

Update Hall's Sentencing

Service 187 — January 2023

Legislation

The Corrections Act 2004 has been amended by the Corrections Act 2004 effective 22 October 2022.

The Sentencing Act 2002 has been amended by the Firearms Prohibition Orders Legislation Act 2022 effective 15 November 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.3.6], [I.3.7].
- I.4 — Determining the appropriate sentence — uniformity of approach; consistency in sentencing: see [I.4.1], [I.4.2].
- I.5 — The nature and gravity of the offence: see [I.5.1], [I.5.2], [I.5.6], [I.5.14].
- I.6 — Circumstances of the offender: see [I.6.2], [I.6.3], [I.6.5], [I.6.12].
- I.7 — Behaviour or circumstances subsequent to the offence: see [I.7.1], [I.7.5], [I.7.7].

Sentencing Act

Commentary has been updated in the following paragraphs:

- Part 1 — Sentencing purposed and principles, and provisions of general application: see [SA8.3], [SA8.4], [SA8.6], [SA8.7], [SA9.7A], [SA9.13], [SA9.17A], [SA9.18], [SA13.2], [SA24.7], [SA24.9], [SA24.10], [SA27.4].
- Part 2 — Sentences, orders, and related matters: see [SA68.2], [SA71.3], [SA80A.3], [SA80A.4], [SA80D.2], [SA80F.2], [SA80K.3], [SA80W.1], [SA86.1], [SA86.1A], [SA86.2], [SA86.4], [SA86.7], [SA87.2], [SA87.7], [SA87.8], [SA103.2], [SA104.1], [SA104.2], [SA107.3].

Parole Act

Commentary has been updated in the following paragraphs:

- Introduction: see [PA1.18].
- Part 1 — Parole and other releases from detention: see [PA7.3], [PA28.4], [PA71.2].
- Part 1A — Extended supervision orders: see [PA107FA.1]–[PA107FA.5], [PA107I.1], [PA107I.2], [PA107IAA.2A]–[PA107IAA.7], [PA107IAC.2], [PA107IAC.3], [PA107M.6], [PA107RB.1].

Criminal Procedure (Mentally Impaired Persons) Act

Commentary has been updated in the following paragraph:

- Part 1 — Preliminary provisions: see [CPMIPA5.1].

Sentencing Levels

Commentary and notes have been updated for the following provisions:

- Arms Act 1983, s 45.
- Crimes Act 1961, ss 98A, 98D(1), 128(1)(a), 128(1)(b), 173.
- Family Violence Act 2018, s 112.
- Misuse of Drugs Act 1975, Class A: s 6(1)(a)–(c), (f); Class B: s 6(1)(a)–(c) and (f); Class C: ss 6(1)(a), (e), (f) and 12.
- Psychoactive Substances Act 2013, s 70.

Appendices

Commentary has been updated in the following paragraphs:

- Appendix I — The sentencing process: see [APPI.1.4], [APPI.2.11].
- Appendix II — Appeals against sentence: see [APPIL.4.8], [APPIL.5(e)], [APPIL.5.1], [APPIL.6.7].
- Appendix VI — Bail: see [APPVI.13.4], [APPVI.14.2], [APPVI.17A.6], [APPVI.30.2], [APPVI.30A.2], [APPVI.33.2], [APPVI.33.5], [APPVI.33.8], [APPVI.42.3], [APPVI.42.5], [APPVI.57.1].
- Appendix VII — Traffic offences: see [APPVII.4.8].

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An updated consolidated index has been included in this service.