

Sentencing Snapshot

Sentencing trends
in the Magistrates'
Court of Victoria
2004–05 to 2007–08

February 2009
No. 68

Trafficking amphetamines

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of trafficking amphetamines² and details the age and gender³ of people sentenced for this offence in the Magistrates' Court of Victoria between 2004–05 and 2007–08.

A person who, without legal authorisation, trafficks or attempts to traffick in a drug of dependence is guilty of an indictable offence.⁴ The maximum penalty is 15 years' imprisonment and/or a fine of 1800 penalty units.⁵ The *Drugs, Poisons and Controlled Substances Act 1981* (Vic) does not distinguish between the various types of drug in terms of the maximum penalty that can be imposed in respect of this offence;⁶ however, this Snapshot focuses on sentencing practices for trafficking in amphetamines.

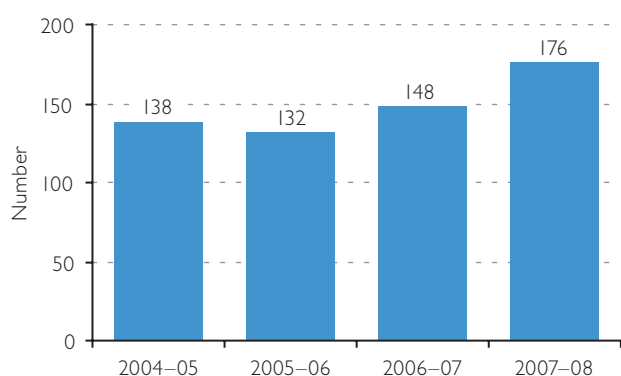
This offence may be heard summarily in the Magistrates' Court if the court considers it appropriate and the defendant consents. This tends to occur where the offence is seen by the court as being less serious in nature. Where an offence is tried summarily, the matter will be heard before a magistrate rather than a judge and a jury. Where trafficking amphetamines is heard summarily, it carries a maximum penalty of 2 years' imprisonment and/or a fine of 240 penalty units.⁷

Trafficking amphetamines was the principal offence in 0.2% of cases sentenced in the Magistrates' Court between 2004–05 and 2007–08.

People sentenced

Over the four-year period, the Magistrates' Court sentenced 594 people for the principal offence of trafficking amphetamines. In 2007–08, there were 176 people who were sentenced for the principal proven offence of trafficking amphetamines.⁸ This is an 18.9% increase from 148 in 2006–07, continuing an increase from the previous year.

Figure 1: The number of people sentenced for trafficking amphetamines, 2004–05 to 2007–08



Sentencing outcomes

Table 1 shows the sentencing outcomes for people sentenced for trafficking amphetamines during 2004–05 to 2007–08. Over the four-year period, around four in ten of those sentenced for trafficking amphetamines received a non-custodial sentence (225 people or 37.9%), including 137 people who received a community-based order (23.1%).

There were also 225 people who received a non-immediate custodial sentence (37.9%), including 135 people who received a wholly suspended sentence (22.7%) and 85 people who received an intensive correction order (14.3%).

An additional 5 people participated in the criminal justice diversion program. These people are not counted towards the total number of people sentenced and are not included in any further analyses in this paper (unless stated).⁹

Table 1: The number and percentage of people sentenced for trafficking amphetamines by sentence type, 2004–05 to 2007–08

Sentence Type	Total	%
Immediate custodial	144	24.2
Imprisonment	108	18.2
Partially suspended sentence	33	5.6
Combined custody and treatment order	1	0.2
Youth justice centre order	2	0.3
Other custodial	225	37.9
Drug treatment order	4	0.7
Home detention order	1	0.2
Wholly suspended sentence	135	22.7
Intensive correction order	85	14.3
Non-custodial	225	37.9
Community-based order	137	23.1
Fine	51	8.6
Adjourned undertaking	37	6.2
People sentenced	594	100.0
Criminal justice diversion program	5	
Total dispositions	599	

Record of conviction

While recording a conviction is mandatory for people sentenced to a custodial order, a magistrate may use discretion when deciding whether to record a conviction for people who receive a non-custodial order.¹⁰ In 2006–07 and 2007–08,¹¹ a conviction was recorded for 65.4% of the 26 people who received a fine, 61.3% of the 80 people who received a community-based order and 14.3% of the 21 people who received an adjourned undertaking. Overall, 82.1% of people sentenced had a conviction recorded in 2006–07 and 2007–08.

Age and gender

Over the four-year period, the majority of those sentenced were men (497 people or 83.7%).¹² The age of people sentenced for trafficking amphetamines ranged from 18 years to 66 years, while the median age was 28 years (meaning that half of the people were aged 28 years or younger and half were 28 years or older). Women sentenced were older than men (a median age of 31 years compared to 28 years).

Sentencing outcomes by gender and age group

Table 2 shows the number and percentage of people who were sentenced for trafficking amphetamines by sentence type. The first two columns show sentence types by gender, while the next four columns show the sentence types by age group.

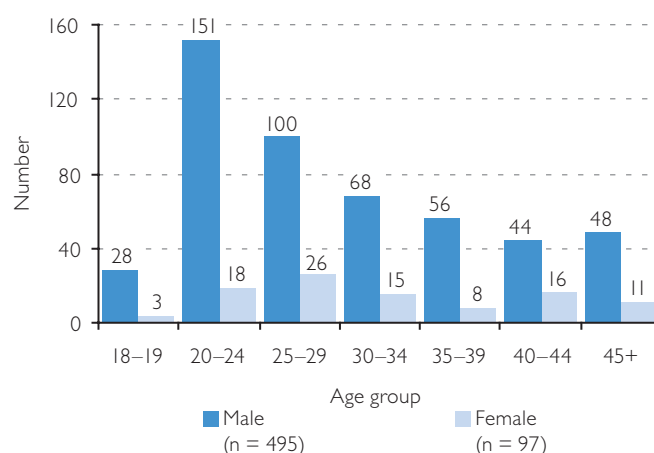
Table 2: The number and percentage of people sentenced for trafficking amphetamines by sentence type, gender and age group, 2004–05 to 2007–08

