

Name

Publication consent

Publish response only (without name)

Q1) Do you agree or disagree with the Council's approach to the distinction between a 'principle' and a 'purpose' of sentencing?

Agree

Please provide any reasons for your response.

It's clear and possibly useful. Your example isn't great though. "Government being seen to be fair" is a reasonable purpose. A Principle, to be unambiguous should be more practical and detailed. Something like "Sentences may be reduced to some degree for defendants who plead guilty early, avoiding expense for the community and trauma for potential witnesses."

Q2) Should there be an overarching principle of "fairness and proportionality"?

Yes

Please provide any reasons for your response.

Basic, but also sets the tone. One could choose "Protection for law-abiding citizens" or some such, which would set a much darker tone.

Q3) Are the supporting principles which underlie the overarching principle of fairness and proportionality (as listed at paragraph 2(i)-(vi)) appropriate?

Yes

Please provide any reasons for your response.

Motherhood and apple pie, pretty much.

Q4) Are the supporting principles expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Q5) Are there any other supporting principles which should be included at paragraph 2?

There should be a principle addressing the differential impact of punishments on different offenders. For instance should rich people be fined more? Should people with jobs be sent to prison less? etc.

Q6) Do you agree or disagree with the approach to the purposes of sentencing as set out at paragraph 4 of the draft guideline?

Agree

Please provide any reasons for your response.

But it's poorly written. As I understand it, the question is which purposes are considered for each case, but that is not made very clear.

Q7) Are the purposes as listed at paragraph 5(a)-(d) appropriate?

No

Please provide any reasons for your response.

I see no point in 5(a). Why punish if not to achieve one of the other purposes. (b)-(d) are appropriate.

Q8) Are the purposes expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Q9) Are there any other purposes which should be included?

Q10) Do you agree or disagree with the approach set out at paragraph 6 of the draft guideline in relation to the efficient use of public resources?

Disagree

Please provide any reasons for your response.

This is a principle. It relates to fairness for taxpayers.

Q11) Is it appropriate to consider efficient use of public resources during the sentencing process?

Yes

Please provide any reasons for your response.

Q12) Do you agree or disagree that the guideline would lead to an increase in public understanding of how sentencing decisions are made?

Disagree

Please provide any reasons for your response.

No one but lawyers will read or understand them. If you want a public education campaign you need to pay for one.

Q13) Do you agree or disagree that the guideline would lead to an increase in public confidence in sentencing?

Agree

Please provide any reasons for your response.

But small. Much depends on how they are publicised and on how clear judges can be.

Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?

admin time, printing, training for judges.

Q15) What benefits do you see arising from the introduction of this guideline, if any?

Better sentencing.

Q16) Would you like to make any other comments in relation to any matter arising from this consultation?