

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

Mr SCOTT TILYARD, ASSISTANT COMMISSIONER OF CRIME AND OPERATIONS, **DETECTIVE INSPECTOR FRANCES PETER POWELL**, SOUTHERN DISTRICT, AND **Ms SANDRA LOVELL**, MANAGER SOCIAL RESEARCH, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Welcome to the hearing. All evidence taken at the hearing is protected by parliamentary privilege and any comments you make outside the hearing are not afforded the privilege that is in this room whilst you give evidence before the committee.

Mr TILYARD - Firstly, can I thank the committee for the opportunity to have us appear before you. We have provided a written submission, as you know, so I don't want to go through that from start to finish. I will lead off by saying that obviously violence in the community is a significant factor for us as a policing service. A lot of our time and effort goes into not only trying to prevent violence in the community but also responding to incidents of violence when they occur. I noticed that one of the terms of reference for the committee is looking at the issue of measurable benchmarks. As I think everybody would be aware, as a department for quite a number of years now we have identified a series of performance indicators, some of which we benchmark. Some of those relate to violence indicators because, as we are in the business of making the Tasmanian community as safe as it can possibly be, we need to know how we are going in terms of the services that we're delivering in achieving that, so we monitor a range of things, many of which relate to violence.

We have a range of preventive strategies that we employ, particularly to counter violence in public places. A lot of violence, unfortunately, happens in private places, and we are all aware of the issues associated with family violence. From a preventive perspective there are obviously limited options open to a law enforcement agency when it comes to things happening in people's homes in particular, whereas in more public places patrolling and highly visible police presence are some of the key strategies that we utilise to try to not only prevent incidents of violence occurring in those locations but also to be there to respond very quickly to those incidents when they occur. Obviously I am aware of the situation in many other jurisdictions in the country as well and I am very confident that we don't have as significant an issue as some of the other jurisdictions have with violence in public places, but it is still a concern to the Tasmanian community. It happens too frequently, there's no doubt about that. There are some people in the community who go out on a Friday and Saturday night specifically looking for a fight, they're looking to get into trouble, whereas the vast majority of people are well behaved. There is no doubt that alcohol plays a very significant part in violence in the community in private places and in public places. There is no doubt that drugs play a part in that as well, and often it is a combination of alcohol and drugs that we're dealing with. The issue of alcohol is an issue that goes beyond just violence for us; it is a major factor in terms of policing in the community. It's a cultural issue, as we all know. We are an

Australian society and it's part of the Australian culture to go out and enjoy a few drinks with people but there are too many people who drink to excess - binge drink - and we're responding to those sorts of situations on a regular basis.

I don't know if you want me to go into any more detail. We have provided quite a bit of statistical information and I didn't want to repeat that, but we can discuss it if you would like to. In our submission we have also provided a range of strategies and initiatives that we're involved in with other community partners, other agencies in the government and non-government sector. We feel very strongly that that is the key to having a whole-of government, whole-of community response to issues and problems such as violence in the community and we are very committed to working with other agencies and other stakeholders in terms of our strategies. We have done that for a number of years and we are keen to pursue that into the future.

Mr HALL - Thanks for that submission; it is very comprehensive. I noticed on page 7, and you obviously have a plethora of statistics right through your submission, that in regard to offenders and the offender rate per 100 000 by State and Territory it would seem that we do not stack up too well. I think we only have the Northern Territory ahead of us. We know some of the issues there with the large indigenous population and some of the problems they have. You say that it can be viewed as an indication of the effectiveness of clearing crime. Are we that much better here in Tasmania than in other jurisdictions in clearing crime, is that what you are saying?

Mr TILYARD - We are, generally speaking across the board, not only for offences involving violence and personal offences, as we call them, but also for property offences. Generally our clearance rates are the highest or amongst the highest in the country. Obviously in terms of offender rate - the 100 000 that we detect - it does push our figures up a little bit.

Mr HALL - But even given that scenario, we are still fairly well up in terms of offender rates, more than other States?

Ms LOVELL - Table 3, page 6, shows the clearance rate against the national average and then that reflects obviously in chart 2 which is what you are alluding to on page 7 which does show a high offender rate. So we do have good clearance rate as compared to other States and hence we do then get the offender. Per 100 000, this chart 2 shows this high offender rate for Tasmania. Being a small State, it can be read either way but a high offender rate for Tasmania means that we have identified who the offender is for the offence.

Mr HALL - As a gut feel, where do you think we stand compared to other States in terms of actual violence here? Are we about in the middle somewhere?

Mr TILYARD - It is certainly no worse than in other jurisdictions. My view is that we are slightly better off than the other jurisdictions. It is difficult; you cannot compare Hobart or Tasmania to your major centres like Sydney and Melbourne, it just does not work. We are dealing with the same sorts of issues and problems and certainly if you read the *Herald Sun* or one of the Victorian newspapers, you see that whole public order/public violence issue is a huge issue for them at the moment. We have our incidents here.

Fortunately the more serious ones are relatively few and far between but they do happen, they always have, and to some extent they will into future, no doubt.

There is no doubt that violence in the community is a problem. I talk to young people who go out and socialise, particularly on a Friday and Saturday night and, as you would have seen from our submission, the majority of public place assaults occur between midnight and 6 a.m. on Friday and Saturday evenings. The rest of the week it is between midday and 6 p.m. But when you get that combination of large numbers of people, relatively young people who might be more prepared to engage in some riskier types of behaviour than older people, and throw alcohol into the mix - and obviously drugs is an issue as well - then the risk of something happening is heightened. As I say, our statistics year after year indicate that on Friday and Saturday nights public place assaults are a problem, particularly in areas like Hobart, the south of the State. Most of the public place assaults are associated with the operation of licensed premises. In other parts of the State - for example, in the north-west - you have a couple of hubs where there are a few problems, King Street in Devonport is one that comes to mind, but the public place assaults tend to be spread out a little more across the district.

I must say that I am not here to be overly critical of the licensing industry because they have made a lot of the ground in recent times in terms responsible service of alcohol and improving the way they do their business as well. We work very closely with them and the vast majority of them are very responsible in running good premises, but when you have that combination of people en masse, many of whom have been drinking for quite some time, you get that social interaction and the sots come out.

Mr HALL - I was a little surprised by those figures, as we are probably the most decentralised State. In large jurisdictions like Melbourne and Sydney you have the gang violence that goes along with that, and I thought that perhaps we might have been lower. Obviously we are not.

Mr DEAN - Getting away from the statistics side of things, there have been discussions about licensed premises - and you have talked about how they have come on board with the changes they have made - but there is a concern now that they are opening too late. We have a conglomeration of licensed premises, clubs and so on that are open to the wee hours of the morning - in fact, some virtually operate right throughout the night. Do police have a view on that? Do you believe that the licensing hours need to be curtailed, that they need to have a stricter compliance or requirements relating to closing hours?

Mr TILYARD - As you know, this issue has been around for a long time, certainly from when you were based up north.

Mr DEAN - Yes.

Mr TILYARD - There was a time quite a few years ago when a lot of hotels would close at around about the same time which meant a lot of people being out on the streets at the one time, and that caused problems as well. Over the years there were discussions and it was thought that perhaps if the closing hours were staggered there would not be that problem, but then that causes more issues as people move from premises to premises.

One thing that has been agreed upon by some licensees in recent times is the concept of the lockout. You can go into licensed premises until a certain time but after that you cannot get in. Usually it is 2 o'clock or 3 o'clock in the morning, so it is still fairly late, but that stops these people who are just moving around from one premises to another, or who get booted out of one premises and they go looking for somewhere else to drink and cause trouble to a certain extent.

I do not know whether Peter has a view from an operational perspective. Peter is in charge of the Hobart CIB - they have a Victims of Crime Unit - but certainly from my discussions with operational police on the ground, they don't seem to think necessarily that the hotels should close early. It is more about the way the premises run their business and the patronage that they attract. I will hand over to Peter for his comments.

Mr POWELL - From a policing perspective I might add that obviously all-night trading causes a lot of resourcing issues for police. I guess that is an obvious fact of life. Those figures suggest that most of the assaults, or a good percentage of them, occur between midnight and 4 a.m. on Saturday or Sunday morning, and all those premises are actually trading then on their extended-hours licence so it is not a right, as such, other than the fact they all applied for extended licence permits and got them.

I guess if you were purely looking at whether reducing trading hours might reduce some of our problems, the answer is probably yes, but whether that is fair to the industry and whether it is realistic when you look at the societal changes we have had over the last 20 years, probably no.

As Mr Tilyard said, if you start having all finishing at 3 o'clock or all finishing at 5 o'clock, you get the problems of not only the crowds on the street at the same time but the taxi industry as well. I really don't think there is any simple answer to it.

There might be some people who would think that some of the licensed premises that haven't run very well in the past haven't been sanctioned very harshly, but there are always a lot of other considerations that come into that. It is a pretty harsh decision to close someone's business down, so it all has to be balanced on the circumstances.

Mr DEAN - It is an issue that people are raising and discussing, and they are discussing it on the mainland as well, as to whether there should be staggered closing times for licensed premises, and then I guess you've got to ensure that that is a fair way for the premises to trade, so that's not easy.

CHAIR - I think one of the problems is not really with staggering but with the movement of people from one venue to another. That was witnessed at St Ives, when people were moving from St Ives through Battery Point, down Sandy Bay Road and Montpelier Retreat to Salamanca Place. That was causing a lot of unrest in the community because of the behaviour of people moving from one venue to another.

What interests me is the lockout situation. If the police had to say what would be the best piece of legislation that could be put in place now, which is reasonable in all the circumstances, taking into account what you said, Peter, what piece of legislation would you like in there to assist your job in ensuring that these people are not able to continue

drinking and moving from one hotel to another in a very drunken state, which opens them up for more violence than would otherwise be the case?

Mr TILYARD - That is a good question. Certainly, the power to require lockouts would be one that would be right up there for us. In some communities accords have been struck up where licensees have agreed to do that and, generally speaking, that has made a fairly positive difference. But of course all it takes is for one licensee, one venue, to decide that they do not want to do that any more, which then gives them a competitive advantage over others and the whole thing can fall apart fairly quickly. I do not know if Peter or Sandra or Inspector Wayne Moore - Wayne is extensively involved within our organisation in drafting up new legislation - have any particular views on that issue.

Mr POWELL - I might say that when I was stationed at Burnie a few years ago when they had the lockout situation - and bear in mind there are only a few licensed premises that traded late anyway - it worked quite well and from a policing perspective it made sure that we did not have that group of people moving from one place to another. But, as you say, the moment you have one place trading a bit later, as soon as they are on the street they will go to the next place and it is usually in a bigger environment like a capital city that some licensee eventually will decide he is not going to abide by it if it is not legislation.

CHAIR - With your statistics, what lockout time would you believe to be the most appropriate?

Mr TILYARD - Usually 3 a.m. has been the time that has been agreed in the accords and, as Peter was saying, society has changed. A lot of the young people now are working in places like supermarkets or video shops and they do not finish work until midnight. These places are open a lot later than they used to be and the young people want to go out and socialise after work and you cannot blame them for that. It is not just young people, there are older people as well and it is a case of what society wants in terms of opening hours for licensed premises and socialising. Certainly, the vast majority of premises are very responsible. A lot of premises do not trade that late anyway; it is on an out-of-hours permit arrangement. There are a few in the major centres where we tend to get more problems than in others and we spend a fair bit of time responding to those sorts of incidents, but to a certain extent we always have and probably always will. If you get premises attracting a lot of young people then you are probably going to get a few more problems there if they are out drinking and that sort of thing.

Mr POWELL - If we were being totally honest about whether there is an easy solution to it, we would have to say that probably there is not, but my view is that there is a huge societal issue that we have seen develop over the last 10 to 15 years and a lot of that is about the rights of children, so we have not done very well as a society in actually teaching kids. They have all these rights but they also have some responsibilities. I think that has flowed right through society and it is about the need for discipline. Whether it be in schools or out in the community, there is a lack of respect for authority and lack of regard for people and people's property. So maybe there is a much bigger issue that we are dealing with, rather than whether we just change the licensing act.

Mr DEAN - I want to ask about the responsible serving of alcohol because we see multitudes - and I mean that - of drunks on the streets and in licensed premises. How effectively do

you believe that is operating and do you also believe that there ought to be some changes in the laws. It has been mentioned to me that it ought to be an offence for any person to provide alcohol to a drunk person at events. Do you believe that there is a need to look at that issue? Is responsible serving of alcohol really working because it is the perception out there with a lot of people that it is not and that is causing a lot of the problems?

