



EXTRACT FROM  
PARLIAMENTARY DEBATES

***HANSARD***



***Mr CARROLL***  
***Niddrie***

***CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016***

***Second reading***

***Thursday, 14 April 2016***

*Second reading*

**Mr CARROLL** (Niddrie) — It is my pleasure to rise to speak on the Confiscation and Other Matters Amendment Bill 2016. I will begin where the member for Hawthorn left off when he said that the government needs to make a decision on whether or not it is going to have a ‘piecemeal approach’ on these things. Only in the last sitting we debated reform to fines. The member for Hawthorn came in here, and his proposed reform to fines was that if you have done your jail time, then the fine should still stand.

He could almost change his title from being the member for Hawthorn to the member for 7-Eleven Hold-ups, because if people do their time, they should be given a second chance. On this side of the chamber the Labor Party believes in second chances. If you do the time in jail on paying off your fines, the fines should not have to stand when you leave. We are very happy we defeated the member for Hawthorn. He probably does not have too many defeats, but that was a good defeat, and we are very proud on this side of the house to have a great agenda in the law and order space.

**Mr Pesutto** interjected.

**Mr CARROLL** — For weeks we have had to put up with your criticisms on the police portfolio. You are ignorant. You don’t know what you’re talking about.

**Mr Pesutto** interjected.

**Mr CARROLL** — We had \$2.5 billion in the first budget and 700 personnel — and the member for Hawthorn wants to talk about enterprise bargaining agreements. It could not have gone more perfectly with Minister Noonan and Police Association Victoria. It was signed, sealed and delivered. It was a credit to him and is his legacy.

**Mr Pesutto** interjected.

**Mr CARROLL** — You do not have to take my word for it; you can take the police association’s word and the press release it has put out about the relationship it has with the government and the work we are getting done.

We are making sure we get it right, whether it be through the confiscation laws that we are debating right now, whether it be about family violence or whether it be about the drug ice. I know the member for Bendigo West is in the chamber, and she is very big on sniffer dogs.

**Ms Edwards** interjected.

**Mr CARROLL** — We had a whole parliamentary inquiry into the drug ice and the best those opposite could come up with was to introduce more sniffer dogs. We have got a whole agenda, led by the Premier, targeting crystal methamphetamine production, and it goes again to the heart of this legislation as well, in terms of our confiscation laws and what we are doing to make sure we get down and stop — —

**Mr Pesutto** — What have you done to attack ice?

**Mr CARROLL** — We have done a lot of things, and my predecessor has also, including the introduction of the Drug Court in Dandenong. If you want to put our agenda up against yours, I will have ours any day.

We are doing everything we can, and the member for Hawthorn can advertise for the Leader of the Opposition’s job all he likes. He has still got to nudge out the member for Malvern, but we will see how he goes. We are very proud of this legislation, and we are very proud of delivering in our society on community safety. The member for Hawthorn has vacated the chamber; that is just the way it goes. He might have a glass jaw like the member for Malvern.

This legislation is very, very important. It is about making sure that we have confiscation laws that ensure crime does not pay. The Attorney-General should be congratulated on bringing this legislation forward. It does correct some anomalies that came to light in an interstate court case, and we are making sure now that there are no anomalies and that our amendments to the Confiscation Act 1997 are right, because this legislation is very broad. It

does deal with a lot of important amendments to various pieces of legislation, including the Confiscation Act and the family violence act.

What a week this government has had. We have had a record investment of \$572 million to prevent family violence. Just on the weekend we had the biggest injection of funding into elective surgery ever in Australia's history. Today we said we will go it alone on the western distributor. We are getting on with doing what we need to do in terms of reform. I am proud to be part of a government that since day one has put family violence at the top of the agenda. We are making sure that we will deliver those important reforms. We were all in here to hear Rosie Batty and Kristy McKellar speak. They were heartwarming speeches that were almost difficult to listen to. Family violence is part of this legislation, if you read the bill, and it is important that we get on with delivering these reforms and making sure our community is safe.

