

THE QUEEN

v.

CAROLINE REED ROBERTSON

<u>JUDGE:</u>	VINCENT, J.
<u>WHERE HELD:</u>	MELBOURNE
<u>DATE OF SENTENCE:</u>	29 NOVEMBER 2000
<u>MEDIUM NEUTRAL CITATION:</u>	[2000] VSC 560

CATCHWORDS: Guilty plea to murder – *R. v. Beckett*, Vic. S.C. (unreported 20 August 1998) – Personality disorder.

<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the Crown	Mr. J. Rapke Q.C.	Office of Public Prosecutions
For the Accused	Mr. C. Lovitt Q.C.	Victoria Legal Aid

HIS HONOUR:

1 Caroline Reed Robertson, you have pleaded guilty to the murder at Prahran in the State of Victoria, between 28 February 1999 and 14 March 1999, of Rachel Elizabeth Barber. As you appreciate, it is now my responsibility to impose sentence upon you.

2 Against this background I note that you are now 21 years of age, and that you have no prior criminal history. The absence of any such record must of course be taken into account in your favour. Although a deal is known about the circumstances surrounding the commission of your offence, with respect to a number of important matters the material is silent. There is information which you could provide that would possibly enable a more satisfactory understanding of what took place to be developed. But you claim, perhaps honestly, that your recollection is clouded and incomplete. I will return to this aspect a little later. Nevertheless, in spite of a number of areas of uncertainty, the broad sequence of events is relatively clear. It is, I think, sufficient in order to convey the essential features of the factual matrix within which the sentence is to be determined to set out a portion of the narrative provided by the prosecutor, Mr Rapke of Her Majesty's Counsel, at the time of the plea presented on your behalf, and concerning which there has been no dispute. His description, I should add, accords with my understanding of the effect of the evidence contained in the depositions.

3 He put the position as follows:

"On Saturday, 13 March 1999, the body of Rachel Elizabeth Barber was found buried in a shallow grave on a property situated at 390 Old Lancefield Road, Kilmore. The deceased, whose body was in a state of advanced decomposition, was found with a ligature around her neck.

The property on which the body had been located was owned by the prisoner's father, David Reid.

Rachel Barber was born on 12 September 1983. At the time of her death she was just under 15 and a half years of age and lived with her parents and two younger sisters in Bayswater North.

Prior to her death she had been a full-time student at the Dance Factory in Richmond. By all accounts she was a talented and

promising young dancer who, since September 1998, had pursued full-time dance training. She was also regarded as being somewhat shy and reserved with people who she did not know.

In late 1992, or early 1993, the deceased's family moved to Mont Albert. Around this time, the deceased's family and the prisoner's family became acquainted. In particular the deceased became acquainted with the prisoner's younger sister, Chrissie, and the deceased's younger sister, Ashleigh-Rose, became friendly with the prisoner's sister, Kathy.

During 1996 and 1997 the prisoner baby-sat the Barber children, including the deceased.

In 1997, the prisoner arranged to take some photographs of the deceased for a school project which the prisoner claimed that she was then undertaking.

(I interpolate that it appears that some level of fascination with the young girl is present by this time.)

In December 1997, the Barber family moved to Bayswater North. At the commencement of the next year, 1998, the deceased commenced casual dance classes at the Dance Factory in Richmond. As I have earlier indicated, in September of that year the deceased left school to commence full-time studies at this particular school.

In about September or October 1998, the mother of the deceased recalls her daughter saying to her that Caroline (being a reference to the prisoner) knew somebody who might be able to get her some photographic work.

During the summer holidays of 1998 to 1999, Ashleigh-Rose received a call at her home from the prisoner, who asked for the dates of birth of the deceased and her sisters. The prisoner indicated that she needed the information as part of a project on which she was working. She was given the various dates of birth, including that of the deceased.

I note that, on a date which is not apparent from the material in the brief, the prisoner applied for a copy of the deceased's Birth Certificate.

(I interpolate that the prosecutor was almost certainly justified in relating your request for information with the obtaining of the Birth Certificate, and it is distinctly possible that you had commenced your planning by that time.)

During the evening of Sunday, 28 February 1999, the deceased was observed by her mother to be on the telephone. Telephone call charge records reveal that two calls were made from the prisoner's home phone number to the deceased's home at 5.24 p.m., that call lasting 15

minutes and 27 seconds, and later at 5.45 p.m., that call lasting 29 minutes and 42 seconds.

