

Education workbook

JUDGE FOR YOURSELF

District Court
of Queensland

Dangerous operation of a
vehicle causing death



Queensland Sentencing
Advisory Council

The Queensland Sentencing Advisory Council

The Queensland Sentencing Advisory Council provides independent research and advice about sentencing, seeks public views on sentencing and promotes community understanding of sentencing matters.

The Council has an authoritative and independent voice when it comes to sentencing in Queensland.

As part of our role, the Council provides a number of learning experiences and resources aimed at high school and university students, such as the popular interactive program *Judge for Yourself*.

To learn more about the Council or view our curriculum aligned resources, visit our website. You can also watch a short video that explains our work.

About this resource

The Queensland Sentencing Advisory Council has developed this teaching resource to support student learning related to the Council's interactive *Judge for Yourself* program — specifically, a District Court of Queensland case involving dangerous operation of a vehicle causing death.

The *Judge for Yourself* series assists the Council to inform and engage students and others in the community about the complex nature of sentencing procedures in court.

It gives Queenslanders the opportunity to hear the facts of court cases based on real life events and determine the sentence — judging for yourself.

While this resource is designed to assist teachers in the classroom, the Council also offers free, interactive *Judge for Yourself* sessions to students and community members within a two hour drive of Brisbane, or via videoconferencing.

Teachers and organisations can book a *Judge for Yourself* session on our website.

Accessibility



The Council is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds.

If you have difficulty in understanding the education resource, you can contact us by phone on (07) 3738 9499, or freecall the Translating and Interpreting Service on 1800 131 450, and we will arrange an interpreter to effectively communicate the education resource to you.

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Feedback

Feedback is important for improving the value of our future teaching resources. We welcome your comments, which can be made by contacting:

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Acknowledgement of Traditional Owners

We acknowledge and give our respects to the Traditional Owners and Caretakers of this land, where they have performed age-old ceremonies of storytelling, healing, music, dance and celebration. We would also like to acknowledge and give our respects to Elders, past, present and emerging, for they hold the memories, traditions and knowledge of Aboriginal and Torres Strait Islander culture.

Aboriginal and Torres Strait Islander peoples are advised that the video this publication refers to may contain images and voices, names and descriptions of people who are deceased.

The Queensland Sentencing Advisory Council recognises and prioritises the needs of Aboriginal and Torres Strait Islander peoples to address their over-representation in Queensland's criminal justice system. Our Aboriginal and Torres Strait Islander corporate artwork *Overcoming Obstacles* by Casey Coolwell was commissioned to embody our commitment to understanding the drivers of over-representation in the Queensland criminal system. To view the artwork please visit our website.



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Judge for Yourself – District Court of Queensland

Dangerous operation of a vehicle causing death

Teacher notes

WARNING

The *Judge for Yourself* – District Court of Queensland presentation discusses the criminal justice process in a realistic way. This particular program focuses on the death of a young child in a motor vehicle accident and a dramatised re-enactment from the scene of the offence is shown. You know the lived experience of your students – we encourage you to take care if you believe its contents may be confronting.

Aboriginal and Torres Strait Islander viewers are warned that the video presentation this resource relates to may contain images and voices of deceased persons.

Learning outcomes

Students will:

1. describe key terms using legal terminology, including jurisdiction, code, crime, statute law, sources of law, prosecutor, defendant, the court hierarchy in Australia and the range of sentencing options.
2. explain the principles that affect sentencing decisions in Part 2 of the *Penalties and Sentences Act 1992* (Qld).
3. analyse a range of criminal legal issues to determine the nature and scope of the issue and then examine different viewpoints.
4. analyse the principles of sentencing as they apply to scenarios to predict an outcome.
5. evaluate, using legal criteria, the effectiveness of sentencing and punishment.
6. create responses that communicate meaning to suit the intended purpose in paragraphs and extended responses.

Teacher Tips

To assist when lesson planning, the learning outcomes featured here include mandatory terms, principles and skills from Legal Studies 2019 General Senior Syllabus Unit 1, Beyond reasonable doubt: Topics 1 to 4.



Inquiry question

What sentence should Joseph Edwards receive for the criminal offence of dangerous operation of a vehicle causing death?

Key concepts

Aggravating factors	District Court of Queensland	Probation
Crime	Indictable offence	Prosecutor
<i>Criminal Code 1899</i> (Qld)	Imprisonment	Protection
Dangerous operation of a vehicle causing death	Judge	Punishment
Defendant	Jurisdiction	Rehabilitation
Defence counsel	Mitigating factors	Sentence
Deterrence	Parole	Submission
Denunciation	Penalty	Suspended sentence
Discretion	<i>Penalties and Sentences Act 1992</i> (Qld)	

Curriculum links

Legal Studies 2019 General Senior Syllabus Unit 1 — Beyond Reasonable Doubt:

- Topic 1: Legal foundations
- Topic 2: Criminal investigation process
- Topic 3: Criminal trial process
- Topic 4: Punishment and sentencing.