Sentencing outcome	Gender		Age group				All People
	Male	Female	<18	18–24	25–39	40+	
Immediate custodial	124	20	0	22	74	48	144
	(24.9%)	(20.6%)	–	(11.0%)	(27.1%)	(40.3%)	(24.2%)
Imprisonment	94	14	0	14	56	38	108
	(18.9%)	(14.4%)	–	(7.0%)	(20.5%)	(31.9%)	(18.2%)
Partially suspended sentence	27	6	0	6	18	9	33
	(5.4%)	(6.2%)	–	(3.0%)	(6.6%)	(7.6%)	(5.6%)
Combined custody and treatment order	1	0	0	0	0	1	1
	(0.2%)	–	–	–	–	(0.8%)	(0.2%)
Youth justice centre order	2	0	0	2	0	0	2
	(0.4%)	–	–	(1.0%)	–	–	(0.3%)
Other custodial	185	40	0	53	124	46	225
	(37.2%)	(41.2%)	–	(26.5%)	(45.4%)	(38.7%)	(37.9%)
Drug treatment order	3	1	0	1	2	1	4
	(0.6%)	(1.0%)	–	(0.5%)	(0.7%)	(0.8%)	(0.7%)
Home detention order	1	0	0	0	1	0	1
	(0.2%)	–	–	–	(0.4%)	–	(0.2%)
Wholly suspended sentence	111	24	0	29	74	30	135
	(22.3%)	(24.7%)	–	(14.5%)	(27.1%)	(25.2%)	(22.7%)
Intensive correction order	70	15	0	23	47	15	85
	(14.1%)	(15.5%)	–	(11.5%)	(17.2%)	(12.6%)	(14.3%)
Non-custodial	188	37	0	125	75	25	225
	(37.8%)	(38.1%)	–	(62.5%)	(27.5%)	(21.0%)	(37.9%)
Community-based order	114	23	0	74	47	16	137
	(22.9%)	(23.7%)	–	(37.0%)	(17.2%)	(13.4%)	(23.1%)
Fine	46	5	0	26	18	7	51
	(9.3%)	(5.2%)	–	(13.0%)	(6.6%)	(5.9%)	(8.6%)
Adjourned undertaking	28	9	0	25	10	2	37
	(5.6%)	(9.3%)	–	(12.5%)	(3.7%)	(1.7%)	(6.2%)
People sentenced	497	97	0	200	273	119	594
	(100.0%)	(100.0%)	–	(100.0%)	(100.0%)	(100.0%)	(100.0%)

A higher percentage of men received immediate custodial sentences (24.9% of men compared to 20.6% of women). Conversely, a higher percentage of women received non-immediate custodial sentences (41.2% of women compared to 37.2% of men).

When examining individual sentence types, a higher percentage of men received sentences of imprisonment (18.9% compared to 14.4% of women) and fines (9.3% compared to 5.2%). Conversely, a higher percentage of women received adjourned undertakings (9.3% compared to 5.6% of men).

Figure 2: The number of people sentenced for trafficking amphetamines by gender and age, 2004–05 to 2007–08



A higher percentage of older people received an immediate custodial sentence, including an imprisonment term and a partially suspended sentence. Conversely, a higher percentage of younger people received a non-custodial sentence, including a community-based order; a fine and an adjourned undertaking.

Sentencing outcomes by year

Table 3 shows the number and percentage of people sentenced each year from 2004–05 to 2007–08 for trafficking amphetamines by the type of sentence imposed.

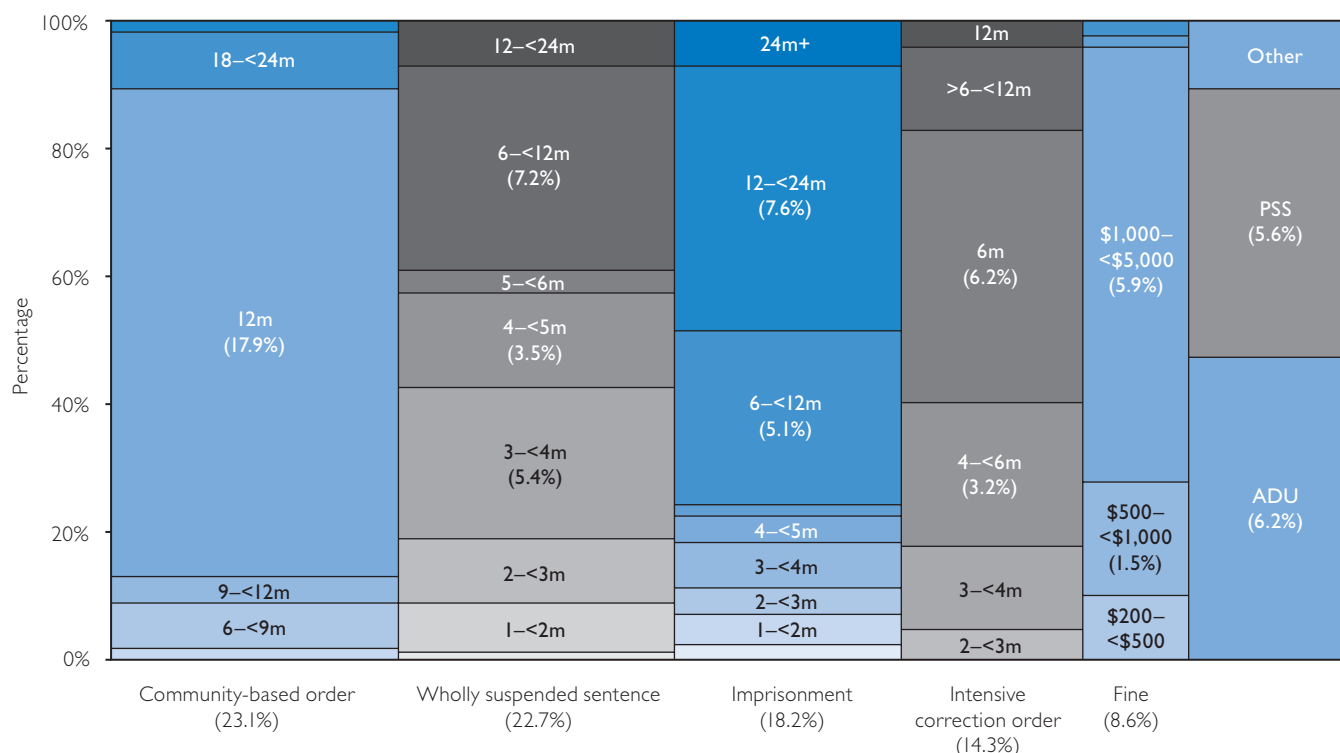
The number and percentage of people who received an immediate custodial sentence increased from 31 people and 22.5% in 2004–05 to 40 people and 22.7% in 2007–08.

While the number of people who received a non-immediate custodial sentence increased from 58 people in 2004–05 to 65 people in 2007–08, the percentage of people remained relatively stable over the past two years. The number and percentage of people who received a non-custodial sentence increased from 49 people and 35.5% in 2004–05 to 71 people and 40.3% in 2007–08.

Sentencing Map

Figure 3 presents both the sentencing outcomes and the quanta for those outcomes for people sentenced for trafficking amphetamines. For example, 23.1% of people sentenced received a community-based order, including 17.9% who received a community-based order of 12 months. The right most column of the graph presents the least common sentencing outcomes without showing the quantum information.

Figure 3: Sentencing Map: The percentage of people sentenced for trafficking amphetamines by sentencing outcomes and sentencing quanta, 2004–05 to 2007–08¹⁴



Note: ADU refers to adjourned undertaking and PSS refers to partially suspended sentence. Other includes drug treatment order; youth justice centre order; home detention order and combined custody and treatment order.

