

Case Study – Sentencing Options

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
1	<p>Accused commits offence:</p> <p><i>Larceny (meat, bread, toiletries from Woolworths at Westpoint Blacktown).</i></p> <p>Dealt with summarily (in the Local Court).</p>	<ul style="list-style-type: none"> • Low objective seriousness. • First offence. • Youth – 18 years of age. • Remorse. • Good prospects of rehabilitation. • Plea of guilty. • Limited information about subjective case. • No identified need for/benefit from supervision. • Very limited subjective material available. • General deterrence due to prevalence of property offences. 	<p>Non-conviction - s.10(1)(a).</p> <p>Non-conviction bond - s.10(1)(b).</p> <p>Conviction and no further penalty – s.10A.</p> <p>Fine (either alone or in addition to a good behaviour bond) – s.14²</p> <p>Conviction and bond without conditions - s.9</p>	<p>Non-conviction dismissal – s.10(1)(a).</p> <p>Non-conviction and CRO³ (standard conditions, s.98) – s.9(1)(b) and s.10(1)(b).</p> <p>Conviction and no further penalty - s.10A.</p> <p>Conviction and CRO (standard conditions, s.98) - s.9(1)(a).⁴</p> <p>Fine.⁵</p>	<p>Offender exits the criminal justice system</p> <p>OR</p> <p>Further offending (see below).</p>

¹ References here are the current provisions of the *Crimes (Sentencing Procedure) Act 1999* (NSW).

² A fine cannot be a condition of a good behaviour bond; however, s.14(1) of the *Crimes (Sentencing Procedure) Act 1999* provides that a court may impose a fine on an offender in respect of whom it has made an order that provides for the offender to enter into a good behaviour bond if the offence to which the bond relates is an offence for which the penalty that may be imposed includes a fine. Section 268(2) provides for the maximum fine that can be imposed for a Table 2 offence.

³ Maximum term: 2 years.

⁴ Per s.9(2), when deciding whether to make a conditional release order with a conviction, the sentencing court is to have regard to the person’s character, antecedents, age, health and mental condition, whether the offence is of a trivial nature, the extenuating circumstances in which the offence was committed, and any other matter the Court thinks proper to consider.

⁵ Note that a fine and a conditional release order cannot be imposed in relation to the same offender in respect of the same offence, s.9(3)(a).

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
2	<p>3 months later</p> <p>Accused commits offences:</p> <p><i>x3 larceny (theft of perfume and electronic goods from shops in Westpoint Blacktown, \$100-\$300 value per offence).</i></p> <p>Detected on the third occasion by loss prevention officers after ID from CCTV. Products recovered from third offence only.</p> <p>Dealt with summarily.</p>	<ul style="list-style-type: none"> • Relatively low objective seriousness. • Course of conduct. • Repeat offences within a short period of time. • Financial loss to stores. • Youth. • Very limited criminal history. • Limited information about subjective case – reference from employer saying that the accused is temporarily employed at a landscaping business. • Accused person’s legal representative explains that the offending was a foolish mistake because the accused was stealing gifts for his girlfriend at the time. • No identified need for/benefit from supervision. • General deterrence due to prevalence of property offences. • Possible breach of bond/order. 	<p>Conviction and a bond without conditions – s.9.</p> <p>Conviction and a bond with conditions – s.9.</p> <p>Fine (either alone or in addition to a good behaviour bond – s.14).</p> <p>Community service order – s.8.</p> <p>Breach of bond</p> <p>Potential breach of a s.10 or s.9 bond. Bond called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the bond varied or added to; or - Bond revoked and offender re-sentenced.⁸ 	<p>Conviction and CRO (standard conditions, s.98) – s.9(1)(a).</p> <p>Conviction and CRO (additional conditions, s.99 eg. place restriction for Westpoint Blacktown) - s.9(1)(a).</p> <p>Fine.⁶</p> <p>Conviction and CCO⁷ (standard conditions, s.88) – s.8(1).</p> <p>Breach of CRO⁹</p> <p>Potential breach of CRO (with standard conditions only). Order called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the order varied or further conditions imposed; or - Order revoked and offender re- 	<p>Offender exits the criminal justice system</p> <p>OR</p> <p>Further offending (see below).</p>

⁶ A fine and a conditional release order cannot be imposed in relation to an offender in respect of the same offence.

