

**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.**

There is value in separation to foster the direct and correct boundaries of why and how we sentence and understand the concepts of fairness and proportionality.

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

Yes

**Please provide any reasons for your response.**

Only if the term is clearly understood and agreed upon.

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

No

**Please provide any reasons for your response.**

There is an element of interpretation in to the offender's circumstances in 2(i). In addition, this should not be in conjunction with the impact on the victim. There is a priority to the victim, which is also a subjective term. The victim in all cases is not simply the direct victim of the crime but also the indirect.

**Q4) Are the supporting principles expressed clearly and accurately?**

No

**Please provide any reasons for your response.**

See answer to Q3

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

See answer to Q3. The supporting principles have a priority.

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

Disagree

**Please provide any reasons for your response.**

Purposes also have a priority but not in the order listed.

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

Yes

**Please provide any reasons for your response.**

Although there are two clear ones missing. The protection of the victim (direct and indirect).

**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?**

See answer above. Protection of victim (indirect and direct) short term and/or long term.

**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.**

Efficient use of resources is an element of the consideration related to the purpose of protecting an indirect victim of crime... In this case society.

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

Yes

**Please provide any reasons for your response.**

See above

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

Agree

**Please provide any reasons for your response.**

Visibility and transparency is key to fairness.

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

Disagree

**Please provide any reasons for your response.**

Sentencing needs to have the correct consideration for fairness. Only then will confidence be achieved.

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

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

First step towards classifying a set of standards associated to understanding fairness.

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

It's scope is likely limited. Understanding what fairness is, can only be achieved when considering all aspects of life objectively, which is the luxury of few. As long as ego or desire is involved, fairness/justice is unclear.