Australian Curriculum, Year 9 Civics and Citizenship (ACHCK077): analysis, synthesis and interpretation.

Materials required

- Sentence type cards/sheets ([Appendix 1](#))
- 1 x post-it note per student
- Writing tools (pen or pencil)
- Laptop and projector connected to the internet for teacher use (although students are welcome to complete the lesson on individual devices independently at home or in the classroom)
- Learning resources as provided in this education kit
- Supporting information ([Appendix 2 – 4](#))

Help and support

If something in the program raises concerns for you or your student/s seek help.

- Kids Helpline (kidshelpline.com.au): 1800 55 1800
- Lifeline Australia (lifeline.org.au): 13 11 14
- Beyond Blue (beyondblue.org.au): 1300 22 46 36
- 13 HEALTH: 13 43 25 84
- eheadspace (headspace.org.au/eheadspace)
- Mindspot (mindspot.org.au)

Lesson plan

To get the most out of this collection of learning experiences we recommend *Judge for Yourself* – District Court of Queensland, Dangerous operation of a vehicle causing death is taught over two lessons.

Lesson	Sequence	Timing	Learning experience	Related education kit resource
1.	Engagement	5-10 minutes	Select an activity to help prepare your students for their virtual courtroom experience.	Getting started
	Judge for Yourself program	50-60 minutes	Follow the steps outlined in the procedural guide provided, consolidating and extending student learning through the use of our learning resources.	How to guide (steps 1 – 10) Comprehending the concepts learning resource Analysing legal issues learning resource Appendix 1 – 4
	Putting it together	5-10 minutes	There will always be debate on the appropriateness of a sentence. Watch Joseph's actual sentence.	How to guide (steps 11 – 12)
2.	Engagement	5 minutes	Ask students to move to one of three areas (agree, disagree, undecided) in the room in response to the following question: Upon reflection, was Joseph's actual sentence appropriate, fair and just? Discuss.	<div> Teacher Tip The question and the use of sources as part of the extended writing response is reflective of the kind of task students would be faced with in their assessment for this unit. </div>
	Extending	40 minutes	Provide students with time to complete the extended writing response task. Provide the Queensland Sentencing Advisory Council with feedback.	
	Reflection	15-30 minutes	Ask your students to complete the reflection task, discussing responses if appropriate.	

How to guide

This guide provides you with a procedural model to facilitate *Judge for Yourself* — District Court of Queensland, Dangerous operation of a vehicle causing death.

Setting up your classroom

Setting up your classroom to allow transition between group and individual work is encouraged. *Judge for Yourself* is designed to be viewed and discussed in a group, with learning resources completed individually.

Before the students arrive, we recommend placing the 'Sentence type' cards ([Appendix 1](#)) around the classroom in five different areas and printing off or displaying the coloured sentence type descriptions.

Teacher Tips

Have all of the required materials for the lesson/s printed or uploaded and make sure you have tested the technology beforehand.

Judge for Yourself is designed to be interactive and engaging — encourage students to ask questions and share viewpoints in a safe and supportive way.

* Some people have experienced, or know someone who has been involved in a vehicle accident. It is important that students can step away from the lesson if they are feeling affected by the content.

You might like to provide some guidance about what students can do if they get upset, such as leaving for a drink of water or asking for a break to help calm down. *



Procedural guide

1. Introduce the objective of the program

Today you are going to put yourself in the shoes of a District Court of Queensland judge.

You will sentence 41-year-old Joseph Edwards. Joseph has pleaded guilty to the criminal offence of 'dangerous operation of a vehicle causing death'.

Just like a judge, you will hear all relevant submissions before handing down your final decision.

2. Explain the jurisdiction of the District Court of Queensland

Show students an image of the Queensland Court hierarchy and identify the District Court of Queensland in relation to other courts ([Appendix 2](#)).

QUESTION

Identify five criminal offences that would be finalised in the District Court of Queensland.

The District Court of Queensland had 7,838 criminal lodgements in 2018-19 ([Annual report 2018-19](#), pg. 1).

The court hears a wide range of indictable (serious) offences against property (e.g. burglary, armed robbery), against the person (e.g. sexual assault, rape, grievous bodily harm) and drug offences (e.g. supplying dangerous drugs).

It also has jurisdiction to hear matters involving children when sitting as the Childrens Court of Queensland.

3. General viewpoint on sentencing

Provide each student with a post-it note. Students to answer the following question on the post-it note.

QUESTION

In general, would you say that sentences handed down by Queensland courts are too tough, about right or too lenient?

Categorise the answers and discuss.

4. Introduce the case

Many people get information about sentencing from the media — radio, newspapers, online articles, social media or television.

QUESTIONS

Did anyone watch or read the news recently?

Did you see or read about a crime-related story?

Do you think the story accurately represented crime in Queensland? Why or why not?

