

Update Hall's Sentencing

Service 191 — September 2023

Legislation

The Corrections Act 2004 has been amended by the Children and Young People's Commission Act 2022, effective 1 July 2023.

The Corrections Regulations 2005 have been amended by the Corrections Amendment Regulations 2023, effective 6 July 2023.

The Criminal Proceeds (Recovery) Act 2009 has been amended by the Criminal Proceeds (Recovery) Amendment Act 2023, effective 27 July 2023.

The Criminal Proceeds (Recovery) Regulations 2009 have been amended by the Criminal Proceeds (Recovery) Amendment Regulations 2023, effective 27 July 2023.

The Public Safety (Public Protection Orders) Act 2014 has been amended by the Children and Young People's Commission Act 2022, effective 1 July 2023.

The Sentencing Act 2002 has been amended by the Criminal Proceeds (Recovery) Amendment Act 2023, effective 27 July 2023.

Commentary

Sentencing

Introduction: Principles of Sentencing

Commentary has been updated in the following paragraphs:

- I.Intro — Sentencing discretion – individualised justice.
- I.2 — Appellate guidance: see [I.2(a)], [I.2.3], [I.2.4].
- I.3 — The aims and objectives of sentencing: see [I.3.3], [I.3.6], [I.3.7].
- 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.5.6], [I.5.7], [I.5.11], [I.5.14].
- I.6 — Circumstances of the offender: see [I.6.1] – [I.6.3], [I.6.11], [I.6.12].
- I.7 — Behaviour or circumstances of the offender subsequent to the offence: see [I.7.1] – [I.7.4].
- I.8 — Factors not to be considered by the court as aggravating: see [I.8.2].

Sentencing Act

Commentary has been updated in the following paragraphs:

- Part 1 — Sentencing purposed and principles, and provisions of general application: see [SA4.1], [SA8.3], [SA8.4], [SA9.3], [SA9.16A], [SA10.2], [SA10.3], [SA10A.3], [SA10B.1] – [SA10B.4], [SA18.1], [SA18.6], [SA23.1], [SA26.8], [SA26.9], [SA27.1], [SA27.4].
- Part 2 — Sentences, orders, and related matters: see [SA46.2], [SA49.1], [SA50.2], [SA55.10], [SA70.2], [SA77.1], [SA81.13], [SA83.5], [SA86.1],

[SA86.1A], [SA86.4], [SA86.8], [SA87.8B], [SA102.1], [SA102.2], [SA102.2A], [SA102.4], [SA103.2], [SA104.2A], [SA106.4], [SA107.2], [SA107.3], [SA128.6].

Parole Act

Commentary has been updated in the following paragraphs:

- Part 1 — Parole and other release from detention: see [PA61.2], [PA84.1].

Corrections Act

Commentary has been updated in the following paragraphs:

- Part 2 — Corrections System: see [CA30.1], [CA32.1], [CA34A.1], [CA34A.2].

Criminal Procedure Act

Commentary has been updated in the following paragraphs:

- Part 5 — General provisions: see [CPA175.1], [CPA200.4].

Habeas Corpus Act

Commentary has been updated in the following paragraphs:

- Section 3 — Interpretation: see [HCA3.2].
- Section 14 — Determination of applications: see [HCA14.1].

Sentencing Levels

Commentary and notes have been updated for the following provisions:

- Crimes Act 1961, ss 98AA, 98A, 117(e), 124A, 128(1)(a), 128(1)(b), 132(3), 171, 176, 188(2), 189(1), 189A, 194(b), 198(1), 220/223(a), 232(1), 239(2), 256.
- Films, Videos, and Publications Classification Act 1993, s 131A.
- Misuse of Drugs Act 1975, Class A drug – s 6(1)(a), (b) and (c).

Appendices

Commentary has been updated in the following paragraphs:

- Appendix I — The Sentencing Process: see [APPI.1.4], [APPI.2.6], [APPI.4.7].
- Appendix II — Appeals Against Sentence: see [APPII.2.6], [APPII.5.1], [APPII.5.2], [APPII.5.5], [APPII.5.7], [APPII.6], [APPII.6.2], [APPII.6.3], [APPII.6.5], [APPII.6.9].
- Appendix VI — Bail: see [APPVI.14.2], [APPVI.30.2].