

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

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**Mr DON MCQUESTIN**, KINGS MEADOWS HOTEL AND TRC, AND **Mr MICHAEL ACQUAROLA**, STAR BAR CAFE AND HOTEL, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** (Mr Wilkinson) - Thank you for coming along, Don and Mike. I will let you proceed as you wish if you want to give a brief overview. We will then ask some questions. Don, would you like to start?

**Mr McQUESTIN** - The Tasmanian Hospitality Association asked me if I would appear. I have been in the hotel industry in this area for about 24 years. I am a past president of what was then the Australian Hotels Association, Tasmanian Branch, now the THA. More recently, I was the inaugural chairman of the Launceston Liquor Accord, which was established about a year and a half ago to address some of the issues of the amenity of the town centre in Launceston, particularly late at night. Perhaps that is the most relevant issue for the committee's brief here.

I will give a brief description of what we tried to do with the establishment of that accord. I think perhaps the most relevant thing was that the venue operators, particularly the CBD venue operators but we also had licensees from all of the Launceston area, the police and the taxi operators got together and tried to help out with amenity late at night in the city. I read the evidence that was given by Scott Tilyard on 15 September to the committee and I think I can agree with his opening statements. I think they were very relevant; I couldn't have any argument at all with his evidence, particularly those first couple of pages. The police statistics that we got at every meeting seemed to show that incidence of violence in the city at night was static, if not declining a little bit. The gender mix seemed to be changing.

In my time as chairman of the Liquor Accord one of the things we really focused on was the fact that most of the incidents seemed to be outside the venues. The venues themselves, if there are any incidents, seem to be a small proportion but it is people moving between the venues and also trying to find their way home. We focused on that trying to find their way home, in particular the taxi ranks. If there looked like being some trouble on the taxi ranks, the taxis would avoid it and that just compounded the problem. What we did, particularly with the George Street taxi rank, I went to the city manager at the time and asked if they would consider putting a queuing barrier there because often the trouble seemed to start when people were jostling in the queue or trying to jump the queue. That was established before Christmas last year and has been a success in helping with getting people home after a night out. The taxi operators were very cooperative and helpful and they changed the original design so we could get two cabs arriving and loading at once, helping to move the people home.

**CHAIR** - With the queuing facility with the barriers, did you get two barriers either side and people walked through those barriers and into the taxi or is it just the one barrier one side?

**Mr McQUESTIN** - It's one barrier but it gives them a starting point for the queue, so there is no doubt where the queue is. It seemed to give a bit more order so there is not much doubt where it is and where you have to get into the taxi, so you can't go backwards and jump in one that is just pulling up.

We asked the police if they would attend the taxi queue, but they wouldn't have the resources to do that. In our case the first one we did was Festivale night and we paid for a private security operative to be there and it was found by the police and all the participants in the Liquor Accord to be very successful on that night. We thought that was a win.

**CHAIR** - Different nights, different activity, I suppose, but Festivale is probably a good one because it's a day when people have a few drinks. Was there any evidence on the taxi ranks that night of people who could have reacted in an aggressive way?

**Mr McQUESTIN** - It is bit of hearsay from the security operative, but we deliberately put an older, more mature type of guy there. He was only one person but I think it was a matter of how the people queuing were handled. It has to be non-confrontational. It worked very well and the taxi people kept coming to keep the queue moving and getting people home. That was successful.

**CHAIR** - The interesting part you mentioned as well was the two cabs were arriving at the one time, so there wasn't the rush for that one taxi, and you say that helped as well.

**Mr McQUESTIN** - That was the taxi people's idea. Originally it was designed by the council for just a barrier one at a time and they said, 'Can we have two?' It just moves everybody a bit quicker, and they are on their way home and they are in the cab, which is good.

**Mr DEAN** - Don, back in 1999-2000 you would remember when antisocial behaviour and serious assaults were really out of hand here in Launceston, and a huge number of changes occurred in the city at that time, including the changing of some of the taxi ranks. They were put into different areas and so on. That, from my position, made a difference, getting them in the right places. You have to have your taxi ranks rightly situated in the city. The other thing was, and I will just take you into another area, at that time licensed premises' hours were opened right up and rather than all closing at 1.30 or whatever it was in the morning and everybody coming out onto the street at the one time, it has opened up right through the night. What impact has that had on what is now happening?

**Mr McQUESTIN** - I will probably hand over to Mick on that late night closing one. The cab ranks can be flashpoints, I think. We are now working on the Charles Street one, which was probably a secondary issue.

**Mr DEAN** - Lighting was the other issue at the taxi ranks.

**Mr McQUESTIN** - Yes. One of the other things we did was make sure the cameras were working because there was a camera system but it was not working and it was not being monitored. As to the closing times, I grew up in Launceston. I was a young man here in

the early 1970s and there were fights in Brisbane Street in those days. That was where they used to happen, but I think the closing was 10 o'clock in those days. I am not sure that the closing time is totally relevant. Obviously when people are moving on the way home it would be best not to have them all out there at once, that has to be true, but I am not 100 per cent sure whether the closing hours issue is really relevant. Mick would be able to say how they do operate.

**Mr ACQUAROLA** - I am the same as Don, I grew up in Launceston. I have only been a licensee for three-and-a-half, nearly four years now, but obviously growing up in Launceston I have been to a lot of the places in the CBD area. When you talk about George Street in particular, back in those days The Pavilion and Broad on George were very popular spots, as was Lloyds down the road and Lonnie's, which back then was called, Hot Gossip. It seemed to be a central hub and now it has all moved. Now we have York Street with New York and Irish Murphy's down the other end of town and the Star Bar, and it seems to be more spread out. Ten to 15 years ago the central hub was George Street and there was a lot of trouble. I remember the clubs did a 3 a.m. shutdown and that got worse, everything got worse because everyone left the venues at the one time and congregated and tried to get cabs. There was the whole assault issue. You, as an ex-policeman, would know that Melbourne trialled the 3 a.m. lockout 18 months to two years ago and found that it was not working for them because, again, you were saying no to people who were still not intoxicated but were having a good night and could not get into a venue, so they were getting angry and upset, and they were going elsewhere and all of a sudden they found that they were getting more incidents in the CBD and they changed it. They went back to staggering the lockout times and shutting at different times so there was not this big influx of people at once.

**Dr GOODWIN** - Don, you mentioned the gender mix is changing. Do you want to elaborate on that a bit?

**Mr McQUESTIN** - The police, at our quarterly meetings, gave us the statistics for disturbances and they classified them in different ways. Their comment - I am not sure if it was in the statistics - was that the female participation in the disturbances was more than it used to be; it was an increasing trend. I do not know what it means or where it comes from. I might be making a broad-brush statement, but young men have always had a bit of a tendency to fight, haven't they, sometimes over a woman; in fact, quite often.

**CHAIR** - Do you want to go into that a bit more?

*Laughter.*

**Mr McQUESTIN** - It is human nature, isn't it? That was their comment to police. I do not know whether they made the same comment to you when they gave evidence.

**Dr GOODWIN** - Yes.

**Mr McQUESTIN** - I am not sure where it is coming from but they seem to be thinking they are ready to have a go.

**Mr McQUESTIN** - I have a few general comments to finish. There is a certain element in society that does come into town looking for trouble; we have to acknowledge that. I have hotels that are more suburban hotels - the TRC and the Kings Meadows. We have relatively little trouble in that respect. The CBD operators seem to cop a lot of flak about violence and so on. I feel there is a bit of an image that the CBD operators are doing the wrong thing, whereas I do not feel they are. I cannot think of somebody who is really doing the wrong thing and encouraging over-consumption, binge drinking and so on. In our hotels we never have happy hours, for instance, but some people do. I think that is a slight thing but you cannot stop people charging what they want to for a product. In general I think the industry is pretty responsible.

Apart from the element that comes in looking for trouble, it is not only alcohol. Eighty per cent of alcohol is consumed off the premises. On premise seems to get the spotlight but 80 per cent of alcohol consumed in Australia is bought and taken and drunk off premise. It is not only alcohol; there are other substances young people take that are in the mix. Taxi drivers again will tell you that nine out of 10 people on their way into town have already participated in some sort of substance or alcohol before they start.

**CHAIR** - Are you talking about pills or whatever?

**Mr McQUESTIN** - Yes, drugs, amphetamines et cetera. So it is a complex issue and somehow or other the spotlight always seems to fall on the on-premise operators. I think it is a societal issue in a lot of ways. When I was on the national board of the Hotels Association there was research showing a correlation between outlet density and antisocial behaviour and alcohol. If you have a lot of liquor outlets in one place there is a correlation with antisocial behaviour.

As the President of the AHA I had three ministers: Paul Lennon, David Crean and Michael Aird. In Michael Aird's time I can remember saying that if we let off-premise licences get away, if you make it easier for people to get them, they will proliferate. I did not win that argument because the Government's attitude was that it is up to the Liquor Licensing Board to decide what is good. My comment was: who is running the place - the Government or the Liquor Licensing Board? Outlet density and off-licence premises have increased quite dramatically in the last 10 years.

It happened in Victoria in the 1990s and now you read the Victorian papers and it is 'woe is us' because there is so much alcohol out there. It has never been easier to get alcohol, so the Government has to take their share of responsibility.

I have come in representing the Hotels Association and probably small independent operators, but who is the largest supplier of alcohol in Tasmania? Woolworths.

**CHAIR** - Through what, Don?

**Mr DEAN** - Through bottle shops. We are here talking as small independent liquor outlets and yet somehow or other Woolworths seem to come under the radar all the time. The large suppliers in Australia are Coles and Woolworths. They are also the biggest poker machine operators. That is why I am here feeling that, okay, CBD operators have their part in the industry but it is a big society issue and there are some very big players out there that are contributing to this. They should be asked about their attitude to it as well

because they are still applying for off-licences in country towns around Tasmania and so on.

When I had that discussion with Michael Aird I more or less got the impression that I was trying to protect my patch or my members' patch and so on. I was representing my members but I think it is also fair to say that a fairly intelligent person would know that if you keep releasing licences into areas, suburbs and country towns then you have to take some responsibility for that.

**CHAIR** - I hear what you say in that the incidence of violence seems to be static, but the actual level of violence seems to be greater than previously. Firstly, do you believe that is the case? Secondly, what do you think we should be recommending?

**Mr McQUESTIN** - I do not hold myself out as an expert on the type of violence that is committed but, as a general piece of common knowledge, once a fight or something starts then there tends to be more damage done - that is what I hear - if somebody gets down in a fight and that sort of thing. I just do not know what the answer to it is. Education is part of it and showing respect for other people and all that. It is a very big issue. I do not even know whether the violence is the same but the incidents are more serious. I am not even sure that is totally right but that is a common bit of knowledge that people say is fact.

**Mr DEAN** - You did touch on one area, Don, with the number of bottle shops that are mushrooming up with cheaper alcohol and easier access to alcohol. Do you believe that there is a need for stronger control in that area?

**Mr McQUESTIN** - I just do not think it can be good. If we go back to the Victorian example when they freed up liquor licensing, I think it was John Nieuwenhuysen that put the report through. He liked the idea of Europe where you went to a cafe and there was alcohol freely available, but we are not Latins here; we are an Anglo-Saxon society and we have a different idea of what we do when we want to have a few drinks. You go into those Italian cafes and the beer is on the soft-drink menu, but it is different here. I think the genie is now out of the bottle. We have done it. We have let it happen. We have let the supermarkets get control of it. The suppliers are not innocent either in the way it is packaged and so on. It is out there and as a society we now have to deal with it, but is it good for us to have lots and lots of outlets all over the place? It is not for me to say. It is for the Government and the Government has already made their decision. They have allowed licensing to go on. The first one in Tasmania was when BWS applied for a licence at Bridgewater and Kingston. They were knocked back in Bridgewater and they got one in Kingston. That was the first time that people thought that anybody could have an off-licence and more or less apply for one wherever they wanted and they would probably get it. Just look at the numbers of off-licences that have been granted since that happened, which was probably 10 years ago or something. When did that one go into Kingston?

**CHAIR** - It would have been about 10 years ago.

**Mc McQUESTIN** - There has been a dramatic increase in the availability of alcohol through off-licences and the Government has to put their hand up and say that they let that happen. It is no good saying that the Licensing Board decided it was all right.

**Dr GOODWIN** - How much of an impact does an off-licence that is very close to a pre-existing hotel with a bottle shop have in terms of trade for that particular hotel generally speaking?

**Mr McQUESTIN** - In terms of a market for liquor, it is only a certain market and the more outlets you put there the more you reduce the amount. It depends on the circumstances. The theory is that an outlet near a big supermarket where everybody goes to do their shopping will be like a grocery shop. In Tasmania you cannot put the liquor in the supermarket but Woolworths found a way round that. They put it in the car park so you can actually drive through.

**Dr GOODWIN** - They have gone one better than that at Shoreline because they have put it in the Shoreline Shopping Centre in very close proximity to the Woolworths supermarket and then the Shoreline Hotel is a matter of metres away from the shopping centre, of course. I guess what I am getting at is that when you have a situation like that and there is an impact on the hotel's trade there is always a risk that the hotel will close and hotels of course provide a range of services for the community. Obviously if you lose that hotel, you lose all those extra services that are provided to the community.

**Mr McQUESTIN** - It certainly does not help with the viability or the value of the hotel having an off licence start up next to it, that is for sure.

**Dr GOODWIN** - Do you think there are any issues with the way the Liquor Act is currently drafted - this is something that has been raised with us - that it does not take into consideration some of those issues about the benefit to the community or lack thereof?

**Mr McQUESTIN** - There is a key phrase in the Liquor Act that the Licensing Board must act in the interests of the community. It is a very broad and subject to interpretation by the people who at the time happened to be on the Licensing Board. From the evidence that they are given, they have to determine on the broader interests of the community whether it is good to put a licence there or not. A government could certainly put some more parameters in there to try to get an outcome that they wanted, but my feeling is that the Government of the day in the last 10 years has been happy to see the spread of liquor outlets. They must have thought it was good for the community or else why would they have let it happen? They would not say that, mind you. They would say it is up to the Licensing Board - 'They will act in the interests of the community'. That is where we have got to and I do not think you can put the genie back in the bottle. It has happened now. It is out there so that is what we have to live with. I think it is a factor in what you are looking at. That is what I am saying.