Mr TILYARD - As I alluded to earlier on, there have been significant improvements in relation to training for responsible serving of alcohol in the industry and it has improved - compared to the old days when people had no training whatsoever. In fact we actually now put some of our licensing police through the same training to give them a better appreciation because obviously they are out looking and checking that the staff are doing the right thing. They need to know what the staff have been trained to do so that they can correctly respond to a situation. It's not always easy for the staff, and I'm not saying that it is, because often these premises are dark and noisy, there are a lot of people pushing and shoving. It's not always easy for them to tell across the counter, when they're trying to serve six people who are shouting, how intoxicated someone might be. It's not easy for the staff, hence the reason they have the training. It's difficult to overcome sometimes the fact that someone else is buying alcohol and then supplying their drunk mate down the back of the room.

Mr DEAN - That's the reason I asked the question, should that in itself not be an offence? If you have people who are supplying alcohol and giving it to drunk people, that's one of the problems and one of the concerns.

Mr TILYARD - I think certainly consideration could be given to that. Obviously staff aren't allowed to do that sort of thing, but others as well. In recent times we've seen the introduction of legislation to control the provision of alcohol to children even on private premises. It is a big issue; people shouldn't be supplying alcohol to children in particular and also in the circumstances where someone is drunk. That can lead to all sorts of problems.

In terms of whether there has been an improvement in the responsible service in alcohol, yes, definitely. That's not to say we don't come across the odd instance where somebody does the wrong thing and they are charged, and the penalties for breaching that legislation are quite significant now. They were increased two or three years ago.

Mr DEAN - Has anybody been charged with that offence?

Mr TILYARD - Yes, there have been a number of people charged. I don't have the statistics but the figures would be available. Some individuals and operators of premises have been charged and there are significant penalties for those sorts of breaches.

Dr GOODWIN - I wanted to pick up on Inspector Powell's point about drunken, violent behaviour being symptomatic of a broader social issue, which is perhaps a culture of violence that has emerged, or a lack of respect or whatever you want to call it. With the profile of offenders committing assaults in public places, are they mostly known to police? Are they known offenders or are some of them first-time offenders? What's the sort of broad mix?

Mr POWELL - I would say certainly there are some known offenders who come to our attention time and time again, but a lot of those assaults around nightclubs in the waterfront precinct are by people you have never heard of before and often you don't hear of again. It's basically fuelled by the crowd, the alcohol and aggression. To go back to my point about the breakdown in society, I think that family breakdown issues have generated a lot of people who have no respect and when they're out on the town drinking, and maybe taking drugs as well, it becomes a big issue. From nearly 40 years' policing experience, I would say that that's the change I've seen in society. You come across people now, including young females, committing offences they never would have committed before. If you look at instances of pack assaults by four or five people, the old days of having a blue in a pub and punching someone are gone. Once they knock someone down now they want to kick them and jump on them, and young females sometimes participate in that. I would have thought from experience in the past a lot of females who were out in licensed premises were the peacemakers who would step in and drag the boyfriend away or say something, but often now they are agitating the situation.

Mr TILYARD - The other aspect that I mentioned briefly in relation to the types of offenders is that, with the exception of the southern part of the State - the Hobart area, and particularly the waterfront-Salamanca entertainment precinct - in the other districts the majority of offenders and victims know each other. We have the statistics there. So in the other three geographical districts they know each other. They have come together somewhere and often even in the public place assaults they are people who don't like each other or have a bit of a beef and suddenly they meet up somewhere and it's on. Regarding the aspect of totally random, 'I was walking down the street and someone came up and punched me for no reason', yes, that does occur but that tends to be in the minority. Most of the stuff that gets reported to us is people who know each other and for one reason or another they've had a punch-up over something and they've reported it to the police.

CHAIR - Would it be fair to say, too, that the majority of offenders know the other offender?

Mr TILYARD - To a certain extent they would. Tasmania is not a big place and one thing that we have seen emerge a little in more recent years is not only what has been mentioned about an increase in female offenders in violent types of crimes across the board and assaults as well but also some individuals who are going out on the town looking for trouble. I guess there have always been a few people like that in society but some are coming in, particularly in Hobart and the waterfront, specifically to try to pick a fight with someone. It is difficult to say what motivates those sorts of people. Some people would say it is television, movies, video games and all those things, and all these things probably do play a part, so it is hard to say. It is like crime. What are the factors that lead to crime in the community? There are many varying factors and it is the same with violence. It is very difficult to put down.

Dr Goodwin has done a lot of research in relation to intergenerational crime in Tasmania. Violence in some of these families is just part of day-to-day life. The kids experience it as soon as they are born. It is the way things are sorted out, there is yelling, shouting, punching and that is what happens, and for them, that is just normal and their value system is being built around that. We all know that that does occur and so that is just a natural progression that extends into the schoolyard, into the community. We certainly know plenty of people like that.

Dr GOODWIN - I wanted to talk a bit about early intervention because you mention in your submission about the department being committed to early intervention strategies in terms of preventing violent behaviour. I wanted to talk about the interagency support teams because you mention that there has been limited formal evaluation of it. I am wondering whether you are planning any formal evaluation of it. Also you mention perhaps a need for increased resourcing of the IASTs and similar approaches. Can you expand on that a little?

Mr TILYARD - We certainly do intend, with the other agencies that are involved, to do a formal evaluation of the IASTs very shortly. We have been involved with those. In fact we have been the lead agency for those, as I know you are aware, for a number of years now and certainly within our department and the other agencies that are involved we have seen the benefits. We are convinced that they are beneficial. We are confident that the formal evaluation will support that. It will be done. Really, these things are a collaborative approach to managing youth at risk of offending in particular and their families by getting the key government agencies in particular, but also some non-government sector people, around the table to talk about issues because we have found that many of these young people are not just people that we, as police, are dealing with but Education and Health are dealing with them too. Perhaps in the past there has been a bit of a solo approach to things. There is the opportunity to work together collaboratively, to come together and say, 'We are doing this'. Some will say, 'We did not know that, we are doing this, why don't we get together and do something together?' It has been absolutely fantastic. There are 24 of these around the State now in a lot of communities and there are about 250 kids involved at the moment. It has been a significant initiative that we fully support, and it is not just our agency that has a few but particularly the government agencies that are going into the future think that far more of those collaborative types of case management arrangements should continue. We are involved in some discussions in relation to that now.

Dr GOODWIN - If you are able to get increased resourcing at some point, do you hope that that will make them even more effective?

Mr TILYARD - Certainly additional resources always mean you can do more things. Regarding what we have managed to do with the IASTs to date, a lot of it we have been able to do without additional resources as such because we just involve some of our key people with a bit of secretarial type of support which has required some resourcing, so that you integrate that sort of an approach to dealing with issues as part of your core business. It has to be seen as part of your core business. It is not just a nice, airy-fairy thing that sits off to one side, somebody's good idea over here somewhere; it has to be integrated into your service delivery model and be viewed by everybody as part of their core business. With the IASTs, it has been a few years but I think people can now see that and certainly within policing that is accepted. In fact we have our divisional inspectors chairing those committees in the communities so it is fairly senior management people within our organisation who are taking the lead on those things as we do regard them as important. We have seen the benefits that flow from them.

Dr GOODWIN - I guess the hope is that down the track we will reap the benefits in that those young people who are at risk won't be offending at the same level. Hopefully down

the track we should see some improvement in violence in the community but it may take some years to reap those benefits in terms of the statistics.

Mr TILYARD - That's exactly right. I know you are only too well aware from your time with our department that even back in the very early 1990s, when we first started doing the diversionary conferencing approach for young offenders, before the Youth Justice Act and before it became part of legislation, we were convinced that that was the best way forward in terms of success in long-term crime reduction - to get these kids early. A lot of experts will tell you that some of those young people, as young as six, seven and eight and sometimes even younger, are displaying behaviours that are indicative of future offending, be it at school or wherever. I know teachers in particular who are very good at picking up on these things and I have spoken to a number of teachers who have said, 'By about grade 3 we can tell you which of the kids are probably going to be a bit of a problem'.

CHAIR - Do they tell you?

Mr TILYARD - They do, confidentially of course.

CHAIR - Because that is the early intervention that you need, is it not?

Mr TILYARD - It is.

CHAIR - I know you don't want to brand a person from an early age, and it is not that, but what you are endeavouring to do is to ensure that the community benefits as a whole and therefore, as you say, that integrated approach between Health, Education and Police is going to give you a better opportunity to identify firstly if there is a problem and then you can sort that problem out.

Mr TILYARD - That's right. Usually it's indicative of other issues that the child is exposed to, be it family violence or potentially child abuse. Without exception, when you see kids behaving in this way and you dig a bit deeper, there are reasons for it, and that's where it needs to be followed up and those issues need to be addressed as well.

There are other things. We see kids who are involved in acts of animal cruelty and fire-lighting. There is a growing body of research that says that kids who are involved in that sort of thing are far more likely further down the track to become involved in crime and violence. Again, there are early intervention programs for those things. Animal cruelty, for example, indicates a lack of empathy and a lack of empathy is one of the factors in terms of violence towards other people as well. Those things need to be addressed at a very early stage because if you leave it too long, it becomes too late to do anything. You are far more likely to have success at a very early age with very early intervention in some ways than looking at programs for adults down the track who are already out there committing serious crimes.

Mr HALL - Scott, following on from the general tenor of the conversation about endemic family violence and early intervention, recently I circulated through the secretary a paper which was written by a British Labour MP and it talked about the breakdown in the family and people having no skills in parenting. He was saying that that is really what has happened, that is one of the major causes of family dysfunction, if you like. One of

the propositions he put was that whilst the kids were still at school, they ought to be taught, as part of the curriculum, parenting skills. Do you have an opinion on that? That came from the student population as well as from academics, as an early intervention measure.

Mr TILYARD - I certainly don't profess to be an expert in relation to school curriculums but I know that school is a great opportunity because it is really the only place where you can get most kids together in one place at one time. So I think you have to look at options to incorporate things that are going to make kids better adults and more responsible citizens.

I know that they are in the process of establishing child and family centres around the State and I know part of that work will be looking to assist people in developing better parenting skills - it is one of those ironies that you need a licence to drive a car but you do not need a licence to have a baby and that sort of stuff. I think there are people out there who need some support, some education and awareness about issues. The more support that you can provide to people so that they can be better parents, the better. I had not heard about that proposal to do the thing in the UK with the kids in school but I can certainly see that if it can be appropriated in the curriculum in an appropriate way, then it could certainly be beneficial.

Mr HALL - Yes. If I could follow on with something a little different then, in regard to illegal drugs in the system and, as we know, your paper talked about the combination of grog and illegal drugs. Is the flow of illegal drugs into the State stemmed at this stage or is it increasing? In most other jurisdictions - and you only have to read about the Mexican cartels now; in the US and western Europe it has just blown completely out of the water - the enforcement agencies are now saying that they cannot get on top of it. Is that the same issue here in Australia, do you think? It is all related to violence of course and that is the track I am heading down.

Mr POWELL - I think that in recent years our organisation has clearly gone away from looking for users of illicit drugs and targeting people who are actually supplying them and we have had some pretty good successes. But if you are asking for a quick fix I do not think there is one and whatever methods we employ, as in every other State, people always come up with some other way around the system. I am sure there are drugs still coming into the State and being distributed right around the State. As part of a refocus we have just taken, making serious and organised crime a priority, we think that that is probably one of the next big steps that we need to really seriously target.

Mr TILYARD - We are no different from any other jurisdiction. There are drugs in the community, there have been for many years and if you want to go out and find drugs you can find them and no doubt buy them. We have had significant successes, as Peter has said, and being an island State gives us some advantages over the other jurisdictions in Australia but there are still people out there who are manufacturing, trafficking and supplying these sorts of drugs. They are our primary focus. In fact, obviously part of our focus is the harm minimisation aspect of drugs where, if you can stop people from using, it is far better for their health and then that demand side for drugs drops away as well. It is the old supply-and-demand type discussion.