⁷ Maximum term: 3 years, s.85(2).

⁸ Per s.98 of the *Crimes (Sentencing Procedure) Act 1999*. NB: if the breach was of a s.10 bond, the offender may be convicted if re-sentenced.

⁹ NB: 2 or more relevant orders can be in force at the same time in respect of 2 or more offences in relation to the same offender (s.17F(2)). Section 17F(4) provides for the resolution of any inconsistency as between the conditions of multiple orders.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
				sentenced. ¹⁰	
3	<p>5 months later</p> <p>Accused commits offences:</p> <p><i>x4 larceny (different dates, predominantly electrical goods and perfume/cologne from shops in Westpoint Blacktown and Kmart Blacktown, \$300-\$500 value per offence)</i></p> <p><i>x1 resist police (refuses to comply with police directions to stop resisting when being arrested)</i></p> <p><i>x1 possess prohibited drug (methamphetamine).</i></p> <p>Identified by loss prevention officers. Property in relation to one larceny recovered.</p> <p>Dealt with summarily.</p>	<ul style="list-style-type: none"> • Early PG. • Accused has turned 19. • Multiple offences. • Likely subject to a bond at the time. • Query remorse. • Prospects of rehabilitation less clear. • First appearance of drug use. • Limited criminal history, but developing a history of property offending. • Specific deterrence. • General deterrence. • PSR/assessment report ordered by Magistrate provides that the offender is assessed as low-medium risk of reoffending. Drug use and unstable family home are identified as criminogenic risks (disadvantaged upbringing, young exposure to drug use and domestic violence, has been using methamphetamine for approximately 12 months). 	<p>Conviction and bond – s.9.</p> <p>Conviction and bond with conditions (eg. drug and alcohol counselling) – s.9.</p> <p>Fine (in addition to a good behaviour bond – s.14).</p> <p>Community service order (if suitable), s.8.</p> <p>Suspended sentence – s.12.</p> <p>Suspended sentence with conditions (eg. drug and alcohol counselling) – s.12</p>	<p>Conviction and CRO (standard conditions, s.98).</p> <p>Conviction and CRO (additional conditions, s.99 eg. one or two of: supervision, place restriction for Westpoint Blacktown, abstention condition in relation to drugs, treatment condition, non-association order in relation to negative peers who are connected to offending conduct).</p> <p>Conviction and CCO, s.8(1) (standard conditions, s.88).</p> <p>Conviction and CCO, s.8(1) (additional conditions, s.89 eg. one or two of supervision, place restriction for Westpoint Blacktown, community service work condition, abstention</p>	<p>Offender exits the criminal justice system</p> <p>OR</p> <p>Further offending (see below).</p>

¹⁰ Section 108C of the *Crimes (Administration of Sentences) Act 1999*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
		<p>Assessment report identifies that the offender would benefit from supervision and place restriction and abstention conditions would assist in managing the offender in the community.</p> <ul style="list-style-type: none"> • Employed – letter from employer stating that the offender is currently employed as a shelf packer at a small retail store. • Solicitor explains that the offender recently fell in with a negative peer group and commenced drug use. The offending was a means of financing his drug habit. • Breach of bond/order. 	<p>Breach of bond</p> <p>Breach of a s.10 or s.9 bond. Bond called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the bond varied or added to; or <p>Bond revoked and offender re-sentenced.¹¹</p>	<p>condition in relation to drugs, treatment condition, non-association order in relation to negative peers who are connected to offending conduct).</p> <p>Breach of CRO or CCO</p> <p>Breach of CRO or CCO. Order called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the order varied, revoked (only if additional conditions imposed) or further conditions imposed; or - Order revoked and offender re-sentenced per the provisions of the <i>Crimes (Sentencing Procedure) Act 1999</i>.¹² 	
4	<p>8 months later.</p> <p>Accused commits offences :</p> <p><i>x1 AOABH (DV – some bruising, single</i></p>	<ul style="list-style-type: none"> • PG to larceny and drug offences. Hearing in relation to AOABH (DV) – offender found guilty. • Multiple offences. • First domestic violence offence. 	<p>Suspended sentence – s.12.</p> <p>Suspended sentence with conditions (eg. drug and</p>	<p>Conviction and CCO with supervision (and other additional conditions, if required eg. one or two of: place restriction for</p>	<p>Offender exits the criminal justice system</p> <p>OR</p>