The next morning, Monday, 1 March, the deceased's father drove her to the tram stop at the corner of Riversdale and Elgar Roads, Wattle Park, to catch the train to Richmond. She was dropped off on the tram stop at about 9.30 a.m.

The deceased had arranged to have breakfast at her friend, Kylee Ellis' house, which was her practice prior to class. It had been arranged the deceased was to meet her father at that tram stop at Wattle Park at around 6.15 p.m. That evening. She made no mention to her parents prior to leaving that morning that she would either be late home that evening or that she intended staying away. As it transpired, the deceased did not arrive at that meeting place that evening. She was reported missing by her parents at the Box Hill Police Station during the evening of Monday, 1 March.

On that Monday, the deceased went to Ellis's unit in Richmond where she met her boyfriend, Emmanuel Carella, and his brother, Domenic. Around 10.15 a.m., the deceased, Ellis and the Carella brothers left to attend dance classes at the Dance Factory.

It is known that the deceased avoided travelling on public transport unless she was familiar with the route.

During the afternoon of 1 March the deceased told a fellow student by the name of Andrews that 'she was going to make a lot of money that evening' and that it was with someone that Andrews did not know. She indicated to Andrews that she would explain to him the next day what it was about.

Also on 1 March, the deceased pointed out to her boyfriend a pair of shoes that cost \$100 and said to him that she would purchase them the next day - that is, the Tuesday. She further told him she was off to do a job that night and she was going to earn a heap of money. She also said that she was meeting up with an old female friend.

At around 4 p.m. The deceased asked Domenic Carella for a lift to Bridge Road after classes finished. At around 5.35 p.m., following the cessation of classes for the day, the deceased, together with Ellis and fellow classmates, left the Dance Factory and walked along Church Street, Richmond towards Bridge Road. Domenic Carella asked the deceased if she still required a lift and she responded she would make her own way there.

Another classmate, Tamara Gunn, asked the deceased where she was going and she responded that she was going to walk up to Bridge Road and her father was going to pick her up at the end of the tram

line. Gunn offered to walk with her to the stop, but the deceased declined her offer.

It should be said that the deceased would normally catch a tram in the opposite direction to travel to Wattle Park.

The deceased was last seen by her classmates around 5.45 p.m., walking on the western side of Church Street towards Bridge Road.

At around 6.40 p.m. The deceased was seen by Allison Guberek to get on a tram at the intersection of High and Chapel Streets, Prahran. She was in the company of an older girl. That person was the prisoner. They both got off when the tram stopped at the corner of Williams Road and High Street. The tram stop is 120 metres from Trinian Street, Prahran, where the accused lived at the time.

On 11 March 1999 Guberek assisted the police to compile a computer face image of the girl she saw in the company of the deceased. That image is a good pictorial likeness of the prisoner.

The deceased previously had had a little trouble with asthma but at the time of her disappearance she did not have her asthma pump with her. She was not at that time on any medication and was not ill.

On the morning of 1 March the deceased had left her home wearing her black dance pants, black bra and light coloured singlet top. She had a black Bloch brand dance bag and a long sleeved grey/blue skivvy type top. She wore black Bloch brand dance shoes. She was also wearing a gold necklace with a diamond-like stone and matching earrings and a blue topaz ring. She may also have had on a second gold chain. She had about \$13 with her in her wallet.

On about 3 or 4 March the deceased's wallet was located in her locker at the Dance Factory. It was found to contain \$1.20 in change and a used tram ticket for the morning of 1 March. Around 4 a.m., on or about 2 March, the occupant of Flat 6/22 Trinian Street, Prahran, was awakened by loud sounds of crying and sobbing, and sounds of someone having a tantrum, seemingly coming from the bathroom in Flat 9. Flat 9 was at the time occupied by the prisoner. It is possible that the sounds heard by Grainger were made by the deceased who, as we know now, was taken by the prisoner to her flat in Trinian Street. On the other hand, the possibility that the sounds heard by Grainger were made by the prisoner cannot be excluded.

It is not possible to say with any degree of certainty when the prisoner murdered Rachel.

Some details of the circumstances of the killing can be gleaned from information provided by the prisoner to a psychologist who has been treating her in gaol, a Mr Michael Crewdson. Mr Crewdson gives this

account, 'She has given me an account of the way in which Rachel Barber died but was only able to do it reasonably recently'."

