



Friday, 17 September 2021

## Weekly Criminal Law

A Weekly Bulletin listing Decisions  
of Superior Courts of Australia covering criminal

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### Executive Summary

**Toller v R** (NSWCCA) - criminal law - obtaining a financial advantage by deception - COVID-19 - applicant pleaded guilty to 14 charges of obtaining a financial advantage by deception - applicant sought to appeal against sentence - leave to appeal refused

**160 Leicester Pty Ltd v Melbourne City Council** (VSCA) - contempt - administrative law - environmental law - criminal law - Tribunal found company and two directors guilty of contempt - company and directors sought to appeal against sentences - leave to appeal refused



## Summaries With Link (Five Minute Read)

### **Toller v R [2021] NSWCCA 204**

Court of Criminal Appeal of New South Wales

Macfarlan JA; Davies & Beech-Jones JJ

Criminal law - fraud - COVID-19 - applicant 'pleaded guilty to 14 charges of obtaining a financial advantage by deception' - applicant was sentenced to 'aggregate term of imprisonment of 8 years' with 5 year non-parole period - applicant sought to appeal against sentence - sole appealed ground concerned impact on applicant of conditions of incarceration due to COVID-19 - COVID-19's impact on prisoners - whether Court empowered to intervene and resentence applicant - s192E(1)(b) *Crimes Act 1900* (NSW) - *Crimes (Sentencing Procedure) Act 1999* (NSW) - held: leave to appeal against sentence refused.

[View Decision](#)

### **160 Leicester Pty Ltd v Melbourne City Council [2021] VSCA 250**

Court of Appeal of Victoria

Priest, Beach & Kaye JJA

Contempt - administrative law - environmental law - criminal law - Tribunal found company and two directors guilty of contempt by 'their wilful and deliberately defiant non-compliance' with enforcement orders - company and directors sought to appeal against sentences including costs orders - directors contended Tribunal erred in assessment of conduct's gravity and of circumstances forming basis for contempt - directors and company contended orders manifestly excessive - held: leave to appeal refused.

[160 Leicester](#)





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