***Peer Review Form***

1. **Write your responses herein to 23 Questions re the
*Thinking Outside the Cell* Discussion Paper**
2. **Comments/observations/questions invited from the *Peer Reviewer* on the Discussion Paper**
3. ***Peer Reviewer’s* first name, moniker/synonym, age range
(e.g. between 40 and 50) and city of occupancy**

**Section A 23 Questions**

**Preamble to Question 1**

**Dozen Unsustainable Problems is testimony that the more recent** [***Warehouse Sentencing***](https://www.muggaccinos.com/Punishment/DefinedTerms/Warehousing_Sentencing.htm) **in some western countries, driven by** [***Penal Populism***](https://www.muggaccinos.com/Punishment/DefinedTerms/Penal_Populism.htm)**, has failed *Dozenly***

**Question 1**

Does the *Peer Reviewer* consider that any of the [***Baker’s Dozen* Unsustainable *Problems***](https://www.muggaccinos.com/Punishment/DefinedTerms/Warehousing_Sentencing.htm)is**/**are acceptable to continue jail incarceration as the primary form of [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) and [**Deterrent**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) mindful of, but not limited to:

* **[$4.416 billion](http://www.muggaccinos.com/Punishment/DefinedTerms/Material_Public_Purse_Prison_Costs.htm)****[cost of Corrective Services across Australia in 2018-19](http://www.muggaccinos.com/Punishment/DefinedTerms/Material_Public_Purse_Prison_Costs.htm)**
* **[43,028 adult prisoners were in Australian jails as at 30 June 2019](https://www.abs.gov.au/ausstats/abs%40.nsf/mf/4517.0)**
* [**1,032 prisoners are serving a Sentence of ‘20 years and over’ or ‘Life Sentence’ or ‘Other’ as at 30 June 2019**](http://www.muggaccinos.com/Punishment/DefinedTerms/Life_Sentence.htm)
* [**$175,000 pa cost of keeping an inmate in Maximum Security Incarceration**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm)?

**Response to Q1**

**Question 2**

Does the *Peer Reviewer* materially disagree with any of the information chronicled in
[**Jail Is The University Of Crime**](http://www.muggaccinos.com/Punishment/DefinedTerms/Jail_Is_The_University_Of_Crime.htm)**,** in particular with respect to the below extract of Section 6 of [**Jail Is The University Of Crime**](http://www.muggaccinos.com/Punishment/DefinedTerms/Jail_Is_The_University_Of_Crime.htm)in the Discussion Paper:

“The solution is to place many of these impressionable young Muslim men amongst humans that hold different beliefs than they hold, coupled with education and hopefully rehabilitation into the workforce. And not segregating them together at one Maximum Security Prison.”

**6.      The existing practice of congregating Muslim radical extremists, ensnared by the ISIS ideology of do-it-yourself violence, at Goulburn's *Supermax* is *a bomb counting down* to explode when they are eventually released**

        [**Prisons and detention centres are breeding grounds for criminality**](http://www.muggaccinos.com/Punishment/Articles_Reports/TheAustralian/PrisonsAndDetentionCentresBreedingGrounds.htm) (The below extract from The Australian newspaper - JULY 27, 2016) evidences that segregating Muslim extremists, [**in particular at Goulburn's *Supermax***](http://www.muggaccinos.com/Punishment/Articles_Reports/TheAustralian/To_the_Supermax.htm), is *gross negligence* in the extreme, as eventually many of these impressionable prisoners will seek revenge for their treatment whilst incarcerated amongst those with a similar mindset.

        "[**But as SuperMax starts disgorging its inmates, the risk to the community will be profound. None of this is the fault of Piazza and his staff. They are not social workers. They are prison officers whose job is to protect the community, something they do exceptionally well and under the most trying conditions. But thinking of the rangy Lebanese boy with the chest full of tatts prowling his cell like a caged animal, it is difficult not to believe we are kicking the can down the road.  What happens when we get to the end?**](http://www.muggaccinos.com/Punishment/Articles_Reports/TheAustralian/To_the_Supermax.htm)"

         The solution is to place many of these impressionable young Muslim men amongst humans that hold different beliefs than they hold, coupled with education and rehabilitation hopefully into the workforce. And not segregating them together at one Maximum Security Prison.

**Response to Q2**

**Question 3**

Does the *Peer Reviewer* materially disagree with any of the views contained within the below two embedded threads?

[**Practitioners views on the Problems with Australian prisons**](http://www.muggaccinos.com/Punishment/Problems/PracticionerProblemsComments.htm)**.**

[**Solutions To Reduce Prison Populations - in different countries' jurisdictions**](http://www.muggaccinos.com/Punishment/Solutions/Solutions_To_Reduce_Prison_Populations.htm)**.**

**Response to Q3**

**Preamble to Question 4**

[**Recent TV News Crime Clips on YouTube**](http://www.muggaccinos.com/Punishment/DefinedTerms/Recent_TV_News_Crime_Clips.htm)provides URL threads to a welter of videos concerning criminal activity across Australia, in particular youth theft and assault. The initial two videos contain potent comments by police officers:

* **"We are starting to see the epidemic of teenager crime being out of control"  "We are doing our part. It is about time the courts and other government departments did theirs."**
* **"We are arresting more people now, than ever before.  Statistics show us that."**

Professor Andrew Day, Melb Uni, article[**Crime and punishment and rehabilitation: a smarter approach**](http://www.muggaccinos.com/Punishment/Articles_Reports/TheConversation/Crime_and_punishment_and_rehabilation.htm)(June 2015) asserts that [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) *needs to be predictable, applied at maximum intensity to be effective* and *be dispensed swiftly.*

**Question 4**

Does the *Peer Reviewer* materially disagree with the ***1st Prong*** that –

1. the primary form of [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) and [**Deterrent**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) for crimes from Level 2 to Level 6 in the Penalty Scale (outlined in the [**Sentencing Act 1991**](http://classic.austlii.edu.au/au/legis/vic/consol_act/sa1991121/) referred to in
[**Number Of Punishment Strokes**](http://www.muggaccinos.com/Punishment/DefinedTerms/Number_Of_Punishment_Strokes_Proposed.htm))should be [**Corporal Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Corporal_Punishment.htm)**,** administered shortly after [**Sentencing**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sentencing.htm) and any appeals are heard, albeit not at the same frequency/quantum of whipping strokes administered during [**the initial 150 years of British settlement of Australia**](http://www.muggaccinos.com/Punishment/DefinedTerms/Corporal_Punishment-Australia.htm); and
2. following dispense of such Corporal Punishment, the associated [**Sentencing**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sentencing.htm) of prison incarceration for months or years should be for [**Rehabilitation**](http://www.muggaccinos.com/Punishment/DefinedTerms/Rehabilitation.htm)incorporating[**Education and Vocational Training**](http://www.muggaccinos.com/Punishment/DefinedTerms/Education_and_Vocational_Training.htm)to instill self-belief and optimism due to the opportunity of a paid job for at least three months offered by a [**Supportive ASX 200 Company**](http://www.muggaccinos.com/Punishment/DefinedTerms/Supportive_ASX_200_Companies.htm)for most "longer-Sentence inmates"?

