**Exploring the Costs of Alternatives to Suspended Sentences in Tasmania**

**Prepared for the**

**Sentencing Advisory Council, Tasmania**

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Contents

[Executive Summary 1](#_Toc446429474)

[Introduction 3](#_Toc446429475)

[The Development of a Model 3](#_Toc446429476)

[Table 1. Numbers of Offenders given Partly Suspended Sentences in the Supreme Court, by most serious offence 2011-2014 (n=195) 4](#_Toc446429477)

[Table 2. Numbers of Offenders given Fully Suspended Sentences in the Supreme Court, by most serious offence 2011-2014 (n=428) 5](#_Toc446429478)

[Table 3. Numbers of Offenders given Partly Suspended Sentences in the Magistrates Court, by most serious offence 2011-2014 (n=749) 6](#_Toc446429479)

[Table 4. Numbers of Offenders given Fully Suspended Sentences in the Magistrates Court, by most serious offence 2011-2014 (n=4352) 7](#_Toc446429480)

[Table 5. Existing Sentencing - Numbers of Offenders given Suspended Sentences by Level of Court, Sentence Type and most serious offence 2011-2014 9](#_Toc446429481)

[Table 6. Average sentence lengths and monetary penalties imposed in the Magistrates Court, by sentence type, and most serious offence, 2011-2014 11](#_Toc446429482)

[Table 7. Average sentence lengths imposed in the Supreme Court, by sentence type, and most serious offence, 2011-2014 15](#_Toc446429483)

[The Scenarios 18](#_Toc446429484)

[Table 8. Modelling the “No Change” Scenario – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence 21](#_Toc446429485)

[Table 9. Modelling Scenario 1 – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence 26](#_Toc446429486)

[Table 10. Modelling Scenario 2 – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence 31](#_Toc446429487)

[Table 11. Modelling Scenario 3 – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence 36](#_Toc446429488)

[Table 12. Annual Costs by Sentence Type 46](#_Toc446429489)

[The Results of the Modelling Process. 46](#_Toc446429490)

[Table 12. Summary of Annual Offender Sentences and Costs, by Scenario and Sentence Type 47](#_Toc446429491)

## Executive Summary

This Report responds to a request from the Tasmanian Sentencing Advisory Council (the Council) to advise on the costs of phasing out suspended sentences (fully suspended sentences – FSS, and partly suspended sentence – PSS) in Tasmania. The Report examines alternative sentencing options, through the use of a number of scenarios that might be hypothesised from the Council’s proposed reforms.

While there is a large number of possible scenarios, the Council required the modelling to focus on only three models based on various assumptions regarding the number of currently imposed fully suspended sentences and partly suspended sentences that would result in:

* a prison sentence (and its length);
* a Drug Treatment Order (and its length);
* a CCO, either on its own or combined with a prison sentence (and its or/their length) and
* any other order that may be imposed instead of a suspended sentence.

In addition to estimating the costs of a “No change: Scenario, three scenarios were examined, as follows:

**Scenario 1:**

**For sentences imposed in the Supreme Court**

Previous Sentence – FSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for each offence type, taking into account standard practices on parole and remissions (as advised by Tasmanian Corrections)

Previous Sentence – PSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences, combined with a CCO

**For sentences imposed in the Magistrates Court**

Previous Sentence – FSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for similar offences

Previous Sentence – PSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO

**Scenario 2:**

**For sentences imposed in the Supreme Court**

Previous Sentence – FSS: - A 24 month CCO

Previous Sentence – PSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences, combined with a CCO

**For sentences imposed in the Magistrates Court**

Previous Sentence – FSS: - A 12-month CCO

Previous Sentence – PSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO

**Scenario 3:**

**For sentences imposed in the Supreme Court**

Previous Sentence FSS: – An assessment was made for each offence as to likely future sentencing practices, based on existing sentencing practices. This was the subject of discussion by the Council, which agreed with the approach and overall spread of sentences

Previous Sentence – PSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences, combined with a CCO

**For sentences imposed in the Magistrates Court**

Previous Sentence – FSS: - An assessment was made for each offence as to likely future sentencing practices, based on existing sentencing practices. This was the subject of discussion by the Council, which agreed with the approach and overall spread of sentences

Previous Sentence – PSS: - Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO

Sentencing data from 2011-2014 were provided by the Council, and assembled into a standardised format forming the statistical basis of the four scenarios. The results of the modelling are as follows:

* No Change – the “do nothing Scenario” – costs around $15.7 million.
* Scenario 1, replacing fully suspended sentences by equivalent terms of imprisonment, costs around $50.9 million per annum;
* Scenario 2, replacing fully suspended sentences with CCOs of 12 or 24 months, costs around $32.0 million per annum; and
* Scenario 3, replacing fully suspended sentences with alternatives including fines, imprisonment, CCOs, home detention and treatment orders, according to the offence type, costs around $27 million per annum.

## Introduction

This Report responds to a request from the Tasmanian Sentencing Advisory Council (the Council) to advise on the costs of phasing out suspended sentences in Tasmania. The Report examines alternative sentencing options, through the use of a number of scenarios that might be hypothesised from the Council’s proposed reforms. In particular they relate to:

The effect of the Council’s proposals on the state's prison numbers (in comparison with the current cost of suspended sentences) if

1. the reforms were made effective immediately
2. the reforms were phased in over a 5 year period; and

the possible cost of such reforms, taking into account

1. the cost of any increase in prison numbers
2. the cost of the proposed community correction orders (CCOs).

While there is a large number of possible scenarios, the Council required the modelling to focus on only three models based on various assumptions regarding the number of currently imposed fully suspended sentences and partly suspended sentences that would result in:

* a prison sentence (and its length);
* a Drug Treatment Order (and its length);
* a CCO, either on its own or combined with a prison sentence (and its or/their length) and
* any other order that may be imposed instead of a suspended sentence.

Accordingly, three scenarios have been developed and are presented in this Report. The assumptions upon which these scenarios or projections are based have been the subject of discussion with the Council. The experience in Victoria of the abolition of suspended sentences and the introduction of a CCO has been taken into account.

## The Development of a Model

In order to assist the development of the scenarios, an Excel file was created based on the most recent 3 ½ years of data (1 January 2011 to 30 June 2014, hereafter 2011-2014). This period was used because it was assessed as a period long enough to provide stable sentencing patterns and took as its commencement the effective date of changes to the law in relation to the conditions and breaches of suspended sentences in Tasmania.[[1]](#footnote-1) Sentencing data from 2011-2014 were provided by the Council, and entitled "Tas Supreme Court Sentencing Database - working version by offender.xlsx" and "Tasmania Magistrates Charges.xlsx". The key elements of these databases were extracted to the model and are found in worksheets "Supreme Pivot Table" and "Magistrates Pivot Table". They were then assembled into a standardised format in worksheets "Supreme Summary" and "Magistrates Summary". These data are found in Tables 1-4.

###### Table 1. Numbers of Offenders given Partly Suspended Sentences in the Supreme Court, by most serious offence 2011-2014 (n=195)

|  |  |
| --- | --- |
| **Non-sexual offences against the person** | **Number of Offenders** |
| 0211: Serious assault resulting in injury | 65 |
| 0212: Serious assault not resulting in injury | 1 |
| 0491: Neglect or ill-treatment of persons under care | 2 |
| 0611: Aggravated robbery | 23 |
| 0612: Non-aggravated robbery | 11 |
| **Sexual offences against the person** |  |
| 0311: Aggravated sexual assault | 13 |
| 0312: Non-aggravated sexual assault | 1 |
| 0322: Child pornography offences | 5 |
| **Property offences** |  |
| 0711: Unlawful entry with intent/burglary etc | 7 |
| 0821: Theft from a person (excluding by force) | 1 |
| 0823: Theft of goods from retail premises | 1 |
| 0911: Obtain benefit by deception | 3 |
| 0922: Forgery of documents | 1 |
| 0931: Fraudulent trade practices | 1 |
| 0933: Illegal non-fraudulent trade practices | 2 |
| 0991: Dishonest conversion | 4 |
| 1211: Arson | 18 |
| 1219: Property damage, n.e.c. | 2 |
| **Drug offences** |  |
| 1021: Deal or traffic in illicit drugs - commercial quantity | 25 |
| 1032: Cultivate illicit drugs | 3 |
| **Other offences** |  |
| 1122: Misuse of regulated weapons/explosives | 1 |
| 1312: Criminal intent | 1 |
| 1561: Subvert the course of justice | 4 |

n.e.c. = not elsewhere considered

###### Table 2. Numbers of Offenders given Fully Suspended Sentences in the Supreme Court, by most serious offence 2011-2014 (n=428)

|  |  |
| --- | --- |
| **Non-sexual offences against the person** | **Number of Offenders** |
| 0211: Serious assault resulting in injury | 84 |
| 0212: Serious assault not resulting in injury | 2 |
| 0213: Common assault | 1 |
| 0532: Threatening behaviour | 1 |
| 0611: Aggravated robbery | 17 |
| 0612: Non-aggravated robbery | 12 |
| **Sexual offences** |  |
| 0311: Aggravated sexual assault | 25 |
| 0312: Non-aggravated sexual assault | 1 |
| 0321: Non-assaultive sexual offences against a child | 3 |
| 0322: Child pornography offences | 8 |
| **Property offences** |  |
| 0711: Unlawful entry with intent/burglary etc | 7 |
| 0821: Theft from a person (excluding by force) | 4 |
| 0823: Theft of goods from retail premises | 2 |
| 0831: Receive or handle proceeds of crime | 3 |
| 0911: Obtain benefit by deception | 9 |
| 0922: Forgery of documents | 5 |
| 0931: Fraudulent trade practices | 1 |
| 0933: Illegal non-fraudulent trade practices | 2 |
| 0991: Dishonest conversion | 2 |
| 1211: Arson | 47 |
| 1219: Property damage, n.e.c. | 2 |
| **Drug offences** |  |
| 1021: Deal or traffic in illicit drugs - commercial quantity | 135 |
| 1032: Cultivate illicit drugs | 31 |
| 1041: Possess illicit drugs | 1 |
| **Other offences** |  |
| 1313: Riot and affray | 2 |
| 1513: Breach of suspended sentence | 6 |
| 1561: Subvert the course of justice | 13 |
| 1569: Offences against justice procedures, n.e.c. | 1 |
| 1691: Environmental regulation offences | 1 |

n.e.c. = not elsewhere considered

###### Table 3. Numbers of Offenders given Partly Suspended Sentences in the Magistrates Court, by most serious offence 2011-2014 (n=749)

|  |  |
| --- | --- |
| **Offences against the person** | **Number of Offenders** |
| 0132: Driving causing death | 1 |
| 0212: Serious assault not resulting in injury | 33 |
| 0213: Common assault | 148 |
| 0291: Stalking | 4 |
| 0312: Non-aggravated sexual assault | 8 |
| 0322: Child pornography offences | 2 |
| 0499: Other dangerous or negligent acts endangering persons | 9 |
| **Property offences** |  |
| 0711: Unlawful entry with intent/burglary, break and enter | 77 |
| 0811: Theft of a motor vehicle | 10 |
| 0821: Theft from a person (excluding by force) | 31 |
| 0831: Receive or handle proceeds of crime | 5 |
| 0911: Obtain benefit by deception | 6 |
| 0922: Forgery of documents | 1 |
| 0933: Illegal non-fraudulent trade practices | 13 |
| 0999: Other fraud and deception offences, n.e.c. | 1 |
| 1219: Property damage, n.e.c. | 12 |
| **Traffic offences** |  |
| 0411: Driving under the influence of alcohol or other substance | 31 |
| 0412: Dangerous or negligent operation (driving) of a vehicle | 27 |
| 1411: Drive while licence disqualified cancelled or suspended | 46 |
| 1412: Drive without a licence | 1 |
| 1431: Exceed prescribed content of alcohol or other substance | 174 |
| 1439: Regulatory driving offences, n.e.c. | 1 |
| **Drug offences** |  |
| 1022: Deal or traffic in illicit drugs - non-commercial quantity | 13 |
| 1031: Manufacture illicit drugs | 2 |
| 1032: Cultivate illicit drugs | 10 |
| 1041: Possess illicit drug | 1 |
| **Other offences** |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives | 5 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives | 3 |
| 1312: Criminal intent | 1 |
| 1319: Disorderly conduct, n.e.c. | 2 |
| 1331: Offensive language | 1 |
| 1334: Cruelty to animals | 2 |
| 1511: Escape custody offences | 1 |
| 1521: Breach of community service order | 1 |
| 1523: Breach of bail | 26 |
| 1531: Breach of violence order | 21 |
| 1532: Breach of non-violence orders | 4 |
| 1541: Resist or hinder government official (excluding 1562) | 1 |
| 1561: Subvert the course of justice | 3 |
| 1562: Resist or hinder police officer or justice official | 7 |
| 1569: Offences against justice procedures, n.e.c. | 2 |
| 1624: Transport regulation offences | 1 |
| 1629: Public health and safety offences, n.e.c. | 1 |

n.e.c. = not elsewhere considered

###### Table 4. Numbers of Offenders given Fully Suspended Sentences in the Magistrates Court, by most serious offence 2011-2014 (n=4352)

|  |  |
| --- | --- |
| **Offences against the person** | **Number of Offenders** |
| 0132: Driving causing death | 6 |
| 0212: Serious assault not resulting in injury | 123 |
| 0213: Common assault | 590 |
| 0291: Stalking | 3 |
| 0312: Non-aggravated sexual assault | 18 |
| 0322: Child pornography offences | 4 |
| 0499: Other dangerous or negligent acts endangering persons, n.e.c. | 33 |
| 0521: Deprivation of liberty/false imprisonment | 2 |
| 0621: Blackmail and extortion | 1 |
| **Property offences** |  |
| 0711: Unlawful entry with intent/burglary, break and enter | 266 |
| 0811: Theft of a motor vehicle | 56 |
| 0821: Theft from a person (excluding by force) | 269 |
| 0829: Theft (except motor vehicles), n.e.c. | 5 |
| 0831: Receive or handle proceeds of crime | 66 |
| 0911: Obtain benefit by deception | 16 |
| 0922: Forgery of documents | 12 |
| 0933: Illegal non-fraudulent trade practices | 48 |
| 0991: Dishonest conversion | 1 |
| 0999: Other fraud and Deception offences, n.e.c. | 27 |
| 1211: Property damage by fire or explosion | 1 |
| 1219: Property damage, n.e.c. | 71 |
| **Traffic offences** |  |
| 0411: Driving under the influence of alcohol or other substance | 126 |
| 0412: Dangerous or negligent operation (driving) of a vehicle | 103 |
| 1411: Drive while licence disqualified cancelled or suspended | 547 |
| 1412: Drive without a licence | 94 |
| 1419: Driver licence offences, n.e.c. | 7 |
| 1421: Registration offences | 5 |
| 1431: Exceed the prescribed content of alcohol or other substance limit | 1076 |
| 1439: Regulatory driving offences, n.e.c. | 15 |
| **Drug offences** |  |
| 1022: Deal or traffic in illicit drugs - non-commercial quantity | 119 |
| 1032: Cultivate illicit drugs | 79 |
| 1041: Possess illicit drug | 42 |
| 1099: Other Illicit drug offences, n.e.c. | 0 |
| 1011: Import illicit drugs | 3 |
| 1042: Use illicit drug | 1 |
| 1031: Manufacture illicit drugs | 2 |

n.e.c. = not elsewhere considered

Continued….

