

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON VIOLENCE IN THE  
COMMUNITY MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART,  
ON WEDNESDAY, 15 SEPTEMBER 2010.**

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**Mr RANDOLPH WIERENGA**, PRESIDENT, POLICE ASSOCIATION OF TASMANIA  
WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thanks Randolph. You're no stranger to select committee hearings. As you know, the evidence we get here is privileged but as soon as you go outside this room it's not. We're on *Hansard* - it is going to be recorded - and if there is any evidence you believe should be private and you want to go in camera at any stage, please let us know. We will now leave it to you to speak to your submission and then ask you questions.

**Mr WIERENGA** - Thanks Mr Wilkinson. I will go through my submission briefly because I think you have had a copy and have had time to read it. I haven't addressed all the terms of reference in relation to the committee.

The first issue that the Police Association has is in relation to trying to get some benchmarks on this issue and our view is that in terms of measuring violent and anti-social behaviour, there are problems with the statistics and it is very hard to compare across jurisdictions to ascertain what the level of violence is in Tasmania compared to, say, Victoria or New South Wales. That is because limited data is recorded by the ABS and each jurisdiction has differing recording requirements in relation to a number of different crimes of violence.

It is also difficult to look at the statistics when situations change and recording of crimes change. As one example, I refer you to the family violence laws, which changed in Tasmania in 2004. Prior to 2004 when those laws changed, we were attending between 1 500 and 2 500 family violence incidents per year - that was what was being recorded. When the family violence laws changed and mandatory reporting became a requirement in relation to attending anti-violence incidents, they jumped to 4 000 and then to 5 000 and now they are sitting on about 5 000 family violence incidents per annum. Does that mean that the level of family violence has increased? Probably not, but certainly the recording of family violence incidents has increased and because of mandatory reporting it probably shows a better indication of the level of family violence in the community.

The other thing in relation to the statistics is that relying on reported crime statistics can also be problematic. As we are all fairly well aware, there is an issue of unreported crime and the only way you can get a measure in relation to unreported crime is to go to the victim of crime surveys. The ABS does a crime victimisation survey for various crimes of violence. In the last one it said that Australia-wide 45 per cent of physical assaults were reported and in Tasmania that figure is 48 per cent. Australia-wide, 39 per cent of robberies are reported and in Tasmania that figure is 44 per cent. Sexual assault Australia-wide, only 31 per cent are reported and in Tasmania it is 45 per cent. So whilst the level of reporting seems to be higher in Tasmania, you can see from the victims of crime survey that a number of crimes are not reported. So it is difficult to get a measure of the level of violence in the community.

I do have a chart in my submission which shows the level of reporting in Tasmania on a number of different categories: person offences, public place assaults, offences on police and family violence incidents. When you get the submission you will see that they are slightly declining, slightly rising or steady for those categories.

One of the things I looked at in relation to the level of violence against police was deployment of capsicum spray because that is used in certain situations. There are strict guidelines in the use of capsicum spray for police officers in protecting themselves. The level of deployment over the last five years has been in the 120 to 160 range, although it varies from year to year. When police officers find themselves in situations where they need to deploy capsicum spray there are strict guidelines in relation to its deployment and there are strict reporting requirements because of the deployment. That is how we know the number of deployments.

**CHAIR** - Has that increased?

**Mr WIERENGA** - It is about steady.

**CHAIR** - It has been steady for how many years?

**Mr WIERENGA** - Five years. There was a peak in 2006 of 163 but generally it has been running just below 130.

**CHAIR** - That is only deployed for measures where the police themselves are in immediate danger?

**Mr WIERENGA** - That is right. There are strict guidelines, that I have outlined in my submission, about when we can deploy it. When you look at the submission you will understand that they generally are deployed when police officers face violent confrontation. It is part of their toolkit in the use-of-force continuum to overcome that violence.

**Mr DEAN** - Those guidelines have not changed in the meantime, I take it, because we had the problems arising in some of the other States and there were inquiries and investigations?

**Mr WIERENGA** - My understanding is that those guidelines have been in place since the introduction of capsicum spray. They may have been changed somewhat but certainly not the intent.

It is my view that the level of violence has not decreased in the last five years within the community, based on research that I have done. How to address the level of violence is a complex issue but I think there are two measures worthy of investigation. The first relates to the sentencing process and the second relates to the availability of alcohol. I have put in the back of my submission the criminal histories of a number of different people - obviously sanitised and identifiers have been removed. When you look through the criminal history one thing you will note is that these people have lengthy records. They have had a number of different sentencing options imposed upon them but none of those seemed to have deterred them from continuing their behaviour. The first criminal history is of a juvenile born in 1992 and he first appeared in the judicial system as a 12-

year-old. He has 105 convictions for various offences, including crimes of violence. You can see from his criminal history and the sentences imposed that he continues to offend and probably will continue to offend. The only time he will not offend is whilst he is incarcerated. I would like to put on record now that the association does not disagree with the intent of the Youth Justice Act in terms of diverting people and community conferencing but you do have to wonder at how many chances you give a person before you start considering other sentencing options. It may be that those sentencing options are not available to the judiciary.