Table 3: The number and percentage of people sentenced for trafficking amphetamines by sentence type and year, 2004–05 to 2007–08¹³

Sentence Type	2004–05	2005–06	2006–07	2007–08
Immediate custodial	31 (22.5%)	35 (26.5%)	38 (25.7%)	40 (22.7%)
Imprisonment	25 (18.1%)	30 (22.7%)	24 (16.2%)	29 (16.5%)
Partially suspended sentence	6 (4.3%)	4 (3.0%)	12 (8.1%)	11 (6.3%)
Combined custody and treatment order	0 –	0 –	1 (0.7%)	0 –
Youth justice centre order	0 –	1 (0.8%)	1 (0.7%)	0 –
Other custodial	58 (42.0%)	48 (36.4%)	54 (36.5%)	65 (36.9%)
Drug treatment order	1 (0.7%)	1 (0.8%)	2 (1.4%)	0 –
Home detention order	0 –	0 –	1 (0.7%)	0 –
Wholly suspended sentence	34 (24.6%)	28 (21.2%)	34 (23.0%)	39 (22.2%)
Intensive correction order	23 (16.7%)	19 (14.4%)	17 (11.5%)	26 (14.8%)
Non-custodial	49 (35.5%)	49 (37.1%)	56 (37.8%)	71 (40.3%)
Community-based order	28 (20.3%)	29 (22.0%)	33 (22.3%)	47 (26.7%)
Fine	12 (8.7%)	13 (9.8%)	11 (7.4%)	15 (8.5%)
Adjourned undertaking	9 (6.5%)	7 (5.3%)	12 (8.1%)	9 (5.1%)
People sentenced	138	132	148	176

Principal sentence

This section examines the use of the five most common principal sentencing outcomes for this offence.¹⁵ Firstly, it provides an analysis of the trends in the use of each sentencing outcome, both in terms of the number and percentage of people sentenced. Secondly, a demographic analysis of the people sentenced to each sentencing outcome is provided.¹⁶ Finally, where relevant, the details of the sentence (length of order or fine amount) are examined.¹⁷

The five most common sentences imposed for trafficking amphetamines are community-based order, wholly suspended sentence, imprisonment, intensive correction order and fine.

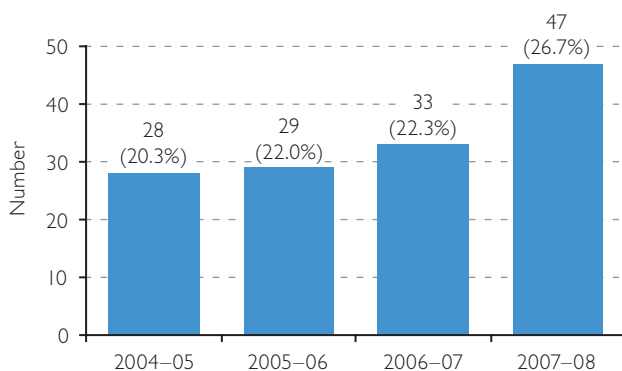
Community-based order

Trends

There were 137 people who received a community-based order for trafficking amphetamines. This represented 23.1% of all people sentenced for this offence. Of the 80 people who received a community-based order in 2006–07 and 2007–08, 61.3% also had a conviction recorded (49 people). Figure 4 shows the trends in the number and percentage of people who received a community-based order for trafficking amphetamines.

In 2007–08, 47 people received a community-based order for the principal proven offence of trafficking amphetamines. This has increased each of the past three years from 28 people in 2004–05. Also, the proportion of people who received a community-based order for trafficking amphetamines increased each of the past three years from 20.3% in 2004–05 to 26.7% in 2007–08.

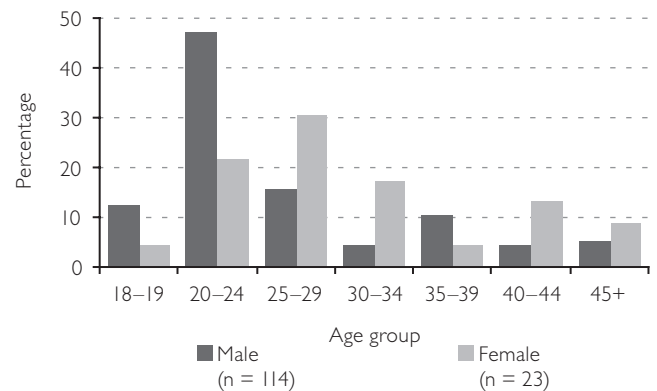
Figure 4: The number and percentage of people who received a community-based order for trafficking amphetamines, 2004–05 to 2007–08



Age and gender

Of the 137 people who received a community-based order, 83.2% were men. Figure 5 shows the age groups of people who received a community-based order for trafficking amphetamines by gender. The median age of these people was 24 years, while women were much older than their male counterparts (a median age of 27 years compared to 23 years).

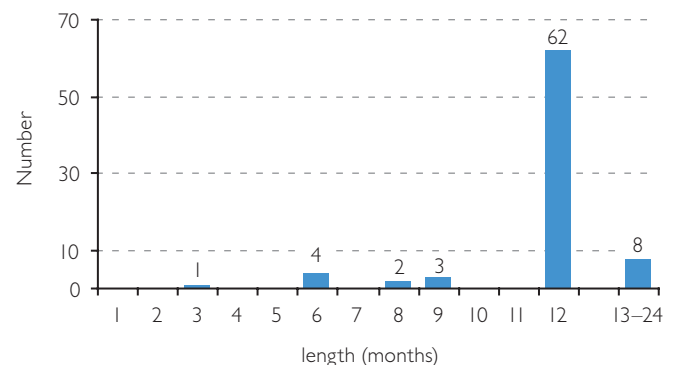
Figure 5: The percentage of people who received a community-based order for trafficking amphetamines by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 6 shows the number of people who received a community-based order for trafficking amphetamines by the length of the sentence. While the length of community-based orders ranged from three months to two years, the majority were for 12 months (77.5%).

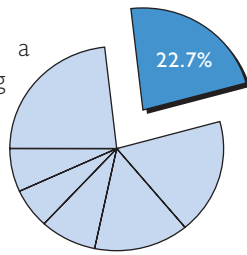
Figure 6: The number of people who received a community-based order for trafficking amphetamines by the length of order, 2006–07 and 2007–08



Wholly suspended sentence

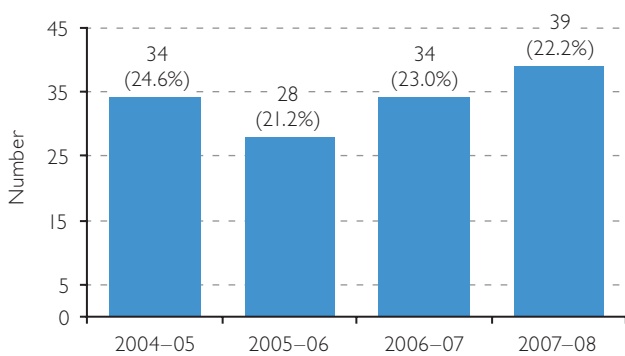
Trends

There were 135 people who received a wholly suspended sentence for trafficking amphetamines. This represented 22.7% of all people sentenced for this offence. Figure 7 shows the trends in the number and percentage of people who received a wholly suspended sentence for trafficking amphetamines.