|  |  |
| --- | --- |
| **Other offences** | **Number of Offenders** |
| 1112: Sell, possess and/or use prohibited weapons/explosives | 15 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives | 29 |
| 1122: Misuse of regulated weapons/explosives | 5 |
| 1311: Trespass | 13 |
| 1312: Criminal intent | 3 |
| 1319: Disorderly conduct, n.e.c. | 10 |
| 1323: Censorship offences | 1 |
| 1325: Offences against public order sexual standards | 1 |
| 1331: Offensive language | 12 |
| 1332: Offensive behaviour | 3 |
| 1334: Cruelty to animals | 7 |
| 1511: Escape custody offences | 5 |
| 1513: Breach of suspended sentence | 7 |
| 1521: Breach of community service order | 3 |
| 1523: Breach of bail | 160 |
| 1524: Breach of bond – probation | 1 |
| 1531: Breach of violence order | 96 |
| 1532: Breach of non-violence orders | 16 |
| 1541: Resist or hinder government official (excluding 1562) | 3 |
| 1561: Subvert the course of justice | 29 |
| 1562: Resist or hinder police officer or justice official | 60 |
| 1563: Prison regulation offences | 3 |
| 1569: Offences against justice procedures, n.e.c. | 23 |
| 1622: Disease prevention offences | 3 |
| 1624: Transport regulation offences | 1 |
| 1629: Public health and safety offences, n.e.c. | 1 |
| 1691: Environmental regulation offences | 5 |

n.e.c. = not elsewhere considered

The data in Tables 1-4 are then combined into a single table (Table 5) that describes the existing use of partly and fully suspended sentences for 2011-2014.

From the same databases, tables are constructed calculating the average sentence lengths imposed, by sentence type, most serious offence and court level. These data can be found in the "Average Sentence Severity" worksheet and in Tables 6-7, and are later used to estimate the likely sentence lengths that would be imposed were an offender be given alternative sentences to suspended prison sentences.

###### Table 5. Existing Sentencing - Numbers of Offenders given Suspended Sentences by Level of Court, Sentence Type and most serious offence 2011-2014

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Supreme** | | **Magistrates** | |
| **Non-sexual offences against the person** | **FSS** | **PSS** | **FSS** | **PSS** |
| 0132: Driving causing death |  |  | 6 | 1 |
| 0211: Serious assault resulting in injury | 84 | 65 |  |  |
| 0212: Serious assault not resulting in injury | 2 | 1 | 123 | 33 |
| 0213: Common assault | 1 | 0 | 590 | 148 |
| 0291: Stalking |  | 0 | 3 | 4 |
| 0491: Neglect or ill-treatment of persons under care |  | 2 |  |  |
| 0511: Abduction and kidnapping |  | 0 |  |  |
| 0299: Other acts intended to cause injury, n.e.c. | 0 |  |  |  |
| 0499: Other dangerous or negligent acts endangering persons, n.e.c |  |  | 33 | 9 |
| 0521: Deprivation of liberty/false imprisonment |  |  | 2 |  |
| 0532: Threatening behaviour | 1 |  |  |  |
| 0611: Aggravated robbery | 17 | 23 |  |  |
| 0612: Non-aggravated robbery | 12 | 11 |  |  |
| 0621: Blackmail and extortion |  |  | 1 |  |
| **Sub-Total** | 117 | 102 | 758 | 195 |
| **Sexual offences** |  |  |  |  |
| 0311: Aggravated sexual assault | 25 | 13 |  |  |
| 0312: Non-aggravated sexual assault | 1 | 1 | 18 | 8 |
| 0321: Non-assaultive sexual offences against a child | 3 |  |  |  |
| 0322: Child pornography offences | 8 | 5 | 4 | 2 |
| **Sub-Total** | 37 | 19 | 22 | 10 |
| **Property offences** |  |  |  |  |
| 0711: Unlawful entry with intent/burglary etc | 7 | 7 | 266 | 77 |
| 0811: Theft of a motor vehicle | 0 | 0 | 56 | 10 |
| 0812: Illegal use of a motor vehicle |  |  | 0 |  |
| 0821: Theft from a person (excluding by force) | 4 | 1 | 269 | 31 |
| 0823: Theft of goods from retail premises | 2 | 1 |  |  |
| 0829 Theft (except motor vehicles), n.e.c. | 0 |  | 5 | 0 |
| 0831: Receive or handle proceeds of crime | 3 | 0 | 66 | 5 |
| 0911: Obtain benefit by deception | 9 | 3 | 16 | 6 |
| 0922: Forgery of documents | 5 | 1 | 12 | 1 |
| 0931: Fraudulent trade practices | 1 | 1 |  |  |
| 0933: Illegal non-fraudulent trade practices | 2 | 2 | 48 | 13 |
| 0991: Dishonest conversion | 2 | 4 | 1 | 0 |
| 0999: Other fraud and Deception offences, n.e.c. |  |  | 27 | 1 |
| 1211: Arson | 47 | 18 | 1 |  |
| 1219: Property damage, n.e.c. | 2 | 2 | 71 | 12 |
| **Sub-Total** | 84 | 40 | 838 | 156 |
| **Traffic offences** |  |  |  |  |
| 0411: Driving under the influence of alcohol or other substance |  |  | 126 | 31 |
| 0412: Dangerous or negligent operation (driving) of a vehicle |  |  | 103 | 27 |
| 1411: Drive while licence disqualified cancelled or suspended |  |  | 547 | 46 |
| 1412: Drive without a licence |  |  | 94 | 1 |
| 1419: Driver licence offences, n.e.c. |  |  | 7 | 0 |
| 1421: Registration offences |  |  | 5 | 0 |
| 1422: Roadworthiness offences |  |  | 0 | 0 |
| 1431: Exceed the prescribed content of alcohol or other substance limit |  |  | 1076 | 174 |
| 1432: Exceed the legal speed limit |  |  | 0 | 0 |
| 1439: Regulatory driving offences, n.e.c. |  |  | 15 | 1 |
| 1441: Pedestrian offences |  |  | 0 |  |
| **Sub-Total** | 0 | 0 | 1973 | 280 |

Continued…

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Drug offences** |  |  |  |  |
| 1011: Import illicit drugs |  |  | 3 |  |
| 1021: Deal or traffic in illicit drugs - commercial quantity | 135 | 25 |  |  |
| 1022: Deal or traffic in illicit drugs - non-commercial quantity |  |  | 119 | 13 |
| 1031: Manufacture illicit drugs | 0 |  | 2 | 2 |
| 1032: Cultivate illicit drugs | 31 | 3 | 79 | 10 |
| 1041: Possess illicit drug | 1 | 0 | 42 | 1 |
| 1042: Use illicit drug | 0 | 0 | 1 | 0 |
| 1099: Other Illicit drug offences, n.e.c. | 0 | 0 | 0 | 0 |
| **Sub-Total** | 167 | 28 | 246 | 26 |
| **Other offences** |  |  |  |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives |  | 0 | 15 | 5 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives | 0 |  | 29 | 3 |
| 1122: Misuse of regulated weapons/explosives | 0 | 1 | 5 | 0 |
| 1123: Deal or traffic regulated weapons/explosives offences |  |  | 0 | 0 |
| 1129: Regulated weapons/explosives offences, n.e.c. |  |  | 0 |  |
| 1229: Environmental pollution offences, n.e.c. |  |  | 0 |  |
| 1311: Trespass | 0 | 0 | 13 | 0 |
| 1312: Criminal intent | 0 | 1 | 3 | 1 |
| 1313: Riot and affray | 2 |  |  |  |
| 1319: Disorderly conduct, n.e.c. | 0 |  | 10 | 2 |
| 1323: Censorship offences |  |  | 1 | 0 |
| 1325: Offences against public order sexual standards | 0 |  | 1 | 0 |
| 1326: Consumption of legal substances in prohibited spaces |  |  | 0 |  |
| 1329: Regulated public order offences, n.e.c. |  |  | 0 |  |
| 1331: Abusive language | 0 | 0 | 12 | 1 |
| 1332: Offensive behaviour |  |  | 3 | 0 |
| 1334: Cruelty to animals |  |  | 7 | 2 |
| 1411: Drive while licence disqualified or suspended | 0 | 0 |  |  |
| 1412: Drive without a licence | 0 | 0 |  |  |
| 1431: Exceed the prescribed content of alcohol or other substance limit | 0 |  |  |  |
| 1511: Escape custody offences |  |  | 5 | 1 |
| 1513: Breach of suspended sentence | 6 |  | 7 |  |
| 1521: Breach of community service order |  |  | 3 | 1 |
| 1523: Breach of bail |  |  | 160 | 26 |
| 1524: Breach of bond – probation |  |  | 1 | 0 |
| 1525: Breach of bond – other |  |  | 0 |  |
| 1531: Breach of violence order | 0 | 0 | 96 | 21 |
| 1532: Breach of non-violence orders |  |  | 16 | 4 |
| 1541: Resist or hinder government official (excluding 1562) |  |  | 3 | 1 |
| 1561: Subvert the course of justice | 13 | 4 | 29 | 3 |
| 1562: Resist or hinder police officer or justice official | 0 | 0 | 60 | 7 |
| 1563: Prison regulation offences |  |  | 3 | 0 |
| 1569: Offences against justice procedures, n.e.c. | 1 |  | 23 | 2 |
| 1612: Offences against privacy |  |  | 0 | 0 |
| 1621: Sanitation offences | 0 |  |  |  |
| 1622: Disease prevention offences |  |  | 3 | 0 |
| 1624: Transport regulation offences |  |  | 1 | 1 |
| 1629: Public health and safety offences, n.e.c. |  |  | 1 | 1 |
| 1691: Environmental regulation offences | 1 |  | 5 | 0 |
| 9999: Inadequately described |  |  | 0 |  |
| **Sub-Total** | 23 | 6 | 515 | 82 |
|  |  |  |  |  |
| **Grand Totals** | 428 | 195 | 4352 | 749 |

###### Table 6. Average sentence lengths and monetary penalties imposed in the Magistrates Court, by sentence type, and most serious offence, 2011-2014