If the *Peer Reviewer* materially disagrees with the ***1st Prong*** after expending at least 60 mins watching videos in [**Recent TV News CCTV Crime Clips on YouTube**](http://www.muggaccinos.com/Punishment/DefinedTerms/Recent_TV_News_Crime_Clips.htm), would s/he explain their rationale for disfavouring the ***1st Prong***?

**Response to Q4**

**Question 5**

Does the *Peer Reviewer* materially disagree with the ***1st Prong*** that for non-murderous crimes, Australia should adopt the [**Restorative Justice Model**](http://www.muggaccinos.com/Punishment/DefinedTerms/Incarceration_Practices_Successful_in_Scandinavia.htm) successfully implemented in four Scandinavian countries, and Texas USA, to reduce [**Recidivism**](http://www.muggaccinos.com/Punishment/Problems/Recidivism_re-offendingRatesInAustralia.htm), by prison institutions having –

1. a higher focus on [**Rehabilitation**](http://www.muggaccinos.com/Punishment/DefinedTerms/Rehabilitation.htm), after [**Sentenced**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sentencing.htm) [**Corporal Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Corporal_Punishment-Australia.htm) has been administered, ideally back into gainful employment, and
2. a materially lower focus on prison as [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) where traditionally *one has to serve one’s time*?

**Response to Q5**

**Question 6**

Does the *Peer Reviewer* materially disagree with the ***1st Prong*** that scope exists for [**Supportive ASX 200 Companies**](http://www.muggaccinos.com/Punishment/DefinedTerms/Supportive_ASX_200_Companies.htm)in the below selected industry sectorsto offer a minimum of three months employment to "*longer Sentence inmates*" for non-murderous crimes that would instill self-belief and optimism by *seeing light at the end of the tunnel*, and thereby reduce [**High recidivism*/*re-offending rates**](http://www.muggaccinos.com/Punishment/Problems/Recidivism_re-offendingRatesInAustralia.htm)?

1. Construction
2. Electricity, gas, water and waste services
3. Information technology
4. Primary industry - farming
5. Mining
6. Transport
7. Manufacturing

**Response to Q6**

**Question 7**

Two methods to expend less on jail incarceration is to [**Sentence**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sentencing.htm) –

1. more effective [**Deterrents**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) to committing crimes, namely [**Corporal Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Corporal_Punishment-Australia.htm); and
2. less on jail incarceration which should ostensibly be for [**Rehabilitation**](http://www.muggaccinos.com/Punishment/DefinedTerms/Rehabilitation.htm)immediately after [**Corporal Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Corporal_Punishment-Australia.htm)has been dispensed.

Does the *Peer Reviewer* agree that Australia should follow the lead of many of its trading partners and expend less on prisons as [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) by adopting a) and b) above, and direct the *Public Purse* more so to health, education and transportation of taxpayers and future taxpayers?

**Response to Q7**

**Question 8**

Does the *Peer Reviewer* materially disagreethat the [**Noble Ambitions for Desisting Corporal Punishment in South Australia**](http://www.muggaccinos.com/Punishment/DefinedTerms/NobleAmbitionsForDesistingCorporalPunishmentInSA.htm)espoused by the[***South Australian Branch of the Howard League for Penal Reform***](http://www.muggaccinos.com/Punishment/History/FormerCriminalLawActs/SA_1961_CorporalPunishment/1961_Submission_SA.docx)in the middle of the last century have not materialised because[***Society has jumped ahead along the 'punishment/deterrent' curve* ostensiblydue to the illicit drug scourge**](http://www.muggaccinos.com/Punishment/DefinedTerms/SocietyHasJumpedAheadOnTheCurve.htm), and that scourge could not have been envisaged in the mid-20th century?

**Response to Q8**

**Preamble to Question 9**

[**There were 142 first degree murders in the 12 months to 30 June 2018, excluding the ACT and persons charged with murder that committed suicide or died of natural causes before a court hearing**](http://www.muggaccinos.com/Punishment/Articles_Reports/AustralianInstituteOfCriminology/Table_A5.jpg)**.**

**Question 9**

Does the *Peer Reviewer* materially disagree that [**An Infliction of Corporal Punishment a week prior to Execution**](http://www.muggaccinos.com/Punishment/DefinedTerms/An_Infliction_Of_Corporal_Punishment.htm) by hanging for an average of two (each year) of the [**M**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CMost_Heinous_Of_Male_Murderous_Convicted_Criminals.htm)[**ost Heinous Of Convicted Criminals**](http://www.muggaccinos.com/Punishment/DefinedTerms/Most_Heinous_Of_Male_Murderous_Convicted_Criminals.htm) that are convicted [***Beyond any doubt of guilt***](http://www.muggaccinos.com/Punishment/DefinedTerms/Beyond_any_doubt_of_guilt.htm) of a [**Sadistic, Brutal, Premeditated, Unprovoked Murder/s**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sadistic%2CBrutal%2CPremeditated%2CUnprovoked_Murderers.htm) and Sentenced to *Never to be Released* (or similar) would noticeably [**Deter**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) such brutal and callous murders?

**Response to Q9**

**Preamble to Question 10**

Refer –

* [***Lifers*deemed never to be released, many that are *dying a thousand deaths;* experiencing a manic depressive QOL**](http://www.muggaccinos.com/Punishment/Articles_Reports/HuffingtonPost/What_death_penalty_opponents_dont_get.htm); and
* [**Manic Depression As Identified In Documented Reports/Journals/Articles**](http://www.muggaccinos.com/Punishment/DefinedTerms/Manic_Depression.htm)

Below is an extract from [**The Australian Govt. should legislate that each inmate convicted of a Sadistic, Brutal, Heinous, Unprovoked Murder/s that is identified as *Never To Be Released* should be required to complete a statutory declaration every two years that s/he either requests *assisted dying* or declines an offer to be euthanized** **(*assisted dying*) by lethal injection**](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)within the Discussion Paper:

“It may appear callous to some, but psychiatric [**Documented Reports/Journals/Articles**](http://www.muggaccinos.com/Punishment/DefinedTerms/Manic_Depression.htm)evidence that Australia's most heinous murderers that are [***Never to be Released***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm) are '*better off dead*'.  History evidences that the proponents of "*society has moved beyond executing other human beings*" have NEVER appraised the QOL of the humans that they are prepared to allocate $150,000 p.a. per inmate Admin Costs and $25,000 pa in Capital Works Costs to keep those inmates alive in a depressive mindset, in a small steel cage, with no prospect of ever being released.

