

Chapter 8

Top 35 Offences

Introduction

This chapter presents statistics on the distribution of sentence types and quanta (periods of imprisonment, lengths of non-custodial orders and undertakings, and amounts of fines) for the 35 most frequent principal proven offence types sentenced by the Higher Courts in the five years from 2001/02 to 2005/06. These statistics have been compiled with the intention of assisting those working in legal and judicial roles with comprehensive and accessible information about variations in sentencing across different offences and over time. They assume a degree of technical knowledge about court processes and sentencing on the part of the reader.

The 35 offences covered in this report account for over 82% of all principal proven offences dealt with in Victoria's Higher Courts. In general, offences have been included here because they occur frequently enough in the Higher Courts to provide meaningful sentencing statistics.

All commentary in relation to sentence types and sentence lengths for the top 35 offences is referring to the sentence type and length for the principal proven offence unless otherwise specified.

Table 8.1 below lists the top 35 offences in descending order from most common. This has been calculated based on five years worth of principal proven offences.

Introduction, continued

Table 8.1

Descending order of top 35 principal proven offences in the Higher Courts, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Armed Robbery	312	261	276	211	175
Traffick in a drug of dependence (inc commercial qty)	136	158	195	146	207
Aggravated burglary	102	128	137	126	144
Causing serious injury intentionally	92	84	113	90	109
Causing serious injury recklessly	78	91	97	118	99
Theft	66	79	96	83	73
Causing injury intentionally	39	47	83	56	59
Cultivate a narcotic plant (inc commercial qty)	18	28	74	83	77
Sexual penetration of a child aged under 16	45	52	41	77	64
Affray (Common Law)	55	57	62	47	55
Arson	39	52	87	58	39
Obtain financial advantage by deception (State)	31	43	50	62	54
Attempted armed robbery	61	54	54	42	26
Burglary	38	40	54	52	36
Obtain property by deception (State)	35	44	56	45	32
Rape	29	32	37	46	37
Causing injury recklessly	32	42	36	28	24
Handle stolen goods	25	35	38	27	37
Murder (Common Law)	22	33	28	31	38
Culpable driving	27	26	27	27	27
Incest	22	25	29	35	19
False imprisonment (Common Law)	24	26	38	19	22
Indecent assault	21	22	25	29	29
Indecent act with a child aged under 16	19	28	23	25	23
Robbery	20	29	29	21	20
Manslaughter	22	18	13	21	16
Common Law assault (Common Law)	19	12	22	18	17
Defraud the Commonwealth	19	21	15	16	16
Blackmail	10	13	16	9	17
Conduct endangering life	8	7	11	11	18
Conduct endangering persons	11	6	16	20	1
Negligently causing serious injury	6	10	7	15	15
Attempt to obtain property by deception (State)	9	16	10	14	2
Attempt to pervert the course of justice	7	3	10	14	17
Perjury	7	6	8	17	11
TOTAL	1506	1628	1913	1739	1655

Layout of Tables

Offences are presented in alphabetical order, and for each offence the following tables are provided (terms in italics are explained in Appendix A):

1. The total number of offences found proven and the number of *principal proven offences*;
2. The number of each sentence type imposed for principal proven offences;
3. The length of *terms of imprisonment* imposed for principal proven offences;
4. The length of the *total effective sentence* imposed on defendants found guilty of a principal proven offence and sentenced to imprisonment;
5. The length of the *non-parole period* for principal proven offences;
6. The length of terms of imprisonment for proven offences that were not the principal proven offence;
7. The length of terms of intensive corrections orders imposed for principal proven offences;
8. The average imprisonment term and the average operational period of suspended sentences of imprisonment imposed for principal proven offences;
9. The length of terms of detention in a youth training centre for principal proven offences;
10. The length of terms of community based orders imposed for principal proven offences;
11. The amounts of fines imposed for principal proven offences;
12. The lengths of terms of adjourned undertaking for principal proven offences.

Distribution Measures in Tables

Tables showing terms of imprisonment include five distribution measures. These are:

1. The *minimum* is the shortest sentence of imprisonment imposed in each year.
2. The *maximum* is the longest term of imprisonment imposed in each year. Where an indeterminate sentence has been imposed (such as life imprisonment), this will be the maximum.
3. The *average* is the arithmetic mean of all terms of imprisonment imposed, excluding any indeterminate sentences.
4. The *median* is the middle value in the distribution. That is, it is the value above and below which 50% of all other values fall. Where a distribution includes a small number of very high values, the median can provide a better measure of central tendency than the average.
5. The *90th percentile* is the value below which 90 per cent of the values in the distribution fall. Where a distribution includes a small number of very high values, the 90th percentile provides a measure of the upper end of the distribution that is not biased by these high values.

Affray

Over the period affray was the 10th most common principal proven offence. A person who is involved in unlawful fighting, violence or display of force, the nature of which is such that an innocent member of the public of reasonable firmness and courage might reasonably expect to be terrified, is guilty of affray. This offence does not require that there was a member of the public actually present, rather that the fighting, violence or display of force was of a magnitude that if someone had been present, they would have been put in fear⁶.

Affray is an indictable offence which carries a maximum penalty of 5 years imprisonment⁷ and/or fine of 600 penalty units.⁸

The total number of all offences found proven for affray increased over the period from 98 in 2001/02 to 116 in 2005/06 (Table 8.1.1).

Between 2001/02 and 2005/06:

- The number of principal proven offences for affray ranged between 47 and 62 (Table 8.1.1);
- The most common sentence type handed down where the offence of affray was the principal proven offence was a suspended sentence followed by a community based order;
- The average length of the suspended sentence ranged from 7 months to 10 months with the operational period on average ranging between 16 and 25 months (Table 8.1.8);
- There was no clear trend in the length of community based orders (Table 8.1.10).

Table 8.1.1

Number of affray offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	98	90	102	102	116
Number of principle proven offences	55	57	62	47	55

⁶ *Taylor v DPP*[1973] 57 Cr App R 915, 924-5

⁷ *Crimes Act 1958* s.320

⁸ Each penalty unit is worth \$107.43, Victorian Government Gazette, 6 April 2006.

