

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON VIOLENCE IN THE
COMMUNITY MET AT HENTY HOUSE, LAUNCESTON, ON TUESDAY
AFTERNOON 5 OCTOBER 2010**

Ms INGRID DEAN AND Mr KIM DEAN WERE CALLED, MADE THE STATUTORY
DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Ingrid and Kim, thank you for coming along.

Ms DEAN - Kim and I have come here today to voice our opinion on a violent act which caused the death of Martyn Dean after the Launceston Cup in 2008. Kim is Martyn's father and I am his wife. Mr Dean also had two young children, James who is five and Brodie who is now seven. When the incident occurred Jamie was three and Brodie was only five. We were horrified when we found out the details of the vicious act and that the two young men involved did not get charged with any sort of criminal behaviour. It is our considered opinion that many social and perhaps legal issues have not been addressed in this matter and that future occurrences of a similar nature will be met with satisfactory resolve.

After the cup, between 5 p.m. and 8 p.m., people were making their way home. Apparently there was no transport to disperse people from the main gathering point at the top of Mowbray hill. With hundreds of drunk people in the area and no apparent police presence, fights broke out. I know of at least two other fights that evening within the time frame mentioned. This is what we understand happened in Marty's incident. Mr Dean purchased a pizza and was walking home. He was approached by Mr Cripps and Mr Morrell and asked to sell a piece of pizza to them. Mr Dean mentioned a price and Mr Morrell and Mr Cripps thought it was overpriced and a verbal dispute broke out.

CHAIR - Is the court case finished?

Ms DEAN - No, there was no court case.

CHAIR - Rather than mention any names, it is probably safer if you mention the individuals.

Ms DEAN - Like 'the two men'?

CHAIR - Yes.

Ms DEAN - The two men thought it was overpriced and a verbal dispute broke out. After several attempts by Marty to leave the situation a fist-fight began. One of them was the fighter and the other one was in a crowd of people looking on. Marty was thought to have thrown the first punch, with the first person returning the punch. Mr Dean fell to the ground and was struck again while trying to return to his feet, which caused Mr Dean to collapse and his head was smashed. A bystander ran to his assistance. According to the witness reports, the first fellow just spat on Mr Dean and said, 'That's what you get'. The two fellows then walked off and left Mr Dean to die, with no sign of remorse or care at all. At the time of the incident, to our knowledge, there was no public transport

between 5 p.m. and 8 p.m., no police presence, no security, no duty of care and no ambulance or first-aid station. This would be in the Mowbray area.

CHAIR - How far away from the racetrack was the incident?

Mr KIM DEAN - Outside Coles supermarket on Mowbray hill.

CHAIR - Excuse my ignorance, but how far would that be away from the racetrack?

Mr KIM DEAN - About 150 metres.

Ms DEAN - No-one cared about the effects that a day like the Launceston Cup can cause after the event has finished. Even two-and-a-half years later and after seeking due compensation, I am reliant and waiting on a similar case that is in court now. What that is I don't know but that is what I have been told. This brings me to another fact in the case. There are so many loose ends from Mr Dean's case, so why didn't his case go to court?

CHAIR - Were you advised at all by any of the authorities as to why it didn't go to court?

Ms DEAN - We did get a letter, which I cannot find, from the commissioner that stated that it would not be in the public's interest to have a court hearing. There were three to four other notes but that's the only one that sticks in my head. That really upset me because I thought it would actually be a big thing in the public interest.

Dr GOODWIN - Was there a coronial inquest?

Ms DEAN - Yes. The coroner made his findings and it went back and forth from the coroner to the DPP.

There were so many unanswered questions. With letters and e-mails I have contacted Inspector Bob Baker from the Launceston Police, Tim Ellis from the Public Prosecutions, Chris Parr and Darlene Petterwood from the coroner's office and Debra Wray and Alicia Marden from Legal Aid. All were very compassionate and sympathetic about the circumstances relating to the case but none have the capacity or will delve deeper in search of answers or results.

CHAIR - In matters like that, normally what happens, and I imagine it took place here, is there would have been statements obtained from witnesses who were there at the time and who saw the incident. Statements were taken?

Ms DEAN - Yes, and I have a copy of that whole police file. There's a heap of witnesses in there but the letter that we received which said it was not worthy of a court hearing was a brief description saying that this one person had made a statement and that clarified with the one fellow who threw the punches. There were also another eight witnesses, so why wasn't one of the others taken? It's like Marty's story has only one side.

CHAIR - It is always tragic, to say the least, when something like this happens. I would imagine what took place, and please tell me if I am wrong, is that all the witness statements would have first gone to the police. The police would then decide whether

that person or those people be charged. Then after that if there was any verification as to whether it should or shouldn't proceed it would have gone to the Crown Law Office through to the Public Prosecutions Office for a perusal of the whole file, and then to be an understanding as to whether it should proceed at the DPP level. Did that take place?

Ms DEAN - Yes.

Mr KIM DEAN - With the eight or nine witness reports, you would expect conflicting reports, but on the whole they were nearly all the same except for one that the police took as gospel. Five of the other witnesses had a different story from the witness taken.

Ms DEAN - Even in the statements taken by the two fellows there is admission of spitting, and that is an assault without even the punching.

Mr DEAN - What was the state of sobriety? Were they drunk?

Ms DEAN - They were slightly, they said, and Marty was supposed to have been intoxicated. To us, that way is taking advantage of someone who should not have been picked on. You cannot treat people like that.

Mr DEAN - Marty was on his own, I take it?

Ms DEAN - Marty was on his own and there were quite a few from here that we know were watching.

CHAIR - A lot depends on how it started, on who threw the first punch and why that punch was thrown. Was that punch thrown because there was fear that if that punch was not thrown the punch would come his way?

Mr KIM DEAN - We cannot answer that because Marty is not here.

CHAIR - That is right. You probably have been told, and please tell me if you have.

Mr KIM DEAN - In one of the other parts of the statement, the second chap, the one not actually involved in the assault, he actually admitted that for five to 10 minutes they goaded Marty to keep coming back -

Ms DEAN - Verbally.

