

Chapter 1

Workflows in the Higher Courts

Outcomes of the committal process

During the five years between 2001/02 – 2005/06 there was an increase in the number of committal hearings in the Magistrates' Court. This resulted in an increase in the number of defendants who were committed from the Magistrates' Court to the County or Supreme Courts.

In 2001/02, a total of 2,299 defendants were committed, but by 2004/05 this total had risen by 18% to 2,717. This upward trend in defendants committed did reverse in 2005/06 when 2,671 defendants were committed from the Magistrates' Court to the County and Supreme Court. The number of defendants who were dealt with summarily as the result of a committal process also increased from 497 in 2001/02 to 706 in 2004/05, before decreasing to 582 in 2005/06.

Table 1.1

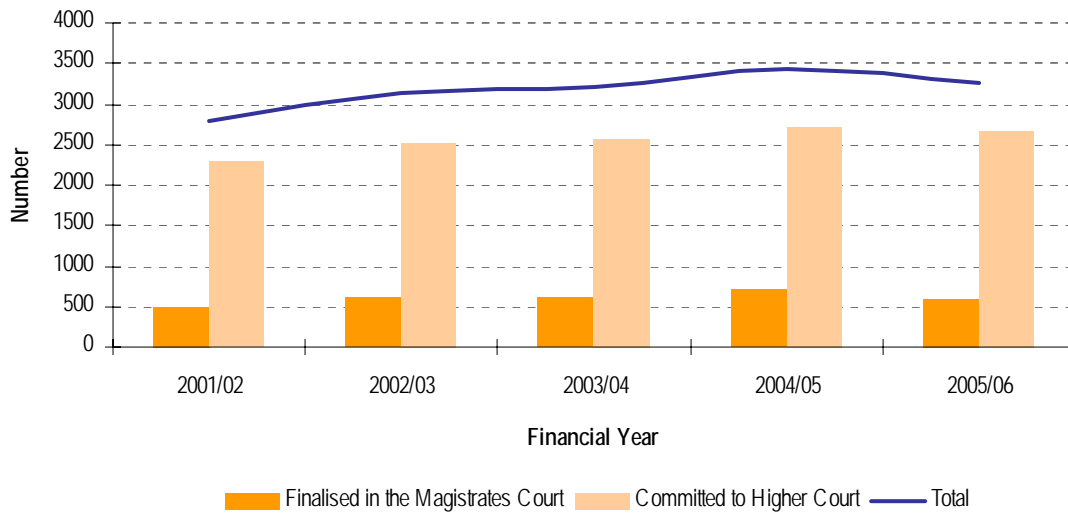
Defendants in the committal process, by outcome of process, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
Committed to Higher Court	2299	2523	2571	2717	2671
Finalised in the Magistrates' Court	497	618	627	706	582
<i>Total</i>	<i>2796</i>	<i>3141</i>	<i>3198</i>	<i>3423</i>	<i>3253</i>
	<i>Percent</i>				
Committed to Higher Court	82.2%	80.3%	80.4%	79.4%	82.1%
Finalised in the Magistrates' Court	17.8%	19.7%	19.6%	20.6%	17.9%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

Outcomes of the committal process, continued

Figure 1.1

Total number of defendants finalised in the committal stream, by method of finalisation, 2001/02–2005/06



The plea entered by defendants who were committed to a Higher Court showed slight year-to-year variation. The proportion of defendants who reserved their plea rose slightly from 34% in 2001/02 to 39% in 2005/06, while the proportion of guilty pleas fell from 44% to 36%. Not guilty pleas accounted for between 22% and 24% of all defendants committed.

