



HIGH COURT OF AUSTRALIA

Public Information Officer

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ROBERT JOHN PUTLAND v THE QUEEN

The High Court of Australia today upheld the imposition by the Northern Territory Supreme Court of an aggregate sentence for multiple federal offences.

Mr Putland pleaded guilty in 2001 to two offences of defrauding the Commonwealth contrary to the Crimes Act and four offences against the Bankruptcy Act. The offences arose from the failure of his Alice Springs trucking business and involved two counts each of tax fraud, disposing of property with intent to defraud his creditors after being declared bankrupt in 1992, and carrying on a business until 1996 as an undischarged bankrupt. The Supreme Court imposed a single aggregate sentence of four years' jail and ordered that Mr Putland be released after serving 12 months upon entering into a three-year good behaviour bond.

He appealed unsuccessfully to the NT Court of Criminal Appeal on various grounds. The sole ground of appeal pursued in the High Court was that the judge did not have power to impose an aggregate term of imprisonment. Aggregate sentences may be imposed for multiple offences arising from a course of conduct.

Section 52 of the NT Sentencing Act allowed courts to impose one term of imprisonment for a number of offences and section 68 of the federal Judiciary Act provided that State or Territory laws regarding arrest, custody, trial and sentencing shall apply to people charged with Commonwealth offences. Hence offenders in different parts of Australia may experience different treatment due to differences in laws between States and Territories.

Mr Putland argued that section 68 of the Judiciary Act did not give the Supreme Court power under section 52 of the Sentencing Act to impose one term of imprisonment in respect of all offences. He argued that Part 1B, in particular section 4K, of the Crimes Act covered the field regarding sentencing of federal offenders in higher courts, with aggregate sentencing only allowed for summary offences, not for indictable offences.

The High Court held that the Supreme Court had power, pursuant to section 68 of the Judiciary Act, to impose aggregate sentences. The Court, by a 4-1 majority, dismissed Mr Putland's appeal.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*