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Magistrates Chambers

Central Law Courts
30 St George's Terrace
PERTH WA 6000

BY: *G. G. Gould*

Committee Secretary
House of Representatives Standing Committee on
Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

RE: Inquiry into crime in the community, victims, offenders and fear of crime

I enclose a copy of my earlier e-mail and submission relating to fines enforcement sent to your committee in recent weeks.

I now enclose a copy of the following;

1. Discussion paper – sentencing of multiple offenders in WA – 15 July 1998.
2. My decision dated 26 July 1999 in which I first publicly raised my concern about victims of crime being adversely affected when concurrent sentences are imposed.
3. Discussion paper re: MORO –v- The Queen, which raises concern re the use of the totality principle in sentencing – the paper also raises concerns re the present approach of suspending drivers licenses for non-payment of fines.
4. Transcript of sentencing remarks in the matter of Dixon in July 2002 in which I departed from the practice of imposing a concurrent sentence for multiple burglary offences. This decision is now the subject of an appeal to the Supreme Court of Western Australia. (Appeal No. SJA 1088/02)

The thrust of my view is that concurrent sentences tend to send the wrong message to both the victim and the offender. I would be pleased to put these views to the committee in person if it visits Perth

I should make it clear that I recognise that the Commonwealth Parliament has no power to make laws relating to offences against State Law; however taking a long term view, I believe there is a need for the States to adopt uniform legislation in regard to basic matters such as traffic offences, burglary and sentencing of offenders for those offences.

Yours faithfully

IG Brown
STIPENDIARY MAGISTRATE

2 August 2002
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