Affray, continued

Table 8.1.2

Number of each sentence type imposed where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	7	6	10	3	1
Intensive correction order	2	2	3	1	4
Suspended sentence	20	20	18	15	18
Youth training centre	6	-	1	1	1
Community based order	10	23	21	13	18
YSO/YAO	-	-	-	-	-
Fine	4	4	2	8	5
Adjourned undertaking	6	2	7	6	8
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	-	-
<i>Total</i>	55	57	62	47	55

Table 8.1.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	6	2	5	-	1
1<2 years (12 - 23.9 months)	1	3	4	1	-
2<3 years (24 - 35.9 months)	-	-	1	2	-
3<4 years (36 - 47.9 months)	-	1	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	7	6	10	3	1
Minimum (months)	4	6	5	12	2
Maximum (months)	12	36	24	24	2
Average (months)	7	16	11	20	2
Median (months)	8	14	11	24	2
90th percentile (months)	12	36	24	24	2

Affray, continued

Table 8.1.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	5	2	3	-	1
1<2 years (12 - 23.9 months)	2	3	6	1	-
2<3 years (24 - 35.9 months)	-	-	1	2	-
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	1	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	7	6	10	3	1
Minimum (months)	4	6	5	15	2
Maximum (months)	15	60	24	24	2
Average (months)	9	20	14	21	2
Median (months)	9	14	17	24	2
90th percentile (months)	15	60	24	24	2

Table 8.1.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	2	6	1	-
1<2 years (12 - 23.9 months)	-	-	1	2	-
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	-	1	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	2	3	7	3	0
Minimum (months)	4	9	6	6	-
Maximum (months)	6	42	12	15	-
Average (months)	5	20	8	11	-
Median (months)	5	10	8	12	-
90th percentile (months)	6	42	12	15	-

Affray, continued

Table 8.1.6

Number of imprisonment orders made, by length of sentence, where the offence of affray was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	11	4	13	6	11
1<2 years (12 - 23.9 months)	3	11	11	5	6
2<3 years (24 - 35.9 months)	-	-	1	3	2
3<4 years (36 - 47.9 months)	-	3	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	14	18	25	14	19

Table 8.1.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	1	-	-
6<9 months	1	1	1	-	2
9<12 months	1	1	1	1	2
<i>Total</i>	2	2	3	1	4

Table 8.1.8

Number of defendants who received a suspended sentence, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	20	20	18	15	18
Average imprisonment length (months)	7	7	10	7	8
Average operational period (months)	20	16	25	18	19

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Affray, continued

Table 8.1.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	1	-	-	-	1
7-12 months	5	-	1	1	-
13-18 months	-	-	-	-	-
19-24 months	-	-	-	-	-
25-30 months	-	-	-	-	-
31-36 months	-	-	-	-	-
<i>Total</i>	6	0	1	1	1

Table 8.1.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	2	1	-	-
7-12 months	4	6	14	8	10
13-18 months	-	8	1	3	2
19-24 months	6	7	5	2	6
<i>Total</i>	10	23	21	13	18

Table 8.1.11

Number of defendants who received a fine, by amount, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	2
\$500<\$1,000	-	-	-	4	1
\$1,000<\$1,500	2	-	1	3	2
\$1,500<\$2,000	2	2	-	-	-
\$2,000<\$2,500	-	-	1	1	-
\$2,500<\$5,000	-	2	-	-	-
\$5,000<\$10,000	-	-	-	-	-
\$10,000<\$50,000	-	-	-	-	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	4	4	2	8	5

Affray, continued

Table 8.1.12

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was affray, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	1	1	7	2	8
13-24 months	2	1	-	4	-
25-36 months	3	-	-	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	6	2	7	6	8

Aggravated Burglary

Over the period aggravated burglary was the 3rd most common principal proven offence. A person who enters a building or part of a building as a trespasser and who intends to steal, assault a person in the building or to damage the building or property in the building is guilty of burglary.⁹ The offence of burglary is aggravated if the person has with him or her, a firearm, imitation firearm, offensive weapon, explosive or imitation explosive.¹⁰ Aggravated burglary also occurs if, at the time of entering the building, someone else was present and the offender knew, or was reckless as to the fact.¹¹

Aggravated burglary is an indictable offence that carries a maximum penalty of 25 years imprisonment and/or a fine of up to 3000 penalty units.¹² The total number of all offences found proven for aggravated burglary increased between 2001/02 (191) and 2005/06 (235) (Table 8.2.1).

Between 2001/02 and 2005/06:

- The number of principal proven offences for aggravated burglary increased from 102 in 2001/02 to 144 in 2005/06 (Table 8.2.1);
- The most common sentence type were imprisonment and a suspended sentence (Table 8.2.2);
- The average length of imprisonment remained consistent with an average length of between 25 and 29 months (Table 8.2.3);
- The number of defendants receiving a suspended sentence increased by over 50%;
- Despite the increase in numbers the average length of the suspended sentence remained stable at 15-17 months, apart from in 2003/04 where the average was 11 months (Table 8.2.8).

Table 8.2.1

Number of aggravated burglary offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	191	246	273	242	235
Number of principle proven offences	102	128	137	126	144

⁹ *Crimes Act 1958* s.76

¹⁰ *Crimes Act 1958* s.77

¹¹ *Crimes Act 1958* s.77

¹² Each penalty unit is worth \$107.43, Victorian Government Gazette, 6 April 2006.

Aggravated Burglary, continued

Table 8.2.2

Number of each sentence type imposed where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	43	56	62	49	71
Intensive correction order	2	3	3	3	1
Suspended sentence	40	56	59	63	54
Youth training centre	2	3	3	3	6
Community based order	10	9	7	7	5
YSO/YAO	-	-	-	-	-
Fine	1	1	2	-	3
Adjourned undertaking	4	-	1	1	4
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	-	-
<i>Total</i>	102	128	137	126	144

Table 8.2.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	3	3	7	4	4
1<2 years (12 - 23.9 months)	16	19	18	16	27
2<3 years (24 - 35.9 months)	15	16	23	14	13
3<4 years (36 - 47.9 months)	3	14	8	7	11
4<5 years (48 - 59.9 months)	5	3	3	3	12
5<10 years (60 - 119.9 months)	1	1	3	5	4
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	43	56	62	49	71
Minimum (months)	3	6	6	3	6
Maximum (months)	84	72	66	84	78
Average (months)	26	27	25	29	29
Median (months)	24	24	24	24	30
90th percentile (months)	48	42	36	60	48

Aggravated Burglary, continued

Table 8.2.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	3	1	5	3	1
1<2 years (12 - 23.9 months)	10	13	15	7	16
2<3 years (24 - 35.9 months)	14	18	19	12	16
3<4 years (36 - 47.9 months)	7	14	12	12	12
4<5 years (48 - 59.9 months)	7	4	5	5	11
5<10 years (60 - 119.9 months)	1	6	6	10	15
10<15 years (120 - 179.9 months)	1	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	43	56	62	49	71
Minimum (months)	3	6	6	3	6
Maximum (months)	120	72	93	90	108
Average (months)	32	33	32	40	40
Median (months)	27	30	30	36	36
90th percentile (months)	54	60	57	77	72

Table 8.2.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	10	16	16	7	18
1<2 years (12 - 23.9 months)	16	23	26	15	22
2<3 years (24 - 35.9 months)	8	9	8	13	17
3<4 years (36 - 47.9 months)	3	2	6	3	4
4<5 years (48 - 59.9 months)	-	4	-	4	5
5<10 years (60 - 119.9 months)	1	-	1	2	2
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	1	-	-	2	2
<i>Total</i>	39	54	57	46	70
Minimum (months)	6	4	6	6	4
Maximum (months)	84	48	60	60	90
Average (months)	19	18	18	24	22
Median (months)	15	13	14	23	17
90th percentile (months)	36	36	36	48	48

