

SENTENCING

STATE AND FEDERAL LAW IN VICTORIA

Richard Fox Arne Freiberg

Sentencing State And Federal Law In Victoria

Andrew Ashworth, Rory Kelly



Sentencing State And Federal Law In Victoria:

Sentencing, State and Federal Law in Victoria, 1985 **Fox & Freiberg's Sentencing** Arie Freiberg, 2014

Australian Cartel Regulation Caron Beaton-Wells, Brent Fisse, 2011-04-25 Cartel regulation is a prime element of competition policy and an essential means of minimising the adverse effects of cartel activity on economic welfare. However, effective cartel regulation poses distinct challenges for governments, competition authorities and commentators across the globe. In *Australian Cartel Regulation*, leading competition law experts Caron Beaton Wells and Brent Fisse reflect on developments in anti-cartel law in Australia over the last 30 years. They provide a comprehensive account of the current law on cartels as well as discussing key issues that may arise in the future. This definitive volume not only identifies the practical and theoretical issues but also recommends workable solutions and does so with the benefit of comparative analysis of the anti-cartel laws of major overseas jurisdictions. Many of the issues identified and discussed in *Australian Cartel Regulation* are common to any scheme designed to regulate cartel conduct.

Penal Populism, Sentencing Councils and Sentencing Policy Arie Freiberg, Karen Gelb, 2014-03-05 Public outcries and political platforms based on misinformation and misconceptions about the criminal justice system and current sentencing practice occur all too often in democratic societies. *Penal Populism, Sentencing Councils and Sentencing Policy* attempts to address this problem by bringing together important contributions from a number of distinguished experts in the field. *Penal Populism* presents theoretical perspectives on the role of the public in the development of sentencing policy. It places particular emphasis on the emerging role of sentencing commissions, advisory councils or panels in a number of English-speaking countries: Australia, New Zealand, the United States, the United Kingdom, Scotland and South Africa. The book explains, expands and develops the existing literature that looks at public attitudes to justice and the role that the public can play in influencing policy. Written in a scholarly yet accessible style, *Penal Populism* asks the critical questions: should public opinion or preferably public judgment be relevant to court decision making, to institutional decision making and to the political process? And if so, how?

Fox and Freiberg's Sentencing Arie Freiberg, Richard George Fox, 2014 Guidance on many complex, varied considerations which apply to sentencing matters. Freiberg focuses on Victorian federal sentencing law with extensive coverage of appellate decisions in every Australian jurisdiction, particularly in relation to matters of general principle.

Towards Human Rights Compliance in Australian Prisons Anita Mackay, 2020-11-11 Imprisoned people have always been vulnerable and in need of human rights protections. The slow but steady growth in the protection of imprisoned people's rights over recent decades in Australia has mostly come from incremental change to prison legislation and common law principles. A radical influence is about to disrupt this slow change: Australian prisons and other closed environments will soon be subject to international inspections by the United Nations Subcommittee on the Prevention of Torture (SPT). This is because the Australian Government ratified the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in

December 2017 Australia's international human rights law obligations as they apply to prisons are complex and stem from multiple Treaties This book distils these obligations into five prerequisites for compliance consistent with the preventive focus of the OPCAT They are reduce reliance on imprisonment align domestic legislation with Australia's international human rights law obligations shift the focus of imprisonment to the goal of rehabilitation and restoration support prison staff to treat imprisoned people in a human rights consistent manner ensure decent physical conditions in all prisons Attention to each of these five areas will help all levels of Australian government and prison managers take the steps required to move towards compliance Human rights led prison reform is necessary both to improve the lives of imprisoned people and for Australia to achieve compliance with the international human rights legal obligations to which it has voluntarily committed itself

