

Letter To the Editor

Sir

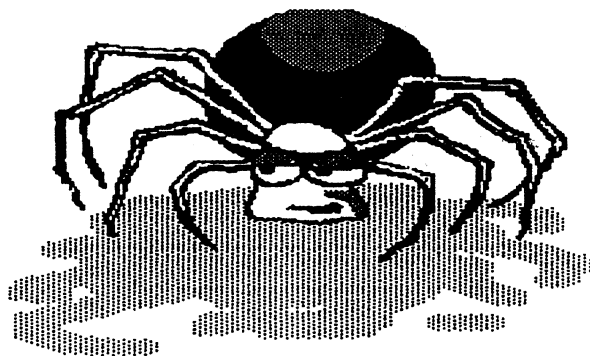
I believe it was a character of Lewis Carroll who said "What I say three times is true". Whatever the provenance of the remark, it seems the Queensland Parliament believes it.

In *Carter's Criminal Law News*, Queensland, May 1998, is a short report of *R v Lowell*, Court of Appeal (Qld), dealing with the encouragement of the imposition of prison sentences on "Serious Violent Offenders". According to the report, s.9(4) of the *Penalties and Sentence Act 1992* as amended now reads:

(4) In sentencing an offender to whom subsection (3) applies, the court must have regard (sic) primarily to the following –

- (a) the risk of physical harm to any members of the community if a custodial sentence were not imposed;
- (b) the need to protect any members of the community from that risk;
- (c) the risk of physical harm to any members of the community if a custodial sentence were not imposed;
- (d) the personal circumstances of any victim of the offence;
- (e) the circumstances of the offence, including death of or injury to a member of the public or any loss or damage resulting from the offence;
- (f) the nature or extent of the violence used, or intended to be used, in the commission of the offence;
- (g) the risk of physical harm to any members of the community if a custodial sentence were not imposed;

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- (h) any disregard by the offender for the interests of public safety;
- (i) the risk of physical harm to any members of the community if a custodial sentence were not imposed;
- (j) the past record of the offender, including any attempted rehabilitation and the number of previous offences of any type committed;
- (m) any medical, psychiatric, prison or other relevant report in relation to the offender;
- (n) anything else about the safety of the members of the community that the sentencing court considers relevant.

Placita (c) (g) and (i) are there, one may suppose, to reinforce (a), perhaps as subliminal reinforcement for speed readers.

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Stipendiary Magistrate

BALANCE

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How They Treat Defendants in Katherine

Mr McGregor, SM is also responsible for drawing our attention to a what he describes as a "wonderful computer glitch" at the Local Court in Katherine on 7 July where a piece of text recommending that defendants undergo counselling in prison kept printing out on Court documents. The example he sent us was on an order made under the *Small Claims Act*, and carried the legend "Recommend that defendant have access whilst in prison to counselling and rehabilitation services as recommended in psychiatric report and pre sentence report".

Mr McGregor wonders whether the Australian Plaintiff Lawyers Association disclaims responsibility.

Plain Speaking

Mr Junior Silk's (Michael Colbran QC) Bar Dinner Speech at the Annual Victorian Bar Dinner produced this particular tribute to Her Honour, Judge Pannam.

"Her Honour was once called upon to advise a wife who was divorcing her second husband. The wife had a son by her first marriage, the father wouldn't support the child because she had remarried. The second husband wouldn't support the child because it was not his child. Her Honour reassured the wife saying, "Don't worry Leanne, we'll deal with this prick first then we'll deal with the other berk" – or words to that effect."

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