the streets. So that has changed

that very difficult school around in a low socioeconomic community. If they can do it, anyone can do it.

Mr HALL - Yes, it's a tough town, Philly.

CHAIR - Thanks very much for coming along and giving us your valuable advice.

THE WITNESSES WITHDREW.