**CHAIR** - Is that conviction list of a person who is still a youth?

**Mr WIERENGA** - He was born in 1992 so he would be just out of the youth justice system.

**CHAIR** - Out of that, how many convictions were crimes against a person?

**Mr WIERENGA** - There are a number of crimes against the person. It just gives you a general picture of the sentencing process in the youth justice system. The other criminal histories I have included show a 27-year-old male, a 33-year-old male and another 27-year-old male and the history of violence is consistent and there is a fair degree of violence in those criminal histories. None of the sentences imposed seemed to have acted as a real deterrent because they continue to commit crimes of violence.

The other aspect of sentencing that I would like to look at is the level of sentencing in relation to charges of assault on police. It is quite clear from feedback from the membership that they do not believe this offence is treated with the seriousness it deserves. It is the belief of quite a few members that the sentences handed out by the judiciary do nothing to deter offences. In my submission I have included a number of statistics which show levels of assault against police, the number of resist police charges, obstruct police charges, threaten police charges and assault police charges under the Criminal Code. Generally they seem to be steady over the last five years. There is a bit of variation up and down but in trend terms they are steady.

**CHAIR** - As you know, there are varying magnitudes of assault as well, so are you stating that there should be more severe penalties for those who assault police in a more serious way, other than just a push?

**Mr WIERENGA** - Absolutely. I think the charge of 'assault police' isn't preferred unless the assault is of a more serious nature, although I haven't analysed all the assault police charges. That is just my feeling. I have some examples here that I will go through - I have gathered these from members. A police officer received a severe punch in the face and the outcome was that the person was found guilty. There was no conviction recorded, with six months supervision under the Youth Justice Act. An offender tried to stab a police officer in the face with a broken stubby and was also charged with common assault in relation to that. The person pleaded guilty, had no-conviction costs of \$31.92 and was put on good behaviour for two years.

**CHAIR** - Is that the youth court as well?

**Mr WIERENGA** - No, that was in the CPS. Another police officer was punched in the head. The person pleaded guilty, had no conviction, six months under the Youth Justice

Act, probation for six months, with a letter of apology sent to the police officer. The police officer says, 'The letter did not apologise for the offence and when the officer spoke to Youth Justice he was informed that the offender only had to write a letter' - and that was the end of the matter.

The next one: a police officer was king hit twice to the face when he looked down at this notebook and the offender ran off. That related to alcohol consumption in a public street: conviction recorded, six months probation, 80 hours community service. Another police officer was punched five times in the face, another police officer was spat on in the same incident, another kicked in the hand and another threatened. This person had 98 prior convictions. In relation to those assaults a conviction was recorded, 105 hours community service, and fined \$500. In another one, a police officer was head-butted in the face causing his skin to split. A conviction was recorded, 18 months probation and to attend a family violence intervention program and an anger management course. It goes on and on.

The level of dissatisfaction with the outcome relating to assaults on police officers has caused many members to urge the association to lobby for mandatory sentencing as they believe the judiciary does not protect them. You will recall from earlier in the year when the association, prior to the election, did some media in relation to mandatory sentencing. It is attached to the back of my submission. Nicholas Cowdery, the New South Wales DPP, describes the purposes of sentencing in our society as 'denunciation, retribution, incapacitation or protection of the community, rehabilitation or reform, and deterrence, both specific and general'. He also said that that the community needed to have confidence in the operation of the criminal justice system. We don't believe that level of confidence exists, particularly when it relates to crimes of violence. The Tasmanian Law Reform Institute in its report in 2008 noted that the level of public dissatisfaction with sentencing in Tasmania is endemic. The association believes that sentences with meaning and consequences can restore confidence.

In relation to alcohol and violence, ask any street-level practitioner if there is a direct link between excessive levels of alcohol consumption and violence. The committee has asked for recommendations to address violent behaviour. Reducing or restricting the availability of alcohol in certain circumstances will reduce levels of violence in the community. The Newcastle, New South Wales, experiment is a clear example of that.

The Last Drinks campaign, a copy of which is given in my submission, was run by a coalition in New South Wales of the Australian Medical Association, the New South Wales Nurses Association, the Health Services Union and the Police Association of New South Wales. In essence, the availability of alcohol in Newcastle was severely restricted. When I say 'severely restricted' it is comparative, but licensed premises were cut back from 5 a.m. to 3 a.m. for trading. This was done for a period and the campaign was reviewed by the University of New South Wales study, which I have also included in my submission. They found a marked decrease in the proportion of assaults occurring after 3 a.m. but significantly there was no displacement factor. Often when you implement crime strategies you will get displacement factors; by deterring a crime in one area the crime will appear in another area. There was a marked decrease in alcohol-related violence as a result of cutting back trading hours of licensed establishments in Newcastle.

