



Judgment Summary

Supreme Court
Australian Capital Territory
Court Of Appeal

Wednesday, 2 September 2026

Wijesinghe v DPP [2026] ACTCA 30

Muller, White and Rangiah JJ

The Court of Appeal has allowed an appeal against sentence in proceedings involving one count of murder, contrary to s 12 of the *Crimes Act 1900* (ACT).

On 28 July 2025, the appellant pleaded guilty to murdering his coworker at the Jamala Wildlife Lodge at the National Zoo and Aquarium. He was sentenced by the primary judge to 30 years' imprisonment, with a non-parole period of 20 years.

The Court of Appeal unanimously held that the primary judge was correct to find that the offender's mental illness did not reduce the objective seriousness of the offence (ground 2). It found that it is necessary to recognise moral culpability as distinct from objective seriousness, although each are matters to be synthesised by a sentencing judge. Therefore, the primary judge's conclusion that the appellant's mental illness did not reduce the objective seriousness of the offence in the circumstances was open to her.

However, the Court found that the primary judge erred by applying a discount for a plea of guilty to the non-parole period rather than the head sentence. The primary task of the sentencing court is to take all relevant factors into account in setting the head sentence, while the setting of the non-parole period is a different exercise. It follows that factors such as a plea of guilty and the mental condition of the offender must be taken into account in fashioning the head sentence. They will also be relevant in the quite separate exercise of setting a minimum term. Similarly, the primary judge also erred by failing to take into account the mental illness of the appellant on the head sentence. Her Honour also failed to state the penalty she would otherwise have imposed as required by s 37 of the *Crimes (Sentencing) Act 2005* (ACT).

The appellant was resentenced to a term of 26 years and 6 months' imprisonment, with a non-parole period of 18 years.

This summary has been prepared for general information only. It is not intended to be a substitute for the judgment of the Court or to be used in any later consideration of the Court's judgment.

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