In 2007–08, 39 people received a wholly suspended sentence for the principal proven offence of trafficking amphetamines. This has increased each of the past two years from 28 people in 2005–06, after decreasing the previous year. The proportion of people who received a wholly suspended sentence for trafficking amphetamines remained relatively stable over the past two years ranging from 22.2% in 2007–08 to 23.0% in 2006–07.

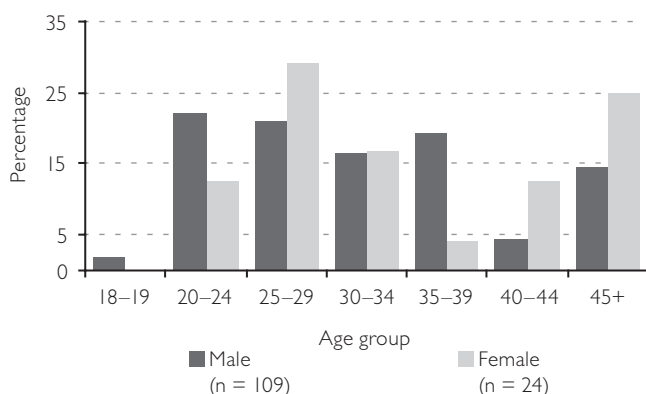
Figure 7: The number and percentage of people who received a wholly suspended sentence for trafficking amphetamines, 2004–05 to 2007–08



Age and gender

Of the 135 people who received a wholly suspended sentence, 82.2% were men. Figure 8 shows the age groups of people who received a wholly suspended sentence for trafficking amphetamines by gender. The median age of these people was 31 years, while women were generally older than their male counterparts (a median age of 34 years compared to 31 years).

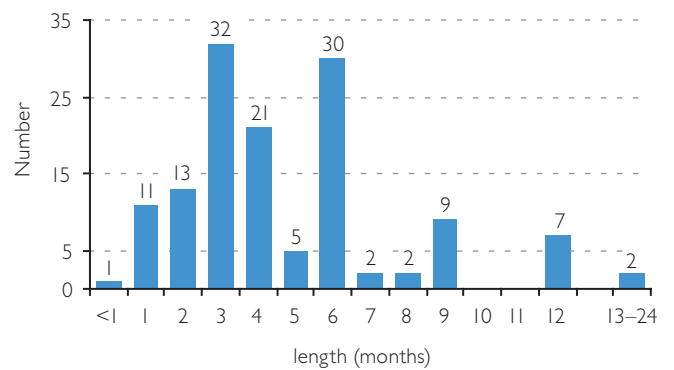
Figure 8: The percentage of people who received a wholly suspended sentence for trafficking amphetamines by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 9 shows the number of people who received a wholly suspended sentence for trafficking amphetamines by the length of the sentence. While the length of wholly suspended sentences ranged from seven days to one year and six months, the median was four months (meaning that half were shorter than four months and half were longer than four months). Aggregate wholly suspended sentences were imposed for 55.6% of people who received a wholly suspended sentence.¹⁸

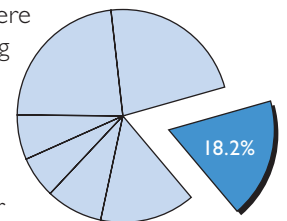
Figure 9: The number of people who received a wholly suspended sentence for trafficking amphetamines by the length of order, 2004–05 to 2007–08



Imprisonment

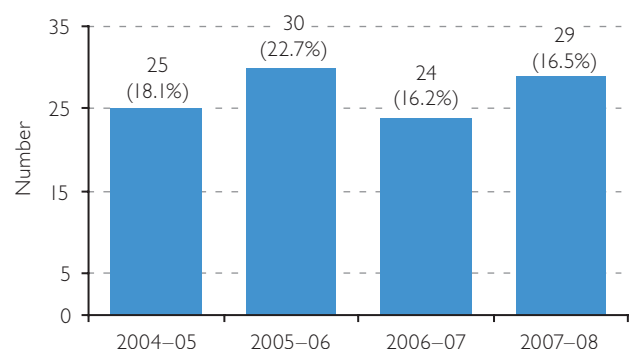
Trends

There were 108 people who were sentenced to imprisonment for trafficking amphetamines. This represented 18.2% of all people sentenced for this offence. Figure 10 shows the trends in the number and percentage of people who were sentenced to imprisonment for trafficking amphetamines.



In 2007–08, 29 people were sentenced to imprisonment for the principal proven offence of trafficking amphetamines. This has increased over the past year from 24 people in 2006–07, after decreasing the previous year. The proportion of people who were sentenced to imprisonment for trafficking amphetamines remained relatively stable over the past two years, ranging from 16.2% in 2006–07 to 16.5% in 2007–08.

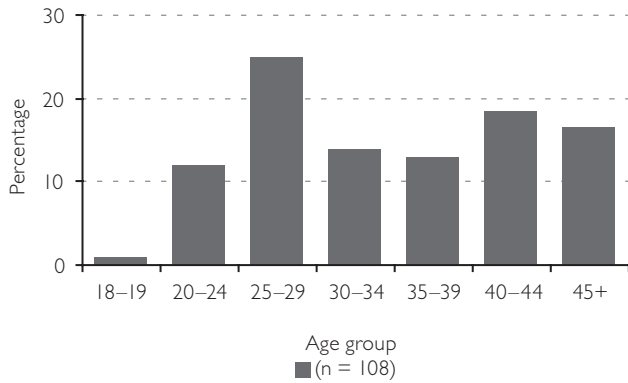
Figure 10: The number and percentage of people who were sentenced to imprisonment for trafficking amphetamines, 2004–05 to 2007–08



Age and gender

Of the 108 people who received a period of imprisonment, 87.0% were men. Figure 11 shows the age groups of people who were sentenced to imprisonment for trafficking amphetamines. The median age of these people was 34 years.