Together we are going to watch a video about the case you will make a sentencing decision on today. The people you will see throughout this program are actors, but it is based on a real court case. At the end of the session the actual sentence will be revealed.



WATCH

View the news item on the [Judge for Yourself website](#).

QUESTIONS

After watching the news item, consolidate the key facts of the case by asking students:

Who is the defendant?

What gender is the defendant?

What did the defendant do?

Who was the victim?

Any other comments?

WARNING REMINDER

This case involves a motor vehicle accident that led to the death of a young child and contains dramatised graphic images.

Ask students to step outside if they become distressed by the content.

5. Types of sentences and purpose of sentencing

Discuss the different types of sentences that the students (acting as the judge) can impose for an offence of this nature ([Appendix 3](#)).

Discuss the sentencing purposes in Queensland ([Appendix 4](#)).

6. What sentence would you give Joseph?



ACTIVITY



Ask students to move to the part of the room that displays the sentence type they would give Joseph based on the information contained in the news story (fine, community service order, intensive correction order, probation, imprisonment or imprisonment (partially or wholly suspended)).

QUESTION

Why did you give Joseph that sentence? Justify and/or explain your decision.

Further questions may include:

What makes other sentencing options less appropriate?

What do you hope the outcome of your sentence would be?

After discussion has finished, students can move back together.

7. A judge's toolbox

WATCH



Let's recap the jurisdiction of the District Court on the [Judge for Yourself website](#).

QUESTION

Judges don't just pull sentences out of thin air. What tools help the judiciary form their decision?

Answers may include:

- legislation (also called statute law or an Act)
- precedents (also called common law or case law)
- submissions made by legal counsel
- reports
- victim impact statements
- references or letters of support.

In this case the judge may consult the *Penalties and Sentences Act 1992* (Qld), *Criminal Code 1899* (Qld) and the *Transport Operations (Road Use Management) Act 1995* (Qld).

LEARNING RESOURCE

Let's examine one of the tools judges use — legislation

Students complete 'Comprehending the concepts' learning resource.



8. Mitigating and aggravating factors

In a moment we will take a look at what the prosecutor and defence counsel have to say.

The prosecutor's role is to provide the judge with all the facts and circumstances of the offence, particularly any aggravating factors, the offender's criminal history, and submissions about the impact of the offence on the victim, relevant case law and legislation, and the appropriate sentence.

Aggravating factors are details about the offence, the victim and/or the offender that tend to increase the seriousness of the offence and the sentence received.

WATCH



View the prosecutor's submission on the *Judge for Yourself* [website](#).

LEARNING RESOURCE

Students complete 'Analysing legal issues' learning resource, crown prosecution.

Answers can include:

- driving erratically
- his state of mind (he was angry and not in a fit state to drive)
- driving through a stop sign.



QUESTION

Given what you have just heard, what purpose of sentencing do you believe is most relevant in this case? Why?

- Punishment
- Rehabilitation
- Deterrence
- Denunciation
- Protection.

The role of the defence is to represent the offender and provide the judge with information about their client's personal circumstances, any background information about the offence, particularly any mitigating factors, any steps taken towards rehabilitation and make submissions about relevant case law and legislation, and the appropriate sentence.

WATCH



View the defence counsel's submission on the *Judge for Yourself* [website](#).

LEARNING RESOURCE

Students complete 'Analysing legal issues' learning resource, defence counsel. Mitigating factors are details about the offender that tend to reduce the severity of the sentence.

Answers can include:

- stayed with his vehicle
- surrendered himself into custody
- expressed genuine sorrow and remorse
- wrote to the deceased's parents
- entered an early guilty plea
- didn't apply for bail
- went straight to prison on remand
- no criminal history.



QUESTION

Is there anything else you would say to the judge if you were the crown prosecutor or defence counsel?
If so, what?

LEARNING RESOURCE

Students complete remaining question on 'Analysing legal issues' learning resource.



In a sentencing hearing the defence counsel will provide the court with information about the offender's personal circumstances, including their experience in custody on remand.

Let's hear from Joseph about his experiences in custody awaiting his sentence



WATCH

View Joseph's story on the *Judge for Yourself* [website](#).

QUESTION

How do you feel after listening to Joseph?

Defence counsel may also supply character statements to a judge during a sentencing hearing. Let's listen to one.

WATCH

Hear from Joseph's mate on the *Judge for Yourself* [website](#).



9. The victim

QUESTIONS

Who are the victims of this crime?

What effect has the offending had on them?

Should a victim have a greater say in the sentence a defendant receives?

What positive and negative implications may this have?

10. Revise your sentence

WATCH

View the typical penalties for this offence on the *Judge for Yourself* [website](#).



ACTIVITY



Ask students to move to the part of the room that displays the sentence type they would now give Joseph (fine, community service order, intensive correction order, probation, imprisonment or imprisonment (partially or wholly suspended)).

QUESTION

Those who changed your mind — why?