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Offence | Imprisonment with determined term | Imprisonment with partially suspended term | Imprisonment with fully suspended term | Community Service Order | Probation | Average Fine | Average Other Financial Penalty |
|  | Months | Months | Months | Hours | Months | $ | $ |
| 0111: Murder | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0121: Attempted murder | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0131: Manslaughter | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0132: Driving causing death | (No cases) | 9.00 | 4.00 | (No cases) | (No cases) | 900.00 | (No cases) |
| 0211: Serious assault resulting in injury | 6.69 | 5.98 | 2.86 | 68.41 | 11.55 | 506.45 | 59.42 |
| 0212: Serious assault not resulting in injury | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0213: Common assault | 4.29 | 5.61 | 2.76 | 69.93 | 10.91 | 471.61 | 53.07 |
| 0291: Stalking | 9.50 | 7.25 | 3.00 | 102.50 | 12.00 | 600.00 | (No cases) |
| 0299: Acts intended to cause injury, n.e.c. | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0311: Aggravated sexual assault | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0312: Non-aggravated sexual assault | 8.80 | 5.50 | 3.14 | 87.00 | (No cases) | 614.29 | 20.00 |
| 0321: Non-assaultive sexual offences against a child | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0322: Child pornography offences | (No cases) | 9.00 | 2.75 | 49.00 | 6.00 | 2000.00 | (No cases) |
| 0329: Gross indecency | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0411: Driving under the influence of alcohol or other substance | 10.50 | 6.68 | 3.26 | 64.27 | 9.67 | 900.08 | 65.00 |
| 0412: Dangerous or negligent operation (driving) of a vehicle | 7.51 | 6.41 | 3.41 | 67.23 | 10.50 | 424.65 | 471.22 |
| 0491: Neglect or ill-treatment of persons under care | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 350.00 | (No cases) |
| 0499: Other dangerous or negligent acts endangering persons, | 5.69 | 8.33 | 4.41 | 75.43 | 10.33 | 241.01 | 42.95 |
| 0511: Abduction and kidnapping | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0521: Deprivation of liberty/false imprisonment | (No cases) | (No cases) | 1.50 | (No cases) | (No cases) | (No cases) | (No cases) |
| 0532: Threatening behaviour | (No cases) | (No cases) | (No cases) | 56.00 | (No cases) | 400.00 | (No cases) |
| 0611: Aggravated robbery | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0612: Non-aggravated robbery | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0621: Blackmail and extortion | (No cases) | (No cases) | 1.00 | (No cases) | (No cases) | (No cases) | (No cases) |
| 0711: Unlawful entry with intent/burglary, break and enter | 5.23 | 7.88 | 4.64 | 80.28 | 10.61 | 490.38 | 64.45 |
| 0811: Theft of a motor vehicle | 3.54 | 4.65 | 2.73 | 59.75 | 11.00 | 344.12 | 45.82 |
| 0812: Illegal use of a motor vehicle | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 400.00 | (No cases) |
| 0821: Theft from a person (excluding by force) | 2.18 | 5.19 | 2.42 | 58.62 | 10.43 | 246.39 | 49.10 |
| 0823: Theft of goods from retail premises | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 0829: Theft (except motor vehicles), n.e.c. | 1.08 | (No cases) | 2.10 | 53.14 | (No cases) | 199.25 | 48.91 |
| 0831: Receive or handle proceeds of crime | 2.38 | 2.90 | 2.19 | 55.90 | 9.80 | 329.74 | 103.39 |
| 0841: Illegal use of property (except motor vehicles) | (No cases) | (No cases) | (No cases) | 49.00 | (No cases) | (No cases) | (No cases) |

Continued…

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Offence | Imprisonment with determined term | Imprisonment with partially suspended term | Imprisonment with fully suspended term | Community Service Order | Probation | Average Fine | Average Other Financial Penalty |
| 0911: Obtain benefit by deception | 3.85 | 8.14 | 3.31 | 112.94 | 11.43 | 620.71 | (No cases) |
| 0922: Forgery of documents | 5.94 | 6.00 | 6.42 | 81.20 | 11.25 | (No cases) | 37.25 |
| 0931: Fraudulent trade practices | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 2787.50 | (No cases) |
| 0932: Misrepresentation of professional status | (No cases) | (No cases) | (No cases) | 49.00 | (No cases) | 475.00 | (No cases) |
| 0933: Illegal non-fraudulent trade practices | 4.93 | 6.23 | 3.47 | 78.95 | 10.50 | 560.42 | 53.99 |
| 0991: Dishonest conversion | (No cases) | (No cases) | 3.00 | 14.00 | (No cases) | 368.00 | (No cases) |
| 0999: Other fraud and Deception offences, n.e.c. | 4.85 | 2.86 | 2.28 | 55.62 | 9.75 | 551.78 | 147.43 |
| 1011: Import illicit drugs | (No cases) | (No cases) | 1.33 | 82.75 | 12.00 | 642.86 | (No cases) |
| 1021: Deal or traffic in illicit drugs - commercial quantity | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 1022: Deal or traffic in illicit drugs - non-commercial quantity | 5.90 | 6.38 | 3.36 | 73.71 | 10.14 | 544.95 | 77.91 |
| 1031: Manufacture illicit drugs | (No cases) | 4.50 | 3.00 | (No cases) | (No cases) | (No cases) | (No cases) |
| 1032: Cultivate illicit drugs | 4.06 | 7.50 | 2.64 | 72.08 | 11.05 | 547.86 | 77.97 |
| 1041: Possess illicit drug | 1.48 | 2.00 | 2.04 | 46.68 | 10.38 | 255.94 | 44.92 |
| 1042: Use illicit drug | 0.50 | (No cases) | 2.00 | (No cases) | (No cases) | 233.98 | 30.17 |
| 1099: Other Illicit drug offences, n.e.c. | 0.38 | (No cases) | (No cases) | (No cases) | 12.00 | 192.63 | 38.81 |
| 1112: Sell, possess and/or use prohibited weapons/explosives | 5.13 | 5.40 | 4.37 | 84.00 | (No cases) | 626.74 | 80.00 |
| 1119: Prohibited weapons/explosives offences, n.e.c. | 14.00 | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 1121: Unlawfully obtain/possess regulated weapons/explosives | 8.03 | 4.33 | 4.29 | 62.62 | 11.50 | 417.38 | 60.50 |
| 1122: Misuse of regulated weapons/explosives | 0.50 | (No cases) | 3.10 | 87.50 | 10.50 | 368.79 | 40.44 |
| 1129: Regulated weapons/explosives offences, n.e.c. | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 525.00 | (No cases) |
| 1211: Property damage by fire or explosion | 15.00 | (No cases) | 12.00 | (No cases) | (No cases) | (No cases) | (No cases) |
| 1219: Property damage, n.e.c. | 2.67 | 3.17 | 1.81 | 50.20 | 10.04 | 298.63 | 46.68 |
| 1221: Air pollution offences | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 1800.00 | (No cases) |
| 1229: Environmental pollution offences, n.e.c. | (No cases) | (No cases) | (No cases) | 35.00 | 6.00 | 409.50 | (No cases) |
| 1311: Trespass | 0.79 | (No cases) | 1.60 | 46.45 | 10.50 | 243.08 | 54.13 |
| 1312: Criminal intent | 6.00 | 2.93 | 2.50 | 42.00 | (No cases) | 525.00 | (No cases) |
| 1313: Riot and affray | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 2787.50 | (No cases) |
| 1319: Disorderly conduct, n.e.c. | 0.58 | 2.50 | 1.43 | 29.91 | 9.55 | 204.34 | 45.88 |
| 1321: Betting and gambling offences | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 300.00 | 47.60 |
| 1322: Liquor and tobacco offences | 1.00 | (No cases) | (No cases) | 56.00 | (No cases) | 497.27 | (No cases) |
| 1323: Censorship offences | (No cases) | (No cases) | 3.00 | (No cases) | (No cases) | 900.00 | (No cases) |
| 1325: Offences against public order sexual standards | (No cases) | (No cases) | 3.00 | 49.00 | 12.00 | 275.00 | (No cases) |
| 1326: Consumption of legal substances in prohibited spaces | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 176.00 | 47.25 |
| 1329: Regulated public order offences, n.e.c | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 140.95 | 40.29 |

Continued…

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Offence | Imprisonment with determined term | Imprisonment with partially suspended term | Imprisonment with fully suspended term | Community Service Order | Probation | Average Fine | Average Other Financial Penalty |
| 1331: Offensive language | 0.50 | 8.00 | 2.02 | 37.33 | 9.27 | 252.28 | 49.58 |
| 1332: Offensive behaviour | 1.00 | (No cases) | 1.67 | 66.33 | 18.00 | 226.38 | 45.14 |
| 1334: Cruelty to animals | 3.29 | 2.50 | 1.64 | 63.82 | 12.00 | 1344.92 | 527.04 |
| 1411: Drive while licence disqualified cancelled or suspended | 1.73 | 2.83 | 1.69 | 47.46 | 8.05 | 255.88 | 53.82 |
| 1412: Drive without a licence | 1.18 | 6.00 | 1.27 | 35.04 | 10.38 | 252.07 | 56.89 |
| 1419: Driver licence offences, n.e.c. | (No cases) | (No cases) | 1.36 | 52.11 | 12.00 | 218.32 | 91.69 |
| 1421: Registration offences | (No cases) | (No cases) | 0.50 | 19.00 | 10.50 | 189.64 | 93.27 |
| 1422: Roadworthiness offences | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 287.82 | 1226.12 |
| 1431: Exceed prescribed content of alcohol or other substance | 3.50 | 4.72 | 2.45 | 50.89 | 10.74 | 579.23 | 22.26 |
| 1432: Exceed the legal speed limit | 2.00 | (No cases) | (No cases) | (No cases) | (No cases) | 225.78 | 103.35 |
| 1433: Parking offences | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 143.10 | (No cases) |
| 1439: Regulatory driving offences, n.e.c. | (No cases) | 2.00 | 2.40 | 36.33 | 6.00 | 231.67 | 67.50 |
| 1511: Escape custody offences | 2.88 | 3.21 | 1.50 | 51.50 | 6.00 | 510.00 | 20.00 |
| 1513: Breach of suspended sentence | 6.00 | (No cases) | 0.00 | (No cases) | (No cases) | (No cases) | (No cases) |
| 1521: Breach of community service order | 0.50 | 2.00 | 0.42 | 21.00 | (No cases) | 268.56 | 51.06 |
| 1523: Breach of bail | 1.27 | 3.94 | 1.66 | 46.76 | 10.57 | 214.70 | 44.92 |
| 1524: Breach of bond – probation | (No cases) | (No cases) | 5.00 | 35.00 | 9.00 | 175.00 | 34.82 |
| 1525: Breach of bond – other | 4.00 | (No cases) | (No cases) | (No cases) | (No cases) | 150.00 | (No cases) |
| 1529: Breach of community based order, n.e.c. | (No cases) | (No cases) | (No cases) | 70.00 | (No cases) | 1383.33 | 651.30 |
| 1531: Breach of violence order | 1.72 | 3.11 | 1.60 | 47.48 | 10.26 | 311.59 | 46.32 |
| 1532: Breach of non-violence orders | 2.36 | 3.64 | 1.36 | 57.75 | 7.29 | 265.35 | 40.69 |
| 1541: Resist or hinder government official (excluding 1562) | 1.67 | 3.00 | 2.83 | 42.00 | (No cases) | 351.67 | (No cases) |
| 1542: Bribery involving government officials | (No cases) | (No cases) | (No cases) | 140.00 | (No cases) | (No cases) | (No cases) |
| 1549: Offences against government operations, n.e.c. | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 1193.85 | 1148.70 |
| 1561: Subvert the course of justice | 6.13 | 8.00 | 2.49 | 79.27 | 10.50 | 500.00 | (No cases) |
| 1562: Resist or hinder police officer or justice official | 1.34 | 3.14 | 1.92 | 47.45 | 9.21 | 243.35 | 106.19 |
| 1563: Prison regulation offences | 2.00 | (No cases) | 1.33 | (No cases) | (No cases) | 375.00 | 49.00 |
| 1569: Offences against justice procedures, n.e.c. | 1.20 | 3.00 | 1.83 | 68.17 | 10.20 | 326.98 | 46.67 |
| 1611: Defamation and libel | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 3500.00 | (No cases) |
| 1612: Offences against privacy | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) |
| 1622: Disease prevention offences | 5.00 | (No cases) | 2.00 | 33.25 | 15.00 | 275.00 | 50.13 |
| 1623: Occupational health and safety offences | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 12943.18 | (No cases) |
| 1624: Transport regulation offences | (No cases) | 6.00 | 3.00 | 77.00 | (No cases) | 555.00 | 89.85 |
| 1625: Dangerous substances offences | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 750.00 | (No cases) |

Continued…

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Offence | Imprisonment with determined term | Imprisonment with partially suspended term | Imprisonment with fully suspended term | Community Service Order | Probation | Average Fine | Average Other Financial Penalty |
| 1629: Public health and safety offences, n.e.c. | (No cases) | 4.00 | 2.50 | 87.50 | (No cases) | 571.92 | 246.48 |
| 1631: Commercial/industry/financial regulation offence | (No cases) | (No cases) | (No cases) | 56.00 | (No cases) | 2483.55 | (No cases) |
| 1691: Environmental regulation offences | 3.50 | (No cases) | 2.00 | 50.50 | 6.00 | 718.27 | 94.13 |
| 1694: Import/export regulations | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 893.75 | 777.38 |
| 1699: Miscellaneous offences n.e.c. | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 215.00 | (No cases) |
| 9999: Inadequately described | (No cases) | (No cases) | (No cases) | (No cases) | (No cases) | 100.00 | (No cases) |
| Grand Total | 3.55 | 5.38 | 2.56 | 60.22 | 10.48 | 385.07 | 68.54 |