Obviously, we have a range of interdiction strategies that we use to try to counter the supply of drugs but most of it is focused on the criminals who are out there making a profit out of other people's misery, quite frankly, by supplying these things. We are better off than most of the other jurisdictions, but there are still drugs that are freely available out in the community. It is one of those things that I do not think you will ever completely stop. None of us is so naive to think that people will be able to stop it because there are just too many opportunities. In more recent years we have all seen the emergence of the recreational-type drugs - the party drug-type situation - where people will take a couple of pills when they go out at night and that sort of thing. The whole area of drugs is becoming more complex. There is a range of derivative substances, synthetic-type substances, and there are issues about whether or not these things are even actually illegal because sometimes the legislation cannot keep pace with the new substances that are coming on the market or that people are producing synthetically. So we are trying to address those issues as well.

There have obviously been some fairly high-profile incidents on the mainland where young people have actually taken things like ecstasy at nightclubs and parties and have died as a result. Fortunately, we have not seen too much of that here but it is a real risk because a lot of these young people who do go out and socialise will take those sorts of drugs as part of their night out.

Mr POWELL - A note that one of my colleagues passed earlier raises a point which is about a societal issue in that a lot of people actually drink at home now before they go out. They drink at home for three or four hours and sometimes take recreational drugs before they go out to nightclubs. I guess they do it for a couple of reasons - because they think they need to be in that heightened state to enjoy themselves, which I think is a sad reflection on society, and also because it is expensive drinking in nightclubs, where they might sit on the one drink. So often they are already intoxicated by either drugs or alcohol when they get there. That is something that's difficult for the nightclubs to deal with. They try to stop people entering when they are intoxicated, but sometimes it's not easy to pick. The point you made about the responsible serving of alcohol, that's usually the defence that any bar attendant will come up with if they're charged with supplying someone who's intoxicated, 'There's 300 people in here, it's dark and I'm run off my feet trying to serve 30 people lined up at the bar'.

CHAIR - And the music's pumping and you can't hear.

Mr POWELL - Exactly, they don't even hear what they're saying half the time. One of the things that a couple of licensed employees said to me was, rather than have that onus so much on the people working in clubs and hotels, why don't we have an offence in the licensing legislation of being drunk on licensed premises, which the police could deal with. I'm not sure how practical that is, but I know that the Liquor and Accommodation Act was drafted in the late 1980s and was proclaimed in 1990, so perhaps we're at a point where that needs some review. It is 20 years old and maybe that hasn't kept pace with some of the problems.

CHAIR - I know we're running out of time, we'll probably have to invite you back at some later stage because we've touched on a number of issues and I think we need another hour or two hours to bore down a bit. I know a number of other members have some questions.

Mr DEAN - Many, in fact. But at this stage I would like to stick to where we are on the responsible serving of alcohol. If we can see that as a problem, if we can see that the sheer numbers in a lot of these licensed premises are creating problems and that the responsible serving of alcohol is not having the impact or effect it should have, why aren't licensees required to have sufficient numbers on duty to control this issue? If we're saying that the person serving the alcohol is run off their feet, there has to be an answer to that somewhere. They cannot continually use that as an explanation or excuse for serving drunks on their premises. There must be more control there, surely?

Mr TILYARD - There are obviously controls put in place and there are terms and conditions on the out-of-hours permits when they're issued and obviously that is a matter for the Commissioner for Licensing, but there are requirements in relation to the level of security on site. They are even required to install CCTV-type security systems and implement other measures as a condition of their permit. So there are some conditions that are imposed now to make sure there are sufficient staff to deal with things. I haven't seen one off the top of my head that talks about minimum numbers of serving staff, but I am talking in relation to security. It is part of the conditions.

Mr POWELL - I guess it's a commercial issue for the operators of any premises as to how many people it is commercially viable to have working. There are regulations about how many patrons they can have on premises because of fire safety and those sorts of things.

Mr DEAN - We've talked about whether we should start looking at whether it's an offence to be on licensed premises in a state of drunkenness. If we said to the police, 'What more authority, powers or laws do you need to really make a difference in relation to the number of alcohol-fuelled offences out there?', would you be able to identify something? Would you say that the current laws are adequate, that we don't need any more authority, power or laws? Is there any legislation that you believe would be necessary to help police do their job more effectively?

Mr TILYARD - If we are likely to be invited back, I would like to go away and consult a bit more on that. There has been some new legislation introduced in recent years that has been extremely beneficial to us.

Mr DEAN - I was going to get onto that but I won't today.

Mr TILYARD - One of the really good ones is the move-on provision, which is basically telling people who are misbehaving that they have to leave the area and can't come back for a certain amount of time or they'll be arrested. That's in legislation and has significantly assisted our public order policing activities.

CHAIR - You have to have a look at that case - Nillson - because there have been a couple of hiccups as a result of prerequisites not occurring.

Mr TILYARD - Yes, but it has been a good legislation.

Dr GOODWIN - I have a quick question about Pubwatch. I wondered if you could elaborate a little bit on that. Will it operate statewide and exactly how will it work in practice?

Mr TILYARD - Sandra probably knows a little bit more about it, so I might hand over to her in a second. Again, I think it is an initiative that came out of the UK. It has been working a bit here in the south of the State in Hobart with licensees talking to each other - and they were doing it to some extent even before Pubwatch. I did not realise until some time ago that they had radios and could talk to each other. If someone was causing problems on a premises, they would throw them out and of course they would just wander down the road and get in somewhere else. So they entered into this informal arrangement where they start talking to each other, ringing up or whatever and they did get to know who the trouble causers were. Pubwatch is the concept where you have a means of communicating with each other so that if you get kicked out of one premises in a precinct, no-one else is going to let you into theirs. So maybe that is a bit of incentive to behave yourself when you are in the first one anyway. It has been relatively successful - I don't know whether you want to add anything, Sandra -

Ms LOVELL - No, but I can find more information and pass it through for you.

Mr TILYARD - It is coming under Health now isn't it?

Ms LOVELL - Yes, but the Government has obviously provided some money in the Budget for Pubwatch. But I am very happy to get more information for the committee.

Dr GOODWIN - That would be good. It would be useful to know what the \$30 000 is for, whether it is for the radios or whatever.

Mr TILYARD - I think part of it at least - and, again, this is now being handled by another department - is about some sort of an Internet-based communication system. Is that right, Sandra?

Ms LOVELL - No, I am not sure. I will find out for you.

CHAIR - This is a bit like the drinks prior to going out, I suppose, this questioning now because it has really opened us up for a lot of other questions, so we would love to have you back. Can I ask a couple of very quick ones? You say that violence, statically-wise, has decreased?

Mr TILYARD - I have some figures here in relation to public places. We can give you whatever figures you would like to have, but I did ask for a 10-year snapshot in relation to public place assaults that are committed and that we have cleared or solved - normally by charging someone - and you will see that is it relatively stable. In fact, if anything, there has been slight downward trend in the last six or seven years.

CHAIR - Would I be right in saying that even though the propensity of violence may have decreased, the actual violence has increased? In other words, as you say, it is not just like it used to be where, if there was a fight, a person hit the deck that was it. Now it's boots and all - the people are being kicked, their heads are being hit on the ground and the attacks, to me, seem to be more violent. Is that fair?

Mr POWELL - I think so. I think the Chief Magistrate, Michael Hill, mentioned that he had seen that in his experience in recent times. I guess if you look at the number of often

quite minor wounds, but knife wounds, glassing, kicking people when they are on the ground -

CHAIR - Cowardly assaults.

Mr POWELL - Yes, that is right and those, in my time, I think have changed - the level of violence that people inflict on other people. As Mr Tilyard said, whether people want to put that down the video games people play and watch, I do not know. But I think if you look at the figures, the number of assaults has been slightly decreasing and we are really successful in clearing up most of them. But the perception is always the difficult thing and, unfortunately, our friends in the media do like to blow up a big story when someone has been assaulted and often we never hear the result of it. So if you just followed what was in the media you might think that there are people being seriously assaulted every day of the week and that is not true. Like most of us, we go out and about and we never have a problem at all but it does not do to downplay the fact that if you are the victim of assault it is a pretty serious event in your life.

CHAIR - Would I be right in saying also that the level of violence is greater in the Saturday morning to Sunday morning period that you have described?

Mr TILYARD - In a public place-type situation?

CHAIR - Yes.

Mr TILYARD - It probably would be and again I think alcohol is probably the major factor there. People are more likely to use more violence if they are heavily under the influence of alcohol.

CHAIR - And a cocktail of drugs and alcohol makes it even worse, doesn't it?

Mr TILYARD - It's even worse, especially if you are talking about amphetamines, and that sort of thing, which is a drug that tends to make people more violent than they would normally be.

CHAIR - And their strength is greater because the adrenalin has increased because of the amphetamine - am I right in saying that?

Mr TILYARD - That's right.

Mr POWELL - I guess their level of ability to show any restraint, the lack of inhibition caused by having that combination of drug and alcohol, maybe adds to that level of violence.

CHAIR - If you are looking at answers - and I know there's no easy answer, otherwise somebody would have already found it - which State within Australia is doing some extremely good research into what we are looking at?

Mr TILYARD - We are all doing research and we are all looking at this issue, it's not easy. We are collaborating; we have a national police policy advisory agency that is looking at the issue as well. There is no simple fix to any of this. I was talking to some of the

people earlier - it is a cultural issue. Culture is about values, which is about attitudes and behaviour, so it doesn't change quickly. As with the drinking culture, you don't change it quickly. There have been cultural changes on issues such as seat belts and drink-driving, those sorts of things, but it has taken a lot of time, effort and money to get that cultural change because it is changing the way people feel about things.

Personally I think alcohol is a huge factor in a lot of this - this is just my personal view, it is not a departmental view - but often you see people going off to court who have committed serious assaults, violent crimes, and they will use the excessive consumption of alcohol as an excuse, as a mitigating factor as to why they shouldn't get -

Mr DEAN - It should be an aggravating factor in fact, not a mitigating factor. It is ridiculous.

Mr TILYARD - It should be an aggravating fact, but that's my personal view. No-one has forced them to pour a dozen drinks down their throats before they went out and punched somebody and kicked them on the ground. But you often hear them saying, 'This is out of character for me, I wouldn't have done it if I hadn't had all this to drink'. That should be an aggravating factor, not a mitigating factor.

CHAIR - It hasn't been classed as a mitigating factor, as you probably know. The courts say they don't deem it as mitigation, they deem it as explanatory as opposed to mitigatory.

Mr TILYARD - I do know that, but you hear it regularly put up. I think we are in a society now - and this has been commented on often - where people back away from their personal responsibilities. They are always looking for someone else to blame for the situation they find themselves in and I think we are seeing that as a society. If they can use something like excessive alcohol consumption as another excuse for why they shouldn't be held so accountable, then I think they'll try to do it.

Mr POWELL - Maybe if I could add to that, when we said before about the breakdown in the family unit, one of the things about that is that we have actually created a whole generation of people who haven't been held to account for some of their behaviour, the consequential stuff.

Dr Goodwin you asked before what resources do other agencies need, and I guess the simple answer to that is that every agency would say they could have more resources because there are so many problems out there. If that is the cultural thing we need to change from very young, that won't be a short-term fix and it might be a resourcing issue.

CHAIR - Thank you very much. I am already over time, it's my fault. We would like to have you back so if that can be done, that would be terrific; we will be in touch with you in a month or so. Thank you very much for your very detailed submission.

THE WITNESSES WITHDREW.

Mr JEFF GARSED, RESEARCH OFFICER, TASMANIAN BRANCH, AUSTRALIAN EDUCATION UNION, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Wilkinson) - Jeff, the evidence taken at the hearing is protected by parliamentary privilege but as soon as you go out of the room, it is not protected by parliamentary privilege. As you probably know, the evidence is recorded in *Hansard* and that will be available later on the website so everything you say will be taken down for historical purposes. When you start would you give your expertise in the area that you are here for today. I know that you are with the Australian Education Union. A couple of matters were touched on by the police in relation to the co-activity between schooling, Health and also Police so if you could touch on that for a minute and then we will let you speak as you want to and then ask you questions. I will hand over to you.

Mr GARSED - You know my name is Jeff Garsed and I am a research officer with the Australian Education Union. Part of my role there is in looking at conditions of teachers in schools - teachers and our other members. We have more than 6 000 teachers and associated staff in schools as our members. We are primarily concerned about their welfare and of course the welfare of their students and the conditions of living and working in schools.

I have a masters degree in Education and I was a teacher for 20 years in Tasmanian government schools.

CHAIR - In relation to schooling, have you noticed a change and have the reports been that there has been a change in relation to violence and antisocial behaviour in the schools, which of course can lead to that type of behaviour outside schools at a later stage?