**CHAIR** - It seems to me that one of the areas too that we look at is \$5 jugs at 5 p.m. and \$6 jugs at 6 p.m. I know a lot of them have a loading session, if I can call it that, of alcohol prior to going out because they think it is cheaper for them to do that. But then, also, a lot take advantage of these five o'clock happy-hour barrels or whatever it might be. There is a harm-minimisation aspect in all that as well. From what I hear, when this was raised as an issue, the ACCC said, 'You cannot do that, it is price fixing. You cannot price fix. If you do that, there could be issues surrounding that.' What do you think about these happy hours?

**Mr McQUESTIN** - My experience is that nothing encourages people to drink more and quicker than free or cheap alcohol. The suppliers are not innocent in this because, in order to push their product, they will tell the venue they will give them such-and-such a deal as long as they sell more of their product through discounting the price. Some operators - and I would be one of them - say, 'We will never discount our price but give us a giveaway to go with it'. If you want to promote your product, give us a giveaway, such as a beer cap.. You buy a beer and there is a cap to go with it. That to me is a much better way all round but once you start giving people two for one or whatever, to me it is not the right way to go. But the way our commerce operates, you cannot really tell people what to charge for what they do, if they think they are going to get a big crowd in by doing that. It is an issue and I think it is a serious one.

**Mr ACQUAROLA** - It's more looking after some of your regulars who come to the venue. I have the Star Bar and I have never run a happy hour in the three-and-a-half years I've had it. I don't believe in it and I have never needed it. In saying that, I had the Billabong Hotel for the last 18 months, which I have just sold, and I did have a one-hour happy hour on a Friday night, more so because I have regulars there who come in every day and it is just a thank-you. They will probably have only one more beer than they normally would in an hour during the course of the week. The problem is that you can go to a bottle shop and buy a carton of beer, take it home, drink that carton of beer with a mate in three hours but no-one is controlling it, no-one is saying, 'You can't do that'. In our venue - and every industry has cowboys; the car industry, the hotel industry - there are the cowboys who will get those \$5 jugs and Vodka Red Bulls for \$6 et cetera. Unfortunately I think that is always going to happen. Coming from the car industry, there were cowboys in the car industry so I don't know if we are ever going to get away from that. I am not a believer in happy hours, as I said, but I did it at the Billabong Hotel purely to look after the regulars I had coming in every day. There was such a big contingent of regulars every day and they really appreciated it. They wouldn't get any more intoxicated because it was a happy hour; they would probably have one more but they were still on the same level when they left at the end of the evening.

Touching on what Don said before about western society, we followed the English in 'Drink, let's drink'. You only have to look at them in any world sport. I worked in Rome in 1993 for 12 months and when I came back I could not believe the difference in culture. It was a shock to me. I was a 23-year-old over there working in a restaurant, in a bar, on a construction site and we would have a beer or two at lunchtime on the construction site. I was saying to these guys, 'Is this normal?' and they said, 'Yes', and they'd pull out their flagon of wine, but they are not abusing the privilege of alcohol. You could go into Macca's there at the first opening in 1991 or 1992 and there was beer and wine on the shelf. Here, the 16-year-olds would be trying to abuse that privilege. We have a different mindset, different society, and unfortunately that's where the Australian mentality has gone. It's an Australia-wide problem; it is obviously not just Launceston.

I think people are safer in venues because we have security. I pay for security guys and it's a cost that I would rather not have but I pay for security to be there on a Friday night and Saturday night, Wednesday night, Show Day. People are safer in my venue at the Star Bar and with staff knowing the proper procedure of RSA. If there is an incident, we are straight onto it. Outside, unfortunately, 100 metres up Charles Street or around the corner, they are on their own. I can give you some instances in the last month - and

police are obviously aware - youths, 14 to 16 years of age in groups of 10 to 20, assaulted two separate lots of patrons who left the Star Bar on a Friday or Saturday night. They were totally innocent, walking home and were approached by up to 15 guys. One of them is still in hospital. Is that a black mark against me? These guys had had a few - I know one of them - but they were not intoxicated. They were out for a good night out. They were walking down to Kings Way and were approached by fifteen 14- to 16-year-olds. These guys thumped them. One guy is still in hospital and is not too good.

**Mr DEAN** - When did that happen?

**Mr ACQUAROLA** - That was on 17 September - three men left the Star Bar, I think they were heading to Irish Murphy's, crossing the Kings Way. That is one instance. On 30 July another three men left a twenty-first birthday party at the Star Bar and walked around to Paterson Street. Two of these guys were former security guards so they were quite decent-sized men. One guy approached them and started mouthing off and then a swarm like bees swarmed around them. These guys protected themselves, hit two or three of them, knocked them down and then ran. I honestly believe there is a major issue with these 14- to 16-year-olds. Why do they have to be out after 11 p.m.? I do not know if there is anything we can curfew to make them leave after 11 p.m. Why are they out? They are not allowed to be in a bar. They are the ones causing people harm when they are leaving venues.

**Mr DEAN** - We will hear more about that this afternoon.

**Mr ACQUAROLA** - I witnessed one two Sundays ago and I witnessed one at the Billabong. I have just sold it and I was pulling down some pictures and stuff of mine and I heard a bottle break right outside on the window facing Brisbane Street. I have looked out from the blind to see what was going on and again they were no older than 15 or 16. There were six or eight right on my doorstep right below me and there were 10 over the road. They just attacked this one particular gentleman, probably in his thirties, and just put him up against the wall. I felt, 'Do I go out and do something'; I got so emotional and I rang the police. The police were there in a couple of minutes. I spoke to one of the policemen and I told him exactly who the culprits were. I watched it all. These guys were running in and kneeling and trying to get over the top. I thought that if I went and helped how would I know if one of them has a knife. It is not as if there were two or three of them; there were 15 at least. That is the scary thing, and it is happening in our CBD. We are starting to see a lot of it, unfortunately.

**Mr HALL** - With CCTV cameras, and I know you cannot saturate a whole CBD, but would that assist in those assaults?

**Mr ACQUAROLA** - I think so, yes. I know the CBD used to run and actually man live CCTV cameras from the station, I believe, whereas now they are not, as obviously the manpower -

**Mr DEAN** - They are not manned; they only record.

**Mr ACQUAROLA** - I can totally understand that.

**Mr HALL** - That would certainly assist.



**Mr ACQUAROLA** - Yes.

**Mr HALL** - You are talking about 14- to 16-year-olds; is there a specific gang culture?

**Mr ACQUAROLA** - Yes.

**Mr HALL** - They are parts of organised gangs?

**Mr ACQUAROLA** - Yes. Every retailer in the CBD knows them.

**Mr HALL** - They are all pretty well known?

**Mr ACQUAROLA** - Yes. They have their baseball caps on sideways. They did have a name that I heard - the Adidas group or the Adidas boys.

**Mr DEAN** - I think they might have changed it now.

**Mr ACQUAROLA** - I personally think that is a far greater issue in the CBD. We only read in the paper a month ago of the couple who went out for dinner who now feel that they do not want to ever go out again. Things like that should not happen. As I said, our patrons are safer in our venues. They are better off being in our venues at 1 o'clock in the morning because we have security that will walk them over the road.

**Mr DEAN** - Responsible serving of alcohol has been raised in this committee now on many occasions. Do you believe we have that right, that there is responsible serving of alcohol in your licensed premises? It has been suggested that if patrons in your premises are getting alcohol and feeding that to people who are already in a drunken state then there ought to be an offence to cover that as well. They should be held responsible for what they are doing as well and not just your people and your service.

**Mr ACQUAROLA** - The actual patron?

**Mr DEAN** - The patron who comes up and gets a heap of alcohol, takes it back and feeds it to somebody who is inebriated, there ought to be an offence there to cover that as well.

**Mr ACQUAROLA** - It is something that I have brought up. Last year I was the publicity officer for the Launceston Liquor Accord and this year I am the vice-president and it is something that we have talked about quite strongly. We run the Star Bar as tight as possible and licensing have given me very good recommendations on how strict we are with it, so I have no concerns with that at all. I understand the infringement but I do not necessarily agree with the amount of it. My employee is serving the alcohol, and I understand that, but a group of five guys are sitting on one of my couches over the back and two of them are sitting there totally intoxicated. One of his mates comes up, 'Can I get four beers?', in the middle of the day or late afternoon. If there are people around and we cannot actually see where those four beers are going then we do ask and we normally make it two. Come and get two and then get your friend to come and get another two - things like that. However, if he brings back those four beers and gives it to his mate, is that not his responsibility to a certain degree? He has gone and given beer to his mate,

who is already in a very drunken state. Why do that to your mate? 'Just have a couple of waters mate, just relax a bit.'

**Mr DEAN** - Should licensed premises have free water on tap?

**Mr ACQUAROLA** - We do.

**Mr McQUESTIN** - If anybody asks for a water, you do not charge them?

**Mr ACQUAROLA** - We give free cordial. In the liquor hall last year we implemented the yellow card system?

**Mr DEAN** - Yes, I have heard about it.

**Mr ACQUAROLA** - It is like a yellow card in soccer; when you are given a yellow card in the soccer you are given a warning. We give a yellow card to a patron who we believe is half-intoxicated. We will give them a soft drink free of charge - a coke, lemonade or lemon squash. That is the yellow card and they find it a bit humorous. Rather than cut them off or give them a water, they find that a bit humorous and they have a little bit of a laugh about it. We have put that in place and we have led the State in that.

**CHAIR** - It is good. Probably gives them a warning too.

**Mr ACQUAROLA** - It does.

**Mr McQUESTIN** - A friendly warning.

**CHAIR** - They go and show their mates, 'I got a yellow card'. They make a bit of light-hearted fun about it.

**Mr HALL** - The 3.30 a.m. curfew in Newcastle; have you talked about that issue?

**Mr McQUESTIN** - Not specifically; we have talked about closing times. That helped in Newcastle, as I understand.

**Mr HALL** - Would you think it is a good thing or bad thing for Launceston, for example, in your premises?

**Mr McQUESTIN** - I am not sure if the actual closing time is the key to it. I do not really know. In your general licence you are entitled to trade until 3 o'clock and then after that it is an out-of-hours permit. That is the way it is at the moment. Having grown up in the town there were always fights and the closing time was 10 o'clock, so I am not sure the answer is to change the closing times.

**Mr ACQUAROLA** - We did trial the 3 a.m. lockout or closing probably 10 to 15 years ago when there seemed to be a lot more venues operating around the CBD - there was the Pavilion and so on. There were probably 5 000 people out on a Saturday night back then, whereas now we are seeing 2 000-2 500, so there were more people out years ago. They did the 3 a.m. lockout and we found that things got worse because everyone had to leave the venues at one time. They were all congregating around the one or two taxi

ranks, whereas normally you would still have half those people inside that venue and you do not get that big influx to the one or two taxi ranks.

**Mr HALL** - Just being the devil's advocate, and you obviously have a commercial business to run, is there a commercial impediment if you close early? In Newcastle, when they did that change several pubs and clubs closed, so do you think that extra couple of hours of being able to stay open helps the bottom line?

**Mr ACQUAROLA** - No, personally I do not.

**Mr McQUESTIN** - Our venues do not open late. Normally we close by midnight or 1 o'clock.

**Mr ACQUAROLA** - I am 1.30 to 2 a.m. so I am not there beyond 3 a.m.

**Mr McQUESTIN** - You are talking about only a handful of venues in Launceston. There would only be three or four that would be open later than 3 o'clock. They will come and go and will change their times.

**Mr ACQUAROLA** - I do not think it helps. After 3 a.m. I do not think it helps their bottom line. I just think it gives them somewhere else to go to before they go to a taxi rank. You have to be fair; not everyone who is walking around at 3 a.m. or 4 a.m. is intoxicated. There are some people who have left a wedding or work, or are just starting to have a bit of a night, so it is not fair to them. Probably a good majority of them have been drinking most of the night, but I think if you did shut off at 3 a.m. again you are going to find there is trouble at the taxi ranks. We have done it and that is what happens. I do not see it changing in the immediate future.

The drugs culture in the last 10 years obviously has gone to another level. Compared to when I first started going out 22 or 23 years ago the drug culture has really gone to another level. These guys are a lot harder to handle than someone who is alcohol intoxicated. You can see in their eyes that they are on a different planet. They become so much harder to handle and aggressive. They have that extra strength; they just go to another level. With alcohol intoxication they are very lethargic. You can handle them, walk them away, 'Look, it is time to leave' and give them a warning. They understand that. But with the drug issue, unfortunately they are coming into town. As Don said before, they are at home, they are having whatever they are having and they come into town and into our venues. It is hard to detect at an early point if someone has been using some substance. It is very hard. And then they start mixing it with alcohol and it becomes more of an issue. This problem is bigger now than it was 10 years ago, 20 years ago obviously.

**Mr DEAN** - I will go into the area of policing and adequate policing. There has been quite a bit of discussion in the Hobart area of late about policing and when they are policing. It has been in the press that a lot of police are on the streets between, say, five o'clock at night and midnight but then the police seem to disappear and there is not a similar level of policing on the streets between midnight and 3 a.m. or 4 a.m. when they really ought to be out there. Do you have a view on that?

**Mr ACQUAROLA** - I have that question right here in front of me.

**Mr DEAN** - Okay, thank you.

**Mr ACQUAROLA** - I can read that. Why are all the police out before midnight and then no-one after midnight? They claim there is a lot of trouble between 12 and 5 a.m., that is where the big hotspot is and yet most of the police force are out until midnight and then between midnight and 5 a.m. we have two detectives and probably two police cars, and they are out in the suburbs.

I am very close to a lot of police officers and they tell me - I am not picking any suburbs - that they are called out to West Launceston or wherever so that has tied up one car. Then the other unit is handling a domestic somewhere else and there is nothing in the CBD all of a sudden. It is certainly not the fault of Tasmania Police; I think government -

**Mr DEAN** - Resources.

**Mr ACQUAROLA** - Yes. We need to look at the dates as we have done with our taxi rank with security. We have dates where we think we need security and I think we need to look at resources but also let us load up that 12 to 5 a.m., and it is only two nights a week we are really talking about.

**Mr DEAN** - Mick, I do not know whether you have been following the Victorian model? They have just identified exactly that problem. They have had the police out in the early night, they have not had them out during the early morning, and they are currently addressing that to get the police on the street at the time they are needed during those dangerous times.