Canada has led the way inconsidering the rights of prisoners to request '*assisted dying*' in countries that have sanctioned '*assisted dying*'.  Below are two pertinent extracts from the [**Dalhousie University, Canada**](http://www.muggaccinos.com/Punishment/Articles_Reports/Canada/Assisted_dying_for_prison_population.htm) paper[***Assisted dying for prison populations: Lessons from and for abroad***](http://www.muggaccinos.com/Punishment/Articles_Reports/Canada/Assisted_dying_for_prison_population.htm)[- Aug 20, 2019](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CArticles_Reports%5CCanada%5CAssisted_dying_for_prisoners.pdf):

“[Currently, 15 jurisdictions allow the practice of assisted dying. Six of these jurisdictions are countries (Belgium, Canada, Colombia, Luxembourg, the Netherlands, and Switzerland).](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CArticles_Reports%5CCanada%5CAssisted_dying_for_prison_population.htm)
Eight are jurisdictions within the United States (California, Colorado, the District of Columbia, Hawaii, Montana, Oregon, Vermont, and Washington) and one is a state in Australia (Victoria).[16 The prison context is not mentioned in any assisted dying law in any jurisdiction with the exception of Canada](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CArticles_Reports%5CCanada%5CAssisted_dying_for_prison_population.htm).17
No law explicitly excludes prisoners from accessing assisted dying or describes a different legal framework for assisted dying that is specific to prisoners.
We found no official guidelines specifically regulating assisted dying in prisons in any permissive jurisdiction, with the exception of Canada.18

Once assisted dying has been decriminalized, in many jurisdictions, it must be made available to a country’s prison population because of the principle of equivalence of care. This principle establishes that a country’s prisoner population must be provided with health care that is equivalent to what members of that country’s general population receive.19 This principle has received international recognition and is included in the Standard Minimum Rules for the Protection of Prisoners (known as the Mandela Rules), one of the main United Nations guidelines for the protection of prisoners.**”**

In view of the stance taken by Belgium, Canada, Colombia, Luxembourg, the Netherlands, and Switzerland, eight states in the USA and Victoria Aust, and mindful that many[***Lifers*deemed never to be released are *dying a thousand deaths;* experiencing a manic depressive QOL**](http://www.muggaccinos.com/Punishment/Articles_Reports/HuffingtonPost/What_death_penalty_opponents_dont_get.htm)**,** the Australian Govt. should legislate that each inmate convicted of a[**Sadistic, Brutal, Heinous, Unprovoked Murder/s**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sadistic%2CBrutal%2CPremeditated%2CUnprovoked_Murderers.htm)and is incarcerated in a maximum security jailwho has been identified as[***Never to be Released***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)should be required to complete a statutory declaration every two years that s/he either requests assisted dying or declines an offer to be euthanized (assisted dying) by lethal injection.

Just as dogs, cats, horses etc. are euthanized when their QOL materially reduces, humans should be afforded the same dignity when there is no QOL and no prospect of improved QOL.  Such inmates should also have the right to request euthanasia by lethal injection at any time in between the formal written approach every two years.”

**Question 10**

Consistent with the practice in Canada, explained in the above referenced paper[***Assisted dying for prison populations: Lessons from and for abroad***](http://www.muggaccinos.com/Punishment/Articles_Reports/Canada/Assisted_dying_for_prison_population.htm), does the *Peer Reviewer* materially disagree that each of the [**Most Heinous Of Convicted Murderers**](http://www.muggaccinos.com/Punishment/DefinedTerms/Most_Heinous_Of_Male_Murderous_Convicted_Criminals.htm) in Australian prisons determined [***Never to be Released***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)–

1. should be formerly asked every two years if s/he wants a lethal injection to end their futile and often depressive lives in a small steel cell until each dies from body failure; and
2. may request a lethal injection to end their depressive life at any time.

**Response to Q10**

**Question 11**

Does the *Peer Reviewer* materially disagree that [**Capital Punishment Deters Homicides**](http://www.muggaccinos.com/Punishment/DefinedTerms/CapitalPunishmentDetersHomicides.htm)? If s/he disagrees, please set out the reason/s for holding that belief.

**Response to Q11**

**Question 12**

Does the *Peer Reviewer* materially disagree that the vast majority, if not all, **of future similar murderers**, akin to those [**Sadistic, Brutal, Premeditated, Unprovoked Murder/s**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sadistic%2CBrutal%2CPremeditated%2CUnprovoked_Murderers.htm) committed by the [**35 Never to be Released Inmate Adults**](http://www.muggaccinos.com/Punishment/Solutions/35_NeverToBeReleasedInmates.htm), both male and female adults, whose murders date back to 1986, should be executed by being hung by the neck a week after an infliction of **3 lashes of the** [***Cat 'O Nine Tails***](http://www.muggaccinos.com/Punishment/DefinedTerms/Cat_%27O_Nine_Tails.htm)and**3 canings of an** [**Australian Rattan**](http://www.muggaccinos.com/Punishment/DefinedTerms/Australian_Rattan.htm)**,** consistent with the ***2nd Throng*** of the Discussion Paper due to the –

1. potent Deterrent effect of others committing similar future murders; and
2. $175,000 pa per inmate cost of Maximum Security Incarceration?

If the *Peer Reviewer* materially disagrees, please elucidate his or her reasons?

**Response to Q12**

**Preamble to** **Question 13**

Below are extracts from [**As the coronavirus rages in prisons, ethical issues of crime and punishment become more compelling**](https://theconversation.com/as-the-coronavirus-rages-in-prisons-ethical-issues-of-crime-and-punishment-become-more-compelling-143730)-  written by [Austin Sarat](https://theconversation.com/profiles/austin-sarat-174772), Cromwell Professor of Jurisprudence and Political Science, Amherst College, that appeared in The Conversation on 6 Aug 2020:

“Philosophers since Aristotle have debated what justice in punishment requires. For him, punishment is governed by the requirements of what he [called](https://www.amazon.com/ethics-Aristotle-2-Aristotle/dp/B0037CFD3W) “corrective justice.” **By this he meant that when someone is injured, the offender should be punished by inflicting comparable harm**.

Aristotle‘s idea that punishment is a deserved and proportional response to an offense provides a building block for [retributive theories of punishment](https://books.google.com/books/about/Punishment_and_Retribution.html?id=5go7I84EGI0C), which embrace some form of “an eye for an eye” as a way to do justice.