Table 1.2

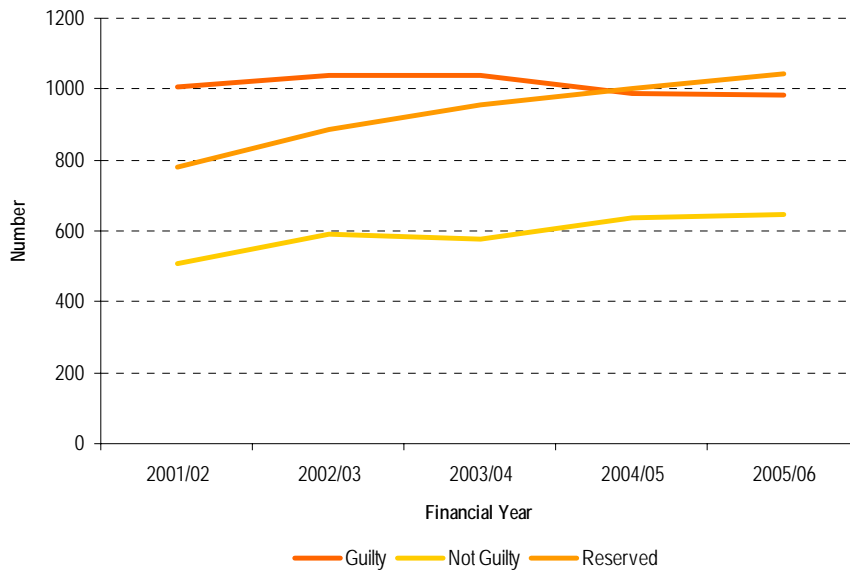
Defendants committed from the Magistrates' Court to the Supreme and County Courts of Victoria, by plea type, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
Guilty	1007	1038	1039	987	984
Not Guilty	510	593	575	639	645
Reserved	779	887	957	1003	1042
Unknown	3	5	-	88	-
<i>Total</i>	<i>2299</i>	<i>2523</i>	<i>2571</i>	<i>2717</i>	<i>2671</i>
	<i>Percent</i>				
Guilty	43.8%	41.1%	40.4%	36.3%	36.8%
Not Guilty	22.2%	23.5%	22.4%	23.5%	24.1%
Reserved	33.9%	35.2%	37.2%	36.9%	39.0%
Unknown	0.1%	0.2%	-	3.2%	-
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

Outcomes of the committal process, continued

Figure 1.2

Plea distribution of defendants committed to a Higher Court, 2001/02–2005/06



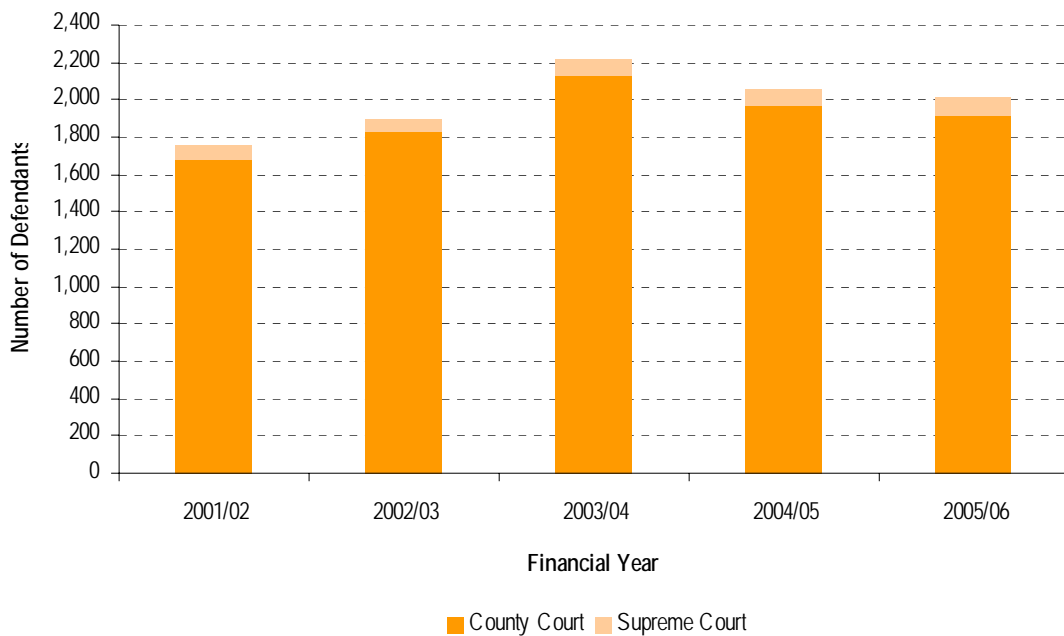
Defendants found guilty in the Supreme and County Courts

The total number of defendants sentenced increased from 1,759 in 2001/02 to 2,215 in 2003/04, before decreasing to 2,012 by 2005/06. This is an overall increase of 14%. The increase in the volume of defendants sentenced was mostly due to an increase in the County Court. Just over 95% of defendants were sentenced in the County Court, and 5% in the Supreme Court.