###### Table 7. Average sentence lengths imposed in the Supreme Court, by sentence type, and most serious offence, 2011-2014

|  |  |  |  |
| --- | --- | --- | --- |
| Offence | Imprisonment with Determined Term (Months) | Imprisonment with partially suspended term (Months) | Imprisonment with fully suspended term (Months) |
| 0111: Murder | 235.64 | (No cases) | (No cases) |
| 0121: Attempted murder | 105.00 | (No cases) | (No cases) |
| 0131: Manslaughter | 120.00 | (No cases) | (No cases) |
| 0132: Driving causing death | 24.00 | (No cases) | (No cases) |
| 0211: Serious assault resulting in injury | 21.83 | 11.86 | 6.70 |
| 0212: Serious assault not resulting in injury | 22.50 | 9.00 | 7.00 |
| 0213: Common assault | 9.00 | (No cases) | 3.00 |
| 0291: Stalking | 3.00 | (No cases) | (No cases) |
| 0299: Acts intended to cause injury, n.e.c | (No cases) | (No cases) | (No cases) |
| 0311: Aggravated sexual assault | 41.96 | 12.31 | 6.84 |
| 0312: Non-aggravated sexual assault | 12.00 | 10.00 | 1.00 |
| 0321: Non-assaultive sexual offences against a child | 15.00 | (No cases) | 4.33 |
| 0322: Child pornography offences | 16.93 | 11.20 | 5.69 |
| 0329: Gross indecency | (No cases) | (No cases) | (No cases) |
| 0411: Driving under the influence of alcohol or other substance | (No cases) | (No cases) | (No cases) |
| 0412: Dangerous or negligent operation (driving) of a vehicle | 30.00 | (No cases) | (No cases) |
| 0491: Neglect or ill-treatment of persons under care | 27.00 | 10.00 | (No cases) |
| 0499: Other dangerous or negligent acts endangering persons | (No cases) | (No cases) | (No cases) |
| 0511: Abduction and kidnapping | 3.00 | (No cases) | (No cases) |
| 0521: Deprivation of liberty/false imprisonment | (No cases) | (No cases) | (No cases) |
| 0532: Threatening behaviour | (No cases) | (No cases) | 2.00 |
| 0611: Aggravated robbery | 29.56 | 15.39 | 8.82 |
| 0612: Non-aggravated robbery | 14.54 | 10.91 | 6.92 |
| 0621: Blackmail and extortion | (No cases) | (No cases) | (No cases) |
| 0711: Unlawful entry with intent/burglary, break and enter | 14.09 | 11.71 | 5.71 |
| 0811: Theft of a motor vehicle | (No cases) | (No cases) | (No cases) |
| 0812: Illegal use of a motor vehicle | (No cases) | (No cases) | (No cases) |
| 0821: Theft from a person (excluding by force) | 2.00 | 24.00 | 5.50 |
| 0823: Theft of goods from retail premises | 8.75 | 10.00 | 7.50 |
| 0829: Theft (except motor vehicles), n.e.c | (No cases) | (No cases) | (No cases) |
| 0831: Receive or handle proceeds of crime | 6.50 | (No cases) | 5.00 |
| 0841: Illegal use of property (except motor vehicles) | (No cases) | (No cases) | (No cases) |
| 0911: Obtain benefit by deception | 18.50 | 13.33 | 7.33 |
| 0922: Forgery of documents | 20.33 | 12.00 | 7.40 |

Continued…

|  |  |  |  |
| --- | --- | --- | --- |
| Offence | Imprisonment with Determined Term (Months) | Imprisonment with partially suspended term (Months) | Imprisonment with fully suspended term (Months) |
| 0931: Fraudulent trade practices | 12.00 | 12.00 | 12.00 |
| 0932: Misrepresentation of professional status | (No cases) | (No cases) | (No cases) |
| 0933: Illegal non-fraudulent trade practices | 42.00 | 11.00 | 2.50 |
| 0991: Dishonest conversion | 12.00 | 8.75 | 7.00 |
| 0999: Other fraud and Deception offences, n.e.c | (No cases) | (No cases) | (No cases) |
| 1011: Import illicit drugs | (No cases) | (No cases) | (No cases) |
| 1021: Deal or traffic in illicit drugs - commercial quantity | 16.31 | 10.64 | 6.03 |
| 1022: Deal or traffic in illicit drugs - non-commercial quantity | (No cases) | (No cases) | (No cases) |
| 1031: Manufacture illicit drugs | 17.00 | (No cases) | (No cases) |
| 1032: Cultivate illicit drugs | (No cases) | 6.67 | 5.16 |
| 1041: Possess illicit drug | (No cases) | (No cases) | 5.00 |
| 1042: Use illicit drug | 36.00 | (No cases) | (No cases) |
| 1099: Other Illicit drug offences, n.e.c | (No cases) | (No cases) | (No cases) |
| 1112: Sell, possess and/or use prohibited weapons/explosives | (No cases) | (No cases) | (No cases) |
| 1119: Prohibited weapons/explosives offences, n.e.c | (No cases) | (No cases) | (No cases) |
| 1121: Unlawfully obtain/possess regulated weapons/explosives | (No cases) | (No cases) | (No cases) |
| 1122: Misuse of regulated weapons/explosives | (No cases) | 3.00 | (No cases) |
| 1129: Regulated weapons/explosives offences, n.e.c | (No cases) | (No cases) | (No cases) |
| 1211: Property damage by fire or explosion | 18.82 | 13.11 | 8.64 |
| 1219: Property damage, n.e.c. | 3.67 | 6.50 | 5.50 |
| 1221: Air pollution offences | (No cases) | (No cases) | (No cases) |
| 1229: Environmental pollution offences, n.e.c. | (No cases) | (No cases) | (No cases) |
| 1311: Trespass | (No cases) | (No cases) | (No cases) |
| 1312: Criminal intent | (No cases) | (No cases) | (No cases) |
| 1313: Riot and affray | (No cases) | (No cases) | 7.00 |
| 1319: Disorderly conduct, n.e.c | (No cases) | (No cases) | (No cases) |
| 1321: Betting and gambling offences | (No cases) | (No cases) | (No cases) |
| 1322: Liquor and tobacco offences | (No cases) | (No cases) | (No cases) |
| 1323: Censorship offences | (No cases) | (No cases) | (No cases) |
| 1325: Offences against public order sexual standards | (No cases) | (No cases) | (No cases) |
| 1326: Consumption of legal substances in prohibited spaces | (No cases) | (No cases) | (No cases) |
| 1329: Regulated public order offences, n.e.c | (No cases) | (No cases) | (No cases) |
| 1331: Offensive language | (No cases) | (No cases) | (No cases) |
| 1332: Offensive behaviour | (No cases) | (No cases) | (No cases) |
| 1334: Cruelty to animals | (No cases) | (No cases) | (No cases) |
| 1411: Drive while licence disqualified cancelled or suspended | (No cases) | (No cases) | (No cases) |

Continued…

|  |  |  |  |
| --- | --- | --- | --- |
| Offence | Imprisonment with Determined Term (Months) | Imprisonment with partially suspended term (Months) | Imprisonment with fully suspended term (Months) |
| 1412: Drive without a licence | (No cases) | (No cases) | (No cases) |
| 1419: Driver licence offences, n.e.c. | (No cases) | (No cases) | (No cases) |
| 1421: Registration offences | (No cases) | (No cases) | (No cases) |
| 1422: Roadworthiness offences | (No cases) | (No cases) | (No cases) |
| 1431: Exceed prescribed content of alcohol or other substance | (No cases) | (No cases) | (No cases) |
| 1432: Exceed the legal speed limit | (No cases) | (No cases) | (No cases) |
| 1433: Parking offences | (No cases) | (No cases) | (No cases) |
| 1439: Regulatory driving offences, n.e.c. | (No cases) | (No cases) | (No cases) |
| 1511: Escape custody offences | (No cases) | (No cases) | (No cases) |
| 1513: Breach of suspended sentence | 6.73 | (No cases) | 16.80 |
| 1521: Breach of community service order | (No cases) | (No cases) | (No cases) |
| 1523: Breach of bail | (No cases) | (No cases) | (No cases) |
| 1524: Breach of bond – probation | (No cases) | (No cases) | (No cases) |
| 1525: Breach of bond – other | (No cases) | (No cases) | (No cases) |
| 1529: Breach of community based order, n.e.c. | (No cases) | (No cases) | (No cases) |
| 1531: Breach of violence order | (No cases) | (No cases) | (No cases) |
| 1532: Breach of non-violence orders | (No cases) | (No cases) | (No cases) |
| 1541: Resist or hinder government official (excluding 1562) | (No cases) | (No cases) | (No cases) |
| 1542: Bribery involving government officials | (No cases) | (No cases) | (No cases) |
| 1549: Offences against government operations, n.e.c. | (No cases) | (No cases) | (No cases) |
| 1561: Subvert the course of justice | 7.50 | 7.00 | 4.31 |
| 1562: Resist or hinder police officer or justice official | (No cases) | (No cases) | (No cases) |
| 1563: Prison regulation offences | (No cases) | (No cases) | (No cases) |
| 1569: Offences against justice procedures, n.e.c. | 9.00 | (No cases) | 3.00 |
| 1611: Defamation and libel | (No cases) | (No cases) | (No cases) |
| 1612: Offences against privacy | (No cases) | (No cases) | (No cases) |
| 1622: Disease prevention offences | (No cases) | (No cases) | (No cases) |
| 1623: Occupational health and safety offences | (No cases) | (No cases) | (No cases) |
| 1624: Transport regulation offences | (No cases) | (No cases) | (No cases) |
| 1625: Dangerous substances offences | (No cases) | (No cases) | (No cases) |
| 1629: Public health and safety offences, n.e.c. | (No cases) | (No cases) | (No cases) |
| 1631: Commercial/industry/financial regulation offence | (No cases) | (No cases) | (No cases) |
| 1691: Environmental regulation offences | (No cases) | (No cases) | 6.00 |
| 1694: Import/export regulations | (No cases) | (No cases) | (No cases) |
| 1699: Miscellaneous offences n.e.c. | (No cases) | (No cases) | (No cases) |
| 9999: Inadequately described | (No cases) | (No cases) | (No cases) |
| Grand Total | 28.58 | 11.87 | 6.63 |

In preparing the scenarios offenders were re-allocated to an alternative sentence type according to a selected scenario. A “No Change” Scenario and three new scenarios were developed as follows:

## The Scenarios

**The “No Change” Scenario:**

|  |  |  |
| --- | --- | --- |
| **Supreme Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | Fully Suspended Sentence | |
| Partially Suspended Sentence | Partially Suspended Sentence, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences | |
| **Magistrates Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | Fully Suspended Sentence | |
| Partially Suspended Sentence | Partially Suspended Sentence, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences | |

**Scenario 1:**

|  |  |  |
| --- | --- | --- |
| **Supreme Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for each offence type, taking into account standard practices on parole and remissions (as advised by Tasmanian Corrections) | |
| Partially Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences, combined with a CCO | |
| **Magistrates Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for similar offences | |
| Partially Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO | |

**Scenario 2:**

|  |  |  |
| --- | --- | --- |
| **Supreme Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | A 24-month CCO | |
| Partially Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for similar offences, combined with a CCO | |
| **Magistrates Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | A twelve month CCO | |
| Partially Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO | |

**Scenario 3:**

|  |  |  |
| --- | --- | --- |
| **Supreme Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | An assessment was made for each offence as to likely future sentencing practices, based on existing sentencing practices. This was the subject of discussion by the Council, which agreed with the approach and overall spread of sentences | |
| Partially Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences, combined with a CCO | |
| **Magistrates Court** |  |  |
| Previous Sentence | Revised Sentence | |
| Fully Suspended Sentence | An assessment was made for each offence as to likely future sentencing practices, based on existing sentencing practices. This was the subject of discussion by the Council, which agreed with the approach and overall spread of sentences | |
| Partially Suspended Sentence | Imprisonment with or without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO | |

The data entry for each of these scenarios is shown in Tables 8-11. For each offence category in Scenarios 2 and 3 some assumptions were made as to what sentence(s) should be substituted for the PSS/FSS, and - where appropriate - the average quantum for the sentence. The data in Tables 6-7 were used as a guide to average sentence quanta. As an example, the assumptions used in Table 9 for Scenario 2 are that:

* offenders previously given partially suspended sentences in the Supreme Court would instead receive a sentence of imprisonment without parole, the length being determined as the average sentence length imposed during 2011-14 in the Supreme Court for the same offences, combined with a CCO;
* offenders previously given partially suspended sentences in the Magistrates Court would instead receive a sentence of imprisonment without parole, the length being determined as the average sentence length imposed during 2011-14 in the Magistrates Court for the same offences, combined with a CCO;
* offenders previously given fully suspended sentences in the Magistrates or Supreme Court would instead receive a twelve months CCO.

At this point the model shows the total numbers of offenders according to the proposed new Scenario 2 sentencing structure, based on the period 2011-2014. In order to best reflect the annual trends over that period, the figures are pro-rated to match the total numbers of offenders given partially or fully suspended sentences in the most recent year (2014).

The resulting figures are assumed to represent the likely numbers of offenders sentenced per annum to alternatives to suspended sentences in the years immediately following the implementation of the changes in sentencing. Annual costs, as shown in Table 12, can then be applied to the results of each scenario, and compared with estimated costs for the same offenders under the previous sentencing patterns.