**Mr ACQUAROLA** - I have read that.

**Mr DEAN** - There has been a lot in the press of late - in the *Herald Sun*.

**Mr ACQUAROLA** - That would eliminate a lot of the youth problem that I was talking about before and that is something I would really love to see. I do not know if there is anything we can do about these youth, I am calling them youth. Why do they have to be on the streets and in the Mall walking around at 11 p.m. and 12 a.m.?

**CHAIR** - There is legislation already where they can ban them from certain parts of anywhere; move-on provisions they call them. They can be told to move on and if they do not move on, they can be charged with disobeying the reasonable directions of a police officer to move out of the city.

**Mr ACQUAROLA** - Out of the CBD?

**CHAIR** - Yes. But even though it has had a lot of its evidence in relation to alcohol and drugs, the committee is not just about that, it is about violence in the community, so it covers the broad band, and I hear what you say in relation to it.

It would seem on the major statistics we have, and please tell me if this is right, that any trouble that occurs on Saturday morning and also Sunday morning after your Friday

night out and your Saturday night out and also in areas where you have the holiday the next day.

**Mr McQUESTIN** - And also Thursday morning after Uni night.

**CHAIR** - Yes, Wednesday night.

Therefore, am I right in saying it would be fairly easy to police, knowing the statistics are there? The areas where the trouble occurs are fairly defined areas like in Hobart around the Salamanca district. Here you have described them, Don, early on. There is the north-west coast as well. So it would be fairly easy to police because it is in a fairly confined area. Would you agree with that?

**Mr McQUESTIN** - I think the police recognise that as well. We have good relationships with them. They just say it is a resource issue; we have scarce resources.

Just going back to the example of the George Street taxi rank, we said, 'Can we have a policeman there on these busy nights?' and they just said a flat no. It seemed to me a little funny that we as a group were paying for a private security bloke who did not have the authority, it was more bluff than anything else, to stand there and keep the place in order. But that is just a fact of life because the police know where the resource is needed but they just say they have not got the resource to put there.

**Mr ACQUAROLA** - We are currently looking at ways to fund the security guys on these MS Fest, Festivale, AFL games days and Cup night. We are looking at ways to fund the security. If we could have a police officer there, that would be huge advantage.

**CHAIR** - I know it is a complex problem and, as you say, it is a cultural thing, but things have changed. Smoking has changed, as you have seen. Over the last 10 years there has been a shift one way. Hopefully there can be a shift as well in relation to this. It would seem that one easy fix to an extent would be more police in the volatile areas during those volatile hours. Is that a fair summary?

**Mr McQUESTIN** - Definitely. That would help. I don't think there is any easy fix to it at all. It is just commonsense and I think the police at the local level recognise that it is a budgetary constraint and I suppose that is what we have to live with.

**Mr DEAN** - It is not good enough, though. It is not acceptable.

**Mr McQUESTIN** - It is not a perfect world.

**Mr ACQUAROLA** - Particularly if we as the licensees of the venues are going to cop most of the flak for it. Okay, give us a bit of assistance between 12 and 4 a.m.; 1 and 4 a.m. is really the trouble spot. Twelve to 1 is fine. It is 1 to 4 a.m., three hours. We are asking for three hours of extra police.

**CHAIR** - And with your responsible serving of alcohol often you say to people at the door, 'Sorry, you cannot come in because of your intoxication'. People are outside, you are doing your job and yet it is often focused in on as the hotels or the nightclubs that are causing the problem, which they are not.

**Mr ACQUAROLA** - That is right. As I have said, I would prefer to be inside a venue that has security and responsible serving of alcohol, that has staff that are trained, than walking from a restaurant outside to my car. I walk to my car sometimes on the street and I would rather be in a venue that has 100 people in there with security guys around.

**Mr DEAN** - Mick, you referred to the lockdown. Do you mean where people are moving from one venue to another?

**Mr ACQUAROLA** - The one they trialled in Melbourne was a lockdown where at 3 a.m. you cannot go into another venue anywhere. It was lockdown so you are not allowed into another venue after 3 a.m. Staggering the time of closure of venues I think personally is a better idea, only from what we saw 10 or 12 years ago when we tried it. It did not work and I think if we go back to shutting venues at 3 a.m. or 4 a.m. it is going to cause that problem again on the George Street taxi rank and the two Charles Street taxi ranks outside Chickenfeed and outside Hotel Tassie. I think there is going to be more issues closing venues totally at 4 a.m. or 3 a.m.

**CHAIR** - Thanks Don and Mick for coming in and giving us your evidence. I cannot say when we are going to finish the committee. It took some time to get up and running because of the issues in relation to elections and what happened after the election. That is why we are just starting to gather the evidence now. As soon as we make our recommendations we will send you a copy. Thanks very much for your evidence.

**THE WITNESSES WITHDREW.**

**MAYOR ALBERT VAN ZETTEN**, MAYOR OF LAUNCESTON, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wilkinson) - Thank you for coming along, Albert.

**Mr Van ZETTEN** - I will tell you the concerns I have, what we have been trying to work with as a council. One is - and I think that came up previously - the instances of people going home. The same person that Don has obviously spoken to has spoken to me and others. They left a very cordial function at a hotel, the Grand Chancellor, and went around to get a taxi and they were confronted by people who intoxicated. That attitude is something that a lot of people are not used to and it frightens them. The other issue concerns people in the suburbs, and that is with some of our international students. They get picked on in groups and it's something we are trying to deal with with the police and the university. Those two issues are far more important than what happens in the Mall at times.

As far as violence goes, in our society we get what we deserve at some point in time, what we allow to happen. It is my understanding that in the courts now if somebody gets angry and starts swearing and carrying on then they allow that as normal behaviour, but I don't consider that normal behaviour. If you have people out on the streets who have had a few beers and they start swearing and getting aggressive, why can we tell them that it's not okay and yet in other facilities it is? To me, it is about your lifestyle and what you consider as respect for other people, and that should be in a council chamber, parliament, a court or anywhere. To my way of thinking, foul and aggressive language shouldn't be allowed. So I was disappointed when I heard from the police - and I trust it's correct - that they allow young kids to swear and carry on because it is too hard to control them. If we start doing that then I think we have lost the plot. Why can we allow that and then go out on the street and say to somebody at 2 a.m., 'You can't do that'? A lot of the problem is that they are swearing and aggressive, they are using language that you and I may not use, and that frightens people. I get used to that at the City Mission; I have been used to that for many years where I have been put in corners and had people swearing at me, going to punch me in the face, but I just take it because I know that is the way some people are. I will sit down and try to talk to them and get them to change. I am always about that, but if we are going to accept that as a society then we are going to get more and more of this aggressive behaviour. What often happens in the Mall is young people being themselves. They are just carrying on, having a bit of fun, swearing, and people don't like that. I don't like it.

**CHAIR** - It's still contrary to the law, as you know.

**Mr Van ZETTEN** - Well, why do they allow it in court? The same people go to courts.

**CHAIR** - I have never heard it in the courts and I have been involved with the law for over 30 years. If such language is used in the court, the culprits are quickly pulled into gear.

**Mr Van ZETTEN** - It is just what I have been told.

**CHAIR** - Often it could be outside the courts while people are waiting to go in, which is therefore not heard by the magistracy and people in the court, but it is heard by the

people outside. The police might be outside waiting to give evidence, but they can still charge those people if they hear that.

**Mr Van ZETTEN** - I agree. They do in the Mall; they will go and charge one of these young people. They will ban them for a certain period of time, which they are allowed to do, then they come back. That is not educating. I am really for taking people and educating them. We need more facilities somehow. We have Missiondale where people with drugs and alcohol can go. Fine, that is good, but we need it for people who are not going to schools. As a society we say, 'That is okay, you do not have to go', because we allow them not to go. I do not think that should be acceptable. I think the younger people should be in some sort of schooling, whether it is a boot camp or whatever. I am not going to say we have to force them but they should be very strongly encouraged to partake in that to see a different way of life and how they should live. Some of these people, unfortunately, have never had strong discipline as a family. They have never had any parental male role model to look up to. I think that is a very important issue as a society. That is not going to address every issue because in our society there are always going to be people who are poor or who do the wrong thing. It is how much we allow and are prepared to accept as a society. We have lowered the bar quite a bit over time, and we start to reap those consequences, in my opinion. I do not accept it at all, but that is what we have done as a society.

**Mr HALL** - Obviously in the City Mission and social work you have been doing over many years you have seen dysfunctional families and people who do not have the capacity, if you like, to be good role models in parenting. A paper was written recently in the UK where a British Labour MP pointed out the trend of escalating violence in the UK. He also interviewed and talked to a lot of young people. One of the things they did say was that they would like to be taught how to be decent parents within the school curriculum because obviously they have not got it from home and were never going to get it because they all came from dysfunctional families. Could that sort of thing transpire through the education system or assist?

**Mr Van ZETTEN** - It would assist. City Mission have tried to have courses for certain areas. We do Ravenswood and we have a childcare centre up there, so we want parenting. But the ones that you want to come never come. You are preaching to the converted most of the time and they are learning. We all grow and get better, which is fantastic, but most of the ones who are doing the right thing will continue to learn. If society were really serious about it we would not allow some people to have children. The council say how much smoke is allowed out of a chimney and we have all these licences for everything, but for children we do not. Yet children are being bred and we are getting what we deserve in some sense because we are not really educating the parents or the children. We allow people to have as many children as they like, and that is a freedom we give, but then we have to deal with the issues.

**Mr HALL** - They do have to attend school up to a certain age, so what if there were a capacity to change that mentality and to teach them some skills whilst they are a captive audience?

**Mr Van ZETTEN** - It would be good. You have to do it while they are under 10.

**Mr HALL** - What about early teens?



**Mr Van ZETTEN** - It is too late.

**Mr HALL** - Too late?

**Mr Van ZETTEN** - Not too late, but very difficult. I have three lovely teenagers. They are fantastic kids, and I know the training that went on between one to seven, eight and nine is far more important than what I have done with them after that. Parents come to me and tell me they are having issues with their child, who has just turned 13. I say, 'What time did you spend with them when they were young?' 'Oh not much, I was too busy at work'. I say, 'Well, you reap what you sow'. You do. The grounding has to be in the very early ages and a lot of it is even before school now at childcare centres. That is why the City Mission a childcare centre and we are trying to instil good values into some of these parents and children. It is not easy and that is a big-picture thing but to me it is critical now. It will not solve every issue but I know this problem is going to get worse.

**Mr HALL** - You may or may not have heard me ask the question of Mr McQuestin and Mr Acquarola on CCTV. They cited examples of violence where people have left the venue, gone round the corner and got a thrashing. The question was whether extra CCTV surveillance would be of value. Their answer was yes. I know there is a cost to that. You would have a reasonable idea of what CCTV surveillance is here in Launceston at this stage.

**Mr Van ZETTEN** - I think if that is what we are going to keep doing, just having more cameras around, we might as well have cameras everywhere because they will always find a spot where there is no camera. It would help, there is no doubt about that. It is going to make a difference.

**Mr HALL** - I will put it to you in another way and take a bigger jurisdiction such as London. No matter where you go in the central area of the City of London, you are under surveillance. Somebody has a shot of you no matter what you do. You cannot be a miscreant without being caught.

**Mr Van ZETTEN** - I realise that, but are there never any bashings in London where the person responsible is never caught?

**Mr HALL** - I do not know. I think you would find that in the centre of London you would feel safer than walking around in the middle of Launceston.

**Mr Van ZETTEN** - You would feel safer, but it doesn't mean that it will never happen. You would still have these people out there but they would find another spot and go to the suburbs or go to Mowbray or do something different.

**Mr DEAN** - First of all I want to talk about the committee that has been set up by Brian Wightman, yourself and others in relation to violence and Mall issues and so on. Where is that going? What do you see happening there? Have you come up with any issues that need changing, any critical areas that you believe are really impacting or allowing this sort of thing to happen?

**Mr Van ZETTEN** - It is a working group, a work in progress. We have had two meetings so far. I have another one tomorrow morning so we are continuing that process. There are things that we are looking to change and we have people who are prepared to work in groups. Neil Warnock is part of that and he said that we discussed this 17 or 20 years ago. I cannot remember when he said it was; it was a long time ago. There were some solutions then and he is putting a paper together on that, which we have not got back yet, which we hope to get either tomorrow or later on. There are other things that we are looking at as a council - the Mall and what we can do immediately in the Mall. Can we change some of the seating? That would be a temporary thing, but it would immediately start to address the issue. Then on top of that we are looking long term at what we do with the Mall as well - it will come back to council before it happens - what should the structure of the Mall be and how should we look at that, and we are doing that with retailers. There are other people looking at education. Teachers were there looking at what can be done in education. It is ongoing. It is going slowly at the moment, in my opinion, and I think some people do not see it as a major problem. They do not see the Mall as the major problem of what is happening and therefore it is an issue. Robin Smith would tell us it is the biggest issue under the sun but I believe there are some people that aggravate the situation as well. They make it worse by their attitude to these people as well and that has to be balanced off. I believe it will achieve some good results. Hopefully they will be long-term results and hopefully in the next three to six months we can get a lot further.

**Mr DEAN** - Has this committee looked not only to policing but also when it is occurring, where it should be and what is happening out there with regard policing? What have you determined there?

**Mr Van ZETTEN** - We have discussed that as far as the Mall goes and because of what has happened prior to that, the police have changed their shifts in the Mall. So they have changed the times they walk through the Mall. They are not there all the time but they have changed some of that.

**Mr DEAN** - Do you see that there is a need for police to be in the CBD continuously?

**Mr Van ZETTEN** - I would love to have that if it could be afforded. I would love to have police everywhere all the time. We would have no issues at all. We would not need cameras; we would just have policemen standing on every corner around town.

**Mr DEAN** - I am not meaning that.

**Mr Van ZETTEN** - Yes, I know.

**Mr DEAN** - I am saying a police presence in the CBD and the Mall.

**Mr Van ZETTEN** - I believe police presence is very important but, going back to what I said before, we will need more and more police unless we start changing people's behaviour. What are we going to do, keep allowing people to behave as they want, without respect, without consideration for others and then just have police everywhere? We will not be able to afford that. We have to get back to education, we have to get back to training and we have to be stronger as a society. Years ago - and I am talking 30 years ago - there was a standard of living that people accepted. Whether you liked it or not, it was

probably based on the Ten Commandments, which some people would not like but that is fine. Now the standard of living has changed so much with that has been bred a certain society.

