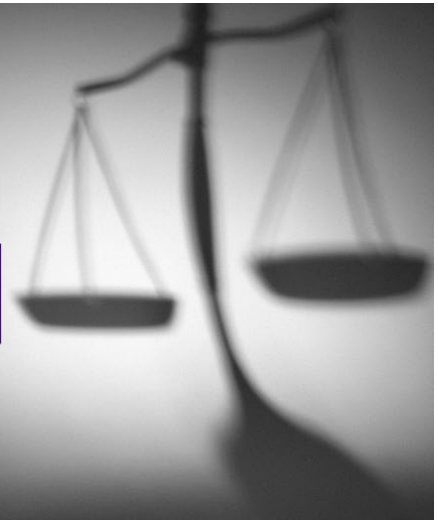


Sentencing Explained

NSW
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Talking sentencing in NSW



Episode 5 Study Guide

Stepping through sentencing in the Supreme Court with Justices Adamson and Hulme

Key concepts

- (1) How does Acting Justice R A Hulme (Justice Hulme) describe the purposes of sentencing? For more information, see section 3A of the [Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#).
- (2) Justice Hulme says, “we are required to impose a sentence that is proportionate to the seriousness of the offence in question”. What does his Honour mean by this?
- (3) [Section 21A of the Crimes \(Sentencing Procedure\) Act 1999 \(NSW\)](#) sets out the aggravating, mitigating and other factors to be considered in sentencing.
 - (a) How do Justices Hulme and Adamson describe these factors?
 - (b) Why does Justice Adamson find remorse such a strong mitigating factor when considering an appropriate sentence?
 - (c) Why does Justice Adamson find whether an offender has been involved in planning an offence an important factor in determining a sentence?
- (4) What are standard non-parole periods (SNPPs)? How do Justices Hulme and Adamson explain the impact of SNPPs on the sentence their Honours may impose?
- (5) What is the result of a finding of special circumstances? Why might a sentencing judge make such a finding? Why is this important?
- (6) Why does Justice Hulme see a period on parole as important?

The sentencing hearing

- (7) What are agreed facts, which Justice Adamson mentions?
- (8) What reports or evidence may be tendered at a sentencing hearing?
- (9) What is the role of victim impact statements (VIS) at a sentencing hearing?
- (10) Justice Adamson says that it is rare to see a VIS in cases involving certain offences. What are those offences? Why do you think it would be rare to have a VIS in those cases?
- (11) Why might it be important for the family of the deceased to have the opportunity to give a VIS in a murder trial?
- (12) Justice Adamson explains some of the reasons why there may be a delay between a guilty verdict (or plea of guilty) and the sentencing hearing. What are these reasons?

Making a sentencing decision

- (13) Why might a judge find it confronting when considering a sentence?
- (14) When Justice Adamson says that the maximum penalty is “a guidepost for cases in the worst category”, what does her Honour mean? When might the maximum penalty be imposed?
- (15) According to Justice Hulme, what are guideline judgments and why were they introduced? How are they used in sentencing? Why did the High Court criticise their use?
- (16) Justice Hulme mentions two valuable contributions to sentencing made by the Judicial Commission. What are they? How does Justice Hulme use them in the sentencing process?
- (17) How are the head sentence and non-parole period calculated?

The community and sentencing

- (18) Why does Justice Adamson challenge people to read the reasons for sentence?
- (19) What issues does Justice Hulme identify in media reports of sentencing?



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