Those theories insist, as 18th-century philosopher Immanuel Kant [noted](https://antilogicalism.files.wordpress.com/2018/04/kant-practical-philosophy.pdf), that punishment “can never be inflicted merely as a means to promote some other good for the criminal himself or for civil society. It must always be inflicted upon him because he has committed a crime.” In other words, just punishment must give people what they deserve, nothing less and nothing more.

Thus, Kant [suggested](https://www.jstor.org/stable/3505232?seq=33#metadata_info_tab_contents) that the amount of punishment should be governed by a principle of proportionality.

Many contemporary theorists of punishment embrace this idea. As legal scholar [Bernard Harcourt](https://www.law.columbia.edu/faculty/bernard-e-harcourt) recently [said](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1667&context=faculty_scholarship), **punishment “should be proportional to the amount of harm caused by the offender**.”

**Question 13**

**[Should Justice for the Innocent Victim/s](http://www.muggaccinos.com/Punishment/DefinedTerms/JusticeForTheInnocentVictimOrVictims.htm)** (Retribution)be an eighthconsideration amongst the [**Seven Purposes of Sentencing**](http://www.muggaccinos.com/Punishment/DefinedTerms/Purposes_Of_Sentencing.htm) for a convicted criminal as postulated by the [**Judicial Conference of Australia in 2014**](http://www.muggaccinos.com/Punishment/DefinedTerms/Purposes_Of_Sentencing.htm)in[**Judge for yourself: A Guide to Sentencing in Australia**](http://www.muggaccinos.com/Punishment/Problems/JudgeForYourself-AGuideToSentencingInAustraliaNEW.htm)?

**Response to Q13**

**Question 14**

If the *Peer Reviewer* believes that a lengthy jail sentence is the appropriate means of –

1. [**Punishing**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) criminal offenders found guilty of a serious criminal offence/s; and
2. [**Deterring**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) others from committing such offences,

please set out his/her rationale that supports such a belief.

Such a rationale should –

1. set out the tangible and intangible benefits to, and costs borne by, the community, and
2. evidence that the aggregate benefits exceed the aggregate costs.

**Response to Q14**

**Preamble to Question 15**

[**There were 142 first degree murders (homicides) in the 12 months to 30 June 2018, excluding the ACT and persons charged with murder that committed suicide or died of natural causes before a court hearing**](http://www.muggaccinos.com/Punishment/Articles_Reports/AustralianInstituteOfCriminology/Table_A5.jpg)**.**

**Question 15**

Does the *Peer Reviewer* materially disagree with the Discussion Paper that opponents of the death penalty invariably –

1. have made no effort to understand the dreadful, callous, heinous murders that these [***Lifers***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm) have committed; and/or
2. have no cognizance of [***Never To Be Released***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm) [**Prisoners Quality of Life**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CNeverToBereleasedPrisonerQOL.htm)that have stirred most of them to have attempted to take their own life often on more than one occasion whilst in jail; and/or
3. do not understand the level of proof required to convict an accused murderer
being[***Beyond any doubt of guilt***](http://www.muggaccinos.com/Punishment/DefinedTerms/Beyond_any_doubt_of_guilt.htm); and/or
4. do not believe in [**Justice for the Innocent Victim/s**](http://www.muggaccinos.com/Punishment/DefinedTerms/JusticeForTheInnocentVictimOrVictims.htm)**;** and/or
5. do not believe in [**Denunciation**](http://www.muggaccinos.com/Punishment/DefinedTerms/Denunciation.htm)**;** and/or
6. do not believe in [**Community Protection**](http://www.muggaccinos.com/Punishment/DefinedTerms/Community%C2%A0Protection.htm)**;** and/or’
7. have no financial understanding of the $175,000 annual cost per inmate of [**Maximum Security Incarceration**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm)that could be better expended on[**Rehabilitation**](http://www.muggaccinos.com/Punishment/DefinedTerms/Rehabilitation.htm)for the 98.5% *circa* of inmates that can be re-assimilated back into society**,** often as taxpayers, by adopting[**Practices in Scandinavia and Texas to Improve Outcomes Due to *Economic Necessity***](http://www.muggaccinos.com/Punishment/DefinedTerms/ImproveOutcomesDueTo%27EconomicNecessity%27.htm) –

**\***[**Restorative Justice Model Successfully Adopted in Scandinavia since
 the late 20th Century**](http://www.muggaccinos.com/Punishment/DefinedTerms/Incarceration_Practices_Successful_in_Scandinavia.htm); and**\***[**Texas Justice Reinvestment**](http://www.muggaccinos.com/Punishment/Solutions/texas_justice_reinvestment.htm), in particular[**Improving Responses to People
 with Mental Illnesses**](http://www.muggaccinos.com/Punishment/Solutions/ImprovingResponsesToPeopleWithMentalIllnesses.htm) with [**Specialist Drug & Alcohol Treatment**](http://www.muggaccinos.com/Punishment/DefinedTerms/SpecialistDrug%26AlcoholTreatment.htm)**?**

If the *Peer Reviewer* disagrees that opponents of the death penalty have no comprehension of the above seven pertinent considerations, please elucidate his/her rationale for disfavoring a return to Capital Punishment for the most heinous of murderers and rapists, or the reasons that you understand why others disfavor a return to Capital Punishment, that –

\*         over 97% of the 108b *Homo sapiens* *circa* have lived under both during the 125,000 years *circa* occupancy of *'terra firma'*, and

\*         the majority of the current 7.6b human population today live under both forms of *frightening* [**Punishment**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CPunishment.htm) ([not limited to **China, Iran, Saudi Arabia, Iraq, Egypt, United States, Pakistan, Somalia, Sudan, Belarus, Yemen, Afghanistan, Botswana, Libya, Guyana, Uganda, Bangladesh, Nigeria, Taiwan, India, Russia, Vietnam, Thailand, Japan, Indonesia, the Arab States, Malaysia, Singapore, Brunei**](https://www.telegraph.co.uk/travel/maps-and-graphics/countries-that-still-have-the-death-penalty/).

**Response to Q15**

**Preamble to Question 16**

Below is an extract from the ***2nd Prong*** of the Discussion Paper:

“Between 1989 and 1993 Ivan Milat, after gaining their trust, viciously and sadistically murdered seven backpackers, aged 19 to 22, in the Belanglo State Forest, 15 kilometres from Berrima NSW.  Five of the victims were foreign backpackers visiting Australia (three German, two British).  Authorities believe that he may have killed others.  Two were Australian travelers from Melbourne.  Five of the seven victims were females.  Ivan Milat was [**Never To Be Released**](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm) from [**M**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CMaximum_Security_Prisons.htm)[**aximum Security Incarceration**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm)that ultimately cost the[***Public Purse***](http://www.muggaccinos.com/Punishment/DefinedTerms/Public_Purse.htm)$4.025m ($175,000 pa x 23 years jail), plus extensive hospitalization costs with armed guards.