I am also very proud, because whether it be organised crime or whether it be making sure our confiscation orders are working at their very best in the 21st century, the Andrews government has worked very closely with Victoria Police to ensure that the police have the powers to better combat criminal gangs. Criminal gangs are something that did come up in the Law Reform Committee inquiry into crystal methamphetamine in terms of their proliferation and the way they often prey on some of the most vulnerable members of our community, our Indigenous communities and our young people, often those who are under the age of 16, and cannot get caught in the net as much as some adults do in the criminal justice system. We have a real challenge here.

I was with the member for Broadmeadows and the member for Narre Warren South at the Broadmeadows police station only this week. We had a great session. We saw firsthand some of the challenges in that part of the community and heard firsthand what the police are doing. They should be congratulated for their hard work and efforts. They have the support of the government, and they could not have been more happy with the way we are working with them. We are giving them the resources they need. I was down at Colac only last weekend. The police, whether it be in the suburbs or in the regions, are very happy to be working shoulder to shoulder with the government in making sure our law enforcement and our community safety is at the forefront of our agenda.

I did talk about the amendments to the Family Violence Amendment Act 2014 that this legislation is making to establish a process for interim violence intervention orders to automatically become final orders without a further court hearing. When it comes to intervention orders this government is going to make sure that they are as strong as possible. I had the pleasure only recently to be out at the Neighbourhood Justice Centre — another legacy of my predecessor — where we are making intervention orders electronic and as speedy as possible to try to ensure that women and children are safe. As the Premier said recently when he released his \$572 million package for family violence, we want to make sure that they are well and truly worth the paper they are written on. It is incredibly important that there is the power to protect women and children.

I am also very proud that the Premier has accepted all of the recommendations of the Royal Commission into Family Violence and has already committed to some 65 of them with that \$572 million package — and it is great to have opposition support on this. We are going to see an incredible reform in this area over the coming several months.

In my concluding remarks I think it is important that I highlight what is said in an article by Matt Johnston at page 11 of the *Herald Sun* headed 'Crooked house blitz — Legal attack on property bought with dirty cash'. The article says:

Big-wig criminals who have been paying off mortgages with dirty money would lose those homes under laws to be introduced to state Parliament.

This is an incredibly important decision. If you have taken out a loan and repaid it over time using the proceeds of crime, it could have been seen as being lawfully acquired. We are reversing that, and we are making sure, as the Attorney-General was quoted as saying, that:

Victoria now has one of Australia's most comprehensive sets of confiscation laws, further depriving criminals of their ill-gotten gains ...

Strengthening our existing laws will make it easier for Victoria Police and the courts to restrict the activities of criminal organisations and shut down their operations.

In the minutes I have left I need to pull up one of the issues that the member for Hawthorn raised. He has raised this on several occasions. He keeps raising baseline sentencing. That issue is now at Monash University with Professor Arie Freiberg. Why? Because those opposite cannot get their legislation right. They wonder why they are one-term wonders. I remind the member for Box Hill that he botched it. What did the courts say? They said it was unworkable. We want to have workable legislation. When they were in office they changed the sentencing practice — it was called baseline sentencing — and what did the Court of Appeal say? It said it was invalid. That is a mess of their own creation. We will have to fix it. I know the Attorney-General will fix it, because he needs to.

**Mr Watt** — Well, fix it then!

**Mr CARROLL** — We are fixing it. We are waiting for Professor Arie Freiberg's report, and then we will get on with it and do it. We will work with the Office of the Chief Parliamentary Counsel to make sure it knows what it is drafting this time so we do not have a botched piece of legislation that the Court of Appeal declares unworkable. We want to make sure that our legislation is rock solid and does the job that it is intended to do.

The Sentencing Advisory Council has done its work. The bill will make sure that we can promote public confidence. We are very confident with the process we have undertaken to fix up again the previous government's mess in botching law and order. Baseline sentencing is one. I could go on and talk about others, but we are getting on with it — community safety and police resources. I cannot wait for the next budget. We put \$2.5 billion for police in the first budget.

**Mr Watt** interjected.

**Mr CARROLL** — We know the member for Burwood's obsession with the previous member for Burwood. He does not belong on the front bench. He should get back to where he belongs in the fourth row. If there were 20 rows, he would be in the 20th row, I can assure members. I commend the bill to the house.