Table 1.3
Defendants found guilty in the Supreme and County Courts of Victoria, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
Supreme Court	75	70	80	92	91
County	1,684	1,827	2,135	1,969	1,921
<i>Total</i>	<i>1,759</i>	<i>1,897</i>	<i>2,215</i>	<i>2,061</i>	<i>2,012</i>
	<i>Percent</i>				
Supreme Court	4.3%	3.7%	3.6%	4.5%	4.5%
County	95.7%	96.3%	96.4%	95.5%	95.5%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

Figure 1.3
Number of defendants found guilty in the Supreme and County Courts of Victoria, 2001/02–2005/06



Offences in the Higher Courts

Principal proven offences

The majority of defendants who were sentenced in the Higher Courts were found guilty of more than one offence. In this report, defendants and sentences are usually described in terms of the *principal proven offence*; that is, the offence that attracted the most severe penalty. However this report also contains statistics on all the offences that were found proven in the Higher Courts.

Over half the defendants who were sentenced in the Higher Courts over the period had a principal proven offence that was an offence against the person, except in 2005/06 where it was 49%. In the Supreme Court, except for 2004/05, this group accounted for over 85% of all sentenced defendants, while in the County Court between 47% and 59% of defendants were sentenced for an offence against the person. The next most common group of offences was property offences. Defendants with a principal proven offence that was a property offence made up 26% to 31% of those sentenced in the County Court, but 5% or less of those sentenced in the Supreme Court. Drug Offences were the principal proven offence in 11% to 17% of County Court matters, and accounted for between 3% and 9% of Supreme Court sentences. 'Other' offences were the principal proven offence for 7%, or less, of defendants sentenced in the Higher Courts.

Offences in the Higher Courts, continued

Table 1.4

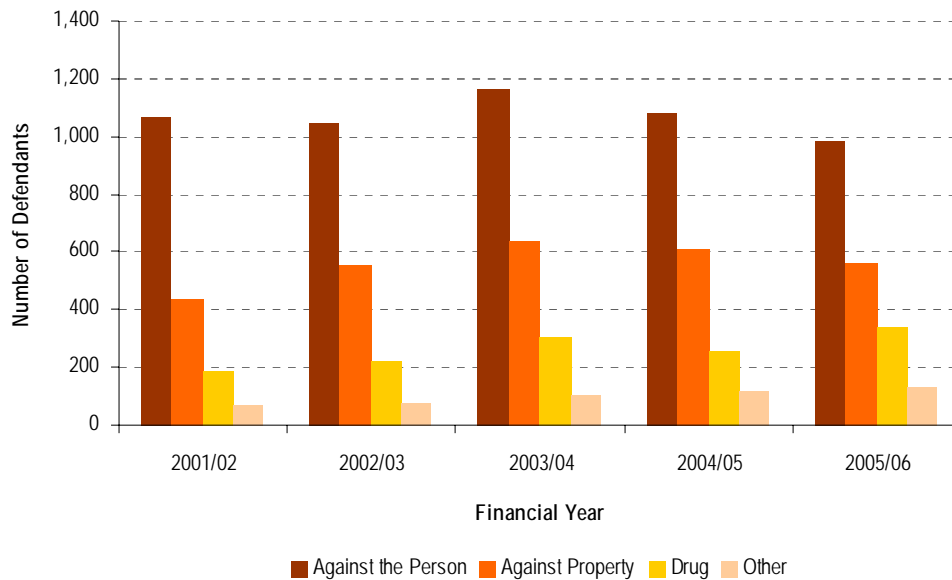
Defendants found guilty, by jurisdiction and group of principal proven offence, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
<i>Number</i>					
Supreme Court					
Against the person	65	61	76	74	79
Against Property	4	3	3	3	2
Drug	2	-	-	7	8
Other	4	6	1	7	2
<i>Total Supreme Court</i>	<i>75</i>	<i>70</i>	<i>79</i>	<i>91</i>	<i>91</i>
County Court					
Against the person	999	986	1,090	1,006	904
Against Property	436	551	633	609	556
Drug	182	224	307	246	329
Other	67	68	106	111	132
<i>Total County Court</i>	<i>1,684</i>	<i>1,829</i>	<i>2,136</i>	<i>1,972</i>	<i>1,921</i>
Total Defendants					
Against the person	1,064	1,047	1,165	1,080	983
Against Property	440	554	636	612	558
Drug	184	224	307	253	337
Other	71	74	107	118	134
<i>Total Defendants</i>	<i>1,759</i>	<i>1,899</i>	<i>2,216</i>	<i>2,063</i>	<i>2,012</i>
<i>Percent</i>					
Supreme Court					
Against the person	87%	87%	96%	81%	87%
Against Property	5%	4%	4%	3%	2%
Drug	3%	-	-	8%	9%
Other	5%	9%	1%	8%	2%
<i>Total Supreme Court</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
County Court					
Against the person	59%	54%	51%	51%	47%
Against Property	26%	30%	30%	31%	29%
Drug	11%	12%	14%	12%	17%
Other	4%	4%	5%	6%	7%
<i>Total County Court</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Total Defendants					
Against the person	60%	55%	53%	52%	49%
Against Property	25%	29%	29%	30%	28%
Drug	10%	12%	14%	12%	17%
Other	4%	4%	5%	6%	7%
<i>Total Defendants</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Offences in the Higher Courts, continued

