

Jailing of First Offenders

Terms of Reference

In 1973 the Commission was invited to examine and report on the introduction of legislation to prevent the jailing of first offenders, in matters dealt with at a magistrates court level, for offences which carry a penalty of up to six months jail.

Background of Reference

In 1979 a Committee of Inquiry was appointed by Cabinet to consider whether the rate of imprisonment in Western Australia, particularly for non-indictable offences, could be reduced. The report of the Committee of Inquiry was delivered in May 1981.¹ The report contained a number of recommendations including several suggested measures in relation to the jailing of first offenders. In particular, the Committee of Inquiry recommended that the Courts of Petty Sessions should consider very carefully the use of imprisonment as an option and that, where possible, alternative forms of punishment should be used. In relation to first offenders the Committee of Inquiry recommended that pre-sentence reports should be submitted to the court as a measure aimed at possibly reducing the rate of imprisonment for first offenders.

In 1980 the Australian Law Reform Commission (ALRC) delivered an interim report on sentencing of federal offenders.² One of the major proposals suggested by the report was new alternatives to imprisonment. These recommendations arose out of concerns in Australian society over the high costs of imprisonment, not only in economic terms but also in human terms.

Reference Withdrawn

The reference was withdrawn in 1982. It was recommended that the reference be withdrawn in light of the report of the Committee of Inquiry into the Rate of Imprisonment in Western Australia and the report of the ALRC on the sentencing of federal offenders.

1 Committee of Inquiry into the Rate of Imprisonment in Western Australia, *Report of the Committee of Inquiry into the Rate of Imprisonment in Western Australia* 1981.

2 Australian Law Reform Commission, *Sentencing of Federal Offenders*, Interim Report No 15 (1980).