**Mr HALL** - How many licensed premises have a 5 a.m. licence here?

**Mr WIERENGA** - I am not aware of the number of licensed premises.

**Mr HALL** - There would not be many?

**Mr WIERENGA** - In Hobart there would be a number and in Launceston there would be a fair few as well. In Devonport there are one or two, but viability is an issue, and Burnie is the same. I have sent the report through as an annexure. Vanessa has it.

**Dr GOODWIN** - Yes, I have read it, a very interesting study.

**Mr WIERENGA** - In relation to alcohol, the association believes that consideration should be given to the weight given to intoxication in relation to sentencing as it relates to crimes of violence. The Sentencing Act at section 80 says that before a court passes sentence the attention of the court can be drawn to any aggravating circumstances or the presence or absence of any extenuating circumstances in relation to the offence. The association believes the voluntary excessive consumption of alcohol should be factored as an aggravating circumstance in determining sentence. Tasmanian legislation already recognises the principle of aggravating circumstances in determining sentences, such as the Family Violence Act, section 13, and also the Police Offences Act, section 35.

The Tasmanian Law Reform Institute has issued a discussion paper on whether racial vilification as an aggravating factor should be considered. That is out there for discussion in the community at the moment.

In addition, voluntary excessive consumption of alcohol should not be permitted to be used as an extenuating circumstance in determining sentence. Section 9(3) of the Sentencing Act 2002 in New Zealand states, "The court must not take into account by way of mitigation the fact that the offender was, at the time of committing the offence, affected by the voluntary consumption or use of alcohol or any drug or other substance. This is taking away the excuse that often comes before the court that people are so intoxicated they had no idea what they were doing, particularly when that intoxication was voluntary and it should not be relied on as an excuse in terms of behaviour that puts them in front of the court.

**CHAIR** - It is not now, though, is it? Courts look at it as an explanation as to why they may have acted out of character or whatever but they do not look at it as a mitigating factor. When you look through Kate Warner's book on sentencing you see that it talks about that.

**Mr WIERENGA** - I think it should be clearly stated, though, that it cannot be used. I think it should not even be raised and it should be an aggravating factor. That is the view of the association. People need to take responsibility for their actions.

**CHAIR** - So you are saying that the courts should view it as being more aggravating that it occurs because of the voluntary -

**Mr WIERENGA** - Excessive consumption of alcohol.

**CHAIR** - Yes.

**Mr WIERENGA** - I have two videos of different assaults. My preference is to show them in camera because one clearly identifies an offender and the second one is still sub judice.

**CHAIR** - Yes, sure. Can we ask some questions first in closing?

**Mr WIERENGA** - Yes.

**Mr HALL** - Randolph, I only just received your submission and had a quick flick through it. In terms of violent behaviour you focused on the alcohol aspect of it but what about illegal drugs and the cocktail there? Do you have a view on that?

**Mr WIERENGA** - Certainly. Some illegal drugs will contribute more, in my experience and that of other police officers, than others to violent behaviour and the cocktail of drugs will certainly contribute. My experience is that people who use marijuana are much calmer and probably hungry. People who use amphetamines and other substances, such as steroids, are far more aggressive.

**Mr HALL** - Is your gut feeling that there is an increase of illegal drugs in the State?

**Mr WIERENGA** - In terms of that I have been out of the loop on drug consumption in Tasmania so I would rather not comment.

**Mr HALL** - Yes, but certainly we have established the fact that the combination of both is leading to more crimes of increased violence. Is that a fair comment?

**Mr WIERENGA** - I would have to agree with the view that was espoused by the Chief Magistrate, not too recently, that the level of violence in each incident is increasing, whilst the level of violence itself may have been around the same level for the last five years. The level of violence in each incident seems to be increasing so that each single situation seems to be more violent than it would have been five or 10 years ago.

**CHAIR** - So the severity of the violence is the real issue?

**Mr WIERENGA** - It is one of the real issues.

**CHAIR** - The violent behaviour has plateaued and plateaued for some time, is that what you are saying, but the severity of that violence for those that are involved is far worse?

**Mr WIERENGA** - It seems to have plateaued but the severity of violence in each circumstance has increased. But I do not think we should be satisfied that the level of violence has plateaued, we should be looking at a reduction in the level of violence, and that is the thrust of our submission.

**Mr HALL** - Given that Newcastle model that you have in there, Randolph, without putting words in your mouth, would the Police Association like to see a universal 3 a.m. closing time in the State?