Judicial Applications of Artificial Intelligence Giovanni Sartor, L. Karl Branting, 2013-04-17 The judiciary is in the early stages of a transformation in which AI Artificial Intelligence technology will help to make the judicial process faster cheaper and more predictable without compromising the integrity of judges discretionary reasoning Judicial decision making is an area of daunting complexity where highly sophisticated legal expertise merges with cognitive and emotional competence How can AI contribute to a process that encompasses such a wide range of knowledge judgment and experience Rather than aiming at the impossible dream or nightmare of building an automatic judge AI research has had two more practical goals producing tools to support judicial activities including programs for intelligent document assembly case retrieval and support for discretionary decision making and developing new analytical tools for understanding and modeling the judicial process such as case based reasoning and formal models of dialectics argumentation and negotiation Judges squeezed between tightening budgets and increasing demands for justice are desperately trying to maintain the quality of their decision making process while coping with time and resource limitations Flexible AI tools for decision support may promote uniformity and efficiency in judicial practice while supporting rational judicial discretion Similarly AI may promote flexibility efficiency and accuracy in other judicial tasks such as drafting various judicial documents The contributions in this volume exemplify some of the directions that the AI transformation of the judiciary will take

Sentencing and Criminal Justice Andrew Ashworth, Rory Kelly, 2021-07-15 This revised and updated new edition focuses on major developments in sentencing law practice and theory Sentencing in England and Wales is now dominated by Sentencing Council guidelines and scrutiny of those guidelines is central to this book Issues of principle are identified and discussed to include the constitutional position of the Sentencing Council the meaning of and challenges to proportionality and the sentencing of BAME offenders and women offenders The book welcomes the new Sentencing Code introduced as the Sentencing Act 2020 and critically examines the government's plans for sentencing reform set out in the 2020 White Paper A Smarter Approach to Sentencing Throughout the book sentencing is explored in its wider criminal justice context making it essential reading for courses on sentencing criminal justice and criminal law

Dangerous Offenders Mark Brown, John Pratt, 2002-01-04 This highly controversial

new book considers how the dangerous offender has become such a figure of collective anxiety for the citizens of rationalised Western societies The authors consider ideas of danger and social threat in historical perspective legal responses to violent criminals attempts to predict dangerous behaviour why particular groups such as women remain at risk from violent crime This inspired collection invites us to rethink the received wisdom on dangerous offenders and will be of interest to students and scholars in the fields of criminology and the sociology of Risk

Principles and Values in Criminal Law and Criminal Justice Lucia Zedner, Julian V. Roberts, 2012-08-16 Celebrating the scholarship of Andrew Ashworth Vinerian Professor of English Law at the University of Oxford this collection brings together leading international scholars to explore questions of principle and value in criminal law and criminal justice Internationally renowned for elaborating a body of principles and values that should underpin criminalization the criminal process and sentencing Ashworth's contribution to the field over forty years of scholarship has been immense Advancing his project of exploring normative issues at the heart of criminal law and criminal justice the contributors examine the important and fascinating debates in which Ashworth's influence has been greatest The essays fall into three distinct but related areas reflecting Ashworth's primary spheres of influence Those in Part 1 address the import and role of principles in the development of a just criminal law with contributions focusing upon core tenets such as the presumption of innocence fairness accountability the principles of criminal liability and the grounds for defences Part 2 addresses questions of human rights and due process protections in both domestic and international law In Part 3 the essays are addressed to core issues in sentencing and punishment they explore questions of equality proportionality adherence to the rule of law the totality principle in respect of multiple offences wrongful acquittals and unduly lenient sentences Together they demonstrate how important Ashworth's work has been in shaping how we think about criminal law and criminal justice and make their own invaluable contribution to contemporary discussions of criminalization and punishment

