

# Glossary

- Appeal** Review of all or part of a court’s decision by a higher court. An appeal against a sentencing decision of a magistrate can be heard by a District Court judge. An appeal against a sentencing decision of a District Court or Supreme Court judge can be heard by the Court of Appeal.
- Average** The average is a measure used to determine where the centre of a distribution lies. The average is calculated by adding up all the values in a dataset and dividing the sum by the total number of values. The average is affected by outliers – extreme scores at either end of the distribution can cause the mean to shift significantly. Also referred to the mean.
- Case law** Law made by courts, including sentencing decisions and decisions on how to interpret legislation. This is also known as **common law**.
- Common law** Law made by courts, including sentencing decisions and decisions on how to interpret legislation. This is also known as **case law**.
- Compensation** Compensation is an amount of money provided for any loss, destruction or damage caused to property, and can also address personal injury suffered by a person (whether or not they are a victim of the offence) because of the commission of a criminal offence.
- Conviction** A determination of guilt made by a court.
- Court of Appeal** A division of the Supreme Court. The Court of Appeal hears appeals against conviction, sentence or both. It usually comprises three judges.
- Crown** The prosecution may be referred to as the Crown. The Crown refers to the Queensland Government representing the community of Queensland.
- Defendant** A person who has been charged with an offence but who has not yet been found guilty or not guilty. Can be used interchangeably with **accused**.
- Denunciation** Communication of society’s disapproval of an offender’s criminal conduct.
- De Simoni (De Simoni principle)** The principle that a person should only be sentenced for an offence for which he or she has been found guilty.
- Deterrence** Discouraging offenders and potential offenders from committing a crime by the threat of a punishment or by someone experiencing a punishment. One of the five statutory sentencing purposes in Queensland.
- Head sentence – imprisonment** The total period of imprisonment imposed. A person will usually be released on parole or a suspended sentence before the entire head sentence is served.
- Mean** The mean is a measure used to determine where the centre of a distribution lies. The mean is calculated by adding up all the values in a dataset and dividing the sum by the total number of values. The mean is affected by outliers – extreme scores at either end of the distribution can cause the mean to shift significantly. Also referred to the average.
- Median** The median is a measure used to determine where the centre of a distribution lies. The median is the middle value (or the halfway point) of an ordered dataset. Half of the values lie above the median, and half below. The advantage of using the median is that, compared to the mean, it is relatively unaffected by extreme scores at either end of the distribution.

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Median

- Most serious offence (MSO)** For this report, the MSO refers to an offender’s most serious offence at a court event. It is the offence receiving the most serious penalty, as ranked by the classification scheme used by the Australian Bureau of Statistics (ABS). An offender records one MSO per court event.

<b>Non-parole period</b>	The time an offender serves in prison before being released on parole or becoming eligible to apply for release on parole.
<b>Offender</b>	A person who has been found guilty of an offence or who has pleaded guilty to an offence.
<b>Parity (principle of parity)</b>	People who are parties to the same offence should receive the same sentence, although matters that create differences must be taken into account.
<b>Parsimony (principle of parsimony)</b>	A sentence must be no more severe than is necessary to achieve the purposes for which the sentence is imposed.
<b>Partially suspended sentence</b>	Imprisonment of up to five years, with some actual prison time followed by release from prison with the remaining period of imprisonment suspended for a set period (called an 'operational period'). If the offender commits a further offence punishable by imprisonment during the operational period, they must serve the period suspended in prison (unless unjust to do so), plus any other penalties issued for the new offence.
<b>Plea</b>	The response by the accused to a criminal charge – 'guilty' or 'not guilty'.
<b>Proportionality (principle of proportionality)</b>	A sentence must be appropriate or proportionate to the seriousness of the crime.
<b>Prosecution</b>	A legal proceeding by the State of Queensland against an accused person for a criminal offence. Prosecutions are brought by the Crown (through the ODPP or police prosecutors).
<b>Remand</b>	To place an accused person in custody awaiting further court hearings dealing with the charges against them. A person who has been denied bail, or not sought it, will be placed on remand. This is also known as 'pre-sentence custody'.
<b>Restitution</b>	Restitution is a specific form of compensation that relates to property damaged or taken in relation to the commission of a criminal offence.
<b>Restorative justice conferencing</b>	Restorative justice conferencing involves a dialogue between the parties (victim and offender) directly affected by a criminal offence, whereby the harm suffered by the victim can be expressed, acknowledged by the offender and an agreement reached about the way to repair the harm, where possible.
<b>Sentence</b>	The penalty the court imposes on an offender.
<b>Sentencing factors</b>	The factors that the court must take into account when sentencing.
<b>Sentencing principles</b>	Principles developed under the common law, which serve as guideposts to assist judges and magistrates to reach a decision concerning the most appropriate sentence to impose. They include parity, parsimony, proportionality, totality, and the De Simoni principle.
<b>Sentencing purposes</b>	The legislated purposes for which a sentence may be imposed. In Queensland there are five sentencing purposes for the sentencing of adults: punishment, deterrence, rehabilitation, denunciation, and community protection.
<b>Sentencing remarks</b>	The reasons given by the judge or magistrate for the sentence imposed.
<b>Supreme Court</b>	The highest state court in Queensland. It comprises the trial division and the Court of Appeal. All trials and sentencing hearings for murder and manslaughter take place in the Supreme Court trial division.
<b>Suspended sentence</b>	A sentence of imprisonment of five years or less suspended in whole (called a 'wholly suspended sentence') or in part (called a 'partially suspended sentence') for a period (called an 'operational period'). If further offences punishable by imprisonment are committed during the operational period, the offender must serve the period suspended in prison (unless unjust to do so), plus any other penalties issued for the new offence.
<b>Totality (principle of totality)</b>	When an offender is convicted of more than one offence, the total sentence must be just and appropriate to the offender's overall criminal behaviour.

**Victim impact statement** A mechanism for a victim of crime to provide a written account of the impact of an offence on them, which is presented to the sentencing court – most often in a written format to the judge, although sometimes the victim can read the statement to the court. This forms part of the court’s assessment of the seriousness of the offence.

**Wholly suspended sentence** A sentence of imprisonment of up to five years but with no actual time served in prison as part of the sentence, unless the person commits a further offence during the operational period. If further offences punishable by imprisonment are committed during the operational period, the offender must serve the period suspended (unless unjust to do so), plus any other penalties issued for the new offence.