**Mr WIERENGA** - We certainly think it is worthy of investigation by this committee.

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

**Mr DEAN** - On that point, has the association raised that with the senior police?

**Mr WIERENGA** - No, I have not raised that with senior police at this stage.

**Mr DEAN** - It has been in the press a lot lately that there is a proliferation of alcohol outlets in this State, mushrooming around the State - bottle shops, cheaper liquor outlets and so on - and we know that there is a direct correlation between alcohol access and violence. Does the association have a view on the licensing laws that allow for these establishments to be placed in areas such as - and I use the example of one that I am now involved in - Ravenswood?

**Mr WIERENGA** - The issue for us is the availability at night and particularly late at night. That is when the violence seems to occur and you will know from your time in the police that the level of police activity increases by the hour in terms of the day and it peaks at about midnight and then goes down again, and it is the same with the days of the week. So it peaks on Friday and Saturday and then goes down again on the Sunday. So it is the Friday and Saturday nights when these licensed premises are open until 5 a.m. that you can see the statistics push out into those hours, and that is what they found in Newcastle when they pulled back the licensing hours from 5 a.m. to 3 a.m. - the number of assaults drops off. That clearly indicates that it is the licensed premises serving alcohol at those times rather than the bottle shops that might be selling it during the day, although it is not to say that they did not buy the stuff at the bottle shops during the day and then consumed it.

**Mr DEAN** - I do not know whether or not you would be aware that a bottle shop in fact under the Licensing Act has the right to open at 5 a.m. and to trade right through until midnight. Obviously from a police point of view, that would have with it a number of very serious consequences, I would suggest. Would the association agree with that position if that were the case?

**Mr WIERENGA** - Are you talking about bottle shops?

**Mr DEAN** - Yes, bottle shops, liquor outlets, BWS outlets and so on.

**Mr HALL** - Sorry, I missed that, Ivan, did you say that bottle shops open at 5 a.m.?

**Mr DEAN** - Yes, under the Licensing Act a bottle shop can trade from - and I am pretty confident I am right here - 5 a.m. to midnight. They can operate if they want to for that period of time.

**Mr WIERENGA** - There are not many bottle shops that would do that because they would have to be economically viable and I doubt whether there would be any bottle shops that would trade those hours.

**Dr GOODWIN** - I think there might be an all-night bottle shop in Hobart.

**Mr WIERENGA** - The issue for the association, particularly in relation to the last drinks, is that obviously these premises trade between 3 a.m. and 5 a.m. because they think it is economically viable. But the cost to the community is pretty great.

**CHAIR** - Do you have any statistics about the cost to the community in terms of the police work involved on a Friday and Saturday as opposed to other days?

**Mr WIERENGA** - I do not have statistics for Tasmania but there was an alcohol-related violence paper put out by the Australian Institute of Criminology. It is summary paper 4, December 2009, where they talk about cost to police and they say:

'Police in Australia devote a significant amount of resources to responding to incidents involving people who are intoxicated. Recent research estimated that around 10 per cent of police time was dedicated to deal with alcohol-related incidents of which the most common was responding to assaults. Dealing with each assault takes an average of more than two hours and as such, places a significant burden on police resources. The total cost to policing across Australia from crime attributable to alcohol was around \$747 million annually'.

**CHAIR** - So about \$747 million around Australia as a result of alcohol-related crime?

**Mr WIERENGA** - That's what the Australian Institute of Criminology is saying. I go back to what I stated earlier; the statistics in relation to alcohol and violence are, to be fair, all over the shop so it's very hard to get a real picture of the cost. The Queensland Parliament recently did an inquiry on almost exactly the same terms as yours. One of their recommendations was that the Government develop a comprehensive and consistent scheme involving all relative departments for the collection and evaluation of data regarding alcohol-related violence. The association would support recommendations being made by this committee in relation to that.

**Dr GOODWIN** - We've been talking about assaults occurring in and around licensed premises, public places and things like that, but I want to talk more broadly about assault occurring in different settings, say the family-violence situation, but also the culture of violence. We have heard about a young 12-year-old in school who is prone to violent behaviour and poses some management problems for teachers. I am trying to get your sense of what more could be happening in the State to address violence outside of the licensed premises setting.

**Mr WIERENGA** - That's a very difficult question because you need to look at each set of circumstances, but I think there should be high levels of intervention in those situations. Violence is a way of life, as you are well aware, in some of those families. There needs to be a higher level of intervention and the State needs to be making some tougher decisions in relation to whether the family unit there is viable or whether a higher level of intervention - that is, removal from the family unit - is desirable. You are probably well aware now that there are, for other emergency services, no-go zones, or areas where they won't go until the police go in first and make an assessment as to whether it is safe for the ambulance or the fire service to attend. Anecdotally, my members tell me that that is increasing. I have talked about stiffer penalties. A solution in relation to juveniles is that there must be more intervention and supervision by the State.