Figure 1.4

Defendants found guilty, by group of principal proven offence, 2001/02–2005/06



Total offences

In 2005/06, 2,012 defendants found guilty, had an associated 7,613 offences found proven in the Higher Courts.

The total number of offences found proven have followed an upward trend over the period increasing by 26% from 7,055 in 2001/02 to 8,913 in 2003/04, before decreasing to 7,613 in 2005/06, an overall increase of 8%. The increase in the volume of offences found proven was mostly due to an increase in the County Court. Just over 97% of defendants were sentenced in the County Court.

Offences in the Higher Courts, continued

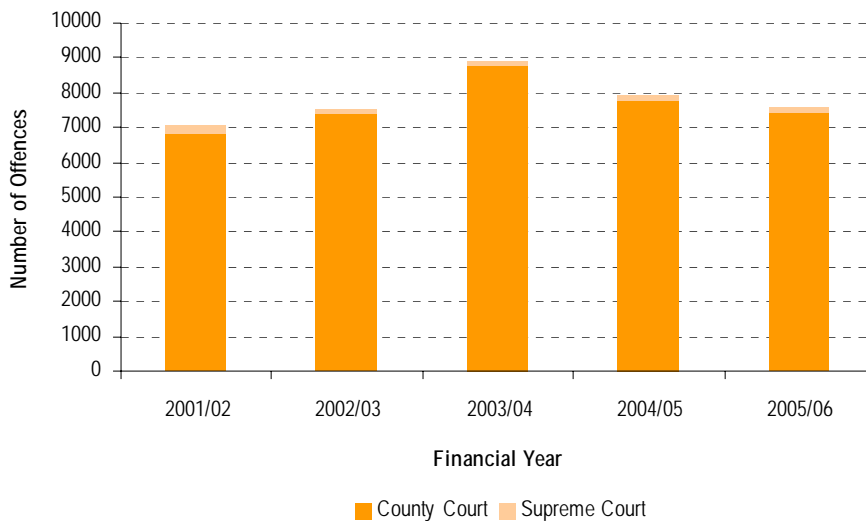
Table 1.5

Total number of offences found proven in the Supreme and County Courts of Victoria, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
Supreme Court	195	105	147	169	178
County	6860	7410	8766	7770	7435
<i>Total</i>	<i>7,055</i>	<i>7,515</i>	<i>8,913</i>	<i>7,939</i>	<i>7,613</i>
	<i>Percent</i>				
Supreme Court	2.8%	1.4%	1.6%	2.1%	2.3%
County	97.2%	98.6%	98.3%	97.9%	97.7%
<i>Total</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>	<i>100.0%</i>

Figure 1.5

Total number of offences found proven in the Supreme and County Courts of Victoria, 2001/02–2005/06



In general, sentences imposed for offences against the person tended to be more severe than those for other groups of offences. This partly accounts for the predominance of offences against the person in statistics based on principal proven offences. If all proven offences are counted, then in all five years covered by these statistics property offences comprised the largest group of all offences found proven in the Higher Courts, accounting for 45% to 50%. Offences against the person made up a slightly smaller proportion, accounting for 37% to 43%, whilst, drug and 'other offences each constitute between 5% and 10% of all Higher Court offences found proven.