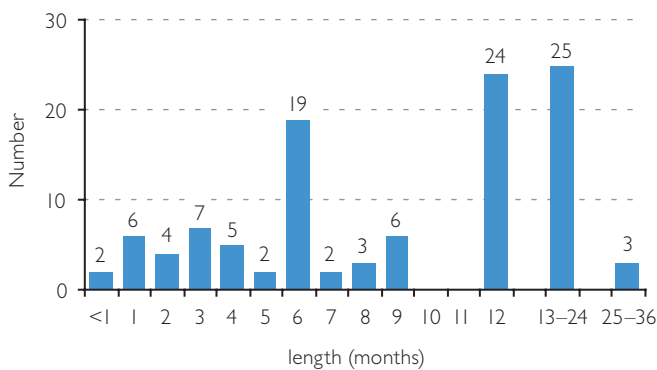
Figure 11: The percentage of people who were sentenced to imprisonment for trafficking amphetamines by age, 2004–05 to 2007–08



Length of sentence

Figure 12 shows the number of people who were sentenced to imprisonment for trafficking amphetamines by the length of the sentence. While the length of imprisonment ranged from seven days to three years, the median was nine months (meaning that half were shorter than nine months and half were longer than nine months). Aggregate periods of imprisonment were imposed for 55.6% of people who were sentenced to imprisonment.¹⁹

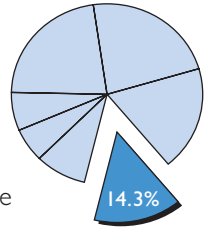
Figure 12: The number of people who were sentenced to imprisonment for trafficking amphetamines by the length of order, 2004–05 to 2007–08



Intensive correction order

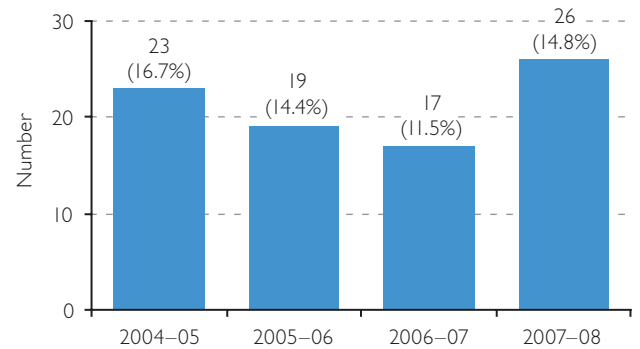
Trends

There were 85 people who received an intensive correction order for trafficking amphetamines. This represented 14.3% of all people sentenced for this offence. Figure 13 shows the trends in the number and percentage of people who received an intensive correction order for trafficking amphetamines.



In 2007–08, 26 people received an intensive correction order for the principal proven offence of trafficking amphetamines. This has increased over the past year from 17 people in 2006–07, after decreasing the previous two years. Also, the proportion of people who received an intensive correction order for trafficking amphetamines increased over the past year from 11.5% to 14.8%.

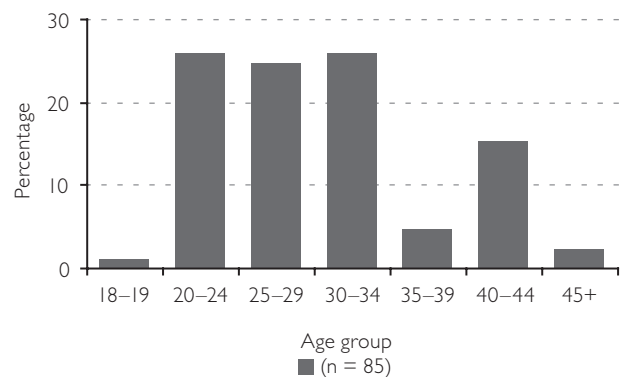
Figure 13: The number and percentage of people who received an intensive correction order for trafficking amphetamines, 2004–05 to 2007–08



Age and gender

Of the 85 people who received an intensive correction order, 82.4% were men. Figure 14 shows the age groups of people who received an intensive correction order for trafficking amphetamines. The median age of these people was 29 years.

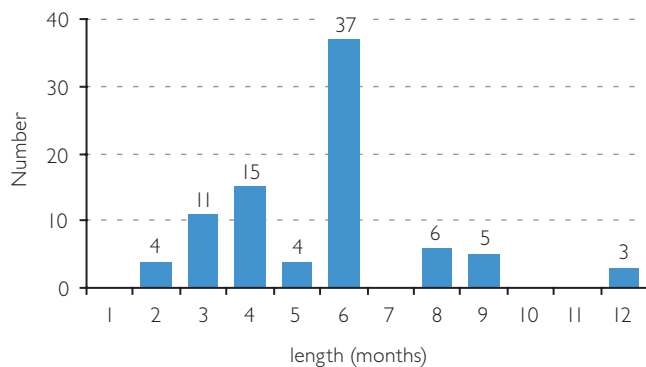
Figure 14: The percentage of people who received an intensive correction order for trafficking amphetamines by age, 2004–05 to 2007–08



Length of sentence

Figure 15 shows the number of people who received an intensive correction order for trafficking amphetamines by the length of the sentence. While the length of intensive correction orders ranged from two months to one year, the most common length was 6 months (43.5%). Aggregate intensive correction orders were imposed for 82.4% of people who received an intensive correction order.²⁰

Figure 15: The number of people who received an intensive correction order for trafficking amphetamines by the length of order, 2004–05 to 2007–08



Fine

Trends

There were 51 people who received a fine for trafficking amphetamines. This represented 8.6% of all people sentenced for this offence. Of the 26 people who received a fine in 2006–07 and 2007–08, 65.4% also had a conviction recorded (17 people). Figure 16 shows the trends in the number and percentage of people who received a fine for trafficking amphetamines.

In 2007–08, 15 people received a fine for the principal proven offence of trafficking amphetamines. This has increased over the past year from 11 people in 2006–07, after decreasing the previous year. Also, the proportion of people who received a fine for trafficking amphetamines increased over the past year from 7.4% to 8.5%.

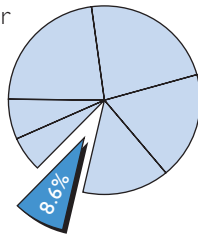
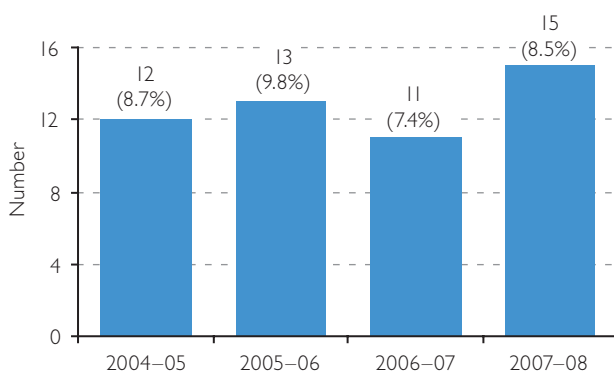


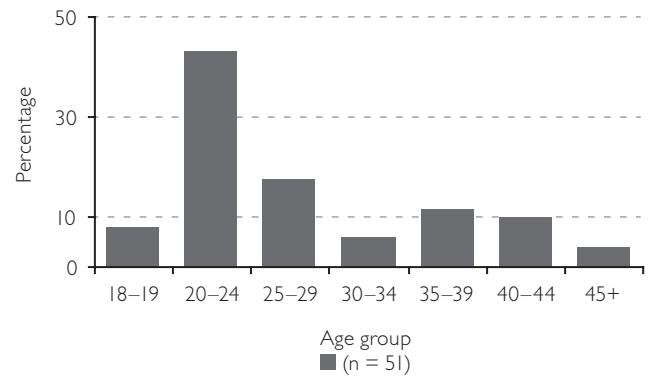
Figure 16: The number and percentage of people who received a fine for trafficking amphetamines, 2004–05 to 2007–08



Age and gender

Of the 51 people who received a fine, 90.2% were men. Figure 17 shows the age groups of people who received a fine for trafficking amphetamines. The median age of these people was 24 years.

