

Update Hall's Sentencing

Service 186 — October 2022

Legislation

The Criminal Procedure Act 2011 has been amended by the Three Strikes Legislation Repeal Act 2022 effective 16 August 2022.

The Parole Act 2002 has been amended by the Three Strikes Legislation Repeal Act 2022 effective 16 August 2022.

The Sentencing Act 2002 has been amended by the Three Strikes Legislation Repeal Act 2022 effective 16 August 2022.

The Sentencing Regulations 2002 have been amended by the Three Strikes Legislation Repeal Act 2022 effective 16 August 2022.

The Victims' Orders Against Violent Offenders Act 2014 has been amended by the Three Strikes Legislation Repeal Act 2022 effective 16 August 2022.

Commentary

Sentencing

Introduction: Principles of Sentencing

Commentary has been updated in the following paragraphs:

- I.2 — Appellate guidance: see [I.2.2]–[I.2.4].
- I.3 — The aims and objectives of sentencing: see [I.3.2A], [I.3.3].
- I.4 — Determining the appropriate sentence — uniformity of approach; consistency in sentencing: see [I.4.2].
- I.5 — The nature and gravity of the offence: see [I.5.2], [I.5.6], [I.5.7], [I.5.9], [I.5.11], [I.5.13], [I.5.14].
- I.6 — Circumstances of the offender: see [I.6.1], [I.6.4]–[I.6.6], [I.6.8], [I.6.10], [I.6.12].
- I.7 — Behaviour or circumstances subsequent to the offence: see [I.7.1], [I.7.5], [I.7.7], [I.7.9].
- I.8 — Factors not to be considered as aggravating: see [I.8.2], [I.8.3], [I.8.7].

Sentencing Act

Commentary has been updated in the following paragraphs:

- Part 1 — Sentencing purposed and principles, and provisions of general application: see [SA4.1], [SA6.9], [SA8.3]–[SA8.7], [SA9A.2], [SA15.1], [SA15A.2], [SA16.1], [SA24.10], [SA25.1], [SA26.24], [SA27.1], [SA27.2A], [SA27.4].
- Part 2 — Sentences, orders, and related matters: see [SA32.1], [SA32.7], [SA68.1], [SA80A.1], [SA80A.4], [SA80F.5], [SA81.15], [SA85.6], [SA85.10], [SA86.1], [SA86.4], [SA86A.1]–[SA86A.3], [SA87.3], [SA87.8], [SA87.8B],

[SA89.1], [SA96.2], [SA102.1], [SA102.2], [SA102.4], [SA102.5], [SA103.1], [SA103.2], [SA104.1], [SA104.2A], [SA104.5], [SA106.6A], [SA107.1], [SA107.2].

Parole Act

Commentary has been updated in the following paragraphs:

- Part 1 — Parole and other releases from detention: see [PA20.3], [PA88.1].
- Part 1A — Extended supervision orders: see [PA107I.3B], [PA107R.1].

Criminal Records (Clean Slate) Act

The following commentary has been added:

- Part 2 — Clean slate scheme: see [CRCSA7.1], [CRCSA10.1], [CRCSA10.2].

Sentencing Levels

Commentary and notes have been updated for the following provisions:

- Animal Welfare Act 1999, s 28.
- Crimes Act 1961, ss 120, 124A, 128(1)(a), 128(1)(b), 129, 132(3), 134(1), 144A, 171 — manslaughter, 171 — (motor) manslaughter, 188(1) — wounding with intention to cause grievous bodily harm, 189(1), 189(2), 195, 220/223(a), 228 — Dishonestly taking or using document, 231, 232(1), 235 — aggravated robbery, 235 — conspiracy to commit aggravated robbery, 239(2), 247(a), (b).
- Family Violence Act 2018, s 112.
- Films, Videos, and Publications Classification Act 1993, s 124.
- Misuse of Drugs Act 1975, ss 6(1)(a) — importing a Class A controlled drug, 6(1)(a) — importing a Class B controlled drug, 6(1)(a) – importing a Class C controlled drug.

Appendices

Commentary has been updated in the following paragraphs:

- Appendix I — The Sentencing Process: see [APPI.2.11].
- Appendix II — Appeals Against Sentence: see [APPII.5.2], [APPII.5.7], [APPII.6.2].
- Appendix V — Costs: see [APPV.3], [APPV.5].
- Appendix VIII — Youth Justice: see [APPVIII.3.2].

Index

An updated consolidated index has been included in this service.