Offences in the Higher Courts, continued

Table 1.6

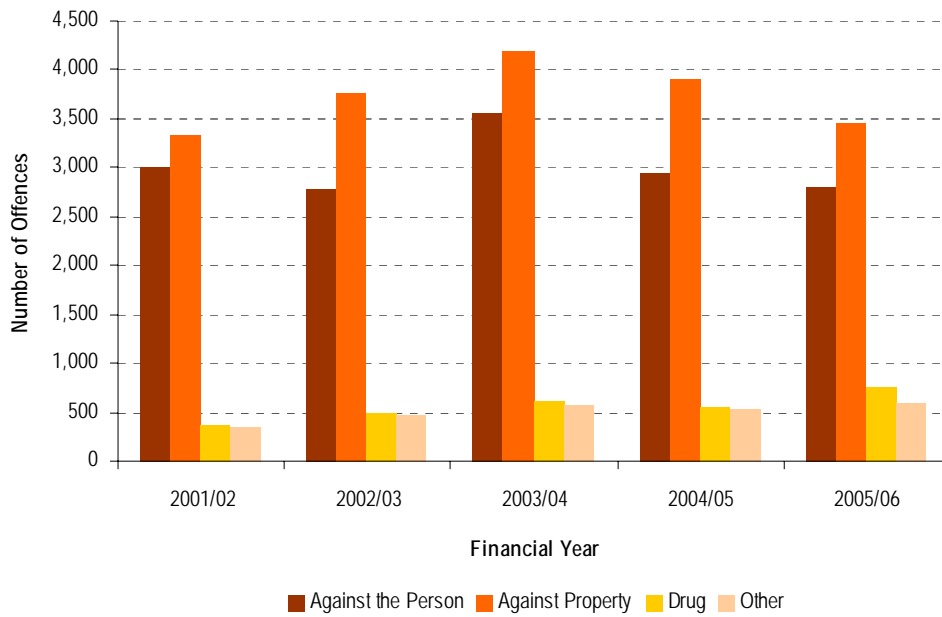
Total number of offences found proven, by offence type, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
<i>Number</i>					
Supreme Court					
Against the person	77	72	115	90	113
Against Property	100	27	21	50	42
Drug	3	-	5	18	19
Other	15	6	7	11	4
<i>Total Supreme Court</i>	<i>195</i>	<i>105</i>	<i>147</i>	<i>169</i>	<i>178</i>
County Court					
Against the person	2,929	2,708	3,437	2,858	2,684
Against Property	3,232	3,738	4,163	3,867	3,418
Drug	366	493	609	528	737
Other	333	471	557	517	596
<i>Total County Court</i>	<i>6,860</i>	<i>7,410</i>	<i>8,766</i>	<i>7,770</i>	<i>7,435</i>
Total Offences					
Against the person	3,006	2,780	3,551	2,948	2,797
Against Property	3,332	3,765	4,184	3,917	3,460
Drug	369	493	614	546	756
Other	348	477	564	528	600
<i>Total Offences</i>	<i>7,055</i>	<i>7,515</i>	<i>8,914</i>	<i>7,939</i>	<i>7,613</i>
<i>Percent</i>					
Supreme Court					
Against the person	39%	69%	78%	53%	63%
Against Property	51%	26%	14%	30%	24%
Drug	2%	-	3%	11%	11%
Other	8%	6%	5%	7%	2%
<i>Total Supreme Court</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
County Court					
Against the person	43%	37%	39%	37%	36%
Against Property	47%	50%	47%	50%	46%
Drug	5%	7%	7%	7%	10%
Other	5%	6%	6%	7%	8%
<i>Total County Court</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Total Offences					
Against the person	43%	37%	40%	37%	37%
Against Property	47%	50%	47%	49%	45%
Drug	5%	7%	7%	7%	10%
Other	5%	6%	6%	7%	8%
<i>Total Offences</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Offences in the Higher Courts, continued

Figure 1.6

Total number of offences found proven, by offence type, 2001/02–2005/06



Characteristics of Defendants

Gender

Men greatly outnumber women as defendants in the Higher Courts, with only about one in every eight defendants sentenced in the County and Supreme Courts being female. The number of female defendants increased from 236 in 2001/02 to 266 in 2003/04, but has seen a decrease by 2005/06 to 208, the lowest number in five years. The decrease in the number of female defendants has mostly impacted offences against the person.

The proportion of male defendants has remained relatively stable at between 86% and 89% over the five year period. The largest increase in the proportion of male defendants was for drug offences, an increase from 82% in 2001/02 to 89% in 2005/06 and 'other' offences where there was an increase from 77% in 2001/02 to 84% in 2005/06.

