

## **Abstract:**

The Commonwealth Sentencing Database has been developed to assist judicial officers sentencing federal offenders. The Principles and Practice component of the Database provides a guide to cases and other sources relevant to understanding of the relevant Commonwealth, State and Territory law and the common law in so far as they relate to sentencing of a convicted federal offender.

This paper will highlight some examples of where the Practice and Principles component of the database has identified differences in approach to the sentencing of federal offenders and explore the reasons behind this.

In 2006 the Australian Law Reform Commission produced the results of two years of research into the operation of Part IB of the *Crimes Act 1914* (Cth). The *Same Crime, Same Time* Report found that the federal legislation was complex, ambiguous, illogically structured, and inconsistent in its use of terminology. One of the primary terms of reference for the inquiry was the issue of equality. In particular, 'whether equality in sentencing federal offenders should be maintained between federal offenders serving sentences in different states and territories, or between offenders within the same state and territory, regardless of whether they are state, territory or federal offenders' (ALRC 103, 2006, 1.6).

Is this the latest iteration of the perpetual quest for consistency in sentencing? After finding evidence of inconsistency in the treatment of federal offenders the ALRC recommended equality in treatment of federal offenders. How might this be achieved and what does equal treatment mean in the federal system?