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RE: PROPOSED BASELINE SENTENCING AMENDMENTS

Dear Sir/Madam,

I refer to your request for submissions on proposed baseline sentencing in criminal matters.

I am currently practising as a solicitor, specialising in criminal law matters, with forty years' experience, seventeen years of such as a member of the Victorian Bar. I have perused the "Baseline Sentences Issues Paper" and the "Statistical Report" recently forwarded to me.

It is my view that baseline sentencing is unnecessary, unproductive, and unjust. Firstly, it encourages a court to consider jail as a "starting point" in any sentencing procedure, where baseline sentences are prescribed.

It also takes from the Sentencing Court its non-custodial option, to the extent that it implies that in all but the most unusual circumstances, a particular term of imprisonment is appropriate.

In my over forty years in practice as a Criminal Lawyer, involving thousands of appearances in all jurisdictions, I can say that only in the rarest of cases have I noted an unduly lenient sentencing procedure. There is of course the avenue of appeal, open in such circumstances.

I regard the proposals recently mooted as blatant political opportunism, designed to convince the public (which are so grossly misinformed by the press) that the Government is "tough on crime" and thereby ~~gain~~ public support.

The Sentencing Act in Section 5 thereof interalia sets out no less than seventeen considerations a court must observe in sentencing. There are also myriad Common Law precedents which a court must take note of before passing sentence. The above mentioned Legislative and Common Law directions in my opinion are more than adequate to guide a Sentencing Court to a just and appropriate disposition.

I suggest that if reformative measures are to be implemented, they concentrate on endeavouring to reduce the level of offending before it initiates, by appropriate social welfare measures, by education and example, particularly where young people are concerned.