

Australian Sentencing

Sanctions

Intro

"Intermediate sanctions" are, in severity terms, a sanction that lies in between imprisonment and fines.

Sanctions that are lighter than fines are known as bonds or dismissals and can be accompanied by conditions or disqualifications.

The nature and objectives of criminal punishment

Sanctions should impose hardship

Minimum requirement should be that the punishment is unpleasant and this stems from the theoretical justification of punishment, deterrence in terms of U and harm equalled in terms of R.

Sanctions need to be effective

Relative to U perspective

"Given that most people covet material wealth and liberty it is not surprising that many sanctions target these interests"

Sanctions need to be efficient

Two principles,

1. First, criminal sanctions should be as economical as possible. Sanctions, which involve a high degree of supervision or are program based, create a strain on scarce community resources and if too expensive to apply or enforce the whole exercise can become self-defeating hence the interests of the community are better served by not punishing at all, rather than utilising public resources to punish minor and middle range offenders.
2. Sanctions should not violate important moral proscriptions. Moral judgements can be universalisable and if so must be adopted in all other situations except where there are relevant differences.

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Hannah Maslen



Australian Sentencing Australian Sentencing:

Sentencing and Sanctions in Western Countries Michael Tonry Director of the Institute of Criminology University of Cambridge, Richard Frase Director of the Institute of Criminology University of Minnesota Law School, 2001-03-12 This collection of original essays surveys the evolution of sentencing policies and practices in Western countries over the past twenty five years Contributors address plea bargaining community service electronic monitoring standards of use of incarceration and legal perspectives on sentencing policy developments among other topics **Sentencing and Sanctions in Western Countries** provides a range of scholars and students excellent cross national knowledge of sentencing laws and practices when and why they have changed over time and with what effects

Sentencing and Sanctions in Western Countries Michael H. Tonry, Richard S. Frase, 2001 11 The Project of Sentencing Reform **Jacaranda New Concepts in Commerce New South Wales Australian Curriculum 4E LearnON and Print** Stephen J. Chapman, Malcolm Freak, Sennia Stahl, 2020-01-29 Jacaranda New Concepts in Commerce NSW Australian curriculum 4th Edition learnON Print This combined print and digital title provides 100% coverage of the NSW Ac Commerce Syllabus June 2019 The textbook comes with a complimentary activation code for learnON the powerful digital learning platform making learning personalised and visible for both students and teachers The latest edition of Jacaranda New Concepts in Commerce include these key features A fully revised fourth edition comprehensively covers the four core and seven option topics from the NSW Ac Commerce 7 10 Syllabus June 2019 due to be implemented in Term 1 2020 All student worksheets are now included free in the student edition no separate workbook purchase necessary A rich bank of teacher support material including detailed Syllabus and teacher notes additional activities teacher an learning programs and much more Now available on learnON an immersive new eBook where everything is in one place for a dynamic and uninterrupted learning experience Teacher your class your way with trusted content delivered consistently across all formats including learnON eBookPLUS iPad app print and PDF

Penal Reform in Overcrowded Times Michael H. Tonry, 2001 Overcrowded times solving the prison problem a publication published Castine Me Published for the Edna McConnell Clark Foundation by Castine Research Corp 1990 1999 taken from OCLC record

Sentencing and Society Cyrus Tata, Neil Hutton, 2017-03-02 Combining the latest work of leading sentencing and punishment scholars from twelve different countries this major new international volume answers key questions in the study of sentencing and society It presents not only a rigorous examination of the latest legal and empirical research from around the world but also reveals the workings of sentencing within society and as a social practice Traditionally work in the field of sentencing has been dominated by legal and philosophical approaches Distinctively this volume provides a more sociological approach to sentencing so allowing previously unanswered questions to be addressed and new questions to be opened This extensive collection is drawn from around one third of the papers presented at the First International Conference on Sentencing and Society Almost without exception the chapters have been revised cross

referenced and updated The overall themes and findings of the international volume are set out by the opening Introduction and the closing Reflections chapters Research findings on particular penal policy questions are balanced with an analysis of fundamental conceptual issues making this international volume essential reading for sentencing and punishment scholars criminal justice policy makers and graduate students

