



## **DAVID MORRIS MP**

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**Shadow Parliamentary Secretary for Environment**

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### **Justices Changes No Answer for Rising Tide of Violence**

**Legislative Assembly 14<sup>th</sup> April 2010**

**Mr MORRIS** (Mornington) — The introduction of this legislation is evidence of the absolute policy failure of the Brumby government when it comes to law and order. It is a reluctant and grudging admission that we have a problem with violence and drunkenness and that violent crime is out of control in Victoria.

The bill amends a number of acts, it amends eight principal acts. It is a real grab bag of measures, some of which are better than others.

I suspect some have been included because if they were introduced as amendments in their own right it would draw attention to the shortcomings of the policy. The provisions have been included in this omnibus bill with the clear intention of clouding the effective outcome of the bill.

Regardless of the merit of some of the proposed changes, it would be better to limit the damage in the first instance. If the government had in place an effective policing strategy, if it had in place appropriate measures to ensure good order and public safety, that would ensure that we had fewer victims in the first place. The measures are welcome, but they are a very small step in the right direction.

I turn to the detail of the bill. Part 2 deals with issues related largely to victims of crimes. It amends the Sentencing Act and the Children, Youth and Families Act. In the first part it is essentially about victim impact statements and making their use easier and more effective. It is about ensuring that the statements are able to be read aloud in the court, that they can take a non-written form, and that the courts have discretion to deal with these matters in a far more sympathetic way than was previously possible.

I have no doubt that having this process in place will be of assistance — probably some therapeutic assistance — to victims of crime. I support the clarification and extension of the rights of victims in this regard, but I think it is also important to make the point that very few victims take advantage of the opportunity to make these statements in court and therefore derive the therapeutic benefits from doing so.

Unfortunately, this bill does very little in the way of facilitating the making of more statements. It clarifies the process and improves it, but it does not make it easier, nor does it encourage people to actually take the plunge, make the statement and derive the benefit.

Part 2 also makes changes to the Victims of Crime Assistance Act, extending considerably the options of the Chief Magistrate to delegate powers. It was interesting that in his second-reading speech the Attorney-General referred to the increased demands for Victims of Crime Assistance Tribunal services. I had a little difficulty reconciling this increased demand for VOCAT services with the alleged reduction in the crime rate. Surely if the crime rate was going down there would be a lessening of demand, but the Attorney-General confirmed that the demand has in fact increased. The changes also provide assistance for safety-related expenses, and I think that is welcome as well.

Part 3 relates to amendments to the Family Violence Protection Act and the Stalking Intervention Orders Act. As I understand it they are essentially technical matters. If they improve the operation of the orders I certainly support that.

Part 4 of the bill relates to infringement notices and makes amendments to the Children, Youth and Families Act. It allows the formerly reduced time limits in the Family Court to move back from 6 months to 12 months. The opposition previously expressed a strong view on this, and I think to a large extent our concerns have been vindicated. But of course that is not the only relevant part of the discussion. I want to refer to a report of the Drugs and Crime Prevention Committee released in July 2009.

**Ms Beattie** — Good committee.

**Mr MORRIS** — An excellent committee, as the member for Yuroke says by interjection.

In the final report of the inquiry into strategies to prevent high-volume offending by young people the committee made recommendations including recommendation 21, which reads in part:

*... in those cases where young people have been formally processed for a first offence they have their matter heard for first mention within two weeks of charges being laid.*

The government decided that the two-week time frame was not practicable, and I am certainly more than happy to concede that, but its response went on to indicate that since the time frame was being reduced from 12 months to 6 months essentially all would be well. I accept that it may take time for the process to commence, but unless we deal with these cases with the kids in a timely manner effectiveness will be lost, and unfortunately this is not a step in the right direction.

In the course of the same report and on the same subject, the committee notes that the president of the Children's Court, Judge Paul Grant, was:

*... concerned about the number of young people who have attended the Children's Court due to relatively minor offences ... particularly ... transit offences.*

The committee's response to that was to suggest that perhaps people under 18 should travel free. The government rejected that suggestion, and I am not at all surprised,

because apart from anything else there are obvious budgetary implications. Unfortunately the government failed to address the substance of the issue. We now have an overloaded Children's Court and a president of the court who considers there is limited value, to put it politely, in many of the prosecutions, but we have now had to extend the time frame back again to deal with that.

That brings me — belatedly — to part 5 of the bill. I was interested to note that this was the part on which the Attorney-General's second-reading speech was shortest. This part deals with liquor and disorderly conduct, and I would have thought it would have received more attention since street violence is endemic in towns and cities across the state.

Division 1 of part 5 of the bill deals with changes under the Liquor Control Reform Act and extends the banning provisions from 24 hours to 72 hours. I think there is considerable practical difficulty in this provision. The member for Essendon referred to some research that I was involved in along with her, the member for Yuroke and others in Geelong. There are considerable practical difficulties even in extending the banning notices to licensed premises, let alone to a much broader geographical area. The member for Essendon rightly said these things can work in a limited space — and Geelong is a relatively limited space compared with Melbourne — but there are considerable practical difficulties in other cases.

Finally, I turn to division 2 of part 5 of the bill. Casting my mind back to 2001, I recall that the then Drugs and Crime Prevention Committee brought forward a recommendation that sections 13, 14 and 16 of the Summary Offences Act should be repealed. The Attorney-General in a press release applauded the recommendation and undertook to respond, as is appropriate, but was very keen to proceed with that. These are in fact the very provisions that we are extending this evening. Clause 50 extends section 13 of the Summary Offences Act. When the committee proposed that it be abolished the penalty was 1 penalty unit; it is now up to 4, and it will be increased to 8. The same applies in regard to section 14. The penalty then was 1 penalty unit; now it is 5, and under this bill it will go up to 10. Clauses 52 and 53 deal with other related matters.

The bottom line is that this government's refusal to address changed circumstances and its failure to recruit sufficient police have led to the epidemic of violence enveloping this state. If we cast our minds back to 2001, in the immediate shadow of the Kennett government, we were at the point where the drunkenness provisions could almost be written out of the system. We have now increased the penalty 800 per cent. The true legacy of this government will be the unchecked rise in the high tide of violence on the streets and in the cities and towns across this state, and this bill will do nothing to undo the damage.