

Legislative Council

13th February 2008

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

The Hon. A. BRESSINGTON (17:59): I rise to support the Criminal Law (Sentencing) (Victims Of Crime) Amendment Bill. No doubt many of us in this place have at some time in our lives experienced being a victim of a crime, either by being personally affected or knowing of a family member, colleague or friend who has been directly a victim. Crimes can have a troubling impact at the lower end of the spectrum, such as theft of property, and at the more serious end can have a traumatic and devastating impact, such as those cases where physical violence has occurred.

I support any legislation that strengthens and supports the rights of victims and enables offenders an opportunity to truly grasp the gravity and magnitude of their offending. However, I have two problems with this bill. First, it is restricted to those who have been the victim of a sexual offence or to an appropriate representative such as a relative of a victim killed or incapacitated in the course of a crime. Secondly, the bill acknowledges the victim only once their matter is placed before the courts, which is all fair and well if as a victim you are one of the unlucky few whose case is serious enough to warrant the police resources of detection and investigation to bring a sound, if not watertight, case to the courtroom in the first instance.

Unfortunately, I have discovered that many victims in the community are not acknowledged as being victims at the very beginning of the process when they have first sustained an injury or a loss. Similarly, there are countless crimes in which the consequences to the victim may be so enormous as to affect them forever. This bill offers nothing to the family of six whose \$40,000 van is written off due to vandalism, or the parents of a runaway teenager who has been supplied drugs by a local dealer.

Since August last year, a member of my staff was a victim of what appeared to be petty theft, predominantly of CDs, DVDs and mobile phones, amongst an array of other small household items. The offender was well-known to the staff member and a frequent visitor to their home. Although personal items, including jewellery, were stolen, no one item was worth more than \$200 and, as the theft took place over some months, it was difficult to prove that the items had been stolen, as opposed to lost, and who had actually stolen the items in that time.

In fact, when the staff member made a police report it was made clear that the police considered the theft to be petty crime and barely worth providing resources to pursue it. It was not until a unique and personal item was identified at a pawn shop linking the item to the staff member and the suspect that the size of her offending became apparent. The staff member had lost goods valued at over \$5,000 made up of small items.

Since that time two other victims of the offender have been identified but not before the staff member had to carry out her own research and policing to prove who the offender was, what had been stolen, where the items had likely been sold, and over

what period of time and on what dates. In fact, more than two weeks after the initial report and proof of the stolen items were supplied to the police, the police did not interview the suspect, arrest her nor search her premises for other stolen goods likely to have been in her possession (one of which would have been a video camera stolen from my office and purchased on my global account).

What is more, my staff member had to effectively coerce the original investigating officer to do his job, often under a great deal of duress, and only to be told that he could not tell the victim how the investigation was progressing and at what point they were in their investigation. At other times during this process the victim was made to feel that she was obliged to justify why they were conducting their own investigations into the theft in the first place, which included buying back stolen items that remained on sale in the pawn shop for four days after police should have routinely required the pawn shop to cease trading in those items. So much for victims' rights!

In fact, when this victim pointed out to the investigating officer that the investigation thus far was so poor that it was doubtful that the police had the will to charge the offender and that, even if police were to charge the offender, a conviction would not stick due to the massive holes in their chain of evidence, the officer became indignant and berated the victim for telling him how to do his job rather than being motivated to do it competently. The state of play currently is that the victim is left with a potentially watertight case that has been undermined significantly by a half-hearted, sloppy and inept police investigation.

The range of excuses given have been the typical ones: 'We are under-resourced and understaffed,' 'We have other priorities,' and 'It's been too hot to go out and get statements from witnesses and other victims.' So, again, the prosecution of this offender is doomed never to succeed, despite the police being supplied with proof of the fact that a crime had been committed; the known residential addresses and other contact details of the offender; many dates when the offences had been committed; names and identifying details of the offender's other victims; and even pawn shop dockets with her name and address on them, showing that she had traded in these stolen goods, which were provided to us by four pawn shop owners and handed over to the police. In fact, it would be fair to say that the majority of victims in the community are rarely able to supply such extensive information about the crimes committed against them.

Although many weeks have passed since the theft was first reported, it was only after a change of investigating officers to one more conscientious and motivated to do his job (after, of course, my staff member mentioning that we would take this to another level) that two of the offender's victims finally had a small number of goods returned. However, many others have not been returned; in fact, some of the other items that were eventually returned were items that the victim had not even realised had been stolen.

Some of those items even carried the victim's name, address and telephone number and, clearly, it had not been followed up by questioning the pawn shop owner, who was clearly happy to receive the goods without further question. In the case that I have described, the victim is not interested in punishing the offender, but has offered to assist them with rehabilitation and counselling. However, as the victim is not

recognised by the system as a victim, the opportunity will elude them and deny the offender the knowledge that she can have access to possibly the closest next of kin she has known since childhood.

I would also like to place on the record the details of the video camera that was stolen from my office by the same person. It was up to my office to circulate the serial number of that video camera. I was under the impression that the police had a screen that they could pull up in their office from which they could check the serial number of stolen electronic equipment such as this and be able to trace which pawn shop it was registered at to be sold. No such investigation took place. As a matter of fact, I was told that, if I wanted to take this any further, I would have to hire a lawyer and pursue any sort of charge in the civil jurisdiction of the courts, which I find quite amazing.

The camera was worth almost \$1,000 and it was bought on my global account. We ended up having to travel down to Noarlunga to pick up the docket and the camera and return them to the police. Again, the excuse given was that it had just been way too hot to go out and do this sort of policing and, 'We are understaffed and under-resourced, and we just have far better things to do with our time, really.' I find that absolutely unacceptable. I would think that anything stolen from this place, in particular, would be considered to be a serious offence and pursued with the evidence, without the threat of having to go to the media to get some sort of action taken with respect to it.

An honourable member interjecting:

The PRESIDENT: Order! I remind the member that it is the responsibility of members not to let people walk willy-nilly around Parliament House unsupervised.

The Hon. A. BRESSINGTON: That was not the case.

The PRESIDENT: Quite often a number of strangers walk around Parliament House unsupervised.

The Hon. A. BRESSINGTON: That was not the case. She was contained in my office.

The PRESIDENT: I am taking the opportunity to inform all members that there are too many people walking around Parliament House unsupervised.

The Hon. A. BRESSINGTON: That was not the case.

The PRESIDENT: The member is saying that the video was stolen from under her nose.

The Hon. A. BRESSINGTON: A staff member left my office to get her a drink of water. She got into my cupboard and stole the video. That is not the issue. The issue is the fact that we had the serial number and we reported the serial number to the police. There was no follow-up and no investigation, and it was left up to my staff to track down that serial number, travel to Noarlunga, pick up the camera and docket, and

drop it off to the police. That is the issue: it is not whether people were walking around unsupervised.

The PRESIDENT: The issue is that we all have a responsibility, not just the police.

The Hon. A. BRESSINGTON: I accept that. If she was left wandering around my office I would not bring up this issue; but she wasn't. Following the passage of this bill, I hope the police minister will take considerable time to examine more closely the police policies and procedures which are serving to delay, protract and inhibit the detection and conviction of offenders, much more so than promising to involve a small and exclusive group of victims whose injuries and losses have been validated by a court in some token capacity, so that all victims are given the opportunity to inform the offender of the gravity and magnitude of their offending.

Debate adjourned on motion of Hon. J.M. Gazzola.