**“To what extent do penalties imposed during the sentencing procedure achieve justice for victims, offenders and society.”**

Penalties imposed during the sentencing procedure are seen to give various amounts of outcomes both proving to be ineffective and effective in achieving justice for victims, offenders and society. The consideration of factors such as mitigating and aggravating factors, and the personal state of mind of the offender are included to make a fair judgment satisfying all parties.

The role of discretion in the criminal justice system is able to use aggravating factors to determine what penalties should be imposed. Aggravating factors such as previous convictions and showing no remorse results in lengthier sentences and harsher penalties. *The Crimes (Sentencing and Procedure) Act 1999 (NSW)* is the primary source of legislation that outlines the law regarding sentencing and punishment. . It includes the purposes of punishment, types of penalties, limitations on penalties and states that imprisonment is the last resort. In the case of R v BW & SW, the aggravating factors of child neglect and starvation of their seven year old autistic daughter resulted in severe sentences. The girl’s mother BW was sentenced to life imprisonment and the father SW was sentenced to 16 years in prison. The penalties imposed in this case prove to protect the victim as well as society.

In the legal system the rights of the victims are considered especially as it is most often a very sensitive situation. Under the *Victim Rights Act 1996 (NSW)* it includes victim’s dignity, compensation, protection form accused, protection of identity, certain rights to information. In the case of R v. Skaf and Skaf (2008) the victims were able to give their own victim impact statements in front of the court and jury, which was be one of many reasons Skaf was sentenced to a maximum jail sentence. Among the factors that resulted in Skaf’s lengthy imprisonment includes the aggravating factor of showing no remorse, and at the judge’s discretion increasing the imprisonment. This can be contrasted to the sexual assault case of McCartney v R (2009) where the judge reduced the sentence by 16.6% with the consideration that the offender was relatively young and had no criminal history, being unlikely to reoffend. Through the study of these cases, it is clear that the legal system is flexible enough to account for individual circumstances such as being remorseful and taking responsibility, and is therefore effective in achieving the most just outcome for all members of society.

When justice is imposed it is important that it reflects moral and ethical standards so that society is able to feel safe. Through the use of retribution ensures that the offender is adequately punished for the offence and it’s severity. In the case of R v. Catherine Smith, Smith was the victim of more than 20 years of domestic violence and was accused of attempted murder on her perpetrator, Kevin Smith. However a jury acquitted Catherine Smith of all charges ruling self-defense as a mitigating factor. This resulted in a consecutive trial against Kevin Smith for the crimes he committed against his wife. He was sentenced to 17-years imprisonment as an act of retribution. The role of defenses against criminal charges such as mitigating factors, and purposes of punishment reflecting the moral and ethical standards achieve significant justice for victims, offenders and society.

In conclusion, the penalties imposed during the sentencing process are both effective and ineffective in achieving justice for victims, offenders and society. In relation to protecting individual rights, penalties take into account the rights of both the offender and victim and attempt to balance out these rights. For protecting society's needs, the penalties protect society from heinous crimes, such as sexual assault in company and ensure that the rights of members of society are upheld and protected.