Your ref: 592302/1; 5188417

29 June 2020

Mr John Robertson
Chair
Queensland Sentencing Advisory Council
GPO Box 2360
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By email only: [redacted]

Dear Chair

Re: Penalties for assaults on public officers review submission

The Bar Association of Queensland ("the Association") welcomes the opportunity to provide feedback on the Penalties for assaults on public officers: Issues Paper. This submission has been prepared by members of the Association's Criminal Law Committee. Adopting the numbering of the List of Questions in the Issues Paper, the Association provides the following responses.

1. **Should an assault on a person while at work be treated by the law as more serious, less serious, or as equally serious as if the same act is committed against someone who is not at work, and why?**

An assault at work has particular aspects of seriousness. Work is the way in which livelihoods are earned. Upon a person being assaulted at work the consequences may well be an inability to continue in that employment for a period; which has ramifications upon the individual and potentially the welfare system. However, "work" is difficult to define. There may be inherent unfairness in extending a charge to some categories of employment to the exclusion of others. All persons "going about their business" have the right to personal safety. It is the nature of the work being undertaken that may provide sufficient reason for the law treating assaults on such workers more seriously than other assault offences. The nature of the work undertaken may mean the person has exposure to an increased risk of assault. Alternatively, it may mean that there is significant public interest in ensuring the safety of those acting in the course of an important public duty such that assaults on those persons ought to attract an aggravating circumstance and exposure to a higher maximum penalty.

The Association considers that, ultimately, such matters lie within the province of policy and are for the legislature. It should be observed that the fact that the victim of an assault was assaulted in the course of their employment and any consequences of that are, at present, circumstances that are routinely taken into account in the determination of penalty by the courts. The circumstances of such assaults are considered as aggravating features of the offender's conduct.

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2. If an assault is committed on a public officer performing a public duty, should this be treated as more serious, less serious, or as equally serious as if the same act is committed on a person employed in a private capacity (e.g. as a private security officer, or taxi driver) and why?

The Association recognises that there are many categories of persons who are in employment and provide services placing them in positions of vulnerability to assault (such as taxi drivers or convenience store operators). That position of vulnerability is already recognised within the ambits of the common law and current sentencing practice as elevating the criminality of the offender's actions. These considerations effectively result in higher levels of penalty. Whether assaults upon public officers should be treated more seriously than assaults on workers who are not public officers is primarily a matter of policy for the legislature.

3. Should the law treat assaults on particular categories of public officers as being more serious than other categories of public officer, and why?

Depending upon the circumstances, the law presently may treat assaults upon particular categories of public officers as being more serious than other categories. This is because of the following factors:

1) They deliver an essential service to the operation of the community;
2) They have regular exposure to dangerous situations whereby they are exposed to other persons and physical assault;
3) They deliver that service within a public framework whereby they are publicly funded and often cannot refuse to perform the work;
4) They deliver a service which often receives resistance from persons in the community; and
5) A clear message should be sent that assaulting this category of public officers will not deter the delivery of these services nor intimidate those public officers by preventing the performance of their tasks.

These factors are taken into consideration in the judicial evaluation of the circumstances of the offence and the weight to be accorded to general deterrence within the sentencing process.

Looking to the legislative framework of other Australian states and territories, relevant categories of public officers that have been recognised as deserving of specific additional legislative protection include first responders in emergency services such as police, ambulance and fire fighters, nurses, doctors and mental health workers within the public health system and persons that work within the justice system such as youth justice and child protection officers.

The casualisation of the work force and the reliance upon contractors to perform this type of work in place of public officers creates difficulty in the equal application of the law in this area. A potential aspect of reform in Queensland could be to more sharply define "public officer" with a concentration upon the delivery of the public service. There may be criticism of this approach considering that private contractors often receive significantly higher rates of pay to reflect the inherent risk of performing their duty. That should not necessarily impact the seriousness of the offending upon a person who is delivering the essential public service.

4. Does the current sentencing process in Queensland adequately meet the needs of public officer victims?

The Association recognises that it is difficult to categorise what the needs of public officer victims are, generally as those needs will vary between individuals.