Justice Connections Patricia Easteal, 2014-10-16 Former High Court judge of Australia the Hon Michael Kirby AC CMG in addressing the symposium that has evolved into this book stressed the need for vigilance in the pursuit and protection of justice Justice Connections is evidence of such vigilance The book is a veritable smorgasbord of subjects violence against women Indigenous people sentencing genetic profiling cultural exceptionalism arbitral proceedings and environmental law However certain themes are constant The notion of respect for the individual and their personal characteristics underpins the analyses in the book Accordingly a number of contributors examine the need to recognise and protect the potentially vulnerable in society There is recognition too of the significance of the public interest and public participation in just policy and decision making Whilst the principle of the rule of law is a constant in civilised society another message of the book is that its form is very much an evolving beast Furthermore the book illustrates that justice is not synonymous with law but more as Professor Margaret Thornton concludes a performative idea that is played out differently in different sites by different actors

Sentencing Guidelines and Commissions Julian V. Roberts, Arie Freiberg, Rhys Hester, 2025 In *Sentencing Guidelines and Commissions* Julian V Roberts Arie Freiberg and Rhys Hester synthesize existing literature on commissions and guidelines identify key issues and problems and clarify the future of commissions and guidelines since the creation of the first commissions in 1980 Drawing upon almost fifty years of additional developments and accumulated research on guidelines commissions and councils the authors explore the benefits of sentencing councils and commissions and sentencing guidelines Further the authors look back to the cumulative experience since the first guidelines were created and propose model regimes for legislatures to consider based on the American English and Australian approaches

Remorse, Penal Theory and Sentencing Hannah Maslen, 2015-04-30 This monograph addresses a contested but under discussed question in the field of criminal sentencing should an offender's remorse affect the sentence he or she receives Answering this question involves tackling a series of others is it possible to justify mitigation for remorse within a retributive sentencing framework Precisely how should remorse enter into the sentencing equation How should the mitigating weight of remorse interact with other aggravating and mitigating factors Are there some offence or offender characteristics that preclude remorse based mitigation Remorse is recognised as a legitimate mitigating factor in many sentencing regimes around the world with powerful effects on sentence severity Although there has been some discussion of whether this practice can be justified within the literature on sentencing and penal theory this monograph provides the first comprehensive and in depth study of possible theoretical justifications Whilst the emphasis here is on theoretical justification the monograph also offers analysis of how normative conclusions would play out in the broader

context of sentencing decisions and the guidance intended to structure them The conclusions reached have relevance for sentencing systems around the world **Punishment and Social Control** Stanley Cohen, 2017-07-05 While crime law and punishment are subjects that have everyday meanings not very far from their academic representations social control is one of those terms that appear in the sociological discourse without any corresponding everyday usage This concept has a rather mixed lineage After September 11 has become a slogan that conveys all things to all people but carries some very specific implications on interrogation and civil liberties for the future of punishment and social control The editors hold that the already pliable boundaries between ordinary and political crime will become more unstable national and global considerations will come closer together domestic crime control policies will be more influenced by interests of national security measures to prevent and control international terrorism will cast their reach wider to financial structures and ideological support the movements of immigrants refugees and asylum seekers will be curtailed and criminalized taken for granted human rights and civil liberties will be restricted In the midst of these dramatic social changes hardly anyone will notice the academic field of punishment and social control being drawn closer to political matters Criminology is neither a pure academic discipline nor a profession that offers an applied body of knowledge to solve the crime problem Its historical lineage has left an insistent tension between the drive to understand and the drive to be relevant While the scope and orientation of this new second edition remain the same in recognition of the continued growth and diversity of interest in punishment and social control new chapters have been added and several original chapters have been updated and revised

Indigenous People, Crime and Punishment Thalia Anthony, 2013-07-24 Indigenous People Crime and Punishment examines criminal sentencing courts changing characterisations of Indigenous peoples identity culture and postcolonial status Focusing largely on Australian Indigenous peoples but drawing also on the Canadian experiences Thalia Anthony critically analyses how the judiciary have interpreted Indigenous difference Through an analysis of Indigenous sentencing remarks over a fifty year period in a number of jurisdictions the book demonstrates how judicial discretion is moulded to dominant white assumptions about Indigeneity More specifically Indigenous People Crime and Punishment shows how the increasing demonisation of Indigenous criminality and culture in sentencing has turned earlier gains in the legal recognition of Indigenous peoples on their head The recognition of Indigenous difference is thereby revealed as a pliable concept that is just as likely to remove concessions as it is to grant them Indigenous People Crime and Punishment suggests that Indigenous justice requires a two way recognition process where Indigenous people and legal systems are afforded greater control in sentencing dispute resolution and Indigenous healing

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