¹¹ Per s.98 of the *Crimes (Sentencing Procedure) Act 1999*. NB: if the breach was of a s.10 bond, the offender may be convicted if re-sentenced.

¹² Sections 107C and 108C of the *Crimes (Administration of Sentences) Act 1999*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
	<p><i>punch to victim's face in the course of a domestic argument)</i></p> <p><i>x3 larceny (electrical goods from shops in Westfield Parramatta and Westpoint Blacktown, identified by CCTV)</i></p> <p><i>x2 possess prohibited drug (different dates – both methylamphetamine).</i></p> <p>Dealt with summarily.</p>	<ul style="list-style-type: none"> Harm to the victim. Victim writes a letter to the Court expressing her love for the offender, saying that the altercation was her fault, and saying that she forgives the offender. Offender's solicitor explains that, in relation to the AOABH, the incident occurred in relation to an argument about drugs because both the offender and his partner use methylamphetamine. No explanation provided for larceny offences. Specific deterrence. General deterrence in relation to all offences. Continued drug use. Offender now unemployed. PSR/assessment report ordered by Magistrate. Update report 	<p>alcohol counselling) – s.12</p> <p>ICO (mandatory conditions¹³), s.7</p> <p>ICO (additional conditions¹⁴), s.7</p>	<p>Westpoint Blacktown, community service work condition, abstention condition in relation to drugs, treatment or rehabilitation condition, non-association order in relation to negative peers, rehabilitation condition).</p> <p>ICO (standard conditions).¹⁵</p> <p>ICO (additional conditions eg. one or two of: rehabilitation or treatment condition, abstention condition in relation to drugs, curfew, place restriction).¹⁶</p> <p>Limitations on the sentence that can be imposed:</p>	<p>Further offending (see below).</p>

¹³ Per r.186 of the *Crimes (Administration of Sentences) Regulation 2014*. Note: there may be suitability issues in relation to an ICO, given that the offender has a drug dependence and has committed a domestic violence offence. These issues, along with the other factors listed in r.15 of the *Crimes (Sentencing Procedure) Regulation 2017*, must be taken into account and addressed in the assessment report.

¹⁴ Per r.187 of the *Crimes (Administration of Sentences) Regulation 2014*.

¹⁵ Standard conditions per s.73 of the *Crimes (Sentencing Procedure) Act 1999*. NB: when sentencing the offender to an ICO, the Court must take into account the considerations in s.66 of the *Crimes (Sentencing Procedure) Act 1999*, namely community safety must be the paramount consideration and, when considering community safety, the sentencing court is to assess whether making the order or serving the sentence by way of full-time detention is more likely to address the offender's risk of reoffending. The Court must also consider the provisions of s.3A and any relevant common law sentencing principles.

¹⁶ Additional conditions per s.73A of the *Crimes (Sentencing Procedure) Act 1999*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
		<p>provided which advises that the offender was responding well to interventions provided in supervision under the previous community order, but notes that the fractured relationship with his partner, mental health issues and loss of employment due to ongoing drug use placed the offender under additional stress. The report notes that a treatment condition would assist in managing the offender in the community.</p> <ul style="list-style-type: none"> • Breach of bond, CRO, CCO, or ICO. 	<p>Breach of bond</p> <p>If breach of s.9 bond, bond called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the bond varied or added to; or 	<p>1. <i>Due to the conviction for a domestic violence offence, the Court must impose either a sentence of full-time detention or a supervised order, unless satisfied that a different sentencing option is more appropriate in the circumstances.</i></p> <p>2. <i>The Court cannot impose an ICO in respect of a sentence of imprisonment for a DV offence unless satisfied that, relevantly, the victim will be adequately protected.</i></p> <p>3. <i>The Court cannot impose a home detention condition if the offender will reside with the victim of the offence.</i></p> <p>Breach of CRO or CCO</p> <p>Breach of CRO or CCO. Order called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the order varied, revoked (only if 	

