

## SENTENCING OPTIONS

When imposing a sentence on a defendant, a magistrate or judge has a range of sentencing options.

### Learning outcomes

Students will:

- describe key terms using legal terminology, including custodial and non-custodial
- describe the range of sentencing options, including fines, good behaviour bonds, probation, suspended sentence, community service orders, intensive correction orders and imprisonment
- evaluate, using legal criteria, the effectiveness of sentences and punishment

### Focus question

**What different types of sentencing options exist in Queensland?**

**How effective are different types of sentencing options?**

### Key concepts

community service order

**custodial sentence**

**fine**

good behaviour

imprisonment

intensive correction order

**non-custodial sentence**

probation

**suspended sentence**

### Getting started

Write a list of sentencing options. Ask students which one they think is the most commonly used? Why?

From the same list of sentencing options, ask students to identify which ones are custodial and which ones are non-custodial. Why is it important that judges have a range of sentencing options?

Ask students to generate a list of ways you could judge whether a sentence is effective or not (this will be useful later on).

### 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.

### Further resources

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

Caxton Legal Centre Inc.,  
[\*The Queensland Law Handbook\*](#)

Legal Aid Queensland,  
[\*Possible penalties and sentences\*](#)

Queensland Government,  
[\*Types of sentences\*](#)

Queensland Sentencing Advisory Council,  
[\*Queensland Sentencing Guide\*](#)

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

### Penalty types

The types of penalties a court can impose when sentencing an adult are set out in the *Penalties and Sentences Act 1992* (Qld). There are two broad types of sentencing orders for adults:

- non-custodial orders, that do not involve the person being sentenced to imprisonment (such as a fine, good behaviour bond, community service or probation)
- custodial sentencing orders, that involve the person being sentenced to a period of imprisonment.

There are a number of different sentencing orders that a court can impose on adults sentenced under the *Penalties and Sentences Act 1992* (Qld).

SOURCE: Queensland Sentencing Advisory Council, *Queensland Sentencing Guide*, p. 27.

### Your turn

Using the Queensland Sentencing Guide describe the range of sentencing options and orders listed in column two and three below. Complete some additional research to discover two to three benefits and limitations of the sentencing options listed (including in meeting the purposes of sentencing), correctly in-text referencing your sources. When thinking about the benefits or limitations of a particular sentencing option, you may like to consider the different perspectives of key stakeholders.

Sentencing option	Custodial or non-custodial?	Description of sentencing option	Benefits	Limitations
Community service order				
Fine				
Imprisonment (with parole)				
Wholly suspended sentence				
Partially suspended sentence				
Probation order				

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### Your turn

Construct an extended response of at least 250 words that recommends whether fines should continue to be used as a sentencing option.

When evaluating the use of fines as a sentencing option, use legal criteria.

#### Possible criteria you may wish to include as part of your response are:

- the elements of the rule of law (law is applied equally and fairly, it is capable of being known by everyone, the law and its administration is subject to open and free criticism, there is separation of powers, there is judicial discretion, the judicial system is impartial and independent, the rights of the accused and victim are upheld)
- the features of an effective law (such as the law is known, capable of being enforced, represents and is accepted by the people, clear, stable, able to be changed, applied consistently and is able to resolve disputes)
- the law meets its objectives or purpose
- the law doesn't adversely or inequitably impact a specific group of people in society
- the law supports just and equitable outcomes
- the law reflects our human rights