**Mr DEAN** - You are talking about the time when you would kick a child in the backside, aren't you?

**Mr Van ZETTEN** - I am talking about the time when the police had a lot more respect and a lot more authority, and that is not there in today's society. Some will but the ones who give us a hard time do not really respect the police even.

**Mr DEAN** - You are right.

**Mr Van ZETTEN** - And that is a big issue. We have to somehow change all that around and that is not just going to happen in Launceston but we will try to do our bit and I will try to do my bit by talking to people and spreading the word, but it is really a bigger issue than just Launceston.

**Mr HALL** - As you mentioned, education is an issue.

**Mr Van ZETTEN** - It is a big issue.

**Mr HALL** - Pragmatically how do you do it? It is a huge challenge, isn't it?

**Mr Van ZETTEN** - It is a huge issue. I can do it by setting an example in my family, which I have done. I have trained and taught my kids the way they should go and I have taught them to respect people. When one of my kids was younger, when they were three or four, I had some very difficult days, I can assure you. One of them had a very strong spirit, and kids are like that but if you are not firm with them at that point in time, that spirit will continue. One of my daughters does remember some of the things that I used to do to train her and teach her. She is now 21 and she thanks me for it because she now goes out and she has not got that same spirit in her to want to win or whatever. She has seen what it has done and it has changed her as a person. I believe everybody has different spirits in them. Some cannot care less and they are very apathetic about things and some are very determined. With my other daughter, I only had to look at her and speak to her and she would be disciplined. How do we discipline them? To me, it does start before education and that is my whole problem, it starts before they get to school, so it is in the family and we have to be working with parents, we have to be working on how we educate the parents, but they need to have the same standards. Not everybody has the same standards.

I go to some households through my work with the City Mission and the standards in those households are shocking but as a society we accept that - or do we? And that is the question - what do we accept as a society? I do not accept it in what I can have control over because I see four-year-olds throw things at their parents and swear at their parents and nothing is done.

**Mr HALL** - What about the NGOs like the Launceston City Mission, Chance on Main down south and so on?

**Mr Van ZETTEN** - Youth on Paterson deal with them a bit later on.

**Mr HALL** - What about Federal and State government funding for those institutions? I know you are dealing with the problem that has already happened by then and it should have been dealt with before.

**Mr Van ZETTEN** - Yes, but we always do our best.

**Mr HALL** - Or should that money be diverted into programs earlier for early intervention?

**Mr Van ZETTEN** - We probably need both. You cannot do one or the other because no matter how well you are doing it with early education you are still going to have people who will break through the system. Even Jesus said, 'You're always going to have the poor with you'. If he said that, I believe we will always have the poor no matter what we do. It does not matter how much money you give some people, there will always be a way that they will lose it or whatever.

What does society really want? That is my question. What do we - and I know what I want - overall as a society want as far as bringing up our children is concerned? Is there a standard that we accept or do not accept?

**CHAIR** - Does the council keep statistics in relation to violent activity, where it takes place, the propensity of it and the level of it?

**Mr VAN ZETTEN** - No, we work with the police on that. The problem we have is that often the police will say to us when we talk to them that it is not reported so it is not a statistic. Some businesses see somebody do something but they do not call the police because they think it is not worthwhile.

**CHAIR** - Have you noticed in recent times whether there has been an upsurge in complaints made to the council or comments made to the council in relation to it?

**Mr Van ZETTEN** - No, there is no significant increase. The only one has been on noise with a certain nightclub or two. They are the ones we are dealing with as a council and I think we will get on top of that fairly shortly.

**CHAIR** - What about when hotels or nightclubs close; have there been any complaints made in relation to people getting from that venue to home or to wherever? I know in the south there was a problem with people leaving St Ives and going down to Salamanca Place.

**Mr Van ZETTEN** - You mean as far as noise goes?

**CHAIR** - Yes, noise and unruly activity and at times violent activity.

**Mr Van ZETTEN** - Not a lot of violence, though there is some, but it is more the aggressive behaviour. They will just sit across the road. They will be shouting and swearing at each other right across the road but that is their normal way of doing business because they are not happy with each other. If someone is trying to sleep in the room upstairs he does not want to hear that at 2 or 3 o'clock in the morning. It is that sort of behaviour.

Yes, there is definitely an issue where they move from certain nightclubs to other nightclubs or to the taxi rank. People who live near there always complain about the noise and they have a right to.

**CHAIR** - Sure. I take into account what you say about it being a culture thing which we need to change in relation to respect and other matters like that. A lot of behaviours have changed in the past. Just look what has happened with smoking and acceptance of non-smoking areas now as opposed to 10 years ago.

**Mr Van ZETTEN** - But we have educated people.

**CHAIR** - That is right. So it is an education thing.

**Mr Van ZETTEN** - But I am saying it is not just in schools because it does not come from schools; it has to come from television and the way society says this is not the way to do it. That is what we need to get back to. What do we believe are our guidelines? I do not care what you call them but there have to be some basic guidelines that people say, 'Yes I accept that'.

**CHAIR** - Is there anything that the council believes should occur to assist? It is not just a Tasmanian issue; it is an issue all around Australia and other parts of the world, as we have seen through the press.

**Mr Van ZETTEN** - The council would love to see more people in uniform. There is no doubt about that.

**CHAIR** - Do you get information that the major concern is, let us say, between 11 p.m. and 3 a.m. Saturday morning or Sunday morning or mornings where there is a holiday the next day?

**Mr Van ZETTEN** - Definitely that is when it is more extreme but I think it is probably from after midnight. I have been out there at 12 o'clock and it is fine around town. Having said that I have been out on a Thursday night and have seen aggressive behaviour at 11.30 p.m.. But the peak is going to be those football weekends; there is no doubt about that. Festivale, the Launceston Cup, Friday nights and Saturday nights are definitely the peaks, but do not forget that Thursday nights at times are pay night for students.

**Mr DEAN** - What is council's position on bottle shops?

**Mr Van ZETTEN** - Council does not have a policy on that.

**Mr DEAN** - The other matter I would like you to touch on is the current position with bottle shop off-licences, and the need for the Commissioner for Licensing to approve the liquor licence; then it goes to council and after that through the planning scheme. Do you believe that is the wrong way around? Would you like to see it go through council first before it goes to the Commissioner for Licensing? What is the council's position with regard the mushrooming of bottle shops in the city area?

**Mr Van ZETTEN** - I cannot speak for the council's position because council has not discussed this issue. The council does not have a firm policy on it that I am aware of. I

have only been in council for five years and to my knowledge we have never really discussed this.

As far as bottle shops go, that is probably the same as a lot of other things in our society. We allow them and who am I to suddenly say where you can and where you can't? Anyway, that is something I will have to decide when it comes up to council - and it will. Issues will come up to council and I will have to make that decision. Am I the one who is going to say there should be four in town, or five or six, 15 or 20 or 30? In the way council generally operates, they allow the market to determine all these issues, as they do with nightclubs. What we can control when the planning scheme goes through is whether it is an ideal location, whether it fits the planning requirements and all those sorts of things. I would love, as mayor, to have the opportunity to make a stand on what I believe should and should not happen, but I can't have that freedom. If I suddenly said as mayor, 'I believe that all nightclubs should close at 12 o'clock', there are other laws that say they are allowed to go later. We have to try to work with what's reasonable and what people are telling us about their neighbourhood. That is where the advantage of council lies; we do listen to the public. If there is a whole neighbourhood saying, 'We don't want this there', the aldermen would listen to that brief. In some cases with a bit of planning - with housing, for example - it is allowed and yet we can do nothing about it because it gets overturned by the commissions.

**Mr DEAN** - Do you believe, from a council perspective, that a matter dealing with an off-licence ought to come to council first of all for a planning permit and then go to the Commissioner for Licensing rather than the other way round?

**Mr Van ZETTEN** - I never thought of that, but I think it is a good point. It is an issue and I think it would be good.

**Mr HALL** - Albert, given your experience working with the City Mission, is it your view that alcohol is the predominant problem with violence with young people? Have you seen an incremental increase in drug use, which obviously there has been? Which do you think is the main contributor or is it a combination of both?

**Mr Van ZETTEN** - It is definitely a combination of both, but it usually starts with alcohol. It starts with alcohol at a lot younger age now and that's what worries me more than anything.

**Mr HALL** - Do you think the drinking age should be lifted from 18 to 21?

**Mr Van ZETTEN** - If the drinking age is 18 yet 13-year olds are drinking, how is that going to change if you lift it to 21? I can't see how that will change it. I think it is back to education on the responsible serving of alcohol. I know that they try to do the right thing but I also know there are times when people sit at hotels and are served by people behind the bar when they shouldn't be. I have sat in a bar and seen that happen. I know they have yellow cards and that's great, and I don't knock all that, but you are relying on everybody doing the right thing. Unfortunately not everybody does the right thing because some people are more interested in the dollar at the time.

**Mr HALL** - Is it also true that people spend time at home and drink to excess and then by the time they hit town they're all fuelled up anyway?

**Mr Van ZETTEN** - That is happening more now because it is too expensive to go out. They have their little groups at home; they get into town at 11, 12 or 1 o'clock and they are already pretty well full and they probably haven't been served by anyone as well.

**Mr HALL** - Yes, the hotels aren't at fault there, but they then have to deal with the aftermath of what has happened at home.

**Mr Van ZETTEN** - Yes, it's the responsible serving of alcohol by parents. You are talking about the same groups of families we have been speaking about with the violence and the language.

**Mr DEAN** - Do you believe we could control that better if there was an offence or some activity that could take place where, say, a 15-year-old is found to have consumed alcohol and is running around the streets? Should there be some offence to control that, to remove them?

**Mr Van ZETTEN** - Yes. Are you saying to go further with the parents as well?

**Mr DEAN** - Yes.

**Mr Van ZETTEN** - That would be very difficult.

**Mr DEAN** - I'm saying there ought to be an ability to at least have that child - and that is what they are at 15 or 16 years of age - taken off the street.

**Mr Van ZETTEN** - Some are 13.

**Mr DEAN** - We know that they are causing some of the problems.

**Mr Van ZETTEN** - We know that and we know that if we do not deal with it when they are 13 then by the time they are 18 they are going to be alcoholics.

**Mr DEAN** - Do we need a toughening up of the laws in that regard?

**Mr Van ZETTEN** - I do not know. I struggle to see how keeping on changing the laws fixes every problem. It does help to a certain degree. I believe you have to educate people and you have to show people a better way of living.

**Mr DEAN** - I will just use your example there. Education has been found not to sort all these things out either.

**Mr Van ZETTEN** - But it has worked in my family, that is what I am saying, and you can talk to my kids. I have trained them. I took them out to Missiondale when they were 13-year-olds and younger and showed them some alcoholics and said, 'This is what you will be like. If you want to drink that is your choice, I am not going to tell you not to, but this is the life'. You only have to go out and talk to some of these people who are now 28 or 30 and they have been drinking for 10 years. They cannot get off it and they want to get off it, and they talked to my 13-year-old son and my 10-year-old daughter. It had an impact, I can assure you, and they drink very modestly and very rarely. It is not because

I am such a good parent, but it is what you put into place to teach and show these people the real facts of life. Unfortunately some people are growing up experiencing such a different ball game altogether. I do not know how you change that overnight. If I knew, I would tell you. I can only do it in my way and with the people that I can influence.

The Government can do it stronger, I think, through the TV. We do it with driving. We want to stop the accidents; 50 people die a year. There are a lot more kids being ruined in their families by alcohol, by drugs - and alcohol does lead to drugs; it goes from one to another stronger. They find the pain and then it goes back to broken families. A lot of this goes back to kids who are hurting and struggling. Dad's walked out on them or Dad did not take them fishing. They are so frustrated and their life sucks, so they do not feel that they owe anything to society. You do not change that overnight. You work with them, which we try to do as a mission as well, but it is hard to answer that. The laws are good. If you can make things fun for people, it does change people's behaviour faster than laws coming into place.

**CHAIR** - There has been an incremental breakdown in relation to barriers. Barriers were always surrounding places like schools, like church groups, teams, sporting teams. Any barriers I think are good barriers. It is when people do not know where the barriers are that the problems can arise. I think there has to be - and tell me if what I am saying is correct - more of a situation where people take responsibilities. They take responsibilities for their families. They take responsibilities for their actions. That is an educational thing and it is very easy to say but very difficult to put in place. You are right in what you are saying.

**Mr Van ZETTEN** - We can do it ourselves, which I can do, and you influence people. I have influenced my three children regarding the way they are going to bring up their kids. We need to keep that growing and expanding, which it will for certain people, but you have to stop a whole culture sometimes and change a whole culture, which is very difficult but not impossible.

**CHAIR** - Some of them might have difficulties raising children; you get your role models and endeavour to get those children involved with that role model to assist their passage.

**Mr Van ZETTEN** - Mentors; get people to mentor. I try to do that through the mission, Anglicare and the Salvation Army, so there are people trying to do that and there will never be enough resources, but it is something that we will continue to work at. I believe that is where you can make the significant differences at the very early ages.

**Mr DEAN** - In 1999-2000 this city had an extremely bad reputation. It was being referred to as similar to what was happening in Chicago. That reputation is returning. Launceston now has a fairly bad reputation insofar as street violence and antisocial behaviour is concerned. It is building back up again. What is the council's attitude towards that? What is the council really doing about trying to change that around again, to try to have something done about it, to try to fix the problems? What would you like to see happen, and what can you tell this committee that we ought to be considering and looking at to try to get on top of these problems?

**Mr Van ZETTEN** - The general manager and myself are speaking very regularly with the police and I believe they need to set a lot of the standards on what can happen in the city



as well. I am more than happy to go out and make statements with the commander on that, but I believe really that they have to set a very strong standard of what is acceptable and what is not acceptable. They have to work within their guidelines as well, so we continue to work on that and I will continue to do that because I believe that between the police and ourselves a lot of it can happen and should happen.

**Mr DEAN** - What could you suggest to this committee that we probably should be really considering, the recommendations that we could make, changes that we might be able to push forward or at least identify that would make things better?

**Mr Van ZETTEN** - It goes back to the early childhood for sure; anything that can be done in that area with the parents, the childcare centres. You have to work through childcare centres when kids are dropped off. So there is education in that area and obviously it continues on. More policing is obviously very important, there is no doubt about that, and that is a resource thing. Hopefully it will be improved over time. What else? I think it really is learning as a government to get respect back and getting people to say, 'This is the standard we want to set'. That has to come in Parliament as well. We hear some bad things come out of Parliament at times, but you have to have that respect. I see kids go into Parliament House and they think, 'I behave better at school than they do there'.