The Australian taxpayer was sentenced to the penalty of $175,000 each year [([**Administrative costs**](http://www.muggaccinos.com/Punishment/DefinedTerms/AnnualAdminCostAustralianPrisons.htm) $150,000 and [**C**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CCapitalExpenditurePrisonCosts.htm)[**apital Expenditure costs**](http://www.muggaccinos.com/Punishment/DefinedTerms/CapitalExpenditurePrisonCosts.htm) $25,000)] for Milat to reside in a [**Maximum Security Prison**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm) in a small steel cage at the taxpayer's expense until he died in Oct 2019.  [***Never to be Released* Prisoners Quality of Life**](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)would, at best be 5% of the majority of Australians.  Executing [***Never To Be Released***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm) [**Prisoners**](http://www.australiaslowlearner.world/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)is not *taking a life,* it is ending a misery and torment far more intense and stressful over time than execution.

In 2012, Ivan Milat's great-nephew, [**Matthew Milat, and his friend, Cohen Klein, (both aged 19 at the time of their sentencing) were sentenced to a maximum of 43 years and a maximum of 32 years in prison**](https://www.illawarramercury.com.au/story/2555667/milat-loses-bid-to-appeal-murder-sentence/) respectively, for murdering David Auchterlonie on his 17th birthday with an axe at the Belanglo State Forest in 2010.  Matthew Milat struck Auchterlonie with the double-headed axe as Klein recorded the attack with a mobile phone. This was the same forest where Ivan Milat had killed and buried his seven victims.

**1st Question:**Would David Auchterlonie be alive today, and Matthew Milat and Cohen Klein not be serving very long and costly gaol sentences, had Ivan Milat been executed by hanging promptly after being found guilty by a NSW court of sadistically and methodically murdering seven backpackers over 4 years?
Would the likelihood that David Auchterlonie would not have been murdered by Matthew Milat be even higher had Ivan Milat been harshly flogged a week prior to being hung by the neck until dead?

**1st Answer:**Casual empiricism suggests -

A.      a reasonable likelihood, say 50%, that David Auchterlonie would still be *breathing* had Ivan Milat been swiftly executed by hanging and not jailed until his death by natural causes; and

B.      an even higher likelihood that David Auchterlonie would not have been murdered by Ivan Milat's great-nephew be even higher, had Ivan Milat been harshly flogged a week prior to being hung by the neck until dead.

**2nd Question:**

What has been the business case for expending over $4,025,000 of *the fiscal pot* on [**Maximum Security**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm) [**Incarceration**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CMaximum_Security_Prisons.htm) for 24 years on a man that sadistically killed seven young backpackers whilst he suffered manic depression?  What life did the NSW State not take?

**2nd Answer:**When the State takes the life of a criminal like Ivan Milat, it is not taking a life.  It is saving a large chunk of the [***Public Purse***](http://www.muggaccinos.com/Punishment/DefinedTerms/Public_Purse.htm) for expenditure on the health and education of taxpayers and future taxpayers which is what many of our major trading partners, China, India, Indonesia, Malaysia *et al,* do and what the administrators of early Australian settlement did, colloquially known as our *Forefather* *Governors*.  Maintaining our Balance of Payments on Current Account, and not running up state government deficits, is a fundamental need. [**Dozen Unsustainable Problems within Australian Prison System**](http://www.muggaccinos.com/Punishment/Problems/DozenProblemsWithinAustralianPrisonSystem.htm) is patent evidence that incarcerating [**tens of thousands of criminals**](https://en.wikipedia.org/wiki/Punishment_in_Australia) in small steel cages as a [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) and [**Deterrent**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) is a proven failure.“

**Question 16**

Does the *Peer Reviewer* materially disagree with the hypothesis in the ***2nd Prong*** that –

* there is a 50/50 chance that [**David Auchterlonie**](https://www.youtube.com/watch?v=5nq-KGQ-MPY) would still be alivehad Ivan Milat been swiftly executed by hanging and not jailed (for 23 years) until his death by natural causes at a cost to the taxpayer of $4.2m; and
* the 50/50 likelihood that [**David Auchterlonie**](https://www.youtube.com/watch?v=5nq-KGQ-MPY) would not have been murdered by Matthew Milat would be even higher had Ivan Milat been harshly and publically flogged a week prior to being hung by the neck until dead?

If s/he disagrees with the above hypothesis, please elucidate her/his rationale for disagreeing?

**Response to Q16**

**Preamble to Question 17**

Below is an extract from **Prelude** of the Discussion Paper:

**“**[**Many *Lifers*deemed *Never to be Released*, *die a thousand deaths;* experiencing a manic depressive QOL**](http://www.muggaccinos.com/Punishment/Articles_Reports/HuffingtonPost/What_death_penalty_opponents_dont_get.htm)**.** Ivan Milat, who slayed seven young backpackers and attempted suicide a few times, cost the Aust. taxpayer $175,000 pa - 23 years in jail = $4.025m. He should have been hung in 1996.  Martin Bryant murdered 35 people at Port Arthur and is serving 35 life sentences, plus 1,035 years, all without the possibility of parole in Hobart's Risdon Prison.  He should have been executed in 1998.  Jailing Martin Bryant will cost the taxpayer about $7.525m by the time that he dies in prison.  Martin Bryant should have been executed in 1998. [**Maximum Security Incarceration**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm) of the five convicted rape/killers of Anita Cobby in 1985 will ultimately cost the NSW [***Public Purse***](http://www.muggaccinos.com/Punishment/DefinedTerms/Public_Purse.htm)$45.5 million. '[***Never to be Released***](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)' lists several other heinous murderers that should also been executed, becausethe [***Public Purse***](http://www.australiaslowlearner.world/DefinedTerms/Public_Purse.htm) should be expended on the health, education and transportation of taxpayers and future taxpayers. Most of Australia's major trading partners observe that accounting treatment.  But Australia does not.”

[**Judges in criminal courts in the states within Australia 200 years ago (1820),
150 years ago (1870) and 100 years ago (1920), would have sentenced Ivan Milat, Martin Bryant and the five rape/murderers of Anita Cobby to death by hanging**](http://www.muggaccinos.com/Punishment/Capital_Punishment_in_Aust/capital_punishment_in_australia.htm).