Mr GARSED - Yes. We are hearing through our members reports in schools of increasing severity and frequency. You will be aware of a short report that I produced for the committee which talked about a survey done of schools, admittedly done over a very short period of time in order to meet the deadline for the submission for this committee.

Mr HALL - Did you do that just recently?

Mr GARSED - Yes. I do not know if I put a date on that but the date was May 2010. Thirteen schools responded and it was interesting to see the different views about the severity of violence and in some schools it really was quite severe. I would like to give you an anecdotal account at some point of a teacher in a Hobart school dealing with a violent student, but not by any means the most extreme violent student that we have in the system, and some of the difficulties of dealing with that student.

CHAIR - If you ever want to move into in-camera evidence as well, let us know and we can do that so you can say what you want to say without breaching anything you think you should not be able to breach.

Mr GARSED - She asked me to give pseudonyms for the student and the teacher so I will do that.

CHAIR - Yes, all right.

Mr GARSED - There was that survey. I did have difficulty. I sent it to the coordinator of committees off the parliamentary website and I am just not sure whether -

CHAIR - It is probably coming now.

Mr GARSED - It was a brief three-page summary of the sorts of things that I wanted to cover today.

In summary, the problem for schools is the resources to deal with extreme cases of violence and I guess the whole spectrum of kids. You have kids ranging from just regular disrupters of educational programs who might have a bit of an aggressive edge, right across the spectrum to those who have to be watched nearly 100 per cent of the time. For that to be managed, it requires people who are off class who have a level of expertise to deal with situations as they occur and respond to kids quickly. With a child you can't respond tomorrow for the behaviour that they've shown today; they're not adults who can work in that way, so that's why schools require a lot of hands-on people to manage problems. There are other aspects as well. There's the health and safety of individuals within the school that has to be addressed and people as workers in schools. Quite often when they come into schools our members accept, which I don't think they should, that they give up their rights as citizens. If they're walking down the street and are attacked by someone, they would have the full force of the law to support them, but in schools it is sometimes brushed off as 'You've come to work in a school, you've got to expect that sometimes you're going to get these sorts of behaviours'. That's not the viewpoint that we would have. We would hope that in some respects the committee is looking at addressing and seeing that the Government and government agencies address that level of safety and expectation in schools that people are safe when they go to work.

CHAIR - Was that the case when you started teaching?

Mr GARSED - I spent most of my teaching career in country schools in north-west Tasmania and I would have to say that violent episodes were rare. It is much more frequent in city schools and of course in schools in disadvantaged communities. At some point I would like to raise the issue that maybe it is the social inclusion program that the Government has been involved in that needs to be linked in with some of this building communities that address violence and so on and the links to other agencies.

You will get the details on the survey at schools so I won't go through that. I won't go through the statistics on the incidence of violence in schools but, if the committee is interested, those statistics are held by the Education department and you can access the incidence of violence and see whether it's increasing or decreasing in the level of severity and so on - at least of the reported cases. It's easier for you to request it than us. We have to go through quite a process, but you'll get it quickly.

With the resourcing problem, one of the ways that we've decided that schools can address problems of severe violence is through workplace health and safety regulations. If the resources aren't there to control an unsafe problem in a workplace, it is like a belt in a factory; if it flies off and hurts someone and it's known that that belt can fly off and hurt someone again then it is the manager's responsibility to make sure that that belt is

safe and that it doesn't hurt anybody. Not that this is the best way to deal with children, far from it, but in order to protect our members and their health and safety we have had to use workplace health and safety alternatives to try to contain a problem. The difficulty with that is that you manage the problem in that instance and maybe there's some talking to of the child, maybe they're sent home for a while, they're suspended, and they come back to school and they have not necessarily had those issues properly dealt with and the problem can happen again. That is where the ongoing problem needs to be dealt with, with resources from the point of view of expert people in schools to deal with these problems.

Dr GOODWIN - Regarding the kids that you mentioned in some schools who have to be watched nearly 100 per cent of the time, what is underpinning that? What is it with these kids, do you think? Are they acting out? Is it something that's going on in the home in terms of family violence? Why do you think they're like it? What's underpinning that?

Mr GARSED - Our understanding is that in nearly all instances there are problems at home of some sort or another. I will give the anecdotal account of Max and Geraldine. Max is a 12-year-old boy in grade 6 at a Hobart primary school and Geraldine is his classroom teacher. There are 27 kids in that class and our current Government says that with the resources in schools there should be limits of 25. We find that often doesn't happen. There are three other kids as well as Max who present with significant behavioural problems. The difference with Max is that he's violent to other children. He hasn't been violent to staff members but he is quite severely violent to other children. He arrived at the school from the mainland about a year ago. His fuse is short and on the last day of term, just before the current school holidays, he bloodied the nose of another class member without any provocation. He had hurt himself and just lashed out at the nearest person. The school liaises frequently with the family, who have substance abuse issues, and they allow Max to visit the school psychologist - a bit reluctantly because they don't trust school psychologists - who has some strategies for helping the school to manage Max on a daily basis. The school psychologist is in the school one day a week, which is fairly typical of Tasmanian schools.

Geraldine claims she pays 95 per cent of her attention to Max when he's in the classroom, which is at the expense of the other 26 students. He is only in the classroom for the afternoon; he has other programs that he has to attend in the morning. These are not highly-resourced programs, it's all makeshift stuff that the school is trying to do because they don't have the specialised resources to deal with a kid like Max. He is a bit of a problem; he has to have an adult pair of eyes watching him whatever he's doing around the school. It has been too risky to take him on school excursions, which again raises issues of inclusion and equity for Max's education because these days you can't exclude a kid for their behaviour because their behaviour is a disability and has to be taken into account. But they find that they can't take him on excursions. Geraldine and the other teachers in the school have a clear discipline plan which is administered in the same way for each child in each class in the school so there's consistency across the school. The program is called '1, 2, 3, Magic' and, put simply, it's a three strikes and you're out type of approach. There are three levels of behavioural indiscretion and if you do it three times at the top level then a note is sent home and mum, dad or whoever has to come in and talk to the school and there are some strategies put around improvement. They have to do this; they have lots of English as a Second Language students in the school from a range of social and cultural backgrounds and everyone needs to be clear on

what's expected in the school. That helps provide a structure for Max but his capacity to control and contain his behaviour is not as good as that of other children.

Geraldine has some pretty neat little strategies to deal with Max. If he is about to act up, she will send a note to a classroom teacher down the corridor with a trusty kid who will come back with a note from that other teacher. Geraldine will read out the note and say, 'Mrs such-and-such needs you in her classroom right away. She needs some help', so off he goes like a lamb down to the other class. There's been no negative feedback to Max's behaviour, all positive. He's needed somewhere else so it takes his mind off the issue that he was engaged with, perhaps trying to punch someone's head in, and off he goes to help in the grade 3 class.

CHAIR - Does he see that as a positive reinforcement to what he's doing?

Mr GARSED - He doesn't. It's a distraction, basically. There is no link between what he has done and this. He can, without this precondition, be asked to help in that class because he spends the first hour and a half each morning in that class helping younger kids with literacy and numeracy and building his own literacy levels because he is very, very poor at literacy, and he is in grade 6.

That is a bit of an outline of Max. The rest of his day he spends with the groundsman in the yard doing a program called Landcare. If the teacher and the school could afford it, they would have a teacher aide for Max, and some other students, which the teacher would develop a program for. They would be able to work in a small group to complete social skills and focus on their much-needed literacy skills. With 27 kids in the class it is very difficult for her to get the one on one. Ideally, though, such a program would be run by an expert teacher, not by a teacher aide. The people in schools are realistic to know that funding doesn't extend to teacher salaries but it might extend to a teacher aide's. That is the situation of Max.

Dr GOODWIN - I guess the teacher and the school are to be commended for what they are trying to do to manage Max, and other children in a similar situation. Some of the programs we have at the moment in other schools that kids like Max attend would be things like U-Turn and, in the past, Chance on Main, and perhaps the TOOL program as well. They are really good programs but often they only go for 10 weeks, two months, or whatever, and then of course the kids come back to the school and the underlying issues may not be resolved and they continue to pose challenges for schools. Do you think there is a need for an alternative school program for kids in this situation, to try to address the underlying issues but out of the classroom environment, or do you think the social inclusion is the way to go but to increase the resourcing for it?

Mr GARSED - The answer, in brief, would be a range of approaches is required, and the AEU has lobbied the current State Government for a number of years for funding for special programs, and in the most recent State Budget that funding has appeared. There is not a great deal of clarity yet about how that funding will be deployed so I have set up a conference which will involve our members and people from the DoE to sit down and talk out what is required in schools by way of alternative programs and in that way perhaps advise the minister and the department chiefs on how to deploy that funding. It is considerable funding for a State the size of Tasmania; about \$5.4 million over a four-year period has been allocated and we are thankful for that.

Dr GOODWIN - So there is some optimism that the situation is about to improve?

Mr GARSED - Yes, we're on the brink of doing something really cooperative and useful in that area. It is just that there need to be ways of working with kids in classrooms at schools as well as having a range of different alternative programs for kids for whom the classroom model just doesn't fit because of where their headspace is at.

Dr GOODWIN - In Max's situation, because the issue has perhaps stemmed from the substance abuse issues in his home, there also needs to be support from perhaps other agencies for his family.

Mr GARSED - Yes, coordination with other agencies would be seen as a high priority. I must say I'm not au fait with precisely how the Education department at that level deals with health and so on but from our union's point of view, having observed and seen the business of child welfare and education over a number of years, our position would be that child welfare should be in the Education department, not in the Health department. The Health department is far too big and cumbersome to deal with that aspect of children and Education should be well situated to do that, but it probably requires a lot more information than I have at my fingertips here.

Mr HALL - Jeff, just following on from Dr Goodwin's question and the example of Max - and I think you mentioned earlier that resourcing was a problem where you had 50 violent students in schools and you talked about really needing someone off-class - do you think you need, in schools which were identified as having significant problems, off-class - and I had better not say 'enforcers' - people who are trained to deal with those situations so it takes the load off the rest of the staff? Would that be some sort of a solution?

Mr GARSED - Precisely, and that was what was coming out of the survey that I conducted earlier this year, that they needed more hands on deck in schools and they needed more expertise.

Mr HALL - Are there those people in the system now who could do that or would they need to be specially trained to do it?

Mr GARSED - Highly experienced teachers and senior teachers would generally be able to manage those types of tasks. There is always the call for being up to date with methods and so on and further education for teachers, I understand that, but there is quite a level of expertise in the system as it is.

Mr HALL - Yes, and I suppose that whilst those people might be designated to a particular trouble-spot school at a particular time, they might be able to move around within a region. Is that a scenario that might occur?

Mr GARSED - Yes. Currently within the system across a learning service there will be a number of resource teachers, and a learning service is a quarter of the schools in Tasmania - there is a south-east, south, north-west and a north. There might be two or three, though, across that entire learning service currently so they are not going to be able

to coordinate things in the way that you are speaking of. There would need to be a number more people on the ground to do that.

Mr HALL - With the Police department we talked about a UK model or a proposed one where there is a systemic family breakdown and there is a need within schools - and this was identified by students themselves as well as educators - to teach parenting skills because a lot of the problems come from dysfunctional families. Have you an opinion on whether that could be part of a school curriculum?

Mr GARSED - I think the new family birth-to-four centres that are being built in some of the poorer communities in Tasmania by the current State Government is a wonderful initiative and should at least for the forthcoming generation of parents of young children in those poorer communities provide them with the parenting skills because the idea is that mothers, particularly single mothers with young children, come into these centres and they are a one-stop shop. I see that as a terrific initiative. We get to see the results.

Mr HALL - Yes, but what I am talking about more is girls and boys who are in the system at the moment at the schools and let us say from year 7 to year 10 to year 12 or whatever.

Mr GARSED - There could well be a role for parenting skill classes but again with the crowded curriculum and expectations on schools, it is difficult for them to provide these types of things because they will always be over and extra to what is being provided already. They will be after-hours courses, of course, and not during school.

Dr GOODWIN - Can I just make a comment on that because I thought it was a really good article and very interesting? What he was talking about was not so much having a unit or something called 'parenting skills' but trying to blend parenting skills into the curriculum so in biology you might talk about the impact of alcohol on an unborn baby, for example, to educate people about foetal alcohol syndrome, and to somehow work budgeting skills into some other part, and nutrition - to blend it into the curriculum a bit more so that people come out of school with more life skills, I suppose is what he was talking about.