He then set out the circumstances as contained in Mr Crewdson's report, which reads:

'She has given me an account of the way in which Rachel Barber died, but was only able to do this relatively recently. She had originally denied any recall of the taxi ride to Richmond, but later was able to acknowledge a vague recollection. There is some corroboration that she, and Rachel, collected the pizzas. She told me that Rachel had not been interested in drinking the alcohol which she had purchased. David Reid told me that when he had eventually resumed control of the flat the remains of the partly eaten pizzas were still there together with basically full bottles of alcohol.

Caroline told me that she had asked Rachel to do a mediation exercise. Possibly they were both familiar with the technique because of its use in theatre arts training. She said that she told Rachel to think of happy and pleasant things.

There is a poignant and disturbing moment in which Rachel Barber's fate seemed to waver in the balance. Caroline told me that she had been in a daze, then 'Just for a moment the veil lifted and I didn't want to do it - but something said that I was in so much trouble now I had to ... and it was though the veil had dropped again.'

She strangled Rachel with a piece of telephone cord which she had with a number of obsolete handsets.

She kept Rachel's body in the flat for two days - hidden in her wardrobe, the telephone cord still around the dead girl's neck. The body was there when she closed the door to discourage her father from entering the room on one occasion, when he visited her after hearing that she was sick.

She had given a sketchy account of the removal of the body from her flat in Prahran, from the first time I interviewed her. She wrapped Rachel in rugs, and placed her body in a large army bag which she had purchased. The bag has never been found, although she can recall where she left it at her father's farm at Kilmore. She says that she told the taxi truck driver that they were delivering a sculpture. There is a reference in one of her notes.

Later she was able to discuss, though with extreme difficulty, the burial of the body in a hastily dug shallow grave on her father's farm."

He continued:

"On 1 March 1999 at 8.36 a.m. The prisoner left a voice-mail for her supervisor, saying that she had not slept well the night before and was not well and she would not be coming to work that day.

The prisoner arrived at work the next morning, Tuesday 2 March, at around 9 a.m. She was observed to be pale and notably quiet. On that day, the phone extension at the prisoner's work station was used to telephone the Public Transport Corporation's V-Line Passenger Corporation twice - at 8.36 a.m., the call lasting one minute and 30 seconds, and 8.34 a.m., the call lasting eight minutes. The phone in the prisoner's work station was also used to call the Public Transport Corporation at 8.24 a.m. The next day, Wednesday 3 March, the call lasting three minutes and 4 seconds. At 9.48 a.m., the prisoner's work phone was used to call her own home number, but the number did not connect or answer.

Later that morning, at around 10 a.m., the prisoner left the office and was driven home to her flat by her supervisor after complaining of being unwell. On the same day, 2 March, the prisoner made two calls to her father, David Reid, at his work from her flat. These calls were made at 10.26 and 10.32 a.m. Some time during that day David Reid went to his daughter's flat to check on her welfare. He found her there, apparently on her own. She did not take an unusually long time to answer the door. While he was there Reid noticed the door to the bedroom of the flat was shut.

On 2 March the prisoner rang the mobile phone of a workmate, Donna Waters, to ask for repayment of moneys she had lent to Waters. The sum involved was about \$320. She made three calls to Waters' mobile phone - at 1.18, 1.37 and 6.02. The prisoner told Waters that she needed the money because she was moving some of her furniture to one of her father's holiday houses. She went on to say that she needed it that night, because she was getting a removalist in to move the furniture and he was coming the next morning at 9 a.m. Waters was unable to give the accused the money that day.

However, the next morning, the prisoner rang Waters twice more on her mobile phone before 9 a.m. Inquiring about the money. Waters drove to the prisoner's home address just prior to 9 a.m., where she was met by the prisoner. She gave the prisoner \$100 and drove with her to an ATM machine in Chapel Street and withdrew a further \$100, which she gave to the prisoner. She then drove back to her flat.

On the same day, 2 March, the prisoner's home phone was used to call Blue Circle Taxi Trucks at 1.27 p.m. The next day, Wednesday 3 March, the prisoner again left a voice-mail message with her supervisor at work at 8.21 a.m. Saying that she was still unwell and would stay at home to sleep it off.

In view of what later transpired, it is reasonable to conclude that the prisoner transported the body of the deceased to her father's property at Kilmore on that day.

On Thursday, 4 March, the prisoner arrived at work at 9 a.m. And worked a full day. On either this day or the next day, the prisoner mentioned to her supervisor that a friend of hers had gone missing. She claimed not to be concerned about it because she had done it before.