**Mr DEAN** - That is in the lower House.

**Mr Van ZETTEN** - I am talking Federal here, just to be safe. I have never been in your House so I am talking Federal and from what I see on the television. But I think if you are really serious, it has to start somewhere and why not start with us people? I try to lead my life as an example and I think more people should be doing that. So that is one. Then what are those standards? There were standards years ago and they have just been watered down. If we want to continue in that way, let it be.

**Dr GOODWIN** - Albert, you have mentioned the issue of early childhood and the childcare centres and things of that nature. Are you getting a child and family centre up here?

**Mr Van ZETTEN** - Yes, we are. I am very impressed with that and the City Mission's Playhouse Centre is going to move into that as well.

**Dr GOODWIN** - So that will include some parenting support services.

**Mr Van ZETTEN** - It should do. I am not sure. That is still in the building stage but I think that would be fantastic and I am very excited and keen about that. I have been speaking with the Premier about the next one they want to do in the northern suburbs. I want to be involved with that to see whether we can actually go a bit further, more than just for family centres but maybe education in there of some sort and small businesses so that people in the areas can grow in how to run a business. There are a lot of ideas there and I want to continue to work on that. I think it is a great idea.

**CHAIR** - Albert, thanks very much for coming along. Thanks for giving us your submission in the way that you did.

**THE WITNESS WITHDREW.**

**INSPECTOR PAUL REYNOLDS, COMMANDER RICHARD COWLING AND INSPECTOR MICHAEL JOHNSTON**, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** (Mr Wilkinson) - Welcome and thank you for coming along, gentlemen.

**Mr COWLING** - For those who don't know, I am the new commander in the northern district and have only been here for a short time. I'm trying to get my feet under the desk and with that in mind I have asked Inspector Paul Reynolds, who is in charge of the northern division, to come along because he's obviously someone on the front line. Inspector Michael Johnston has inherited the role of district support, which deals with the PORT and licensing areas and he has a great deal of insight into an area that I am not familiar with.

Alcohol-fuelled violence is a significant problem and always has been for policing, and I am sure Ivan will attest to that. It has not changed; the dynamics may have changed slightly in the age of the people we are seeing and the severity of the assaults, and we will discuss some of those as we tease some of the issues out. It is pleasing to see in some of the reports that it is trending down. That has been reflected in some of the benchmarks you have in the table before you from Assistant Commissioner Tilyard. In each of the areas, and certainly as a State, we have a large number of preventive strategies. Those preventive strategies are a mix of high-visibility patrols, plain-clothes patrols, focusing on the port and specific areas, but they also hinge on a very strong relationship we have with groups such as the council, the Liquor Accord and the Licensing Council. With those relationships we tend to get a much better and more even approach to some of these issues. They are not unique to the north of the State, they are not unique to the State; it is a national initiative that I am sure you guys have already come across.

It is an issue that police cannot change on their own. It is a significant cultural issue, something that has been around forever and to change it will take some time. The latest push we have seen in people being responsible for their own alcohol consumption and the actual rate at which they consume it is a key change in what we are doing. If we could instil that responsibility not only into the individual but also into his mates - and we are a strong society of mates - and if some of the mates can take some responsibility for the behaviour of the group then that may start to change some of the attitudes we see. I also think that early intervention is a significant player in this. In some of the work that we've been doing in that area - and I am sure Vanessa would attest to some of that - there are a lot of inroads that we can still make and a lot of ground to develop. I think that is one of the strongest areas that we can pursue.

**CHAIR** - The regularity of violence appears to be trending down. Do you find that the actual severity of it, though, is increasing?

**Mr COWLING** - From some of the cases we have seen lately such as glassings and issues like that, they have certainly been on the increase, though I do not think we see a great deal here.

**Mr REYNOLDS** - No. A few years ago we actively encouraged people to report violence because it is absolutely impossible to come up with strategies that are meaningful if you

do not know exactly what you are working with. On a lot of occasions we are getting fights reported as assaults, when they are not in fact assaults. They may be two people having a fight and that does not necessarily amount to an assault. I cannot say I have seen a significant increase in the number of people who are hospitalised or anything like that because of violence in the CBD or the city area.

**Mr JOHNSTON** - Those assaults that you would classify as the more serious and more violent certainly gain more notoriety and coverage within the community and in the media. That has raised the profile of those assaults over time but generally we have seen a reduction in the number of injuries and hospitalisations that result from assaults. However, for those that have been hospitalised we have seen some more serious injuries over recent years.

**CHAIR** - Alcohol has been around now for many years. I know when I first started out in the law it was normal that the person had a few beers, got into a fight, and the fight stopped when somebody went to the ground. Queensberry rules were pretty well used on a lot of occasions. With drugs becoming more prevalent over the last 30 years, especially party drugs, if we can call them that, users have adrenalin causing extra strength for the period they are under the influence, and feelings of paranoia when they believe things are occurring which are not occurring. Have you noticed an increase in drug-related violence or is it too hard to ascertain?

**Mr COWLING** - We are subjected to what we all see in the media. If you look at some of the incidents on the mainland where we see gang attacks, when someone is down they continue, so if you take into effect what the media portray then you certainly do see an increase. In Tasmania we have not seen that many. I do not think we have seen a significant increase of those assaults. The pack mentality is there but again I do not have the stats or figures; it is just an observation. I would say no to answer your question straight-up.

Certainly we have seen the effects of speed and the stronger drugs. They also increase the severity of action, but again luckily Tasmania does not seem to have that sort of path or escalation that we see on the mainland.

**Mr HALL** - Inspector Tilyard gave us a huge amount of stats on assaults. In Tasmania we have more assaults per 100 000 people than any other jurisdiction except the Northern Territory. Have you a view on that? Is that because we have a better clean-up rate?

**Mr COWLING** - It has been a while since I have seen those stats but on a per capita average I am actually quite surprised.

**Mr HALL** - The graph was very graphic.

**Mr JOHNSTON** - We have put a lot of work into encouraging members of the community to report even the most minor of assaults, and that has an effect. When we are successfully encouraging people to report those matters then that has an effect on victimisation rates overall. Not all jurisdictions are as active in encouraging that level of reporting as we are.

**Mr REYNOLDS** - That was on the back of encouragement to report domestic violence. It was also one of the strategies we had to combat violence. If you arrest or bring the perpetrator to justice then you are more likely to have an impact on it or intervene in it. Yes, we have been very proactive about charging people with assault.

**Mr HALL** - But it would still seem we have we statistic, be that as it may. The commander talked about pack mentality. We have had graphic examples of gang violence by youths of only 12 and 14 years of age. Have you seen any increase in that in Launceston or do you think there has always been that undercurrent there?

**Mr COWLING** - From the evidence I have seen and what is available, no, I do not think we have gangs of 14-year olds running around.

**Mr REYNOLDS** - No.

**Mr COWLING** - There is certainly no evidence of it that I can see.

**Mr JOHNSTON** - There is no denying from time to time there are assaults that involve a group against one person. That certainly happens from time to time but I do not think there has been increase.

**Mr HALL** - There is no organisational or structural -

**Mr JOHNSTON** - There is certainly no organisation around gangs or groups. They just tend to be groups that are out that associate together.

**Mr COWLING** - The reason I say 'packs' is that we have seen 10 or 15 guys come out of the pub after drinking all day and then one of them might get in a fight and the rest goad them on or encourage them. That is the sort of pack mentality we see but that has been standard since we were kids. We have all been beaten up at school.

**Mr HALL** - You are no doubt aware of the Newcastle experience - it has been covered on national television - of bringing back the closing time to 3.30 a.m. rather than leaving it until 5 o'clock; what is your view on that? Would that reduce the incidence of violence? It certainly has anecdotally in Newcastle.

**Mr COWLING** - Bringing the closing times back creates its own problems for us if there is a standard time because everyone is on the street at the same time. We have seen that before. I think one of the biggest tools we have is the lock-out agreement through the Liquor Accord. I know these officers have also created, through the Licensing Commission and through the publicans themselves, a curfew on the same principle. Basically the pubs stay open and these people have to stay inside. Once you come out, that it is it; you do not get back in. That seems to work well because then we do not have that huge influx of people on the street at the same time.

**Mr JOHNSTON** - We have a very well developed Liquor Accord, particularly around Launceston, that involves council, Tasmania Police, the Hotels Association and individual licensees. We have found, through a cooperative approach, we get much better results. We have cooperative arrangements where the hotels decide their own times when they won't allow people to come back in or new people to come in. Where

they step out of line we have an excellent relationship with the Licensing Commission. We take the evidence to them and we then are able to have a curfew inserted into the out-of-hours permit conditions. Currently we have three such curfews operating in Launceston at three different premises. We have found that is equally effective where a premises has stepped out of line or where they are unable to control that particular type of activity. A curfew enables us to have an enforcement capability where the voluntary arrangements have not worked.

**Dr GOODWIN** - We had some evidence this morning that perhaps young females are becoming more involved in violent incidents. Are you able to confirm that and maybe provide a tentative explanation?

**Mr REYNOLDS** - A number of studies have demonstrated there has probably been an increase in female consumption of alcohol. Now whether the flow-on from that is that they become involved in violence which is alcohol-related, one can only speculate, but I think it is fair to say that these issues being discussed at the moment would not be gender specific.

**Mr COWLING** - If there is an increase, and I guess we would probably see different patterns, there would have to be some research done as to the number.

**Dr GOODWIN** - It was mentioned by one of the previous witnesses, who thought there were some stats.

**Mr COWLING** - Anecdotally we have heard it. We have all been out at night sometimes and sometimes there are occasions.

**Dr GOODWIN** - You mentioned early intervention. Are there any specific initiatives you have in Launceston that are working particularly well?

**Mr REYNOLDS** - One of the strategies we currently have is that often parents do not know what their children are doing - whether they are acting in a disorderly manner or a manner which attracts the attention of the police and is perhaps inappropriate. Of course we have the move-on orders under the Police Offences Act. Where a young person is directed to move on, I personally write to the parents or guardian of that person and advise the parents or guardian that they have been, firstly, engaged by the police, because I think that is important; secondly, the reasons for that and the potential consequences should that behaviour continue. The feedback I have had from parents and guardians has been very positive. I am not suggesting for one moment that one is directly as a result of the other, but we have had a quite a significant drop in reports of disorderly behaviour in Launceston, in the north, in fact, over the previous 12 months.

**CHAIR** - How many letters have you written?

**Mr REYNOLDS** - About 30.

**Mr COWLING** - If you can get the information into the family unit at an early age, that seems to be making the biggest impact, but there is a lot of work there that can still be done.

**Mr JOHNSTON** - Over the past 18 months to two years we have developed a memorandum of understanding with Learning Services North, where schools manage lower level assaults that occur within the school boundaries amongst students. Obviously the more serious ones still come to the police. That has involved training a number of teachers in restorative justice processes and we have found that has led to a reduction of assaults within schools. That program is currently being worked on to go statewide with the assistance of some Federal funding. That has delivered some very positive results, both in terms of workload - assaults are not coming to police so do not need our investigative time anymore - and in building relationships within the schools. Young people face off with one another after they have had the fight, sort out the issues and come to an agreement. We are seeing a reduction of violence in the schools from that program.

**Mr REYNOLDS** - It is empowering the schools, not putting schools in the situation where the only alternative is to suspend someone who is acting inappropriately, and then they are in the public arena. So I think that has been a great program.

**Mr COWLING** - Trying to get into the schools, probably high schools, to teach this 'mates being responsible for mates' would be a really powerful tool if that could ever get up and going because we all know the influence that has.

**Dr GOODWIN** - Yes, the peer influence is very strong.

**Mr COWLING** - Peer influence is phenomenal. If we can generate or instil that type of responsibility at an early age then that would flow on, but we are talking about years. The Australian culture is very strong in drinking; there is no risk about that.

**Dr GOODWIN** - The designated driver seems to be working quite well.

**Mr REYNOLDS** - Very much so. I think they are very responsible.

**Mr COWLING** - That is a good example. That is a subset of what that peer influence is, so it would be nice to see some sort of push in that area.

**Mr REYNOLDS** - I think we need to be careful that we are not just singling out young people.

**Mr COWLING** - That is a good point, too; it is not just youth that we come across.

**CHAIR** - The statistics have shown an increase in the activity of youth in relation to assaults and 'violence', have you got any documentation on violence in schools program?

**Mr JOHNSTON** - I am sure we could find some for you.

**Mr COWLING** - It is going to be pushed out across the State.

**CHAIR** - That is just a Launceston-centred program at the moment?

**Mr COWLING** - Yes.

**Dr GOODWIN** - Violence in sport: is that an issue, whether players or spectators?

**Mr COWLING** - Again, I have not been privy to any studies of sport, but there is plenty of anecdotal evidence about football - mad Mondays and so on. I was in Canberra last week and I was doing a bit of research prior to this. I went to a hotel just to see what that was like and there was kickboxing playing on the screen. The pub was full of probably 18- to 20-year-old guys and I question that sort of influence in a drinking environment. There would be links there, but to answer you, I am not so sure.

**Dr GOODWIN** - You have not had any incidents at sporting matches or anything like that where perhaps parents are hitting each other or the coach?

**Mr DEAN** - They have out at Lilydale and a few others.

**Mr COWLING** - There is always the overzealous parent, I think.

**Mr JOHNSTON** - There was a high profile one that got a lot of media attention in a North East Football Union game earlier this year. We and licensing and councils have done a lot of work with that particular football league and other football leagues around alcohol control, barrier control and the employment of security guards. They have developed some good policy and done some work with both the clubs that were involved and there have not been any repeats, despite those clubs having met on the ground again. Some of those matters are still processing through court, but we had virtually an incident-free final series in that league this year, whereas in the past there have been alcohol issues there. They have done some excellent work in that league, which was driven initially by that particular incident that Mr Dean has referred to.

**Mr DEAN** - Evidence was given to this committee that allowing violence in sport to occur, with youth viewing it, they see that as an acceptable part of sporting activity and they see it also acceptable to take it back out in the streets and do similar things. That was a comment made to us by a person in relation to sporting assaults.

**Mr HALL** - I think that the evidence was that whilst they might be dealt with through the football judiciary system, they were not being charged for assault by the police. That was the comment made, if I could just clarify that.

