

Sentencing Snapshot

Sentencing trends in
the higher courts of
Victoria
2007–08 to 2011–12

June 2013
No. 146

Indecent assault

Introduction

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of indecent assault and details the age and gender² of people sentenced for this offence in the County Court of Victoria between 2007–08 and 2011–12.³ Except where otherwise noted, the data represent sentences imposed at first instance.

A person who assaults another person in indecent circumstances and without that person's consent is guilty of the offence of indecent assault.⁴ Indecent assault is an indictable offence that carries a maximum penalty of 10 years' imprisonment⁵ and/or a fine of 1,200 penalty units.⁶ Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court. Indecent assault can also be tried summarily by the Magistrates' Court,⁷ if the Magistrates' Court considers it appropriate and the defendant consents.⁸

Indecent assault was the principal offence⁹ in 1.4% of cases sentenced in the higher courts between 2007–08 and 2011–12.

People sentenced

From 2007–08 to 2011–12, 145 people were sentenced in the higher courts for a principal offence of indecent assault. These people are the focus of this Snapshot. However, an additional 238 people were sentenced in cases that involved indecent assault but where some other offence was the principal offence. In total, 383 people were sentenced in the higher courts for 1,166 charges of indecent assault.

Figure 1 shows the number of people sentenced for the principal offence of indecent assault by their gender. Over the five years depicted, the majority of those sentenced were men (99.3% or 144 of 145 people), including all of the 26 people sentenced in 2011–12.

Sentence types and trends

Figure 2 shows the total number of people sentenced for indecent assault and the number who received an immediate custodial sentence. An immediate custodial sentence is one that involves at least some element of immediate (as opposed to wholly suspended) imprisonment or detention).¹⁰ Over the five-year period, 41% of people were given an immediate custodial sentence. This peaked at 52% (14 of 27) in 2010–11 after a low of 31% (13 of 42) in 2007–08. In 2011–12, 42% of people sentenced (11 of 26) were given an immediate custodial sentence.

Figure 1: The number of people sentenced for indecent assault by gender, 2007–08 to 2011–12

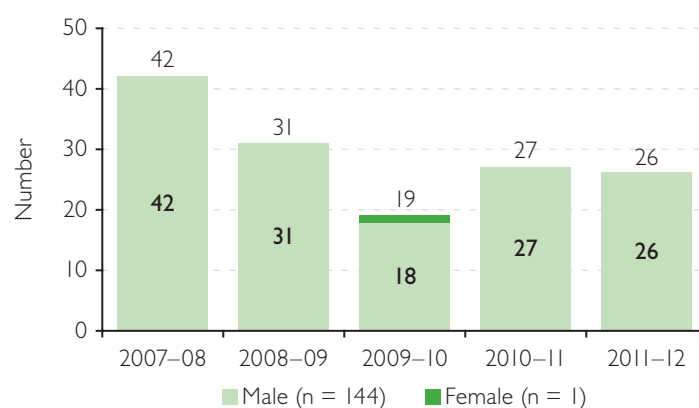


Figure 2: The number of people sentenced for indecent assault and the number who received an immediate custodial sentence, 2007–08 to 2011–12



Table 1 shows the number of people sentenced for indecent assault from 2007–08 to 2011–12 by the types of sentences imposed.

Over the five-year period, around one-third of the people sentenced for indecent assault received a wholly suspended sentence¹¹ of imprisonment (32% or 46 of 145 people), while 30% received a period of imprisonment and 8% received a partially suspended sentence of imprisonment.

The number of people receiving a wholly suspended sentence was lowest during 2009–10 and 2010–11 (7 people each) and highest during 2007–08 and 2008–09 (12 people each). The percentage receiving a wholly suspended sentence was lowest during 2010–11 (26% or 7 of 27 people) and highest during 2008–09 (39% or 12 of 31 people).