The prisoner made a further similar reference to her missing friend on either Tuesday, the 9th or Wednesday, the 10th of March. On that occasion, she told her supervisor that the police had spoken to her about the girl disappearing.

On Sunday, 7 March, the phone at the prisoner's home was used to telephone the Barbers' home at 9.05 a.m., the call lasting approximately 14 minutes. The call was taken by a family friend Andrew Southall, who recorded the prisoner's name and phone number among other callers who rang the Barber home that evening.

On Wednesday, 10 March, Donna Waters rang the prisoner at her flat and told her that the police had been looking for her at work in relation to a missing girl. The prisoner told Waters that she had babysat her when she was younger. She told Waters that the girl maybe had just run away. In answer to a question from Waters, the prisoner said that the girl used to run away all the time.

On the same day, Wednesday, 10 March, the prisoner went to the Bank of Melbourne branch at 509 St Kilda Road and completed an application for a personal loan to finance the purchase of a car, saying that she needed the money urgently. She applied for \$10,000. The prisoner rang the branch three times on Thursday, 11 March, inquiring as to the progress of her application.

On Monday, 16 March, the prisoner was advised by the Bank of Melbourne that her application had been declined. A message to this effect was left for the prisoner at her work.

It should be observed that the prisoner did not have a licence to drive a car. It is thus safe to conclude the money was wanted by her for a purpose other than the purchase of a motor car.

On Thursday, 11 March, the prisoner again left a voice-mail message with her supervisor at 6.11 a.m. Saying that she was not feeling well and she would not be in. She informed her supervisor that, if she was needed, she would be at home.

On Friday, 12 March, the prisoner again left a voice message with her supervisor at 7.37 a.m. Saying she was still sick and would not be

coming to work. The supervisor rang the prisoner's home phone number but the telephone was not answered.

At 8.43 a.m. On that day, the phone at the prisoner's flat was used to phone a Silver Top taxi which subsequently collected the prisoner from her flat in Prahran at 8.54 a.m. And took her to Flinders Lane in the city. The meter was deactivated at 9.14 a.m. It transpired that the police attended at the prisoner's flat at 9.20 a.m. On the same morning in order to speak to her about the disappearance of Rachel. No-one answered when the police knocked.

At 12.48 p.m. On the same day, Friday, 12 March, the prisoner again rang Donna Waters and asked her for the rest of the money she was owed, saying she needed it for a date and because she was going to a musical session. She again rang Waters regarding money at 3.36 p.m. On the same day.

At approximately 5.30 p.m. On that Friday, the police again went to the prisoner's flat with keys to the flat obtained from the estate agents responsible for the property. However, the police could not gain entry to the flat using the keys. The telephone number in the flat was called numerous times but no-one answered it. At approximately 6.10 p.m. The Fire Brigade were called to assist police to gain entry to the prisoner's flat. Access was gained through an open bedroom window. Once inside the flat the firemen noticed the prisoner lying on the floor at the foot of her bed apparently unconscious. No-one else was present in the flat. A number of empty packets of Tegretol, a drug commonly used in the treatment of epilepsy, were found in the flat. It should be noted that the prisoner suffered from epilepsy, and did so at the time. It has been hypothesised by Mr Crewdson that the arrival of the police at her flat induced an epileptic fit in the prisoner.

The police performed a search of the flat for any sign of the deceased. They found a couple of bags containing clothing, which clearly did not belong to the prisoner, but which were of the approximate size of clothing as worn by the deceased.

One of the police officers, Detective Senior Constable Neil Paterson of the Missing Persons Unit, was directed to accompany the prisoner in the ambulance that conveyed her to hospital at 6.55 p.m.

At 9.52 p.m. Paterson questioned the prisoner about Rachel Barber. It was during this conversation that the prisoner admitted she had killed the deceased.

At approximately 2 p.m. On Saturday, 13 March, police went to the Kilmore property to conduct a search. A search was commenced among a small grove of trees on the property. Subsequently, the body of the deceased was located in this area in a shallow grave.

An autopsy was conducted on the body of Rachel Barber on 14 March 1999 by Dr Shelley Robertson. Dr Robertson determined that the probable cause of death was by ligature strangulation with a cable that had been found around the deceased's neck.

The deceased's body was found wrapped in two blankets, both of which had been identified as blankets similar to those previously seen in the prisoner's flat. The black wire cable around the deceased's neck was identified as being some sort of electrical or telecommunications cable, but the origin of it has not been able to be determined.

