

# Update Hall's Sentencing

## Service 177 — March 2021

### Legislation

The Child Protection (Child Sex Offender Government Agency Registration) Act 2016 has been amended by Privacy Act 2020.

The Corrections Act 2004 has been amended by the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 and the Privacy Act 2020.

The Criminal Procedure Act 2011 has been amended by the Contempt of Court Act 2019.

The Criminal Procedure (Mentally Impaired Persons) Act 2003 has been amended by the Privacy Act 2020.

The Criminal Records (Clean Slate) Act 2004 has been amended by the Privacy Act 2020.

The Parole Act 2002 has been amended by the Privacy Act 2020.

The Prisoners' and Victims' Claims Act 2005 has been amended by the Privacy Act 2020.

The Public Safety (Public Protection Orders) Act 2014 has been amended by the Privacy Act 2020.

The Sentencing Act 2002 has been amended by the Privacy Act 2020.

The Victims' Rights Act 2002 has been amended by the Privacy Act 2020.

### Commentary

#### Sentencing

##### Introduction: Principles of Sentencing

Commentary has been updated in the following paragraphs:

- Appellate Guidance: see [I.2.3], [I.2.4].
- Aims and Objectives of Sentencing: see [I.3.1], [I.3.3], [I.3.7],
- The Nature and Gravity of the Offence: see [I.5.1], [I.5.2], [I.5.6], [I.5.7], [I.5.10], [I.5.11], [I.5.14].
- Characteristics of the Offender: see [I.6.1], [I.6.2], [I.6.3], [I.6.5], [I.6.8], [I.6.10], [I.6.11], [I.6.12].
- Behaviour or Circumstances of the Offender Subsequent to the Offence: see [I.7.2], [I.7.3].

##### Sentencing Act

Commentary has been updated in the following paragraphs:

- Part 1 — Sentencing purposes and principles, and provisions of general application: see [SA16.2], [SA16.1], [SA15B.2], [SA15B.3].

- Part 2 — Sentences, orders, and related matters: see [SA80A.3], [SA86.4], [SA86D.1], [SA87.13], [SA106.2], [SA128.6].

### **Sentencing Levels**

Commentary and notes have been updated for the following provisions:

- Crimes Act 1961, ss 109(1), 116, 128(1)(b), 132(3), 134(3), 171, 173, 188(1), 189(2), 189A, 194(b), 195, 202C, 209, 220, 223(a), 226(1), 228, 231, 235, 241(a), 243(2), 247(a) and (b), 249(1).
- Films, Videos and Publications Classification Act 1993, s 124.
- Misuse of Drugs Act 1975, ss 6(1)(a), (c) and (f), 9(1), 12.

### **Related Topics**

#### **Appendix II — Appeals Against Sentence**

Commentary has been updated in the following paragraphs:

- Offender's right to appeal against sentence under the Criminal Procedure Act 2011: see [APP11.2.1], [APP11.2.3], [APP11.2.5].
- Appeals against sentence: see [APP11.3.4].

#### **Appendix IV — Forfeiture**

Commentary has been updated in the following paragraphs:

- Forfeiture: Introduction: see [APP11.1].

#### **Appendix VII — Traffic Offences**

Commentary has been updated in the following paragraphs:

- Sentencing principles applicable to traffic officers: see [APP11.2.1], [APP11.2.2], [APP11.2.3], [APP11.2.6].
- Sentencing practice: selected offences against the Land Transport Act 1998: see [APP11.3.2], [APP11.3.3], [APP11.3.4].