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
			<p>- Bond revoked and offender re-sentenced.¹⁷</p> <p>If breach of s.12 bond, bond called up and the offender is resentenced to a term of imprisonment (which may be served by way of an ICO or HDO).¹⁸</p>	<p>additional conditions imposed) or further conditions imposed; or</p> <p>- Order revoked and offender re-sentenced per the provisions of the <i>Crimes (Sentencing Procedure) Act 1999</i>.¹⁹</p>	
5	<p>11 months later</p> <p>Accused commits offences (different dates):</p> <p><i>x1 contravene ADVO and x1 stalk/intimidate (DV) [arising out of the same circumstances – offender and victim had an argument, offender sent victim threatening and abusive text messages]</i></p> <p><i>x1 possess prohibited drug (methamphetamine)</i></p>	<ul style="list-style-type: none"> • PG to all offences. • Domestic violence offences. • History of DV offending against the same victim. • Victim writes a letter to the Court saying that she was afraid of the offender, but remains supportive. • Specific deterrence. • General deterrence. • Continued drug use (potentially despite previous orders in relation to drug and alcohol counselling). • Offender remains unemployed. 	<p>Conviction and bond with conditions (drug and alcohol counselling) – s.9.</p> <p>Suspended sentence – s.12.</p> <p>Suspended sentence with conditions (drug and alcohol counselling) – s.12</p> <p>ICO (mandatory conditions²⁰), s.7</p> <p>ICO (additional conditions²¹), s.7</p>	<p>Conviction and CCO with supervision (and other additional conditions, if required eg. one or two of: place restriction for Westpoint Blacktown, community service work condition, abstention condition in relation to drugs, rehabilitation or treatment condition, non-association order in relation to negative peers, rehabilitation condition).</p>	<p>Offender exits the criminal justice system</p> <p>OR</p> <p>Further offending.</p>

¹⁷ Per s.98 of the *Crimes (Sentencing Procedure) Act 1999*. NB: if the breach was of a s.10 bond, the offender may be convicted if re-sentenced.

¹⁸ Per ss.98 and 99 of the *Crimes (Sentencing Procedure) Act 1999*. For the purposes of this example, given that the breach was the result of reoffending and the offences were serious, it has been assumed that the Court would not find that the breach was trivial in nature/that there are good reasons to excuse the offender's failure to comply with the conditions of the bond (per s.98(3) of the *Crimes (Sentencing Procedure) Act 1999*).

¹⁹ Sections 107C and 108C of the *Crimes (Administration of Sentences) Act 1999*.

²⁰ Per r.186 of the *Crimes (Administration of Sentences) Regulation 2014*.

²¹ Per r.187 of the *Crimes (Administration of Sentences) Regulation 2014*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
	Dealt with summarily.		<p>NB: if the offender was already subject to an ICO, the ICO may have been revoked, in which case the Court will have little flexibility in sentencing options and will likely sentence the offender to a term of full time imprisonment that is partially concurrent with the sentence already being served.</p> <p>If the offender was subject to a s.12 bond, it is unlikely that the Court will find this further offending to be trivial. It is also unclear whether a Court would find that there would be good reasons for the bond not to be revoked. The s.12 bond could be revoked and the offender sentenced to an alternative to full-time imprisonment (ICO or HDO²²), or the term of full time</p>	<p>ICO (standard conditions)²³.</p> <p>ICO (additional conditions eg. one or two of: rehabilitation or treatment condition, abstention condition in relation to drugs, curfew, place restriction)²⁴.</p> <p>Limitations on the sentence that can be imposed:</p> <p><i>Due to the conviction for a domestic violence offence, the same limitations apply as those outlined above.</i></p>	

²² NB: if the offender and victim were still living together, the Court would not impose an HDO.