Documentary material found in the prisoner's flat was examined by forensic scientists. A scientific reconstruction of that material revealed a plan of the offence prepared by the prisoner, and written in her own hand. The documents detailed a plan to murder the deceased and subsequently dispose of her body.

It seems from the prisoner's handwritten notes that she intended to adopt the name 'Jem Southall'. She even went to the extent of composing a short personal history of Jem Southall which contained fictitious details of the parents of the new persona. She wrote, 'Jem Southall - 16 years - total revhead!'. The documentation also contained references to the deceased, including observations on her physical appearance and personal characteristics. She described the deceased as highly gifted and intelligent. She wrote:

'Rachel was always 'wild'. Let run barefoot in the country. Began dating very young. Very talented at classical ballet (rebelled and gave up a few times). Tried modelling. Dropped out of school early Year 9. Began new dance school. Strikingly attractive - dancer's body. Very clear pale skin, hypnotic green eyes, dyed hair lots of different colours.'

Immediately following those references to the deceased the prisoner wrote:

'On the way to dance school, say that she can't tell anyone that she's meeting me as I'm not allowed to give the study results to anyone - ethics - highly confidential. Not even your boyfriend/parent. Drug Rachel (toxic over mouth), put body into army bags and disfigure and dump somewhere way out. No car - meet in toilet block - no cameras, people come into the city (maybe to meet friends?) get birth cert - as we will both go licences together then drug her!''

(I interpolate that I regard the reference to the proposed disfigurement of Miss Barber's body as indicative of the degree of jealousy which you felt, and which I consider it is reasonable to infer was consciously recognised by you in relation to her physical appearance.)

On another page the following was written:

'Missing people applying for things like birth certificates - is there a list that it is checked against? Where do rights of the missing person come into place (6 years?) private detectives. Rent a box so Rachel can't be traced ... Rachel - final section of psychology study needs to pack a small backpack as you're running away (wallet, \$, ID (session) etc., photo, clothes, teddy, ballet shoes), highly confidential - for the study to work properly - you can't tell anybody about this. \$100 plus costs (transport) catch train to city \$2.30 max (full) meet her outside Flinders (cameras) order pizza and lace with drowsy powder. After that, go through significe (sic) of bag things then relaxation techniques, then toxic cloth over mouth - use Army bag + and dump off far far away. Dump bag separately then I'll drive you home.'

Other notes of the prisoner referred to:

'Check farm (incl.bag) ... Tuesday arrange bank loan ... Moving van ... Night to disguise hair ... Thoroughly clean house, and steam clean carpet.'

The writings of the prisoner show an abnormal, almost obsessional interest by her in the deceased. Her writings are also replete with references to Jem Southall and one is driven almost inevitably to the conclusion that it was the plan of the prisoner, after killing the deceased, to assume a false identity - more likely than not that of Jem Southall."

- 4 As is evident from this summary, there is much that is either unknown or can only be inferred about the circumstances of your crime. Whilst, for example, it cannot be determined with certainty when you first considered killing the deceased, or actually decided to do so, I am satisfied that you had encompassed her death in your thoughts for a substantial period of time before you finally moved against her.
- 5 In any event, whatever period may have been involved, there can be no doubt that your actions were carried out after extensive deliberation and, to a great degree, in a calculated fashion.
- 6 The device which you employed of inducing Rachel to believe that you were engaged in a study of a confidential character that required the young girl to act in a secretive fashion, and the value of which you appear to have persuaded her would

be compromised if anyone knew about it, was almost certainly the subject of considerable thought. She was vulnerable to such an approach, as you were known to her as a family friend and one time babysitter, whose motives she would never have suspected. (Indeed, what normal young person would have contemplated the terrible existence of such a chilling design or that she was the subject of such hatred?) I have no doubt that you appreciated that the combination of a slightly adventurous but harmless secrecy, and the prospect of obtaining what she referred to as "a heap of money" that would enable her to purchase some shoes that took her fancy, would have been very attractive to a person of her age and apparent temperament. Your planning in this respect possessed subtlety and demonstrates the operation of a devious mind, and your possession of considerable manipulative abilities. Your scheme involved a number of steps and some time in its execution, with each action carefully undertaken so as to keep your victim under your control and without arousing either her suspicion or that of anyone else. For my part I find the deliberation and malevolence with which you acted extremely disturbing.