Mr KIM DEAN - saying to come back, you're weak and have a go and all that type of thing. The police report also said that on their cameras they had seen Marty picking up his pizza and esky and walking away, stopping and coming back, then walking away, stopping and coming back. One of the chaps actually admitted they goaded him into coming back for a fight.

CHAIR - And then it depends on whether it was self-defence, or whether there was excessive force in self-defence, which negates self-defence.

Mr KIM DEAN - I can understand the point in self-defence. Even if Marty had hit him first and the chap has hit him, that is fine, that is self-defence in my book, but when a chap is

lying on the ground and he is trying to get up, for you to lean over him and hit him again, that is not self-defence.

CHAIR - Those bald facts are excessive force in self-defence and therefore that negates the self-defence, but one would have to look at all the circumstances surrounding it before proper advice could be given.

Ms DEAN - To get proper advice we need to be able to pay a lawyer a lot of money. We are normal people - a single mum and a normal fellow in a job - and we cannot afford to get \$100 000 lawyers to look at this so what are we supposed to do?

CHAIR - I hear what you are saying. I would imagine, though, that the Director of Public Prosecutions Office would have looked at it very closely. That would normally be the case and I would imagine without doubt be the case in relation to this. As to why the decision was made, I cannot tell you because I have not seen it.

Mr DEAN - Was there any video footage of this area?

Ms DEAN - There was, but not of the actual punching, only an in and out of camera shot.

Mr KIM DEAN - The actual act was not caught on camera, no.

Ms DEAN - Marty going back to his esky and then coming into shot of where they were and then going back to the esky.

Mr DEAN - So what you are saying is that after an event like this where there has been alcohol there ought to have been more security, police and public transport available.

Ms DEAN - Yes.

Mr DEAN - That is an issue that has come up before - the availability of public transport after these activities and functions - so that needs to be addressed.

Mr KIM DEAN - I think that has improved since then. We actually have buses outside the racecourse. I think the Mowbray Hotel closes on cup day after 12 o'clock and does not open until the next day and things like this.

Mr DEAN - And they have made all those changes at the course itself now.

Ms DEAN - Yes, they cannot take in their own alcohol.

Mr DEAN - That has certainly improved it as well, a good move forward.

Dr GOODWIN - You mentioned there was no ambulance or first aid anywhere in the vicinity. I presume that might have been addressed as well.

Mr Kim DEAN - There is an ambulance station - I don't know whether it is a 24-hour manned one - in University Avenue, just behind the old swimming pool.

Mr DEAN - I think it is 24 hours now.

Mr Kim DEAN - I'm not saying it is there because of this, but that area definitely needed one anyway.

Mr DEAN - It did.

CHAIR - Do you know whether there was any police presence there at all or when the first police officer arrived after the incident occurred?

Mr Kim DEAN - In what I've got and can print out for you I can most likely put a little bit of light on that. My submission is a bit different to Ingrid's; I have only a bit over a page. I have taken it from a personal point of view, the effects of the whole thing. As you can imagine, my mental state has never been the same since. I have lost friends, things like that, and not through friends' fault, through my own. I still struggle to answer the phone, doors, things like that. Just things that have happened. I can't even read this now I've written it out.

CHAIR - Do you want to leave that with us?

Mr Kim DEAN - Yes. There are a few little things I would like to comment on so you get an actual idea. The situation was that we bought a house and a unit on one block on Alanvale Road and the unit and house were separated by an entertainment area as such. We used to meet out there all the time, I could sit and watch the two grandkids playing, and I put this in because of the pure innocence and the childlike thinking of it. I've come home from work or I've been away to Weymouth for the weekend and I've come home and Brodie, the eldest grandchild, would meet me in the drive before I have even got out of the car, saying, 'Poppy, Poppy, mummy pinched the milk out of your fridge!' or, 'Daddy pinched a beer!' They couldn't anything without him coming to tell me. It was just so innocent and sweet and everything.

CHAIR - A police officer in the making.

Mr Kim DEAN - It is just little things now that have been taken away from us. I still don't think people can understand when I tell them I think of him every day. They think, 'Oh yeah, fair enough', but my mum and dad lost a child when mum was carrying me. He was 18 months old and mum and dad used to say until the day they died, 'We think of him every day'. I used to think, 'Yeah, all right, I can understand that', but now - and if no-one has ever lost a child I don't think you can fully comprehend the meaning of that - I think of him every day. There is lots here I have written but there is something I would like to read if I could. This is like a closing statement.

I am sick to death of looking at the newspapers and seeing reports on telly of the courts being lenient because someone's excuse was 'I was drunk, I was on drugs' or 'I had a bad upbringing'. To me, you make decisions in life, and whether they are the right or the wrong ones, you have to stand by your decisions. I am afraid that as far as I am concerned, the Government's acts at the moment do not give the courts or the police the authority to make some of these things start changing. In such cases we are still going to keep seeing these things on the news and television. This is not a reason, this is a cheap cop-out and you have a choice in life and you have to make the right ones. The two men involved in Marty's death, as far as I know, are still leading normal lives and - who

knows? - still being violent and antisocial and have no remorse because they have not been held responsible for their actions. In saying that, whether they were actually guilty of his death or not, they have still never had to face anything to make them sit up and say, 'Well gee, we are in a bit of trouble here', or, 'We could be in a bit of trouble here'. This is where I think the system falls down.

CHAIR - What recommendations do you think we should make in relation to these issues?

Mr Kim DEAN - If I can just add a little bit more here I will just finish this paragraph. This may be because the police have had their hands tied, they are dictated to by the powers above, as in the Coroner's Office or the DPP for reasons - well, we got a little whisper back from a certain policeman that Marty's case ended up being put in the too-hard basket; whether that's right or not I don't know, but anyway - for reasons of it being too hard or monetary restraints on what they can actually do.

In closing, Ingrid's and my reason for being here today is to try to get some type of closure on this devastating part of our lives and to get laws changed so that other families and friends do not go through what we have. I will do whatever it takes to achieve this, so that our lovely husband and father and son did not fall in vain.

CHAIR - If you want to leave a copy of that with us, it is probably easier for you.