**Mr DEAN** - Things have changed in relation to the police and how they handle people who are drunk and affected by alcohol, and there has to be another offence to go with it - I suspect that probably still is the case. There has to be other activity associated with it before the police can really can take action against a person who is drunk. Do the police believe they now have sufficient authority or ability to handle persons who are inebriated in a street, who may not necessarily be disorderly but obviously are seriously at risk of becoming involved in violence?

**Mr WIERENGA** - The police have been making quite a deal of use of the move-on orders. You will see from the reporting that last weekend quite a number of move-on orders were issued. The person has to leave the vicinity and not return for a certain amount of time. They seem to find that effective to a great degree, so that has given them more power to diffuse the situation. So where two parties of young men come together, and they are alcohol-laden and at a potential flashpoint, the police are able to use the move-on orders and diffuse the situation much better than previously.

**CHAIR** - And if they don't they are charged with failing to obey the reasonable directions of a police officer?

**Mr WIERENGA** - Yes.

**Mr DEAN** - So they give the order, and if they come back they can be arrested?

**Mr WIERENGA** - Yes. I don't have any numbers in relation to how many come back.

**CHAIR** - So long as the order is properly given. There is a case that has been a problem in relation to those orders.

**Mr WIERENGA** - But when courts make a decision and it has an impact on police practice, I find that the police department is pretty quick in making sure that the requirements as a result of the court direction are clearly enunciated to the members.

**Mr DEAN** - I asked the same question this morning of the commissioners. Despite responsible serving of alcohol within licensed premises, the number of drunken people on licensed premises is still very prevalent and obvious. Do the police believe there ought to be an offence for any person providing alcohol to a person who is drunk in a public place? Responsible serving of alcohol requires that licensees restrict that and if they serve drunken people they commit an offence. We know a lot people go the bar and get liquor for their drunken mates and take it back and give it to them. Do the police have a view on that?

**Mr WIERENGA** - I haven't heard that being expressed. It's certainly something worthy of consideration because it is obviously illegal in licensed premises, so why shouldn't it be illegal in a public place?

**CHAIR** - We will go in camera now because of the video, which is about a court matter that is still proceeding. It can't be in open session and therefore we will go in camera now.

**Mr PAUL RIGBY**, OVERSEAS STUDENTS UTAS, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

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

**Mr RIGBY** - I am the Director of International Services at the university so I have very broad responsibility for all matters international - students, research links, overseas projects and so on.

**CHAIR** - How long have you been in the position?

**Mr RIGBY** - More than 12 years.

**CHAIR** - There have been a number of assaults on international students so we have invited you along to give some evidence in relation to them and how you believe we can assist.

**Mr RIGBY** - There have been a number of incidents involving international students and violence going back since the time I first came to Tasmania, but certainly in the last three or four years there appears to have been an increase in those incidents and they have become more serious. They more often now involve physical assault rather than verbal abuse. The university has been very concerned about that, as has Tasmania Police and other government agencies. We have worked fairly closely together to try to come up with some strategies to address those issues.

**CHAIR** - Sometimes committees such as this can exacerbate an issue to some degree and we certainly wouldn't want to do that, but are there any ways that you believe we can make recommendations which can be of assistance? If so, what do you think those recommendations should be?

**Mr RIGBY** - One issue that concerns me, and it appears to be linked to many of the events, is the issue of alcohol and the responsible serving of alcohol. To a certain extent the availability of alcohol, meaning the hours of opening of premises that serve alcohol, appears to fuel events - to the extent that we and Tasmania Police are able to determine - often late at night or early morning. I would recommend exploration of whether nightclubs really need to be open until 5 o'clock or 6 o'clock in the morning. I don't have any personal experience of that time other than getting the early flight to Melbourne, but as you drive through Salamanca one can see the consequences, and one sometimes has to step over the consequences. I lived for a number of years at Salamanca and it was a problem. I couldn't, for example, go and hail a taxi in the street because no-one would pick me up. I would have to ring and pre-book a cab. Cab drivers, as they put it to me, are terrified of picking up drunks at that hour of the day or night.

In respect of the abuse, it's always been an issue. There has always been a tiny minority of racists who are prepared to be abusive, sometimes physically, but the extent to which it is increasing is of concern. We have worked with various other agencies to come up with strategies to make the streets safer, particularly around the university - with the Hobart Council in respect of the lighting and with Tasmania Police in respect of increased patrols. The university itself has increased patrols and we give students information about a corridor of safety from the university to Sandy Bay shopping centre. There are two centres of the problem. One is the Sandy Bay shopping centre in the area

between Grosvenor Street and Sandy Bay Road, bordered by Nelson Road and Princes Street, and the other is Salamanca.