Mr GARSED - There are a lot of calls for schools to imbue a lot of different things into their curriculum and I think in many respects over 12 years of schooling a lot of kids do experience those things to some extent. But it is very difficult to cover all bases in the time, and of course our current focus on literacy and numeracy results at all costs is, I guess, for a lot of kids important but there are some kids who come to school without the basic social skills to acquire the literacy and numeracy skills. I recall a kid that I taught in the north-west who really was quite antisocial. He was not particularly violent but he would come in in the morning and he would not say good morning, he would just grunt, and the senior teacher took him aside each day and would say, 'Good morning Brett' and eventually the kid would say, 'Good morning, Mr such-and-such'. He built this process, if you like, of reasonable manners and discourse and then it was possible to do something about the kid's literacy and numeracy. Before that he was not engaged with other people properly. It is hard to fathom, I know, when we come from middle-class homes where people are generally polite. This kid had no idea.

Mr DEAN - In the example that you have given, it appears fairly obvious that unless some very strong and positive action is taken this young fellow is going to go on to bigger and

better things and greater violence. What can the Education department do? What do you say should be done in that regard?

Mr GARSED - A lot of what is required is to build on kids' self-esteem and the skills that they have, and this kid is a very resourceful kid. In fact he takes a fishing rod and fishes in the Derwent for food for himself and his sister apparently because there is no food in the house quite often, which means that the welfare money is being spent on something else. He is not a complete waste of space, he has skills, and so when you can work on kids' skills and their strengths, that is when you see them going places and with that build strategies to deal with their frustrations and problems in other ways.

Mr DEAN - I raise the issue of the psychologists with you. I detected from what you said that the psychologists should be in schools for a greater period of time than they are.

Mr GARSED - Their caseloads are very high.

Mr DEAN - I am currently involved in a northern school where they are saying exactly the same thing. Within that school they have 60-odd students who have disabilities and the psychologist comes in once a week to work with 60 children. The union's position here, I think, is that they would like to see psychologists involved in the schools for a greater number of days and for a longer period of time.

Mr GARSED - Yes. Prior to the 2010 election the State Government promised us 12 additional psychologists to the system. After the election it became up to 12 additional psychologists and we are still to see the psychologists.

Mr DEAN - You have not seen any, not one psychologist?

Mr GARSED - Not yet. As far as I am aware, there has even been diminishing of the numbers because as people have taken various forms of leave, they have not been replaced, and that sort of thing. So it is not a very good situation with school psychologists at the moment.

CHAIR - Do you also believe that aides can assist with these troubling students??

Mr GARSED - They can. Schools' expectations are that if they had an aide, they could at least run some sort of program. Of course you would have to have a registered teacher to be very close by in order for that to be legal.

CHAIR - Are you communicating at all with the Health department and also the police? There is anecdotal evidence and also other evidence to suggest that those people who are behaving in a antisocial way at a young age could be the criminals of the future and therefore there needs to be some communication between a number of different departments to endeavour to do what we can to stop that.

Mr GARSED - It is up to local school communities how they deal with these situations, but I know that there are some schools that have a police officer who comes into the school, who is known to the kids and who talks with them about issues of law enforcement and so on. There used to be the Adopt-a-Cop program, I am not sure what it's called now, but they do that sort of thing.

CHAIR - But that's not the real answer to it, is it? That police officer can then talk to the person but it would seem to me that that person needs some greater assistance than that to get back on the rails, especially when they may have never been on the rails in the first place.

Mr GARSED - We need people with behaviour expertise in schools who can run programs.

Mr DEAN - From the union's point of view, does this type of example that you've given appear to be on the increase within the schools, to your knowledge?

Mr GARSED - It's a bit like the police response, that the actual incidence of violence in schools is diminishing but the incidence of serious attacks and kids who are fairly off the show are getting higher, for all kinds of social dislocation reasons.

Mr DEAN - You've given information here that there is a problem back in the home with this child. There are other issues that have been put forward for this sort of thing. Does the union have a position on whether, for instance, violence shown on videos, CDs and all of those things, may well be - and the police made some reference to it - a cause for some of the things we're now seeing?

Mr GARSED - There is anecdotal reporting of that from our members, but I think the research would need to be done to make causal links between those types of things by people who know what they're doing - criminologists and those types of people, I should imagine.

Mr DEAN - Vanessa has probably already done it and she might tell us about that later on. You were saying that there needs to be research in that area to bring it all up.

Mr GARSED - I think so. I hear people talking about doing research here locally, and that's a good thing, but there is a lot of research done worldwide into this type of thing and the committee may wish to source some of that.

Dr GOODWIN - Because we talked about psychologists, I wonder whether we should mention social workers as well and whether there are enough of them. The other question was about restorative justice in schools, whether you are aware of some of the work that's been done around that.

Mr GARSED - I'm aware in broad terms of how the restorative justice idea works and I know that some schools are using that. The thing about educational programs generally is that a one-size-fits-all approach doesn't usually work. It's the people who are running the program, it's the particular mix and cohort of kids, it's a whole lot of different things that require a bit of a mix-and-match approach. Education is very much like that; it requires an eclectic approach to solving problems.

Dr GOODWIN - Is the number of social workers adequate or do we need more?

Mr GARSED - As with school psychologists, their caseload is very high. One of the things that they are responsible for is reporting on attendance in schools and following up on truancy. In some instances they're run off their feet trying to follow up individual cases

of why kids weren't at school and that type of thing. If that becomes the priority, there will be other issues that the social workers are unable to deal with. Again, perhaps interagency cooperation and better coordination might be an approach, but there still need to be more people on the ground.

Mr DEAN - I have a son who's a teacher who can relate to all of that.

Mr HALL - Jeff, in other jurisdictions are you aware of where they do things better? Are there things that we can learn here in Tasmania other than what you've told us today?

Mr GARSED - I'm fairly sure that Victoria has a better approach. I don't have the details at hand at the moment but I think they have a better way of coordinating resources across government. They certainly have a better way of resourcing kids with special needs, and that includes kids with needs because of behaviour and that type of thing.

Mr HALL - Thank you.

CHAIR - Jeff, let's say we want to live in Utopia, what would be the things you would do - and we hear what you say in relation to psychologists - to ensure that these children will grow up and not decide to live a life of violent crime?

Mr GARSED - I guess we have a problem of not having a Utopia and that's why we have these problems in the first place.

CHAIR - I'm really asking: what do you think should be the recommendations that we make to assist?

Mr GARSED - I would say that the first point would have to be the resourcing to manage and properly educate kids with behavioural disabilities in schools, and it is a disability. That would have to be top of the list. There is a range of other issues about links to the community and making sure that the response to the situation of violence in the community is dealt with across agencies and through community links. There is also the national government strategy against violence towards women and their children, not just highlighting prevention but also how it is important to see that particular groups are targets for violence. A lot of our teachers are women and a lot of the violence is perpetrated by male students, so there is a gender issue there. I urge the committee to explore that and to look at the Federal Government strategy.

There is also investigation into the building of respectful communities, acknowledging how disadvantage contributes to and poses difficulties in responding to violence and norms become entrenched about violence as a way to deal with problems. 'My big brother and my dad punched someone to deal with a problem, and that's the way I'm going to do it.' It is a whole-community approach and cultural change and of course it fits with the State Government's social inclusion policy at some level about strategies.

CHAIR - What about in primary schools, and I'm not being sexist at all but, as you say, there are a lot of female teachers, especially in K-6 -

Mr GARSED - And in high schools.

CHAIR - And in high schools as well. I understand there are more male teachers in high schools than in primary schools.

Mr GARSED - But they are still in the minority of teachers in high schools.

CHAIR - Do you think there should be a better mix?

Mr GARSED - I think better mixes of gender make for a better social environment generally but I don't see that it's a deficit situation from the point of view that a female teacher can't do the things that a male teacher can do for a male student. I don't see that the evidence is there about that but certainly as a community of people living and working together, making decisions and all that type of thing, I think it is better to have a good balance of gender.

CHAIR - Jeff, thank you very much for coming and giving us your submission and views. We will be giving you a copy of the report and the recommendations when we have concluded our investigations.

THE WITNESS WITHDREW.

Ms DEBRA RABE, VICTIMS OF CRIME ASSISTANCE UNIT, AND **Mr ROBERT WILLIAMS**, ACTING SECRETARY, DEPARTMENT OF JUSTICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Wilkinson) - Thanks for coming along. The hearing is protected by parliamentary privilege, which means that when we are in here we have parliamentary privilege. As soon as we are outside the room and not acting in the committee, that parliamentary privilege fades away. The evidence that you give is recorded by Hansard. Any evidence that you want to give in camera, please let us know and that can be held in camera; if there are any parts of the evidence you believe are embarrassing or you do not believe should be for everyday consumption, please let us know and we can close the committee and just hear that evidence. I will leave it to you to give us your submission and then we will ask you some questions.

Mr WILLIAMS - Thank you very much. Our invitation here was in relation to the Victims of Crime Service. I also have a couple of things I could talk to you about more generally in the Corrections area which pertain to the terms of reference that you have.

The Victims of Crime Service in Tasmania is highly thought of. Obviously it is the service that deals with the wash-up of when people have been victims of crime and in the last 12 months we have had about 850 people who have been counselled by the Victims of Crime Service in relation to crimes against the person. I thought that might give you some measure of the magnitude of victims that we see at the service.

CHAIR - Are they victims alone or people who have also witnessed the assault or whatever it might be?

Mr WILLIAMS - We are pretty flexible but by and large it is the victims that we see. If people come to us and they are in trouble because of something that has happened that they have seen or heard, we will certainly do what we can to help them.

CHAIR - Is that 850 an increase on the previous years?

Mr WILLIAMS - It is a small increase. I think it is about 1 500 for the total year who have been counselled by the Victims of Crime Service.

As you are aware, we have victims of crime assistance awards, which are made by commissioners. I cannot comment on how they do their job and what their decisions are but we provide the administrative support for those awards. The figures I have are to 2 June 2010 which is the last time I counted them, so I apologise that I do not have the last few weeks' figures. We had 319 applications at that time for the year to date for awards and 200 awards were made. I qualify that by saying that some of the applications were from the same person and therefore the numbers of awards granted does not look the same as the number of applications. Is that right?

Ms RABE - Yes, and sometimes we are still waiting on the information so they are not finalised yet.

Mr WILLIAMS - We provide a court support and liaison service to people who are going into the court and judicial system. It is a service that largely explains to people what they can expect in court. Obviously people who have been victims are not only traumatised by what has happened to them but the idea of going into the formal judicial system can be quite daunting and so we provide a service, which gets a lot of compliments, to help people through that. It is a bit of a hand-holding exercise. We try to explain to people what they can expect. Sometimes they do not understand why things happen the way they do, sometimes they do not understand why the length of time is taken in certain proceedings and so we try to help people through.

CHAIR - There was some legislation that was going to be brought forward, as you probably know, a couple of years ago in relation to victims of crime and saying, 'Let's take the money away to some degree from the victim and give it to the service which assists with counselling and assists with the court liaison', et cetera, et cetera. You have been able to do both and do that quite satisfactorily?

Mr WILLIAMS - Yes. Our staff are busy but the service gets a lot of compliments and I think we do not let people down in terms of being able to deliver. We get the occasional complaint but we get many more compliments. Some people are never going to be happy with what has happened to them and how they feel the legal system works, especially if they are a victim, but we get many, many compliments about the service, and really positive comments. I have brought a couple today, if at some stage you are interested in hearing them.

Mr DEAN - Regarding the statistic, if you do not mind, you said that you had seen about 850 people in the last 12-month period.

Mr WILLIAMS - The Victims of Crime Service, that is the counselling service.

Mr DEAN - Yes.

Mr WILLIAMS - That is just for the crimes against the person. There were 1 500 in total and they were all sorts of other crimes.

Mr DEAN - Would you have any idea how many of those crimes were reported to police? Were there any that would come into the service for support and assistance where the crime or the offence had not been reported to police?

Ms RABE - Very few. The service encourages people to report to police because that is often part of the healing process - to report it and to have it investigated. The only ones that would normally not be reported to police are where they have received significant injuries but cannot remember what has happened or whether they were the party at fault or not and they are getting different stories. Again we would encourage them to report but they do not always. The other one is historical, where they were sexually assaulted by their grandfather and it has now come up because the grandfather has died. We would not encourage them to report unless that was something that they needed to do - the police cannot do anything obviously with the offender deceased - but for some it would be important to report.