[**Dozen Unsustainable Problems is testimony that the more recent *Warehouse Sentencing* in some western countries, driven by *Penal Populism,* has failed *Dozenly***](http://www.muggaccinos.com/Punishment/DefinedTerms/Warehousing_Sentencing.htm)**.**

[**Western s**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CSocietyHasJumpedAheadOnTheCurve.htm)[**ociety has jumped ahead along *Homo sapiens 'punishment/development curve*' ostensibly**](http://www.muggaccinos.com/punishment/DefinedTerms/SocietyHasJumpedAheadOnTheCurve.htm)[**due to the recent scourge of illicit drug use!**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CSocietyHasJumpedAheadOnTheCurve.htm)

Australian State and Territory governments are aware –

1. of the high annual cost of [**M**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CMaximum_Security_Prisons.htm)[**aximum Security Incarceration**](http://www.muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm)**;** and
2. that the majority of ***'***[***Lifers***](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CArticles_Reports%5CHuffingtonPost%5CWhat_death_penalty_opponents_dont_get.htm)***'*** [**deemed never to be released are often *dying a thousand deaths;* experiencing a manic depressive QOL**](http://www.muggaccinos.com/Punishment/Articles_Reports/HuffingtonPost/What_death_penalty_opponents_dont_get.htm)**.**

**Question 17**

Does the *Peer Reviewer* believe that Ivan Milat, Martin Bryant and the five rape/murderers of Anita Cobby should have been [**Sentenced**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sentencing.htm) to death by hanging for the following reasons, thereby enabling $57m *circa* ‘opportunity cost’ of the [***Public Purse***](http://www.muggaccinos.com/Punishment/DefinedTerms/Public_Purse.htm) to be expended on *inter alia* [**Rehabilitating**](http://www.muggaccinos.com/Punishment/DefinedTerms/Rehabilitation.htm) some of the 98.5% *circa* of inmates in Australia’s state and territory jails, some back to gainful employment?

* [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm)
* [**Deterrence**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm)
* [**Denunciation**](http://www.muggaccinos.com/Punishment/DefinedTerms/Denunciation.htm)
* [**Community Protection**](http://www.muggaccinos.com/Punishment/DefinedTerms/Community%C2%A0Protection.htm)
* [**Justice for the Innocent Victim or Victims**](http://www.muggaccinos.com/Punishment/DefinedTerms/JusticeForTheInnocentVictimOrVictims.htm)

**Response to Q17**

**Preamble to Question 18**

Below is an extract from the ***2nd Prong*** of the Discussion Paper:

**“**A few journalists in the UK have espoused the merits of re-introducing hanging of vicious murderers which they contend would discourage others from murderincludes:

**"The main reason for the abolition of the death penalty is the squeamishness of politicians, who enjoy office but do not like all the duties which power loads on to their (often rather narrow) shoulders.  Far easier to them to leave the matter to some trembling constable with a gun in a dark street, who can be disavowed if it all goes wrong later."**

[**In Nov 2018, ex-Tory minister, John Hayes, called for return of capital punishment amid a bloody crime wave.  Hayes presented written parliamentary questions to the British parliament asserting that capital punishment 'should be available to the courts'**](http://www.muggaccinos.com/Punishment/Articles_Reports/DailyMail/%27Bring_back_DEATH_PENALTY_to_tackle_Wild_West_Britain%27.htm)**.**

[**Some point out that it is unfair that terrorists, torturers, and paedophiles should live out their years behind bars with access to food, shelter, and entertainment — all on the taxpayer's dime**](http://www.muggaccinos.com/Punishment/Articles_Reports/DailyMail/%27Bring_back_DEATH_PENALTY_to_tackle_Wild_West_Britain%27.htm)**.**

[**NSW (then) Opposition Leader, Nick Greiner, in 1986 carrying petitions signed by 10,000 western suburbs citizens demanding the death penalty for the Cobby killers**](http://www.muggaccinos.com/Punishment/Articles_Reports/DailyMail/%27Bring_back_DEATH_PENALTY_to_tackle_Wild_West_Britain%27.htm)**.**

**"**[**For the vast majority, capital punishment isn't motivated by lustful revenge, but by a desire to protect the gentle and kind amongst us, punish heinous criminals in just proportion to the severity of their crime, and dramatically reaffirm objective moral truth**](http://www.muggaccinos.com/Punishment/Articles_Reports/DailyMail/%27Bring_back_DEATH_PENALTY_to_tackle_Wild_West_Britain%27.htm)**."**

Below are quotes from [**Government ineptitude over many years has resulted in overcrowded jails and reoffending on a huge scale**](http://www.australiaslowlearner.world/Solutions/ArePrisonsInEnglandAndWalesFacingMeltdown%E2%80%93UK_Guardian.docx) **–** The UK Guardian – 25 Feb 2018,made byDavid J Cornwell, Gloucestershire, England (author of Criminal Punishment and Restorative Justice: Past, Present and Future Perspectives in England and Wales):

"The root causes of the malaise are simply stated: **ill-considered penal policy-making resulting in an uncontrolled escalation in the daily prison population and a persistent overcrowding of prisons to the extent of making them virtually unmanageable in a safe and disciplined manner. In 2017, some 80 of the 118 prisons were “crowded” or worse.**

**The time has now come to redo the maths, revise the political rhetoric of prisons and enable them to deliver their essential social purpose**. We might profitably start with a rebuttal of the infamous claim in 1993 by the then home secretary, Michael Howard, one of the original architects of the penal crisis, that “prison works”.

**Let us be clear: prisons fail**. **They do so because too many minor offenders are sent there and overload their capacity to deliver their service to the state and the public. Prisons are, in their present state, unsafe and unstable for prisoners and prison staff.  Even worse, they are more than 60% ineffective in reducing reoffending within a year of release, at prohibitive cost to the taxpayer.  The time has come to reverse this deplorable situation in the national interest. Politicians, not HM Prison Service, carry the responsibility for making this happen."**

The Discussion Paper –

1. contains [**a welter of evidence that the vast majority of *Lifers* live in a manic depressant state, with several having attempted suicide more than once**](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)**;** and
2. evidences that [**Maximum Security Incarceration**](http://www.Muggaccinos.com/Punishment/DefinedTerms/Maximum_Security_Prisons.htm) of the five convicted rape/killers of Anita Cobby in 1985 will ultimately cost the NSW [***Public Purse***](http://www.www.Muggaccinos.com/Punishment/DefinedTerms/Public_Purse.htm)$45.5 million.

**Question 18**

Does the *Peer Reviewer* agree with the above sentiments expressed by two British journalist, Peter Hitchens and Stephen Pollard, that British politicians have resiled their obligations to their constituents by not re-introducing Capital Punishment as the maximum Sentence for heinous murder/s of defenseless citizens?

[**Should the Neville Wran led Labor Govt have heeded the then Opposition Leader, Nick Greiner’s 10,000 petitions request for the five Anita Cobby rape/murderers to be executed**](http://www.muggaccinos.com/Punishment/Images/NickGreinerDelivers10%2C000partitions.jpg). Or at least the ringleader, John Travers, who pleaded guilty first and, unlike the other four accused, did not contest the murder accusation?

