

NT Young Lawyers Ball

The Northern Territory Young Lawyers' annual ball was held at the MGM Grand Casino, in the International Room on 7 November 1998.

The function was well attended and a good time was had by all. The NTYL would like to acknowledge the great support from their sponsors on the evening, namely Attitude for Men, Centra Darwin, Computer Info, Cullen Bay Day Spa, and MGM Grand Casino.

The photos below are evidence of the successful evening.



LtoR: Saul Harben, Reinis Dansis, Vanessa Farmer & Simone Menz



LtoR: Sue Williams, Merran Short, Steve Corrie & Karen Walsh



LtoR: Sue Carter, Barbara Tiffin, Peter Tiffin & Gabrielle Hurley

Case Note - High Court

Siganto -v- The Queen

High Court No. 74/98

Judgment of Gleeson CJ, Gaudron, Gummow, Hayne and Callinan JJ delivered 3 December 1998.

Criminal Sentencing- Sentencing Principles

In this appeal the High Court considered the correctness of the decision of the Court of Criminal Appeal in *Melville* (unreported 27 March 1995).

The appellant Siganto was convicted of one count of sexual intercourse without consent following trial in the Supreme Court of the Northern Territory. The major issue at trial was identification. The victim gave evidence at committal and trial.

The appellant was sentenced by Angel J in August 1996 to nine years imprisonment. His Honour specified a non parole period of six years and four months. In the sentence proceedings the Crown urged *Melville* upon Angel J in submitting that His Honour should take into account the distress caused to the victim by giving evidence as an aggravating factor on sentencing. The Court of Criminal Appeal had in *Melville* categorised such distress to the victim as a consequence of the crime (see now s5(2) Sentencing Act) and an important aggravating factor on sentence.

In passing sentence, Angel J told the appellant "your victim's distress was aggravated by having to give evidence against you, both at the committal and at trial".

Held

1. Distress occasioned to a victim by giving evidence cannot be an aggravating circum-

stance for sentencing purposes.

2. The appeal should be allowed and the matter remitted to the Court of Criminal Appeal.

Appearance

Appellant Counsel Grace QC & Cox Solicitors Northern Territory Legal Aid Commission Respondent Counsel Wild QC & Fraser Solicitors DPP

Commentary

The High Court effectively overruled *Melville*. The Court of Criminal Appeal had declined to overrule its own decision in *Melville*. The High Court noted that Angel J was in sentencing the appellant bound by *Melville*.

Mark Hunter