The Role of the Media in Criminal Justice Policy Natalia Antolak-Saper, 2022-09-09 This book provides a socio legal examination of the media's influence on the development and implementation of criminal justice policy This impact is often assumed And especially in the wake of high profile crimes the press is routinely observed calling for sentences to be harsher and for governments to be tougher on crime But how do we know that there is a connection To answer this question the book draws on a case study of the media reporting of the rape and murder of Jill Meagher in Melbourne Australia as well as other well known cases including those of James Bulger Sarah Payne Stephen Lawrence and Michael Brown among others Deploying a socio legal framework to examine how the media's often powerful and emotive narratives play a crucial role in the development and implementation of law the book provides a deep and critical reflection on its influence The book concludes with a number of suggestions for media reform both to moderate the media's influence and to incorporate a broader range of viewpoints This multi disciplinary book will appeal to scholars and students in sociolegal studies criminology and criminal law as well as those working in relevant areas in sociology and media

studies **Modern Criminal Law of Australia** Jeremy Gans, 2016-12-05 Modern Criminal Law of Australia 2nd edition is a comprehensive guide to interpreting and understanding every statutory offence provision in every Australian jurisdiction The text takes a unique approach to explaining Australian criminal law emphasising the importance of statutory interpretation official discretion element analysis and sentencing in order to appreciate the meaning and effect of any offence provision This book sets out the rules and skills needed to advise clients on the potential application of criminal law throughout Australia Its scope extends to both serious and minor regulatory regimes as well as the entire contemporary breadth of criminal law ranging from pollution to public order traffic to trafficking and domestic violence to work safety It covers the common law traditional code and model code systems and includes detailed examples from all states As such this unique book provides students with the skills to practice law anywhere in Australia The Cambridge Handbook of Australian Criminology Adam Graycar, Peter Grabosky, 2002-06-20 As a unique work of reference The Cambridge Handbook of Australian Criminology covers the broad range of contemporary and historical subjects of criminology combining statistical and narrative analyses The book provides the most up to date figures and facts traces historical trends in Australian crime and criminal justice and comprehensively covers the key contemporary issues in Australian criminology Including valuable crime statistics compiled by the Australian Bureau of Statistics this book is the complete companion to Australian criminology the single most important resource for Australian criminology and criminal justice **The Handbook of Comparative Criminal Law** Kevin Jon Heller, Markus Dubber, 2010-12-01 This handbook explores criminal law systems from around the world with the express aim of stimulating comparison and discussion General principles of criminal liability receive prominent coverage in each essay including discussions of rationales for punishment the role and design of criminal codes the general structure of criminal liability accounts of mens rea and the rights that criminal law is designed to protect before the authors turn to more specific offenses like homicide theft sexual offenses victimless crimes and terrorism This key reference covers all of the world's major legal systems common civil Asian and Islamic law traditions with essays on sixteen countries on six different continents The introduction places each country within traditional distinctions among legal systems and explores noteworthy similarities and differences among the countries covered providing an ideal entry into the fascinating range of criminal law systems in use the world over **The Oxford Handbook of the Philosophy of Punishment** Jesper Ryberg, 2024-11 *AI Approaches to the Complexity of Legal Systems - Models and Ethical Challenges for Legal Systems, Legal Language and Legal Ontologies, Argumentation and Software Agents* Monica Palmirani, Ugo Pagallo, Pompeu Casanovas, Giovanni Sartor, 2012-11-28 The inspiring idea of this workshop series Artificial Intelligence Approaches to the Complexity of Legal Systems AICOL is to develop models of legal knowledge concerning organization structure and content in order to promote mutual understanding and communication between different systems and cultures Complexity and complex systems describe recent developments in AI and law legal theory argumentation the Semantic Web and multi agent systems Multisystem and

multilingual ontologies provide an important opportunity to integrate different trends of research in AI and law including comparative legal studies Complexity theory graph theory game theory and any other contributions from the mathematical disciplines can help both to formalize the dynamics of legal systems and to capture relations among norms Cognitive science can help the modeling of legal ontology by taking into account not only the formal features of law but also social behaviour psychology and cultural factors This book is thus meant to support scholars in different areas of science in sharing knowledge and methodological approaches This volume collects the contributions to the workshop s third edition which took place as part of the 25th IVR congress of Philosophy of Law and Social Philosophy held in Frankfurt Germany in August 2011 This volume comprises six main parts devoted to the each of the six topics addressed in the workshop namely models for the legal system ethics and the regulation of ICT legal knowledge management legal information for open access software agent systems in the legal domain as well as legal language and legal ontology