Further questions can include:

- How much should the fine be?
- How many hours community service should Joseph receive?
- How long should the length of Joseph's probation be?
- What should Joseph's head sentence be and should it be suspended in whole or part?
- Should Joseph lose his driver's licence? If so, for how long?

11. The actual sentence

Judges determine an appropriate sentence in accordance with the law. They have to provide reasons for the sentence imposed.



WATCH

On the *Judge for Yourself* website, we will now watch the actual sentence the judge handed down in this District Court case.

QUESTION

If the prosecution and defence wish to appeal, can they?

Teacher Tip

The Attorney-General has a right to appeal, while offenders must seek leave (permission) from the Court of Appeal to appeal against sentence.

This means, the prosecutor, acting for the Attorney-General, can appeal and the defence, acting for the offender, can appeal (if leave has been granted).



What is parole?

The conditional release of a person from prison. When released on parole, the person serves the unexpired portion of the prison sentence in the community under supervision.

For more information about parole, including court ordered parole and parole eligibility, check out the [Queensland Sentencing Guide](#).

12. Feedback

As a group, provide feedback to the Queensland Sentencing Advisory Council at the end of the *Judge for Yourself* — District Court of Queensland presentation (it helps to make this program better).

Email: info@sentencingcouncil.qld.gov.au

Getting started

Read

Locate and read a recent news article that involves the criminal offence of 'dangerous operation of a vehicle causing death'.

Discuss:

- How does the journalist and news source represent this type of offence?
- Comment on the language, vocabulary and style choices of the journalist — what is the purpose behind these choices?
- What are your initial impressions of this type of offence based on the article?

Watch

Watch a judge talk about their role in sentencing.



Quick quiz

(Answers are bolded in green)

1. What percentage of defendants sentenced for the criminal offence of 'dangerous operation of a vehicle causing death' are male?
 - a. 75%
 - b. 91%
 - c. 82%**
 - d. 68%
2. What percentage of defendants sentenced for the criminal offence of 'dangerous operation of a vehicle causing death' were given a custodial penalty?
 - a. 99%**
 - b. 80%
 - c. 50%
 - d. 75%
3. What percentage of defendants sentenced for the criminal offence of 'dangerous operation of a vehicle causing death' were affected by alcohol or drugs at the time the offence was committed?
 - a. 61%
 - b. 44%
 - c. 52%
 - d. 34%**

Note: These answers are based on data gathered from the period 2005-06 to 2016-17.

Dangerous operation of a vehicle causing death

Comprehending the concepts

Student learning resource



Maximum penalties

A maximum penalty is the highest penalty that can be given to an offender convicted of a particular offence.

Maximum penalties are set out in the legislation defining the offence and are generally only given for the worst, most serious examples of an offence. In Queensland, the highest maximum penalty available is life imprisonment.

Maximum penalties are set by Parliament through legislation and reflect Parliament's (and by extension, the community's) views about the seriousness of an offence compared with other offences.

Maximum penalties serve a number of purposes, such as:

- setting a clear, legally defined upper limit on the court's sentencing power
- setting out the most severe consequence a person will face if they commit a particular offence
- indicating the views of Parliament and, by extension, the community, and providing guidance to the judiciary about the seriousness of an offence compared to other criminal offences
- establishing an upper limit of punishment proportionate to the offence — reserving the maximum penalty for the worst example of the offence by the worst offender.

1. Identify the body that sets a maximum penalty.
2. 'Dangerous operation of a vehicle causing death' is a criminal offence found in the *Criminal Code 1899* (Qld) also referred to as 'the Code'. The Code is a primary source of criminal law in Queensland. Locate this offence in the Code and answer the following questions:
 - a. Identify the relevant section number.
 - b. Identify the sub-section that applies to the facts of the case.
 - c. Identify the maximum penalty that Joseph faces.

- d. One of the purposes of setting a maximum penalty is that it establishes an upper limit of punishment proportionate to the offence — reserving the maximum penalty for the worst example of the offence by the worst offender. Do you think Joseph's actions reflect the worst example of this offence? Why or why not?
- e. The average length of imprisonment for someone sentenced for this offence during the period 2005-06 to 2016-17 is 5.2 years. How do you, as a member of the Queensland community, view this statistic? Does it meet your expectations? Why or why not?

Mandatory minimum penalties

A mandatory sentence is a fixed or minimum penalty prescribed by Parliament for committing a criminal offence. In 2018, Queensland increased penalties for driving offences that involve death or serious injury, including setting mandatory minimum licence disqualification periods for certain offences:

MEDIA STATEMENT *(excerpt)*

Minister for Transport and Main Roads
The Honourable Mark Bailey

Wednesday, June 13, 2018

Tougher penalties for driving offences leading to death or serious injury

The Palaszczuk Government has passed new laws in Parliament today increasing maximum penalties for some driving offences which result in death or grievous bodily harm.