- 7 Curiously, although it appears that you proposed to disappear and develop a whole new identity and persona for yourself, presumably using the name of Jem Southall, in contrast to your earlier activity, your planning in relation to what was to happen after you killed Miss Barber appears to have been minimal. I observe in this context that, prior to the killing, you had made no financial arrangements to facilitate your plan, nor it seems had you devised a similarly carefully constructed scheme for disposal of her body as you had to bring about her death. Whilst there are some curious features in the evidence concerning this latter aspect that I regard as rather troublesome, I will act on the version that you have provided to the police, that is, that the body of Miss Barber was left for two days in a wardrobe in your flat and then taken to your parents' home in a taxi truck. This was an action which you must have undertaken with extreme trepidation, as the risk of attracting suspicion must have been very high.

8 I suspect that the twin fires of a powerful obsession with the perceived attributes of Rachel Barber, and an intense hatred of her for possessing them, increasingly consumed your thoughts, driving out any serious consideration of the practical unreality of achieving your desire, and motivated you to act before you were fully prepared. This view is, I think, consistent with your general conduct at around that time.

9 What is apparent in the material before the court in relation to your planning is the total absence of any suggestion or impression that you ever gave thought to the individuality or the humanity of your victim, or any sense of the significance of taking a life. You appear to have been totally self-absorbed, concerned only with your own life situation, feelings and desires.

10 In consequence, you took the life of a young person who, despite your researches, you almost certainly never really knew or understood. I think it is appropriate in the particular circumstances of this case to set out a small portion of the victim impact statement of her parents which bears on this aspect:

"It is tragic in Caroline's naivete she had never seen the side of Rachel that was not happy. The Rachel who struggled academically at school (socially she was loved), the Rachel who gave up dance at 13 due to ill health and an over-disciplinary dance teacher. The Rachel who at 14 told her father, 'I know why I am so *miserable*, it is because I am not dancing'. (A factor we had known for that year). The girl who had been afraid to return to dance because she feared the severity of what she wrongly assumed an excellent teacher to be. And finally her decision to return to dance, but to musicals and contemporary dance as she was now afraid of her love, ballet."

11 The simple reality is that, contrary to your distorted perception, there are no perfect lives or perfect people, for that matter, but each of us, whatever our situation or status, is unique and irreplaceable and in our society the life of each is inviolate and none can be unlawfully taken. That is both a profoundly important moral principle and a proposition of law based, in part, on sheer necessity, if we are to live together in a decent and civilized community.

12 You have broken that precept, bringing about the death of Rachel Barber, motivated by envy of her for her family, her beauty and her personality, and above all I am satisfied, because you believed that she would be likely to have a happy and successful life of a kind that you anticipated you would never experience.

13 At one level it is possible to feel a considerable measure of sympathy and sadness for you, as a young person whose level of self-esteem was so low and whose deep-seated and long-standing sense of self-hatred and envy of others was so intense, that she was prepared to kill in order to achieve an unrealisable and unreal dream.

14 But the incontrovertible and irrevocable fact is that you have killed, and in so doing have created more than one victim. In this context, I think that it is desirable to refer to the victim impact statements that have been tendered. Once again, I have read the attempts of family members and friends to convey in a few sentences, and in mere words, some sense of the intensity of the feelings of desolation and pain experienced when a young life is criminally and senselessly taken. As I remarked not that long ago in another matter, for most in the community, in time what you have done will become a distant, bizarre occurrence, but for some, and I refer to the family and friends of your victim, the anguish will remain, sometimes intensifying as milestone events take place in their lives or the lives of others around them, but ever present and constantly evoked by everyday life occurrences.

15 In order that I should make clear the manner in which I have employed those statements, I will repeat some remarks that I have made on other occasions when sentencing offenders.

"The introduction of such statements was not, as I see it, intended to effect any change in the sentencing principles which govern the exercise of discretion by a sentencing judge. What such statements do is to introduce in a more specific way factors which a court would ordinarily have considered in a broader context. They constitute a reminder of what might be described as the human impact of crime. They draw to the attention of the judge who would of necessity have to consider the possible and probable consequences of criminal behaviour, not only its significance to society in general, but the actual

effect of a specific crime upon those who have been intimately affected by it." (R. v. Beckett Vic. SC, unreported, 20 August 1998).