The number of people receiving a sentence of imprisonment was lowest during 2009–10 and 2011–12 (7 people each) and highest during 2010–11 (11 people). The percentage of people receiving imprisonment was lowest during 2007–08 (24% or 10 of 42 people) and highest during 2010–11 (41% or 11 of 27 people).

The number and percentage of people receiving a partially suspended sentence were lowest during 2010–11 (4% or 1 of 27 people) and highest during 2011–12 (15% or 4 of 26 people).

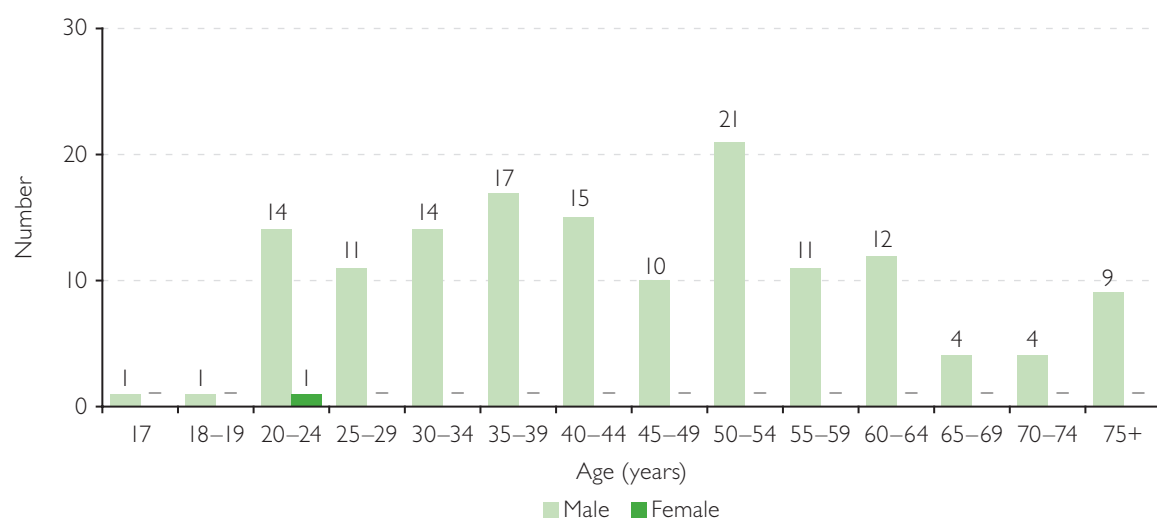
Table 1: The number and percentage of people sentenced for indecent assault by sentence type, 2007–08 to 2011–12

Sentence type	2007–08	2008–09	2009–10	2010–11	2011–12	Total
Wholly suspended sentence	12 (29%)	12 (39%)	7 (37%)	7 (26%)	8 (31%)	46 (32%)
Imprisonment	10 (24%)	9 (29%)	7 (37%)	11 (41%)	7 (27%)	44 (30%)
Partially suspended sentence	2 (5%)	3 (10%)	2 (11%)	1 (4%)	4 (15%)	12 (8%)
Community-based order	3 (7%)	3 (10%)	0 (–)	4 (15%)	1 (4%)	11 (8%)
Intensive correction order	2 (5%)	1 (3%)	0 (–)	0 (–)	0 (–)	3 (2%)
Community correction order	0 (–)	0 (–)	0 (–)	0 (–)	3 (12%)	3 (2%)
Fine	3 (7%)	1 (3%)	1 (5%)	2 (7%)	1 (4%)	8 (6%)
Adjourned undertaking with conviction	4 (10%)	0 (–)	0 (–)	0 (–)	1 (4%)	5 (3%)
Non-custodial supervision order	3 (7%)	0 (–)	0 (–)	0 (–)	0 (–)	3 (2%)
Adjourned undertaking without conviction	0 (–)	1 (3%)	1 (5%)	0 (–)	0 (–)	2 (1%)
Unconditional release	0 (–)	1 (3%)	0 (–)	0 (–)	0 (–)	1 (<1%)
Restricted involuntary treatment order (hospital order)	0 (–)	0 (–)	0 (–)	1 (4%)	0 (–)	1 (<1%)
Residential treatment order	0 (–)	0 (–)	0 (–)	1 (4%)	0 (–)	1 (<1%)
Mix (wholly suspended sentence and fine)	1 (2%)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
Mix (community-based order and fine)	1 (2%)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
Mix (community-based order and aggregate fine)	0 (–)	0 (–)	0 (–)	0 (–)	1 (4%)	1 (<1%)
Aggregate imprisonment	1 (2%)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
Aggregate fine	0 (–)	0 (–)	1 (5%)	0 (–)	0 (–)	1 (<1%)
People sentenced	42	31	19	27	26	145

