

Update Hall's Sentencing

Service 188 — March 2023

Legislation

The Criminal Procedure Act 2011 has been amended by:

- the Rights for Victims of Insane Offenders Act 2021 effective 13 December 2022; and
- the Sexual Violence Legislation Act 2021 effective 21 December 2022.

The Criminal Procedure (Mentally Impaired Persons) Act 2003 has been amended by the Rights for Victims of Insane Offenders Act 2021 effective 13 December 2022.

The Returning Offenders (Management and Information) Act 2015 has been amended by the Returning Offenders (Management and Information) Amendment Act 2023 effective 28 February 2023.

The Victims' Rights Act 2002 has been amended by:

- the Rights for Victims of Insane Offenders Act 2021 effective 13 December 2022; and
- the Sexual Violence Legislation Act 2021 effective 21 December 2022.

Commentary

Sentencing

Introduction: Principles of Sentencing

Commentary has been updated in the following paragraphs:

- I — Introduction: see [I.Intro].
- I.1 — Legislative guidance: see [I.1.4].
- I.2 — Appellate guidance: see [I.2(a)], [I.2.2]–[I.2.4].
- I.3 — The aims and objectives of sentencing: see [I.3.3], [I.3.7].
- I.4 — Determining the appropriate sentence — uniformity of approach; consistency in sentencing: see [I.4.2], [I.4.3].
- I.5 — The nature and gravity of the offence: see [I.5.2], [I.5.6], [I.5.9], [I.5.11], [I.5.14].
- I.6 — Circumstances of the offender: see [I.6.1]–[I.6.3], [I.6.5], [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.8 — Factors not to be considered by the court as aggravating: see [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 [SA1.7], [SA7.1], [SA8.1], [SA8.4], [SA8.5], [SA9.13],

[SA9.16], [SA9A.2], [SA10.3], [SA11.1], [SA12.2], [SA15A.1], [SA16.1], [SA16.4], [SA24.5], [SA25.2], [SA26.1], [SA26.9], [SA27.1], [SA27.2A], [SA27.2B], [SA27.3], [SA27.4], [SA27.5].

- Part 2 — Sentences, orders, and related matters: see [SA32.7], [SA32.8(a)], [SA32.12], [SA55.3], [SA80A.1], [SA80A.3], [SA80A.21], [SA80A.22], [SA81.10], [SA81.15], [SA82.1], [SA84.10], [SA86.4], [SA102.1], [SA102.2], [SA102.2A], [SA102.4], [SA103.1], [SA103.2], [SA104.1], [SA106.1], [SA106.4], [SA106.6A], [SA107.1]–[SA107.3], [SA131.2].

Criminal Procedure Act

Commentary has been updated in the following paragraphs:

- Part 5 — General provisions: see [CPA200.1], [CPA200.2], [CPA200.7].

Sentencing Levels

Commentary and notes have been updated for the following provisions:

- Arms Act 1983, s 45.
- Crimes Act 1961, ss 71, 98A, 105B, 128(1)(a), 128(1)(b), 134(1), 135, 171, 173, 188(1), 188(2), 189(1), 190, 194(b), 195, 198A(1), 220/223(a), 223(b), 226(1), 231, 235, 237/238, 241(a), 247(a), 247(b), 267(1), 269.
- Family Violence Act 2018, s 112.
- Films, Videos, And Publications Classification Act 1993, ss 124, 131A.
- Harmful Digital Communications Act 2015, s 22.
- Misuse of Drugs Act 1975, Class A: s 6(1)(a)–(c), (f); Class B: s 6(1)(a); Class C: ss 6(1)(f) and 9(1).

Appendices

Commentary has been updated in the following paragraphs:

- Appendix I — The sentencing process: see [APPI.2.11].
- Appendix II — Appeals against sentence: see [APPIL.3.11], [APPIL.5(b)], [APPIL.5(d)], [APPIL.5(e)], [APPIL.5.3], [APPIL.5.7].
- Appendix VI — Bail: see [APPVI.9A.3].

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An updated consolidated index has been included in this service.