²³ Standard conditions per s.73 of the *Crimes (Sentencing Procedure) Act 1999*. NB: when sentencing the offender to an ICO, the Court must take into account the considerations in s.66 of the *Crimes (Sentencing Procedure) Act 1999*, namely community safety must be the paramount consideration and, when considering community safety, the sentencing court is to assess whether making the order or serving the sentence by way of full-time detention is more likely to address the offender's risk of reoffending. The Court must also consider the provisions of s.3A and any relevant common law sentencing principles.

²⁴ Additional conditions per s.73A of the *Crimes (Sentencing Procedure) Act 1999*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
			imprisonment may be imposed, in which case the sentencing options of the Court will be limited as above.		
			<p>Breach of bond</p> <p>If breach of s.12 bond, bond called up and the offender is resentenced to a term of imprisonment (which may be served by way of an ICO or HDO).²⁵</p> <p>Breach of ICO</p> <p>No involvement of the Court. Dealt with per ss.89 and 90 of the <i>Crimes (Administration of Sentences) Act 1999</i>.</p>	<p>Breach of CCO</p> <p>Breach of CCO. Order called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the order varied, revoked or further conditions imposed; or - Order revoked and offender re-sentenced per the provisions of the <i>Crimes (Sentencing Procedure) Act 1999</i>.²⁶ <p>Breach of ICO</p> <p>No involvement of the Court. Dealt with by community corrections and/or the Parole Authority per ss.163 and 164 of the</p>	

²⁵ Per ss.98 and 99 of the *Crimes (Sentencing Procedure) Act 1999*. For the purposes of this example, given that the breach was the result of reoffending and the offences were serious, it has been assumed that the Court would not find that the breach was trivial in nature/that there are good reasons to excuse the offender's failure to comply with the conditions of the bond (per s.98(3) of the *Crimes (Sentencing Procedure) Act 1999*).

²⁶ Sections 107C and 108C of the *Crimes (Administration of Sentences) Act 1999*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
				<i>Crimes (Administration of Sentences) Act 1999.</i>	
6	<p>4 months later</p> <p><i>x1 aggravated break and enter (breaks into house at night with persons at home and steals jewellery, electrical goods, handbag. Victims wake up as offender exits the house and contact police. Offender apprehended by police a few weeks after the offence. Some goods recovered).</i></p> <p><i>x1 possession of a prohibited drug (methylamphetamine, found in his possession when arrested).</i></p> <p>Committed for sentence to the District Court.</p>	<ul style="list-style-type: none"> • First District Court appearance. • PG to both offences. • Still relatively young – 20 years of age. • Significant escalation in offending. • Specific deterrence. • General deterrence. • Harm to the victims. • Continued drug use (potentially despite previous orders in relation to drug and alcohol counselling). • Offender remains unemployed. • PSR/assessment report ordered by Judge requesting a home detention assessment (after court imposes a sentence of imprisonment). The offender’s continued drug use and lack of employment are identified as 	<p>ICO (mandatory conditions²⁷), s.7</p> <p>ICO (additional conditions²⁸), s.7</p> <p>Full time imprisonment.</p>	<p>ICO (standard conditions)²⁹.</p> <p>ICO (additional conditions eg. one or more of: rehabilitation or treatment condition, abstention condition in relation to drugs, curfew, place restriction, home detention, electronic monitoring)³⁰</p> <p><i>NB: an ICO can be made in respect of an aggregate sentence for a period not exceeding 3 years per s.68 of the Crimes (Sentencing Procedure) Act 1999.</i></p> <p>Full time imprisonment.</p>	<p>Offender exits the criminal justice system</p> <p>OR</p> <p>Further offending.</p>

²⁷ Per r.186 of the *Crimes (Administration of Sentences) Regulation 2014*.

²⁸ Per r.187 of the *Crimes (Administration of Sentences) Regulation 2014*.

²⁹ Standard conditions per s.73 of the *Crimes (Sentencing Procedure) Act 1999*. NB: when sentencing the offender to an ICO, the Court must take into account the considerations in s.66 of the *Crimes (Sentencing Procedure) Act 1999*, namely community safety must be the paramount consideration and, when considering community safety, the sentencing court is to assess whether making the order or serving the sentence by way of full-time detention is more likely to address the offender’s risk of reoffending. The Court must also consider the provisions of s.3A and any relevant common law sentencing principles.