**Mr DEAN** - Yes, they are assaults. It is not part of sport. They are an assault but yet nothing is done about it.

**Mr COWLING** - I am not a great watcher of football but I think over the last five or six years you will have seen that they are very quick to curb that type of behaviour on the ground. But you are right, there certainly aren't many charged that they refer to police after.

**Mr REYNOLDS** - I think there is no doubt that there is less violence in football now than there was 20 years ago.

**Mr HALL** - More and more umpires.

**Mr REYNOLDS** - Yes. We will not go there, Mr Hall.

**Mr DEAN** - On the numbers you say that violence is dropping. Is violence out there dropping or is it really that there is not as much reporting taking place as there was? We had evidence given to us by the Police Association. I am not quite certain of the figures here. Either 40 per cent of assaults are not being reported or only 40 per cent are being reported. It was one or the other. There is evidence out there that a lot of assaults are not being reported and, indeed, this committee has been given evidence of that now and will be given more evidence of that as well. They are not being reported because of the difficulties associated with making statements, going to hospital and going through the court process. Do you have any idea as to what really is happening out there on the streets? The perception of the public is very clearly that street violence in Launceston is on the increase, that there is more now than there ever was before, back to 1999-2000. What do you say to that? Is that a real position?

**Mr REYNOLDS** - I do not believe it is at all. I think that there is a significant amount of hype that is given to what is occurring out there, but of course I cannot know what I do not know. I have done everything I can or I can think of with the assistance of the commander and Inspector Johnston over the last two months to really get a snapshot of what is going on out there and putting so many police out there in amongst the community and the CBD that they virtually have to trip over reports of assaults or assaults themselves. The reality is that we have not. Whether their presence has prevented that is one argument. In terms of whether we are getting the number of assaults reported to us that we should, we are giving the number that we are getting. I cannot speculate how many more are occurring out there.

**Mr COWLING** - I just find it interesting that you are able to put a figure on the percentage that are not reported.

**Dr GOODWIN** - It is from the ABS crime victimisation survey.

**Mr COWLING** - Okay. You say perception. I think perception is the key word there. I think there is a perception that there is but it is not a real perception. That is a difficult one for us to manage.

**Mr REYNOLDS** - What is an assault under that definition? If two people get involved in a fight and one happens to lose, are they assaulted?

**Dr GOODWIN** - It is subjective because the person reports it. But there is a definition, I do not know what it is, that they use in the survey.

**Mr COWLING** - I also think that with the figures, and correct me if I am wrong, a great percentage of people are known. They are not unknown. It is not like someone coming up who is not known to them. That is another contributing relationship-type influence in there, I am sure.

Getting back to your question, I think it is a perception that is not real. I do not think there is this big issue, from what I have seen.

**Mr DEAN** - We have been given evidence and it has been in the press a lot in the south of late about policing and the right policing levels. It has been suggested that you see plenty of police out on the streets during the day and in the early evening but during the period



midnight to about 5 a.m., which are the times when violence is said to be occurring most, there are none or very few police seen. Do you have a position on that?

**Mr JOHNSTON** - The levels change from week to week and day to day, but I don't accept that there are not enough or fewer police out over those hours. In fact I worked supervision on the first grand final night and we had probably 10 or 15 more people on during the night than we did during the day.

**Mr DEAN** - Between midnight and 5 a.m.?

**Mr JOHNSTON** - I knocked off a bit after two o'clock but there was still between 25 and 30 police around at that time. Some knock off at two o'clock, some at three o'clock and some at four o'clock, but there is always the flexibility to keep those people on, even though they are due to knock off if there are things going on or if there is a need for it.

**Mr COWLING** - If you look at the statistics, I think you'll find that it is Friday and Saturday nights up until 3 a.m. when most problems occur. With the staggered rosters and making sure they are resourced-based, plus the sergeants on the watch, as Michael has just alluded to, we have the provision to call people back and retain people if there is a large number of people out there. I think they are well serviced based on what's there.

**Mr DEAN** - Is that happening?

**Mr COWLING** - Yes, it does happen, absolutely.

**Mr DEAN** - The committee has been given evidence that there are concerns in that regard so that is the reason I asked the question.

**Mr REYNOLDS** - Absolutely. In fact our rosters are specifically geared to have the maximum people we can at the optimum times. As you well know, Wednesday night is a university night in Launceston and we make sure that we have our staff rostered on on those nights at those particular times. We stagger starts, we have other sections around here. For example, if we know it is going to be a busy night, it is not just the uniform section, but traffic is also in the area to make sure that there is a higher police presence. So I don't accept that either, I think that is incorrect.

**Mr DEAN** - There is also evidence - and I don't whether you are familiar with what is happening in Victoria at the present time, and in Melbourne in particular - that police have forgotten about the antisocial behaviour and the drunks on the streets and are concentrating on their quotas and other activities, crime in particular, that they have forgotten about the streets. Melbourne is now turning and putting police back on the streets, where they should be, in the early hours of the morning to reclaim the streets. That is what they keep saying, that they need to reclaim the streets. Is that a position that we could have here in Launceston?

**Mr REYNOLDS** - No, not at all, because we have never lost them. Secondly, one of the key focuses for us is what we call interdiction activities and they are those activities that are specifically geared to engage police with the public in the public arena in the way they behave, things such as liquor infringement notices, information reports, search returns and those sorts of things. We have had a focus on that for some time and that is probably

one of the reasons that we have seen a decrease in the reports of disorderly conduct. Disorderly conduct spreads over reports of fighting, hooning and those sorts of things. But, once again, you only have to have one incident and it can attract a lot of attention. Probably the other issue that we need to look at is what we are doing, how we market what we are doing and how the area is marketed in general. I have been working closely with the Launceston Safer Community Partnership and talking about a marketing strategy and about safety in general.

**Mr DEAN** - There was also evidence given to us that more could be done in relation to the CCTV cameras in the community and now the position in the police station of those cameras not being monitored. I think they are only referred back to when there is a need to or if there happens to be somebody around at the time who can monitor them. Do you believe that there is now a need with the perception in the community and the situations we are getting to go back to trying to monitor those video cameras so that more surveillance can be done from within the police station itself? Is that an issue?

**Mr COWLING** - It is one that I certainly haven't looked about. To put a bit of flesh around that, the CCTV network has been expanded just recently and it is now fed into the radio dispatch service, so if there is an incident in Launceston they can call up the Launceston camera and make an assessment of the sort of resources we can use. We do not monitor them 24 hours a day.

**Mr DEAN** - Don't you think that that would be an advantage, though, because that way you would pick up whether or not an incident might be about to happen and you could see things happening and then you could direct police there. This is not using them after the incident but before it has occurred.

**Mr COWLING** - Sure.

**Mr DEAN** - Isn't that being proactive? Rather than using it as a reactive method, wouldn't a proactive method be a better option?

**Mr REYNOLDS** - It may be one of the options but I think one of the most significant options is high visibility which is focused on having enough police on the streets. I would be reluctant to look at taking a police officer off the street to monitor a camera but it may be that there are other alternatives we can look at again.

**Mr DEAN** - Crime Stoppers and so on were used before.

**Mr COWLING** - It is something that we can go back and have a look at but I certainly would not commit either way at this stage.

**Mr DEAN** - It seems to me that better use could be made of them.

**Mr COWLING** - To pick up on what Paul is saying, it is nice to be able to pre-empt things, but those things will always occur and at least if we are out there being proactive and doing high visibility that will help significantly.

**Mr DEAN** - And if we remove police from the courts that could be an option for more resources?

**Mr COWLING** - That would certainly significantly help, no risk.

**Mr DEAN** - And it would help with more police on the street perhaps during the early hours as well.

**Mr REYNOLDS** - It would help across the board.

**CHAIR** - Do you still have police up here in the courts for security?

**Mr COWLING** - Yes.

**Mr DEAN** - How many, roughly?

**Mr COWLING** - I wouldn't like to put a figure on it but I have actually seen the report.

**Mr JOHNSTON** - It varies from day to day but if you have two or three courts running in the CPS and the Supreme Court there could be up to 10 or 12 people engaged for up to four or five hours each.

**Mr DEAN** - It's a huge take of your resources.

**Mr REYNOLDS** - That's right, because you have to roster them on the day shift.

**Mr COWLING** - There are a number of proposals up for that at the moment, as you may be aware, so we are just waiting for that to be resolved.

**Dr GOODWIN** - I just wanted to ask whether there have been any incidents of racially-motivated crime? It has been mentioned that international students are not feeling as safe as they should.

**Mr REYNOLDS** - There was an incident that occurred about six weeks ago which caused concern for some students from the United Arab Emirates. One of the issues was that they are a very wealthy group and I think what they were doing in order to try to perhaps assimilate into Australian and Tasmanian society was holding parties and things like that and virtually involving everybody and I think it was one of those things that got a little out of hand. While they were probably the victims in the end, I think it was more naivety on their part that led to them to that situation, but I met with their sponsors who came over from the United Arab Emirates and I went out to the university and met with the head of the Australian Maritime College and assured them that we were there to assist them and we gave them some information about parties and things like that and we have not seen a repeat of that.

**Dr GOODWIN** - So that's been pretty much an isolated incident and not a pattern?

**Mr REYNOLDS** - That's right - not at all.

**Dr GOODWIN** - Are there other forms of hate crime?

**Mr COWLING** - No, it's a nice place to be.

**Mr HALL** - We have also had some evidence that there are some families with recurrent problems where violence has been systemic over generations and they are a perennial problem to the police and society as a whole. Is there any intervention measure that you think could be put in place by NGOs to target those families to try to change the culture? I know it is probably a pretty big ask.

**Mr COWLING** - I think there is actually a lot being done in that, and I know it stems from a lot of your work a long time ago but that's why I think the IASTs and early intervention by targeting those sort of groups, is that -

**Mr HALL** - Yes, that's what I'm getting at.

**Mr COWLING** - They certainly show that if we can get in early enough and break that cycle the results are very positive, so I think it's worthwhile continuing to explore and expand that where we can.

**Mr HALL** - It's often a matter of resources, of course.

**Mr COWLING** - Sure, and that's what it comes down to. The more resources, the more work you can do, there's no doubt about it. But again, it's not just us being the lead agency; what is important is involving the NGOs and the other groups that are there. We can't do everything and we're not expected to do everything, but it's important to accept that we all have ownership of this problem.

**Mr HALL** - It just seems to me that, in a perfect world, if you could throw enough resources at that particular problem it would alleviate quite a bit of stress and anxiety and issues for yourselves.

**Mr COWLING** - It is something Inspector Johnston and I are looking at over the next probably 12 months. Again, this violence in schools project is a good example of how things can change and work, so we will continue on that basis.

**Mr DEAN** - I have a question in relation to bottle shops and the way they are mushrooming - you must have expected this question, I think. We also have one now earmarked for George Town. How do police see the situation with bottle shops, the way we are getting increasing numbers of them and where they're being placed? Probably just as important is the numbers now being licensed to operate. What is your position in regard to the availability of cheaper alcohol in some areas where perhaps there ought to be some controls? How do you perceive that?

**Mr COWLING** - We only had this discussion a while ago, actually, but the problem is exactly that. It is very difficult to police an 18-year-old or a 20-year-old going into a bottle shop and buying four cases of beer and then providing it to others back at a house. I mean, the Australian culture is one where we tend to drink at home before we go out at an early age. Even now we notice with a lot of the kids that because of the hours they work and the lack of money they have, they tend to have a drink at home to sort of begin to get charged up before they go out. I don't think we can control where bottle shops are placed or the volume of sale. I think that is something that -

**Mr DEAN** - Should police have a say in where these bottle shops are placed?

**Mr COWLING** - I don't know about the evidence that sort of says that the alcohol they're buying and taking home is part of the issue. I am ill-informed in that area and couldn't answer that.

**Mr REYNOLDS** - The Licensing Commission certainly considers the social impacts as part of its considerations and it may be something we can be more proactive about if we are aware of the planning application, but we enjoy a very good relationship with the Licensing Commission and I know Inspector Johnston is -

**Mr JOHNSTON** - Perhaps one of the issues there is that many of those decisions and the frameworks around the provision of those licences are driven by National Competition Policy rather than by the social implications of where those premises are going to go. Professor Steve Allsop from Curtin University in Western Australian was down here a couple of years ago and talked about that very issue; that whilst competition policy drives the decision-making frameworks around these things, the social impacts will have little impact on where those things are sited and the ability to control and limit them.

**Mr COWLING** - Obviously we proactively police the carriage of liquor on the streets with the liquor notices and their effects, and that's probably the direction we have gone.

**CHAIR** - I have a couple of quick questions. One is in relation to people charged with assaults. The tick, as far as the police were concerned, was the charging and not the prosecution of it. As a result of that a number of cases did not proceed because the work was done up to the time of charging as opposed to the time it went to court. What is happening with that, because to me, if a person is charged, if the police believe there is a proper case, it should be followed right through up until the actual court case? What is happening there now?

**Mr COWLING** - I don't think we've seen any examples of that - Mike?

**Mr JOHNSTON** - I go back to a previous position in the CIB where, by the time it got to hearing, there were issues with the odd assault file. From time to time it is the inability to track down witnesses, or witnesses or victims recant, so there are times where people are charged with assault matters that do not finally end up in court. I guess there have been one or two occasions where it has been due to the quality of the investigation, but I wouldn't have thought that it was a significant issue in terms of the quality of the investigation. My experience is that it was more about witnesses recanting, victims recanting, suspects disappearing to the mainland and not being able to be located and warrants sitting there in existence for their return to the State.

**CHAIR** - So it's not an issue as far as -

**Mr REYNOLDS** - There's a much higher scrutiny on the discontinuation of proceedings now at certainly the inspector level and also going up to commander level.

**Mr COWLING** - I certainly haven't seen anything come across the desk since I've been there.

**CHAIR** - Is that a new thing that has occurred?

**Mr REYNOLDS** - I would not say it was new, I would say that it is perhaps bedded down much better than it has been in the past, but certainly I know our prosecutors are not going to court about the sorts of things that you and I have seen across the bar table. I think that our supervisors and our people have a better understanding in terms of the need to continue. The work is not done until we get to that conviction stage.

**CHAIR** - Sure. In relation to police costs between 12 and 3 a.m. or 11 p.m. and 3 a.m., are police officers paid more for those hours or does it just depend upon when they are rostered on?