The sentencing process for all victims of crime, whether they be a public officer victim or not, is the same. The sentencing process involves some input from the victim within the agreed schedule of facts gleaned from a statement they have provided to an arresting officer. In addition, there are provisions within the *Penalties and Sentences Act 1992* (PSA) for the provision of a victim impact statement, which can be read by the victim in open court if that is their preference. A victim liaison officer working with the Crown or police advises the victim of the result at sentence. Under the *Victims of Crime Assistance Act 2009*, public officer victims can receive graduated compensation for physical, psychological and/or emotional injury that resulted from the act of violence.

An element lacking in the sentencing process for adult offenders is the disconnect between the defendant and public officer victim. There is a superficial or general understanding of the impact violent actions have upon an individual complainant by the defendant, and in the reverse, no consistent means of complainants obtaining an understanding of the personal situation of the defendant.

5. Should any changes be considered to the current approach to better respond to victim needs? If so, what reforms should be considered?

A potential to enhance the process could be an adult restorative justice program to run parallel with the sentencing process. There could be a referral process at the point a plea of guilty is indicated and the process resolved prior to the matter finalising as a sentence. Not all of matters would require active involvement of the complainant, a victim liaison body could appear and place before the defendant any relevant issues on a complainant's behalf. In recent times the court has adapted to allow video link processes for sentence procedures involving prisoners. Similarly, incarcerated defendants could undergo restorative justice in this way. The public officer victim would have greater ownership or at least a platform to articulate their needs whilst adding an additional rehabilitative component to the sentencing process.

6. Who should be captured within the definition of a 'public officer' and how should this be defined? Are the current definitions under sections 1 and 340 of the *Criminal Code* sufficiently clear, or are they in need of reform? For example:

(a) Should the definition of "public officer" in section 340 of the *Criminal Code* be expanded to expressly recognise other occupations, including transport drivers (e.g. public transport workers (e.g. bus drivers and train drivers) and public transport workers?

(b) Should people employed or engaged in another state or territory or by the Commonwealth to perform functions of a similar kind to Queensland public officers who are also on duty in Queensland, also be expressly protected under section 340?

The present definition of 'public officer' is contained within section 340(3) of the *Criminal Code* which states that the term includes –

(a) a member, officer or employee of a service established for a public purpose under an Act; and

Example of a service –

Qld Ambulance Service established under the Ambulance Service Act

(b) a health service employee under the Hospital and Health Boards Act 2011; and

(c) an authorised officer under the Child Protection Act 1999; and

(d) a transit officer under the Transport Operations (Passenger Transport) Act 1994 (TOPT).

It is noted that 'transit officers' are, in turn, defined as persons appointed as authorised persons under the provisions of TOPT and include public service employees, employees of a railway manager or railway operator that is a rail government entity and employees of the Qld Rail Transit Authority – see sec 113 and Schedule 3 of the TOPT.

The definition of 'public officer' is inclusive and it does not purport to be exhaustive. In addition, the term 'public officer' is also defined within section 1 of the *Criminal Code*. That definition is also an inclusive one and relates to persons:

(a) discharging a duty imposed under an Act or of a public nature; or

(b) holding office under or employed by the Crown;

and includes, whether or not the person is remunerated—

(c) a person employed to execute any process of a court; and

(d) a public service employee; and

(e) a person appointed or employed under any of the following Acts—

(i) the Police Service Administration Act 1990;

(ii) the Transport Infrastructure Act 1994;

(iii) the State Buildings Protective Security Act 1983; and

(f) a member, officer, or employee of an authority, board, corporation, commission, local government, council, committee or other similar body established for a public purpose under an Act.

The term "public officer" is broadly defined under the existing legislation. It is wide enough to cover bus drivers, train drivers and public transport workers where such people hold the relevant authority or appointment however as can be observed, that definition is multi-faceted and spread over a variety of other legislative provisions. There is a considerable degree of overlap between the definitions contained in section 340 and section 1 of the *Criminal Code*. Whilst the Association considers that the category of those to be protected by such legislation is principally a matter of policy for determination by the legislature, there is merit in reform of the existing definitions. A single, simpler, less cumbersome definition, for example, that is within the section creating the offence or within section 1 makes the law more accessible and understandable to the public. It may also facilitate the proof of the offence and clarify the ambit of those covered by the term "public officer".