Mr WILLIAMS - Another service that we run is the Victims Register which is where people who have been the victim of a crime and more recently people who were not the direct victim but have been affected or may be affected by the movements of the person who is being convicted of the crime can receive information. For example, if an inmate is going to be released from prison and the person is registered on the Victims Register, we can tell them that that is going to happen. We can also involve them in the Parole Board process and one of the things that we did this year was invite 101 people who are victims and registered on the system to be involved in the parole hearing. Thirty-seven of them put in a victim's impact statement which we assisted a lot of those people to write and other people requested provisions in the parole order like no contact provisions.

Sometimes our prisoners come out on day leave, reintegration leave and things like that and we would advise the victim of where that person was going to be so that they could avoid the area. It's a register of either victims or people who have been affected who can get information so that they don't run into the inmate, so they know what's going on and they're not surprised or shocked to find the person in their shopping centre or local street because that can be very traumatic.

In the last 12 months we extended the definition of 'victim'. We felt it was too narrow. There are people who are significantly traumatised by crimes, who were not the direct victim. They might be people who have been witnesses, people who have been parents, or people who are afraid. We introduced a provision into the Corrections Act, which is where the Parole Board legislation is, and it basically says 'another person who proves to the satisfaction of the secretary that the prisoner being violent towards that person or that person's life or whose physical safety could reasonably be expected to be endangered because of a connection between the person and the offence that resulted in the sentence of imprisonment.'

Mr HALL - What about somebody who comes home and finds their house has been trashed - they haven't been assaulted or anything like that - do they fall into that category, if they are traumatised by what's happened within their own home?

Mr WILLIAMS - If it resulted in a sense that their physical safety was threatened - I suppose the sort of example might be where someone has had a crime against them and they have had to be the witness. A lot of badgering goes on and if they feel afraid I think we would put them on there, we would make a discretionary call that they had a legitimate reason to feel that their safety was at risk. There's a very limited set of information we can give them about the inmates. It's prescribed in the legislation and it gives people who are feeling unsafe some knowledge and power over the situation to avoid where that person might be or have a role in the parole hearing if they want to put in a victim impact statement.

Mr HALL - You talked about witnesses before. Have you seen any examples of where people might try to milk the system a little bit and it all becomes a bit subjective as to how affronted they have been?

Mr WILLIAMS - We try to make good judgments on those sorts of things. If people come to us for assistance then we believe they ought to get assistance, unless we have a very clear reason why they shouldn't. We are on the side of supporting them. The Victims of Crime Support Service is a counselling service. The inclusion of one extra person into

the service doesn't substantially raise the costs for us. Unless there was a real run of things, I don't think we'd go into that.

CHAIR - But the other thing, Rob, would be that when it comes before the commissioner for the commissioner to make an award, if needs be, does the DPP's office still get a copy?

Ms RABE - No.

CHAIR - Do you get a copy?

Mr WILLIAMS - Yes.

CHAIR - So you'd be able to make that recommendation, or otherwise, if you thought that it was unfair what was being claimed for? I imagine that would be the situation. So the solicitors who make the application -

Mr WILLIAMS - We put it through to the commissioners to make decisions on awards because at the end of the day it's a discretionary decision only, given the ambit of the commission.

CHAIR - But there still has to be evidence to support that award - medical and psychological evidence to support that award?

Mr WILLIAMS - The commissioners seek that sort of information and often the Victims of Crime Unit does the running around to get the police reports and other reports. But at the end of the day the commissioners do their own investigation as to the evidence in the case.

Ms RABE - All relevant information would be included on the file and that can include a whole range of information. That is all given to the commissioners to make their final decision.

CHAIR - So in answer to Greg's question, would I be right in saying that there are a number of safeguards in the whole process to ensure that what some people might want to happen just does not happen?

Mr WILLIAMS - I think if you look at the commissioners' decisions, you will find that they support that. They do investigate and they do say no.

CHAIR - And as Debra was saying, sometimes there is more information required, so the commissioner would be asking for more information prior to coming down with a final decision.

Mr WILLIAMS - Yes, absolutely.

As an aside, one of the interesting things we have happening this year is that Debra and her team have been organising the national annual Victims Of Crime Conference, which will be held in Hobart later this year.

Ms RABE - On 22 and 23 November.

Mr WILLIAMS - It is a big thing, we are getting a lot of interest in the conference - it is filling up. This is an interesting conference because we have a wide and varied range of speakers coming to talk about the issues that affect victims. That is something on our radar.

That is an overview of the Victims of Crime Service. There are several components to it. As you know, the Attorney-General announced last year that the Victims of Crime Service would be coming back into the service we run from Lifeline. I report that that has been going very well and we have had, I think, 36 compliments about it and one negative comment - so that is very positive. Lifeline did a great job but we like to also think that we are continuing a really strong performance in that area and certainly the compliments we are getting are showing that.

CHAIR - In relation to this inquiry into violence in the community, getting back to the actual violence and the applications you have prepared, do you believe that there has been an increase in violent activity? If there has - or even if there hasn't - is the violence that is occurring greater than was previously the case? In other words, it wasn't just a punch to mouth or the jaw, which could have caused significant injuries, but there were also other continuing assaults - kicking the victim, pushing the victim's head into the pavement, et cetera. Do you find that the level of violence is greater now than it was before?

Mr WILLIAMS - Before I let Debra speak on what she sees every day, in terms of the figures - I suppose these don't necessarily reflect the level of violence but I can tell you what has happened in trends in terms of the figures for some of the categories that awards are made - aggravated assault, we have seen an increase in the last two years in the awards made for that. Assault causing grievous bodily harm, we have seen a significant decrease.

CHAIR - In what, the number?

Mr WILLIAMS - No, not in the number and I haven't got the absolute numbers, I have the award dollars. But of course it is capped, the maximum is \$30 000 in any case.

Common assault is around steady over the last two years but has decreased from the first couple of years of the scheme. We have to be careful with going back into the scheme because when the scheme first opened up obviously a number of people came forward with claims and I think it is back to June 1976. There was a surge of claims that were also quite old as well but it seems to have settled down. So in terms of common assault, it is pretty steady. Manslaughter/murder is up slightly in the last couple of years.

They are only indicative figures and they don't necessarily tell you about the level of violence in the community but they give you an indication of the award rates we have.

CHAIR - Do they tell you how many actual victims related to those awards?

Mr WILLIAMS - I don't have those figures with me, but we could find those out.

CHAIR - I was wondering if you had any evidence as to whether there is more violence, or alternatively if it's the same, is the violence greater than it was previously?

Ms RABE - My feeling would be that, no, it is not. The things that we deal with most are common assaults and sexual assaults. Of course, we are only going by the number of people who access the victims' support services. But certainly when having a discussion with staff yesterday, our feeling was that crime had not really increased or the number of clients we were seeing had not really increased. But our staff were saying that they could not remember dealing with as many murders and attempted murders as we have had over the last few years. But I need to also say that now we are involved in the crime scene cleaning process. Before we did not have that involvement and that would probably lead to that. But our gut feeling was that the level of crime is not really on the increase.

Mr WILLIAMS - Over the last three years the absolute numbers of people we have seen has fluctuated. In 2007-08 it was 885 women and 501 men; in 2008-09, 809 women and 534 men; and in 2009-10, 912 women and 586 men. So it has maybe marginally gone up and down a bit but it is not a significant rise or fall.

Mr DEAN - Have you categorised domestic assault?

Ms RABE - It is interesting because family violence can come under a number of the other categories that we use because it can be a common assault, it can be a serious assault or it can be a sexual assault.

Mr DEAN - So you do not categorise family violence matters separately?

Ms RABE - We have started to over the last two years.

Mr DEAN - Okay, so in the last two years how are the figures coming up? Is there an increase there or a decrease?

Ms RABE - They are increasing but we put the increase down to the fact that our court support and liaison services deal with them. So they now have the information that they did not have before.

Mr HALL - Do you have the situation whereby the victims of a serious assault might be aware that they might get some compensation? I have seen personal experience of this whereby the victim is very concerned that the perpetrator of the crime will not get a sufficient sentence and they back away from the whole system. In fact I have had about three of those through my electorate office and that seems to be another dimension. It is one thing to get some compensation but they are then concerned about what may happen through the court system, that the perpetrator may not get -

Mr WILLIAMS - The compensation follows the conviction. So if they had that concern and they came to us we would certainly try to explain the processes to them. I do not know whether you have had any experience of that?

Ms RABE - Compensation does not always follow conviction. If it is very clear that the person is the victim of violence the commissioner may deem to make an award prior to conviction.

Mr HALL - I see.

Ms RABE - Wherever there is a question mark about the role that the person played or the circumstances of the crime, then no decision is made until after conviction. We always get people commenting on sentences but I guess our role is to explain the legal and justice system as best we can and people need to make up their own minds.

Mr HALL - You have a unit in the north and north-west as well where people can go?

Ms RABE - Hobart, Launceston, Devonport and Burnie.

Mr WILLIAMS - We expanded that when we took the contract back for victims of crime counselling.

Mr HALL - In terms of budgetary figures, in the last 12 months, how much was awarded in terms of dollar figures?

Mr WILLIAMS - Yes, \$2.97 million.

Mr HALL - The year before is that there as well?

Mr WILLIAMS - Yes, \$2.971 million; the year before that, \$3.177 million; and in 2006-07, \$4.141 million.

Mr HALL - So it has been on a decreasing scale at this stage. Is there any reason for that? Are there a lesser number of assaults or not -

Ms RABE - People are claiming for lesser common assaults. We used to have a lot of historical sexual assaults, which attracted big money, but now most of them are the lower level of violence.

Mr WILLIAMS - There was a backlog of cases that came forward.

Mr HALL - Are you happy that your service is promulgated well enough throughout the community, so that assault victims do know that they can get some compensation?

Mr WILLIAMS - I will let Debra answer that one because she spends her life doing it.

Ms RABE - I guess that is a really hard one. Do we go out and advertise the service which we do regularly and then cause confusion about the numbers that access our service or do we ensure that police, solicitors, GPs and people who are dealing with these people at the time of the trauma know about our service? I guess the latter is the approach that we have taken. Often we will have relatives or friends ring up and say that this happened to my friend or my family member, what services can you offer? A couple of years ago when we did go out and do a whole lot of advertising we ended up getting people who were being threatened with eviction from their units and saw themselves as victims of that scenario. Of course we then had to say that that was not really the information that we dealt with, so it is a hard one. We hope that the right people know about the service so that people can access it at the time, but I guess it is like anything - if you are not a victim of crime you do not always know about the services available.

Mr HALL - The reason I raised that was that we do sometimes get people who come into our electorate offices and they have been victims, in some cases, of very serious assaults and they want to know where to go next.

Ms RABE - Send them to us. We are very happy to work with you on that.

Dr GOODWIN - There would be some cases presumably where an offender is not identified or not prosecuted for whatever reason, so are victims still eligible for compensation in that situation?

Ms RABE - The commissioner would look at the application and decide whether or not they meet the legislative requirements and make a decision but certainly there have been cases like that where people have awards.

Dr GOODWIN - Do you get a feel from the cases that you have seen involving violence of any particular pattern? Are they mostly family violence cases or are you getting some public place assault-type cases or is it a mixed bag? Has it changed at all?

Ms RABE - It was predominantly family or home-based violence, but now there are many more nightclub assaults - glassings, common assaults in Salamanca Place and so on. Those sorts of things are much more on the increase and we see that through the Victims of Crimes Service as well.

CHAIR - That is what I was endeavouring to understand earlier on, so that is occurring, is it? There are many more of those victims who are coming to you and telling you what occurred?

Ms RABE - Yes.

CHAIR - What are they telling you occurred? Has that violence increased? Was it previously just the punch but now it is the glass or whatever?

Ms RABE - Previously it was people walking along the road minding their own business and getting caught up in an argument. We are hearing much more about the glassings in nightclubs where somebody comes up and tries to grab a cigarette out of somebody's hand and ends up with the glass in their face. There are assaults in public toilets. There are people being mouthy on the streets and ending up with a common assault. We are hearing more of what I would call the lower level ones.

