

# REVIEWS

The legal world is always changing; the forced amalgamation of tertiary institutions and pressures of the profession have already produced a different academic scene from that discussed in this book, with four law schools in Victoria in 1992 where previously there were two. Accountability of the legal profession continues to be an issue, with recent calls for independent regulatory structures. On the other hand, there are still no women members of the Victorian Supreme Court, and recent demands for immediate consideration of women candidates have produced the mealy-mouthed response that no-one is senior or experienced enough, but that there may be someone acceptable in the next ten years or so.

*Australian Lawyers* is undoubtedly a very useful book; it fills a considerable gap, providing analysis and information not otherwise readily available. It is rather ambitious to aim to deal fully with all States in a book of this size, and the detail is not always there; New South Wales seems to be the jurisdiction most fully covered. Some of the data will obviously also become out of date fairly quickly. Weisbrot has, however, also written an extremely interesting book, pertinent and important for all lawyers (in its broadest meaning) and for anyone interested in the practice of law in Australia.

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## SENTENCING IN TASMANIA

by Kate Warner; The Federation Press 1991; 503 pp; \$75 (hb).

In the short time since its publication this book has become an invaluable reference for the Tasmanian legal profession and judiciary. Without doubt the author has succeeded in her aim of providing an exposition of sentencing law in Tasmania and so contributing to the development of the common law of sentencing in Australia.

The author acknowledges that Fox and Freiberg's *Sentencing: State and Federal Law in Victoria* (Oxford University Press, 1985) has provided the inspiration for the structure of the book. As a result, the arrangement of the material is easy to follow and no time is wasted attempting to find the principle or subject being explored.

The width of sentencing discretion is a predominant feature in Tasmania. Compared with other Australian jurisdictions, Tasmanian courts are not confined by legislative requirements as to the factors and principles to be taken into account, maximum and minimum penalties, or the need to consider, except in rare cases, the imposition of minimum parole periods. For students and lawyers, *Sentencing in Tasmania* amply describes the variety of factors and principles which influence courts, but at the same time emphasises that the exercise of the sentencing discretion depends on the circumstances of the offence and the offender. It is difficult, particularly for students, to understand why in one case a particular principle is applied but, in another case, the same principle is seemingly ignored.

The author has undertaken considerable research. She has surveyed not only reported decisions of courts such as the Tasmanian Supreme Court, Court of Criminal Appeal and Full Court, and the High Court, but also all unreported written judgments of the Tasmanian courts from 1960 to 1989, all available unreported High Court decisions in sentencing appeals, sentencing statistics kept by Crown Law, and Supreme Court judges' comments on passing sentence in individual cases from 1983 to 1989 (as well as significant other cases outside those years). She also obtained statistical information for summary offences from Courts of Petty Sessions records and from Supreme Court files for lower court appeals.

The range and organisation of subjects covered is clear from the chapter titles: Introduction (Ch.1); Procedure (Ch.2); Appeals (Ch.3); Fines (Ch.4);

Restitution, Compensation and Costs (Ch.5); Forfeiture and Disqualification (Ch.6); Unsupervised Release (Ch.7); Supervised Release (Ch.8); Custodial Orders (Ch.9); Other Sanctions (Ch.10); General Considerations (Ch.11); Specific Crimes (Ch.12); Specific Summary Offences (Ch.13).

Chapter 10, dealing with general considerations, is comprehensive. It includes the variety of circumstances which may be presented to a court and the principles they may invoke. Beginning with a summary of judicial statements about the aims of punishment, including general deterrence, retribution, denunciation and rehabilitation, it then deals with the nature, gravity and prevalence of the offence and the nature of the offender. It is particularly useful as to the relevance of prior criminal conduct, the aspect of youthful offenders, the aspects of age, gender, mental disorder, low intelligence, and the effects of alcohol and drugs. Remorse and the mitigatory effect of guilty pleas and confessions are well covered.

In the last two chapters dealing with specific crimes and summary offences, the author has referred to a considerable number of cases, both reported and unreported, to illustrate the courts' attitudes when dealing with particular offences and the relevant factors tending to aggravate or mitigate. Included are detailed sentencing statistics for a large number of offences, which display the range of sentences and general tariffs.

For Tasmanian students and practitioners in the field of sentencing, the book is essential. Much of it will prove useful elsewhere in Australia. It is a text book of high quality.

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