Aggravated Burglary, continued

Table 8.2.6

Number of imprisonment orders made, by length of sentence, where the offence of aggravated burglary was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	5	10	14	7	8
1<2 years (12 - 23.9 months)	23	48	29	30	51
2<3 years (24 - 35.9 months)	26	37	60	51	15
3<4 years (36 - 47.9 months)	15	26	18	16	28
4<5 years (48 - 59.9 months)	5	5	7	6	14
5<10 years (60 - 119.9 months)	3	3	7	11	6
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	77	129	135	121	122

Table 8.2.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	1	-	-
6<9 months	-	-	-	1	-
9<12 months	2	3	2	2	1
<i>Total</i>	2	3	3	3	1

Table 8.2.8

Number of defendants who received a suspended sentence, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	40	56	59	63	54
Average imprisonment length (months)	16	15	11	15	17
Average operational period (months)	25	24	20	22	25

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Aggravated Burglary, continued

Table 8.2.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	2	2	1	-	4
13-18 months	-	1	1	3	2
19-24 months	-	-	-	-	-
25-30 months	-	-	1	-	-
31-36 months	-	-	-	-	-
<i>Total</i>	2	3	3	3	6

Table 8.2.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	1	-	-
7-12 months	7	6	4	3	4
13-18 months	3	1	-	4	-
19-24 months	-	2	2	-	1
<i>Total</i>	10	9	7	7	5

Table 8.2.11

Number of defendants who received a fine, by amount, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	-
\$500<\$1,000	1	-	1	-	1
\$1,000<\$1,500	-	-	1	-	-
\$1,500<\$2,000	-	-	-	-	-
\$2,000<\$2,500	-	-	-	-	1
\$2,500<\$5,000	-	1	-	-	1
\$5,000<\$10,000	-	-	-	-	-
\$10,000<\$50,000	-	-	-	-	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	1	1	2	0	3

Aggravated Burglary, continued

Table 8.2.12

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was aggravated burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	3	-	-	-	4
13-24 months	1	-	1	1	-
25-36 months	-	-	-	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	4	0	1	1	4

Armed Robbery

Over the period armed robbery was the most common principal proven offence. A person who uses or threatens to use force in order to steal, and at the time has with them a firearm, imitation firearm, offensive weapon, explosive or imitation explosive is guilty of armed robbery.¹³

Armed robbery is an indictable offence that carries a maximum penalty of 25 years imprisonment and/or fine of up to 3000 penalty units.¹⁴

The total number of all offences found proven for armed robbery have more than halved over the period from as high as 647 offences in 2001/02 to 292 offences in 2005/06 (Table 8.3.1).

Between 2001/02 and 2005/06:

- The number of principal proven offences for armed robbery have decreased by approximately 44% (Table 8.3.1);
- The most common sentence type was imprisonment (Table 8.3.2);
- The average length of imprisonment ranged from two and a half to three years (Table 8.3.3);
- The maximum sentence handed down on a single principal proven offence of armed robbery was 120 months (10 years) in 2001/02 (Table 8.3.3).

Table 8.3.1

Number of armed robbery offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
			<i>Number</i>		
Total of all offences found proven	647	497	613	323	292
Number of principle proven offences	312	261	276	211	175

¹³ *Crimes Act 1958* s.75A

¹⁴ Each penalty unit is worth \$107.43, Victorian Government Gazette, 6 April 2006.

Armed Robbery, continued

Table 8.3.2

Number of each sentence type imposed where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	196	161	176	116	110
Intensive correction order	12	4	5	4	6
Suspended sentence	39	30	44	31	25
Youth training centre	35	18	19	26	13
Community based order	25	41	29	31	16
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	-	5	1	3	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	5	2	2	-	5
<i>Total</i>	312	261	276	211	175

Table 8.3.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	9	4	6	2	2
1<2 years (12 - 23.9 months)	42	24	47	16	18
2<3 years (24 - 35.9 months)	54	49	69	31	36
3<4 years (36 - 47.9 months)	54	43	29	36	25
4<5 years (48 - 59.9 months)	20	19	12	18	14
5<10 years (60 - 119.9 months)	16	22	13	13	15
10<15 years (120 - 179.9 months)	1	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	196	161	176	116	110
Minimum (months)	3	3	3	-	3
Maximum (months)	120	96	96	84	84
Average (months)	33	36	30	36	36
Median (months)	30	36	24	36	34
90th percentile (months)	54	60	48	60	60

Armed Robbery, continued

Table 8.3.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	6	3	5	2	1
1<2 years (12 - 23.9 months)	29	17	28	10	13
2<3 years (24 - 35.9 months)	44	37	52	21	25
3<4 years (36 - 47.9 months)	42	34	37	36	25
4<5 years (48 - 59.9 months)	32	22	21	19	15
5<10 years (60 - 119.9 months)	41	47	31	26	30
10<15 years (120 - 179.9 months)	1	1	2	1	1
15<20 years (180 - 239.9 months)	1	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	196	161	176	115	110
Minimum (months)	3	3	3	-	3
Maximum (months)	234	132	120	120	159
Average (months)	42	45	40	46	45
Median (months)	36	42	36	42	40
90th percentile (months)	66	72	72	72	81

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).

Table 8.3.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	33	21	35	13	20
1<2 years (12 - 23.9 months)	68	55	68	43	36
2<3 years (24 - 35.9 months)	52	32	37	25	22
3<4 years (36 - 47.9 months)	20	26	14	12	15
4<5 years (48 - 59.9 months)	8	12	2	13	7
5<10 years (60 - 119.9 months)	8	9	13	7	5
10<15 years (120 - 179.9 months)	-	-	-	-	1
15<20 years (180 - 239.9 months)	1	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	1	2	2	-	1
<i>Total</i>	191	157	171	113	107
Minimum (months)	4	3	3	3	4
Maximum (months)	186	102	96	84	120
Average (months)	24	27	23	27	26
Median (months)	18	24	18	24	20
90th percentile (months)	42	48	42	48	48

Armed Robbery, continued

Table 8.3.6

Number of imprisonment orders made, by length of sentence, where the offence of armed robbery was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	22	32	20	6	9
1<2 years (12 - 23.9 months)	96	42	106	25	37
2<3 years (24 - 35.9 months)	139	93	155	52	65
3<4 years (36 - 47.9 months)	131	134	109	67	51
4<5 years (48 - 59.9 months)	31	29	26	25	20
5<10 years (60 - 119.9 months)	31	28	25	20	17
10<15 years (120 - 179.9 months)	1	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	451	358	441	195	199

Table 8.3.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	1	1	-	-
6<9 months	-	1	-	-	2
9<12 months	12	2	4	4	4
<i>Total</i>	12	4	5	4	6

Table 8.3.8

Number of defendants who received a suspended sentence, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	39	30	44	31	25
Average imprisonment length (months)	20	19	17	21	19
Average operational period (months)	28	22	26	25	24

