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THE AFTER DARK ISSUE

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THE AGE

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Justice failing, says crimefighter

- Overland blasts court delays
- Bail for 'hitmen' under fire

By JOHN SILVESTER

VICTORIA'S highest-ranking detective, Assistant Commissioner Simon Overland, says the criminal justice system is failing to cope with sophisticated organised crime and requires immediate reform to avoid permanent gridlock.

Mr Overland says police, witnesses and prosecutors are frustrated that cases are taking years to come to trial.

Highlighting "chronic" problems in the justice system, Mr Overland has told *The Age*:

- Nine underworld murder victims were on court-approved bail when they were shot dead.
- Four hitmen are suspected of carrying out murders while on bail over serious charges.
- Magistrates' committal hearings are obsolete and unnecessarily delay jury trials.
- Suspected drug dealers bailed by courts continue to traffic to pay their huge legal bills.
- Some lawyers have crossed the line and become silent partners in organised crime syndicates.

It is impossible to keep bailed suspects under surveillance when cases are delayed for years.

"There are chronic, systemic problems that need to be addressed," Mr Overland said. "The system deals with a large number of cases but it is the top-end ones that cause problems."

He said there may be a need to develop a "fast track" court process in cases where there were concerns for the safety of witnesses or defendants, suspicions that offenders were attempting to delay the system or fears that suspects' assets were being siphoned away before they could be seized.

He said Victoria might also need a dedicated secure court to deal with organised crime. Mr Overland called for a summit involving representatives from all criminal justice stakeholders to develop a plan to tackle long-term problems. The conference would include police, prosecutors, judges, magistrates, defence lawyers, prison officials, Government and Opposition politicians and victims.

He said the conference could follow the successful model used by police for their organised crime summit in August 2004. The summit, involving local and international experts, was the catalyst for police to restructure the crime department with a greater emphasis on investigating organised crime.

Mr Overland's call for major court and justice reforms comes a day after millionaire drug trafficker Tony Mokbel was convicted in the Supreme Court of cocaine trafficking.

Mokbel, who had been on bail for more than three years, disappeared on Monday last week, days before the jury retired to consider its verdict.

Police have launched a worldwide search for Mokbel, who is now under investigation for allegedly organising murders while on bail.

Legal sources say that judges and magistrates are effectively forced to grant bail because they cannot allow unconvicted suspects to remain in jail for years while waiting for trials.

Mr Overland said pressure on the court system would increase as police continued to arrest organised crime suspects.

Office of Police Integrity director George Brouwer has also expressed doubts about the committal process. "I think we should bypass, particularly in certain cases, committal proceedings and put the emphasis on direct presentation," he said last year.

Mr Overland said defence lawyers should have access to the prosecution case. "There should be full disclosure but in serious matters we should look at ways to avoid committals," he said.

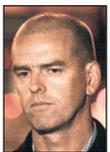
"We are not looking to reduce the rights of people charged but to streamline the system to benefit everyone."

State Attorney-General Rob Hulls said he was prepared to consider reform.

"It is crucial that we continue to work to improve the criminal justice system and reduce any unnecessary delays," Mr Hulls said.

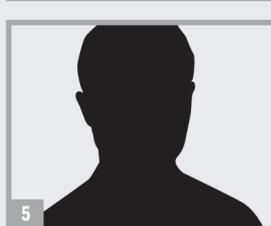
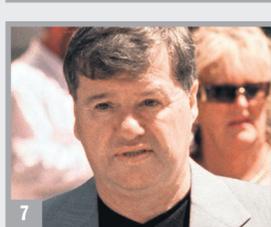
"While we are currently working on legislation to further reform the criminal trial process, including committals, I am more than happy to continue to work with stakeholders on any further initiatives."

Simon Overland



Simon Overland

KILLED WHILE ON BAIL



1. ALPHONSE GANGITANO

Shot dead in his Templestowe home on January 16, 1998.
On bail for: Affray.

2. 'MAD' CHARLIE HEGYALJI

Shot dead in front garden of his South Caulfield home on November 23, 1998.
On bail for: Attempted murder.

