

PURPOSES OF SENTENCING

When deciding a sentence, a judge or magistrate thinks about what the sentence is trying to achieve.

Learning outcomes

Students will:

- describe key terms using legal terminology, including community protection, deterrence, retribution (punishment), rehabilitation, denunciation and prevention
- explain the principles that affect sentencing decisions in Part 2 of the *Penalties and Sentences Act 1992* (Qld), including the purposes of punishment
- select legal information

Focus question

What are the purposes of sentencing?

Getting started

Locate and download the *Penalties and Sentences Act 1992* (Qld) and recent sentencing remarks (if you do not know where to look, go to the further resources section, below on this sheet).

Curriculum links

This learning resource has been developed for students studying Legal Studies 2019 (General Senior Syllabus) in Year 11.

It ties in with Unit 1: Beyond reasonable doubt, Topic 4: Punishment and sentencing.

Important information

This resource has been designed to be used with the Queensland Sentencing Advisory Council's podcast [Sentencing Matters: Episode 1 - What is sentencing?](#)

Key concepts

denunciation

deterrence

prevention

principle

rehabilitation

retribution (punishment)

Further resources

The following websites may further enhance the learning outcomes associated with this resource:

[Queensland legislation website](#)

[Queensland Sentencing Advisory Council, 'Sentencing adult offenders'](#)

[Supreme Court Library Queensland, CaseLaw](#)

In some instances, the language used in these resources reflects that of the relevant educational syllabus as opposed to terms commonly used in Queensland legislation. For instance, the word 'retribution' is used in the syllabus, although 'punishment' is the closest equivalent used in legislation.

PURPOSES OF SENTENCING

Your turn

1. Complete the following cloze activity using the words provided in the box below:

imposed	combination	specific	punishment	sentence
protection	rehabilitation	denounce	Queensland	denunciation
general	community	conditions	just	deterrence

- The only purposes under _____ law for which a _____ may be _____ are:
- _____ – to punish the offender to an extent or in a way that is _____ in all the circumstances
 - _____ – to establish _____ to help the offender to be rehabilitated
 - _____ – to deter the offender (known as personal or _____ deterrence) or other members of the community (known as _____ deterrence) from committing the same or a similar offence
 - _____ – to _____ that the community disapproves of the offending behaviour
 - community _____ – to protect the Queensland _____ from the offender, or
 - a _____ of these purposes.

No one purpose is the main or dominant purpose for sentencing in all cases. In each case the judge or magistrate will consider the features of the offending and the offender, and decide which purpose or combination of purposes will apply.

Source: Queensland Sentencing Advisory Council (QSAC), 2019 *Queensland Sentencing Guide*, p. 20.

- Using a copy of the *Penalties and Sentences Act 1992* (Qld), identify the section that outlines the purposes of sentencing.
- Download and listen to QSAC's podcast *Sentencing Matters: Episode 1 – What is sentencing?* While you listen to the podcast, answer the following questions:
 - Rebecca Wallis encourages listeners to go and have a look at the *Penalties and Sentences Act 1992* (Qld). What features are contained within the Act?
 - Professor Elena Marchetti talks about judges having discretion, but their discretion is limited. What does she mean? What happens if a judge has too much or too little discretion?
 - Explain what a 'just desserts' model of punishment is.

PURPOSES OF SENTENCING

- d. What particular purpose of punishment is described by Rebecca Wallis as being ‘forward-looking’? What does that mean?
- e. Rebecca Wallis raises that community protection is a purpose that people are interested in talking about. What debate surrounds this purpose?
- f. How are pleas of guilty taken into account at sentence?
- g. What does Rebecca Wallis raise as the most common issues that arise when a judge sentences a defendant?
- h. What is the ‘hardest, bluntest tool’ in the sentencing toolbox? Why is it described like this?
4. Select a sentencing remark that has recently been published on the Supreme Court Library Queensland’s CaseLaw database (use the link on the first page of this worksheet under ‘Further resources’).
- Read the sentencing remark and identify the purpose of the sentence.
 - Identify evidence within the sentencing remark to support which purpose is referred to in the judgment.

Court	
Judicial officer	
Indictment number	

Purpose	Supporting quote