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Armed Robbery, continued

Table 8.3.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	4	2	2	1	-
7-12 months	16	3	7	13	1
13-18 months	5	7	7	3	6
19-24 months	6	4	2	5	4
25-30 months	2	1	1	2	-
31-36 months	2	1	-	2	2
<i>Total</i>	35	18	19	26	13

Table 8.3.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	4	10	8	6	3
13-18 months	5	7	4	6	5
19-24 months	16	24	17	19	8
<i>Total</i>	25	41	29	31	16

Table 8.3.11

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	-	2	-	1	-
13-24 months	-	1	1	1	-
25-36 months	-	1	-	1	-
37-48 months	-	-	-	-	-
49-60 months	-	1	-	-	-
<i>Total</i>	0	5	1	3	0

Arson

Over the period arson was the 11th most common principal proven offence. A person who, intentionally and without lawful excuse, destroys or damages any property belonging to another, or to himself and another, by fire, is guilty of arson.¹⁵

Arson is an indictable offence which carries a maximum penalty of 15 years imprisonment.

The total number of all offences found proven for arson peaked in 2003/04 at 156 before decreasing to its lowest over the period in 2005/06 with 51. It is difficult to explain such fluctuation with arson offences over the period.

Between 2001/02 and 2005/06:

- The number of offences found proven where arson was the principal proven offence have followed a similar trend of increasing up until 2003/04 before decreasing by 2005/06;
- There were 39 principal proven offences of arson in 2005/06 (Table 8.4.1);
- The distribution of sentence types varied from year to year with the most common sentence types being imprisonment, a suspended sentence and a community based order (Table 8.4.2);
- Where a sentence of imprisonment was given on the principal proven offence, the average sentence length ranged from between 22 to 34 months (Table 8.4.3);
- The number of suspended sentences increased significantly from 5 in 2001/02 to 15 in 2005/06 (Table 8.4.2);
- All community based order's, except one, were for lengths longer than 7 months (Table 8.4.10).

Table 8.4.1
Number of arson offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	72	108	156	90	51
Number of principle proven offences	39	52	87	58	39

¹⁵ *Crimes Act 1958* s.197(6)

Arson, continued

Table 8.4.2

Number of each sentence type imposed where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	13	19	24	17	13
Intensive correction order	-	2	6	4	1
Suspended sentence	5	8	29	15	15
Youth training centre	3	4	3	2	1
Community based order	11	16	18	16	6
YSO/YAO	-	-	-	-	-
Fine	1	2	1	-	-
Adjourned undertaking	6	1	4	2	1
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	2	2	2
<i>Total</i>	39	52	87	58	39

Table 8.4.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	1	-	5	-	1
1<2 years (12 - 23.9 months)	4	6	9	5	2
2<3 years (24 - 35.9 months)	5	5	4	5	3
3<4 years (36 - 47.9 months)	1	6	4	4	5
4<5 years (48 - 59.9 months)	2	1	1	3	-
5<10 years (60 - 119.9 months)	-	1	1	-	2
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	13	19	24	17	13
Minimum (months)	6	12	3	12	11
Maximum (months)	54	60	60	48	96
Average (months)	27	28	22	29	34
Median (months)	24	24	18	27	36
90th percentile (months)	48	48	42	48	60

Arson, continued

Table 8.4.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	1	-	5	-	-
1<2 years (12 - 23.9 months)	3	3	6	4	2
2<3 years (24 - 35.9 months)	3	2	7	5	3
3<4 years (36 - 47.9 months)	2	8	1	5	5
4<5 years (48 - 59.9 months)	2	4	2	3	1
5<10 years (60 - 119.9 months)	2	2	3	-	1
10<15 years (120 - 179.9 months)	-	-	-	-	1
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	13	19	24	17	13
Minimum (months)	6	12	3	12	12
Maximum (months)	65	60	96	48	162
Average (months)	35	38	29	31	42
Median (months)	30	42	24	30	36
90th percentile (months)	60	60	72	48	60

Table 8.4.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	3	7	4	3
1<2 years (12 - 23.9 months)	4	6	5	9	8
2<3 years (24 - 35.9 months)	3	8	3	4	1
3<4 years (36 - 47.9 months)	1	2	1	-	-
4<5 years (48 - 59.9 months)	1	-	2	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	1
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	11	19	18	17	13
Minimum (months)	9	4	4	6	6
Maximum (months)	50	36	54	30	120
Average (months)	22	21	19	16	23
Median (months)	18	24	12	15	15
90th percentile (months)	36	36	48	24	30

Arson, continued

Table 8.4.6

Number of imprisonment orders made, by length of sentence, where the offence of arson was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	7	25	-	1
1<2 years (12 - 23.9 months)	20	23	25	8	4
2<3 years (24 - 35.9 months)	9	10	11	5	5
3<4 years (36 - 47.9 months)	2	7	7	4	8
4<5 years (48 - 59.9 months)	2	1	2	4	-
5<10 years (60 - 119.9 months)	1	1	1	-	3
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	36	49	71	21	21

Table 8.4.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	-	-	-
6<9 months	-	-	1	-	-
9<12 months	-	2	5	4	1
<i>Total</i>	0	2	6	4	1

Table 8.4.8

Number of defendants who received a suspended sentence, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	5	8	29	15	15
Average imprisonment length (months)	7	14	12	13	15
Average operational period (months)	19	25	26	23	20

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Arson, continued

Table 8.4.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	1	1	1	1	-
7-12 months	1	2	-	1	-
13-18 months	-	1	1	-	-
19-24 months	-	-	1	-	-
25-30 months	1	-	-	-	-
31-36 months	-	-	-	-	1
<i>Total</i>	3	4	3	2	1

Table 8.4.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	1	-	-
7-12 months	5	10	6	7	2
13-18 months	2	1	3	5	1
19-24 months	4	5	8	4	3
<i>Total</i>	11	16	18	16	6

Table 8.4.11

Number of defendants who received a fine, by amount, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	-
\$500<\$1,000	-	-	-	-	-
\$1,000<\$1,500	-	1	-	-	-
\$1,500<\$2,000	-	-	-	-	-
\$2,000<\$2,500	1	1	-	-	-
\$2,500<\$5,000	-	-	1	-	-
\$5,000<\$10,000	-	-	-	-	-
\$10,000<\$50,000	-	-	-	-	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	1	2	1	0	0

Arson, continued

Table 8.4.12

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was arson, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	1	-	3	1	1
13-24 months	3	-	-	1	-
25-36 months	2	-	1	-	-
37-48 months	-	1	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	6	1	4	2	1

Attempt to Obtain Property by Deception (State Legislation)

Over the period attempt to obtain property by deception was the 33rd most common principal proven offence. A person who, by any deception, attempts to dishonestly obtain property belonging to another, with the intention of permanently depriving the other of it, is guilty of attempting to obtain property by deception.¹⁶

Attempt to obtain property by deception is an indictable offence which carries a maximum penalty of 10 years imprisonment.

