

# Media Release

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## Council recommends Victorian community involvement in creating sentencing guidelines

**A proposed community-based sentencing council could help restore public confidence in sentencing by making it ‘more consistent, transparent and reflective of community standards’, according to a report released today.**

Sentencing Advisory Council Chair Emeritus Professor Arie Freiberg said the model proposed by the Council was intended to provide ongoing community input in the development of sentencing standards in Victoria.

Professor Freiberg said the introduction of a council that would involve the community in developing sentencing guidelines represented ‘a significant departure from the current sentencing framework in Victoria’.

The Sentencing Advisory Council’s report recommends a guidelines council with 14 community and expert members, including victims’ representatives, retired judges and magistrates, and representatives with experience of policing, prosecution and defence. It also recommends that at least one member of the guidelines council have expertise in criminal justice issues affecting Indigenous Victorians.

Sentencing guidelines can specify factors that magistrates and judges must consider, and the steps they must follow when sentencing.

The guidelines are intended to promote consistency of approach in sentencing by providing comprehensive and methodical guidance for sentencing courts to follow, while preserving judicial discretion – the court’s ability to impose a sentence based on the specific circumstances of the case.

In the model recommended by the Sentencing Advisory Council, Victorian courts would be required to follow sentencing guidelines unless doing so would not be in the interests of justice.

In this way, sentencing guidelines would promote a transparent and consistent decision-making process in sentencing, while also ensuring that judges and magistrates would be able to impose sentences appropriate to all the circumstances.

The primary function of the guidelines council would be to issue sentencing guidelines after broad consultation, which would include publishing draft guidelines for community comment.

This report arose from a request from the Attorney-General, Martin Pakula, to examine the features of existing sentencing councils in the United Kingdom and advise him on the best model for a council in Victoria after widespread public consultation and submissions from stakeholders.

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**To interview Sentencing Advisory Council Chair Arie Freiberg, contact: 0407 344 606.**

To find out more about the Sentencing Advisory Council, call 1300 363 196  
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