Mr DEAN - You might not be able to answer this but there is quite a lot of evidence out there that we have far more victims than reports - in other words, people are being assaulted but they do not come forward for a number of reasons. A lot of people will say that they fear the court process, they fear the publicity and they fear all these other issues. From your point of view, do you have any views on where it could be made better or easier, where these people could be made feel more comfortable? Are there any changes that you think ought to be made to the way we currently deal with these matters?

Mr WILLIAMS - In one sense, unlike your previous witness, I can't talk about future policy directions because that is up to the ministers. I think Debra and the team put in a lot of

effort to be out there trying to target the professionals who work with people who are victims of crime. Obviously running this sort of service is about access. If you're a victim and you don't know about the service it is very hard to get help. The Victims of Crime Service is very accessible. It starts off with a telephone call, if you don't want to go into the office, and then progresses to a face to face. I think that makes it quite an accessible service around the State. We put more resources into Launceston, Burnie and Devonport this year around victims of crime than were previously there. There are longer opening hours in the north and north-west. If people don't go to the police then I guess they are going to be reluctant to engage with the system at all, which would probably include us - not completely, but if they don't engage with the justice system in some way then they may not find their way to us.

Ms RABE - Sometimes it's about information, too. They don't understand what they need to do or whom they need to talk to, but the police are getting much better at that.

CHAIR - Have your statistics got to the stage when you are looking at demographics, age groups, areas where crime is occurring and that type of thing?

Mr WILLIAMS - We do in relation to some parts of our service. In our annual report we have a demographic split-up table, which we could provide to the committee. It looks at the male/female ratio, age groups - I don't know whether we have extracted the data on location -

Ms RABE - We have been very reluctant to do that.

CHAIR - Why is that?

Ms RABE - From my perspective as a statistician, it is always hard if you zero into particular postcodes in such a small area. We don't want people not to come to our service. We want everybody to be able to access the service, therefore we don't want to point out particular trouble spots. That is done by police and other statistics and we don't want the statistics out there to say, 'If you're in Bridgewater you're more likely to access victims of crime services than if you were anywhere else', because I'm not sure what those sorts of statistics prove.

CHAIR - What we are endeavouring to look at is where the actual crime occurred, not who was the victim. Part of the terms of reference are demographic evidence of the past/present incidence of such behaviour, so not only demographics of age groups, sex, that type of thing, but also areas where it has occurred. Does it occur on the waterfront, at Salamanca Place, in King Street in Burnie or Devonport - that type of thing?

Mr WILLIAMS - I think it's probably going to come from the police more than from us because, whilst we have somewhere deep in our files where the crime occurred, it is not our primary concern when collecting that sort of statistical data. It is probably much more a police function; whereas the demographics I am talking about are the demographics of the people who have contacted us as victims.

CHAIR - As to where they come from?

Mr WILLIAMS - It hasn't been important to the work of the commissioners or the unit.

Ms RABE - We certainly wouldn't have every victim of crime contacting us.

Dr GOODWIN - Is there an age profile, though? Do most of your victims fall into a particular age category?

Mr WILLIAMS - There is an age profile in the table. I do not know whether it is statistically relevant, the differences, but the highest number last year was 31 per cent that came from the 19-29 age group; 24 per cent from 30-39; and 20 per cent from 40-49. So there was a dominance in the 19-29 age group, which is what you would think in terms of -

Dr GOODWIN - Yes, that is probably consistent with the police statistics.

CHAIR - In your role as Director, Corrective Services, did you want to mention anything to us that you believe can assist in any way?

Mr WILLIAMS - A couple of things and I have had a lot of conversations with Vanessa about breaking the cycle and I believe that shortly the minister will put out the results of the feedback gained from a consultation and discussion paper. Generally speaking, there was strong support for a lot of the ideas in that paper and one of the things that the Government announced in the Budget this year was something which we welcomed which was a \$1.1 million boost for community corrections. Some of that was just to meet additional demand for community corrections services, but, specifically, there were a number of programs that we were going to investigate. Two of the programs that were announced as things we would investigate were programs to address dangerous drivers and programs to address young violent offenders. We have an understanding with the university's school of criminology and corrections and they are looking at those projects as research projects through post-graduate students. They will come back to us - and I do not have a time frame for you - with some proposals.

Really, what we have asked them to do is to look around Australia and other countries and find any successful programs that have some statistical analysis that shows their success that we might be able to consider adopting here. One of the things we did recently in community corrections was to introduce a program called Sober Driving. It has been well received by the Magistracy and what it does is take community corrections from a place where you might go and do some community work to a place where you not only might do some community work but you might also get some treatment outcome in relation to the crime that you have committed.

CHAIR - The treatment being your course in Sober Driving. Is that why magistrates are saying 22 community service hours because it is pretty well a three-day course?

Mr WILLIAMS - I think it is nine weeks, one night a week.

CHAIR - How many hours?

Mr WILLIAMS - I think it is about two hours per session.

CHAIR - That sounds pretty right then.

Mr WILLIAMS - One of the things we have had trouble with in the past in community corrections is the completion rates. Because the people are in the community and not in jail - they are not captive as such - we have trouble getting them to complete courses. This course has had a very high completion rate and people have said they are finding they are getting a lot from it. I suppose the direction we are trying to push community corrections in - not just some sort of community service but some treatment as well with the aim of reducing the return rate. The Sober Driving course is a New South Wales course. We thank New South Wales for giving it to us. We do not generally have the wherewithal to develop courses, so we get a lot of help from interstate. For example, the sex offender course in the prison is a Queensland course and they support us on an ongoing basis.

It is pretty exciting to see some of those programs coming forward. The Government was interested in young violent offenders was because of the things we are talking about - the Friday and Saturday night violence at the waterfront; the people who turn up in the watch house on Friday and Saturday nights for being drunk and disorderly. We have also undertaken to see if we can work more closely with the non-government sector on drug and alcohol programs so that we feed more people from community corrections into those sorts of programs.

CHAIR - Do you feed them into the programs whilst they are in custody?

Mr WILLIAMS - In jail?

CHAIR - Yes.

Mr WILLIAMS - Yes. We have programs around making positive changes in their life. We have drug and alcohol programs in the prison.

CHAIR - A number of years ago - I do not know what is happening now - anecdotal evidence was that about 80 per cent of the people in prison had a problem with alcohol and/or drugs and there was one alcohol and drug counsellor over there to deal with 300-odd inmates, which would be impossible.

Mr WILLIAMS - Yes, and there are nearly 500 now.

CHAIR - I just hope there is more support for those people over there whilst they are in custody, so that they can do something to hopefully not become a recidivist.

Mr WILLIAMS - About five years ago I think there were three or four people involved in program delivery in the prison system and we now have an integrated Offender Management Unit, which has about 34 people in it, so it is a huge leap in numbers and programs. We could always do more but it is a significant increase in terms of what we have done. One of the key things and certainly what came out of this Breaking the Cycle project was the connection between government service providers and non-government service providers in terms of transitioning people out. We have a lot of good programs where we work with the Salvation Army Mission, Bethlehem House and places like that who come in pre-release to try to give people some continuity of support so they do not just find that they have had a good program in prison but they are set free and there is

nothing there to support them. That is critical because making your transition back into the community is very difficult, especially if you have been in for a while - you do not have a job, you do not have a social network and you might not know how to catch a bus - and having that transition support stops people from very quickly returning to prison.

We work with Centrelink so that people have money the day they come out of prison. They come in before release so that they are not struggling to find the money to eat or find somewhere to stay the day they come out. That is just as traumatic as anything can be for these people.

There is a lot going on and I think the Breaking the Cycle plan has a lot of themes. Some of the themes are about greater community engagement in a restorative and reintegration sense. Should the community have a say in how people pay back to the community for doing community service orders? Should the community have a say in what work gets done? There is also the obligation of the community to help those people reintegrate into society lest they just fall into the cycle again. There are a lot of interesting things coming out of this.

Dr GOODWIN - I want to ask Robert a question about the profile of the offender population within Risdon Prison and whether you have any idea of whether that has changed over the last few years in terms of violent offenders and whether they are starting to pose more challenges in terms of management of prisoners? Are there any patterns that are reflective of what is happening in the broader community happening in the prison?

Mr WILLIAMS - I think we see a stronger connection between drugs and the people we have in prison. Certainly, the number of women in prison has increased. It is not a huge number in itself but it is a significant increase over the years and a lot of those crimes are what you might call 'victimless crimes' - drug offences, welfare offences and things like that - for women but certainly there is the connection with drugs. With out ageing population we have an increasing number of people who are much older and this poses care problems in terms of geriatric care. There are people in their 80s -

Dr GOODWIN - They are perhaps not violent offenders, though, or are they?

Mr WILLIAMS - No, they are generally not violent offenders as such. There are people who have life terms, and we have one person serving a life term for murder. We always have difficulty managing the really violent people and that is always a challenge for us. We have introduced a case management approach in the prison and it is not mature yet but we are really working hard to try to bring that idea of rehabilitation as the second goal after, say, containment, and a really important goal. I think we are making some good progress. We're not there yet fully, but I think that's the key. It's what they have done in Britain. In Britain they've moved towards things such as non-custodial sentences with community service for someone who commits a crime that the community doesn't feel unsafe about the person being on the streets but still wants an element of punishment and payback for the community. If you put them in prison for a short period they lose their job and you might have to pay the cost of their kids being put into foster care. If there are alternatives to that, in Britain and some other places they have started to explore -

CHAIR - There are some offences within Tasmania that could easily go down that road. That's my view, Robert, what do you think?

Mr WILLIAMS - I think I'd have to let ministers answer that question. What we would like to set up in the discussion paper -

CHAIR - What do you think, Debra?

Ms RABE - I think what he thinks.

Laughter.

Mr WILLIAMS - I think what is in the discussion paper supports the idea that we could have alternatives available to the judiciary and the Government for corrections options and they can make decisions.

CHAIR - Available to the judiciary to make the decision?

Mr WILLIAMS - Yes. There are some things they can do now.

CHAIR - Yes, that's right. There is more they can do now than they could previously.

Mr WILLIAMS - Even now, it is open for a magistrate to put someone into jail for a short time or to put them into community corrections. If we have programs like Sober Driver, there is a shift.

CHAIR - It was done only recently. It was in the paper a couple of days ago.

Mr WILLIAMS - We run quite a number of those courses - high completion rates, the people involved say they are getting things from it. Time will tell with the recidivism rate with the drink-drivers who have been through the program.

CHAIR - Thank you for coming along and giving your evidence.

THE WITNESSES WITHDREW.

Ms JULIANNE CAMPBELL, HOBART WOMEN'S HEALTH CENTRE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Wilkinson) - Thanks for coming along, Julianne. I will leave it to you to give your evidence and then we will ask some questions.

Ms CAMPBELL - I have some copies of an expanded version of what I sent through earlier.

Mr DEAN - This includes what was in the first document we received?

Ms CAMPBELL - This is a more succinct, but a fuller version. It doesn't bring in anything different.

CHAIR - This is the 'A' list.

Laughter.

Ms CAMPBELL - I want to acknowledge that clearly violence in the community is such a huge area and can be looked at from so many different angles. At the Women's Health Centre we do lack a lot of resources and time to do this sort of thing. So I am framing that up, that we didn't have a lot of time that we could commit. We would have liked to do a lot more work and probably could have. We could have spent a lot of time on a submission like this, so we have done the best we can with our resources at this point.

Also the fact is that we are not a crisis service as such, when it comes to violence, so the evidence that I am presenting isn't so much specific measurable benchmarks or demographic evidence. It is more comment on the broader structural issues that we feel are important to include in the discussion.

I will read from this - is that okay?

CHAIR - Sure, whatever you find easiest. It is fairly informal so we will let you go.

Ms CAMPBELL - From the start, when thinking about the contents of this submission, my urge was to focus on the broader structural reasons why violence is becoming an increasingly concerning issue in our community. I was hesitant to make any recommendations about specific anti-violence strategies or programs, and I think this is because there are already many fantastic programs and different things happening in our community. Also, I think there are other programs that do demonstrate their effectiveness and also there are policies and programs that exist to support those programs.

A further reason for my hesitation is the need to stress prioritising of strategies aimed at cultural and structural change, and those that offer a framework that brings together all the work that is currently being done.

Research for this submission led to the report, *A Social Inclusion Strategy for Tasmania*. Professor David Adams has commented on similar concerns in relation to social inclusion where he stated:

'I have deliberately not attempted to frame this report around the specific population groups, issues and places that constitute the usual discourse on social inclusion.