The total number of all offences found proven for attempt to obtain property by deception fluctuated from year to year and was at its highest with 81 in 2005/06 (Table 8.5.1).

Between 2001/02 and 2005/06:

- The number of principal proven offence's for attempt to obtain property by deception have not followed the same trend with 2005/06 being the lowest year with only 2 offences (Table 8.5.1);
- Due to the low numbers, the distribution of sentence types varied from year to year;
- The most common sentence type was a suspended sentence in all years except 2005/06 which is a result of the very low numbers in this particular year (Table 8.5.2);

Table 8.5.1

Number of attempt to obtain property by deception (State Legislation) offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	56	75	72	55	81
Number of principle proven offences	9	16	10	14	2

¹⁶ *Crimes Act 1958* s.81(1)

Attempt to Obtain Property by Deception (State Legislation), continued

Table 8.5.2

Number of each sentence type imposed where the principal proven offence was attempt to obtain property by deception (State Legislation), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	1	1	1	1	-
Intensive correction order	-	-	-	1	-
Suspended sentence	3	9	6	5	-
Youth training centre	-	-	-	-	-
Community based order	2	4	1	5	1
YSO/YAO	-	-	-	-	-
Fine	1	2	2	1	-
Adjourned undertaking	2	-	-	1	1
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	-	-
<i>Total</i>	9	16	10	14	2

Table 8.5.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was attempt to obtain property by deception (State Legislation), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	1	-	-	1	-
1<2 years (12 - 23.9 months)	-	1	1	-	-
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	1	1	1	1	0
Minimum (months)	6	12	12	8	-
Maximum (months)	6	12	12	8	-
Average (months)	6	12	12	8	-
Median (months)	6	12	12	8	-
90th percentile (months)	6	12	12	8	-

Attempt to Obtain Property by Deception (State Legislation), continued

Table 8.5.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was attempt to obtain property by deception (State Legislation), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
<i>Number</i>					
0<1 year (0 - 11.9 months)	1	-	-	-	-
1<2 years (12 - 23.9 months)	-	1	1	1	-
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	1	1	1	1	0
Minimum (months)	11	15	12	20	-
Maximum (months)	11	15	12	20	-
Average (months)	11	15	12	20	-
Median (months)	11	15	12	20	-
90th percentile (months)	11	15	12	20	-

Table 8.5.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was attempt to obtain property by deception (State Legislation), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
<i>Number</i>					
0<1 year (0 - 11.9 months)	-	1	-	-	-
1<2 years (12 - 23.9 months)	-	-	-	1	-
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	0	1	0	1	0
Minimum (months)	-	9	-	12	-
Maximum (months)	-	9	-	12	-
Average (months)	-	9	-	12	-
Median (months)	-	9	-	12	-
90th percentile (months)	-	9	-	12	-

Attempt to Obtain Property by Deception (State Legislation), continued

Table 8.5.6

Number of imprisonment orders made, by length of sentence, where the offence of attempt to obtain property by deception (State Legislation) was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	18	36	46	19	21
1<2 years (12 - 23.9 months)	4	12	3	2	7
2<3 years (24 - 35.9 months)	-	1	-	-	-
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	22	49	49	21	28

Table 8.5.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was attempt to obtain property by deception (State Legislation), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	-	-	-
6<9 months	-	-	-	-	-
9<12 months	-	-	-	1	-
<i>Total</i>	0	0	0	1	0

Table 8.5.8

Number of defendants who received a suspended sentence, where the principal proven offence was attempt to obtain property by deception (State Legislation), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	3	9	6	5	-
Average imprisonment length (months)	14	14	13	8	-
Average operational period (months)	22	22	20	26	-

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Attempt to Obtain Property by Deception (State Legislation), continued

Table 8.5.9

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was attempt to obtain property by deception (State), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	1	2	1	2	-
13-18 months	-	-	-	1	1
19-24 months	1	2	-	2	-
<i>Total</i>	2	4	1	5	1

Table 8.5.10

Number of defendants who received a fine, by amount, where the principal proven offence was attempt to obtain property by deception (State), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	-
\$500<\$1,000	-	-	-	-	-
\$1,000<\$1,500	-	-	1	-	-
\$1,500<\$2,000	-	-	-	-	-
\$2,000<\$2,500	-	-	-	-	-
\$2,500<\$5,000	1	-	-	-	-
\$5,000<\$10,000	-	-	-	1	-
\$10,000<\$50,000	-	2	1	-	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	1	2	2	1	0

Table 8.5.11

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was attempt to obtain property by deception (State), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	1	-	-	-	-
13-24 months	1	-	-	1	1
25-36 months	-	-	-	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	2	0	0	1	1

Attempt To Pervert The Course Of Justice

Attempt to pervert the course of justice was the 34th most common principal proven offence. A person who interferes with witnesses or potential witnesses, attempts to manufacture false evidence or persuade witnesses to alter their evidence, is guilty of attempting to pervert the course of justice.¹⁷ The conduct must be intended to lead to a miscarriage of justice, regardless of whether a miscarriage of justice actually occurs.¹⁸

Attempt to pervert the course of justice is an indictable offence that carries a maximum penalty of 25 years imprisonment.

The total number of all offences found proven for attempt to pervert the course of justice increased from a low of 4 in 2002/03 to 20 in 2005/06 (Table 8.6.1).

Between 2001/02 and 2005/06:

- The number of principal proven offences for attempt to pervert the course of justice have increased from 7 to 17 (Table 8.6.1);
- In the majority of instances, attempt to pervert the course of justice would have been the principal proven offence;
- The most common sentence types handed down were imprisonment or a suspended sentence (Table 8.6.2);
- Where a sentence of imprisonment was handed down there was no trend in relation to the length of average length of imprisonment with the average ranging from 6 months to 33 months (Table 8.6.3);
- There was no trend in relation to the length of suspended sentence.

Table 8.6.1

Number of attempt to pervert the course of justice offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	9	4	16	18	20
Number of principle proven offences	7	3	10	14	17

¹⁷ Archbold (1997) *Criminal Pleading, Evidence & Practice*, ed Richardson, P J and Archbold, I F, Sweet & Maxwell.