**CHAIR** - You say 'bordered by Princes Street', but what about in the actual Sandy Bay shopping precinct itself? There are a couple of hotels and a couple of eating places there.

**Mr RIGBY** - I think some of the eating places appear to be the source of some of the abusers - and I am not a frequenter of those establishments. I am told that it is alcohol first, then fast food, then spilling out into Sandy Bay Road which can sometimes lead to incidents. When we look at the number of incidents and where they occur, it is hard to see a pattern other than something of a focus on Sandy Bay Road. In Launceston the CBD is a problem area.

**CHAIR** - Is it on Friday and Saturday nights or is it during the week?

**Mr RIGBY** - It can be any time of the day or week. International students, like all 18-, 19- and 20-year-olds, want entertainment and there are very few places in Hobart or Launceston that provide any alcohol-free or reduced emphasis on alcohol entertainment. I think the students want to dance rather than drink because by and large that's the culture in which they have been brought up. In our nightclubs, pubs and bars the focus seems to be more on drinking than on having fun, and in some cases more on drugs than on having fun. We have tried to find venues - blue light rather than red light -

*Laughter.*

**Mr RIGBY** - blue light, alcohol-free, but it is really hard. The casino closed its nightclub, and that would have been a perfect venue for people who weren't particularly interested in alcohol but might be prepared to pay a cover charge of \$20 to go in. We have looked at a few other alternatives so that international students and those Tasmanian-born people who don't want an alcohol-fuelled evening can enjoy themselves. It is difficult.

We have had the shortest stay of any international student in Australia, where a student arrived from Malaysia about two o'clock, was taken to her accommodation in Grosvenor Street, and decided she needed some groceries. She went to Woolworths, a 100-metre walk, and on the way out through one of the laneways coming out of Woolworths car park she was grabbed, attacked, had her gold jewellery snatched and she was on the 6 o'clock plane back to Melbourne, so she was in Tasmania a total of five hours. That's very rare but increasingly these thugs seem to want to target young women, as was the case with three examples in Grosvenor Street, and I think one is in the courts at the moment.

**CHAIR** - The cost of course to the university as far as attracting international students can be significant, can't it?

**Mr RIGBY** - Very much so. I think it is widely known that international education is Tasmania's fifth largest export earner and not all that far behind tourism. So it is worth about \$100 million to the Tasmanian economy, not just in respect of fees to the VET sector, the uni or the individual schools, but also in what the students spend in the community on goods and services. I read a report recently which suggested that there were about 2 500 jobs in Tasmania that were there because of international students

coming here. About half of those are education-directed but the other half are in areas outside where the students are paying for goods and services.

**CHAIR** - Would I be correct in saying it's not only that but it is also that once they have finished their degree and maybe gone back to their native country, what they will often do if they need advice is source that advice from people within Tasmania who have been their lecturers and tutors in the past? So it is a never-ending benefit to both parties.

**Mr RIGBY** - Absolutely. We are having a function in Malaysia next month celebrating 50 years of the Colombo plan. The first international students arrived in Tasmania in 1960 and we are having a celebratory function and a lot of those people, even from then, from Indonesia, Malaysia, Thailand, Laos and Cambodia, have kept in contact. Many of them have senior positions in their home countries - some keep homes in Tasmania, some of course stayed on after their education, and others have invested in Tasmania. It is only a small example but the Dome Coffee Shop in Sandy Bay is owned by one of our alumni. His main business is a bank he owns in Malaysia but he likes to keep the connection with Tasmania by running a small business here. Then there is Effendi Norwawi, who has had various ministerial roles in the Malaysian Government, and supreme court and high court judges in Fiji.

There is a very strong connection and I think a lot of the people, as they read these reports of what is happening in Tasmania - I am not by any means suggesting that this is a bigger problem in Tasmania than it is in Melbourne, Sydney or anywhere else, but naturally our alumni want to keep abreast of what's happening - are really shocked. I will certainly be talking to them at the function next month in Malaysia. They are shocked that this is not the Tasmania they remember of 1965-70; it is an entirely different place. I guess, as someone who was born here and went away to university and came back 25 years later, I share their concerns.

**Mr HALL** - Paul, are there any ethnic groups of students who are targeted more than others you can identify with?

**Mr RIGBY** - I think there are. I think the Chinese are more identifiable and they seem to bear the brunt of these attacks. Certainly Asians generally, but Chinese specifically. We don't get reports from American students - we have a couple of hundred of them - who don't look different. The easy targets for these people are people who look different, are maybe smaller in stature, increasingly women, as I said before. So it is the Chinese. That may be a reflection of the fact that by ethnic origin about 70 or 80 per cent of our students are of Chinese heritage, even the Singaporeans and Malaysians are mostly Chinese as well as those directly from China.