7. Should assaults on people employed in other occupations in a private capacity, working in particular environments (e.g. hospitals, schools, aged care facilities) or providing specific types of services (e.g. health care providers or teachers) also be recognised as aggravated forms of assault? For example:

(a) by recognising a separate category of victim under section 340 of the *Criminal Code* – either with, or without, providing for additional aggravating circumstances (e.g. spitting, biting, throwing bodily fluids, causing bodily harm, being armed) carrying a higher maximum penalty; and

(b) by stating this as a circumstance of aggravation for sentencing purposes under section 9 of the *Penalties and Sentences Act 1992*;

At present any offence that involves the use of violence to another attracts the operation of the provisions of section 9(3) of the PSA. Those provisions require a sentencing court to have regard primarily to the factors set out in that section when sentencing such an offender. There is no specific reference to those assaulted in the course of their employment or whose employment places them at a risk of assault, as has been observed elsewhere in this response. However, such factors are presently taken into account in sentencing offenders of these types of assaults when the sentencing court is considering the factors that are presently set out in section 9(3) (d), (e), (f) and (k) of the PSA. Courts do treat these factors as aggravating features of the offence that are to be reflected in the sentence that is imposed. Should the legislature wish to reflect this present practice within the existing sentencing framework, then that could be achieved through amendment of section 9(3) of that Act.

It also would be open to the legislature to consider the enactment of circumstances of aggravation to the existing assault provisions of common assault and assault occasioning bodily harm to permit for the imposition of higher maximum penalty for those who are assaulted in the course of their employment within specified fields of employment or in the course of the provision of specified services that may place them at some risk over and above that of the general public. Equally, these matters could be addressed through the addition of categories within the provisions of section 340 of the *Criminal Code*. Such matters are principally ones of policy and a matter for the legislature.

It remains to be borne in mind that the public officer assault provisions are dealing with assaults where the resulting physical injuries are less serious or debilitating as grievous bodily harm where the maximum penalty is 14 years imprisonment. The definition of "assault" in the *Criminal Code* is broad and offences of assault include threats to assault and such things as shining a light at the face of another. It is for those reasons sentencing courts require a broad sentencing discretion in order to reflect the particular circumstances of the case before them and it is desirable for there to be some degree of proportionality maintained concerning the maximum penalties across the spectrum of offences of assault and the offence of unlawfully doing grievous bodily harm, for example. The Association has always considered the preservation of a broad judicial discretion as an important aspect of sentencing within our community.

8. If section 340 of the *Criminal Code* is retained in its current form or amended form, is there a need to retain subsection (2) which applies to assaults by prisoners on working corrective services officers (as defined for the purposes of that section), or can this type of conduct be captured sufficiently within subsection (2AA)? What are benefits of retaining subsection (2)?

There would be no need for the existence of section 340(2) where such officers fall within the definition of "public officer" within section 340(2AA). In such a case, the retention of subsection (2) serves no purpose and may only serve to impact on the interpretation of the term "public officer". As has been referred to in response to issue 6, the present definition of public officer is broad enough to encompass employees of Corrective Services though it is unduly cumbersome and could appropriately be the subject of reform. The Association favours any step that avoids unnecessary duplicity within legislative provisions.

9. Should assaults against public officers continue to be captured within a specific substantive offence provision (serious assault) or, alternatively, should consideration be given to:

(a) Making the fact the victim was a public officer performing a function of their office, or the offence was committed against the person because the person was performing a function of their office an aggravating factor that applies to specific offences as a statutory circumstance of aggravation (meaning a higher maximum penalty would apply): and/or

The Association submits that the current legislative framework adequately and effectively provides for assaults against public officers as provided for in section 340 of the *Criminal Code*. This framework provides for the same maximum penalty (7 years imprisonment in the absence of a circumstance of aggravation) as an assault on a police officer. Of course, if a specific result occurs such as death or grievous bodily harm then those substantive offences can be indicted (grievous bodily harm, murder, manslaughter, etc) and the fact it was on a public officer performing a function of their office would be a factually aggravating circumstance.

For that reason, reform in the way proposed by the question is unnecessary and would elevate offences against public officers (irrespective of the vulnerability of a particular officer) above all other occupations including many medical practitioners, police officers and corrective service officers.

(b) Amending section 9 of the *Penalties and Sentences Act* 1992 (Qld) to statutorily recognise the fact the victim was a public officer an aggravating factor for sentencing purposes (in which case it would signal the more serious nature of the offence, but would not impact the upper limit of the sentence that could be imposed)?