**Mr REYNOLDS** - No.

**Mr JOHNSTON** - We have flat salaries that are based back in the mid-1990s, I think. Shift and penalty rates were absorbed into salary and it is paid as a fixed allowance. We have different rates of it. People on 24-hour rotational stations have a higher shift and penalty loading than those who are working later in the night but not 24-hour rotation.

**Mr COWLING** - There are rostering provisions that restrict use after certain hours. There are a number of award provisions that we have to abide by.

**CHAIR** - We have spoken about the Saturday mornings and Sunday mornings and, as you say, up here on the Wednesday nights and Thursday mornings. How many police would be in the areas where violence has a history of occurring during those times?

**Mr REYNOLDS** - On most Friday and Saturday nights we have an overlap. That is discounting support roles.

**Mr COWLING** - You would have two shifts and a watch.

**Mr REYNOLDS** - I have two shifts so we have staggered the start and we have two shifts running from 11 p.m. to at least 2 a.m. but usually 3 a.m. We also have the Public Order Response Team that is more often than not also out at those times. If it is a particular grand final night or something like that we make sure that we have extra provisions. If Traffic are working, how many would you have in your teams, Mike?

**Mr JOHNSTON** - Four, five or six, depending on leave commitments at the time.

**Mr COWLING** - It is a difficult figure because there is a lot to take into account.

**Mr JOHNSTON** - I could have 15 on the watch, I could have another five at Newnham plus the Traffic people plus the CIB.

**CHAIR** - You hear of people saying, 'I rang the police and they said, "We have a car somewhere with two people dealing with an issue, we have another car dealing with another issue and we haven't any people available."'

**Mr COWLING** - Which happens, there is no risk about that.

**CHAIR** - If that was the case, you would probably only be looking at four so you would still have another eight or nine available?

**Mr REYNOLDS** - I think the reality is that we have to prioritise and if you have someone who has had a motor vehicle accident, that takes precedence over someone who is complaining about noise. And we will continue to prioritise. We have to do that as a matter of course.

**CHAIR** - In Hobart you are looking at the Salamanca district. It would seem that with a number of police officers involved around that area at the times you are speaking about that would be certainly of assistance. Do you agree with that and in an ideal world would you like more resources to put more people in that area over that period of time?

**Mr COWLING** - You can always do more with more resources but I still think that the resource allocation is dependent on the night and dependent on management from radio dispatch services anyway. You could have a large number of police and still not be able to attend to everything straight up; you would still have to prioritise. There is no risk. You can be effective, you could have 20 people in a mall, for example, and that is quite effective but is it efficient? It is not. So there is always going to be a resource balance and a decision that has to be made about the prioritisation of jobs. I think for us it is about allocation and about how we balance them.

**Mr REYNOLDS** - We certainly have people at the key places at the key times and on the beat. I maintain I am totally committed to maintaining our foot patrol policy and we have one shift that is totally on foot patrol between 11 p.m. and usually 3 a.m. or 2 a.m. on a Friday and Saturday. So we have the units out, we have our foot patrol, we have our Traffic people and we have our CIB.

**CHAIR** - The foot patrol is how many people?

**Mr REYNOLDS** - A full shift. So it could be two sergeants, and five, six, seven constables.

**CHAIR** - And the foot patrol is actually walking the streets?

**Mr REYNOLDS** - Yes, they are patrolling the CBD. That is what we do and we have specifically designed our roster, and that has gone back a long time, as Ivan would know.

**Mr DEAN** - Are they removed from the street at all for the purposes of attending domestics? What impact do domestics have on your ability to police the streets of a night?

**Mr REYNOLDS** - Significantly less than perhaps they did when the new Safe at Home Program came in. Michael is probably in a better position to talk about this than I am but from the Launceston Division's perspective, we certainly have found that now that it has been bedded down and we understand the process better, it takes a lot less time for us to deal with domestic-related situations and we have the support of the domestic violence response group, which is also a benefit for us.

**Mr JOHNSTON** - And we are also seeing a reduction in the reported levels of family violence. Safe at Home was always a medium- to long-term plan or project. I think we

are starting to see the benefits of that being delivered, certainly in terms of the number of incidents we have to respond to.

**Dr GOODWIN** - Do you have a bike squad up here?

**Mr REYNOLDS** - Yes, we do.

**Dr GOODWIN** - Where does that operate?

**Mr JOHNSTON** - It is spread across the Public Order Response Team and Mr Reynolds' Launceston uniform division. We have a number of people that are kitted up and rather than a dedicated squad, there are people available at different times, in different areas that have the equipment. We have a number of bikes. They jump on the bikes when we need them, when we want them. So we have a number of people that are equipped to do it and they do not form a particular squad. Unlike Glenorchy, which I think has a dedicated squad, we have a number of people who can access bikes and the equipment and we put them out on bikes when we want them to or we need them to.

**Dr GOODWIN** - Do they go out at night as well or mostly during the day?

**Mr JOHNSTON** - Yes, at night time; more early evening than night time. Bikes are effective at night time but there are some added safety issues with people out on push bikes.

**Mr COWLING** - It highlights that we have a large number of options that are open to us. That is why we like to tailor them to meet every sort of event that we get. If we have a particular problem, it might be those or it might be something else.

**Mr JOHNSTON** - We try to make that arrangement as flexible as we possibly can.

**Mr DEAN** - Do you see the responsible serving of alcohol as being really effective? Should there be an offence to cover a person who goes to the bar, grabs four or five beers, takes them down the back of the bar and serves them to his inebriated, drunken mates? Do you see that as an issue?

**Mr JOHNSTON** - I see a lot of difficulty in enforcing that sort of offence. There is a difficulty, as I am sure you will appreciate, in enforcing the provisions that already exist to stop people behind the bar serving intoxicated people on the other side. Again, I guess I would come back to the relationship with Licensing. We have a really good one and in fact recently we pulled some footage off a Facebook page of an establishment that had 20 or 30 shot glasses lined up, ran the bottle along like an American Western scene and served all of them. They did that two to three times in a row. We have taken that footage to the Licensing Commission and we are working to go back to that premises and maybe sanction them for that behaviour. Whether it would work or not, I would see some difficulty around enforcing it, but where we can we do.

**Mr COWLING** - I will make a covering statement with that. I think since the introduction of the responsible service training that they get, there has certainly been a significant improvement, there is no risk about that, and the knowledge about the fines that they are



eligible for has certainly made a big difference. We have even sent some people on it to get an understanding of what that process is.

**Mr DEAN** - There is support for that position from the hoteliers because they say it is a problem for them, the person who gets the liquor and then takes it down the back. They do not have the ability to observe it and control it. So they are supportive of it.

**Mr COWLING** -It would be very difficult to enforce, even just thinking of it now. I do not know how you would do it.

**CHAIR** - It is difficult to say without hearing all the evidence, but as far as you are concerned what recommendations do you think we should make?

**Mr DEAN** - How would it make your job easier?

**Mr COWLING** - If we take a stronger push certainly with early intervention in the education process, I think the clear message we have to get out is that it's not just police. I think if that is one of the clearest messages we can convey today, that is a win in itself. There are some real opportunities to get in amongst the youth at an early age, and I am talking high school here, and also even younger if you wanted to. I think the high school age would be a perfect place to target that mateship bond. I think we have some work to do in relation to positive press and using the press to limit that perception and fear, and I don't know how we would manage that and I think it would be very difficult for the committee to control as well. We have all seen sensationalism in the headlines and it is quite difficult to manage that. Education is the key here and I think the ownership across that, the ownership that an individual has some responsibility for the amount of alcohol they consume. That is one of the clearest messages we can get out.

**Mr DEAN** - Alcohol is now used as a form of defence in courts on many occasions; it is a mitigating factor. Should it be seen as an aggravating factor from the police point of view?

**Mr COWLING** - It should be aggravating, never mitigating, unless someone has held you down and forced 20 drinks into you.

**CHAIR** - It's never been a mitigating factor.

**Mr COWLING** - No.

**Mr JOHNSTON** - This is one that has been talked about at a national level for a little while and has met some resistance from industry, a volumetric tax on alcohol. The tax system on alcohol is skewed towards some different industries and the volumetric tax reflects the tax based on the amount of alcohol that is in the drink you buy, be it a glass, a bottle, a carton. The tax reflects the amount of alcohol because some forms of alcohol are cheaper to buy than others and they are usually the ones that can cause some nasty effects.

**Mr REYNOLDS** - I think there also has to a certain level of societal education in relation to tolerance. To get a level where a lady complains because she can see the top of someone's underpants as an antisocial issue or an issue of public disorder, I think that is

difficult to reconcile against any standard of current society. I think that we have to accept that Launceston and the Mall - and let us be honest, that attracts more attention than most - is a place of congregation and that is by its very design. We have worked very hard with Launceston City councillors. One of Inspector Johnston's people assisted in the environmental design and designing out crime so instead of having branches that people could swing on, cut the branches down. If people were climbing over the backs of chairs, don't have chairs, have seats. I think that is the other issue, that there has to be some level of tolerance between the amalgam of groups that meet in that one area of congregation.

**Dr GOODWIN** - I don't suppose you remember the common ground project years ago?

**Mr COWLING** - Yes, I do, and this is just a continuation of that really. It is a design function. To make it safer certainly is the way to go.

**Mr REYNOLDS** - It is certainly not the normal behaviour, and I know Ivan is aware of that; it is the exception.

**CHAIR** - Thank you all very much for coming and giving your submission.

**THE WITNESSES WITHDREW.**

**Ms FIONA KELLY** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wilkinson) - Welcome, Fiona. Thanks for coming along and showing an interest in this committee. I will let you first give your overview and then we will ask you questions.

**Ms KELLY** - Obviously you have all read my submission. I want to reiterate what I covered in the letter. When I say 'I', I speak on behalf of my husband and myself. Basically, it is really that the Government set guidelines for the judiciary in sentencing and these must include minimum standards as some measure in judicial accountability. In addition to that there is a level of personal responsibility and accountability. I heard you talking to the policemen earlier on about the whole responsibility of serving alcohol and things like that, but I think there is an onus on each individual to be responsible consumers of alcohol and I agree totally with what the police were saying earlier on; the fact that you are drunk, in my opinion, is irrelevant. I do not think that is an excuse for behaving how you want to because you are impacting upon other people's lives, more than just the victim.

The other area is the judiciary. I am just dumbfounded; I do not know what planet the judges are on, and I am not the only person. A lot of my opinions I believe very strongly are those of the general community. When you read some of the sentencing you have to ask the question, where on earth did they get that sentencing from? In particular Justice Ewan Crawford has made comments in his sentencing and yet his sentence directly contradicts the points that he is making.

**CHAIR** - Do you want to name certain judges and then say what the issue is? That might be an issue that we have to have a bit of a chat about before you do that. I will first ask everybody to leave and we will have a chat about that and then ask you back in again.

**Ms KELLY** - You want me to leave?

**CHAIR** - If everyone can, yes.

**CHAIR** - Fiona, you can now give your evidence and then we can ask you some questions.

**Ms KELLY** - I am going to refer to five cases, four of which are on my website. One of them was aggravated armed robbery. In this case, two men with balaclavas over their faces broke into a 71-year-old woman's house and threatened her with violence. They were armed with pieces of wood et cetera. They physically restrained her, ransacked her house and stole her life savings from her safe. Eight years later, one of the two was sentenced - just through bad luck for him - and the other person involved in the crime was never identified and hence never charged. Obviously that man knows who that other person was because it was his accomplice. He got a two-year jail sentence with six months suspended and was eligible for parole after serving nine months. Meanwhile, the lady who was attacked has served eight years plus the rest of her life, really, because she lost her life savings and I assume there was no compensation.

If a criminal is not going to identify their accomplice, they shouldn't be entitled to any sort of reduction of their sentence. Why reward wrong behaviour? Clearly there was no remorse or anything like that; he was protecting his accomplice. Likewise, when there are murders and people are charged, if they are not going to identify where they have put the body or whatever, they shouldn't be entitled to any parole either. I'm just making up an example now, but if someone murdered someone and dumped their body and the body was never found but they were able to be charged with murder and went to prison, they shouldn't be entitled to any early parole if they're not going to identify where the body is because that's not helping the course of justice or helping families move on.

As another example, there was a rape case and the man was sentenced to five years with three years non-parole, which was granted in June this year for the rape of a woman in her home at Sisters Beach. He was convicted on two counts of aggravated sexual assault, two counts of attempted aggravated sexual assault and one count each of rape, indecent assault, aggravated assault, aggravated burglary and robbery. The subsequent sentence was labelled a disgrace by the victim. There is another rape case where the person was sentenced to three years with 18 months non-parole for the rape of a 13-year-old girl while she slept in her bed in her home. There was a north-west case of rape, where an 11-year-old was raped by a 33-year-old and he didn't even go to jail; he got a four-month suspended sentence and a two-year good behaviour bond. There is a more recent case which sparked off this whole process.

**CHAIR** - Has that case concluded?

**Ms KELLY** - The person has been sentenced and it sparked public outcry, and a murder resulted.

**CHAIR** - So the case has finished?

**Ms KELLY** - Unfortunately, I think.

In this case a 17-year-old and his two mates killed a 27-year-old in a caravan park at Deloraine. Prior to the act, the three men discussed - by the way, this is all lay knowledge; I haven't delved into the case so I can only go by what I've read which, as I say, is linked on my website -

**CHAIR** - When you say from what you've read, you mean in the papers?

**Ms KELLY** - Yes - also, the victim's mother sent me an e-mail. She has a few concerns, but I'd imagine that's being dealt with by Michael Ferguson or whoever it was she wrote to.

Anyway, as I was saying, there was discussion beforehand between the three of them about going after this fellow, hitting him and robbing him, and then they set off to do just that. I'm not technically minded and I don't know what constitutes manslaughter versus murder, but they had absolutely no motive and, as far as I can see, it was just an act of thuggery and the only excuse given by them was that the guy was showing off and big-noting himself. So there was no justification of any kind and none has been suggested for hitting him. At first they walked away and returned and tried to assist him.

These are the comments of the judge.

'The accused had no record, he came from an industrious family with both parents in employment.'

The judge then went on to say:

'Manslaughter is a very serious crime. From the legal perspective he is guilty of that crime because he caused death by an act commonly known to be likely to cause bodily harm and also because it was an inherently dangerous, unlawful act. The act was committed in a public place on a virtual stranger who had not provoked it in any way. Many in the community are deeply concerned and frightened.