###### Table 8. Modelling the “No Change” Scenario – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Non-sexual offences against the person** |
| 0132: Driving causing death |  |  |  | 0.0 |  |  | 1 | 9.0 |
| 0211: Serious assault resulting in injury |  |  | 65 | 11.9 |  |  |  | 0.0 |
| 0212: Serious assault not resulting in injury |  |  | 1 | 9.0 |  |  | 33 | 5.4 |
| 0213: Common assault |  |  | 0 | 0.0 |  |  | 148 | 5.6 |
| 0291: Stalking |  |  | 0 | 0.0 |  |  | 4 | 7.3 |
| 0491: Neglect or ill-treatment of persons under care |  |  | 2 | 10.0 |  |  |  | 0.0 |
| 0511: Abduction and kidnapping |  |  | 0 | 0.0 |  |  |  | 0.0 |
| 0299: Other acts intended to cause injury |  |  |  | 0.0 |  |  |  | 0.0 |
| 0499: Other dangerous or negligent acts endangering persons |  |  |  | 0.0 |  |  | 9 | 8.3 |
| 0521: Deprivation of liberty/false imprisonment |  |  |  | 0.0 |  |  |  | 0.0 |
| 0532: Threatening behaviour |  |  |  | 0.0 |  |  |  | 0.0 |
| 0611: Aggravated robbery |  |  | 23 | 15.4 |  |  |  | 0.0 |
| 0612: Non-aggravated robbery |  |  | 11 | 10.9 |  |  |  | 0.0 |
| 0621: Blackmail and extortion |  |  |  | 0.0 |  |  |  | 0.0 |
| **Sexual offences** |  |  |  |  |  |  |  |  |
| 0311: Aggravated sexual assault |  |  | 13 | 12.3 |  |  |  | 0.0 |
| 0312: Non-aggravated sexual assault |  |  | 1 | 10.0 |  |  | 8 | 5.5 |
| 0321: Non-assaultive sexual offences against child |  |  |  | 0.0 |  |  |  | 0.0 |
| 0322: Child pornography offences |  |  | 5 | 11.2 |  |  | 2 | 9.0 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Property offences** |  |  |  |  |  |  |  |  |
| 0711: Unlawful entry with intent/burglary |  |  | 7 | 11.9 |  |  | 77 | 5.4 |
| 0811: Theft of a motor vehicle |  |  | 0 | 0.0 |  |  | 10 | 4.7 |
| 0812: Illegal use of a motor vehicle |  |  |  | 0.0 |  |  |  | 0.0 |
| 0821: Theft from a person (excluding by force) |  |  | 1 | 24.0 |  |  | 31 | 5.2 |
| 0823: Theft of goods from retail premises |  |  | 1 | 10.0 |  |  |  | 0.0 |
| 0829 Theft (except motor vehicles) |  |  |  | 0.0 |  |  |  | 0.0 |
| 0831: Receive or handle proceeds of crime |  |  | 0 | 0.0 |  |  | 5 | 2.9 |
| 0911: Obtain benefit by deception |  |  | 3 | 13.3 |  |  | 6 | 8.1 |
| 0922: Forgery of documents |  |  | 1 | 12.0 |  |  | 1 | 6.0 |
| 0931: Fraudulent trade practices |  |  | 1 | 12.0 |  |  |  | 0.0 |
| 0933: Illegal non-fraudulent trade practices |  |  | 2 | 11.0 |  |  | 13 | 6.2 |
| 0991: Dishonest conversion |  |  | 4 | 8.8 |  |  | 0 | 0.0 |
| 0999: Other fraud and Deception offences |  |  |  | 0.0 |  |  | 1 | 2.9 |
| 1211: Arson |  |  | 18 | 11.9 |  |  |  | 0.0 |
| 1219: Property damage |  |  | 2 | 6.5 |  |  | 12 | 3.2 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Traffic offences** |  |  |  |  |  |  |  |  |
| 0411: Driving under the influence of alcohol or other substance |  |  |  | 0.0 |  |  | 31 | 6.7 |
| 0412: Dangerous or negligent operation of a vehicle |  |  |  | 0.0 |  |  | 27 | 6.4 |
| 1411: Drive while licence disqualified cancelled or suspended |  |  |  | 0.0 |  |  | 46 | 2.8 |
| 1412: Drive without a licence |  |  |  | 0.0 |  |  | 1 | 6.0 |
| 1419: Driver licence offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1421: Registration offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1422: Roadworthiness offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1431: Exceed the prescribed content of alcohol or other substance limit |  |  |  | 0.0 |  |  | 174 | 4.7 |
| 1432: Exceed the legal speed limit |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1439: Regulatory driving offences |  |  |  | 0.0 |  |  | 1 | 2.0 |
| 1441: Pedestrian offences |  |  |  | 0.0 |  |  |  | 0.0 |
| **Drug offences** |  |  |  |  |  |  |  |  |
| 1011: Import illicit drugs |  |  |  | 0.0 |  |  |  | 0.0 |
| 1021: Deal or traffic in illicit drugs - commercial qty |  |  | 25 | 10.6 |  |  |  | 0.0 |
| 1022: Deal or traffic in illicit drugs - non-commercial qty |  |  |  | 0.0 |  |  | 13 | 6.4 |
| 1031: Manufacture illicit drugs |  |  |  | 0.0 |  |  | 2 | 4.5 |
| 1032: Cultivate illicit drugs |  |  | 3 | 6.7 |  |  | 10 | 7.5 |
| 1041: Possess illicit drug |  |  | 0 | 0.0 |  |  | 1 | 2.0 |
| 1042: Use illicit drug |  |  | 0 | 0.0 |  |  | 0 | 0.0 |
| 1099: Other Illicit drug offences |  |  | 0 | 0.0 |  |  | 0 | 0.0 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Other offences** |  |  |  |  |  |  |  |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives |  |  | 0 | 0.0 |  |  | 5 | 5.4 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives |  |  |  | 0.0 |  |  | 3 | 4.3 |
| 1122: Misuse of regulated weapons/explosives |  |  | 1 | 3.0 |  |  | 0 | 0.0 |
| 1123: Deal or traffic regulated weapons/explosives offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1129: Regulated weapons/explosives offences |  |  |  | 0.0 |  |  |  | 0.0 |
| 1229: Environmental pollution offences |  |  |  | 0.0 |  |  |  | 0.0 |
| 1311: Trespass |  |  | 0 | 0.0 |  |  | 0 | 0.0 |
| 1312: Criminal intent |  |  | 1 | 11.9 |  |  | 1 | 2.9 |
| 1313: Riot and affray |  |  |  | 0.0 |  |  |  | 0.0 |
| 1319: Disorderly conduct |  |  |  | 0.0 |  |  | 2 | 2.5 |
| 1323: Censorship offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1325: Offences against public order sexual standards |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1326: Consumption of legal substances in prohibited spaces |  |  |  | 0.0 |  |  |  | 0.0 |
| 1329: Regulated public order offences |  |  |  | 0.0 |  |  |  | 0.0 |
| 1331: Abusive language |  |  | 0 | 0.0 |  |  | 1 | 5.4 |
| 1332: Offensive behaviour |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1334: Cruelty to animals |  |  |  | 0.0 |  |  | 2 | 2.5 |
| 1411: Drive while licence disqualified or suspended |  |  | 0 | 0.0 |  |  |  | 0.0 |
| 1412: Drive without a licence |  |  | 0 | 0.0 |  |  |  | 0.0 |
| 1431: Exceed prescribed content of alcohol or other |  |  |  | 0.0 |  |  |  | 0.0 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| 1511: Escape custody offences |  |  |  | 0.0 |  |  | 1 | 3.2 |
| 1513: Breach of suspended sentence |  |  |  | 0.0 |  |  |  | 0.0 |
| 1521: Breach of community service order |  |  |  | 0.0 |  |  | 1 | 2.0 |
| 1523: Breach of bail |  |  |  | 0.0 |  |  | 26 | 3.9 |
| 1524: Breach of bond - probation |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1525: Breach of bond - other |  |  |  | 0.0 |  |  |  | 0.0 |
| 1531: Breach of violence order |  |  | 0 | 0.0 |  |  | 21 | 3.1 |
| 1532: Breach of non-violence orders |  |  |  | 0.0 |  |  | 4 | 3.6 |
| 1541: Resist or hinder government official (excluding 1562) |  |  |  | 0.0 |  |  | 1 | 3.0 |
| 1561: Subvert the course of justice |  |  | 4 | 7.0 |  |  | 3 | 8.0 |
| 1562: Resist or hinder police officer or justice official |  |  | 0 | 0.0 |  |  | 7 | 3.1 |
| 1563: Prison regulation offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1569: Offences against justice procedures, |  |  |  | 0.0 |  |  | 2 | 3.0 |
| 1612: Offences against privacy |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1621: Sanitation offences |  |  |  | 0.0 |  |  |  | 0.0 |
| 1622: Disease prevention offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 1624: Transport regulation offences |  |  |  | 0.0 |  |  | 1 | 6.0 |
| 1629: Public health and safety offences |  |  |  | 0.0 |  |  | 1 | 4.0 |
| 1691: Environmental regulation offences |  |  |  | 0.0 |  |  | 0 | 0.0 |
| 9999: Inadequately described |  |  |  | 0.0 |  |  |  | 0.0 |
|  | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** |
| **Grand Totals** |  |  | 195 | 11.8 |  |  | 749 | 5.1 |

###### Table 9. Modelling Scenario 1 – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Non-sexual offences against the person** |
| 0132: Driving causing death |  | 0.0 |  | 0.0 | 6 | 4.0 | 1 | 9.0 |
| 0211: Serious assault resulting in injury | 84 | 6.7 | 65 | 11.9 |  | 0.0 |  | 0.0 |
| 0212: Serious assault not resulting in injury | 2 | 7.0 | 1 | 9.0 | 123 | 2.6 | 33 | 5.4 |
| 0213: Common assault | 1 | 3.0 | 0 | 0.0 | 590 | 2.8 | 148 | 5.6 |
| 0291: Stalking |  | 0.0 | 0 | 0.0 | 3 | 3.0 | 4 | 7.3 |
| 0491: Neglect or ill-treatment of persons under care |  | 0.0 | 2 | 10.0 |  | 0.0 |  | 0.0 |
| 0511: Abduction and kidnapping |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |
| 0299: Other acts intended to cause injury | 0 | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0499: Other dangerous or negligent acts endangering persons |  | 0.0 |  | 0.0 | 33 | 4.4 | 9 | 8.3 |
| 0521: Deprivation of liberty/false imprisonment |  | 0.0 |  | 0.0 | 2 | 1.5 |  | 0.0 |
| 0532: Threatening behaviour | 1 | 2.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0611: Aggravated robbery | 17 | 8.8 | 23 | 15.4 |  | 0.0 |  | 0.0 |
| 0612: Non-aggravated robbery | 12 | 6.9 | 11 | 10.9 |  | 0.0 |  | 0.0 |
| 0621: Blackmail and extortion |  | 0.0 |  | 0.0 | 1 | 1.0 |  | 0.0 |
| **Sexual offences** |  |  |  |  |  |  |  |  |
| 0311: Aggravated sexual assault | 25 | 6.8 | 13 | 12.3 |  | 0.0 |  | 0.0 |
| 0312: Non-aggravated sexual assault | 1 | 1.0 | 1 | 10.0 | 18 | 3.1 | 8 | 5.5 |
| 0321: Non-assaultive sexual offences against child | 3 | 4.3 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0322: Child pornography offences | 8 | 5.7 | 5 | 11.2 | 4 | 2.8 | 2 | 9.0 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Property offences** |  |  |  |  |  |  |  |  |
| 0711: Unlawful entry with intent/burglary | 7 | 6.6 | 7 | 11.9 | 266 | 1.0 | 77 | 5.4 |
| 0811: Theft of a motor vehicle | 0 | 0.0 | 0 | 0.0 | 56 | 2.7 | 10 | 4.7 |
| 0812: Illegal use of a motor vehicle |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| 0821: Theft from a person (excluding by force) | 4 | 5.5 | 1 | 24.0 | 269 | 2.4 | 31 | 5.2 |
| 0823: Theft of goods from retail premises | 2 | 7.5 | 1 | 10.0 |  | 0.0 |  | 0.0 |
| 0829 Theft (except motor vehicles) | 0 | 0.0 |  | 0.0 | 5 | 2.6 |  | 0.0 |
| 0831: Receive or handle proceeds of crime | 3 | 5.0 | 0 | 0.0 | 66 | 2.2 | 5 | 2.9 |
| 0911: Obtain benefit by deception | 9 | 7.3 | 3 | 13.3 | 16 | 3.3 | 6 | 8.1 |
| 0922: Forgery of documents | 5 | 7.4 | 1 | 12.0 | 12 | 6.4 | 1 | 6.0 |
| 0931: Fraudulent trade practices | 1 | 12.0 | 1 | 12.0 |  | 0.0 |  | 0.0 |
| 0933: Illegal non-fraudulent trade practices | 2 | 2.5 | 2 | 11.0 | 48 | 3.5 | 13 | 6.2 |
| 0991: Dishonest conversion | 2 | 7.0 | 4 | 8.8 | 1 | 3.0 | 0 | 0.0 |
| 0999: Other fraud and Deception offences |  | 0.0 |  | 0.0 | 27 | 2.3 | 1 | 2.9 |
| 1211: Arson | 47 | 6.6 | 18 | 11.9 | 1 | 2.6 |  | 0.0 |
| 1219: Property damage | 2 | 5.5 | 2 | 6.5 | 71 | 1.8 | 12 | 3.2 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Traffic offences** |  |  |  |  |  |  |  |  |
| 0411: Driving under the influence of alcohol or other substance |  | 0.0 |  | 0.0 | 126 | 3.3 | 31 | 6.7 |
| 0412: Dangerous or negligent operation of a vehicle |  | 0.0 |  | 0.0 | 103 | 3.4 | 27 | 6.4 |
| 1411: Drive while licence disqualified cancelled or suspended |  | 0.0 |  | 0.0 | 547 | 1.7 | 46 | 2.8 |
| 1412: Drive without a licence |  | 0.0 |  | 0.0 | 94 | 1.3 | 1 | 6.0 |
| 1419: Driver licence offences |  | 0.0 |  | 0.0 | 7 | 1.4 | 0 | 0.0 |
| 1421: Registration offences |  | 0.0 |  | 0.0 | 5 | 0.5 | 0 | 0.0 |
| 1422: Roadworthiness offences |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1431: Exceed the prescribed content of alcohol or other substance limit |  | 0.0 |  | 0.0 | 1076 | 2.5 | 174 | 4.7 |
| 1432: Exceed the legal speed limit |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1439: Regulatory driving offences |  | 0.0 |  | 0.0 | 15 | 2.4 | 1 | 2.0 |
| 1441: Pedestrian offences |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| **Drug offences** |  |  |  |  |  |  |  |  |
| 1011: Import illicit drugs |  | 0.0 |  | 0.0 | 3 | 1.3 |  | 0.0 |
| 1021: Deal or traffic in illicit drugs - commercial qty | 135 | 6.0 | 25 | 10.6 |  | 0.0 |  | 0.0 |
| 1022: Deal or traffic in illicit drugs - non-commercial qty |  | 0.0 |  | 0.0 | 119 | 3.4 | 13 | 6.4 |
| 1031: Manufacture illicit drugs | 0 | 0.0 |  | 0.0 | 2 | 3.0 | 2 | 4.5 |
| 1032: Cultivate illicit drugs | 31 | 5.2 | 3 | 6.7 | 79 | 2.6 | 10 | 7.5 |
| 1041: Possess illicit drug | 1 | 5.0 | 0 | 0.0 | 42 | 2.0 | 1 | 2.0 |
| 1042: Use illicit drug | 0 | 0.0 | 0 | 0.0 | 1 | 2.0 | 0 | 0.0 |
| 1099: Other Illicit drug offences | 0 | 0.0 | 0 | 0.0 | 0 |  | 0 | 0.0 |