**Mr HALL** - Your gut feeling in regard to a comparison with other jurisdictions? We read about the stuff that is happening in Melbourne and the threats from the Indian Government to withdraw a lot of their international students, do you think it is on a parity, it is an Australia-wide problem or do you think we are a little worse? Where do you think we fit in terms of violence?

**Mr RIGBY** - I think it probably stands out more here. From my perspective, because it is not expected, it stands out. We don't have the same situation as with the Indian students in Melbourne, I think that was a unique set of circumstances which no other State had, but I

think there are things happening in other States to Chinese students that probably aren't reported in the same hysterical way the Indian issue was reported in Melbourne. My gut feeling is that I don't think we're any better or worse than anywhere else but the whole issue seems to be getting worse rather than better. But having said that, the plans and strategies that we have put in place as a community to try to lessen the problem I think will work but in terms of attitudinal change we are talking about something that is a 20- or 30-year project rather than a simple solution if someone is a racist.

We have started working with Bridgewater Primary School, for example, not as a consequence of this but to teach Chinese and give the kids exposure to people from other cultures and languages, and they love it. But I wouldn't, by saying that, mean to imply that this is a problem that is imported from the northern suburbs because I think it's -

**Mr HALL** - So perhaps that's a recommendation that the committee might make that there ought to be more education at a primary and high school level?

**Mr RIGBY** - That would be good. At the moment we are examining the possibility of setting up a Confucius institute in partnership with a Chinese university and although these are Chinese government-funded institutes for teaching Chinese language and culture and facilitating trade and other links, in discussions I have had recently in Beijing, I have talked about whether we can use that to teach kids in primary school. Some of my university colleagues would probably not be excited about the prospect of teaching five-year-olds but in the way that this thing is structured, it is quite possible to do that and I think it would be a very good thing to have a Confucius institute perhaps managed by the university but for all Tasmanians and in 15 or 20 years you can change attitudes as a consequence of exposure. But for me, alcohol is the big issue.

**Dr GOODWIN** - Is most of the violence against overseas students happening off campus or is there some happening on campus?

**Mr RIGBY** - I think it's very rare on campus. Where it has happened it has been on the perimeter of both Launceston and Hobart campuses, where people from outside have come onto campus. It is certainly not a student-to-student thing. I would interpret it as people almost waiting in prey for people, particularly in Grosvenor Street - although, this has all stopped since the police arrested the people responsible for those attacks. In Launceston, it has been on the edge of the campus and, unfortunately, there is a particularly unpleasant element associated with the tattoo parlour in very close proximity to the university and that seems to be a major source of the problem.

**Dr GOODWIN** - From what you've been saying, it occurs to me that there seem to be two types of crime involving international students. One is the racially-motivated hate-crime type and the other is the robbery-type crime, where international students are being targeted perhaps because they are perceived to be more vulnerable when you talk about Chinese and physical vulnerability - they are smaller, perhaps female. Is that what you're getting at?

**Mr RIGBY** - That is absolutely right. Sometimes the students will misunderstand that some of what they are exposed to is racism, but it's not. For many years I lived in Marieville Esplanade and had to walk from Coles supermarket down past McDonalds. I have had eggs thrown at me and largely unintelligible things screamed at me out of car windows.

International students on their own would think that was racism so we try to tell them that it happens to all of us, it is not necessarily racist at all. But robbery, I think, is entirely opportunistic. They see a soft target, expensive mobile phones or musical devices or the possibility of cash. On the advice of Tasmania Police, we tell them to hand it over. They can get another iPod but they don't want to end up being bashed and in the gutter.

**Dr GOODWIN** - So as part of the induction process, are they now being given more security awareness?

**Mr RIGBY** - Yes.. But it is a fine line between providing appropriate and sufficient information and alarming or terrifying people. We think we've got the balance about right, but we are doing a major survey of international students in the next four weeks, before the exams finish, and we will know a lot more about their experiences having looked at the findings from that. It is also being done on a national level, but we're digging a bit deeper into the Tasmanian experience.

**Dr GOODWIN** - That might provide some insights into the level of unreported crimes?

**Mr RIGBY** - We hope so because one big problem for us and the police is that many of the students have been reluctant to report incidents and that is partly as a consequence of fearfulness of getting into trouble, cultural issues to do with relationships with the police in their home country, and, to some extent, the belief that it might be treated as trivial if it doesn't involve physical violence or significant theft. So under-reporting is a major issue for us. I think we have addressed that. There have been in the last couple of days some very nasty incidents of sexual attacks in Launceston involving international students that haven't been reported in the media. The police are dealing with those.

