

## SENTENCING OPTIONS FOR ADULTS

In Queensland there are a range of sentencing options for adults, such as a fine, good behaviour bond or imprisonment.

### Learning outcomes

Students will:

- use legal terminology
- describe a range of sentencing options
- identify and categorise custodial and non-custodial sentencing options
- justify, using legal reasoning, the suitability of a sentencing option.

### Focus question

- What different sentencing options exist in Queensland for adult offenders?

### Key concepts

- absolute discharge
- community service order
- custodial sentence
- fine
- good behaviour bond
- imprisonment
- intensive correction order
- non-custodial sentence
- probation
- suspended sentence of imprisonment.

### Curriculum links

This learning resource has been developed for students studying Legal Studies 2019 (General Senior Syllabus) in Year 11 and 12, specifically the core area of criminal law. It ties in with Unit 1: Beyond reasonable doubt, Topic 4: Punishment and sentencing.

### Getting started

1. Initiate a whole class discussion by asking students to identify the different types of sentencing options for adults that exist in Queensland.
2. As a class, draw a scale to show what sentencing options the students feel are the most to least effective to achieve a fair, safe and just Queensland.

### Further resources

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

- [Queensland Sentencing Advisory Council](#)
- [Queensland Law Handbook](#)
- [Legal Aid Queensland](#)
- [Queensland Government—Your rights, crime and the law](#)

# LEARNING RESOURCE

A sentence is the penalty a court imposes on a person once they plead, or are found, guilty of a criminal offence. Judges and magistrates can impose a wide range of sentencing options. These options are set out in legislation or laws made by Parliament. There are different laws for sentencing adults and children. These examples are the sentencing options for adults.

## Your turn

- Using the resources listed above, write a definition of the different sentencing options available to a judge or magistrate in the second column.

| Sentencing option          | Definition | Non-custodial or custodial? |
|----------------------------|------------|-----------------------------|
| Absolute discharge         |            |                             |
| Probation                  |            |                             |
| Fine                       |            |                             |
| Intensive correction order |            |                             |
| Suspended sentence         |            |                             |
| Good behaviour bond        |            |                             |
| Community service order    |            |                             |
| Imprisonment               |            |                             |

- There are two broad types of sentencing orders:

- non-custodial orders —orders that do not involve a person being sentenced to imprisonment.
- custodial sentencing orders —orders that involve a person being sentenced to a term of imprisonment.

Identify which sentencing options are non-custodial and custodial orders by writing an 'N-C' or 'C' in the third column.

- When deciding a sentence, a judge or magistrate must take into account legislation and case law as these apply to the individual circumstances of the case. Justify, using legal reasoning, whether you believe a non-custodial or custodial sentence would be the most effective legal response for the criminal offences below. You can, but do not need to, choose a specific sentencing option.
  - Unauthorised dealing with shop goods (shoplifting)
  - Dangerous operation of a vehicle causing death
  - Trafficking in a dangerous drug

HINT: The *Penalties and Sentencing Act 1992* (Qld), section 9(1) may assist you to understand the different purposes or legal reasons a judge or magistrate can use to support a sentencing option. The Judge for Yourself resource will give insight into the offences.