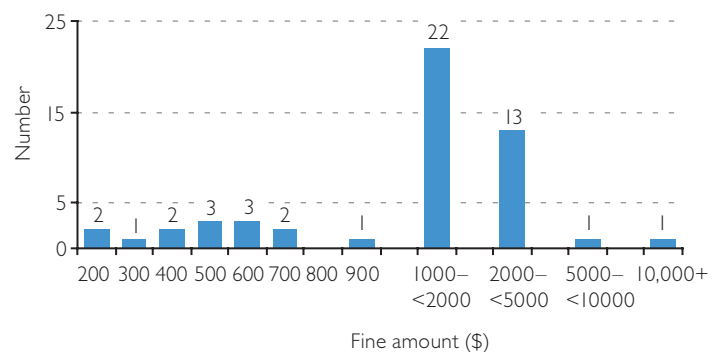
Figure 17: The percentage of people who received a fine for trafficking amphetamines by age, 2004–05 to 2007–08



Fine Amount

Figure 18 shows the number of people who received a fine for trafficking amphetamines by the amount of the fine. While the amount of the fine ranged from \$200 to \$10,000, the median was \$1,000. Aggregate fines were imposed for 74.5% of people who received a fine.²¹

Figure 18: The number of people who received a fine for trafficking amphetamines by the amount of the fine, 2004–05 to 2007–08

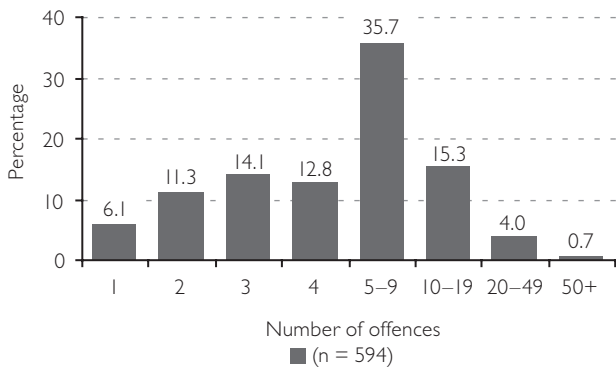


Other offences finalised at the same hearing

Often people prosecuted for trafficking amphetamines face multiple charges, which are finalised at the same hearing. This section looks at the range of offences for which offenders have been sentenced at the same time as being sentenced for the principal offence of trafficking amphetamines.

Figure 19 shows the percentage of people sentenced for the principal offence of trafficking amphetamines by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 58, while the median was 5 offences. There were 36 people (6.1%) sentenced for the single offence of trafficking amphetamines alone. A higher percentage of women were sentenced for a single offence only (10.3% compared to 5.2% of men). The average number of offences per person sentenced for trafficking amphetamines was 6.88.

Figure 19: The percentage of cases where trafficking amphetamines was the principal offence by the number of offences where a sentence was imposed in that case, 2004–05 to 2007–08



While Figure 19 presents the number of sentenced offences for those sentenced for trafficking amphetamines, Table 4 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the ten most common offences. The last column sets out the average number of offences sentenced per person. For example, 395 of the total 594 people (66.5%) also received sentences for possessing a drug of dependence. On average, they were sentenced for 2.15 charges of possessing a drug of dependence. The first row indicates that the average number of charges of trafficking in a drug of dependence sentenced per person was 1.62.

Table 4: The number and percentage of people sentenced for the principal offence of trafficking amphetamines by the most common offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence	No.	%	Avg.
1 trafficking in a drug of dependence	594	100.0	1.62
2 possessing a drug of dependence	395	66.5	2.15
3 using a drug of dependence	287	48.3	1.61
4 deal property suspected proceed of crime	234	39.4	1.54
5 theft	68	11.4	2.40
6 handling stolen goods	64	10.8	1.53
7 possess prohibited weapon	61	10.3	1.28
8 failing to appear on bail	60	10.1	1.57
9 drive while disqualified	52	8.8	2.60
10 carry regulated weapon	44	7.4	1.27
People sentenced	594	100.0	6.88

Table 5 is an elaboration of Table 4. It shows the five most common drug types involved in trafficking a drug of dependence for which people were sentenced in conjunction with trafficking amphetamines. As shown, the average number of trafficking a drug of dependence offences sentenced per person was 1.62, including 1.23 offences of trafficking amphetamines. The most common other drug involved in trafficking a drug of dependence sentenced was cannabis (94 people or 15.8% of those who were sentenced for trafficking amphetamines). On average, these people were sentenced for 1.06 counts of this offence.

Table 5: The number and percentage of people sentenced for the principal offence of trafficking amphetamines by the five most common types of drugs involved in trafficking a drug of dependence offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
trafficking amphetamines	594	100.0	1.23
trafficking cannabis	94	15.8	1.06
trafficking ecstasy	84	14.1	1.07
trafficking drug of dependence – other	34	5.7	1.06
trafficking heroin	5	0.8	1.40
People sentenced	594	100.0	1.62

Table 6 also provides more detail from Table 4. It shows the five most common drug types involved in possessing a drug of dependence offences for which people were sentenced in conjunction with trafficking amphetamines. As shown, there were 395 people sentenced for possessing a drug of dependence. On average, these people were sentenced for 2.15 charges of such offences. The most common drug involved in using a drug of dependence sentenced was amphetamines (295 people or 74.7% of those who were sentenced for possessing a drug of dependence offence). On average, these people were sentenced for 1.26 counts of this offence.

Table 6: The number and percentage of people sentenced for the principal offence of trafficking amphetamines by the five most common types of drugs involved in the offences of possessing drugs of dependence that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
possessing amphetamines	295	74.7	1.26
possessing cannabis	200	50.6	1.15
possessing a drug of dependence – other	96	24.3	1.35
possessing ecstasy	92	23.3	1.07
possessing heroin	16	4.1	1.31
People sentenced	395	100.0	2.15

Table 7 also provides more detail from Table 4. It shows the five most common drug types involved in using a drug of dependence offences for which people were sentenced in conjunction with trafficking amphetamines. As shown, there were 287 people sentenced for using a drug of dependence. On average, these people were sentenced for 1.61 charges of such offences. The most common drug involved in using a drug of dependence sentenced was amphetamines (256 people or 89.2% of those who were sentenced for using a drug of dependence offence). On average, these people were sentenced for 1.10 counts of this offence.