- 16 The courts must through the sentences that they impose reflect the seriousness with which conduct of the kind in which you have engaged is regarded by the society that they represent. Not only must a sentencing judge take into account the concept of retributive justice, but also express the unequivocal denunciation of our community of such fatally destructive behaviour.
- 17 I have had the benefit of the reports and evidence of an experienced forensic psychiatrist and two equally experienced forensic psychologists. However, due either to your inability or unwillingness to provide information relating to a number of aspects of your background and the crime itself, they were able to give only limited assistance to the court. What has emerged, however, from all of the material, in my opinion, is that you suffer from a deeply entrenched personality disorder which contributed to your conduct, and that at this stage at least you represent a real danger to any who may become the unfortunate subject of your fixation. In consequence it is also necessary to have regard to the protection of the public as a significant sentencing consideration in your case.
- 18 Further, and insofar as it is compatible with the application of other sentencing principles, the courts must endeavour to deter those who may contemplate acting as you have done. However, in your case, I consider that, whilst they must be regarded as having application, the importance to be attributed to the principles of general and specific deterrence as sentencing considerations should be regarded as reduced substantially by reason of the presence of the personality disorder mentioned.
- 19 Obviously, in the determination of an appropriate sentence in a particular case, the sentencing judge must take into account all of the circumstances of the offence and the light shed by factors relevant to the individual offender.
- 20 Turning then to your background.

21 You were born in Melbourne on 3 November 1978, into what seems to have been a financially secure but troubled family environment. It is not possible on the evidence to arrive at any findings concerning the bases of these problems, and inappropriate to speculate concerning them.

22 The extent to which the image of your background, gained from the available material and which you have presented to the practitioners who have interviewed you, corresponds with reality or may represent a deeply disturbed and distorted view of your relationships and interactions with those around you, again I am not in a position to determine. It is, nevertheless, worthwhile in my view to refer to some passages from the various reports before the court which deal with that description as they incorporate what I accept was your perspective.

23 Dr Barry-Walsh summarised what he was told as follows:

"She details a home life that is characterised by conflict between her parents, frequent criticism and denigration of herself and emotional and perhaps physical abuse from both parents. Her mother preferred her oldest sister and suffered from significant mood disorder, especially at the time of her birth. Her father has been a more constant person in her life, but she remains ambivalent about him. She has experienced him as constantly angry or controlling and authoritarian. She thus has a life-long history of poor relationships with both her parents. Physically she was obese for much of her life. From primary school she was largely marginalised with few close friends and frequently teased and bullied. Her writings support the notion that she developed a very poor self-image and at times those writings refer to her loathing of herself and her situation. They support her description of feeling unhappy, and miserable, all her life."

24 A broadly similar description, which I will not recite, was given to Mr Cummins.

25 Mr Crewdson reports:

"Caroline sees herself as the 'bad kid' - 'the trouble-maker' - 'the person who failed everyone's expectations'.

In reply, she did 'bad things'. They expected me to be bad and so I was. I stole things from everyone and don't really know why I did it. I would be so upset and angry. I feel bad about it now.'

Note the opening page (said Mr Crewdson) to the material on her background which she prepared for me. 'I could never do anything right, and even today, I still can't'.

David Reid and Ann Ritson confirmed this behaviour and Caroline was described as being manipulative and a person who could be frightening."

And (Mr Crewdson also said)

"Caroline has seen herself as the 'bad child' who often never understood the accusations which she said were constantly raised about her shortcomings. In turn, she acknowledges a lack of understanding about her aggressive actions in the form of stealing from others in her family.

Her writing - either in diary form or letters to her father - vividly and pathetically documents her depressed emotional state; her self-hate; her anger and abhorrence of her appearance; and the sense of unfairness which permeated her life.

Others seem to have good lives - Caroline has shit. She once painted and hung a portrait of herself which was completely black."

26 You are reasonably intelligent and you have completed year 12 at a secondary college. However, I am satisfied that you did not realise your full academic potential. You apparently had few friends and felt marginalised and unsettled in your school environment. I note that, apparently as a result of some difficulties, it became necessary for you to change schools during the period of your secondary education. You were unhappy with your physical appearance. The situation was almost certainly aggravated by the family circumstances and your development of epilepsy.

27 Although little detail has been provided to the court, it appears that you reacted to these pressures through the commission of acts of theft and other vengeful or aggressive activities. It is likely, in my view, that the various problems which you were encountering were aggravated and rendered more difficult to resolve as a consequence of such actions, resulting in an increased sense of anger and alienation.