Mitigating factors - 17-year-old first offender, not an adult, sound character and reputation, and attempted to render assistance.'

I question the whole idea of 'sound character' to have done that in the first place.

'He indicated his plea of guilty very quickly after knowing that the charge would be manslaughter.'

I find that rather interesting - 'Okay, it's going to be a lesser charge, so let's admit guilt'. The judge then noted:

'It is accepted that he demonstrated remorse by doing so. It is also accepted that he did not foresee that death was a likely consequence of his act.'

From my own personal point of view, whether he foresaw death or not is irrelevant, it was an aggressive, unprovoked act. You just don't do that to anyone - an animal or anything. The judge continued:

'However that is not a mitigating factor on a manslaughter charge. He did cause death and he must accept responsibility for doing so. The sentence should reflect the sanctity of human life in general and the criminality involved in its unintended loss. It should condemn such mindless conduct in public places.

The order of the court is as follows. You are sentenced to imprisonment for three years, the minimum parole eligibility will be permitted. You will not be eligible for parole until you have served 18 months and you will be paying a victims of crime compensation levy of \$50.'

You get fined more for doing 70 kilometres per hour in a 60-kilometre zone. I'm sorry, but where's the fairness in that.? They stole \$40 out of the fellow's wallet! Were they made to pay that back? I'm not even sure that they were charged with stealing.

These are just a list of comments that the public have put in in response to the newspaper articles and so forth, and the overwhelming majority are as strongly worded as I feel. I received this from the mother.

'In my opinion, and that of the lead detective, he was murdered. The sentences handed down do not reflect the gravity of this crime but I am not sure that the judge was made aware of all the damning evidence against the perpetrators. I was informed by the police that it was discussed by the three youths charged to bash and rob my son, even down to who would hit him, and they took off in the direction that [the victim] had taken. Two of youths initially charged with murder, then aggravated robbery and then further downgraded to stealing, stood over my dying son, removed his wallet, taking the \$40 contained in it, divided it between them and replaced the wallet in my son's pocket. I believe it was then that they realised they could have indeed caused harm. The intent to murder would be difficult to prove in court and the police were not happy with this'.

That was the downgrading from murder to manslaughter.

**CHAIR** - And that is the very broad difference between murder and manslaughter and the intent to kill as you described earlier on.

**Mr KELLY** - But in my opinion - and I believe a lot of people share it - whether this person died or not is in many ways irrelevant. It's the behaviour.

**CHAIR** - I hear what you're saying in relation to behaviour but you have to realise that courts can only sentence on the matters before them. In other words, this was not a sentence relating to a murder. I hear what you say in relation to the circumstances, but it had to be a sentence in relation to manslaughter. If it wasn't, the courts would be acting contrary to the way they have to act. So therefore, if you're talking that way it has to be, 'Let's change the law'. That is a member of parliament's duty, not the judges or the courts.

**Ms KELLY** - That is my next question. Is it possible for legislation to be changed in a case like that so that it becomes irrelevant whether the murder actually took place or not. What matters is the whole act, the intention behind it. To me he was hit with such force that he was not out to just to give him a slap on the wrist; he was out to cause bodily harm big-time. He didn't just punch him in the gut, he fair slammed him around the head. Whether he intended to kill him or not, I just think, 'How can one human do that to another when it's not self-defence?' There's no motive and they didn't even know him; in fact, according to what I've read, they'd been walking down the street not long before sort of mucking around a bit.

I will just go on quickly. This is from the victim's mother.

'The charge of aggravated robbery was downgraded again and I do not understand why. The police maintained, and still do, that there was sufficient evidence to charge the perpetrators with aggravated robbery. When I inquired, the public prosecutor told me although the youths admitted to bashing my son they then inexplicably decided not to rob him. This is not the same story I was told by the police. The perpetrators had confessed entering into an agreement to bash and rob him.'

She needs to know why the charges were downgraded and by whom. She believes that there is a strong possibility that crucial evidence may have been omitted and the charges

downgraded with the judge oblivious to some of the pertinent facts. The two issues she has are: why was the case downgraded and by whom; and why the leniency of the sentence for the person who struck the blow?

**CHAIR** - Are you aware whether she was advised of the circumstances surrounding the reasons the charge of manslaughter was proceeded with as opposed to any other charge?

**Ms KELLY** - I can only go by what she has written. I have just paraphrased it, but you are welcome to read her letter; in fact you are welcome to have all this for some light reading of a night. She obviously has questions and she believes that things were being left out. I am not here to represent her but I have the same question - why was it so lenient? It is the same with these other ones. I know that time is ticking on.

This other one was a rape case that I was telling you about at Sisters Beach, where a woman was raped in her house. The lead investigator in the brutal Sisters Beach rape case again expressed his dismay at the sentence handed down, so even the police are going public with their frustration. This person was sentenced to five years with three years non-parole, which was granted in June this year. Again, it is just so lenient.

There was another case that I mentioned earlier on where the sentence was three years with 18 months non-parole for the rape of a 13-year-old girl. This one is sickening. In sentencing, the judge said the crime was serious and was aggravated by the girl's age but he said it was 'not a case of violent domination so typical of rapes because it seemed he was hoping the girl would consent to sexual activity and it may well have been that if she had expressed dissent he would have desisted.' Then he said, 'it is not the worst example by any means'. This is the same judge as in that other case where the three guys killed that one person and in handing down his judgment in this case he referred to the fact that this person's parents were employed and that he had a job - 'his secure employment, substantial income and lack of prior offences'. It seems to me very important to this judge whether they are employed or not -

**CHAIR** - In fairness, it is part of the sentencing process. Part of the matters that are put before a court are those matters that you have just described in relation to prior convictions or a lack of prior convictions, whether that person was in full-time work or not. They are just matters that are taken into account. That is part of the sentencing process and part of the process that is mentioned in the precedents as well, so that is why it is mentioned because when a court imposes a penalty they give reasons for imposing that penalty and often they relate to the matters that were put before them by the defence or the prosecutor.

**Ms KELLY** - Right, okay - because I am just reading that and I am thinking whether it really matters.

**CHAIR** - Yes, I know what you're saying.

**Ms KELLY** - 'I've got a job therefore I'm more entitled to go and kill someone and get off a bit easier.'

**Mr DEAN** - Because your parents are employed.

**Ms KELLY** - Yes.

**CHAIR** - There would have been a lot more mentioned, believe you me.

**Ms KELLY** - Okay then. This judge ordered that the rapist be eligible for parole after serving 18 months of his sentence and his name be placed on the sex offender register for four years upon his release. This was a 13-year-old girl who was asleep when he walked into her room and sexually penetrated her.

Lastly - I could go on and on but I won't - these are links that are made to the article I was talking about where the lead investigator was going public with his frustration, and I don't know if it was a different link or not but it was all under the same case. It says:

'Data backs soft sex crime stance theory.

Soft sex crime court sentences in Tasmania could have led to the lack of a deterrent factor, a theory well supported by data showing the State has the highest sexual assault victimisation rate in the country'.

This is meant to be good, sheltered, backward Tassie here.

**CHAIR** - Who said this?

**Ms KELLY** - This is one of the links to that case on my website.

**CHAIR** - When you say 'the links', did that comment you just mentioned come from a person writing into -

**Ms KELLY** - No - am I allowed to say the newspaper writer's name?

**CHAIR** - Well -

**Ms KELLY** - Chris Pippas was the reporter in the *Advocate* of 5 August 2010, and he wrote that only 31 per cent of sexual assault victims reported the incident to police. Some of the other things that are quite concerning in terms of Tasmania's percentage of victimisation rates compared to other States were that it ranked second for physical assault and third for threatened assault. The Police Association president said that Tasmania, having the highest sexual assault victimisation rate in Australia, wasn't helped by the lack of deterrent in sentences such as the one handed down to the Sisters Beach rapist, who was paroled after just three years. Beyond Abuse spokesman, Steve Fisher, said, 'Tasmania's comparison is so far behind. We've lobbied for years for courts to get into the twenty-first century'. I think that pretty well sums it up. I don't know, it makes me sad.

**CHAIR** - What you are saying is that the court system should be imposing penalties in excess of the types of penalties you have mentioned because of the circumstances surrounding the cases you have mentioned.

**Ms KELLY** - I know of embezzlement cases - and when I say 'know' I have heard loosely - and things like that of defrauding a business and they have received far harsher sentences



than what they have for affecting a victim for the rest of their life in some of the most horrendous ways. It's not just the victim, it's the victim's family, not to mention the perpetrator's family - they suffer too. I don't understand it and nor does society. It's just not right.

**Dr GOODWIN** - I guess to get to the crux of your argument, Fiona, you are suggesting to us that the current sentences being imposed are inadequate?

**Ms KELLY** - Yes.

**Dr GOODWIN** - And you mentioned minimum guidelines or minimum sentences.

**Ms KELLY** - Yes, something that reflects the crime and how society is seeing the situation. It needs to be proportional to other crimes. I am not belittling other crimes by any means, but a \$50 slap on the wrist for murdering someone as opposed to a \$110 fine for speeding -

**CHAIR** - That is what is called a victims of crime compensation levy. In matters which come before a court there is a victims of crime compensation levy which is set and each person gets that - that's the penalty.

**Ms KELLY** - It seems incredibly low.

**CHAIR** - It could well be, but that is a parliamentary thing. There is also a costs issue. So that wasn't a fine, it was just part of a normal penalty that flows. The penalty that was imposed upon that person that you have mentioned, and all the people you have mentioned, is the imprisonment and they are not coupled with a fine at all. The monetary figures that you quote are just part of the process, such as victims of crime compensation levy follows all those crimes. So it is no fine.

**Ms KELLY** - I would like to see the punishment fit the crime more and for there to be some sort of minimum standard that the judges cannot go below.

**Dr GOODWIN** - So you want minimum penalties?

**Ms KELLY** - I think so, or some sort of guidance. With what is being afforded to the community in these cases and then the sentencing that is being issued out, either something massive is being left out of the information on the crimes and society is not getting the full, true story of what is going on or else the judges are not in touch.

**Dr GOODWIN** - I might mention a couple of initiatives that you may or may not be aware of. The Sentencing Advisory Council has been established, I don't know whether it is operational yet, and the whole purpose of that will be to provide a bridge between the community, the Parliament and the judiciary in providing a process where the community can feed in through the Sentencing Advisory Council on sentencing matters. That is something that has been established and that council may also look at things which are called 'guideline judgments', which does something similar to the Court of Appeals, that will set out factors to be taken into consideration in certain cases, so with charges of a particular type there will be factors to be taken into consideration in a range of penalties that are considered to be appropriate that judges need to work within. They

are two things that are being considered at the moment or are on the drawing board that you may not have been aware of. It may be useful for you to have a look on the website to find out a bit more information.

**CHAIR** - In relation to that, there is a very good book out by Kate Warner on sentencing. I am only mentioning it to you because I know of your interest in this area. It sets out matters to be taken into account, aggravating matters and mitigating matters. That gives a good sketch as to what penalties have been imposed in Tasmania and the maximum and minimum baselines, which might be of assistance to you.

**Ms KELLY** - My ignorant understanding is that you can get so many years for manslaughter, a maximum, but I am only seeing the minimum being applied.

**CHAIR** - There are maximums and minimums and there is quite a distance between those two. The only ways you can appeal are if it is manifestly excessive - this is in relation just to the severity of punishment - or manifestly inadequate. If the court has made a wrong decision in law, you can appeal as well. But just when you are looking at penalty itself, there is quite a distance between minimum and maximum.

**Ms KELLY** - Are you hoping to address that at the end of this hearing?

**CHAIR** - That will be part of the evidence we take into account.

**Mr HALL** - Fiona, your message came over loud and clear and your submission supports that. You also mention rehabilitation in your submission.

**Ms KELLY** - Yes.

**Mr HALL** - I understand where you are coming from there. We often have families which have systemic violence over generations and that is a real problem. Would you agree that there ought to be programs put in place and intervention into those families to try to stop that?

**Ms KELLY** - Yes.

**Mr HALL** - I know it is not going to stop some of those individual cases that you have highlighted, but you would agree that that would be a good recommendation?

**Ms KELLY** - Prevention is always the best cure. In my letter I have discussed different things. It seems that to get off early is the rule and there is this whole thing of, 'They've been good in prison'. Isn't that expected? Where is our base standard in society? 'You have murdered someone, but you have been good in prison and we will let you out x number of years early'.

**Mr HALL** - You have our four terms of reference. Would you see alcohol and drugs as being a significant part of violence in our society at this stage?

**Ms KELLY** - Yes, but I do not see -

**Mr HALL** - A combination of both?

**Ms KELLY** - That is not a cop-out excuse for me. I think people should be responsible for their behaviour.

**Mr HALL** - I appreciate you have made that point. But what I am saying is the fact is that they exist there initially.

**Ms KELLY** - In a lot of those crimes that I have discussed I know that alcohol was involved. There is a saying, 'Alcohol makes big people turn into little people,' or something like that, and it is quite true.

**Mr DEAN** - You mentioned cooperating and not cooperating, and you made comment that judges are taking into account that they have cooperated to some degree in mitigating the penalty, but where they are uncooperative no account is taken of that at all. That is an interesting position that you put there; whether the offender failed to identify their accomplice. It is an interesting aspect, you are right, and some people say it should be taken into account.

**Ms KELLY** - At the end of the day my personal opinion is if there is no remorse, then they should not be allowed out early.

**Mr DEAN** - If you are expecting to get leniency, that is right, you should come right to the party.

**Ms KELLY** - If you are truly remorseful then the bonus is getting out early, but you do not do it to get out early, you do it because you see the error of your ways. In doing so, if you are truly remorseful you will want to do anything to stop people following in your footsteps.

**CHAIR** - Remorse is always taken into account and as part of remorse they look at whether you cooperated with the police and whether you pleaded guilty at an early stage. They are the two major factors. They are often taken as part of the evidence which shows remorse. That is what the courts have said and, as I say, that is why the judges have to look at that. That is what the previous cases have said when you look at remorse, but there are other factors as well.

Thank you very much for your evidence today. Thanks for the way in which you gave it. Even though we are slightly over time, that was our fault because of some housekeeping issues we had to sort out. Thanks very much for your time given today. All the best.

**THE WITNESS WITHDREW.**