Mr Kim DEAN - Yes. Excuse my typing and everything - I'm not a typist, I'm only a storeman.

Mr DEAN - The alcohol side of things is an area that is of great interest to us all as well and the amount of alcohol that is consumed in some of these areas. You raise the fact that alcohol is being used as a reason for lots of activity occurring, where in actual fact it should be aggravating any of the circumstances that alcohol is involved in. Would you agree with that?

Ms DEAN - Yes.

Mr Kim DEAN - As I say, you make decisions in life, and whether they are right or wrong you still have to stand by your decisions and be responsible for them. If you're drunk and do something stupid you have still made that decision to get drunk and you have done that, so you have to stand up and be responsible. This is why I believe a lot of the laws have to be changed. It's just a crock, it really is, and you're seeing it more. When I was a kid - and you are most likely the same - of 18, 19, 20 years old, if you did something wrong the local cop in the town kicked your butt and told you to get home. You'd think, 'I've got away with that', but by the time you got home the local cop had been home and told your mum and dad and you got another kicking. We were not so much scared of authority, we respected it. There is no respect any more for authority. Whether that's a generation's fault of not bringing up children properly, or whether they have figured out that the laws are soft and they can get away with whatever they want, I don't know, but it's not right whatever way it is.

Mr DEAN - Did anybody sit down with you and go right through this whole scenario with you and explain it all to you?

Ms DEAN - No. At the time Kim and I just said, 'All right, we don't know how to deal with this,' and we just went quiet and left it to the police. Then after finding little bits and pieces out, I said, 'Right, give me that file. I want to read through the whole lot of it.' We've read through the whole lot and we've just said, 'Oh my God.' I mean, I've given this file to a friend who didn't know Marty at all - didn't even know that I was the wife of that man who died after the Cup - and I said, 'Can you have a read of that and tell me what you think?' He said, 'They're thugs,' that's all he said. Getting back to your point where you asked if it went through the police properly, prosecution and coroner - all that, which it did -

CHAIR - The police and the DPP.

Ms DEAN - Police and the DPP, and then to the coroner and then it went back to the DPP because the coroner sure knew how to write his finding, and then it went back to the coroner. So yes, it has been juggled a lot, but two of those -

CHAIR - Not juggled - that would be the normal process.

Ms DEAN - Sorry, that's probably the wrong word. Out of those three departments two of the people - who I won't mention because I might get them into trouble - said to me to go further and see what I could do because they couldn't do anything. Their hands were tied - and they were big people.

CHAIR - I know, I can understand the frustrations. One of the issues that arises, as you say, is what can be done to ensure that something like this doesn't happen again: You are saying there should be more police presence in the area -

Ms DEAN - Definitely, lots - and not just for alcohol in cars, it needs to be up the hill or in the area wherever the event is.

CHAIR - We do not know how much security was there but you say there should be sufficient security at venues where large numbers of people will spill out onto the roadway.

Mr HALL - Since then it has changed, hasn't it?

Mr Kim DEAN - I think the security within the confines of the racecourse is fine - it's after they come out the gate.

Mr HALL - You mentioned there was some camera footage?

Ms DEAN - Yes, there was some.

Mr HALL - Some CCTV but it didn't capture the fight?

Ms DEAN - Yes, the fighting. The police still have it.

Mr DEAN - So that is something that could probably be upgraded, isn't it, the video footage and for people to know that they are under surveillance in those areas?

Ms DEAN - Yes.

Dr GOODWIN - A couple of things that struck me, and they are probably related, is that I think out in the community there is not an appreciation of the impact that what might be only one punch can have on the consequences that flow, potentially the death of someone and then the consequences of that for the family. I know that in other States and Territories there have been what they call 'one punch can kill' campaigns, or something similar, which is about raising awareness, particularly amongst young people, about the consequences of violent behaviour, and particularly drunk and violent behaviour. Is that something that you would like to see, more awareness raising?

Ms DEAN - For sure.

Mr KIM DEAN - Ingrid and I will go to whatever extremes to try to get things changed. Someone else lost their child through violence through different circumstances but it does not alter the fact that they have lost a child. It might be a straightforward case of manslaughter or something like that, whereas ours is not. At least they can get some type of answer that we have not, but that doesn't make the death any easier for them; it just makes ours a little harder trying to get answers.

Ms DEAN - And we have no closure either.

Mr KIM DEAN - That is what we want to do; we want to have better laws and people more responsible. This hasn't only affected us as a family; it has affected friendships and circles of friends who don't see each other anymore and things like that. It has affected my work.

Ms DEAN - I have some stuff here and I will leave it so you can read it. Jamie is five now and we dropped him off at grandma's. In the car on the way in he said, 'Oh, remember when we went in the truck with daddy?', and he was only three. The older one is even worse, the poor little fellow.

CHAIR - Is there assistance that can be given to them that is readily available or that you know about?

Ms DEAN - Brodie has had some help through school psychologists and he walks out of that room with that lady back into the classroom and he can't do anything. All he is doing is thinking about his daddy, so how is he supposed to learn how to read and write at school? He is just off the planet.

CHAIR - So that assistance is available in the school?

Ms DEAN - It doesn't help.

CHAIR - Do you believe it has to be out of the school?

Ms DEAN - Definitely, and easy to get to. The school psychologist at Evandale where the boys go is there one day a fortnight and she has to see every single child in that school who needs help. Brodie has been there for two years now and they supposedly have just

finished an analysis on him but nothing has come out of it, absolutely nothing. One day in a fortnight for a whole school is crazy. They need a person at each school.

CHAIR - So it is a resource issue, isn't it?

Ms DEAN - Yes.

Mr KIM DEAN - That's exactly what I said, 'Is it monetary?'

CHAIR - In relation to that it would be.

Mr KIM DEAN - I don't know what the confines of money is in government departments. I work in government myself and I know what the confines are, what you can and can't do, what you can and can't have. It's as simple as that.

Mr DEAN - It is a tragedy when it impacts on children.

Mr KIM DEAN - That is part of the reason we are here. We have gone through it and we want something done so that other people don't have to go through this. It is time that people started standing up.

Ms DEAN - Can I throw another spanner in the works?