Continued…

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| **Other offences** |  |  |  |  |  |  |  |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives |  | 0.0 | 0 | 0.0 | 15 | 4.4 | 5 | 5.4 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives | 0 | 0.0 |  | 0.0 | 29 | 4.3 | 3 | 4.3 |
| 1122: Misuse of regulated weapons/explosives | 0 | 0.0 | 1 | 3.0 | 5 | 3.1 | 0 | 0.0 |
| 1123: Deal or traffic regulated weapons/explosives offences |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1129: Regulated weapons/explosives offences |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| 1229: Environmental pollution offences |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| 1311: Trespass | 0 | 0.0 | 0 | 0.0 | 13 | 1.6 | 0 | 0.0 |
| 1312: Criminal intent | 0 | 0.0 | 1 | 11.9 | 3 | 2.5 | 1 | 2.9 |
| 1313: Riot and affray | 2 | 7.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 1319: Disorderly conduct | 0 | 0.0 |  | 0.0 | 10 | 1.4 | 2 | 2.5 |
| 1323: Censorship offences |  | 0.0 |  | 0.0 | 1 | 3.0 | 0 | 0.0 |
| 1325: Offences against public order sexual standards | 0 | 0.0 |  | 0.0 | 1 | 3.0 | 0 | 0.0 |
| 1326: Consumption of legal substances in prohibited spaces |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| 1329: Regulated public order offences |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| 1331: Abusive language | 0 | 0.0 | 0 | 0.0 | 12 | 2.6 | 1 | 5.4 |
| 1332: Offensive behaviour |  | 0.0 |  | 0.0 | 3 | 1.7 | 0 | 0.0 |
| 1334: Cruelty to animals |  | 0.0 |  | 0.0 | 7 | 1.6 | 2 | 2.5 |
| 1411: Drive while licence disqualified or suspended | 0 | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |
| 1412: Drive without a licence | 0 | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |
| 1431: Exceed prescribed content of alcohol or other | 0 | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |

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|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** |
| 1511: Escape custody offences |  | 0.0 |  | 0.0 | 5 | 1.5 | 1 | 3.2 |
| 1513: Breach of suspended sentence | 6 | 16.8 |  | 0.0 | 7 | 0.0 |  | 0.0 |
| 1521: Breach of community service order |  | 0.0 |  | 0.0 | 3 | 0.4 | 1 | 2.0 |
| 1523: Breach of bail |  | 0.0 |  | 0.0 | 160 | 1.7 | 26 | 3.9 |
| 1524: Breach of bond - probation |  | 0.0 |  | 0.0 | 1 | 5.0 | 0 | 0.0 |
| 1525: Breach of bond - other |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
| 1531: Breach of violence order | 0 | 0.0 | 0 | 0.0 | 96 | 1.6 | 21 | 3.1 |
| 1532: Breach of non-violence orders |  | 0.0 |  | 0.0 | 16 | 1.4 | 4 | 3.6 |
| 1541: Resist or hinder government official (excluding 1562) |  | 0.0 |  | 0.0 | 3 | 2.8 | 1 | 3.0 |
| 1561: Subvert the course of justice | 13 | 4.3 | 4 | 7.0 | 29 | 2.5 | 3 | 8.0 |
| 1562: Resist or hinder police officer or justice official | 0 | 0.0 | 0 | 0.0 | 60 | 1.9 | 7 | 3.1 |
| 1563: Prison regulation offences |  | 0.0 |  | 0.0 | 3 | 1.3 | 0 | 0.0 |
| 1569: Offences against justice procedures, | 1 | 3.0 |  | 0.0 | 23 | 1.8 | 2 | 3.0 |
| 1612: Offences against privacy |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1621: Sanitation offences | 0 | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 1622: Disease prevention offences |  | 0.0 |  | 0.0 | 3 | 2.0 | 0 | 0.0 |
| 1624: Transport regulation offences |  | 0.0 |  | 0.0 | 1 | 3.0 | 1 | 6.0 |
| 1629: Public health and safety offences |  | 0.0 |  | 0.0 | 1 | 2.5 | 1 | 4.0 |
| 1691: Environmental regulation offences | 1 | 6.0 |  | 0.0 | 5 | 2.0 | 0 | 0.0 |
| 9999: Inadequately described |  | 0.0 |  | 0.0 | 0 | 0.0 |  | 0.0 |
|  | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** |
| **Grand Totals** | 428 | 6.4 | 195 | 11.8 | 4352 | 2.3 | 749 | 5.1 |

###### Table 10. Modelling Scenario 2 – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** |
| **Non-sexual offences against the person** |  | | | | | | | | | |
| 0132: Driving causing death |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 9.0 | 6 | 12.0 |
| 0211: Serious assault resulting in injury |  | 0.0 | 65 | 11.9 |  | 0.0 |  | 0.0 | 84 | 24.0 |
| 0212: Serious assault not resulting in injury |  | 0.0 | 1 | 9.0 |  | 0.0 | 33 | 5.4 | 125 | 12.2 |
| 0213: Common assault |  | 0.0 | 0 | 0.0 |  | 0.0 | 148 | 5.6 | 591 | 12.0 |
| 0291: Stalking |  | 0.0 | 0 | 0.0 |  | 0.0 | 4 | 7.3 | 3 | 12.0 |
| 0491: Neglect or ill-treatment of persons under care |  | 0.0 | 2 | 10.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0511: Abduction and kidnapping |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0299: Other acts intended to cause injury |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0499: Other dangerous or negligent acts endangering persons |  | 0.0 |  | 0.0 |  | 0.0 | 9 | 8.3 | 33 | 12.0 |
| 0521: Deprivation of liberty/false imprisonment |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 12.0 |
| 0532: Threatening behaviour |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 24.0 |
| 0611: Aggravated robbery |  | 0.0 | 23 | 15.4 |  | 0.0 |  | 0.0 | 17 | 24.0 |
| 0612: Non-aggravated robbery |  | 0.0 | 11 | 10.9 |  | 0.0 |  | 0.0 | 12 | 24.0 |
| 0621: Blackmail and extortion |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 12.0 |
| **Sexual offences** |  |  |  |  |  |  |  |  |  |  |
| 0311: Aggravated sexual assault |  | 0.0 | 13 | 12.3 |  | 0.0 |  | 0.0 | 25 | 24.0 |
| 0312: Non-aggravated sexual assault |  | 0.0 | 1 | 10.0 |  | 0.0 | 8 | 5.5 | 19 | 12.6 |
| 0321: Non-assaultive sexual offences against child |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 3 | 24.0 |
| 0322: Child pornography offences |  | 0.0 | 5 | 11.2 |  | 0.0 | 2 | 9.0 | 12 | 20.0 |

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|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** |
| **Property offences** |  |  |  |  |  |  |  |  |  |  |
| 0711: Unlawful entry with intent/burglary |  | 0.0 | 7 | 11.9 |  | 0.0 | 77 | 5.4 | 273 | 12.3 |
| 0811: Theft of a motor vehicle |  | 0.0 | 0 | 0.0 |  | 0.0 | 10 | 4.7 | 56 | 12.0 |
| 0812: Illegal use of a motor vehicle |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0821: Theft from a person (excluding by force) |  | 0.0 | 1 | 24.0 |  | 0.0 | 31 | 5.2 | 273 | 12.2 |
| 0823: Theft of goods from retail premises |  | 0.0 | 1 | 10.0 |  | 0.0 |  | 0.0 | 2 | 24.0 |
| 0829 Theft (except motor vehicles) |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 5 | 12.0 |
| 0831: Receive or handle proceeds of crime |  | 0.0 | 0 | 0.0 |  | 0.0 | 5 | 2.9 | 69 | 12.5 |
| 0911: Obtain benefit by deception |  | 0.0 | 3 | 13.3 |  | 0.0 | 6 | 8.1 | 25 | 16.3 |
| 0922: Forgery of documents |  | 0.0 | 1 | 12.0 |  | 0.0 | 1 | 6.0 | 17 | 15.5 |
| 0931: Fraudulent trade practices |  | 0.0 | 1 | 12.0 |  | 0.0 |  | 0.0 | 1 | 24.0 |
| 0933: Illegal non-fraudulent trade practices |  | 0.0 | 2 | 11.0 |  | 0.0 | 13 | 6.2 | 50 | 12.5 |
| 0991: Dishonest conversion |  | 0.0 | 4 | 8.8 |  | 0.0 | 0 | 0.0 | 3 | 20.0 |
| 0999: Other fraud and Deception offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 2.9 | 27 | 12.0 |
| 1211: Arson |  | 0.0 | 18 | 11.9 |  | 0.0 |  | 0.0 | 48 | 23.8 |
| 1219: Property damage |  | 0.0 | 2 | 6.5 |  | 0.0 | 12 | 3.2 | 73 | 12.3 |

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|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** |
| **Traffic offences** |  |  |  |  |  |  |  |  |  |  |
| 0411: Driving under the influence of alcohol or other substance |  | 0.0 |  | 0.0 |  | 0.0 | 31 | 6.7 | 126 | 12.0 |
| 0412: Dangerous or negligent operation of a vehicle |  | 0.0 |  | 0.0 |  | 0.0 | 27 | 6.4 | 103 | 12.0 |
| 1411: Drive while licence disqualified cancelled or suspended |  | 0.0 |  | 0.0 |  | 0.0 | 46 | 2.8 | 547 | 12.0 |
| 1412: Drive without a licence |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 6.0 | 94 | 12.0 |
| 1419: Driver licence offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 7 | 12.0 |
| 1421: Registration offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 5 | 12.0 |
| 1422: Roadworthiness offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1431: Exceed the prescribed content of alcohol or other substance limit |  | 0.0 |  | 0.0 |  | 0.0 | 174 | 4.7 | 1076 | 12.0 |
| 1432: Exceed the legal speed limit |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1439: Regulatory driving offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 2.0 | 15 | 12.0 |
| 1441: Pedestrian offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| **Drug offences** |  |  |  |  |  |  |  |  |  |  |
| 1011: Import illicit drugs |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 3 | 12.0 |
| 1021: Deal or traffic in illicit drugs - commercial qty |  | 0.0 | 25 | 10.6 |  | 0.0 |  | 0.0 | 135 | 24.0 |
| 1022: Deal or traffic in illicit drugs - non-commercial qty |  | 0.0 |  | 0.0 |  | 0.0 | 13 | 6.4 | 119 | 12.0 |
| 1031: Manufacture illicit drugs |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 4.5 | 2 | 12.0 |
| 1032: Cultivate illicit drugs |  | 0.0 | 3 | 6.7 |  | 0.0 | 10 | 7.5 | 110 | 15.4 |
| 1041: Possess illicit drug |  | 0.0 | 0 | 0.0 |  | 0.0 | 1 | 2.0 | 43 | 12.3 |
| 1042: Use illicit drug |  | 0.0 | 0 | 0.0 |  | 0.0 | 0 | 0.0 | 1 | 12.0 |
| 1099: Other Illicit drug offences |  | 0 | 0 | 0.0 |  |  | 0 | 0.0 | 0 | 0.0 |

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|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** |
| **Other offences** |  |  |  |  |  |  |  |  |  |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives |  | 0.0 | 0 | 0.0 |  | 0.0 | 5 | 5.4 | 15 | 12.0 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives |  | 0.0 |  | 0.0 |  | 0.0 | 3 | 4.3 | 29 | 12.0 |
| 1122: Misuse of regulated weapons/explosives |  | 0.0 | 1 | 3.0 |  | 0.0 | 0 | 0.0 | 5 | 12.0 |
| 1123: Deal or traffic regulated weapons/explosives offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1129: Regulated weapons/explosives offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1229: Environmental pollution offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1311: Trespass |  | 0.0 | 0 | 0.0 |  | 0.0 | 0 | 0.0 | 13 | 12.0 |
| 1312: Criminal intent |  | 0.0 | 1 | 11.9 |  | 0.0 | 1 | 2.9 | 3 | 12.0 |
| 1313: Riot and affray |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 24.0 |
| 1319: Disorderly conduct |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 2.5 | 10 | 12.0 |
| 1323: Censorship offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 1 | 12.0 |
| 1325: Offences against public order sexual standards |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 1 | 12.0 |
| 1326: Consumption of legal substances in prohibited spaces |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1329: Regulated public order offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1331: Abusive language |  | 0.0 | 0 | 0.0 |  | 0.0 | 1 | 5.4 | 12 | 12.0 |
| 1332: Offensive behaviour |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 3 | 12.0 |
| 1334: Cruelty to animals |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 2.5 | 7 | 12.0 |
| 1411: Drive while licence disqualified or suspended |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1412: Drive without a licence |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1431: Exceed prescribed content of alcohol or other |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |

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|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** |
| 1511: Escape custody offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 3.2 | 5 | 12.0 |
| 1513: Breach of suspended sentence |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 13 | 17.5 |
| 1521: Breach of community service order |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 2.0 | 3 | 12.0 |
| 1523: Breach of bail |  | 0.0 |  | 0.0 |  | 0.0 | 26 | 3.9 | 160 | 12.0 |
| 1524: Breach of bond - probation |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 1 | 12.0 |
| 1525: Breach of bond - other |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1531: Breach of violence order |  | 0.0 | 0 | 0.0 |  | 0.0 | 21 | 3.1 | 96 | 12.0 |
| 1532: Breach of non-violence orders |  | 0.0 |  | 0.0 |  | 0.0 | 4 | 3.6 | 16 | 12.0 |
| 1541: Resist or hinder government official (excluding 1562) |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 3.0 | 3 | 12.0 |
| 1561: Subvert the course of justice |  | 0.0 | 4 | 7.0 |  | 0.0 | 3 | 8.0 | 42 | 15.7 |
| 1562: Resist or hinder police officer or justice official |  | 0.0 | 0 | 0.0 |  | 0.0 | 7 | 3.1 | 60 | 12.0 |
| 1563: Prison regulation offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 3 | 12.0 |
| 1569: Offences against justice procedures, |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 3.0 | 24 | 12.5 |
| 1612: Offences against privacy |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 1621: Sanitation offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 1622: Disease prevention offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 3 | 12.0 |
| 1624: Transport regulation offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 6.0 | 1 | 12.0 |
| 1629: Public health and safety offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 4.0 | 1 | 12.0 |
| 1691: Environmental regulation offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 | 6 | 14.0 |
| 9999: Inadequately described |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
|  | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** |
| **Grand Totals** | 0 | 0.0 | 195 | 11.8 | 0 | 0.0 | 749 | 5.1 | 4780 | 13.1 |

###### Table 11. Modelling Scenario 3 – Proposed Numbers of Offenders by Sentences by Level of Court, Sentence Type and most serious offence

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **Drug and alcohol treatment order with a two year review period** | **Average Quantum per Sentence (Months)** |
| **Non-sexual offences against the person** |  | | | | | | | | | |
| 0132: Driving causing death |  | 0.0 |  | 0.0 |  | 0.0 | 3 | 9.0 |  |  |
| 0211: Serious assault resulting in injury | 20 | 6.0 | 85 | 11.9 |  | 0.0 |  | 0.0 |  |  |
| 0212: Serious assault not resulting in injury | 1 | 7.0 | 2 | 9.0 | 7 | 2.6 | 42 | 5.4 |  |  |
| 0213: Common assault | 1 | 3.0 | 0 | 0.0 | 40 | 2.8 | 173 | 5.6 |  |  |
| 0291: Stalking |  | 0.0 | 0 | 0.0 | 1 | 3.0 | 4 | 7.3 |  |  |
| 0491: Neglect or ill-treatment of persons under care |  | 0.0 | 2 | 10.0 |  | 0.0 |  | 0.0 |  |  |
| 0511: Abduction and kidnapping |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 0299: Other acts intended to cause injury |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 0499: Other dangerous or negligent acts endangering persons |  | 0.0 |  | 0.0 | 3 | 4.4 | 11 | 8.3 |  |  |
| 0521: Deprivation of liberty/false imprisonment |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 0532: Threatening behaviour |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 0611: Aggravated robbery | 10 | 8.8 | 28 | 15.4 |  | 0.0 |  | 0.0 |  |  |
| 0612: Non-aggravated robbery | 3 | 6.9 | 16 | 10.9 |  | 0.0 |  | 0.0 |  |  |
| 0621: Blackmail and extortion |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| **Sexual offences** |  |  |  |  |  |  |  |  |  |  |
| 0311: Aggravated sexual assault | 11 | 6.8 | 19 | 12.3 |  | 0.0 |  | 0.0 | 11 | 6.8 |
| 0312: Non-aggravated sexual assault | 1 | 1.0 | 1 | 10.0 | 1 | 3.1 | 13 | 5.5 | 1 | 1.0 |
| 0321: Non-assaultive sexual offences against child | 1 | 4.3 |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 4.3 |
| 0322: Child pornography offences | 3 | 5.7 | 8 | 11.2 |  | 0.0 | 3 | 9.0 | 3 | 5.7 |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **Drug and alcohol treatment order with a two year review period** | **Average Quantum per Sentence (Months)** |
| **Property offences** |  |  |  |  |  |  |  |  |  |  |
| 0711: Unlawful entry with intent/burglary | 4 | 6.6 | 8 | 11.9 | 50 | 1.0 | 117 | 5.4 | 4 | 6.6 |
| 0811: Theft of a motor vehicle |  | 0.0 | 0 | 0.0 | 13 | 2.7 | 13 | 4.7 |  | 0.0 |
| 0812: Illegal use of a motor vehicle |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0821: Theft from a person (excluding by force) | 2 | 5.5 | 2 | 24.0 | 17 | 2.4 | 36 | 5.2 | 2 | 5.5 |
| 0823: Theft of goods from retail premises | 1 | 7.5 | 2 | 10.0 |  | 0.0 |  | 0.0 | 1 | 7.5 |
| 0829 Theft (except motor vehicles) | 0 | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |
| 0831: Receive or handle proceeds of crime | 1 | 5.0 | 1 | 11.9 | 6 | 2.2 | 6 | 2.9 | 1 | 5.0 |
| 0911: Obtain benefit by deception | 4 | 7.3 | 6 | 13.3 | 1 | 3.3 | 8 | 8.1 | 4 | 7.3 |
| 0922: Forgery of documents | 3 | 7.4 | 2 | 12.0 | 2 | 6.4 | 2 | 6.0 | 3 | 7.4 |
| 0931: Fraudulent trade practices |  | 0.0 | 2 | 12.0 |  | 0.0 |  | 0.0 |  | 0.0 |
| 0933: Illegal non-fraudulent trade practices | 1 | 2.5 | 3 | 11.0 | 3 | 3.5 | 16 | 6.2 | 1 | 2.5 |
| 0991: Dishonest conversion | 1 | 7.0 | 5 | 8.8 |  | 0.0 | 0 | 0.0 | 1 | 7.0 |
| 0999: Other fraud and Deception offences |  | 0.0 |  | 0.0 | 2 | 2.3 | 1 | 2.9 |  | 0.0 |
| 1211: Arson | 9 | 6.6 | 31 | 11.9 |  | 0.0 | 1 | 5.4 | 9 | 6.6 |
| 1219: Property damage | 1 | 5.5 | 3 | 6.5 | 2 | 1.8 | 13 | 3.2 | 1 | 5.5 |

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|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **Drug and alcohol treatment order with a two year review period** | **Average Quantum per Sentence (Months)** |
| **Traffic offences** |  |  |  |  |  |  |  |  |  |  |
| 0411: Driving under the influence of alcohol or other substance |  | 0.0 |  | 0.0 |  | 0.0 | 31 | 6.7 |  |  |
| 0412: Dangerous or negligent operation of a vehicle |  | 0.0 |  | 0.0 |  | 0.0 | 27 | 6.4 |  |  |
| 1411: Drive while licence disqualified cancelled or suspended |  | 0.0 |  | 0.0 |  | 0.0 | 46 | 2.8 |  |  |
| 1412: Drive without a licence |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 6.0 |  |  |
| 1419: Driver licence offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1421: Registration offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1422: Roadworthiness offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1431: Exceed the prescribed content of alcohol or other substance limit |  | 0.0 |  | 0.0 |  | 0.0 | 174 | 4.7 |  |  |
| 1432: Exceed the legal speed limit |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1439: Regulatory driving offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 2.0 |  |  |
| 1441: Pedestrian offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| **Drug offences** |  |  |  |  |  |  |  |  |  |  |
| 1011: Import illicit drugs |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1021: Deal or traffic in illicit drugs - commercial qty |  | 0.0 | 25 | 10.6 |  | 0.0 |  | 0.0 |  |  |
| 1022: Deal or traffic in illicit drugs - non-commercial qty |  | 0.0 |  | 0.0 |  | 0.0 | 13 | 6.4 |  |  |
| 1031: Manufacture illicit drugs |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 4.5 |  |  |
| 1032: Cultivate illicit drugs |  | 0.0 | 3 | 6.7 |  | 0.0 | 10 | 7.5 |  |  |
| 1041: Possess illicit drug |  | 0.0 | 0 | 0.0 |  | 0.0 | 1 | 2.0 |  |  |
| 1042: Use illicit drug |  | 0.0 | 0 | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1099: Other Illicit drug offences |  | 0 | 0 | 0.0 |  |  | 0 | 0.0 |  |  |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **Drug and alcohol treatment order with a two year review period** | **Average Quantum per Sentence (Months)** |
| **Other offences** |  |  |  |  |  |  |  |  |  |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives |  | 0.0 | 0 | 0.0 |  | 0.0 | 5 | 5.4 |  |  |
| 1121: Unlawfully obtain or possess regulated weapons/explosives |  | 0.0 |  | 0.0 |  | 0.0 | 3 | 4.3 |  |  |
| 1122: Misuse of regulated weapons/explosives |  | 0.0 | 1 | 3.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1123: Deal or traffic regulated weapons/explosives offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1129: Regulated weapons/explosives offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1229: Environmental pollution offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1311: Trespass |  | 0.0 | 0 | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1312: Criminal intent |  | 0.0 | 1 | 11.9 |  | 0.0 | 1 | 2.9 |  |  |
| 1313: Riot and affray |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1319: Disorderly conduct |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 2.5 |  |  |
| 1323: Censorship offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1325: Offences against public order sexual standards |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1326: Consumption of legal substances in prohibited spaces |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1329: Regulated public order offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1331: Abusive language |  | 0.0 | 0 | 0.0 |  | 0.0 | 1 | 5.4 |  |  |
| 1332: Offensive behaviour |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1334: Cruelty to animals |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 2.5 |  |  |
| 1411: Drive while licence disqualified or suspended |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1412: Drive without a licence |  | 0.0 | 0 | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1431: Exceed prescribed content of alcohol or other |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Imprisonment (with or without parole) Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Supreme Court** | **Average Quantum per Sentence (Months)** | **Imprisonment (with or without parole) Magistrates Court** | **Average Quantum per Sentence (Months)** | **Imprisonment without parole combined with a CCO.  Magistrates Court** | **Average Quantum per Sentence (Months)** | **Drug and alcohol treatment order with a two year review period** | **Average Quantum per Sentence (Months)** |
| 1511: Escape custody offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 3.2 |  |  |
| 1513: Breach of suspended sentence |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1521: Breach of community service order |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 2.0 |  |  |
| 1523: Breach of bail |  | 0.0 |  | 0.0 |  | 0.0 | 26 | 3.9 |  |  |
| 1524: Breach of bond - probation |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1525: Breach of bond - other |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1531: Breach of violence order |  | 0.0 | 0 | 0.0 |  | 0.0 | 21 | 3.1 |  |  |
| 1532: Breach of non-violence orders |  | 0.0 |  | 0.0 |  | 0.0 | 4 | 3.6 |  |  |
| 1541: Resist or hinder government official (excluding 1562) |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 3.0 |  |  |
| 1561: Subvert the course of justice |  | 0.0 | 4 | 7.0 |  | 0.0 | 3 | 8.0 |  |  |
| 1562: Resist or hinder police officer or justice official |  | 0.0 | 0 | 0.0 |  | 0.0 | 7 | 3.1 |  |  |
| 1563: Prison regulation offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1569: Offences against justice procedures, |  | 0.0 |  | 0.0 |  | 0.0 | 2 | 3.0 |  |  |
| 1612: Offences against privacy |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1621: Sanitation offences |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
| 1622: Disease prevention offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 1624: Transport regulation offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 6.0 |  |  |
| 1629: Public health and safety offences |  | 0.0 |  | 0.0 |  | 0.0 | 1 | 4.0 |  |  |
| 1691: Environmental regulation offences |  | 0.0 |  | 0.0 |  | 0.0 | 0 | 0.0 |  |  |
| 9999: Inadequately described |  | 0.0 |  | 0.0 |  | 0.0 |  | 0.0 |  |  |
|  | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** | **Total** | **Average** |
| **Grand Totals** | 0 | 0.0 | 195 | 11.8 | 0 | 0.0 | 749 | 5.1 | 0 | 0 |

Continued…

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Home detention of up to three years** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** | **Fine with or without a conviction** | **Adjourned undertaking, conviction only, or a dismissal without conviction** |
| **Non-sexual offences against the person** |
| 0132: Driving causing death |  |  | 2 | 12.0 | 2 |  |
| 0211: Serious assault resulting in injury | 4 | 18 | 37 | 24.0 | 3 |  |
| 0212: Serious assault not resulting in injury | 1 | 18 | 25 | 12.0 | 45 | 36 |
| 0213: Common assault | 5 | 18 | 100 | 12.0 | 190 | 230 |
| 0291: Stalking |  |  | 1 | 12.0 |  | 1 |
| 0491: Neglect or ill-treatment of persons under care |  |  |  | 0.0 |  |  |
| 0511: Abduction and kidnapping |  |  |  | 0.0 |  |  |
| 0299: Other acts intended to cause injury |  |  |  | 0.0 |  |  |
| 0499: Other dangerous or negligent acts endangering persons | 1 | 18 | 3 | 12.0 | 16 | 8 |
| 0521: Deprivation of liberty/false imprisonment |  |  | 2 | 12.0 |  |  |
| 0532: Threatening behaviour |  |  | 1 | 24.0 |  |  |
| 0611: Aggravated robbery | 1 | 18 | 1 | 24.0 |  |  |
| 0612: Non-aggravated robbery | 1 | 18 | 3 | 24.0 |  |  |
| 0621: Blackmail and extortion |  |  | 1 | 12.0 |  |  |
| **Sexual offences** |  |  |  |  |  |  |
| 0311: Aggravated sexual assault | 1 | 18 | 7 | 24.0 |  |  |
| 0312: Non-aggravated sexual assault | 1 | 18 | 4 | 12.0 | 7 |  |
| 0321: Non-assaultive sexual offences against a child |  |  | 1 | 24.0 |  | 1 |
| 0322: Child pornography offences |  |  | 3 | 20.0 | 1 | 1 |