Crime and Justice, Volume 44 Michael Tonry, 2015-09-22 Volume 44 of Crime and Justice is essential reading for scholars policy makers and practitioners who need to know about the latest advances in knowledge concerning crime its causes and its control Contents include Robert D Crutchfield on the complex interactions among race social class and crime Cassia Spohn on race crime and punishment in America Marianne van Ooijen and Edward Kleemans on the Dutch model of drug policy Beau Kilmer Peter Reuter and Luca Giommoni on cross national and comparative knowledge about drug use and control drugs Michael Tonry on federal sentencing policy since 1984 Kathryn Monahan Laurence Steinberg and Alex R Piquero on the growing influence of bioscience and developmental psychology on juvenile justice policy and practice Cheryl Lero Jonson and Francis T Cullen on prisoner reentry programs James P Lynch and Lynn A Addington on cultural changes in tolerance of violence and their effects on crime statistics Brandon C Welsh David P Farrington and B Raffan Gower on benefit cost analysis of crime prevention Torbjorn Skardhamar Jukka Savolainen Kjersti N Aase and Torkild H Lyngstad on the effects of marriage on criminality and John MacDonald on the effects on crime rates and patterns of urban design and development

Government Managing Risk Bruce Chapman, 2006-09-27 Higher education rates are increasing throughout the Western world yet at the same time government budgets face increasing constraints This has ensured that the importance of student support is recognized in many countries In recent years there has been a world wide movement towards the use of income contingent loans ICL for higher education ICLs are now used in six countries following the Australian innovation of 1989 with the governments of many more countries looking very seriously at the model This impressive new book by Bruce Chapman analyzes ICLs particularly their use in supporting students exploring the experiences of a number of other countries adopting them Chapman presents analysis of a number of disparate case studies to illustrate how ICLs can aid risk management policy reforming in both progressive and administratively feasible ways This book describes examines and promotes an exciting new role for the public sector as a manager of risk and argues that ICLs have enormous potential to

change the extent and nature of social and economic activities With the author s experience in the design and implementation of the Australian student financial support schemes this is a knowledgeable informative and enlightening book that will be useful to researchers students and policy makers alike *Media Freedom and Contempt of Court* Eric Barendt,2017-07-05 The essays discuss the restrictions imposed by contempt of court and other laws on media freedom to attend and report legal proceedings Part I contains leading articles on the open justice principle They examine the extent to which departures from that principle should be allowed to protect the rights of parties in particular the accused in criminal proceedings to a fair trial and their interest in being rehabilitated in society after proceedings have been concluded The essays in Part II examine the topical issue of whether open justice entails a right to film and broadcast legal proceedings The articles in Part III are concerned with the application of contempt of court to prejudicial media publicity they discuss whether it is possible to prevent prejudice without sacrificing media freedom Another aspect of media freedom and contempt of court is canvassed in Part IV whether journalists should enjoy a privilege not to reveal their sources of information Public Sector Criminological Research Russell G. Smith,2023-07-24 This book explores the role and development of criminological research in the public sector during the last half century It identifies the benefits such research has provided and assesses whether the community has received value for the funds expended The Australian Institute of Criminology is used as a case study to illustrate the challenges and pressures facing those who have sought to carry out independent crime and justice research in the public sector to assess what fifty years of work has achieved and to determine whether or not there remains a need for criminologists to be employed by governments The book is based on extensive archival research administrative data analysis interviews with current and previous staff and the perspectives of scholars in comparable institutions globally It presents new historical information as well as current and future critical perspectives on crime and justice research in a unique Australian government organization

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