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EDITORIAL – *Editor: Mirko Bagaric*

Productivity Commission Report Highlights the Burgeoning Cost of Imprisonment and the Dispiriting Recidivism Rate	3
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ARTICLES

The High Court on Crime in 2017: Analysis and Jurisprudence – *Stephen Odgers*

This article discusses all of the High Court decisions in 2017 that relate to criminal matters. It examines the principles that derive from these cases and identifies jurisprudential themes from the decisions. It also discusses the significance of the cases and the possible wider consequences of the decisions.	5
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Sentencing Discounts for Delay – *Kate Warner, Julia Davis, Arie Freiberg and Caroline Spiranovic*

The Victorian jury study aimed to ascertain jurors’ views of sentencing severity and to compare the views of judges and jurors on the relevance of aggravating and mitigating factors. A surprising finding from the analysis of the sentencing remarks from the trials in the study is that delay was the third most common mitigating factor. This article suggests that because delay’s relevance as mitigating factor may be not immediately apparent to the public, the reasons why it attracts a reduced sentence should be clearly explained by sentencers.	22
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The United States’ Incarceration Crisis: Cautionary Lessons for Australian Sentencing – *Mirko Bagaric, Theo Alexander and Gabrielle Wolf*

The United States imprisons more people than any nation in the world. Incarceration levels in America have quadrupled in the past four decades. This has resulted in a considerable financial burden to the community, which is no longer readily sustainable. Many jurisdictions in the United States are now attempting to reduce prison numbers. However, no overarching solution has been proposed or implemented. Prison numbers in Australia are about one-quarter of that in America. However, Australian incarceration levels are dramatically increasing – there has been more than a three-fold increase in the past 30 years. Further, the cost of imprisonment in Australia is more than three times that in the United States. Thus, there are parallels that are emerging between the United States and Australia, in terms of the rate of increase in prison numbers and the cost per capita to the community of the spending on prisons. In this article, the authors discuss the incarceration and sentencing crisis in the United States with a view to exploring lessons that may be relevant to the Australian setting.	34
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The Contribution of the Senate to Criminal Law Reform – *Dr Marcus Smith*

This article discusses the contribution of the Senate, and in particular, its committee system, to criminal law reform in Australia. The discussion includes both qualitative and quantitative evidence of the nature and volume of inquiries conducted into criminal law Bills and references between 1987 and 2016. It also examines examples of specific inquiries in this area of the law. A comparison of the strengths and weaknesses of the Senate committee system with other law reform mechanisms, such as the Australian Law Reform Commission, is undertaken. It is evident that although there remain aspects of the Senate committee process that are not ideal for effective law reform, such as the level of politicisation present, there are many positive elements, and these could be used to inform the design of other law reform mechanisms.

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DIGEST OF CRIMINAL LAW CASES

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