Characteristics of Defendants, continued

Table 1.7

Defendants found guilty, by sex and group of principal proven offence, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
Offence against the Person					
Male	941	955	1,058	994	908
Female	123	92	108	85	74
Company	-	-	-	-	-
Unknown	-	-	-	1	1
<i>Total Offences Against the Person</i>	<i>1,064</i>	<i>1,047</i>	<i>1,166</i>	<i>1,080</i>	<i>983</i>
Property Offences					
Male	374	461	531	487	472
Female	66	93	105	125	86
Company	-	-	-	-	-
Unknown	-	-	-	-	-
<i>Total Property Offences</i>	<i>440</i>	<i>554</i>	<i>636</i>	<i>612</i>	<i>558</i>
Drug Offences					
Male	151	180	266	221	299
Female	33	44	41	32	38
Company	-	-	-	-	-
Unknown	-	-	-	-	-
<i>Total Drug Offences</i>	<i>184</i>	<i>224</i>	<i>307</i>	<i>253</i>	<i>337</i>
Other Offences					
Male	55	52	85	92	112
Female	14	16	12	13	10
Company	2	6	10	13	12
Unknown	-	-	-	-	-
<i>Total Other Offences</i>	<i>71</i>	<i>74</i>	<i>107</i>	<i>118</i>	<i>134</i>
Total					
Male	1,521	1,648	1,940	1,794	1,791
Female	236	245	266	255	208
Company	2	6	10	13	12
Unknown	-	-	-	1	1
<i>Total</i>	<i>1,759</i>	<i>1,899</i>	<i>2,216</i>	<i>2,063</i>	<i>2,012</i>

Characteristics of Defendants, continued

Table 1.7 (cont.)

Defendants found guilty, by sex and group of principal proven offence, 2001/02–2005/06*

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Percent</i>				
Offence against the Person					
Male	88%	91%	91%	92%	92%
Female	12%	9%	9%	8%	8%
Company	-	-	-	-	-
Unknown	-	-	-	-	-
<i>Total Offences Against the Person</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Property Offences					
Male	85%	83%	83%	80%	85%
Female	15%	17%	17%	20%	15%
Company	-	-	-	-	-
Unknown	-	-	-	-	-
<i>Total Property Offences</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Drug Offences					
Male	82%	80%	87%	87%	89%
Female	18%	20%	13%	13%	11%
Company	-	-	-	-	-
Unknown	-	-	-	-	-
<i>Total Drug Offences</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Other Offences					
Male	77%	70%	79%	78%	84%
Female	20%	22%	11%	11%	7%
Company	3%	8%	9%	11%	9%
Unknown	-	-	-	-	-
<i>Total Other Offences</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Total					
Male	86%	87%	88%	87%	89%
Female	13%	13%	12%	12%	10%
Company	-	-	-	1%	1%
Unknown	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

* Due to rounding, and percentages recording no decimal places, percentages may appear to be zero even though numbers did exist in that category. The entire table including numbers and percentages should be referred to.

Characteristics of Defendants, continued

Figure 1.7

Proportion of defendants found guilty, by gender, 2001/02–2005/06



Characteristics of Defendants, continued

Age

The majority of Higher Court defendants were aged between 20 and 39 years. Between 35% and 41% were aged between 20 and 29 years, and a further 24% to 28% were aged 30 to 39 years. Although defendants aged between 20 and 29 years were represented in the majority, there was a slight reduction in the proportion of defendants aged between 20 and 29 years from 41% in 2001/02 to 38% in 2005/06. Over the five years there was a 4% increase in defendants aged between 30 and 39 years and a 3% increase in defendants aged between 40 and 49 years.