CHAIR - Depending on what the spanner is.

Ms DEAN - It is a quite a big one. You have seen me now here and I am quite good but it has taken two-and-half years to put that little bit together. I would say 90 per cent of the time I look like an absolute wreck. I was called into Centrelink last week and told that on 25 January next year when Jamie turns six I have to go back to work. If you read my personal thing on what a normal day is like for me, I can't work.

CHAIR - Do you want to leave that with us as well?

Ms DEAN - I will leave it with you. The lady said to me, 'Well, we will just cut your pension off', and that was that.

CHAIR - That won't happen.

Ms DEAN - Well, she said it will happen and that is that.

CHAIR - I disagree with that.

Ms DEAN - I am going to see my doctor and I did see her already and she said that she would write something up that might help but I am on my best today.

Mr HALL - I am not sure how far the victims of crime assistance goes down into a family circumstance like this.

Ms DEAN - It is supposed to go down to me. I've already looked into it and it's all on hold at the moment. Debra Rabe has a similar case in court at the moment. I don't know which

one that is and if that turns out in favour of what we want, I may get something. But for the last two-and-a-half years I have just had to deal with a single-parent payment and with two little kids.

Dr GOODWIN - In terms of other support from the Victims of Crime Service -

Ms DEAN - When I rang up initially the answer was, 'No, we can't help you'. For the first year every lawyer that I might have seen just said, 'No, we can't help you'. But I haven't given up; that's why we are here now.

Dr GOODWIN - Is there any sort of counselling or any support like that from the Victims of Crime Service?

Ms DEAN - Nothing, no, 'We can't help you'.

The thing that I try to understand is that because those two fellows haven't been actually charged with a crime, I am not a victim of crime and neither is he and neither are the boys.

CHAIR - It would revolve around the word 'crime'.

Ms DEAN - Exactly.

CHAIR - Just because a person is found not guilty of a crime doesn't mean that an individual -

Dr GOODWIN - Or not even charged in some cases.

Ms DEAN - But they haven't even had a court hearing for it, which is something that I think is crazy. As if it's not in the public's interest.

CHAIR - So Debra is looking at that at the moment, is she, and she is advising you in relation to that?

Ms DEAN - Yes, and the last letter I got wasn't really positive. It's not a no but it looks as though it might be.

Mr KIM DEAN - Do you have a problem if we start going to the television or the newspapers and start getting a bit of public awareness about this?

Ms DEAN - We haven't done it until now because we didn't want to cause any -

Mr KIM DEAN - We didn't want to ruffle feathers or go down the wrong track or whatever.

CHAIR - This is not like a court.

Mr KIM DEAN - No, but we just wanted to make sure we weren't upsetting anyone when we came here. But I am not saying that we can do that today or tomorrow; it might be a month down the track that we are up to doing something like that.

CHAIR - Probably have a word with somebody in relation to what you can and can't say, to safeguard yourselves. That would be my advice.

Thank you very much for coming and giving your evidence.

Ms DEAN - Thank you for your time.

CHAIR - It must have been hard for you. We appreciate that.

THE WITNESSES WITHDREW.

Mr MATT GOWER WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Wilkinson) - Thank you, Matt.

Mr GOWER - Thank you for inviting me here to speak with you. The capacity in which I am here is mainly anecdotal. I have some accounts that I want to give that have been of particular impact to me. I have mentioned them before. I have spoken to Ivan before and to Don Wing and Kerry Finch as well. We had a chat about how these situations have affected me. I think it is part of a broader picture. There are obviously issues that you have dealt with today that are relevant. I will start by giving you a little bit of background.

I moved to Launceston just under five years ago. I moved from the UK to be here with my wife now and we are happily living in Tasmania. Over this time I still would consider myself a young enough man to be going out on the tiles and going out on the town.

CHAIR - Speak to your wife next morning?

Laughter

Mr GOWER - She still lets me go out. I am still allowed to go out and have fun. I have basically come from a community in the UK that would be regarded as a fairly rough community. At night it has had a lot of problems with youth violence, aggressive behaviour, unprovoked assaults and things of that nature. From that experience in the past and in moving here I think I can give a fairly good opinion - and a lot of it is opinion and subjective - and idea of what is actually happening out there as opposed to what is often reported in the newspapers and the coverage it gets. There has been a lot of coverage recently in the newspaper about unprovoked attacks, assaults, antisocial behaviour and how to tackle the problem and what should be done.

My experience over the period of time I have been here is that my brother-in-law has twice been put in hospital from unprovoked attacks. The family before lost a family member and that is shocking, but even at the level of common assault my brother-in-law has been put in hospital twice. He is a young man and he is a professional. He is not a fighter. He would not raise his hands in any situation and he has been hospitalised twice. Another two of my friends have been hospitalised as well from gang attacks in and around the CBD on Friday and Saturday nights. My partner - and I will not be naming her; she was concerned about being named at a public forum - has had bottles thrown at her down the street. She is a schoolteacher and a good person. We are people who like to go out in Launceston and enjoy the nightlife. We go out for a meal and are not out until 5 o'clock in the morning going to nightclubs and putting ourselves in an environment that is potentially unsafe. We just try to enjoy Launceston and what it has to offer.

CHAIR - What area did you come from in the UK?

Mr GOWER - I came from Weston-super-Mare, just outside Bristol.

I think a lot of it comes down to population. A problem with Launceston and a reason why some of these issues escalate - and this comes from my own experience - is that the community is such a small and intimate community. One thing we do know is how many times I have been walking around and someone has said, 'You know so-and-so' and they know you. There is always a connection with someone in some way. Out of those incidents that I have mentioned, none of them attempted to have any charges laid or even tried to catch the offender. That is the problem. People are too scared. There is a very good chance that you will bump into that person the next week. There is a good chance that you will bump into friends of theirs and they will know who you are and you will know who they are.

I have a quote here from the Glenn Frame, the Northern District Commander, who said this in the *Examiner* about a month ago:

'We often don't know about the issue until it becomes a real problem. People then tell us about it and they want to know why we're not doing anything about it'.

