

2010 Sentencing Conference



Conference participants, National Convention Centre, Canberra

The 2008 Sentencing Conference was jointly hosted by the National Judicial College of Australia and the ANU College of Law on 6 & 7 February 2010.

Nearly 200 attendees, including 50 members of the judiciary from Australia, New Zealand and Singapore, gathered at the National Convention Centre to hear the welcome address by Professor Michael Coper, Dean, ANU College of Law and Chief Justice Wayne Martin, Chair, Council of the National Judicial College of Australia.

Guest speakers were drawn from various institutions and organisations such as Australian and New Zealand universities, the Victorian Sentencing Advisory Council, the Department of Justice (NT), the Supreme Court of NSW, the Office of the Commonwealth Director of Public Prosecutions (QLD & VIC), the Australian Centre for the Study of Sexual Assault (VIC) and the Commissioner for Victims' Rights (SA).

Formal sessions held over the weekend included the following themes:

- Informing the public about sentencing
- Sentencing indigenous offenders
- The 'warrior gene': genetic factors in sentencing
- Sentencing of corporate offenders
- Sentencing by video link
- Sentencing for Commonwealth offences
- Sentencing in Arson (Bushfire) cases
- Sentencing and Children
- Sentencing for offences motivated by hatred or prejudice
- Sentencing in so called "technical rape" cases

A session on sentencing by video link highlighted advantages (e.g. avoiding travel for long distances in difficult circumstances for a short sentencing proceeding) and pitfalls (cases of mistaken identity and loss of subtle communications by some offenders).

In another session on sentencing remarks in so called 'technical rape' cases, there was lively debate on the difficulty judicial officers may face in preparing and delivering remarks in proceedings in which there is a dispute about whether the alleged victim consented but then fell asleep before an alleged act of rape occurred.

Wendy Kukulies-Smith (ANU College of Law) presented a paper discussing how the Commonwealth Sentencing Database has been developed to assist judicial officers sentencing federal offenders. Judge Deborah Richards (District Court QLD) spoke of differences in approach by State courts to the sentencing of federal offenders. Mr David Adsett (Office of the Commonwealth Director of Public Prosecutions) reviewed the relationship between the non-parole periods and head sentences imposed on federal offenders

Another session looked at whether recent scientific studies of a defect in a gene that results in impulsive aggressive conduct (the 'criminal gene' or the 'warrior gene') should be taken into account by courts in criminal cases, in particular for sentencing purposes.

On the 12 month anniversary of the 'Black Saturday' bushfires in Victoria, a session at the conference reviewed the available research on what motivates bushfire arsonists and the sentencing of convicted offenders.

Professor Michael Coper hosted the Conference dinner and as a departure from the Sentencing theme, participants were entertained by the speaker, Dr Antonio Passini, President of the Wine Society of Italy.

For details of the program, biographies and topic notes please see: [Sentencing 2010 Conference](#) on the NJCA website.

Sentencing remarks in sexual assault cases



Speakers in the session on preparation and delivery of sentencing remarks in sexual assault cases: Judge John Nicholson (District Court NSW), Mr Michael O'Connell (Commissioner for Victims' Rights SA), Justice Chris Maxwell (Court of Appeal Victoria) (session chair)

Sentencing by videolink



Speakers in the session on sentencing by video link: Chief Justice Wayne Martin (Supreme Court WA), Ms Emma Rowden (University of Melbourne) Prof Jane Goodman-Delahunty (Charles Sturt University NSW), Ms Anne Wallace, (University of Canberra), Justice Richard Refshauge (Supreme Court ACT) and Prof David Tait (University of Western Sydney)

Sentencing in bushfire arson cases



Speakers in the session on sentencing in bushfire arson cases: Mr Mark Woods (Tyler Tipping & Woods, Traralgon, Victoria) Dr Rebekah Doley (Bond University QLD) and Dr Damon Muller (Australian National University)

Sentencing for Commonwealth offences



Speakers in the session on sentencing for Commonwealth offences: Judge Deborah Richards (District Court QLD), Mr David Adsett (Office of the Commonwealth Director of Public Prosecutions) and Ms Miriam Gani (ANU College of Law - session chair)

Genetic factors in sentencing



Speakers in the session on genetic factors in sentencing: Prof Simon Easteal (top) (School of Medical Research, Australian National University), Dr Debra Wilson (University of Canterbury NZ) and Mr Allan McCay (University of Sydney)