Table 1.8
Defendants found guilty, by age, 2001/02–2005/06

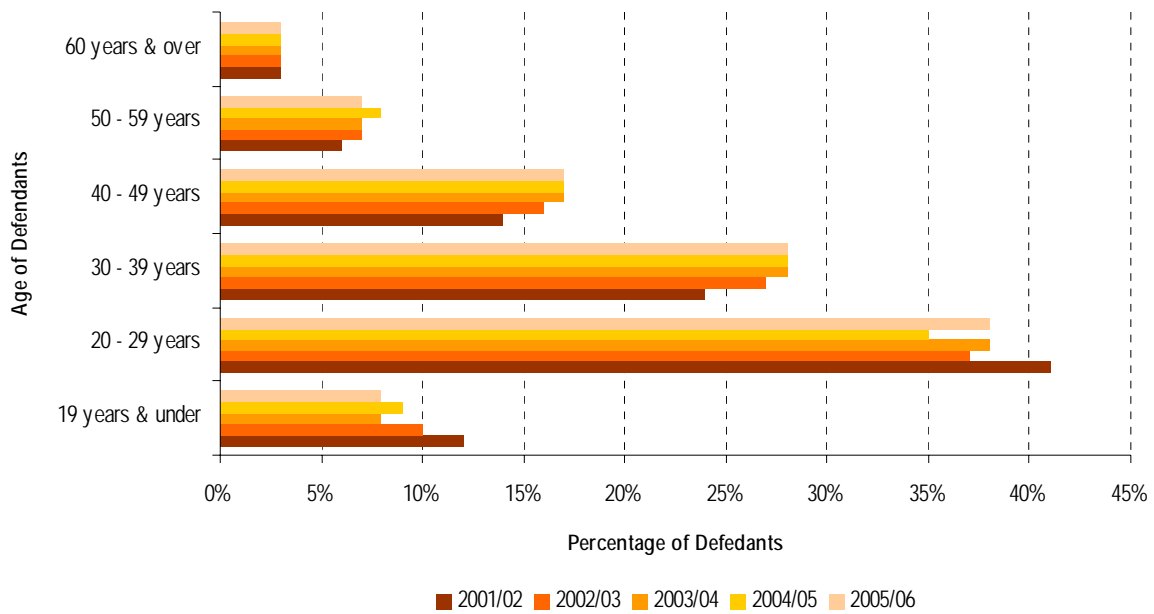
	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
19 years & under	216	186	183	183	154
20 - 29 years	727	709	830	717	753
30 - 39 years	414	515	609	568	562
40 - 49 years	239	294	372	358	333
50 - 59 years	110	127	149	159	147
60 years & over	51	62	63	63	51
Unknown	-	-	-	2	-
<i>Total</i>	<i>1,757</i>	<i>1,893</i>	<i>2,206</i>	<i>2,050</i>	<i>2,000</i>
	<i>Percent</i>				
19 years & under	12%	10%	8%	9%	8%
20 - 29 years	41%	37%	38%	35%	38%
30 - 39 years	24%	27%	28%	28%	28%
40 - 49 years	14%	16%	17%	17%	17%
50 - 59 years	6%	7%	7%	8%	7%
60 years & over	3%	3%	3%	3%	3%
Unknown	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

* Due to rounding, and percentages recording no decimal places, percentages may appear to be zero even though numbers did exist in that category. The entire table including numbers and percentages should be referred to.

Characteristics of Defendants, continued

Figure 1.8

Proportion of defendants found guilty in the Supreme and County Courts of Victoria, by age, 2001/02–2005/06



Sentencing in the Supreme and County Courts

Supreme Court

The most common type of sentence imposed by the Supreme Court was imprisonment. A term of imprisonment was imposed on 73% to 83% of defendants sentenced in the Supreme Court. The second most frequent sentence type was a suspended sentence of imprisonment, accounting for between 7% and 13% of sentences in the Supreme Court. All other sentence types in the Supreme Court account for 7% or less.