So people are not pressing charges and I believe this is a community issue. Launceston, being in the Tamar Valley in an intimate society, people often do not take that step. I was pushing my partner and saying, 'Go to the police. Let us sit down and try to catch these guys as the only way they're going to stop is if they're punished', but they are not able to follow through on the punitive measures because the public are not confident, and through fear are not stepping up to actually tackle these issues.

Mr DEAN - Matt, it would interest the committee about how that matter escalated, the one involving your partner and your brother-in-law.

Mr GOWER - Okay; I suppose this is quite relevant to what I just said. Basically the attack happened at about 11 o'clock at night, so it was not really late. We'd been out for a meal at Novaro's and then went and had a drink at the Star Bar. I had actually left, I went home after the meal, but my partner and her brother and another girlfriend of hers - so two girls and a boy - were walking from the Star Bar to the Northern Club and were jumped by what they thought was in the region of about 10 young guys who they did not think were older than 15 or 16. The issue straight away was self-preservation, it was not about defending themselves, it was a hands-up, 'What's going on? Please don't hurt us' situation. With that my brother-in-law was attacked, punched to the ground and then kicked repeatedly, and my partner was knocked over, they were throwing eggs at her on the ground and then when they managed to get to their feet and run away bottles were thrown at them down the street and they were running for what they felt was their lives. The fact is that if a bottle did hit someone on the head, that's a killer, isn't it?

After that incident, I started to get a bit interested myself and thought about what was in place and how these situations occur. The response time for the police wasn't great that night. It was right by the police station and one of the girls was actually on the phone to the police on hold saying, 'We're in the middle of being assaulted, can you please come and help us?' and she didn't even get off hold by the time they had to run and in that incident then it was long gone. They had left the scene and did not actually end up being in the police environment until about 45 minutes later, from hiding and being -

CHAIR - Could they get into the police station?

Mr GOWER - They were able to get into the police station. They sat down and there was a bit of anger that they did not feel protected. Again, these are comments that I make not knowing police protocol, budgets, constraints with patrolling and the systems that are in place. I really can't be one to judge the systems that are in place because I don't know about them. All I know is that I don't feel Launceston is safe and the reasons I believe it is not safe are based on the following issues. First, I feel that there are areas in the CBD that are a breeding ground for this type of behaviour - for example, Birchall's car park. I do not see why cars should be parked in there at 12 o'clock on a Saturday night where two of these assaults happened. If it is a 24-hour car park, where are the guys patrolling and making sure that people have paid their fees? It just becomes a place for guys to sit, think about causing trouble and then going out and doing it. They've got a hub right in the CBD and that's where two of the assaults happened, in the alley between the Star Bar and Birchall's car park. I really don't see why there shouldn't be boom gates if the service period is over during the day, so that the hoons aren't allowed to sit in there in their cars and then tear up and down the roads.

I understand that we are an inclusive society. It's no good shutting off everything to everyone as soon as night falls; I mean, that really isn't any good, but I just think that certain areas need to be monitored better, especially at those times of night when these attacks are happening.

Then there is CCTV, and this is again from the town in England that I lived in before. It got to the stage where the town was actually charging the criminals, not the individual, because the individuals weren't coming to the police and saying, 'I've been hit', because they were scared, so it was the CCTV that caught the evidence and then the state would charge the attacker when they arrested them, almost removing the victim from the process of the charging, almost as a hidden witness - 'We've got evidence of you here attacking this victim' - and that is how they did it very successfully for a period of time. They do not do that any more, so I am not really sure since I have left how it has changed. It is now an antisocial behaviour order.

Mr HALL - I am sorry to interrupt. So the cameras are still there?

Mr GOWER - The cameras are still there, absolutely.

Mr HALL - But they are not going down the same course of action that they were before.

Mr GOWER - I think it got to such a problem that all types of methods were piloted to give them a try, and Launceston is so small we are almost a pilot for a lot of things here in Tasmania. We have a lot of programs that are tried here in this small community environment so we can see whether these things work. The idea of antisocial behaviour orders is another one and this is still in process at the moment, but they were designed to be imposed after minor incidents that would not ordinarily warrant a prosecution. The orders restrict behaviour in some way by prohibiting a return to a certain area or shop or public area, and that could be for something as simple as sitting in a shop doorway drinking beer and swearing and effing and blinding at someone.

I believe that these kinds of things on a smaller scale are leading to the actual aggressive assaults. Young people have to have somewhere to go; I am not thinking that people should be banished from the CBD forever but I think this is where it's bred. Largely the parents do not want some of these kids who are causing the problems at home so they send them out and then they sit round town planning things to do. I feel that the systems are not in place to discipline at the early stages to stop these incidents happening at a later level.

Mr DEAN - Matt, there are cities in the world that have a law that you can't walk round in groups of four or five people. It seems to me worthy of consideration late at night.

Mr GOWER - There are lots of potential solutions. For example, this was before my time but friends told me that in the 80s there was a gang that called themselves the Adidas Gang, a youth group who went round and they were a fight club. They went round to hurt people. Friday and Saturday nights are when people are putting themselves at risk. I go out on a Friday and Saturday night, I don't often go out on a Wednesday night. The time that we really need police presence on those streets, near and outside these venues, is on a Friday and Saturday night from 9 p.m. till 2 in the morning. I do not know the viability or feasibility of doing it. I also know that being a policeman is a really hard job and a really difficult one, and one of the hardest parts of the job would be dealing with alcohol-fuelled, aggressive young people.

Mr HALL - Matt, anecdotally do you think that violence is worse here than it is in a comparable city in the UK?

Mr GOWER - I think it is more evident here; I wouldn't say it is worse. I would say it is more evident because of the community that we live in.

Mr HALL - You did point that out before.

Mr GOWER - Yes. We're in the valley, right in this encompassed area surrounded by the river and the gorge, so I think it's more obvious here. Even Hobart is very spread out. The suburbs are not all compacted into this one area and it seems to me to dissipate as it spreads. But in a central area, in city parks for example, I was walking through town one evening, it was dark, and two tourists wanted to know how to get to Coles and they asked me if it was safe to walk through the park. I said, 'Yes, it should be fine', but that was not enough for them. I wasn't confident enough that it was safe for that to be a suggestion.

