

SUPREME COURT OF QUEENSLAND  
CIVIL JURISDICTION  
MACKENZIE J

No 6091 of 2007

RE AN APPLICATION FOR BAIL BY MEGAN SUSAN LENNARD

BRISBANE

..DATE 26/07/2007

ORDER

HIS HONOUR: This is a second application for bail. The applicant raises as a new circumstance that she wishes to enter drug rehabilitation. It is accepted by the Department of Public Prosecution's representative that steps have been taken to make appropriate arrangements in that regard.

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The applicant has been remanded in custody because of a breach of bail in relation to previous offences which was constituted by the commission of seven robberies with violence in company committed in Surfers Paradise along The Esplanade and other places between 11.30 p.m. on the 9th of January 2007 and 5 a.m. on the 10th of January 2007.

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The applicant says that she has been drug addicted and there is no reason to dispute that. She was placed in custody in respect of those matters immediately after the offences were committed and after she had been apprehended in a police chase through Surfers Paradise and down to Broadbeach.

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She has indicated that she wishes to plead guilty on an ex-officio indictment. It appears from the Crown counsel's enquiries that the matters were, in fact, listed for committal in June but that committal was delisted because the Court had been advised that she intended to plead guilty on an ex-officio indictment. I mentioned to Mr White that that seemed a somewhat unusual course to take having regard to the fact that the committal would have been over by now and a plea indicated at that time.

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It is something that I have often spoken of and I have repeated on this occasion, that I wonder whether it is often more expeditious to simply have a committal, plead guilty at the committal and have the matter dealt with as a sentence than to delist an imminent committal and then plead guilty on an ex-officio indictment. There is no particular magic in an ex-officio indictment in those circumstances, in my opinion.

In other words, it is the early indication of an intention to plead guilty that is the important thing. That is obviously something however, that is out of the hands of the applicant and no doubt, something that was arranged by the legal advisers, and perhaps the Court, at Southport.

When the matter was before Justice Philippides on the previous bail application she was concerned that there was an unacceptable risk of further offences and refused bail. The matter is probably more finally balanced now for a couple of reasons. One is the aspect of the drug rehabilitation and the other is that time has passed and one has to be careful that an accused person does not spend more time in custody than would otherwise be served.

As Mr White says, completion of a drug rehabilitation course may be beneficial on sentence as well as in the general interests of the applicant.

As against that, the sentence will almost certainly be completed within two to three months - within that sort of

time frame - and given the nature of the offences which were offences of violence committed in company, it is not likely that the applicant would serve any additional time in custody by refusing bail at this stage.

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When all of these matters are balanced together, I am left in a situation where I am not satisfied that the applicant has shown cause why bail should be granted. In particular, I think that there is still an unacceptable risk of the commission of further offences and I will refuse the application.

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