Table 7: The number and percentage of people sentenced for the principal offence of trafficking amphetamines by the five most common types of drugs involved in the offences of using drugs of dependence that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
using amphetamines	256	89.2	1.10
using cannabis	102	35.5	1.10
using ecstasy	34	11.8	1.06
using a drug of dependence – other	18	6.3	1.28
using heroin	10	3.5	1.10
People sentenced	287	100.0	1.61

Sentence combinations

This section looks at the range of sentence types imposed in the entire case for people who had the principal offence of trafficking amphetamines. This includes all sentences imposed for the principal proven offence and for all other offences that were sentenced as part of that case.²²

Table 8 shows the percentages of the six most common sentence types imposed in cases in the Magistrates' Court from 2004–05 to 2007–08 where the principal proven offence was trafficking amphetamines, by the other sentence types also imposed in the case. For example, of the 238 people who received a fine as part of their total effective sentence, 27.3% also received a wholly suspended sentence, while 19.7% were sentenced to imprisonment, 14.3% received a community-based order and 13.0% received an intensive correction order.

Common sentence types imposed in conjunction with another sentence type include:

- a fine with a wholly suspended sentence (46.1% of the 141 people who received a wholly suspended sentence);
- a fine with an imprisonment term (42.0% of the 112 people);
- a fine with an intensive correction order (36.5% of the 85 people);
- a community-based order with a wholly suspended sentence (24.1% of the 141 people);
- a fine with a community-based order (18.8% of the 181 people); and
- a fine with an adjourned undertaking (18.0% of the 61 people).

Table 8: The percentage of selected sentence types used in conjunction with other sentence types imposed in the same case, 2004–05 to 2007–08

	Fine	CBO	WSS	Imp.	ICO	ADU
Fine	100%	18.8%	46.1%	42.0%	36.5%	18.0%
CBO	14.3%	100%	24.1%	3.6%	3.5%	6.6%
WSS	27.3%	18.8%	100%	0.9%	4.7%	11.5%
Imp.	19.7%	2.2%	0.7%	100%	0.0%	1.6%
ICO	13.0%	1.7%	2.8%	0.0%	100%	11.5%
ADU	4.6%	2.2%	5.0%	0.9%	8.2%	100%
Total	238	181	141	112	85	61

Note: CBO refers to community-based order; WSS refers to wholly suspended sentence; Imp. refers to imprisonment; ICO refers to intensive correction order and ADU refers to adjourned undertaking.

Total effective sentence of imprisonment and non-parole period

The total effective sentence of imprisonment aggregates the sentences of imprisonment imposed for each charge in a case and takes into account whether the court orders sentences to be served concurrently (at the same time) or cumulatively. When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where the court does not set a non-parole period, the person must serve the entirety of the imprisonment term.

There were 53 people given a total effective sentence of imprisonment in 2006–07 and 2007–08.²³ There were 25 people eligible for a non-parole period in 2006–07 and 2007–08, of whom 23 were given a non-parole period. This makes up 43.4% of all those who were given a total effective sentence of imprisonment.

Figure 20 shows the number of people sentenced to imprisonment for trafficking amphetamines during 2006–07 and 2007–08 by the length of their total effective sentence. The right side of the graph also shows the length of non-parole periods for people who were sentenced to a period of 12 months' imprisonment or more. The centre of each 'bubble' on the chart represents a combination of imprisonment length and non-parole period, while the size of the bubble reflects the number of people who received that particular combination.²⁴

Total effective imprisonment lengths ranged from one month to three years, while the most common length was 12 months (10 people).

For people who were sentenced to a term of imprisonment of 12 months or longer, the most common combination of imprisonment length and non-parole period was one year with a non-parole period of six months (6 people – as represented by the largest bubble on the chart). The longest total effective sentence imposed was three years with a non-parole period of two years.

Summary

The Magistrates' Court sentenced 594 people for the principal offence of trafficking amphetamines between 2004–05 and 2007–08. Over this period, the majority of those sentenced were men (497 people or 83.7%), while 50% were aged between 20 and 30 years.

Around four in ten people sentenced for trafficking amphetamines received a non-custodial sentence (225 people or 37.9%), including 137 people who received a community-based order (23.1%). A conviction was recorded with the principal sentence for 82.1% of people sentenced.

Men were more likely to receive sentences of imprisonment and fines. Conversely, women were more likely to receive adjourned undertakings.

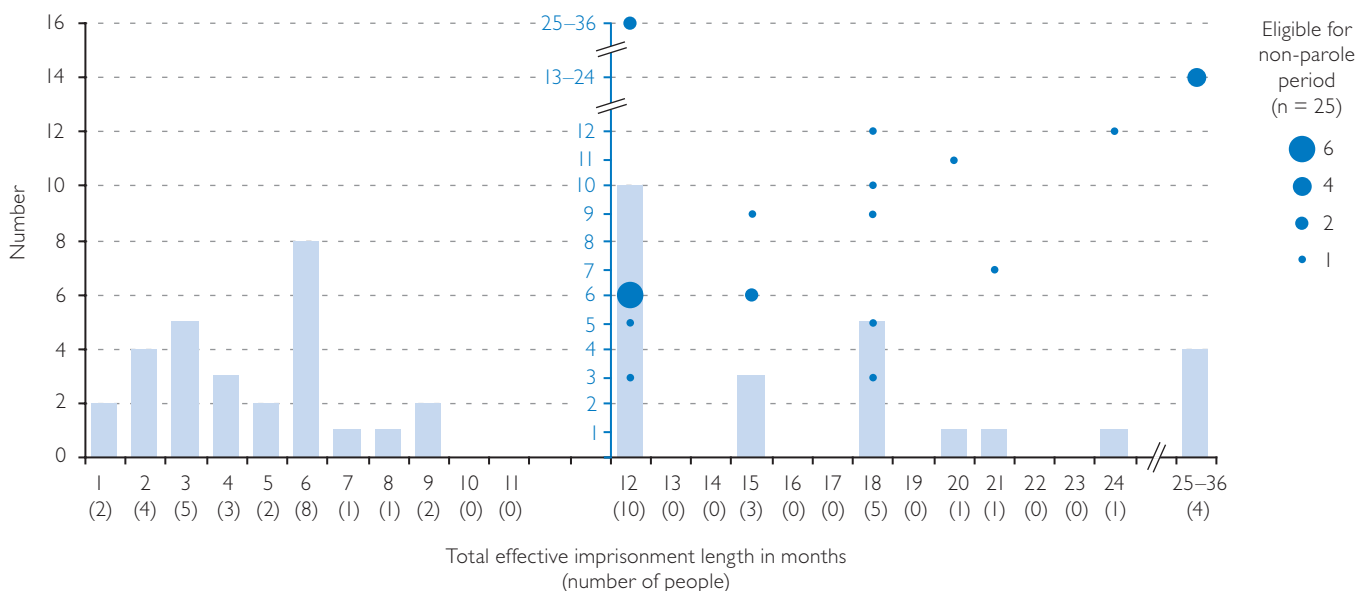
A higher percentage of older people received an immediate custodial sentence, including an imprisonment term and a partially suspended sentence. Conversely, a higher percentage of younger people received a non-custodial sentence, including a community-based order, a fine and an adjourned undertaking.