¹⁸ *R v Rowell* [1977] 65 Cr App R 174, 180

Attempt To Pervert The Course Of Justice, continued

Table 8.6.2

Number of each sentence type imposed where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	2	2	2	3	4
Intensive correction order	-	-	-	-	1
Suspended sentence	4	1	3	8	9
Youth training centre	-	-	-	-	-
Community based order	-	-	4	2	1
YSO/YAO	-	-	-	-	-
Fine	1	-	-	-	2
Adjourned undertaking	-	-	1	1	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	-	-
<i>Total</i>	7	3	10	14	17

Table 8.6.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	1	2	1	1
1<2 years (12 - 23.9 months)	1	-	-	1	2
2<3 years (24 - 35.9 months)	1	-	-	1	1
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	1	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	2	2	2	3	4
Minimum (months)	18	6	2	6	2
Maximum (months)	24	60	10	24	24
Average (months)	21	33	6	14	16
Median (months)	21	33	6	12	18
90th percentile (months)	24	60	10	24	24

Attempt To Pervert The Course Of Justice, continued

Table 8.6.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	1	2	-	1
1<2 years (12 - 23.9 months)	1	-	-	1	2
2<3 years (24 - 35.9 months)	1	-	-	2	1
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	1	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	2	2	2	3	4
Minimum (months)	18	6	4	18	2
Maximum (months)	24	96	10	33	24
Average (months)	21	51	7	25	16
Median (months)	21	51	7	24	18
90th percentile (months)	24	96	10	33	24

Table 8.6.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	1	-	-	-	2
1<2 years (12 - 23.9 months)	1	-	-	3	1
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	1	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	2	1	0	3	3
Minimum (months)	9	78	-	12	9
Maximum (months)	18	78	-	22	14
Average (months)	14	78	-	16	11
Median (months)	14	78	-	14	9
90th percentile (months)	18	78	-	22	14

Attempt To Pervert The Course Of Justice, continued

Table 8.6.6

Number of imprisonment orders made, by length of sentence, where the offence of attempt to pervert the course of justice was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	1	3	2	2
1<2 years (12 - 23.9 months)	1	-	-	1	2
2<3 years (24 - 35.9 months)	1	-	-	1	1
3<4 years (36 - 47.9 months)	-	-	-	-	-
4<5 years (48 - 59.9 months)	-	-	1	-	-
5<10 years (60 - 119.9 months)	-	1	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	4	2	4	4	5

Table 8.6.7

Number of defendants who received a suspended sentence, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	4	1	3	8	9
Average imprisonment length (months)	18	24	13	11	12
Average operational period (months)	30	24	20	17	25

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Table 8.6.8

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	-	-	2	2	1
13-18 months	-	-	-	-	-
19-24 months	-	-	2	-	-
<i>Total</i>	0	0	4	2	1

Attempt To Pervert The Course Of Justice, continued

Table 8.6.9

Number of defendants who received a fine, by amount, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	-
\$500<\$1,000	-	-	-	-	-
\$1,000<\$1,500	-	-	-	-	1
\$1,500<\$2,000	-	-	-	-	-
\$2,000<\$2,500	-	-	-	-	-
\$2,500<\$5,000	-	-	-	-	1
\$5,000<\$10,000	1	-	-	-	-
\$10,000<\$50,000	-	-	-	-	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	1	0	0	0	2

Table 8.6.10

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was attempt to pervert the course of justice, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	-	-	1	1	-
13-24 months	-	-	-	-	-
25-36 months	-	-	-	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	0	0	1	1	0

Attempted Armed Robbery

Over the period attempted armed robbery was the 13th most common principal proven offence. A person who attempts to use or threatens to use force in order to steal, and at the time has with them a firearm, imitation firearm, offensive weapon, explosive or imitation explosive is guilty of attempted armed robbery.¹⁹ A person may be guilty of attempted armed robbery despite the existence of facts of which he or she is unaware which make the commission of the offence impossible.²⁰

Attempted armed robbery is an indictable offence that carries a maximum penalty of 25 years imprisonment and/or fine of up to 3000 penalty units.²¹

The total number of all offences found proven for attempted armed robbery fluctuated from year to year. 2005/06 saw the lowest number of offences found guilty with 74, whilst 2001/02 the highest with 156 (Table 8.7.1).

Between 2001/02 and 2005/06:

- The number of principal proven offences for attempted armed robbery decreased over the period by over 50%;
- The trend for attempted armed robbery is similar to armed robbery;
- The most common sentence type was imprisonment (Table 8.7.2);
- The average length of imprisonment ranged from 22 to 28 months (Table 8.7.3);
- The maximum sentence length was 60 months and occurred in all years except 2003/04 (Table 8.7.3).

Table 8.7.1

Number of attempted armed robbery offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	156	90	149	82	74
Number of principle proven offences	61	54	54	42	26

¹⁹ *Crimes Act 1958* s. 75A

²⁰ Freckelton, I (1999) *Indictable Offences in Victoria*, LBC Information Services, p141.

²¹ Each penalty unit is worth \$107.43, Victorian Government Gazette, 6 April 2006.

Attempted Armed Robbery, continued

Table 8.7.2

Number of each sentence type imposed where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	30	22	23	22	13
Intensive correction order	3	2	2	2	-
Suspended sentence	7	10	10	7	2
Youth training centre	11	6	6	2	3
Community based order	8	10	12	8	7
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	2	3	1	1	1
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	1	-	-	-
<i>Total</i>	61	54	54	42	26

Table 8.7.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	4	4	3	3	3
1<2 years (12 - 23.9 months)	10	4	7	4	2
2<3 years (24 - 35.9 months)	12	13	6	6	5
3<4 years (36 - 47.9 months)	3	-	5	4	1
4<5 years (48 - 59.9 months)	-	-	2	4	1
5<10 years (60 - 119.9 months)	1	1	-	1	1
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	30	22	23	22	13
Minimum (months)	6	2	3	1	3
Maximum (months)	60	60	48	60	60
Average (months)	22	22	24	28	26
Median (months)	24	24	24	26	30
90th percentile (months)	36	30	42	48	48

Attempted Armed Robbery, continued

Table 8.7.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	3	4	2	3	1
1<2 years (12 - 23.9 months)	10	3	8	4	4
2<3 years (24 - 35.9 months)	8	9	4	4	4
3<4 years (36 - 47.9 months)	6	3	6	3	1
4<5 years (48 - 59.9 months)	1	-	2	4	1
5<10 years (60 - 119.9 months)	2	3	1	4	2
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	30	22	23	22	13
Minimum (months)	6	2	3	1	3
Maximum (months)	72	78	66	83	60
Average (months)	27	28	28	35	30
Median (months)	24	24	24	32	30
90th percentile (months)	48	60	48	64	60

Table 8.7.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	9	5	7	6	4
1<2 years (12 - 23.9 months)	11	8	7	3	6
2<3 years (24 - 35.9 months)	4	1	5	6	1
3<4 years (36 - 47.9 months)	2	-	1	1	1
4<5 years (48 - 59.9 months)	-	2	-	3	-
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	1	1	-	-	-
<i>Total</i>	27	17	20	19	12
Minimum (months)	3	6	6	5	5
Maximum (months)	45	54	42	57	36
Average (months)	16	18	17	23	14
Median (months)	12	12	17	24	12
90th percentile (months)	33	48	33	54	24