3. MARK MORAN

Shot dead outside his luxury home near Essendon on June 15, 2000.
On bail for: Firearms and drugs charges.

4. DINO DIBRA

Shot dead outside his West Sunshine home on October 14, 2000.
On bail for: Attempted murder.

5. PAUL KALLIPOLITIS

Shot in his West Sunshine home. Body found on October 15, 2002.
On bail for: Assault with a weapon.

6. HOUSAM ZAYAT

Shot during a meeting in a paddock in Tarnet on September 9, 2003.
On bail for: Property offences, possessing drugs, attempting to pervert the course of justice.

7. LEWIS MORAN

Shot dead in the Brunswick Club, March 31, 2004.
On bail for: Drug trafficking.

8. TERENCE HODSON

Shot dead with his wife Christine in their Kew home on May 15, 2004.
On bail for: Conspiracy to traffic drugs, possessing drugs and firearms.

9. MARIO CONDELLO

Shot dead in the garage of his North Brighton home on February 6, 2006.
On bail for: Incitement to murder.

SUSPECTED OF KILLING WHILE ON BAIL



10. JASON MORAN

Suspected of killing Alphonse Gangitano.
On bail for: affray. (Later killed in separate incident.)

11. TONY MOKBEL

Suspected of involvement in underworld murders. Believed to have fled country.

MARK MORAN

Suspected, with hitman Andrew Veniamin of killing Frank Benvenuto.
On bail for: Drugs charges. (Later killed in separate incident, see above.)

DINO DIBRA

Suspected of killing "Mad" Richard Mladenich.
On bail for: Attempted murder. (Later killed in separate incident, see above.)

PAUL KALLIPOLITIS

Suspected of killing Dino Dibra.
On bail for: Assault with a weapon, intentionally causing serious injury. (Later killed in separate incident, see above.)

Mokbel's lawyer faces contempt investigation

By STEVE BUTCHER

THE Supreme Court judge in Tony Mokbel's trial has ordered that the missing drug dealer's lead barrister be investigated for possible contempt of court as details of an earlier unrelated courtroom clash between the pair were released.

Justice Bill Gillard yesterday told Con Heliotis, QC, that the Victorian Solicitor-General

would be asked to investigate comments he made to a newspaper last week.

Justice Gillard said he would also refer Mr Heliotis' comments, reported on March 23 in the *Herald Sun*, for investigation by the body that hears complaints against barristers.

Mr Heliotis was quoted last Thursday saying he would withdraw from the trial that day because he could not get

instructions from his missing client.

It was also reported that Mr Heliotis did not know what had happened to Mokbel and hoped he had not met with foul play.

The comments were made when evidence about Mokbel's whereabouts had been suppressed.

Justice Gillard yesterday also lifted a suppression order on statements he made about the

defence team's plan to quit the trial and the terse exchanges that followed between him and Mr Heliotis.

Mr Heliotis opposed allowing publication, saying the exchanges were not part of the trial and would embarrass him.

Last Thursday, Justice Gillard told Mr Heliotis and junior counsel Nicola Gobbo that they had an overriding duty to the court and Mokbel to remain,

despite his absence. Two days earlier, the Victorian bar ethics committee had ruled they should withdraw.

Justice Gillard disagreed with the committee's ruling and said Mr Heliotis' suggestion that he could not deliver his final

ONLINE
▶ See a court transcript at theage.com.au

▶ Continued NEWS 2



Santo Santoro

EXCLUSIVE

By ANNABEL STAFFORD
CANNBERRA

SWEEPING powers to investigate allegations of abuse and inadequate care in nursing homes will be given to a federal body under measures to combat the abuse of elderly people.

The federal Minister for Ageing, Santo Santoro, also flagged a significant funding increase for aged care in the May budget and changes to improve the financial sustainability of high-care nursing homes.

Senator Santoro said the current complaints resolution scheme for nursing homes, which is based on mediation, was inadequate.

"For example (the scheme) has no investigatory powers. It's more about . . . mediation and conciliation and I have always had difficulty accepting that," he said. "I just see difficulty in reconciling the attitude of, say, a rapist, with the attitude of the victim. I think there needs to be a different system that deals with the issue of rape and assault than one that focuses on reconciliation and mediation."