Age and gender of people sentenced

Figure 3 shows the gender of people sentenced for indecent assault grouped by their age¹² between 2007–08 and 2011–12. The average age of people sentenced for indecent assault was 45 years and 4 months. One male juvenile was sentenced over this period.¹³

Figure 3: The number of people sentenced for indecent assault by gender and age, 2007–08 to 2011–12



Sentence types by gender

Table 2 shows the types of sentences imposed for indecent assault grouped by gender.

Table 2: The number and percentage of people sentenced for indecent assault by sentence type and gender, 2007–08 to 2011–12

Sentence type	Male		Female	
Wholly suspended sentence	45	(31%)	1	(100%)
Imprisonment	44	(31%)	0	(–)
Partially suspended sentence	12	(8%)	0	(–)
Community-based order	11	(8%)	0	(–)
Intensive correction order	3	(2%)	0	(–)
Community correction order	3	(2%)	0	(–)
Fine	8	(6%)	0	(–)
Adjourned undertaking with conviction	5	(3%)	0	(–)
Non-custodial supervision order	3	(2%)	0	(–)
Adjourned undertaking without conviction	2	(1%)	0	(–)
Unconditional release	1	(<1%)	0	(–)
Restricted involuntary treatment order (hospital order)	1	(<1%)	0	(–)
Residential treatment order	1	(<1%)	0	(–)
Mix (wholly suspended sentence and fine)	1	(<1%)	0	(–)
Mix (community-based order and fine)	1	(<1%)	0	(–)
Mix (community-based order and aggregate fine)	1	(<1%)	0	(–)
Aggregate imprisonment	1	(<1%)	0	(–)
Aggregate fine	1	(<1%)	0	(–)
People sentenced	144		1	

Sentence types by age

As shown in Table 1, the four most common sentence types were wholly suspended sentences of imprisonment, imprisonment, partially suspended sentences of imprisonment and community-based orders. The following analysis examines these sentence types by the offender's age group.

Wholly suspended sentences of imprisonment

As shown in Figure 4, wholly suspended sentences of imprisonment were most likely to be given to people aged 45–49 years (60% or 6 of the 10 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for people aged 35–39 years (24% or 4 of the 17 people in this age group).

Imprisonment

As shown in Figure 5, sentences of imprisonment were most likely to be given to people aged 35–39 years (41% or 7 of the 17 people in this age group) followed by people aged 40–44 (40% or 6 of the 15 people in this age group), and people aged 55 and older (40% or 16 of the 40 people in this age group).

Conversely, sentences of imprisonment were least common for those aged under 35 years (19% or 8 of the 42 people in this age group).

Partially suspended sentences of imprisonment

As shown in Figure 6, partially suspended sentences of imprisonment were most likely to be given to people aged 55 years and older (18% or 7 of the 40 people in this age group).

Conversely, none of the 10 people aged 45–49 years received a partially suspended sentence of imprisonment.

Community-based orders

As shown in Figure 7, community-based orders were most likely to be given to people aged under 35 years (17% or 7 of the 42 people in this age group).

Conversely, none of the people aged 45–54 years received a community-based order.

