

SUSPENDED SENTENCES

6 May 2008

The Hon. D.G.E. HOOD: District Court Chief Justice Terry Worthington, in an undated defence of suspended sentences on the Courts Administration Authority website, states at the conclusion of that defence that 'a suspended sentence is a real sentence but it gives a last chance'. One wonders how many last chances South Australian drug dealers can have at present.

In the matter of Richard John Francis Hinckley, decided on Tuesday last week, the offender got his fifth consecutive last chance. I will summarise the sentencing remarks, as follows. Police found some 23 grams of amphetamine (1.41 grams of pure amphetamine) at his home. That is a trafficable quantity attracting a maximum penalty of 25 years and/or a \$200,000 fine—a serious offence, indeed.

The jury found that he was possessing the drug for sale. He is 44 years of age with no dependants. He was a regular methamphetamine user. He has a long history of dishonesty offences dating back to 1991. He has had the benefit of four previous suspended sentences. He has served time previously after 1993 for four charges of selling and possessing various drugs, including cannabis and amphetamines.

The head sentence in this case was imprisonment for two years and six months, with a non-parole period of one year and three months. The sentence was wholly suspended upon his entering into a good behaviour bond.

My question is: as a result of the Chief Justice of the District Court describing suspended sentences as 'a last chance', and in light of sentences such as that which I have just described, how many last chances does the government think appropriate for convicted drug dealers in this state?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning):

The honourable member knows that the courts system in this state is independent of the executive. Parliament expresses its wishes through the legislation—the sentencing act and the penalties that we apply when we pass legislation through the parliament—as to what we believe should happen. As the honourable member well knows, there are ways in which sentences, if they are considered to be inappropriate, can be challenged. There are courts of appeal and the DPP has the opportunity to appeal against sentences that he believes are manifestly inadequate.

As I have indicated on other occasions when the honourable member has raised these sorts of questions, it is very difficult to comment on individual cases. It is dangerous to draw conclusions from one individual case, whatever first impressions might be. I do not know whether other circumstances apply in this particular case or whether other factors were taken into consideration by the court.

I can understand on the surface why the honourable member is concerned, but there may be other factors involved. I will refer his question to the Attorney-General to consider the matter to see whether further action should be taken by the DPP in relation to this matter.