The Association does not oppose an amendment to section 9 of the PSA as a way of providing a legislative intention as to the sentencing approach. It is assumed any form would be similar to s9(10A) of the PSA. However, we also submit that such an amendment does not alter the current approach of the courts and is not therefore necessary.

An assault on a public officer involves an offence of violence so section 9(3) of the PSA would have application.[1] In the exercise of that discretion, an assault on a public officer in the execution of their duty would (almost invariably) be treated as a factually aggravating factor. That is so because the sentencing judge 'must' have regard primarily to a number of factors including s9(3)(b), (d), (f) and (k) of the PSA.

10. What benefits are there in retaining multiple offences that can be charged targeting the same or similar behaviour (e.g. section 199 and 340 of the Criminal Code as well as sections 655A and 790 of the Police Powers and Responsibilities Act 2000 (Qld), section 124(b) and 127 of the Corrective Services Act 2006 (Qld), and other summary offences)?

The benefits of retaining multiple offences targeting the same or similar behaviour fall within two broad categories.

Firstly, it allows flexibility in prosecutorial authorities in charging an offence that most adequately reflects the criminality in a particular case. Sections 199 and 340 of the *Criminal Code* provide an example. In an appropriate case it is proper for the prosecution to elect a charge with a lesser maximum penalty and/or that can be dealt with in the summary jurisdiction. In that regard we note the Director's Guideline number 13, which provides that a summary charge should be preferred unless the conduct cannot be adequately punished or that there is some other relevant connection with an indictable offence. That flexibility also allows appropriate charge negotiation between the prosecution and defence. There are considerable benefits to the community through charge negotiation and early resolution of matters. Those benefits are recognised in the Directors' Guideline number 17.

Secondly, offending, and particularly assaults, occur in many different circumstances. As such, the subtle differences in elements may target or capture particular acts not as suitably reflected through a different offence. That is so in concepts of "obstruct" as opposed to "assault".[2]

11. Should any reforms to existing offence provisions that apply to public officer victims be considered and if so, on what basis?

Suggested reforms have been canvassed in the responses to the other issues raised in the paper.

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[1] Unless the assault is by way of threats only

[2] See section 199 compared to section 340

12. What sentencing purpose/s are most important in sentencing people who commit assaults against police and other frontline emergency service workers, corrective services officers and other public officers? Does this vary by the type of officer or context in which the assault occurs, and in what way?

The only purposes of sentencing are contained in section 9(1) of the PSA. The most important of those will depend on the individual circumstances of the case including the circumstances of the offence, the antecedents of the defendant and any other sentencing principles (e.g. mental abnormality falling short insanity where general deterrence is a less important sentencing consideration).[3]

Often in assaults on public officers s9(1)(c) of the PSA will assume prominence. That is because public officers perform functions which are often onerous and essential for a functioning society. Further, due to the nature of that work many may be in a position of particularly vulnerability to assaults. There is a strong public interest in protecting public officers performing a function of their office. The courts protect those officers by the significance afforded to the principle of general deterrence.

The degree that those principles apply will depend on the specific case in hand. The degree of vulnerability to assaults would be a key factor in this.

13. Does your answer to Question 12 change when applied specifically to children/young offenders?

The purposes of sentencing child offenders are in accordance with the Youth Justice Principles referred to in section 3 of the *Youth Justice Act* 1992. Correctly, there is an emphasis on rehabilitation of young offenders.

Nonetheless, protection of the community and to the extent that general deterrence is required to achieve that remain important sentencing principles. These principles exist within the present legislation and sentencing practices.

14. Do existing offences, penalties and sentencing practices in Queensland provide an adequate and appropriate response to assaults against police and other frontline emergency service workers, corrective services officers and other public officers?

The Association is of the opinion that, generally, existing offences, penalties and sentencing practices in Queensland do adequately and appropriately respond to assaults against police. There are two specific provisions under which a person may be charged for assaulting police officers: section 340 of the *Criminal Code* and section790 of the *Police Powers and Responsibilities Act 2000*. The choice of charge is at the discretion of the police officer who commences proceedings. The very different maximum penalties reflect the fact that assaults against police officers can span a very broad range of seriousness.

"Other frontline emergency service workers" presumably means officers of the Queensland Ambulance Service (QAS) as the Association understands there is concern over an apparent increase in assaults against these officers and is not aware of any similar concern in relation to employees of the Queensland Fire and Emergency Services (QFES). Section 340 of the

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[3] *R v Bains* [2008] QCA 247; *R v Neumann; ex parte A-G* (Qld) [2007] 1 Qd R 53; *Channon v The Queen* (1978) 20 ALR 1.

