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)](https://legislation.nsw.gov.au/view/html/inforce/current/act-1999-092#sec.3A).
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)](https://legislation.nsw.gov.au/view/html/inforce/current/act-1999-092#sec.21A) sets out the aggravating, mitigating and other factors to be considered in sentencing.
	1. How do Justices Hulme and Adamson describe these factors?
	2. Why does Justice Adamson find remorse such a strong mitigating factor when considering an appropriate sentence?
	3. 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

1. What are agreed facts, which Justice Adamson mentions?
2. What reports or evidence may be tendered at a sentencing hearing?
3. What is the role of victim impact statements (VIS) at a sentencing hearing?
4. 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?
5. Why might it be important for the family of the deceased to have the opportunity to give a VIS in a murder trial?
6. 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

1. Why might a judge find it confronting when considering a sentence?
2. 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?
3. 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?
4. 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?
5. How are the head sentence and non-parole period calculated?

The community and sentencing

1. Why does Justice Adamson challenge people to read the reasons for sentence?
2. What issues does Justice Hulme identify in media reports of sentencing?