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### **Media Release**

The Leader of the Victorian Opposition and the Shadow Attorney-General have called for greater accountability and scrutiny of the sentencing decisions of our judges. Their proposal calls for what would in effect be 'league tables' comparing the sentencing records of individual judges. The unstated and erroneous assumption being that, despite the multitude of sentencing considerations in any given case, rudimentary sentencing comparisons as between sentences imposed by different judges, will provide meaningful information.

Mr Guy and Mr Pesutto are right to suggest that the work of our judges should be the subject of public scrutiny and accountability. The fact is, it already is. Judges' sentencing decisions are available to the public, their reasons are scrutinised for error and subject to appeal. Judicial accountability is crucial, but it is already rigorous. Nor, as the "soft-on-crime" allegation which accompanies the proposal suggests, are our judges out of touch with community standards or lacking exposure to the suffering experienced by victims of crime. Nobody who has spent even a day seeing what comes before a Magistrate or a Judge of the County Court could ever make that accusation. The available research is clear. The sentencing decisions of our judges reflect community standards: see <https://aic.gov.au/publications/tandi/tandi407>.

Knee-jerk reactions to sentencing decisions serve to undermine judicial independence and the public confidence in the judiciary upon which our legal system depends. We have a first-class judicial system which is internationally acclaimed. While the pursuit of

improvement and excellence remains important, populist and simplistic solutions are likely to be detrimental and should be re-considered.

Guy Gilbert SC

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