**Mr DEAN** - I was going down the same track of the under-reporting that is occurring. Since the tragedy that we saw in Hobart and the other much-publicised assaults on some of these students, how has this changed their attitude and the social side of things? Have they changed now?

**Mr RIGBY** - They have changed; they are much more aware as a consequence of those events. I think many people in the community more broadly are aware. They generally will go in groups if they go out. I don't think you would find a student who would get in a car with strangers. They are certainly more aware and we keep trying to reinforce that message of 'be smart, be safe'. There was a national campaign that every student received on their mobile phone, funded by Telstra, about student safety and being aware. While it was slightly Victorian in focus - I think the Victorian Government also put some funds into it; it has a train on it and says, 'Museum Station', with a nasty character in the graphic trying to get into one of the train carriages - the message is still pretty clear.

**Mr DEAN** - On the under-reporting again, are you able to identify how much under-reporting there could be? There are figures thrown around of under-reporting for assaults that are committed across the country and I think the under-reporting has been identified as very high. Do you believe it is a reasonably high figure within the overseas student area?

**Mr RIGBY** - No, I don't. I think it was, but I think it is no longer the case. I think we have almost browbeaten them.

**Mr DEAN** - I think it's important to understand just how deep it is so that we can try to fix it at least.

**Mr RIGBY** - One thing that sometimes does come up is where the students try to report an incident on a Friday or Saturday night. They will go to the local police station and the response is sometimes, 'That's not a very serious issue'. There was a case in Launceston a few weeks ago of an international student who had been threatened with being stabbed and had an altercation with a person in Morty's food hall. He followed the advice and reported it but, because there was no physical injury and no sign of a weapon, it was only the threat of 'I'll stab you', the response was, 'There's not a lot we can do'. Because these are often what I call 'hit and run', there isn't a lot the police can do. Sometimes they get them very quickly if the incident is reported but if someone is punched in a dark street, by the time the report is made - and often the student will go home and talk to their friends, patch themselves up and report it four or five hours later -

**Mr DEAN** - That is quite a serious situation, and the police are duty-bound to take a report, so it would be interesting to see whether or not the report was taken. I think you are saying it wasn't. It would certainly be interesting to follow that up to see if that was the case.

I go to the responsible serving of alcohol. You mentioned that at the beginning of our session. I will ask a similar question I asked others today: there appears to be a lot of people who are inebriated on licensed premises, do you think that the responsible serving of alcohol is not being practised in the way it ought be, that there should be stricter control?

**Mr RIGBY** - My own observation from coming out of restaurants and seeing people staggering out of pubs adjacent, I can't imagine how people in that condition have been served a drink. I gather the way they overcome it is to have someone else buy it for them.

**Mr DEAN** - I have raised that and I feel sure that this committee will be making fairly strong recommendations about others serving alcohol to drunks. It is something that I think we've all seen.

**CHAIR** - If you were doing what we are doing, what would be your recommendations? I hear what you say in relation to the educative side of things, I hear what you say in relation to the hours that some places are open to, but is there anything else?

**Mr RIGBY** - The thing that gets me into some measure of trouble is the question of sentencing.

**CHAIR** - Do you believe that it should be an aggravating matter, that if a person assaults a person who is from overseas, they should take that into account as aggravating the actual crime?

**Mr RIGBY** - There are two issues, as I see them. Having closely observed incidents involving international students over a period of years, there is the issue of the sentence itself. I have looked at some of those incidents and followed them through the court system, and a number of people who are arrested and convicted of violent crimes are getting what I would consider to be incredibly light sentences. There was one case involving a very young exchange student - not a university student but a very young exchange student from Hong Kong - who was in the Mall where she was threatened, abused and then stabbed in the shoulder with a pair of scissors. The person who was arrested was given a good behaviour bond. That seems to be a pattern - very light sentences for violent crimes which may not result in terribly serious injury but are not much more than a slap on the wrist. The community spent tens of thousands of dollars dragging these people through the court system. I can think of several where you walk out of the court and think, 'What a complete waste of time'.

**CHAIR** - So we are talking about education, then? Do you believe it should be an aggravating matter?

**Mr RIGBY** - I think racial vilification should be a crime in and of itself. I don't agree with the view that it should be something that is taken into account in sentencing. I know in other jurisdictions it is a criminal matter but very rarely prosecuted. Some people put the argument that therefore it is better to have it as a factor in sentencing. I am not a lawyer but if someone calls you a 'filthy chink', as often happens, then it should be a crime. My favourite TV program is *Campus Cops*; I rather like the idea of these people being taken off for a night into the clink. If they're walking down the street and they're over the legal limit - and they are on campus - then they are off to jail for the night. I don't mean to be flippant; this is a serious matter.

**CHAIR** - Thank you for your evidence.

**THE WITNESS WITHDREW.**