Mr HALL - I just go back to your earlier comment about early intervention and a point raised with the committee before. A UK Labour politician wrote an article recently talking about the total lack of parenting skills and the fact that it has created a lot of this dysfunction.

Mr GOWER - You're absolutely right. That is a major, major issue.

Mr HALL - What do you see as a solution to that?

Mr GOWER - Well, what they did in England - and I don't know if he mentioned that in the article - was actually fine the parents if the children committed any aggressive behaviour that would normally warrant a prosecution and they were caught. The parents were

actually charged and the main highlight of the result of what happened was all of a sudden the accountability of the parents was there.

CHAIR - Where was this?

Mr GOWER - This was in Bristol. When the son came home with a black eye before and they said, 'What happened, son?', and I am not generalising but the type of people that are going out and fighting I would say would be of the same ilk. The parents have probably had a bit of a rough and tumble and they are probably from that type of family background but before when they came home with a black eye it would be, 'What happened, son?' 'I got in a fight and some guy was having a go at me so I hit him back'. 'Good on you, son, for sticking up for yourself'. But if they came back with a policeman and said, 'Your son has just assaulted someone and there's a \$500 fine for the pain and anguish he's caused to the family' then the parents will discipline the children.

Mr HALL - Is that right across the UK?

Mr GOWER - No, it was a by-law piloted in Bristol that they tried. This was a major issue just as I left the country. The Antisocial Behaviour Order, the CCTV explosion in the UK and all of this really started to kick in.

CHAIR - What was it called?

Mr GOWER - ASBO - Antisocial Behaviour Order.

My wife is a teacher and it is impossible for a teacher to be a parent. They will spend half a day trying to keep one bad kid in line so the others can learn. The responsibility of grooming these kids to learning morals and ethics I think has to come from the home.

CHAIR - Some might argue that it is a bit too long a bow to draw to say that the parents are going to be responsible for something that the child does without any knowledge of the parent but if the police officers went to the parents' place immediately after it occurred, if they know where they are obviously or as soon as they know where it is, sat everybody down and talked about what happened and about the penalties that can flow, the angst that it causes family, friends, et cetera, as we have spoken about with the last witnesses, would that be effective? Did they do that at all before they went to the fining of the parents, do you know?

Mr GOWER - I think, as I assume with the systems here, that a lot of the thing that the police would struggle with was the funds to be able to do all of these things and policemen having the time to go and do it. The viability of doing that I think would certainly work in the sense of accountability with the parents then saying, 'Okay, we know what they've done now' and there is a fine of \$100 and the child will be left and they can discipline them in their own way or if they do not wish to go down that line then the child can do 25 hours' community service on a Friday and Saturday night amongst the people that they have been hitting so that people are aware that that is the guy. They need to be named and shamed a bit instead of coming back with a black eye and having a pat on the back from dad and then going to their mates and saying, 'I got in a rumble last night and I did this and did that'. I think there needs to be a more fitting punishment for

the type of crimes that these people are doing. And even if they are kids, it is not an excuse being 16 years old. I knew at 16 that it was not right to go and bash anyone.

I think the message has been lost. The parents are not doing it. Alcohol is obviously a factor but I do not think they are going to bring back prohibition and, frankly, I would not like them to either. Everyone is going to have a drink and everyone is going to get in trouble too. You will never stop a fight in a club or a pub or on a football field, that is human nature, but the type of crimes that are happening in Launceston are premeditated, group attacks on innocents. I do not know the intimate details of this fellow who lost his life outside the carpark. But that is an attack on someone that has affected lives drastically and it is a matter of time before one of these attacks happens again or like at Carols by Candlelight where a kid was stabbed. Unless there are repercussions for their actions, I think it will just keep going on and on. Then their kids will do it and their kids will do it.

Mr DEAN - To your own personal knowledge how many of these assaults would you be aware of that have not been reported?

Mr GOWER - I would say from my experience and the knowledge of my friends who have been in situations like this - and I can categorically say that none of them are aggressive - that none of them would go out looking for a fight. I would say that 90 per cent of the incidents that I have even heard of have gone unreported.

Mr DEAN - How many roughly? Could you put a number on it? Would it be 10, five, six?

Mr GOWER - There are five incidents that have directly happened within my family and my close circle of friends. Through stories that I have heard, it would be up to 50 people who have been assaulted, and not necessarily part of this gang situation that I am talking about but just in unprovoked aggression in town.

Another quote from the *Examiner* when all of this was happening was that Tasmania is an intolerant society. I don't think there should be any tolerance for that type of behaviour. I don't think we should be tolerant of it at all. I think this is the kind of thing where criminality mocks society's tolerance. I think they laugh at the fact that we are not putting the foot down and by not putting the foot down there are no repercussions for actions and it just keeps happening.

Friends of mine knew I was speaking to you. I said, 'I am going in if you are interested and want to come along'. They said, 'A lot of these things have been talked about before. These issues have happened before and you will probably find yourself chasing your tail'. I said, 'All I can do is come'.

CHAIR - If everybody had that attitude, nothing would be done.

Mr GOWER - I was frustrated with the attitude of the victims who I am friends with. One of them is even a lawyer. I am here, the only one trying to fly the flag, and it just sums up the whole point. It is easier to walk away and dismiss it and say, 'It won't happen to me again; maybe it will happen to someone else' but it is just happening to someone else's son, someone else's brother, sister, and there are girls doing it as well.

This is another story and this is anecdotal again. I was walking past the cinema and there were two girls pushing a pram and there was a can of drink sitting on top of a power box. One girl walked along and with her hand slapped the can, half full of drink, over an old lady, hit her in the head, knocked her over and then laughed and walked off. Everyone was just completely appalled and shocked that these girls walked off and no-one chased them down or said, 'You can't do that'. There is no respect amongst these particular groups that are doing this - and it is girls too; there were girls in this group of boys that attacked my brother. There is no discrimination now about who can be involved; there is nowhere lower to stoop if you ask me. This old lady was in shock sitting on the floor for half an hour.