28 After leaving school, you held a variety of administrative positions in the retail telecommunications industry and were so employed at the time of the commission of

your offence. It appears that you functioned reasonably well at that level and that your relationships in the work environment were normal and satisfactory. Your life outside work was, however, constricted, and you felt very lonely and isolated. I note that at the time of the commission of your offence you were living alone in a flat and had few meaningful social contacts.

29 What can be stated with absolute confidence is that you were a very unhappy young person. Whilst it would, in one sense, be comforting to ascribe that state of affairs and your behaviour to your background circumstances and intra-family conflict, no such simple explanation of your conduct is available. As I have earlier mentioned, there is much that is not known about the circumstances of your offence, and it is distinctly possible that not even you are able to complete the picture so that some understanding of the factors and forces which motivated you can be developed. In the absence of the necessary information, in common with the psychiatrist and the psychologists who have examined you, and to whom I have referred, the rest of us can only speculate as to what they might have been. Perhaps the situation will change with the passage of time and with increasing maturity you will find yourself able or prepared to make full disclosure.

30 Your period of detention following arrest was clearly very traumatic for you as you suffered severe reactive depression. You engaged in acts of self-mutilation, slashing your wrists and forearms, but with the assistance of a Buddhist monk who has been visiting you, and the professional help provided by Mr Crewdson, your state of mind has improved substantially and you have become more comfortable in this environment. That, paradoxically, has given rise to another issue.

31 You are still very young and, based on my experience, at a considerable risk of becoming institutionalised after what would be, considered in terms of an appropriate sentence, a relatively short part of your sentence has been served. Mr Crewdson, unsurprisingly, reports in this context:

"She is very dependent on prison life. Her unit is her 'home' and her current close fellow prisoners are her 'family'.

There is a sad desperation in the way she has adapted. She has no choice in many ways, but at the end of many tearful sessions, there was great irony in her weeping statements 'I have to go home now'.

There are important implications for future long-term management."

32 For a number of reasons which include that concern, the nature of your offence, and the absence of an adequate understanding of the motivating factors underlying it, I have grave reservations concerning your prospects of rehabilitation. Nevertheless, in view of your age, and in the hope that these matters can be addressed, and the fact that eventually you must be released, I consider that your rehabilitation should be accorded substantial significance as a sentencing consideration.

33 With respect to the presence of remorse, Mr Crewdson reports:

"I have no reason to disbelieve that she is 'haunted' by her actions and can never escape repeated memories of them at night when she attempts to sleep. Equally, I am not in a position to disbelieve her when she claims to be amnesiac for the important antecedent events referred to above. She is well aware that at a rational level of understanding the general appearance of her actions could not be worsened with further information about her mental functioning and reasoning, but may be placed in a more understanding context.

Caroline - in some ways - is not a young woman facing trial for an awful murder. At a fantasy level, she is still a young child in trouble where revelation of motive brings the prospect of even more fearful punishment.

Her decision to plead guilty followed a tempestuous period of internal turmoil which led to her terminating external investigations which had seemed to have produced material which would have greatly assisted her legal situation. It took some time to gain her permission to communicate with her legal advisers and abort these investigations.

Around this time she became increasingly involved with the teaching and practices of a Buddhist Monk who visits the Prison. She had profited from the confluence of psychological liberation, the supportive nature of our therapeutic interaction, and her spiritual development."

34 As I have said, I accept that you are indeed remorseful and consider that it is likely that that sense will increase with the passage of time, although I am by no means

confident that you have yet developed any real degree of insight into the true significance of what you have done, and suspect that much of your current reaction is based on self-pity.

35 I have had regard to, and taken into account in your favour, your plea of guilty.

36 I have had regard to the sentences imposed upon young offenders who have been sentenced for the crime of murder over recent years, bearing in mind that each case and each offender must be viewed in the light cast by all of the circumstances relating to the offence and the offender concerned.

37 As indicated when you were last before me, I have thought perhaps too long and deeply about these various matters and the proper sentence to be imposed upon you. I have found the task to be extremely difficult in a situation where everyone has lost. But ultimately I must bear in mind that no-one has lost as much as Rachel Barber, from whom you took everything. Ultimately I have arrived at the view that a sentence of imprisonment for a period of 20 years should be imposed. I fix a non-parole period of 14 years and six months.

38 I declare that the period of 627 days that you have undergone as pre-sentence detention be reckoned as having been served under the sentence hereby imposed and I direct that this declaration and its details be entered in the records of the court.