Senator Santoro said he wanted "investigative powers (which would) enable a complaints scheme or a complaints ombudsman to actually obtain evidence". The evidence could be used in criminal proceedings or in "making suggestions to any facility within which the abuse occurs as to how they can improve on their duty of care".

A spokesman for the minister said it had not been decided whether the Government would set up a new federal body or a new ombudsman-type role to administer the new powers, or strengthen the existing complaints resolution body.

Senator Santoro said the overhaul of the complaints system would form a significant part of a reform package, including possible police checks and training for nursing home workers and mandatory reporting of abuse.

This month, Senator Santoro hosted an urgent summit with aged care advocates and industry groups following a number of

▶ Continued NEWS 6

WEATHER
MELBOURNE A few showers clearing. TOP 22
TOMORROW Few showers 21
SATURDAY Few showers 18
SUNDAY Early shower then fine 20
▶ Details PAGE 24

ODD SPOT
It's one of Australia's icons, 340 metres tall and hard to miss, even at night. But despite being 100 metres from Uluru, a NSW tourist stopped a car to seek directions to it on Tuesday. It was a police car. The tourist was over the limit, unlicensed - and busted.

Consumers may pay for Victoria's 'green' power scheme

By MATHEW MURPHY

VICTORIANS may be forced to pay more for electricity under a Bracks Government plan to boost "green" energy output.

The move comes after the Government conceded it would not meet an election promise on wind farm energy targets.

The *Age* believes that the Government will introduce legislation into Parliament before the November election which would require energy retailers to generate a higher percentage of their power from renewable sources such as wind, water and solar.

A state-based renewable energy scheme is likely to be

announced within months in a bid to ensure continued investment in the renewable energy industry in Victoria.

The Government has also promised that 10 per cent of electricity would be from renewable sources by 2010.

Industry experts yesterday said that the promise was more

likely to be fulfilled if a state-based scheme went ahead, but the average household electricity bill of \$800 a year could rise by up to 6 per cent, or \$48 per year.

Energy Industries Minister Theo Theophanous told Parliament this week that the Government would not be able to meet its target of 1000 megawatts of

installed wind power by the end of this year.

Energy companies have installed about 120 megawatts of wind energy in Victoria. More farms designed to produce a further 500 megawatts have been approved, but are yet to be built and commissioned.

Mr Theophanous said the

Federal Government's decision to cap its Mandatory Renewable Energy Target scheme meant it was too easy for energy retailers to meet its requirement of renewable energy. Without a Victorian-based scheme the future of the industry was at risk.

▶ Continued NEWS 2

Wild 1.

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NEWS	
CONTACTS	23
COMICS, CROSSWORDS	22
EDITORIALS, LETTERS	14
OPINION	15
OBITUARIES	16
TELEVISION	23
BUSINESS	
STEPHEN BARTHOLOMEUSZ	10
CLASSIFIEDS	6
LAW LIST	7
STOCKS	8,9
TRADING ROOM	4
SPORT	
CRICKET	10
FOOTBALL	2
MOTOR SPORT	4,5

CORRECTION POLICY

It is the policy of The Age to correct all significant errors as soon as possible. The Age is committed to presenting information fairly and accurately.

LOTTERIES

Wednesday Tattslotto (draw 322): 35, 29, 2, 3, 19 and 20. Supps: 5 and 7.
Super 7's Oz Lotto (draw 632): Division 1, no winner; division 2, \$14,222.50; division 3, \$2788.70; division 4, \$236.20; division 5, \$36.80; division 6, \$18.85; division 7, \$11.75.
Tatts 2 (draw 7543): 97 and 82. Both correct \$1476.
Keno (draw 6304): 1, 9, 13, 14, 18, 20, 22, 23, 28, 34, 38, 41, 51, 53, 56, 67, 68, 71, 72 and 77. Jackpot: \$2m.