Attempted Armed Robbery, continued

Table 8.7.6

Number of imprisonment orders made, by length of sentence, where the offence of attempted armed robbery was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	13	6	18	6	8
1<2 years (12 - 23.9 months)	36	12	40	18	19
2<3 years (24 - 35.9 months)	29	24	22	7	11
3<4 years (36 - 47.9 months)	10	-	9	4	12
4<5 years (48 - 59.9 months)	-	-	2	5	2
5<10 years (60 - 119.9 months)	1	2	1	1	1
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	89	44	92	41	53

Table 8.7.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	2	-	-
6<9 months	2	-	-	2	-
9<12 months	1	2	-	-	-
<i>Total</i>	3	2	2	2	0

Table 8.7.8

Number of defendants who received a suspended sentence, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	7	10	10	7	2
Average imprisonment length (months)	18	17	12	9	30
Average operational period (months)	24	23	22	21	36

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Attempted Armed Robbery, continued

Table 8.7.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	3	-	1	1	-
7-12 months	1	4	2	1	2
13-18 months	3	2	1	-	-
19-24 months	3	-	1	-	-
25-30 months	-	-	-	-	-
31-36 months	1	-	1	-	1
<i>Total</i>	11	6	6	2	3

Table 8.7.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	1	-	-	-
7-12 months	2	4	2	2	-
13-18 months	2	1	1	2	3
19-24 months	4	4	9	4	4
<i>Total</i>	8	10	12	8	7

Table 8.7.11

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was attempted armed robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	1	2	-	1	1
13-24 months	1	-	-	-	-
25-36 months	-	1	1	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	2	3	1	1	1

Blackmail

Over the period blackmail was the 29th most common principal proven offence. A person who with a view to gain for himself or another or with intent to cause loss to another, makes unwarranted demand with menace is guilty of blackmail.²² The nature of the act demanded is immaterial as is whether the menace relates to action to be taken by the person making the demand.²³

Blackmail is an indictable offence that carries a maximum penalty of 15 years imprisonment.

The total number of all offences found proven for blackmail increased from 11 in 2001/02 to 34 in 2005/06 (Table 8.8.1).

Between 2001/02 and 2005/06:

- The number of principal proven offences for blackmail remained stable over the period;
- The most common sentence type where the principal proven offence was blackmail was a suspended sentence followed by imprisonment (Table 8.8.2);
- The average sentence length of the suspended sentence has decreased from 19 in 2001/02 to 8 in 2005/05 (Table 8.8.8);
- Due to the low number the average length of imprisonment varied significantly from less than a year to three years (Table 8.8.3).

Table 8.8.1

Number of blackmail offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
			<i>Number</i>		
Total of all offences found proven	11	18	24	13	34
Number of principle proven offences	10	13	16	9	17

²² *Crimes Act 1958* s.87(1)

²³ *Crimes Act 1958* s.87(1)

Blackmail, continued

Table 8.8.2

Number of each sentence type imposed where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	2	4	5	2	7
Intensive correction order	-	-	-	-	-
Suspended sentence	4	6	6	3	7
Youth training centre	-	1	-	-	-
Community based order	2	-	3	2	2
YSO/YAO	-	-	-	-	-
Fine	-	-	-	1	1
Adjourned undertaking	2	1	2	1	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	1	-	-	-
<i>Total</i>	10	13	16	9	17

Table 8.8.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	-	1	1	3
1<2 years (12 - 23.9 months)	-	-	-	1	2
2<3 years (24 - 35.9 months)	1	2	2	-	-
3<4 years (36 - 47.9 months)	1	-	1	-	-
4<5 years (48 - 59.9 months)	-	2	1	-	1
5<10 years (60 - 119.9 months)	-	-	-	-	1
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	2	4	5	2	7
Minimum (months)	30	24	6	2	6
Maximum (months)	42	48	48	18	60
Average (months)	36	36	28	10	23
Median (months)	36	36	24	10	15
90th percentile (months)	42	48	48	18	60

Blackmail, continued

Table 8.8.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	-	1	1	3
1<2 years (12 - 23.9 months)	-	-	-	1	1
2<3 years (24 - 35.9 months)	1	1	2	-	1
3<4 years (36 - 47.9 months)	-	1	1	-	-
4<5 years (48 - 59.9 months)	1	2	1	-	-
5<10 years (60 - 119.9 months)	-	-	-	-	2
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	2	4	5	2	7
Minimum (months)	30	24	6	3	6
Maximum (months)	48	48	57	22	84
Average (months)	39	39	29	13	31
Median (months)	39	42	24	13	21
90th percentile (months)	48	48	57	22	84

Table 8.8.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	-	1	1	2
1<2 years (12 - 23.9 months)	1	2	2	-	-
2<3 years (24 - 35.9 months)	1	1	-	-	-
3<4 years (36 - 47.9 months)	-	1	1	-	-
4<5 years (48 - 59.9 months)	-	-	-	-	1
5<10 years (60 - 119.9 months)	-	-	-	-	1
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	1	-	-
<i>Total</i>	2	4	5	1	4
Minimum (months)	12	12	4	6	6
Maximum (months)	33	36	42	6	60
Average (months)	23	24	19	6	31
Median (months)	23	24	15	6	29
90th percentile (months)	33	36	42	6	60

Blackmail, continued

Table 8.8.6

Number of imprisonment orders made, by length of sentence, where the offence of blackmail was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	1	1	2	4
1<2 years (12 - 23.9 months)	1	-	3	2	12
2<3 years (24 - 35.9 months)	1	3	3	-	-
3<4 years (36 - 47.9 months)	1	-	2	-	-
4<5 years (48 - 59.9 months)	-	2	1	-	1
5<10 years (60 - 119.9 months)	-	-	-	-	1
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	3	6	10	4	18

Table 8.8.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	-	-	-
6<9 months	-	-	-	-	-
9<12 months	-	-	-	-	-
<i>Total</i>	0	0	0	0	0

Table 8.8.8

Number of defendants who received a suspended sentence, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	4	6	6	3	7
Average imprisonment length (months)	19	13	13	9	8
Average operational period (months)	33	25	21	18	17

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Blackmail, continued

Table 8.8.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	-	1	-	-	-
13-18 months	-	-	-	-	-
19-24 months	-	-	-	-	-
25-30 months	-	-	-	-	-
31-36 months	-	-	-	-	-
<i>Total</i>	0	1	0	0	0

Table 8.8.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	-	-	1	1	2
13-18 months	-	-	-	-	-
19-24 months	2	-	2	1	-
<i>Total</i>	2	0	3	2	2

Table 8.8.11

Number of defendants who received a fine, by amount, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	-
\$500<\$1,000	-	-	-	-	-
\$1,000<\$1,500	-	-	-	-	-
\$1,500<\$2,000	-	-	-	-	-
\$2,000<\$2,500	-	-	-	-	-
\$2,500<\$5,000	-	-	-	-	-
\$5,000<\$10,000	-	-	-	-	1
\$10,000<\$50,000	-	-	-	1	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	0	0	0	1	1

Blackmail, continued

Table 8.8.12

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was blackmail, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	1	1	1	1	-
13-24 months	-	-	1	-	-
25-36 months	1	-	-	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	2	1	2	1	0

Burglary

Over the period burglary was the 14th most common principal proven offence. A person who enters a building or part of a building as a trespasser and who intends to steal or assault a person in the building or to damage the building or property in the building, is guilty of burglary.²⁴

Burglary is an indictable offence that carries a maximum penalty of 10 years imprisonment and/or fine of up to 1200 penalty units.²⁵

The total number of all offences found proven for burglary varied from year to year but did show a slight decrease overall.

