

FACT SHEET

SENTENCING

The ACT Courts (the judges and magistrates) are responsible for sentencing offenders (people found guilty of an offence). In sentencing, courts decide the consequences that offenders will face for what they have done.

Who is responsible for sentencing?



The ACT Legislative Assembly makes laws about sentencing. The Legislative Assembly has changed laws about crimes and sentencing many times. Citizens influence sentencing laws by voting for candidates and parties in Legislative Assembly elections that reflect their individual views and preferences.



The ACT Courts interpret these laws and decide the actual sentences imposed on each offender. Sentencing decisions made by the magistrates and judges in these courts form part of the law.



Government departments and agencies, such as ACT Corrective Services, administer sentences that have be imposed, by managing offenders in prison or by supervising offenders on good behaviour orders.

When and where will a person be sentenced?

A sentence can only be imposed when a court finds a person guilty of an offence (a crime).

A person can plead guilty or not guilty to the offences they are charged with. If the person pleads guilty, the matter will proceed straight to sentencing. If a person pleads not guilty, the case proceeds to trial, usually by jury in the Supreme Court, or summary hearing before a magistrate in the Magistrates Court, to determine whether the person is guilty or not guilty.

The type and seriousness of the offence that a person is charged with determines the court in which the case is heard and sentenced.

Indictable offences are more serious offences. These matters are usually dealt with in the ACT Supreme Court. Some examples of indictable offences are murder, manslaughter, and aggravated burglary.

Summary offences are less serious offences. These matter are dealt with in the Magistrates Court. Some examples of summary offences are minor theft, drink driving, and drug possession.

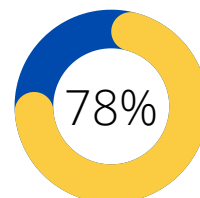
Sentencing statistics for 2019-20

59%
defendants found guilty

3,021
defendants sentenced



1 offender in every 10
was sentenced to custody in a
detention facility (prison)



78% of offenders were
sentenced to a
non-custodial
sentence