**Response to Q18**

**Refer Preamble to Question 19**

**Question 19**

Do Australian State and Territory Governments persevere with prison incarceration (jail) as the primary form of [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm) and [**Deterrent**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) when –

1. [***Jail is the University of Crime***](http://www.australiaslowlearner.world/DefinedTerms/Jail_Is_The_University_Of_Crime.htm)with its[***Rapidly Revolving Door***](http://www.australiaslowlearner.world/Solutions/PracticionerCommentsSolutions.htm)asover half the inmates in our State and Territory jails have been in prison previously, many of them several times. Hence the threat of prison is patently a ‘failed’ [**Deterrent**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm); and
2. empirical evidence establishes that the threat of a jail [**Sentence**](http://www.muggaccinos.com/Punishment/DefinedTerms/Sentencing.htm) is a *two out of ten* (at best) treatment to [**Deter**](http://www.muggaccinos.com/Punishment/DefinedTerms/Deterrent.htm) many others from similarly offending, or from the offender reoffending,

because of **"……..the squeamishness of politicians, who enjoy office but do not like all the duties which power loads on to their (often rather narrow) shoulders.  Far easier to them to leave the matter to some trembling constable with a gun in a dark street, who can be disavowed if it all goes wrong later."**?

Or is it because our politicians have been disinclined to expend requisite time, at least a dozen hours, to understand the magnitude of the [**Criminal Justice System**](http://www.muggaccinos.com/Punishment/DefinedTerms/Criminal_Justice_System.htm)for *their patch*, in particular–

1. watching [**RTV of actual armed hold-ups and often the Sentence of *a slap on the wrist*, if apprehended, that highlights the need for a more frightening and cost-effective Deterrent**](http://www.muggaccinos.com/Punishment/DefinedTerms/RTV_footage_on_armed_hold-ups.htm) to avoid these young Australians graduating into [***The University of Crime***](http://www.muggaccinos.com/Punishment/DefinedTerms/Jail_Is_The_University_Of_Crime.htm); and
2. [**truly appreciate the causes of Australia's*whacko*Recidivism rates**](http://www.muggaccinos.com/Punishment/Problems/Recidivism_re-offendingRatesInAustralia.htm); and
3. the high burden on their respective *Public Purse* of [**imprisoning that aggregates to exceed 41,000 Australians annually**](https://www.abs.gov.au/ausstats/abs%40.nsf/mf/4517.0)and costing [**$4.416b in 2018-19**](http://www.muggaccinos.com/Punishment/DefinedTerms/Material_Public_Purse_Prison_Costs.htm).

**Response to Q19**

**Preamble to Question 20**

Below is an extract from the ***1st Prong*** of the Discussion Paper:

[**Approaching 8pm on Sat 2nd Feb 2020, Samuel Davidson, 29, driving a 4 wheel drive whilst three times over the legal alcohol limit, mounted a footpath at Oatlands in Western Sydney and struck and killed four children that were walking to nearby shops to purchase ice creams**](https://www.abc.net.au/news/2020-02-03/family-of-driver-devastated-after-son-allegedly-killed-children/11925688)[**.  Samuel Davidson has been charged with multiple offences over the incident, including manslaughter and high-range drink driving**](https://www.news.com.au/national/nsw-act/crime/man-allegedly-behind-the-wheel-of-4wd-that-killed-four-children-charged-with-manslaughter-and-drink-driving/news-story/bc1671d46050a17584af038cbefefd9b).  He will likely receive up to 20 years' jail as [**Punishment**](http://www.muggaccinos.com/Punishment/DefinedTerms/Punishment.htm)as a[**Level 3**](http://www.Muggaccinos.com/Punishment/DefinedTerms/Number_Of_Punishment_Strokes_Proposed.htm)criminal offence.

Under this Discussion Paper's[**Recommended changes to Sentencing under criminal law .............,**](http://www.muggaccinos.com/Punishment/Recommended_changes_to_Sentencing.htm)and tabulated in [**Number Of Punishment Strokes**](http://www.muggaccinos.com/Punishment/DefinedTerms/Number_Of_Punishment_Strokes_Proposed.htm)**,** Samuel Davidson would receive aSentenceof up to 10 years' jail and -

\*         four lashes with the [***Cat 'O Nine Tails***](http://www.muggaccinos.com/Punishment/DefinedTerms/Cat_%27O_Nine_Tails.htm) across the bare back; and

**\***four canings with the [**Australian Rattan**](http://www.muggaccinos.com/Punishment/DefinedTerms/Australian_Rattan.htm) across the bare buttocks,

[**struck with the same intensity that was applied in Australia's early punishment history**](http://www.muggaccinos.com/Punishment/Images/British_flogging.jpg)as chronicled in[**Judicial Corporal Punishment previously sentenced in Australia**](http://www.muggaccinos.com/Punishment/DefinedTerms/Corporal_Punishment-Australia.htm).

The fundamental failing of Australia's Criminal Justice Systemthat has propagated the[***Dozen Problems***](http://www.muggaccinos.com/Punishment/Problems/DozenProblemsWithinAustralianPrisonSystem.htm)is thatSentencesofPunishmentby jail incarceration have not proven effective Deterrentsagainst further comparable criminal transgressions.  Australians with a similar mindset to Samuel Davidson would be far less likely *to get behind the wheel* upon accruing a blood alcohol level of .15, after becoming aware of Samuel Davidson and others having *been flogged to within an inch of their life* over the initial four months of a 10 years' jailSentence**.**

OncePunishment that is[**"....**](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CArticles_Reports%5CTheConversation%5CCrime_and_punishment_and_rehabilation.htm)[***predictable, applied at maximum intensity to be effective* and *dispensed swiftly...."***](http://www.muggaccinos.com/Punishment/Articles_Reports/TheConversation/Crime_and_punishment_and_rehabilation.htm)*,* Australia’sprisons should be institutions of Rehabilitationas elucidated in [***Thinking Outside the Cell*.**](http://www.muggaccinos.com/punishment/ThinkingOutsideTheCell.htm)

**Question 20**

Does the *Peer Reviewer* agree with the recommended change to Punishment for the above [**Level 3**](http://www.australiaslowlearner.world/DefinedTerms/Number_Of_Punishment_Strokes_Proposed.htm)criminal offence that resulted in the death of four children at Oatlands Sydney NSW on 2 Feb 2020, because the Criminal Justice System needs a Deterrentthat actually Deters/Dissuades Australians with a similar mindset to Samuel Davidson to getting in the driver’s seat and turning that key, in the knowledge that they are well over the 0.05 limit? If s/he does not agree, please elucidate her/his rationale?