Transport and Main Roads Minister Mark Bailey said the Palaszczuk Government introduced the new laws following a review of existing maximum penalties.

Dangerous Driving causing death or grievous bodily harm

- Current max penalty - 10 years imprisonment + minimum licence disqualification period 6 months
- New max penalty - 10 years imprisonment + minimum licence disqualification period of at least 12 months
- Current max penalty (with circumstances of aggravation) - 14 years imprisonment + minimum licence disqualification period 6 months
- New max penalty (with circumstances of aggravation) - 14 years imprisonment + minimum licence disqualification period of at least 12 months.

Ends

**Media statement (excerpt)
source:**

*The State of Queensland
(Department of the Premier
and Cabinet), 2018,
Media Statement [online],
[statements.qld.gov.au/
Statement/2018/6/13/
tougher-penalties-for-driving-
offences-leading-to-death-or-
serious-injury](https://statements.qld.gov.au/Statement/2018/6/13/tougher-penalties-for-driving-offences-leading-to-death-or-serious-injury)*

1. Based on the above media statement and what you know about the circumstances of the case, what is the minimum licence disqualification period that Joseph will receive?

Analysing legal issues

Name:

Student learning resource

When making submissions to the court, legal counsel raise many important factors (among other things) that a judge is required by law to take into account. While watching the *Judge for Yourself* – District Court of Queensland, Dangerous operation of a vehicle causing death case, identify the different factors raised by each side, before classifying them as mitigating factors or impacting factors.

You can use different colours, shapes, bullet points or symbols to clearly distinguish both factor types.

Crown prosecutor	Defence counsel

QUESTION

Which factor(s) stand out as the most prominent to you as a judge?

Extended writing response task

Extended response practice exam question

Analyse Sources 1 – 5 to determine the nature and scope of the legal issue, and examine two viewpoints.

Evaluate how effective the law is in this area, and make a decision as to how this may be improved by future legislation.

Sources 1 – 5

Source 1

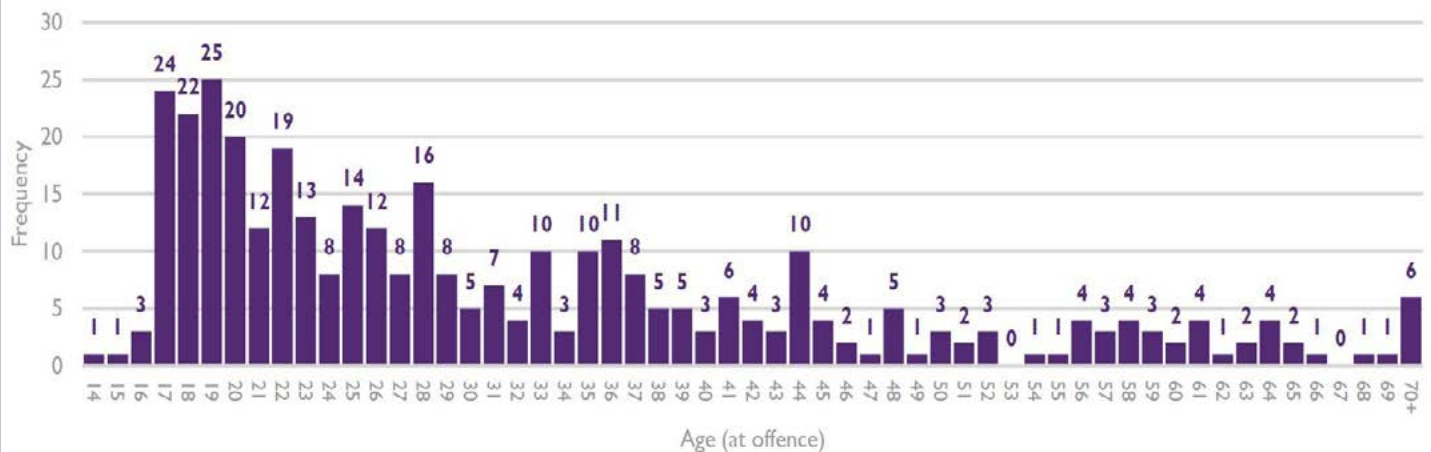
Analysis completed by the Queensland Sentencing Advisory Council in its *Sentencing Spotlight on dangerous operation of a vehicle causing death* found that between 2005-06 to 2016-17 offenders sentenced for 'dangerous operation of a vehicle causing death' had an:

- average age of 32.2 years (with a median of 27.8 years)
- age range between 14 and 80 years
- 8 per cent were aged 17 years or under.

Source 2

Queensland Sentencing Advisory Council, *Sentencing Spotlight on dangerous operation of a vehicle causing death*, December 2018, Figure 4, Page 4.

Figure 4: Number of offenders sentenced for dangerous operation of a vehicle causing death (MSO) by age at offence, 2005–06 to 2016–17



Data source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted October 2017.