Each of the 594 people was sentenced for an average of 6.88 offences, including 1.62 offences of trafficking in a drug of dependence. The most common offence finalised in conjunction with trafficking amphetamines was possessing a drug of dependence (66.5% of all cases).

Common sentence types imposed in conjunction with another sentence type included a fine with a wholly suspended sentence (46.1% of the 141 people who received a wholly suspended sentence) and a fine with an imprisonment term (42.0% of the 112 people).

Lengths of total effective sentences ranged from one month to three years with a non-parole period of two years. The most common length was 12 months (10 people).

Figure 20: The number of people sentenced to imprisonment for trafficking amphetamines by the total effective sentence length and the non-parole period imposed, 2006–07 and 2007–08



¹ The data analysed in this report are obtained from quarterly unit record extracts provided to the Sentencing Advisory Council by Courtlink (Department of Justice (Vic)). While every effort is made to ensure the analyses presented in this report are accurate, the data are subject to revision.

This report presents sentencing outcomes for people sentenced for the principal offence of trafficking amphetamines in the Magistrates' Court of Victoria. The principal proven offence is the offence that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for trafficking amphetamines who received a more serious sentence for another offence on the same charge sheet.

² Trafficking amphetamines offences are identified by using the charge descriptions of 'traffick amphetamine', 'traffick methylamphetamine' and 'traffick dimethylamphetamine' for offences listed under the *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71AC.

³ The data used for analysis in this report contain information on age and gender characteristics. Indigenous status was unknown for 63.5% of people sentenced over this period. Therefore no analyses are presented on Indigenous status.

⁴ *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71AC.

⁵ The value of a penalty unit changes each year and can be found in the Victorian Government Gazette and on the Office of the Chief Parliamentary Counsel website <www.ocpc.vic.gov.au>.

⁶ *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71AC.

⁷ Under section 113 of the *Sentencing Act 1991* (Vic) this general maximum term is prescribed for indictable offences triable summarily. Though section 113 does not specifically state the maximum number of penalty units that can be imposed for an indictable offence triable summarily, section 109(3)(a) sets the proportion between the maximum term of imprisonment and the maximum fine.

⁸ The number of people sentenced excludes those who participated in the criminal justice diversion program.

Only the people who had charges that were dismissed in 2006–07 and 2007–08 could be counted as dismissed in this report. These people are identified by having the dismissal grounds listed as 'proved and dismissed' (*Children, Youth and Families Act 2005* (Vic) s 360(1)(a)) or 'dismissed' (*Sentencing Act 1991* (Vic) s 76). The charges that were dismissed in 2004–05 and 2005–06 could not be counted because of changes in data recording practices. Therefore the count of the number of people sentenced over the four-year period could be an under-representation. However, in 2007–08, no people had charges that were dismissed pursuant to this legislation.

⁹ The criminal justice diversion program provides offenders with the opportunity to be diverted from the normal criminal process. If an offender acknowledges responsibility for the offence(s) and undertakes prescribed conditions, the offender will avoid the risk of a finding of guilt being made against them. The program can only be recommended if the offence is triable summarily, the defendant admits the facts, there is sufficient evidence to gain a conviction and a diversion is appropriate in the circumstances. The over-riding consideration is that diversion be appropriate in the circumstances. The existence of prior convictions does not disqualify an offender from this program but is a fact to be considered in determining appropriateness. Either the defence or the prosecution may request a disposition of a criminal justice diversion plan, however the plan cannot commence without the consent of the prosecution.

¹⁰ *Sentencing Act 1991* (Vic) s 7, 8.

In exercising this discretion, the court must have regard to all the circumstances of the case, including the nature of the offence, the character and past history of the offender and the impact of the recording of a conviction on the offender's economic or social well being or on his or her employment prospects (*Sentencing Act 1991* (Vic) s 8(1)).

¹¹ Only those who had a conviction recorded against the principal proven offence in the case are counted. Information on conviction is not available for sentences imposed in 2004–05 and 2005–06.

¹² The age was unknown for 2 men sentenced for trafficking amphetamines (0.3%). These people are excluded from all age analyses in this report.

¹³ Refer fn. 8.

¹⁴ Aggregate sentence lengths are shown for people who received an aggregate sentence. Data for sentence lengths of community-based orders are only available for 2006–07 and 2007–08.

¹⁵ The principal sentence is the individual sentence imposed for a single charge. The principal sentence is the most serious sentence in the case. If more than one type of sentence is imposed for a single charge, only the most serious sentence is counted.

¹⁶ Where there are sufficient numbers of both males and females sentenced for each sentencing outcome, the age groups are shown by gender. Otherwise the age groups are shown independent of gender. Also, the age was unknown for 2 people sentenced for trafficking amphetamines. These people are excluded from these analyses.

¹⁷ Aggregate sentence lengths are shown for people who received an aggregate sentence. Fine amounts lower than \$1,000 are rounded up to the nearest \$100, while fine amounts equal to or over \$1,000 are grouped into categories. Sentence lengths shorter than one year are rounded up to the nearest month, while sentence lengths equal to or over one year are grouped into categories of years. Data for sentence lengths of community-based orders, adjourned undertakings and youth justice centre orders are only available for 2006–07 and 2007–08.

¹⁸ The length of non-aggregate wholly suspended sentences ranged from one month to one year and six months, with a median of four months, while the length of aggregate wholly suspended sentences ranged from seven days to one year and two months, with a median of four months.

¹⁹ The length of non-aggregate periods of imprisonment ranged from seven days to one year and eight months, with a median of seven months and fifteen days, while the length of aggregate periods of imprisonment ranged from one month and nine days to three years, with a median of one year.

²⁰ The length of non-aggregate intensive correction orders ranged from two months to nine months, with a median of four months, while the length of aggregate intensive correction orders ranged from two months to one year, with a median of six months.

²¹ The amount of non-aggregate fines ranged from \$200 to \$5,000, with a median of \$1,000, while the amount of aggregate fines ranged from \$300 to \$10,000, with a median of \$1,000.

²² While a total of 112 people were sentenced to at least one period of imprisonment in the case, 108 people had imprisonment listed against their principal proven offence. There were 4 people sentenced to a period of imprisonment, but who received a partially suspended sentence of imprisonment for the principal proven offence.

Only sentence types that were imposed on the same date as the sentence imposed for the principal proven offence are included.

²³ Total effective imprisonment lengths and non-parole periods are only available for 2006–07 and 2007–08.

²⁴ Non-parole periods are rounded down to the nearest month, while non-parole periods greater than one year are grouped into categories of years.

Sentencing Snapshots is a series presenting summary information on sentencing trends in Victoria

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- 70 Trafficking ecstasy
- 69 Trafficking cannabis
- 68 Trafficking amphetamines
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- 66 Possessing ecstasy
- 65 Possessing cannabis
- 64 Possessing amphetamines
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- 62 Causing injury intentionally
- 61 Causing serious injury recklessly
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- 59 Handling stolen goods
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- 57 Burglary
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- 54 Theft from a shop
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- 40 Causing serious injury recklessly
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