**Response to Q20**

**Preamble to Question 21**

On 13 June 2018, 22 year old female, Eurydice Dixon, was raped and murdered in Princes Park, Carlton North, Melbourne, as she was walking home from a comedy show that she had performed at in the city. After handing himself into Broadmeadows police station, a 19-year-old Broadmeadows man, Jaymes Todd, was charged with the rape and murder of Ms Dixon, [**whose death sparked discussion over the right for women to feel safe**](http://www.abc.net.au/news/2018-06-15/warning-on-personal-safety-after-eurydice-dixon-death-criticised/9873588) while walking home.  [**At a vigil in Sydney, the names of 30 women killed in the past year were read out over a microphone, with 30 seconds of silence for each of them.**](http://www.abc.net.au/news/2018-06-18/eurydice-dixon-vigil-parks-melbourne-crowds/9880894)

[**The man who raped and murdered aspiring comedian, Eurydice Dixon, in an "evil" attack at a Melbourne park has been sentenced to life in prison and must serve at least 35 years before being eligible for parole. Jaymes Todd had stalked Ms Dixon, 22, for more than an hour before attacking her as she walked through Princes Park following a comedy gig on June 12, 2018**](https://www.theage.com.au/national/victoria/jaymes-todd-sentenced-to-life-in-prison-for-rape-murder-of-eurydice-dixon-20190902-p52mzk.html)**.**

[**"Your actions in doing so were of pure and unmitigated evil,"
Justice Stephen Kaye said in his sentencing remarks on Monday**](https://www.theage.com.au/national/victoria/jaymes-todd-sentenced-to-life-in-prison-for-rape-murder-of-eurydice-dixon-20190902-p52mzk.html)**.**

 **"**[**The offending by you is totally and categorically evil ... There is no evidence [the act] troubled your conscience at all.**](https://www.theage.com.au/national/victoria/jaymes-todd-sentenced-to-life-in-prison-for-rape-murder-of-eurydice-dixon-20190902-p52mzk.html)**"**

Jaymes Todd, now 22, should likely live for the 35 years’ non-parole Sentence. The cost to the *Public Purse* for [M](file:///F%3A%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CMaximum_Security_Prisons.htm)aximum Security Incarcerationwhen Jaymes Todd is 57, not adjusted for inflation and based on 2020 AUD$’s, would be $6.125m ($175,000 pa x 35 years).

The majority of Australia’s trading partners –

A) expend their *Public Purse* on the health, education and transportation of taxpayers and future taxpayers; and

B) do not incarcerate a convicted murderer for such a long jail period.

The Discussion Paper contains [**a welter of evidence that the vast majority of *Lifers* live in a manic depressant state, with several having attempted suicide more than once.**](http://www.muggaccinos.com/Punishment/DefinedTerms/NeverToBereleasedPrisonerQOL.htm)

**Question 21**

Does the *Peer Reviewer* agree that –

1. Australia should follow the lead of many of its trading partners and expend less on prisons as Punishment and direct their *Public Purse* more so to the health, education and transportation of taxpayers and future taxpayers; and
2. Jaymes Todd, who stalked and brutally killed Melbourne comedian, Eurydice Dixon, should have been Sentenced to death by hanging to –
* save $6m odd prison costs; and
* radiate a cogent message to other potential murderers that Punishment is painful, frightening and swift, and thereby [**lower Australia’s annual murder rate of 142.**](http://www.muggaccinos.com/Punishment/Articles_Reports/AustralianInstituteOfCriminology/Table_A5.jpg)

**Response to Q21**

**Preamble to Question 22**

On 20 Feb 2020 on a Camp Hill street in Brisbane at about 8:30am, estranged husband and father, 31 years old, Rowan Baxter, poured petrol on his three young children and his estranged wife in her motor car as she was about to drive them to their nearby school. He then ignited the poured fuel.

The 31-year-old mother, Hannah Clarke, was pulled alive from the driver's seat of the family car as it was engulfed by flames. Her children — Aaliyah, 6, Laianah, 4 and Trey, 3 — all died inside the car and Hannah Clarke died hours later in hospital.

Her estranged husband, Rowan Baxter, then stabbed himself to death at the scene of this terrible domestic violence incident.

Not unsurprisingly, the horrific murder of Hanna Clarke and her three young children received massive public reaction.

If Rowan Baxter had not killed himself at the scene there would have been an enormous public outcry for the execution of estranged father, Rowan Baxter, on a scale not evidenced since the gang rape and murder of Anita Cobby in 1986 when [**Nick Greiner presented 10,000 petitions to the Premier demanding that the murderers of Anita Cobby be executed**](http://www.muggaccinos.com/punishment/Images/NickGreinerDelivers10%2C000partitions.jpg).

[**Femicide and Filicide**](http://www.muggaccinos.com/Punishment/DefinedTerms/Femicide_And_Filicide.htm)notes that “at least 170 Australian women, men and children lost their lives to domestic violence in 2017 that included 48 adult women and 17 children.  [79 women and 22 children were murdered in 2018](file:///C%3A%5CUsers%5CPhilip%5CDocuments%5CMy%20Web%20Sites%5CMuggaccinos%5CPunishment%5CDefinedTerms%5CFemicide_And_Filicide.htm)”.

It is a sad indictment on Australians that believe that “we have moved beyond executing other human beings” that it takes a tragedy such as this to temporarily change their opinion.

**Question 22**

Does the Peer Reviewer agree that it takes such a horrific instance of domestic violence to temporarily change many Australians view on the need for a return to Capital Punishment in order to achieve the below Sentencing objectives?

* Punishment
* Deterrence
* Denunciation
* Community Protection
* [**Justice for the Innocent Victim or Victims**](http://www.muggaccinos.com/Punishment/DefinedTerms/JusticeForTheInnocentVictimOrVictims.htm)

**Response to Q22**

**Question 23**

Does the Peer Reviewer agree that [**Western society has jumped ahead along
*the punishment/deterrent*curve ostensibly due to the illicit drug scourge**](http://www.muggaccinos.com/Punishment/DefinedTerms/SocietyHasJumpedAheadOnTheCurve.htm)**?**

**Response to Q23**

[**Section B**](http://www.australiaslowlearner.world/Prisoners/Section_B.htm)

**Comments/observations/questions invited from the *Peer Reviewer* on the Discussion Paper**

The *Peer Reviewer* is invited to provide his/her comments, observations and questions on the Discussion Paper immediately hereunder.

**Section C**

***Peer Reviewer’s* first name, moniker/nickname, age range
(e.g. between 40 and 50) and city of occupancy – eg Frank, *LazyBones*,
’65 and over’, Newcastle NSW**

Please provide hereunder.