Criminal Code applies to QAS officers as members, officers or employees of a service established under an Act for a public purpose. This would clearly also apply to QFES officers.

Corrective Services officers are also specifically protected by section 340 of the *Criminal Code*. Public officers are also included, although the definition of "public officer" found in subs.340(3) can be troublesome. The Association is aware of cases in which defendants have been charged under section 340 for offences allegedly committed against security staff employed at hospitals. Those workers, however, are often actually engaged through the use of external contractors rather than being employees of the hospital itself and the current definition does not include such workers.

It is the experience of members of the Association that assaults against police, other frontline emergency service officers and public officers will ordinarily attract sentences of imprisonment. The structure of such sentences varies depending on the circumstances of the offence and the offender and is most appropriately left to the proper exercise of sentencing discretion by a judicial officer. The current penalties and sentencing practices generally allow for an appropriately broad range of discretion, with the exception of a mandatory component discussed further below.

In particular:

(a) Is the current form of section 340 of the Criminal Code as it applies to public officers supported, or should changes be made to the structure of this section?

The Association supports the current form of section 340, although the definition of "public officer" may not, in fact, extend as far some police officers think it does. The issue of who ought to be considered a "public officer" is a matter of policy for the government.

(b) Are the current maximum penalties for serious assault (7 years, or 14 years with aggravating circumstances) appropriate in the context of penalties that apply to other assault-based offences such as:

- **common assault (3 years);**
- **assault occasioning bodily harm (7 years, or 10 years with aggravating circumstances);**
- **wounding (7 years); and**
- **grievous bodily harm (14 years)?**

The current maximum penalty for an un-aggravated serious assault is appropriate to reflect the fact that an assault that does not cause an injury which amounts to bodily harm is more serious than other common assaults if the person assaulted is deserving of or in need of greater protection under the law.

However, the Association notes that the existence of a circumstance of aggravation under section 340 doubles that maximum penalty. This is at odds with the approach taken to aggravated assaults that occasion bodily harm where the maximum penalty increases from 7 years to 10 years.

It is difficult to reconcile a maximum penalty of 14 years imprisonment for an assault (in specific circumstances), when the same maximum penalty is available for a person who causes very serious bodily injuries amounting to grievous bodily harm.

(c) Should any changes be made to the ability of section 340 charges to be dealt with summarily on prosecution election? For example, to exclude charges that include a circumstance of aggravation?

Section 340 charges a person with an indictable offence. The position of the Association is that a person being charged with an indictable offence ought to have the right to trial by jury unless they make a decision to forego that right.

If the prosecution election is to be retained, however, the Association notes that the remaining offences for which the prosecution has the election under section 552A all have a maximum penalty of no more than 7 years. It is certainly anomalous that an offence involving violence carrying a maximum penalty of 14 years imprisonment is able to be dealt with summarily at all, let alone on the election of the prosecution. Indeed, section 552B precludes summary trial on a defendant's election for any offence involving an assault if the maximum penalty is more than 7 years. The Association's view that the right to trial by jury on serious indictable offences is paramount informs its position that aggravated charges under section 340 ought to be tried on indictment before a jury.

(d) Are the 2012 and 2014 reforms to section 340 (introduction of aggravating circumstances which carry a higher 14 year maximum penalty) achieving their objectives?

It is the experience of members of the Association that it has become significantly more difficult to avoid a sentence of actual imprisonment for aggravated offences under section 340 since these circumstances of aggravation were added. Judges have certainly been cognisant of the reduced assistance that earlier appellate and single-judge comparable decisions are able to provide since those amendments were made.

(e) Are the current penalties that apply to summary offences that can be charged in circumstances where a public officer has been assaulted appropriate or should any changes be considered?

The Association is not aware of any amendments necessary to the available summary offences. For each summary offences with a lower maximum penalty there is an indictable alternative that can be, and often is, charged when the offence is factually more serious.

(f) Do the current range of sentencing options (e.g. imprisonment, suspended sentences, intensive correction orders, community service orders, probation, fines, good behaviour bonds) provide an appropriate response to offenders who commit assaults against public officers, or should any alternative forms of orders be considered?