Continued…

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Home detention of up to three years** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** | **Fine with or without a conviction** | **Adjourned undertaking, conviction only, or a dismissal without conviction** |
| **Property offences** |  |  |  |  |  |  |
| 0711: Unlawful entry with intent/burglary | 3 | 18 | 89 | 12.1 | 31 | 55 |
| 0811: Theft of a motor vehicle | 1 | 18 | 20 | 12.0 | 9 | 10 |
| 0812: Illegal use of a motor vehicle |  |  |  | 0.0 |  |  |
| 0821: Theft from a person (excluding by force) | 1 | 18 | 31 | 12.4 | 95 | 121 |
| 0823: Theft of goods from retail premises |  |  |  | 0.0 |  |  |
| 0829 Theft (except motor vehicles) |  |  | 1 | 12.0 | 2 | 2 |
| 0831: Receive or handle proceeds of crime |  |  | 13 | 12.9 | 22 | 25 |
| 0911: Obtain benefit by deception | 1 | 18 | 7 | 13.7 | 5 | 2 |
| 0922: Forgery of documents |  |  | 6 | 14.0 |  | 4 |
| 0931: Fraudulent trade practices |  |  |  | 0.0 |  |  |
| 0933: Illegal non-fraudulent trade practices |  |  | 12 | 12.0 | 12 | 18 |
| 0991: Dishonest conversion |  |  |  | 0.0 | 1 |  |
| 0999: Other fraud and Deception offences |  |  | 6 | 12.0 | 16 | 3 |
| 1211: Arson | 1 | 18 | 23 | 24.0 | 1 |  |
| 1219: Property damage | 1 | 18 | 9 | 13.3 | 38 | 21 |

Continued…

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Home detention of up to three years** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** | **Fine with or without a conviction** | **Adjourned undertaking, conviction only, or a dismissal without conviction** |
| **Traffic offences** |  |  |  |  |  |  |
| 0411: Driving under the influence of alcohol or other substance | 1 | 18 | 17 | 12.0 | 89 | 2 |
| 0412: Dangerous or negligent operation of a vehicle | 1 | 18 | 13 | 12.0 | 73 | 8 |
| 1411: Drive while licence disqualified cancelled or suspended | 2 | 18 | 55 | 12.0 | 400 | 52 |
| 1412: Drive without a licence |  |  | 1 | 12.0 | 76 | 17 |
| 1419: Driver licence offences |  |  |  | 0.0 | 5 | 2 |
| 1421: Registration offences |  |  |  | 0.0 | 2 | 3 |
| 1422: Roadworthiness offences |  |  |  | 0.0 |  |  |
| 1431: Exceed prescribed content of alcohol or other | 2 | 18 | 60 | 12.0 | 928 | 10 |
| 1432: Exceed the legal speed limit |  |  |  | 0.0 |  |  |
| 1439: Regulatory driving offences |  |  |  | 0.0 | 13 | 2 |
| 1441: Pedestrian offences |  |  |  | 0.0 |  |  |
| **Drug offences** |  |  |  |  |  |  |
| 1011: Import illicit drugs |  |  | 1 | 12.0 | 1 | 1 |
| 1021: Deal or traffic in illicit drugs - commercial qty | 3 | 18 | 74 | 24.0 | 5 |  |
| 1022: Deal or traffic in illicit drugs - non-commercial qty |  |  | 26 | 12.0 | 42 | 41 |
| 1031: Manufacture illicit drugs |  |  |  | 0.0 |  |  |
| 1032: Cultivate illicit drugs |  |  | 30 | 19.2 | 47 | 29 |
| 1041: Possess illicit drug |  |  | 4 | 15.0 | 25 | 14 |
| 1042: Use illicit drug |  |  |  | 0.0 | 1 |  |
| 1099: Other Illicit drug offences |  |  |  | 0.0 |  |  |

Continued…

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| --- | --- | --- | --- | --- | --- | --- |
|  | **Home detention of up to three years** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** | **Fine with or without a conviction** | **Adjourned undertaking, conviction only, or a dismissal without conviction** |
| **Other offences** |  |  |  |  |  |  |
| 1112: Sell, possess and/or use prohibited weapons/explosives |  |  | 1 | 12.0 | 10 | 2 |
| 1121: Unlawfully obtain or possess regulated weapons/explosives | 1 | 18 | 3 | 12.0 | 16 | 7 |
| 1122: Misuse of regulated weapons/explosives |  |  | 1 | 12.0 | 2 | 1 |
| 1123: Deal or traffic regulated weapons/explosives |  |  |  | 0.0 |  |  |
| 1129: Regulated weapons/explosives offences |  |  |  | 0.0 |  |  |
| 1229: Environmental pollution offences |  |  |  | 0.0 |  |  |
| 1311: Trespass |  |  | 1 | 12.0 | 5 | 6 |
| 1312: Criminal intent |  |  | 1 | 12.0 | 1 |  |
| 1313: Riot and affray |  |  | 2 | 24.0 |  |  |
| 1319: Disorderly conduct |  |  | 1 | 12.0 | 6 | 3 |
| 1323: Censorship offences |  |  |  | 0.0 |  | 1 |
| 1325: Offences against public order sexual standards |  |  |  | 0.0 |  | 1 |
| 1326: Consumption of legal substances in prohibited spaces |  |  |  | 0.0 |  |  |
| 1329: Regulated public order offences |  |  |  | 0.0 |  |  |
| 1331: Abusive language |  |  | 2 | 12.0 | 7 | 3 |
| 1332: Offensive behaviour |  |  |  | 0.0 | 2 | 1 |
| 1334: Cruelty to animals |  |  | 1 | 12.0 | 2 | 2 |
| 1411: Drive while licence disqualified or suspended |  |  |  | 0.0 |  |  |
| 1412: Drive without a licence |  |  |  | 0.0 |  |  |

Continued…

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Home detention of up to three years** | **Average Quantum per Sentence (Months)** | **CCO of up to three years with or without a conviction** | **Average Quantum per Sentence (Months)** | **Fine with or without a conviction** | **Adjourned undertaking, conviction only, or a dismissal without conviction** |
| 1431: Exceed the prescribed content of alcohol or other substance limit |  |  |  | 0.0 |  |  |
| 1511: Escape custody offences |  |  | 1 | 12.0 | 2 |  |
| 1513: Breach of suspended sentence |  |  | 2 | 18.0 |  | 6 |
| 1521: Breach of community service order |  |  |  | 0.0 | 1 | 2 |
| 1523: Breach of bail | 1 | 18 | 9 | 12.0 | 62 | 78 |
| 1524: Breach of bond - probation |  |  |  | 0.0 |  | 1 |
| 1525: Breach of bond - other |  |  |  | 0.0 |  |  |
| 1531: Breach of violence order | 1 | 18 | 7 | 12.0 | 29 | 49 |
| 1532: Breach of non-violence orders |  |  | 1 | 12.0 | 6 | 8 |
| 1541: Resist or hinder government official (exc 1562) |  |  |  | 0.0 | 1 | 1 |
| 1561: Subvert the course of justice | 1 | 18 | 19 | 15.2 | 10 | 3 |
| 1562: Resist or hinder police officer or justice official |  |  | 4 | 12.0 | 36 | 19 |
| 1563: Prison regulation offences |  |  | 1 | 12.0 | 2 |  |
| 1569: Offences against justice procedures |  |  | 4 | 15.0 | 9 | 10 |
| 1612: Offences against privacy |  |  |  | 0.0 |  |  |
| 1621: Sanitation offences |  |  |  | 0.0 |  |  |
| 1622: Disease prevention offences |  |  | 1 | 12.0 | 2 |  |
| 1624: Transport regulation offences |  |  |  | 0.0 | 1 |  |
| 1629: Public health and safety offences |  |  |  | 0.0 | 1 |  |
| 1691: Environmental regulation offences |  |  | 2 | 18.0 | 3 | 1 |
| 9999: Inadequately described |  |  |  | 0.0 |  |  |
|  | **Total** | **Average** | **Total** | **Average** | **Total** | **Total** |
| **Grand Totals** | 36 | 18 | 752 | 14.9 | 2419 | 924 |

###### Table 12. Annual Costs by Sentence Type

|  |  |
| --- | --- |
| **Sentence Type** | **Annual Cost per Offender** |
| Imprisonment (with or without parole) - Supreme Court | $ 121,394 |
| Imprisonment without parole combined with a CCO - Supreme Court | $ 121,394 |
| Imprisonment (with or without parole) - Magistrates Court | $ 121,394 |
| Imprisonment without parole combined with a CCO - Magistrates Court | $ 121,394 |
| Drug and alcohol treatment order with a two year review period | $ 26,000 |
| Home detention of up to three years | $ 10,958 |
| CCO of up to three years with or without a conviction | $ 10,958 |
| Rehabilitation program order (only for family violence offences) | $ 10,958 |
| Fine with or without a conviction | - |
| Adjourned undertaking, conviction only, or a dismissal without conviction | - |

Sources: Productivity Commission, *Report on Government Services* (2015), Corrective Services, Table 8A.7, Net recurrent expenditure, per prisoner and offender, per day 2013-14.

## The Results of the Modelling Process.

The results of the “no change” and three new scenarios are presented in Table 12.

* “No change” costs $15.7 million.
* Scenario 1, replacing fully suspended sentences by equivalent terms of imprisonment, costs around $50.9 million per annum;
* Scenario 2, replacing fully suspended sentences with CCOs of 12 or 24 months, costs around $32.0 million per annum; and
* Scenario 3, replacing fully suspended sentences with alternatives including fines, imprisonment, CCOs, home detention and treatment orders, according to the offence type, costs around $27 million per annum.

###### Table 12. Summary of Annual Offender Sentences and Costs, by Scenario and Sentence Type

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Sentence Type | | Cost Per annum | | **No Change** | | | | | | | **Scenario 1** | | | | | | | **Scenario 2** | | | | | | | **Scenario 3** | | | | | | |
| Average Annual Number of Offenders  \* | | Average duration of Order (months) | | | Annual Cost ($million) | | Average Annual Number of Offenders  \* | | Average duration of Order (months) | | | Annual Cost ($million) | | Average Annual Number of Offenders  \* | | Average duration of Order (months) | | | Annual Cost ($million) | | Average Annual Number of Offenders  \* | | Average duration of Order (months) | | | Annual Cost ($million) | |
| Imprisonment (with or without parole) Supreme Court | $121,394 | |  | |  | | |  | | 122.3 | | 6.4 | | | $5.214 | |  | |  | | | 0 | | 29.7 | | 6.7 | | | $1.317 | |
| Imprisonment without parole combined with a CCO. Supreme Court | $121,394 | | 55.7 | | 11.8 | | | $4.334 | | 55.7 | | 11.8 | | | $4.334 | | 55.7 | | 11.8 | | | $4.334 | | 83.1 | | 11.7 | | | $6.407 | |
| Imprisonment (with or without parole) Magistrates Court | $121,394 | |  | |  | | |  | | 1243.4 | | 2.3 | | | $30.051 | |  | |  | | | 0 | | 72.9 | | 2.2 | | | $1.678 | |
| Imprisonment without parole combined with a CCO. Magistrates Court | $121,394 | | 214.0 | | 5.1 | | | $11.320 | | 214.0 | | 5.1 | | | $11.320 | | 214.0 | | 5.1 | | | $11.320 | | 260.9 | | 5.1 | | | $13.931 | |
| Drug and alcohol treatment order with a two year review period | $26,000 | |  | |  | | | 0 | |  | |  | | | 0 | |  | |  | | | 0 | | 8.6 | | 24 | | | $0.446 | |
| Home detention of up to three years | $10,958 | |  | |  | | | 0 | |  | |  | | | 0 | |  | |  | | | 0 | | 10.3 | | 18 | | | $0.169 | |
| CCO of up to three years with or without a conviction | $10,958 | |  | |  | | | 0 | |  | |  | | | 0 | | 1365.7 | | 12 | | | $16.305 | | 215.1 | | 14.9 | | | $2.933 | |
| Fine with or without a conviction | $- | |  | |  | | | 0 | |  | |  | | | 0 | |  | |  | | | 0 | | 691.1 | | 0 | | | 0 | |
| Adjourned undertaking, conviction only, or a dismissal without conviction | $- | |  | |  | | | 0 | |  | |  | | | 0 | |  | |  | | | 0 | | 264.0 | | 0 | | | 0 | |
|  |  | | **Total Costs ($million)** | | | | **$15,654** | | | **Total Costs ($million)** | | | | **$50.919** | | | **Total Costs ($million)** | | | | **$31,959** | | | **Total Costs ($million)** | | | | **$26,881** | | |

\* The analysis was based on 3 ½ years of data – (1/1/2011 to 30/6/2014).

1. See *Justice and Related Legislation (Further Miscellaneous Amendments) Amendment Act 2009* (Tas). [↑](#footnote-ref-1)