Source 3

The Queensland Sentencing Advisory Council's *Sentencing Spotlight on dangerous operation of a vehicle causing death* showed the 25 to 29 years age group had the largest proportion of offenders with aggravating circumstances (50 per cent).

On average, offenders sentenced for 'dangerous operation of a vehicle causing death' with aggravating circumstances were significantly younger (29.4 years) than offenders without aggravating circumstances (34.1 years).

Source 4

The four current statutory circumstances of aggravation for the dangerous operation of a vehicle causing death are:

- being affected by an intoxicating substance
- excessively speeding (more than 40 km/h over the speed limit)
- taking part in an unlawful race or speed trial
- knowing, or reasonably knowing, the other person has been killed or injured, and the offender leaves the scene of the incident, other than to obtain medical or other help for the other person, before a police officer arrives.

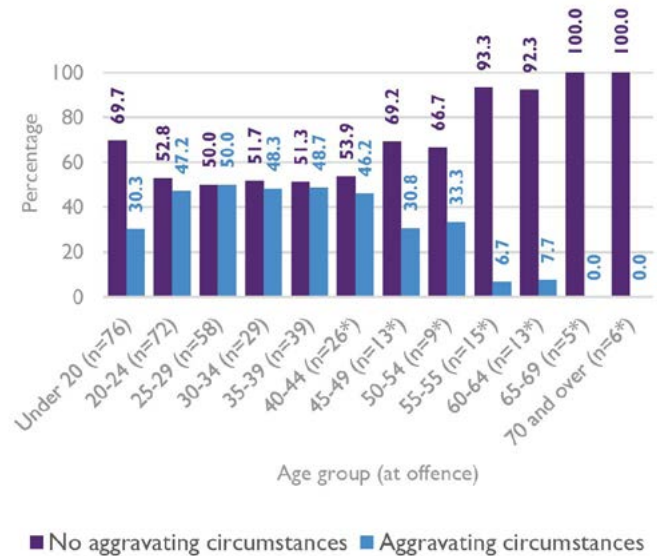
Source 5

Queensland Sentencing Advisory Council, *Sentencing Spotlight on dangerous operation of a vehicle causing death*, December 2018, Figure 5, Page 5.

Right - Figure 5: Proportion of offenders sentenced for dangerous operation of a vehicle causing death (MSO) by age at offence and presence of aggravating circumstances, 2005–06 to 2016–17.

* Caution: Small sample sizes.

Data source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted October 2017.



Your extended writing response viewpoints

Name:

Your extended writing response viewpoints



Name:

Reflecting task

An important part of the inquiry process is reflecting on your own learning. This helps you grow and develop as a student.

Select and respond to two questions from the list below.

Each response should be 50-100 words in length.

1. Did you feel that the *Judge for Yourself* – District Court of Queensland, Dangerous operation of a vehicle causing death session included all the information you needed to decide a just and fair sentence? What information did you find the most helpful? Was there anything missing?
2. Which task (comprehending the concepts, analysing legal issues or extended writing response) would you like more help with to complete? What would help you build your skills in this area?
3. Why do you think judges say sentencing is one of the most difficult aspects of their role?
4. Were you proud of the responses you produced? Why or why not?
5. Did the *Judge for Yourself* – District Court of Queensland, Dangerous operation of a vehicle causing death session give you a new perspective, challenge your point of view or introduce you to a new skill? Explain.
6. What was the most important thing you learned about sentencing from your participation in the *Judge for Yourself* – District Court of Queensland, Dangerous operation of a vehicle causing death session?

Response 1 to question # _____

Response 2 to question # _____

Further resources

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

- Caxton Legal Centre Inc, [Operation of a vehicle leading to murder or manslaughter](#)
- Legal Aid Queensland, [Duty lawyer handbook, Chapter 9: Motor vehicle offences](#)
- Legal Aid Queensland, [Traffic offences](#)
- Queensland Courts, [Benchbook - Dangerous Operation of a Motor Vehicle s328A](#)
- Queensland Courts, [District Court](#)
- Queensland Curriculum & Assessment Authority, [Legal Studies General Senior Syllabus 2019](#)
- Queensland Sentencing Advisory Council, [About sentencing](#)
- Queensland Sentencing Advisory Council, [Queensland Sentencing Guide](#)
- Queensland Sentencing Advisory Council, [Sentencing Spotlight on dangerous operation of a vehicle causing death](#)
- Queensland Parliament Transport and Public Works Committee, [Report No. 04, 56th Parliament—Heavy Vehicle National Law and Other Legislation Amendment Bill 2018](#)



Legislation

- [Criminal Code 1899 \(Qld\)](#)
- [Penalties and Sentences Act 1992 \(Qld\)](#)
- [Transport Operations \(Road Use Management\) Act 1995 \(Qld\)](#)

Case law

Some examples to share with your students.