Indeed, the compartmentalisation of social inclusion into specific groups and issues often masks the broader common structural causes of exclusion, fragments effort and leads to overlap and duplication.'

I think that that comment reflects the feeling a lot of the time when one is working, not only in violence, but also in a whole range of health areas. There is that sense that there is a lot of stuff going on but sometimes in an ad hoc way. There is not a lot of structure or infrastructure in a policy sense a lot of the time for the work that we do. Again, that is why I wanted to focus more on that issue in this paper and let the other services that specialise in dealing with violence at the grassroots tell you about the specific projects and statistics and that sort of demographic information. So I agree that a refocus of approach is needed.

I continue the quote:

'Whilst a recognition of the needs of different groups is essential, this must be balanced with a focus on areas of common cause and common strategies that can be leveraged to benefit all groups, tackle a broad range of barriers and spark a range of innovations.'

That was again a quote from David Adams, who was talking about social inclusion, but I believe that is exactly what we need alongside the work we do to combat violence in the community.

The written submission from the Hobart Women's Health Centre to this inquiry makes a link between a decreasing level of empowerment and increased levels of violence. Similarly, this link is also made between social exclusion and violence. A major cause of violence has been identified as social exclusion; however, violence can also be seen to cause social exclusion or, in other words, violence becomes a barrier to social inclusion. This highlights the complex nature of violence in the community. However, from both angles, strategies that aim at a greater social inclusion are essential in reducing levels of violence.

Violence is not unique as a complex issue, requiring action from a multitude of perspectives. As with other issues affecting people's health and wellbeing, it requires efforts on many levels including personal, social, civic, economic and environmental.

As mentioned above, there are many good programs in operation although these tend to be focused in the health area and at the personal and social levels and also on particular groups, issues or places. So, therefore, funding support is required to expand the programs into other areas of public, private and community services or sectors and to develop a sustainable and coordinated strategic framework.

A holistic strategy addressing violence would continue to support programs, such as those offered at the Hobart Women's Health Centre, which provide direct personal

opportunities to make positive change. Individual empowerment is encouraged through involvement in and control over decisions that directly affect one's life through access to information and skills in critical thinking, so as to make informed choices and by being treated with dignity and respect.

On a social level, cultural change is supported through encouraging community awareness, education and debate around attitudes towards violence and related issues of discrimination, status and respect for diversity and through the implementation of health promotion and preventive measures.

From a civic perspective, this would mean a focus on engagement in the community and improved access to input into mainstream politics and policy. The economic impacts of violence in the community relate to levels of productivity and the sustainability of cities and regions.

Lastly, environmental strategies to address violence would relate to the multitude of issues regarding urban planning.

Whilst this submission is arguing the importance of a more holistic strategy and refocusing on commonalities, it does not devalue the important work done to identify and address the particular needs of groups at risk of violence. Women are one of these groups.

The written submission from the Hobart Women's Health Centre also mentions the gender nature of violence. This has been strikingly demonstrated in relation to domestic violence and sexual assault and more recently in studies looking at women as perpetrators of violence. Women's health advocates have long argued the need for a gender analysis when it comes to research policy and program development and service delivery and increasingly the value in this approach has been recognised. The recent discussion paper on the development of a national women's health policy includes as one of its primary recommendations the comprehensive use of a gender analysis framework being applied across all government sectors.

I would like to add that I put an appendix to this, which talks more about gender analysis tools and what they are. So to make new inroads into dealing with violence in our community we must move beyond the limitations of a focus on difference, sometimes referred to as 'identity politics'. A rebalancing is required to complement our existing knowledge with a politic of commonality. Therefore the Hobart Women's Health Centre recommends the development of a sustainable, coordinated, strategic framework with a focus on areas of common cause and common action that works to benefit all people affected by violence. The strategy must address violence on all levels of interaction including personal, social, civic, economic and environmental and work in collaboration across public, private and community sectors. The gender nature of violence requires the application of a gender analysis tool to develop effective policy.

That is our position at this point.

CHAIR - Do many people come to you and talk about violence in the community and, if so, has that number increased or not?

Ms CAMPBELL - When violence as an issue comes up at the Hobart Women's Health Centre it comes up as a secondary issue in the conversation a lot of the time. Often it is one of many issues that an individual might be dealing with and that is why they come to the centre if they need support because often they are not dealing with things generally. It is a hard question to answer in a way.

CHAIR - There is evidence to suggest that there are now more females involved in inflicting this violence than was previously the case. Have you had any discussions with people who were saying that they had anger management problems and the like?

Ms CAMPBELL - Yes, most certainly. We do have women looking for anger management types of programs. We do not offer them directly but there are certainly other services that do, which we refer them to. Again, coming at it from a slightly different angle, we tend to offer things more like assertiveness training or awareness raising around the issues so that people can then go away and learn better skills for dealing with their emotions and have more information about the issue. Learning how they are dealing with their own feelings will help them deal with the violence when it occurs.

Dr GOODWIN - Are you aware of any particular issues with women coming from other countries? I am thinking perhaps of some of our humanitarian entrants: are there any issues with them, both in terms of what might be acceptable in terms of violence in their own communities and the fact that when they come here they are also being subjected to violence from local people?

Ms CAMPBELL - Probably the main issues that come to mind with migrant women are certainly the cultural differences. Taking it back another step, often the men in the family have better language skills and have opportunities to develop those skills more, so sometimes when we do see these women they often want their partners to come with them so we will see couples. Because of the language and cultural barriers, often the women do not really get a voice in the same way. That is an issue because clearly they might be limited in what they can say in that environment, so that is one thing. Certainly another thing that comes to mind are some recent cases of assault locally against women from other countries. It is difficult to know, but there are theories around what is happening on that level. We would link it more to probably that people might see that group of women as more vulnerable and so it's their vulnerability that puts them at risk.

Mr HALL - I suppose you would get referrals from the Hobart Women's Shelter and those sorts of organisations?

Ms CAMPBELL - Yes.

Mr HALL - Going back to Jim's original question, do you think statistically or anecdotally there is increased violence towards women in the community?

Ms CAMPBELL - It is hard to know whether it has increased -

Mr HALL - What's your gut feeling?

Ms CAMPBELL - or whether it is being more reported because the issues are talked about more. My gut feeling is probably no, not necessarily towards women particularly.

Perhaps in different areas in the community it might be, but I wouldn't say necessarily the level of violence is rising but there is much more awareness, more support out there and it is more culturally acceptable for women to do something about it if they are in that situation. When you look at statistics it would look as though there is more violence happening in that way.

CHAIR - What about the family violence aspect? That legislation now is five or six years old approximately, did you have any influx coming for assistance after that legislation came in?

Ms CAMPBELL - It is not our specific area. We would see women coming probably as a second step - they might come to us for different kinds of support. I think the family violence legislation has been a really good thing generally. From what I understand, I think the people working directly at the coalface would say that there are a lot of good things happening but the difficulty is coordinating a lot of that work, particularly at the higher levels - legislative and policy levels - a bit more so than on the ground.

CHAIR - It seems to be that on a number of occasions the matter might go to court and by that stage things have cooled down and the parties want to get back together again. As you know, there are committees that are set up and before any of the bail conditions or whatever it might be are taken away they have to go back before a committee. The committee then looks at them and, after looking at all the information, can say to a court whether the conditions should or should not be imposed. You have the male saying, 'I know I've done wrong but I just want to get back together again' and the female is saying, 'We just want to get back together and we want our relationship to last. The longer we're apart, the harder it's going to be'. Do you have any people coming to you and discussing that? I have had a number of people talking about it and the female says, 'I don't like what happened' - and nobody condones what happened - 'But all I want is for him to get some help so it doesn't happen again because I want to continue my relationship with him'.

Ms CAMPBELL - Again, I don't have any direct experience of women coming and talking about that exact issue. The legislation has its review processes and those sorts of issues are no doubt being raised. There is work being done to try to finetune that sort of thing. We can do things directly to tinker with that process but it has to be balanced with broader strategies so that the couple don't get to that situation in the first place.

We very much focus on that at the Hobart Women's Health Centre because we're not a crisis service and also because we believe in that side of things - raising awareness about these issues and the way they manifest in our society, the dynamics of discrimination and the status, the way we value different people or different groups of people in society. I think that discussion has to be had in a real way, along with programs of education and training. We also need a lot broader focus, such as looking at the environment we live in, and all that stuff. We really have to start putting funds behind that, making some real connections around that, rather than focusing specifically on groups and particular issues. Even though there is always going to be a lot more work to do on that level, and there will always be different target groups putting their hands up to be heard, that is only one-half of the scenario and I think we have focused on that to the detriment of a broader approach. Without that, we won't make any real inroads into reducing levels of violence.

Mr DEAN - A question in relation to alcohol and drugs: have you seen a greater requirement for support and assistance in those areas with people over a period of time, or is that not the case?

Ms CAMPBELL - Again, I wouldn't necessarily say that's increased or decreased. Alcohol and drugs have always been interlinked.

Mr DEAN - Is it fair to say that has been a major part of the support or people coming to you for support or assistance?

Ms CAMPBELL - Yes, I would say that definitely, that somewhere in the mix, in the scenario, there would certainly be drugs and alcohol involved. Whether that's from a coping mechanism angle or whether that's part of the actual reason why the abuse is occurring is another issue.

Mr DEAN - Do you have a view on what might happen in that area to assist or support?

Ms CAMPBELL - With the use of drugs and alcohol into the mix, I believe that will always remain a problem until the underlying issue of why someone feels the need to use drugs or alcohol to cope is addressed. Often the addiction is gambling or spending money - there is a whole range of areas. In some ways it doesn't matter what people do, it's about the need to do something in an addictive way. Again, that gets back to the same issues about a sense of self-esteem and how empowered someone feels in terms of coping with life's situations. It's about raising awareness of other ways of coping and dealing and supporting people to make those changes in their lives. I would focus on that, not so much the actual use of drugs or alcohol, or whatever it might be.

Dr GOODWIN - I want to pick up on a couple of themes in your original report, Julianne, around the objectification and sexualisation of women, particularly girls, and also the issue of empowerment. One of the things I have been hearing lately is that there is an expectation of young girls, amongst young men, that they will freely engage in some form of sexual activity with them at parties and things like that, and that is becoming quite the norm. I guess what I am concerned about is whether these expectations that young men have that are being placed on these young women and they are feeling that they need to do that in order to be popular and successful in life, whether that is leading to an increased incidence of what could be seen as sexual assaults and whether that is an area that you think needs to be addressed.

Ms CAMPBELL - Yes, certainly I think that is an area that does need to be looked at a lot more. Certainly we need to do a lot more work to understand what is going on there. Also, on a local level too, I want to stress that as well, we can certainly look to other areas to help us frame how we might approach it, but I think there is a need for a huge amount of research on a local level to ask people and, in this case, young people, what is going on. As I said, we can look at other research and theories and see what they are saying but I do not think we can assume that is the same for our local communities. That is one thing.

That goes for anything we are looking at. I did not mention local research in the paper but I think that is an important aspect that we really do need to support more work in that area.

Again, it is such a hard, complex area but I would tend to, again, put programs in place that get young people talking about the issues that are directly related to them but also, at the same time, looking at broader strategies that talk about why do we not respect someone's opinion or if they want to change their mind or do something, why don't we respect that and why is there pressure to perform and those things. It gets back to talking about what sort of society we want and all that stuff about skills of critical thinking and feeling confident. People, I think, will go along with what is happening if they do not feel that they can articulate or even think about other options. So our important role would be to help them get the skills to frame that up and be able to think for themselves more about what they need, what their needs are, what they might want and, again, that gets back to skills in terms of recognising your own feelings. These all get back to talking to young people about ethics and philosophy and those areas where critical thinking is developed anyway because of issues. But I think we have a real lack in our society of focusing on that stuff. We are very task-oriented rather than process-oriented.

Again, it is hard to make specific comment on that but I think it relates very much to those broader issues. If we can make any real inroads there, issues such as sexual violence, but other types of assault and other issues in society, I think we would be halfway to dealing with them. Then we could look at them specifically.

CHAIR - Thank you, Julianne, for coming along. Thanks for giving us your paper and then speaking to it. It was very helpful and what we are going to do now is listen to all the evidence and then we will come forward with some recommendations after we have done all that. I cannot tell you when that will be but you will get a copy of our report.

Ms CAMPBELL - Thank you very much for the opportunity.

THE WITNESS WITHDREW.