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LAW & CRIME

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One Nation has released plans to lower the age of criminal responsibility, increase sentences and reduce bail, which lawyers say are unworkable and wildly expensive policies.

By Denham Sadler

One Nation's flawed justice system 'rebuild'

One Nation candidates at the party's Victorian election campaign launch.

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Bill Doogue has just spent the day in Melbourne Magistrates' Court.

He describes seeing unwell people being funnelled into Victoria's criminal justice system. Across his three decades as a criminal defence lawyer, he's seen this nearly every day.

In the security line to enter court, he says there were two people who clearly had schizophrenia and others who were drug-affected. Too often, he sees these people sent to prison.

It's a week after One Nation released its 64-page policy document for next month's Victorian state election, where the party is polling to win a historic number of seats.

Crime dominates the document and takes up its first 21 pages. The policies aim to lock up more people, ensure bail is denied more often and lower the age of criminal responsibility to 10.

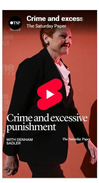
When asked about One Nation's crime policies, Doogue's first reaction is to laugh. "It's just a grab bag of populist things," Doogue tells *The Saturday Paper*. "Everything they say is pretty fucking outrageous.

"All we're doing as a society is funnelling the sick and unwell into the justice system, and if that's a measure of us as a society, then we are not doing well. Everything One Nation is saying increases the pressure into that funnel."

One Nation is aiming to "rebuild" Victoria's criminal justice system. "Victoria cannot fix its crime crisis with isolated amendments or slogans," its policy document says. "We will make Victoria the toughest state on crime in Australia – and we will do it by rebuilding the system that has to carry that promise."

The policies make community safety the main priority in sentencing. They make parents liable for fines and property damage caused by their children and make the person convicted of graffiti or criminal damage clean it up under supervision.

The policy document says Victoria's criminal justice system is "horrendously backlogged" and pledges to create three new magistrates courts, including one operating 24/7, as well as a bulked-up bench of about 30 more magistrates. The aim of this change would be to ensure it takes just 90 days to go from charge to trial for alleged serious violent offences.



According to those working within the criminal justice system, these policies are fanciful and would cost many billions of dollars to be implemented.

"Even to implement the sort of changes needed for charge-to-90-days until trial would require a level of investment and root and branch overhaul that would need every single aspect of the criminal justice system to change," says Felix Ralph, of Marshall Jovanoska Ralph Criminal + Migration Lawyers.

"Anyone who has had any exposure to the courts whatsoever would know it's just not possible. The conclusion I've come to is that either it's a gross miscalculation, which is concerning in and of itself, or it is a deliberate mistruth."

Typically, in these serious cases the disclosure process alone can take longer than 90 days. Doogue says that in one of his current cases it has taken more than 12 months for opposing parties to exchange all relevant material, while Ralph has been waiting 10 months in one case.

"The first couple of months in any case is so they can give us disclosure," Doogue says. "It's not actually going to get your case disclosed within three months in any serious matter."

Ralph says that while improvements are needed in the courts, One Nation's plans would require astronomically high amounts of funding.

"All we're doing as a society is funnelling the sick and unwell into the justice system, and if that's a measure of us as a society, then we are not doing well. Everything One Nation is saying increases the pressure into that funnel."

"There are some sensible policies in there that are based in reality," he says, "but they undermine the rest of it by either including things that are deliberate mistruths or by promising things that anyone with any experience in the criminal justice system would say are not feasible without a multi-multibillion dollar investment."

One Nation has pointed to two key savings to fund its law and order commitments: the first is scrapping the Suburban Rail Loop and the second is abandoning Victoria's Treaty with First Peoples.

The Victorian Parliamentary Budget Office has previously costed both these policies, and found that scrapping the SRL would cost $618 million in the initial year and then lead to total savings of $3.3 billion over the forward estimates, while scrapping the treaty would save $342 million over the forward estimates.

One Nation has also committed to cutting $1 billion in public sector wages over four years.

As the Nine newspapers reported this week, the total savings of $6 billion would not even cover one of One Nation's promised tax cuts, let alone the suite of crime policies and plans detailed in the policy document.

One Nation's policies also include a "substantial" expansion of the state's remand capacity and a commitment to investigating the establishment of a dedicated remand prison outside central Melbourne, both of which would likely cost hundreds of millions of dollars.

The far-right party has not provided any information on how much these policies would cost or how they would be implemented.

The policies in the document "grew out of conversations with people across Victoria", the party says.

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One Nation's Victorian leader, Warren Pickering, says the party's candidates "have listened to the pressures Victorians face and the future they want, and the proposals that follow reflect what those communities have raised with us".

Under its "restore safety" banner, the party's policy document says "the system must be strengthened as a system".

"The system is only as strong as its weakest pillar," it says. "More arrests achieve nothing if prosecutions disappear into an overwhelmed court system.

"Victoria cannot fix its crime crisis with isolated amendments or slogans. We will strengthen each pillar. We are the party of workers and taxpayers who will fix the mess ourselves … We will make Victoria the toughest state on crime in Australia – and we will do it by rebuilding the system that has to carry that promise."

One Nation says it will also automate some administrative tasks within Victoria Police and "use carefully governed AI as an administrative force multiplier" to draft routine paperwork.

The party is also pushing for substantially longer sentences, with a policy to make sentences served cumulatively if there are multiple victims, and an expansion of standard sentencing.

The policy document also claims judges currently have to consider only one reason when deciding a sentence, and that is typically rehabilitation. Ralph says that is not true. "That's just wrong. It ignores the whole instinctive synthesis – that they consider everything."

One Nation's push to lock up more people for longer comes as Victoria's prisons are nearly full and the system is buckling under the rising pressure.

As an example of what could happen if these policies are introduced, Doogue points to the United Kingdom, where overcrowded prisons have led to people getting their sentences cut by half or even two thirds.

"You can increase the penalty but that's just illusionary," Doogue says. "That would be the case in Victoria – there's no capacity to put a lot more people in jail. You can never police your way out of crime. No one has ever done it."

Elections in Victoria are typically dominated by "tough on crime" approaches. Ralph says that beyond the major and unfeasible changes, One Nation's other policies are largely in line with what has been seen from the government and opposition.

"The rise of One Nation is coming out of popular discontent with rising crime, and I understand that, but when you examine the policies and you go, 'Okay, what's it going to achieve?' it's really same same," he says.

"And that's an indictment on all politicians who use the justice system for political pointscoring."

Denham Sadler is a freelance writer.