- [R v Chmieluk; ex parte Attorney General of Queensland \[2018\] QCA 271](#)
 - Also see the Queensland Sentencing Advisory Council's **Case in Focus** summary for [R v Chmieluk; ex parte Attorney General of Queensland \[2018\] QCA 271](#)
- [R v Muirhead; ex parte Attorney-General \(Qld\) \[2019\] QCA 244](#)
 - Also see the Queensland Sentencing Advisory Council's **Case in Focus** summary for [R v Muirhead; ex parte Attorney General of Queensland \[2019\] QCA 244](#)
- [R v Hart \[2008\] QCA 199](#)
- [R v Frost; ex parte Attorney General of Queensland \[2004\] QCA 309](#)
- [R v Harris; ex parte Attorney General of Queensland \[1999\] QCA 392](#)
- [R v Conquest & Attorney General of Queensland \[1995\] QCA 567](#)

Teacher Tip

The Queensland Sentencing Advisory Council's **Case in Focus** series summarises points of law and sentencing principles discussed in recent high profile or interesting appellate court decisions in a simple and user-friendly format.



APPENDIX 1

Sentence type cards/sheets



ACTIVITY



Ask students to move to the part of the room that displays the sentence type they would give Joseph based on the information contained in the news story.

Teacher Tip

In preparation for Lesson 1, print the following A4 'Sentence type' sheets out and place them around your room in five different areas.

You could also share the coloured sentence type descriptions with students either as a handout or via a data projector.



Community service order



Queensland Sentencing
Advisory Council
Inform. Engage. Advise.

Fine

**JUDGE
FOR
YOURSELF**



**Queensland Sentencing
Advisory Council**
Inform. Engage. Advise.

Intensive correction order



Queensland Sentencing
Advisory Council
Inform. Engage. Advise.

Probation order

**JUDGE
FOR
YOURSELF**



Queensland Sentencing
Advisory Council
Inform. Engage. Advise.

Imprisonment



Queensland Sentencing
Advisory Council
Inform. Engage. Advise.

Imprisonment (partially or wholly suspended)

**JUDGE
FOR
YOURSELF**



Queensland Sentencing
Advisory Council
Inform. Engage. Advise.

Community service order

An order to do unpaid community service for between 40 and 240 hours, usually within 12 months, and to comply with reporting and other conditions.

Intensive correction order

A sentence of imprisonment of one year or less ordered to be served in the community and including intensive supervision, community service and treatment programs.

Fine

A penalty requiring that an offender pay an amount of money within a specified time.

Imprisonment

Detention
in prison.

Probation order

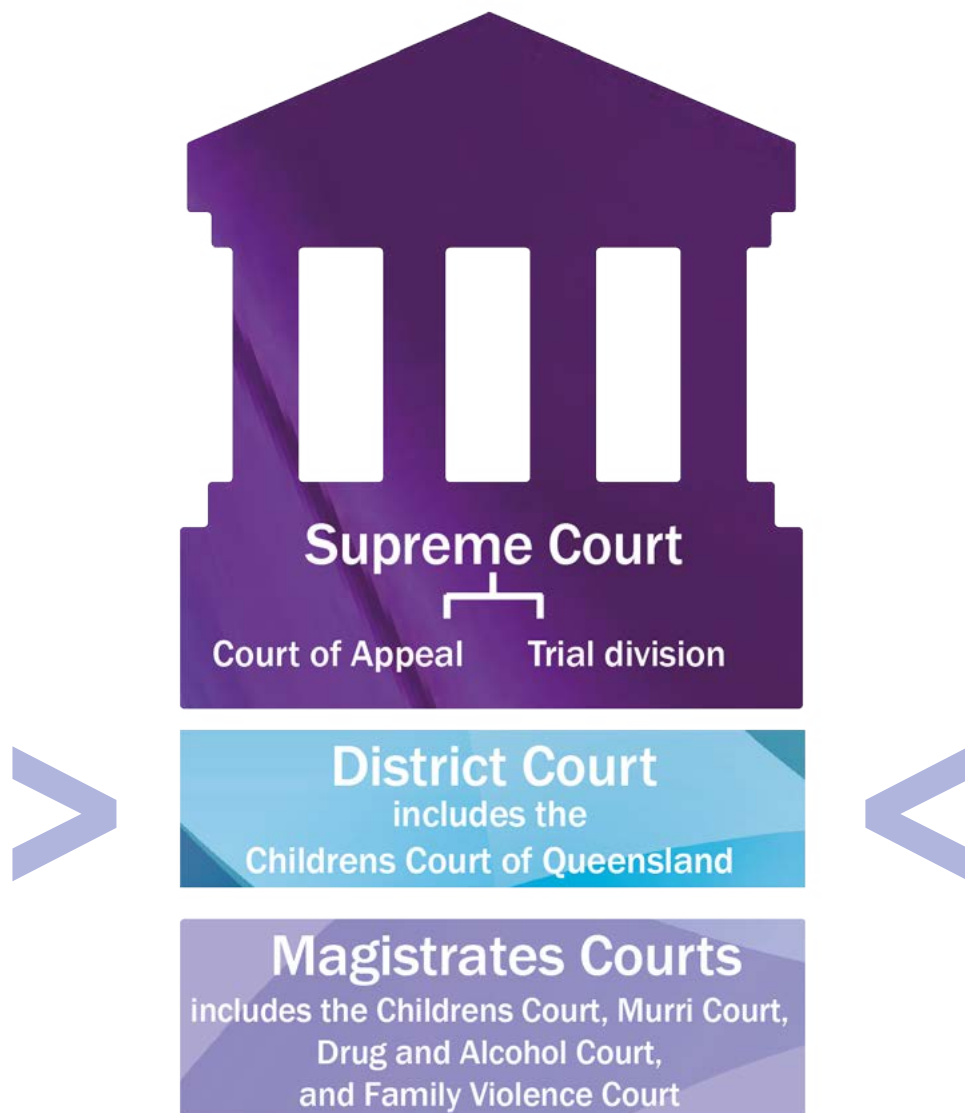
An order between six months and three years served in the community with monitoring and supervision.