Table 1.9

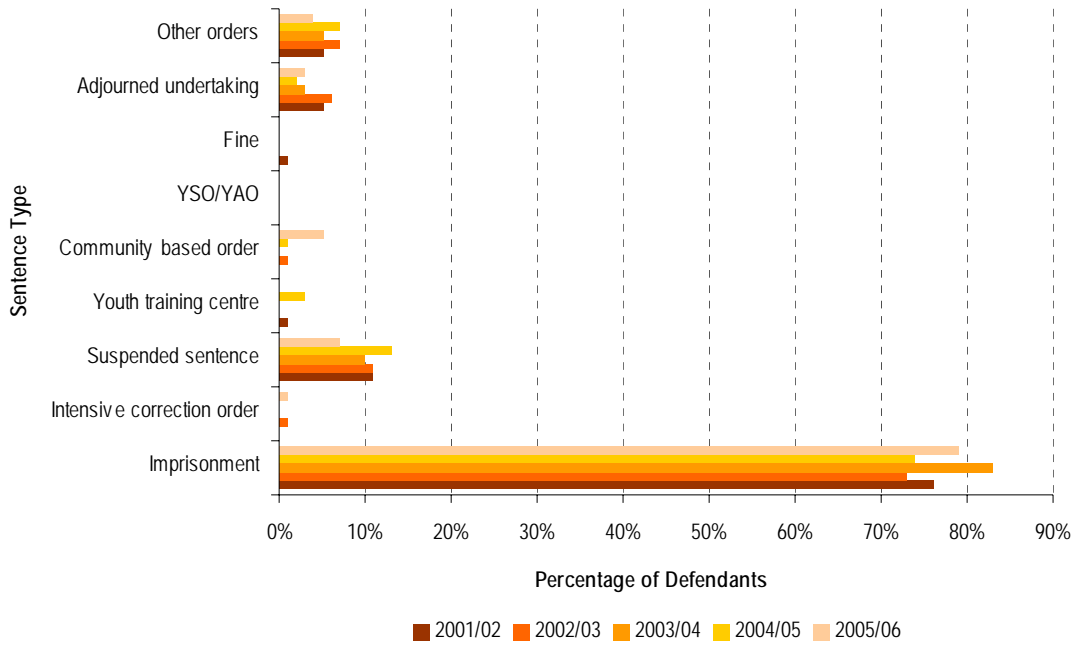
Sentence types imposed in the Supreme Court, by principal proven offence, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
Supreme Court					
Imprisonment	57	51	66	67	72
Intensive correction order	-	1	-	-	1
Suspended sentence	8	8	8	12	6
Youth training centre	1	-	-	3	-
Community based order	-	1	-	1	5
YSO/YAO	-	-	-	-	-
Fine	1	-	-	-	-
Adjourned undertaking	4	4	2	2	3
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	4	5	4	6	4
<i>Total</i>	<i>75</i>	<i>70</i>	<i>80</i>	<i>91</i>	<i>91</i>
	<i>Percent</i>				
Supreme Court					
Imprisonment	76%	73%	83%	74%	79%
Intensive correction order	-	1%	-	-	1%
Suspended sentence	11%	11%	10%	13%	7%
Youth training centre	1%	-	-	3%	-
Community based order	-	1%	-	1%	5%
YSO/YAO	-	-	-	-	-
Fine	1%	-	-	-	-
Adjourned undertaking	5%	6%	3%	2%	3%
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	5%	7%	5%	7%	4%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Sentencing in the Supreme and County Courts, continued

Figure 1.9

Proportion of each type of sentence imposed in the Supreme Court for principal proven offences, 2001/02–2005/06



Sentencing in the Supreme and County Courts, continued

County Court

The most common type of sentence imposed by the County Court was imprisonment. A term of imprisonment was imposed in 39% to 45% of matters sentenced in the County Court. The second most frequent sentence type was a suspended sentence of imprisonment, accounting for between 29% and 38% of sentences in the County Court. Community based orders accounted for between 9% and 11%, whilst, all other sentence types in the County Court accounted for less than 5%.

Table 1.10

Sentence types imposed in the County Court, by principal proven offence, 2001/02–2005/06

	2001/02	2002/03	2003/04	2004/05	2005/06
	<i>Number</i>				
County Court					
Imprisonment	758	814	902	761	820
Intensive correction order	52	37	77	50	47
Suspended sentence	494	588	728	742	647
Youth training centre	80	51	50	68	52
Community based order	173	210	222	211	175
YSO/YAO	-	-	1	1	-
Fine	37	51	67	67	83
Adjourned undertaking	69	55	71	53	79
Discharge/Dismissal	-	2	2	3	2
CWLTH bonds	3	8	3	3	2
Other orders	18	13	13	13	14
<i>Total</i>	<i>1,684</i>	<i>1,829</i>	<i>2,136</i>	<i>1,972</i>	<i>1,921</i>
	<i>Percent</i>				
County Court					
Imprisonment	45%	45%	42%	39%	43%
Intensive correction order	3%	2%	4%	3%	2%
Suspended sentence	29%	32%	34%	38%	34%
Youth training centre	5%	3%	2%	3%	3%
Community based order	10%	11%	10%	11%	9%
YSO/YAO	-	-	-	-	-
Fine	2%	3%	3%	3%	4%
Adjourned undertaking	4%	3%	3%	3%	4%
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	1%	1%	1%	1%	1%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

* Due to rounding, and percentages recording no decimal places, percentages may appear to be zero even though numbers did exist in that category. The entire table including numbers and percentages should be referred to.

Sentencing in the Supreme and County Courts, continued

Figure 1.10

Proportion of each type of sentence imposed in the County Court for principal proven offences, 2001/02–2005/06