Figure 4: The percentage of people who received a wholly suspended sentence of imprisonment for indecent assault by age group, 2007–08 to 2011–12

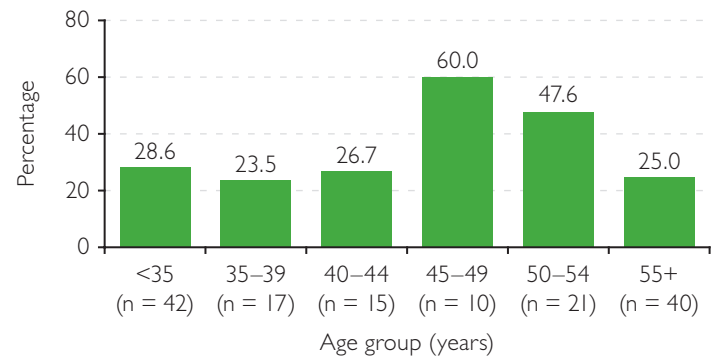


Figure 5: The percentage of people who received a period of imprisonment for indecent assault by age group, 2007–08 to 2011–12

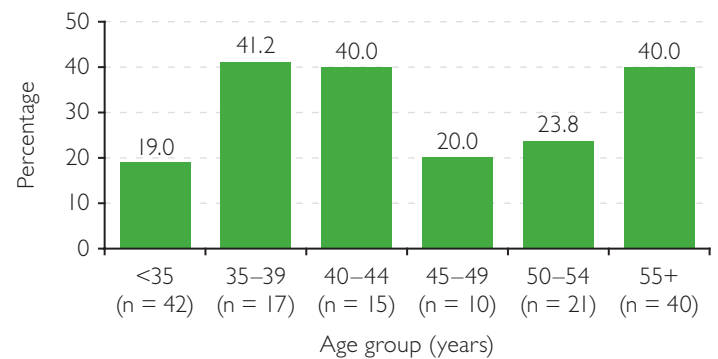


Figure 6: The percentage of people who received a partially suspended sentence of imprisonment for indecent assault by age group, 2007–08 to 2011–12

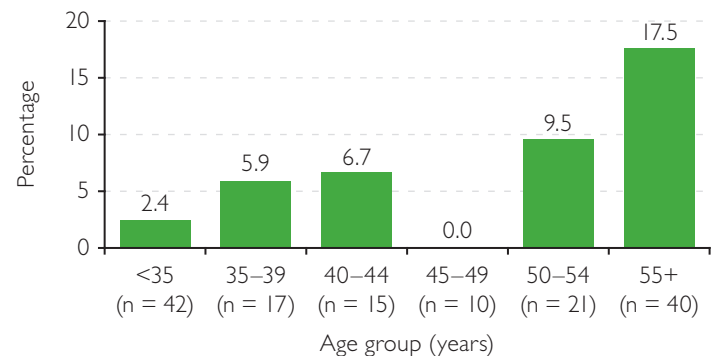
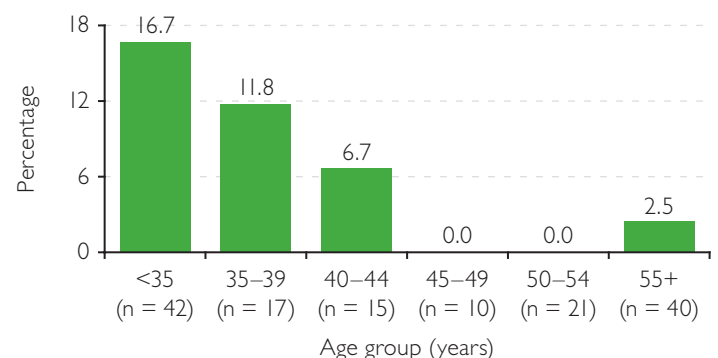


Figure 7: The percentage of people who received a community-based order for indecent assault by age group, 2007–08 to 2011–12



Principal and total effective sentences

Two methods for describing sentence types and lengths are examined in this section. One relates to the principal sentence and examines sentences for the offence at a charge level. The other relates to the total effective sentence and examines sentences for the offence at a case level.

