

Service 174 — March 2020

Hall's Sentencing (NZ)

Hall's Sentencing (NZ) > Update > Update

Update

Service 174 — March 2020

Note: For content included in this service click [here](#).

Legislation

Corrections

The Corrections Act 2004 has been amended by the Kāinga Ora — Homes and Communities Act 2019 (2019 No 50), effective 1 October 2019.

The Corrections Regulations 2005 have been amended by the Corrections Amendment Regulations 2019 (LI 2019/260), effective 6 December 2019.

Prisoners' and Victims' Claims Act 2005

The Prisoners' and Victims' Claims Act 2005 has been amended by the Statutes Amendment Act 2019 (2019 No 56), effective 24 October 2019 and the Tribunal Powers and Procedures Legislation Act 2018 (2018 No 51), effective 29 October 2019.

Criminal Procedure Act 2011

The Criminal Procedure Act 2011 has been amended by the Statutes Amendment Act 2019 (2019 No 56), effective 24 October 2019 and the Courts Matters Act 2018 (2018 No 50), effective 29 October 2019.

Child Protection (Child Sex Offender Government Agency Registration) Act 2016

The Child Protection (Child Sex Offender Government Agency Registration) Act 2016 has been amended by the Kāinga Ora — Homes and Communities Act 2019 (2019 No 50), effective 1 October 2019.

Criminal Proceeds (Recovery) Act 2009

The Criminal Proceeds (Recovery) Act 2009 has been amended by the Statutes Amendment Act 2019 (2019 No 56), effective 24 October 2019.

Commentary

Sentencing Act

Commentary has been updated in the following paragraphs:

- Part 1 — Sentencing purposes and principles, and provisions of general application: see [SA6.1(a)], [SA7.1], [SA8.7]–[SA8.8], [SA9.3(a)], [SA9.16AB], [SA18.1]–[SA18.3], [SA25.2(a)] and [SA31.3].
- Part 2 — Sentences, orders, and related matters: see [SA81.4(a)], [SA81.15], [SA85.10], [SA86.1], [SA86.4(a)], [SA86.4(d)], [SA86.8], [SA86C.1(c)], [SA102.1(a)], [SA102.4], [SA104.2], [SA104.2A] and [SA123B.2].

Corrections Policies and Standards

The Prison Operations Manual has been removed and replaced with directions on how to find it on the Department of Corrections website.

Introduction: Principles of Sentencing

- Appellate guidance: see [I.2.3(a)], [I.2.3(h)] and [I.2.3(i)(b)].
- The aims and objectives of sentencing: see [I.3.3] and [I.3.3(b)].
- Determining the appropriate sentence — uniformity of approach; consistency in sentencing: see [I.4.2].
- The nature and gravity of the offence: see [I.5.2]–[I.5.2(a)], [I.5.6(j)], [I.5.8], [I.5.9(a)], [I.5.10] and [I.5.14(a)].
- Circumstances of the offender: see [I.6.1(a)], [I.6.1(c)], [I.6.1(e)], [I.6.3], [I.6.3(ab)]–[I.6.3(c)], [I.6.8], [I.6.12(aa)] and [I.6.12(c)].
- Behaviour or circumstances of the offender subsequent to the offence: see [I.7.2(a)].

Appendix I — The Sentencing Process

Commentary has been updated in the following paragraphs:

- APPI.2 — Procedure prior to imposition of sentence: see [APPI.2.2] and [APPI.2.5(aa)]–[APPI.2.5(a)].

Appendix II — Appeals Against Sentence

Commentary has been updated in the following paragraphs:

- APPII.2 — Offender's right to appeal against sentence under the Criminal Procedure Act 2011: see [APPII.2.2(a)], [APPII.2.3(a)] and [APPII.2.5(e)].
- APPII.3 — Prosecutor's (Crown's) right to appeal against sentence under the Criminal Procedure Act 2011: see [APPII.3.1] and [APPII.3.4].

Appendix IX — Sentencing Levels

Commentary has been updated in the following topics:

- How to use this appendix
- BURGLARY.
- ROBBERY: Robbery, Conspiracy to commit aggravated robbery, Blackmail and Demanding with intent to steal (menaces).
- SEX: Sexual violation.