Between 2000/01 and 2004/05:

- The number of principal proven offences for burglary peaked in 2003/04 with 54 before decreasing to 36, the lowest number over the period in 2005/06 (Table 8.9.1);
- The most common sentence type where the principal proven offence was burglary was imprisonment or a suspended sentence (Table 8.9.2);
- Where the sentence was imprisonment the average sentence length was between 15 and 24 months (Table 8.9.3);
- Average sentence lengths where the sentence type imposed was a suspended sentence remained steady over the last two years with at 15 months (Table 8.9.8);
- Operational periods remained relatively consistent, requiring a defendant to be of good behaviour for between 22 and 28 months (Table 8.9.8).

Table 8.9.1

Number of burglary offences found proven, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Total of all offences found proven	363	336	261	299	312
Number of principle proven offences	38	40	54	52	36

²⁴ *Crimes Act 1958* s.76

²⁵ Each penalty unit is worth \$107.43, Victorian Government Gazette, 6 April 2006.

Burglary, continued

Table 8.9.2

Number of each sentence type imposed where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	23	14	23	30	18
Intensive correction order	2	-	4	5	-
Suspended sentence	6	14	16	8	14
Youth training centre	4	-	1	-	1
Community based order	3	12	7	8	2
YSO/YAO	-	-	-	-	-
Fine	-	-	1	1	1
Adjourned undertaking	-	-	2	-	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	-	-
<i>Total</i>	38	40	54	52	36

Table 8.9.3

Number of defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	5	2	6	8	5
1<2 years (12 - 23.9 months)	12	5	5	17	7
2<3 years (24 - 35.9 months)	6	3	6	4	3
3<4 years (36 - 47.9 months)	-	2	1	1	2
4<5 years (48 - 59.9 months)	-	2	5	-	1
5<10 years (60 - 119.9 months)	-	-	-	-	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	23	14	23	30	18
Minimum (months)	3	6	1	2	3
Maximum (months)	30	48	48	42	48
Average (months)	16	24	23	15	18
Median (months)	18	21	24	14	15
90th percentile (months)	24	48	48	24	36

Burglary, continued

Table 8.9.4

Number of defendants sentenced to imprisonment, by Total Effective Sentence, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	-	4	3	1
1<2 years (12 - 23.9 months)	7	1	1	12	7
2<3 years (24 - 35.9 months)	7	4	5	8	3
3<4 years (36 - 47.9 months)	4	2	2	4	3
4<5 years (48 - 59.9 months)	3	6	4	-	4
5<10 years (60 - 119.9 months)	-	1	7	2	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	23	14	23	29	18
Minimum (months)	6	18	3	3	7
Maximum (months)	54	90	78	84	48
Average (months)	28	42	38	26	29
Median (months)	26	45	37	23	27
90th percentile (months)	48	54	63	42	48

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).

Table 8.9.5

Number of defendants with a Non-Parole Period fixed, by length, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	6	-	1	12	5
1<2 years (12 - 23.9 months)	10	6	4	9	5
2<3 years (24 - 35.9 months)	4	2	5	2	5
3<4 years (36 - 47.9 months)	-	5	7	1	-
4<5 years (48 - 59.9 months)	-	-	-	-	-
5<10 years (60 - 119.9 months)	-	1	-	1	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	1	-	-
<i>Total</i>	20	14	18	25	15
Minimum (months)	3	12	10	5	6
Maximum (months)	32	60	44	66	30
Average (months)	16	27	28	15	17
Median (months)	14	24	24	12	15
90th percentile (months)	30	39	42	26	30

Burglary, continued

Table 8.9.6

Number of imprisonment orders made, by length of sentence, where the offence of burglary was found proven, but it was not the principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	163	93	58	53	86
1<2 years (12 - 23.9 months)	137	87	88	123	78
2<3 years (24 - 35.9 months)	11	44	40	57	46
3<4 years (36 - 47.9 months)	3	43	6	1	19
4<5 years (48 - 59.9 months)	-	2	11	-	1
5<10 years (60 - 119.9 months)	-	-	-	1	-
10<15 years (120 - 179.9 months)	-	-	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	314	269	203	235	230

Table 8.9.7

Number of defendants sentenced to an intensive corrections order, by term of order, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<3 months	-	-	-	-	-
3<6 months	-	-	2	1	-
6<9 months	-	-	-	2	-
9<12 months	2	-	2	2	-
<i>Total</i>	2	0	4	5	0

Table 8.9.8

Number of defendants who received a suspended sentence, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Number of orders made	6	14	16	8	14
Average imprisonment length (months)	5	15	12	15	15
Average operational period (months)	22	25	23	26	28

* The average imprisonment length (months) is not the length of time spent in custody, but the overall length of imprisonment imposed. Only where the sentence was a partially suspended sentence would some of this time be spent in custody.

Burglary, continued

Table 8.9.9

Number of defendants sentenced to be detained in a youth training centre, by term of order, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	2	-	-	-	-
7-12 months	1	-	-	-	-
13-18 months	1	-	1	-	-
19-24 months	-	-	-	-	-
25-30 months	-	-	-	-	-
31-36 months	-	-	-	-	1
<i>Total</i>	4	0	1	0	1

Table 8.9.10

Number of defendants sentenced to a community based order, by term of order, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-6 months	-	-	-	-	-
7-12 months	1	3	4	2	1
13-18 months	1	2	-	-	1
19-24 months	1	7	3	6	-
<i>Total</i>	3	12	7	8	2

Table 8.9.11

Number of defendants who received a fine, by amount, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
\$0<\$500	-	-	-	-	-
\$500<\$1,000	-	-	1	-	-
\$1,000<\$1,500	-	-	-	1	-
\$1,500<\$2,000	-	-	-	-	-
\$2,000<\$2,500	-	-	-	-	-
\$2,500<\$5,000	-	-	-	-	1
\$5,000<\$10,000	-	-	-	-	-
\$10,000<\$50,000	-	-	-	-	-
\$50,000<\$100,000	-	-	-	-	-
\$100,000+	-	-	-	-	-
<i>Total</i>	0	0	1	1	1

Burglary, continued

Table 8.9.12

Number of defendants sentenced to an adjourned undertaking, by term of order, where the principal proven offence was burglary, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0-12 months	-	-	1	-	-
13-24 months	-	-	-	-	-
25-36 months	-	-	1	-	-
37-48 months	-	-	-	-	-
49-60 months	-	-	-	-	-
<i>Total</i>	0	0	2	0	0