READERSHIP

Monday-Friday: 725,000 Saturday: 1,008,000 Sunday 682,000
SOURCE: ROY MORGAN RESEARCH

theage.com.au

YESTERDAY'S MOST VISITED PAGES

1. MCGUIRE HITS BACK AT GAMES BLAST
2. GAMES FISH FIND NEW LIFE
3. SHEDDING LIGHT ON PORT ARTHUR KILLER
4. REVEALED: MOKBEL RUNS FROM MURDER PROBES
5. ACT TO RECOGNISE SAME SEX COUPLES

ONLINE NEWS UPDATES

Go to theage.com.au for breaking news and regular information updates.

Call for adjournment as Interpol hunts Mokbel

By FERGUS SHIEL
LAW REPORTER

THE conviction of missing drug importer Tony Mokbel was highly unusual and his imminent sentencing undesirable, the Criminal Bar Association said yesterday.

Association's secretary Gregory Lyon, SC, said sentencing should be adjourned until Mokbel reappeared so that all the circumstances and relevant sentencing principles could be taken into account.

Mokbel will be sentenced in the Supreme Court today after a jury found him guilty of being knowingly concerned in the importation of two kilograms of pure cocaine from Mexico in late 2000.

The case, which has run for seven weeks, was made remarkable by the disappearance of the accused, the withdrawal of his legal counsel and the discharge of a jury member.

Mokbel, who was last seen by police last Sunday week, is now being hunted by Interpol.

Days before he disappeared, prosecutors asked that his bail be revoked. Now the Lebanon-born property developer, who speaks Arabic, is tagged with an Interpol red notice that seeks a warrant for his arrest.

Former Supreme Court judge George Hampel, former chief magistrate Michael Adams, QC, and prominent barrister Phil Dunn, QC, told *The Age* that the sentencing of a missing person was highly unusual.

Mr Dunn said: "It is unusual but not unique. Our legal system works on the basis that the accused person should be in court to hear the evidence. If they are not available because they are sick or absent it usually stops."

◀ From PAGE 1

Opposition police spokesman Kim Wells supported a crime conference but said it would have to work to a deadline and not become a "talkfest".

"There is a clear community resolve for the court system to efficiently deal with organised



Nicola Gobbo and Con Heliotis, Tony Mokbel's barristers, outside court during the trial. Mokbel will be sentenced today. PICTURE: SIMON O'DWYER

Mokbel barrister may face contempt investigation

◀ From PAGE 1

address to the jury without Mokbel's instructions was invalid. He said that Mokbel's disappearance could be a tactic to abort the trial or, after a verdict and sentence, reappear and claim he was denied a fair trial.

In reply, Mr Heliotis said he

considered Justice Gillard's language unnecessarily strong and "almost offensive".

Mr Heliotis told him it bordered on "fanciful" to suggest Mokbel's intention in disappearing was to get a new trial, yet he would want his lawyers to remain and "make it more difficult for him to get a new trial".

Justice Gillard said: "For you

to suggest that if that is the real purpose of Mr Mokbel's absence, to get himself a retrial, that you shouldn't do anything which might cut across that, you have an overriding duty to the court, and it's not a question of assisting your client to do something that is quite improper.

"Now, do you say that that

was what you were putting to me or not?" Mr Heliotis denied he was and said: "Insofar as (you have) made comments that would seem to indicate that we or I do not understand my duty to the court or in some way are seeking to facilitate any plan Mr Mokbel might have to get another trial, we, of course, totally reject those suggestions."

Justice system failing, says senior crimefighter

◀ From PAGE 1

crime cases," Mr Wells said. He said suspects on bail on serious charges should be monitored with electronic ankle bracelets. "No one would suggest that reporting to a local police station is sufficient."

Law Institute of Victoria chief executive John Cain urged caution about a summit "unless we

understand the precise problems we want to rectify". He also warned that axing committals could clog the system by increasing the number of jury trials. "Cases like Mokbel should not dictate the way justice is administered in this state," he said.

The chairman of the Criminal Bar Association, Lex Lasry, QC,

said the Government should be pressed to give sufficient resources to the criminal justice system, which was becoming clogged with cases that could be resolved earlier.

"The County Court is at breaking point," he said. "We need to properly resource the system so that the cases that can be

resolved earlier are resolved."