Mr DEAN - Matt, you were saying, I think, that your brother-in-law and your partner went into the police station. Was there an eagerness displayed by police to take the details and move the matter on?

Mr GOWER - There was. I did go to the police station because I got woken up. My mother-in-law said, 'We have to go down to the police station. Peter has been attacked. When we went there, there was anger, and it wasn't drunken anger. We had gone out for dinner and had a couple of drinks. It was just frustration that really nothing could be done to catch these guys. By the time we got there they had made a statement and we were told that the police were going to go down to the site where the incident happened and try to find the attackers, which naturally is what you would do. You try to find them and catch them. If there had been a camera there they would have seen who did it, which direction they went and they probably would have been able to catch them. I know that costs money too but I think it is money well spent if it is going to make people feel safe.

Another relevant issue is the amount of money lost by this city by people not wanting to go out because they don't feel safe - I would say a substantial loss for local business. I spoke to Karen Stallard of CityProm and she said the same thing about local trade. This has been in the papers frequently - the empowerment of business owners being able to move people on. I wouldn't necessarily have a coffee at the Coffee Republic or in town where people sit for free all day having a blinder. I don't want to have a coffee there with my mum, and it's not fair on the business owner. The right to move patrons on is still obviously a right of refusal but that is too daunting a task for a young person behind the counter serving coffee when their boss says, 'Can you move those people on'. It's almost unfair to ask a young kid to move them on because they'll probably throw something at them, kick and swear at them. The general behaviour in and around the CBD at daytime and nighttime is based around these groups.

Mr DEAN - I was attacked at half past eight in the supermarket the other night.

Mr GOWER - Did they know it was you and thought, 'I wish I hand't done that'?

Mr DEAN - I have no idea whether they did or not but it was just unbelievable. One was a 16-year-old and the other guy would have been about 18. One was a skinny little runt as well; he was the mouthy one.

Mr GOWER - The Anti-Social Behaviour Order, would that work here? I don't know. Would it be enforceable? Would it be an exclusive instead of inclusive law that would just alienate people and move them somewhere else to cause trouble? I don't know but a

harsh punishment that is enforced, though not treating them as adults because that would send them down a path that they would never recover from. There is still a hope with these kids. I don't think the rehabilitation of these kids to make them better people is out there but they need to be punished in a way with something that they really don't want to do, like losing every Friday and Saturday night for six months otherwise their parents pay a fine.

Mr DEAN - Evidence has been given to this committee of the way violence is portrayed in sport, football in particular, where people are assaulting others on the football fields and no real action is being taken other than they might be suspended for a game or something like that. It has been suggested that could be having an impact on young people as well, seeing and watching that and believing it is probably condoned, part of life and should be accepted. Do you think that is having any effect?

Mr GOWER - I think it is too broad a rein to pull in now. Whether in the movies or on the TV, it is very hard to avoid. It is an international curtailment that I don't think would happen.

Mr DEAN - It doesn't happen at the tennis centre that much.

Mr GOWER - We get some people who are mouthy sometimes but it is generally quite peaceful. The basis of where this comes from is largely from parenting, and just a hive of the wrong people at the wrong place, geeing each other up, whether they are overly drunk or on drugs, breeding this attitude amongst themselves.

Mr DEAN - The pack mentality. If there were one or two on their own it probably wouldn't occur but they get in a group and away they go.

Mr GOWER - Showing off how tough they are, what they can do and how far they can go. I read that Councillor Soward said they just need a place that they can go. That's not a solution. You don't stick kids in a youth group and say, 'They'll all be friends now and won't do this'. That will just be a drain on the town's finance. That has been tried so many times - things of that nature - and they just don't work. It needs to be something harsh with no grey area on it: 'You've been done for assault and you've been caught on camera. You now have this punishment for this period of time. We're going to tell your parents that if they don't want you to do this then they can pay a fine of \$2 000 to have you avoid community service.' Then the parents will know exactly what the child has done and police will be able to responsibly and accurately charge the aggressor.

Mr DEAN - And watch closely their behaviour in the future.

Mr GOWER - Yes. There are going to be borderline issues where someone says, 'He hit me first'. 'No, he hit me.' That's where the evidence needs to be accurate because no-one is ever going to be wrong. They're always going to be defending themselves, 'He said this and that', but if you are on camera, then we have you.

CHAIR - Coming from the United Kingdom, Matt, you have noticed violence here because of the community size and how it is environmentally.

Mr GOWER - Yes.

CHAIR - You have experienced it yourself?

Mr GOWER - Yes.

CHAIR - In a number of incidents you know of, people haven't reported them because it was just too hard and they would rather get on with things, as opposed to pondering over the issue and going through the processes.

Mr GOWER - Yes.

CHAIR - You think a way of assisting would be to make parents more responsible for the actions of their child, where they are able to do that.

CHAIR - Yes, they are the main issues. I am sure there are think tanks and people like yourselves who can come up with some things that can be applied and that will work. I just wanted to give an opinion on the way I and a lot of people within the community feel, people who want to stay in Launceston and not have a youth exodus where everyone turning 18 says, 'I'm going to Melbourne or Sydney'. We want youth, young professionals, to stay here and be involved in business or be teachers, students, whatever. They need to feel safe in a social environment because you want to enjoy and feel safe in your community. I think Launceston has so much going for it; my whole family has just moved here from the UK. I came on my own and now my mum and dad have arrived, and my sister has moved here, and they love it. It has so much going for it. It seems a shame that issues like this are the Achilles heel of Launceston. The *Lonely Planet* review two years ago said that Launceston was full of bogans and this and that. That is what outsiders see when people come here.

Dr GOODWIN - Hobart is much better, particularly the Eastern Shore.

Laughter.

Dr GOODWIN - Just kidding.

Mr GOWER - Do you know how many surveillance systems there are in Hobart compared with Launceston?

Dr GOODWIN - They have cameras in the Mall, including the bus mall, and I think they have some around the waterfront now - so maybe 20 or 30, something like that.

CHAIR - They have some in North Hobart as well. They have picked up a couple of incidents that have come to court and they have used the CCTV footage.

Mr GOWER - Just the deterrent of being there, like a speed camera on the side of the road. You don't speed past it because you know it will get you, so you slow down.

