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sentencing of federal offenders

Early in 1988, the Australian Law Reform Commission published an interim report, *The Commonwealth Prisoners Act* (ALRC 43) as part of the Sentencing reference. It was written in response to a specific request from the Attorney-General to report on the best way to overcome a number of anomalies and deficiencies in the operation of the laws governing the early release, on parole or licence, of federal prisoners. The Commission's recommendations were made on the basis that the policy underlying the Commonwealth Prisoners Act 1967 (Cth), namely, that in the matters of eligibility for, and release on, parole, federal prisoners should be treated in the same way as their State or Territory counterparts. This means that the entitlement to parole of a federal prisoner is, by and large, the same as that of his or her State or Territory counterpart and that the impact of remissions on non-parole periods is the same. It is achieved by the operation of the Commonwealth Prisoners Act and, where that Act does not authorise the release of prisoners on parole, by release on licence under section 19A of the Crimes Act 1914 (Cth). Recently, the Minister for Justice, Senator Tate, foreshadowed a change in policy. In an address to the Australian Young Lawyers Section of the Australian Law Council on 2 May 1989, Senator Tate cited the example of a federal prisoner who was sentenced to 15 years imprisonment for conspiracy to import heroin but served only three years and one month of the minimum term of five years because of the impact of State remissions. He described this as 'a fraud on the public' and said that the system whereby judges set a minimum term which bears no relation to the actual time in prison will no longer apply to federal prisoners. Instead, the judge will set

the prison term and a parole period to follow that term and the prisoner will remain in prison for the period set by the judge. State remissions 'which can eat away at the minimum sentence' will no longer be available to federal prisoners. The purpose of the proposed change is to impose certainty in sentencing. The judge, the prisoner and the public will all know precisely how long the offender will be incarcerated.

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genetic evidence

It has long been an axiom of mine that the little things are infinitely the most important.

Sir Arthur Conan Doyle, *The Adventures of Sherlock Holmes, Copper Beeches*.

It was reported in the *Canberra Times* of 18 June 1989 that a new era in criminal investigation has begun in Australia and throughout the world. Deoxyribonucleic acid (DNA) testing, also known as genetic fingerprinting or genetic profiling, is poised to become a standard and apparently incontrovertible test in questions of identification.

DNA is the genetic material found within every living cell. The precise composition of DNA within every individual is unique, except in identical twins. The accuracy of DNA testing derives from delicate procedures which allow the constituent fragments of a DNA molecule to be separated, rearranged and compared with the DNA in another sample. The chances of the complex test procedures finding a random match are estimated to be 165 million to one. As a result, the courts have accepted that where DNA found in two separate samples is identical,