

What are the sentencing options in the ACT?

Each crime has a specific minimum and maximum penalty, or sentence, that a person can receive for a given crime. The different kinds of sentences available in the ACT range from less severe sentences (like fines) to more severe sentences (like imprisonment). Different sentencing options are available for adults and children (aged between 10 to 18 at the time of sentencing).

NON-CUSTODIAL ORDERS

NON-CONVICTION ORDER

The offender is found guilty of an offence but the court does not record a conviction. The court might dismiss the charges if it is satisfied that it is not appropriate to impose a punishment on the offender.

FINE

The offender must pay a financial penalty (money) to the ACT Government. In deciding the amount of the fine, the court considers the maximum fine described in the legislation and how much the offender can afford to pay. Fines can be combined with other types of sentences, such as a good behaviour order or a driving disqualification order.

GOOD BEHAVIOUR ORDER

A good behaviour order is an undertaking (promise) made by the offender to comply with conditions (rules) set by the court for a period of time. These conditions may include completing a rehabilitation program or community service. If the offender fails to comply with the conditions, or they commit another offence before the GBO expires, then they must return to court.

OTHER NON-CUSTODIAL ORDERS

Other non-custodial orders include disqualifying the offender from driving for a period of time, or prohibiting the offender from associating with certain people (such as co-offenders).

CUSTODIAL ORDERS

DRUG AND ALCOHOL TREATMENT ORDER

The offender is sentenced to a term of imprisonment, but it is suspended (held back) and the offender is required to complete an intensive drug and/or alcohol treatment program.

SUSPENDED SENTENCE

The offender is sentenced to a term of imprisonment, but it is suspended (held back) for either the entire length of the sentence, or after the offender has served a certain amount of time in custody. A suspended sentence is usually combined with a good behaviour order. If the offender breaches their good behaviour order they are at risk of being required to serve the rest of their sentence in custody.

INTENSIVE CORRECTIONS ORDER

The offender is sentenced to a term of imprisonment, but it is served in the community under very strict supervision and conditions. For example, the offender may be required to complete a rehabilitation program, remain at a specific address, complete drug and alcohol testing, or complete community service.

IMPRISONMENT

The offender is sentenced to a term of imprisonment, to be served by detention in a prison. It is the last resort and can only be imposed if no other type of sentence is appropriate. The court generally sets a non-parole period, which is the minimum time the offender must serve in prison before they may be considered for release on parole.