Mr DEAN - There should be more CCTVs in more vulnerable areas.

Mr GOWER - Even it was a specified route. People go from the Saloon to the Star Bar to the Northern Club, so that particular route is all under CCTV surveillance and on those

particular hours on that night there are police on hand. So if somebody gets assaulted in the middle of City Park you say, 'Well, it was two in the morning and you were in the park'. There is no excuse for it but if there is a safe option, a route through Launceston at those times, and the areas that are the problem areas where those things are happening, there should be anti-loitering areas where you can't loiter and park your car, sit around talking about what you're going to do and then go and do it. There should be areas in the CBD that are safe.

CHAIR - Matt, Ivan was saying that you are involved with tennis and other sporting clubs. We don't want to become philosophers I suppose, but to me the breakdown of teams, of groups, has meant that often these people don't have boundaries. They don't have the boundaries of their peers and the boundaries that are set when they join these clubs. How would it go, especially with youth with restorative-type work, if part of the process was that they had to become involved with a team? I don't know whether you experienced that in the UK at all, because often their peers are the ones who tell them what they can and what they can't do and they act in accordance with their role models in their clubs.

Mr GOWER - I would say it is probably the most influential factor on a child, what their friends do and say. If you look at kids who take up smoking, their friends smoke, they are not the first or last ones to do it. I would say that any type of structure within social scenes, whether it be sporting or a decent chosen social thing, does help, but there will be deviants no matter what system is in force or how much money is spent on putting the system in. Encouraging kids to play sport is a great way to give them another avenue to take.

CHAIR - What the committee is looking at is that there has been, from statistics, an increase in youth violence.

Mr GOWER - Yes.

CHAIR - It would seem from the evidence you have given that it was a group of youths involved in the assaults on your partner and your brother-in-law. Firstly you'd have to find out who they are but when you do, what would you think if there were special programs in place that could put them in touch with a team environment, and like your drug rehabilitation courts, they'd have to come back to the children's court or wherever it might be, every couple of months, with maybe their coach or somebody from that club to say how they are going, whether they have been going to training, whether they have been doing what they should be doing, so that you always have an ability to keep an eye on how they are going for a period of maybe three or six months or whatever it might be? Have you known of any courses like that over in the UK that have assisted?

Mr GOWER - I haven't heard of any. My opinion of that type of solution would be that it would create a mentoring situation for someone who may be lacking that from a parental point of view, to say, 'We've got this guy who is coaching rugby; you've got some aggression you want to take out, so take it out on the rugby pitch and every month we'll sit down and have a chat', and maybe there could even be an apprenticeship for kids who have found an interest where they can then become involved, even career-building, around those groups. These are big ideas that may not be feasible but I think that if there is a significant lack of mentoring or support from parents, those situations would be really good. Sport has a pretty wide scope; there is something for everyone. Down at

our centre we have tennis but we also have the circus school, and that is not necessarily a mainstream sport, so there is something for everyone and if those organisations were given support - and sporting clubs are always lacking in support - to implement new programs, if that support included a mentoring role for the leader of the club or the coach, and then a follow-up with training for career paths and things like that, that could work.

I don't think a softly, softly approach is the way to start solving this problem. I think we have to stamp it out and then once we've got them and stopped them let's find out ways to rehabilitate them as opposed to the other way around where the rehabilitation might be mocked because they might see it as a soft punishment for a harsh crime, which is what they probably would view it as.

CHAIR - The death penalty doesn't seem to stop drug dealers going through Indonesia.

Mr GOWER - No - there you go. I think the key to it is something that they really don't want to do. To me, the idea I am putting here of Friday and Saturday night community service where they might be picking up rubbish in the streets and are being showcased for being cowards, I wouldn't want to do that. That would be something where you could say, 'You can put me in juvey and I can brag to my mates that I've been down the road and locked up for a week, and I'll come out stronger and learn more in there, or you can humiliate me for what I've done' - and I wouldn't want to do that. A breach of that type of community service for that kind of crime would then involve a parental fine. 'This is the agreement, your child has committed to be part of this Friday and Saturday night project and as parents we expect you to enforce them to come'. I wouldn't want to do that and I don't think a lot of the kids would either.

Mr DEAN - There used to be charges here, going back a long time ago, for parents for having uncontrollable children.

Dr GOODWIN - It should be the uncontrollable parent in some cases.

Mr DEAN - You're right, but all of that has gone, and it is a good thing because the way it was being done wasn't right, in my view. But I agree there should be more responsibility on parents, and I hear a lot of people saying the same thing. You should know where your 14-year-old or your 10-year-old, 12-year-old is, and you should know roughly what they're doing.

Dr GOODWIN - And care.

Mr DEAN - And care.

Mr GOWER - That's right, and unfortunately, as I said, I think sometimes the only way to get parents of this nature to care is where it hurts them. They'll care when they realise it is not actually benefiting any of them.

Mr DEAN - Just taking the argument of the parent, the parent will now say to you, 'That's all right to say that but I'm not able to put a hand on my child, I'm not able to restrict them physically in any way at all' - that can be deemed as assault - 'If you give me the right to discipline my child in the way I want to we'll make sure they do the right thing but you've taken that all away from me'.

CHAIR - That is another debate.

Mr DEAN - Yes, that's another debate but I just wanted to make that point.

Mr GOWER - When somebody is looking at the legislation and how it is enforceable they should be making something so there is that system in place. When the parents turn around and say, 'I literally have no control over my child and I can't afford to pay the money', say, 'Fine, but in that case the level of your child's community service has gone from being social rehabilitation to criminal rehabilitation' - maybe.

Mr DEAN - Good point.

Mr GOWER - You are saying, 'You started off here, if you can't control your kid then unfortunately for your child, they will go to here' and then maybe they will be reined in.

CHAIR - Matt, is there anything you wanted to say to sum up.

Mr GOWER - Just thanks for having me.

CHAIR - Thanks for coming along. Please tell your friends that we will be doing all we can to make recommendations and then it is up to the Government as to whether they accept them and turn them into legislation.

THE WITNESS WITHDREW.