³⁰ Additional conditions per s.73A of the *Crimes (Sentencing Procedure) Act 1999*.

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
		<p>criminogenic needs. The report includes information about the most recent treatment program that the offender has engaged with since committing the offence and notes that the service provider has indicated promising results. The report notes that the offender is suitable for home detention.</p> <ul style="list-style-type: none"> • Psychological report provided to Court containing additional background information in relation to the offender's disadvantaged upbringing and exposure to drug use and domestic violence at a young age. Diagnosis of depression and anxiety (anxiety likely situational due to fear of a custodial sentence). • Breach of bond, CCO, or ICO. 	<p>Breach of bond</p> <p>If breach of s.9 bond, bond called up and:</p> <ul style="list-style-type: none"> - No action taken; or - Conditions of the bond varied or added to; or - Bond revoked and offender re-sentenced.³¹ <p>If breach of s.12 bond, bond called up and the offender is resentenced to a term of imprisonment (which may be served by way of an ICO or HDO).³²</p> <p>Breach of ICO</p> <p>No involvement of the Court. Dealt with per ss.89 and 90 of the <i>Crimes (Administration of Sentences) Act 1999</i>.</p> <p>If the ICO has not been revoked and the offender is sentenced to a term of full</p>	<p>Breach of ICO</p> <p>No involvement of the Court. Dealt with by community corrections and/or the Parole Authority per ss.163 and 164 of the <i>Crimes (Administration of Sentences) Act 1999</i>.</p>	

³¹ Per s.98 of the *Crimes (Sentencing Procedure) Act 1999*. NB: if the breach was of a s.10 bond, the offender may be convicted if re-sentenced.

³² Per ss.98 and 99 of the *Crimes (Sentencing Procedure) Act 1999*. For the purposes of this example, given that the breach was the result of reoffending and the offences were serious, it has been assumed that the Court would not find that the breach was trivial in nature/that there are good reasons to excuse the offender's failure to comply with the conditions of the bond (per s.98(3) of the *Crimes (Sentencing Procedure) Act 1999*).

No.	Offending	Factors relevant on sentence	Current range of sentencing options ¹	New range of sentencing options	Outcome
			time custody, the ICO must be revoked. ³³		
7	<p><i>x2 aggravated break and enter (both in company and one knowing that persons were at home. Offender identified by way of DNA backcapture – these offences took place after the above offence of aggravated break and enter, but before the offender was apprehended or sentenced).</i></p> <p>Committed for sentence to the District Court.</p>	<ul style="list-style-type: none"> The same factors would apply to the sentencing for this matter as those outlined above for example 6, noting that the offender is being sentenced for two offences and had previously committed an offence of aggravated break and enter, so some sentencing factors (eg. specific deterrence) would carry more weight. 	Full time imprisonment.	Full time imprisonment.	<p>Offender exits the criminal justice system</p> <p>OR</p> <p>Further offending.</p>
8	<p>5 years later³⁴</p> <p>x1 mid-range PCA</p> <p><i>Pulled over at an RBT. No aggravating factors.</i></p> <p>Dealt with summarily.</p>	<ul style="list-style-type: none"> Offender is employed as a part time labourer. Letter from employer stating that the offender's job requires him to drive to different locations and transport tools and materials. Explanation provided to the Court by the offender – he was driving home a short distance from a mate's place after dinner and didn't realise how many drinks he had consumed. 	<p>Conviction and no further penalty – s.10A.</p> <p>Fine.</p> <p>Conviction and bond – s.9.</p>	<p>Conviction and CRO (standard conditions, s.98) - s.9(1)(a).</p> <p>Fine.</p> <p>Conviction and CCO (standard conditions, s.88), s.8(1).</p>	End of case study.

³³ Section 163(4), *Crimes (Administration of Sentences) Act 1999*.

³⁴ NB: it is assumed for the purposes of this case study that the offender was not on parole at the time of the commission of this offence.