The Association is always supportive of any legislative initiative intended to expand the range of sentencing options available to judicial officers. The more sentencing options that are available, the better equipped judicial officers are to tailor an appropriate sentence to a particular offence and an individual offender.

(g) Similarly, do the current range of sentencing options for children provide an appropriate response to child offenders who commit assaults against public officers, or should any alternative forms of orders be considered?

Again, the Association is always supportive of any efforts to expand the sentencing tools available to judicial officers. This applies equally to child and adult offenders. It is important, however, that any new sentencing options introduced for sentencing children be evidence-based and formulated around the Charter of Youth Justice Principles found in Schedule 1 of the *Youth Justice Act 1992* and the objectives of that Act as set out in section 2.

(h) Should the requirement to make a community service order for offences against section 340(1)(b) and (2AA) of the Criminal Code and section 790 of the Police Powers and Responsibilities Act 2000, in accordance with section 108B of the Penalties and Sentences Act 1992 (unless the court is satisfied that, because of any physical, intellectual or psychiatric disability of the offender, they are not capable of complying) be retained and if so, on what basis?

The Association remains opposed to all forms of mandatory sentencing as an affront to judicial discretion. Whether a particular sentencing order is necessary or desirable is always a decision best made by the judicial officer who is informed about all of the circumstances of the offence and all of the relevant circumstances of the offender.

The basis of the circumstance of aggravation in section 108B involving the offence occurring in a public place and while the offender is intoxicated means that such offences will often be committed by those who are homeless and therefore forced to live in public spaces. Such people are often suffering from addictions to intoxicants which their homelessness makes much more difficult to treat and can make compliance with community service orders difficult.

15. If the Government was to introduce sentencing reforms targeting assaults on public officers in general, or specific categories of public officers, on the basis that current sentencing practices are not considered adequate or appropriate, what changes would you support or not support?

Firstly, the Association does not accept the underlying proposition of this question, i.e. that current sentencing practices are inadequate or inappropriate.

The principal changes that the Association would support would be any that increased the level of judicial discretion through the abandonment of mandatory sentencing and the expansion of sentencing options available to judicial officers.

16. What issues contribute to, or detract from, the community's understanding of penalties and sentencing for assaults on public officers?

The Association can only speculate that the issues are the same as those that inform the community's understanding of all penalties and sentencing issues. There is broad misunderstanding of sentencing practices, principles and realities in the broader community. There is perhaps no better example of this than the broad perception that a sentence of life imprisonment is actually only a sentence of 15 years.

The Association considers that ill-informed and often inflammatory reporting of sentencing proceedings is the primary contributor to much of the community's perception and understanding of sentencing. Sentence proceedings that do attract the focus of the media are often those of a more emotive nature.

Reporting usually contains very few details of the offences, even less detail about the offender and little analysis of why a particular sentence was imposed (including for example, substantial periods of pre-sentence custody), choosing to focus, instead, on matters which would tend to inflame public anger and resentment. Such matters often include personal attacks on judicial officers perceived by those in the media to have a pattern or history of "weak" sentencing. These judicial officers are also prevented by virtue of the nature of their jobs from participating in the public "debate" that ensues.

This is then, commonly, bolstered by politicians making public remarks about these particular sentences, often quite apparently without the benefit of any knowledge of the details of a particular case.

17. How can community knowledge and understanding about penalties and sentencing for assaults on public officers be enhanced?

Short of publicly broadcasting sentencing proceedings on a regular basis and for matters other than those of the greatest interest to the general public, the Association suggests that community understanding can only be enhanced through increased education and engagement opportunities such as those provided by Law Week community presentations.

The public's understanding of sentencing practices and realities is actually vital to one of the principle purposes of sentencing under the PSA. Section 9(1)(c) provides that one of the purposes for which sentences may be imposed is "to deter the offender or other persons from committing the same or a similar offence"; i.e. personal and general deterrence.

General deterrence, as a concept, requires public knowledge of the sentences imposed on offenders; if the public are not aware that offenders are actually imprisoned or imprisoned for longer periods, then there can be no real deterrent effect from those sentences or increases in them.[4]

The Association would be pleased to answer any further queries you may have on this matter.

Yours faithfully

Rebecca Treston QC
President

[4] Davies GL and Raymond KM, "Do Current Sentencing Practices Work?" (2000) 24 *Criminal Law Journal*, 236