Imprisonment (wholly or partially suspended)

Known as a suspended sentence

- 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').

The Queensland Court hierarchy



APPENDIX 3

Types of penalties and sentences

Teaching idea



ACTIVITY



Taking inspiration from the game 'Celebrity Heads', ask five students to stand at the front of the class and place a penalty card above their head.

Asking only yes/no questions, each of the five students have to guess the penalty they have been given.

Basic penalty descriptions for class activity

Fine

A penalty requiring that an offender pay an amount of money.

Community service order

An order to do unpaid community service for between 40 and 240 hours, usually within 12 months, and to comply with reporting and other conditions.

Intensive correction order

A sentence of imprisonment of one year or less ordered to be served in the community and including intensive supervision, community service and treatment programs.

Probation

An order between six months and three years served in the community with monitoring and supervision.

Imprisonment

Detention in prison.

Teacher Tip

In preparation for this activity, print out the penalty cards on the next page and cut them up.

Stick the cards to the wall once students are standing in place so they don't know what penalty they have received.



Fine

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Community service order

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Intensive correction order

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Probation

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Imprisonment

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APPENDIX 4

Sentencing purposes

Under Section 9(1) of the *Penalties and Sentences Act 1992* (Qld) these five reasons are the only purposes for which sentences can be imposed:

- **Punishment**
- **Rehabilitation**
- **Deterrence** — this can be targeted at the offender (specific deterrence) and/or the wider community (general deterrence)
- **Denunciation** — saying the offender's actions were wrong
- **Protection**; or
- a combination of these purposes.

Teaching idea



ACTIVITY



Use the infographics on the following pages to discuss the sentencing purposes in Queensland with students.

Sentencing purposes

Under Section 9(1) of the *Penalties and Sentences Act 1992* (Qld) these five reasons are the only purposes for which sentences can be imposed:

Punishment

To punish the offender to an extent, or in a way, that is just in all the circumstances.



Rehabilitation

To establish conditions to help the offender be rehabilitated.



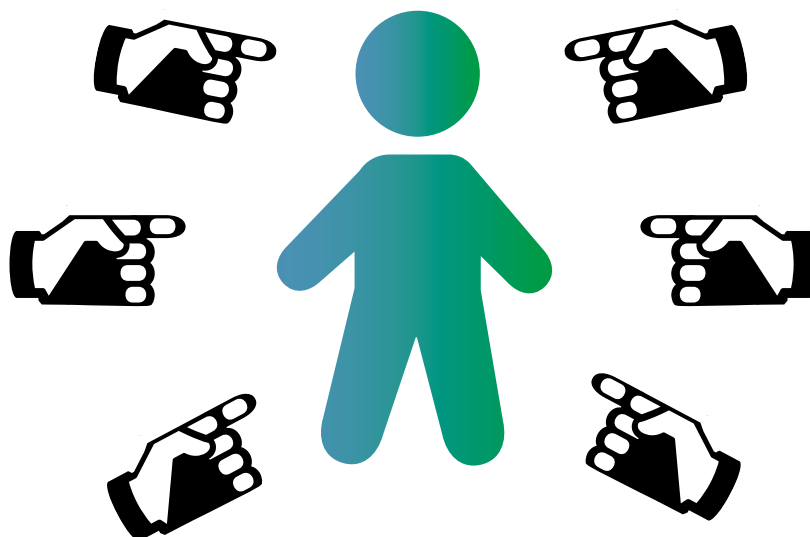
Deterrence

To deter the offender, or other members of the community, from committing the same or a similar offence.



Denunciation

To denounce — indicate disapproval of — the offending behaviour.



Protection

To protect the Queensland community
from the offender.



A combination of all sentencing purposes





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Published by the Queensland Sentencing Advisory Council, January 2021.

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