Police Minister Tim Holding said Mokbel's disappearance was frustrating to all Victorians.

"We want him brought to justice, we want to see him serve his time in jail, we want him to pay his debt to society and that's why we want him found as quickly as possible," he said.

Sex scandal hits ambulance body

By FARRAH TOMAZIN
STATE POLITICAL REPORTER

VICTORIA'S country ambulance service has been hit by another scandal, after a senior manager was found to have sexually harassed his personal assistant but was allowed to stay in his job.

State Parliament last night heard revelations that the manager of Rural Ambulance Victoria's Mildura branch kept his position despite an investigation substantiating claims that he had harassed his secretary several times in 2004.

Health Minister Bronwyn Pike was made aware of the allegations when independent Mildura MP Russell Savage wrote to her last year, but said RAV advised her that the issues were being resolved.

The Age believes the case centres around claims that the manager, Geoff Thomson, invited his assistant into his hotel room late at night, discussed the genitals of another woman in her presence, and phoned her at home several times late at night.

Mr Savage last night asked in Parliament why the victim was "forced from her employment" as a result of the harassment, while Mr Thomson remained in his position. This was despite an

investigation substantiate the allegations, he said.

"It is now 14 months on. RAV management has actually protected Geoff Thomson over a long period of time," Mr Savage said.

He called on Ms Pike to direct RAV to explain why Mr Thomson remained a regional manager.

The revelations come only days after *The Age* revealed that another senior manager, formerly based in Wangaratta, had been investigated for allegedly forging signatures to get jobs for underqualified "mates". He was allowed to resign before the case was properly concluded.

RAV chief Doug Kimberley insisted at the time that the organisation dealt decisively with internal issues. "If we find any impropriety, we take appropriate action."

But Ambulance Employees Australia state secretary Steve McGhie said: "If the shoe was on the other foot, and serious claims were substantiated against a paramedic, rather than a manager, they would be penalised."

RAV has been under fire in recent weeks over allegations of bullying and equipment shortfalls, such as the lack of a computer-aided dispatch.

Ms Pike will meet RAV chairman Leigh Hocking tomorrow.

Subsidy for green power

◀ From PAGE 1

"Without such a scheme and in the current circumstances (the 1000-megawatt target) probably will not occur," he said.

Mr Theophanous said the Government was closely examining the prospects of a state scheme, but warned it "must stack up in economic terms". He said such a scheme would require legislation and the Government was "finalising matters".

"The objective is to double Victoria's renewable energy sources and establish a renewable energy industry to drive technology and place Victoria as the renewable energy hub in the South Pacific," he said.

Some companies such as Origin Energy have criticised the idea of a Victorian-based scheme, saying the narrow geographic base would force a reliance on wind power.

Opposition energy spokesman Philip Davis said the Government would have to substantially subsidise wind energy because of its cost compared with using brown coal.

"It is clear that the Victorian Government promise on wind energy has run out of puff," he said.

"Even if they did set up a Victorian renewable energy scheme it would not be in place in time for this commitment to be met." He said Victorians would have to prop up the wind industry.

Victoria needs 240 medical school places, not just 10



Victorian figures show we need at least an extra 240 federally funded medical school places in order to ensure we have enough doctors.

Last year more than 500 Victorian doctors retired. But, only around 300 new graduates filled the gap – this gap is expected to grow.

By 2020 there will be about 6 new doctors for every 100,000 Victorians. The average for all the other states combined will be nearly 10 doctors.

Only the Federal Government has the power to determine how many medical school places universities can offer.

The Victorian government is ensuring there is enough funding for clinical and intern places in hospitals.

But there just aren't enough new doctors graduating from Victorian universities to fill those places, so we are relying on interstate graduates to fill vacancies.

Since 2004, the Federal Government has funded 556 new medical places across Australia.

Victoria only got 10 of these.

That's only 1.8% of all new places for a State that has around 25% of the population.

To help ensure there are more home-grown doctors, the Victorian Government will provide up to \$30 million to build teaching facilities for additional medical school places in rural Victoria.

But, unfortunately, this won't help unless the Federal Government gives Victoria at least 240 extra medical school places.

Our future health depends on it.