The principal sentence is the individual sentence imposed for the charge that is the principal offence.¹⁴

The total effective sentence in a case with a single charge is the principal sentence. The total effective sentence in a case with multiple charges is the sentence that results from the court ordering the individual sentences for each charge to be served concurrently (at the same time) or wholly or partially cumulatively (one after the other).

In many cases, the total effective sentence imposed on a person will be longer than the principal sentence. Principal sentences for indecent assault must be considered in this broader context. The following sections analyse the use of imprisonment for the offence of indecent assault from 2007–08 to 2011–12.

Principal sentence of imprisonment

A total of 44 people received a principal sentence of imprisonment for indecent assault between 2007–08 to 2011–12.

Figure 8 shows these people by the length of their imprisonment term.¹⁵ Imprisonment terms ranged from 4 months and 27 days to 3 years and 6 months, while the median length of imprisonment was 1 year and 5 months (meaning that half of the imprisonment terms were shorter than 1 year and 5 months and half were longer).

The most common length of imprisonment imposed was 1 year to less than 2 years (23 people).

Expanding the analysis from principal sentences of imprisonment to all charges that received imprisonment, there were 890 charges of indecent assault sentenced to imprisonment between 2007–08 and 2011–12. Imprisonment lengths for indecent assault ranged from 1 month to 4 years while the median was 1 year; and the most common length was 1 year to less than 2 years (344 of 890 charges or 39%).

Returning to principal sentences of imprisonment, as shown in Figure 9, the average length of imprisonment term imposed on people sentenced for indecent assault ranged from 1 year and 2 months in 2010–11 to 1 year and 7 months in 2009–10.

From 2007–08 to 2011–12, all of those people who received a term of imprisonment for indecent assault were men (44 people or 100.0%).

Figure 8: The number of people sentenced to imprisonment for indecent assault by length of imprisonment term, 2007–08 to 2011–12

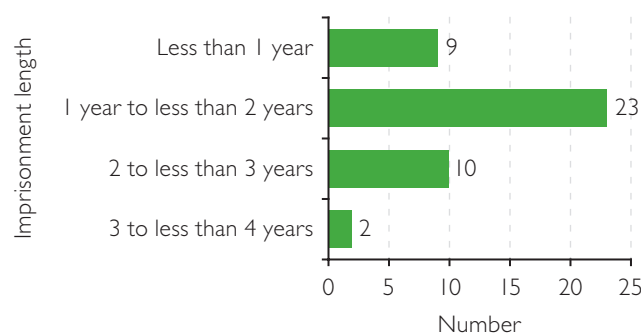
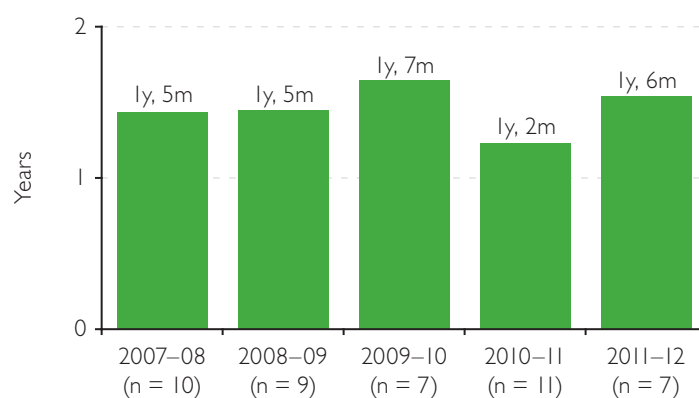


Figure 9: The average length of imprisonment term imposed on people sentenced for indecent assault, 2007–08 to 2011–12



Other offences finalised at the same hearing

Often people prosecuted for indecent assault 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 indecent assault.

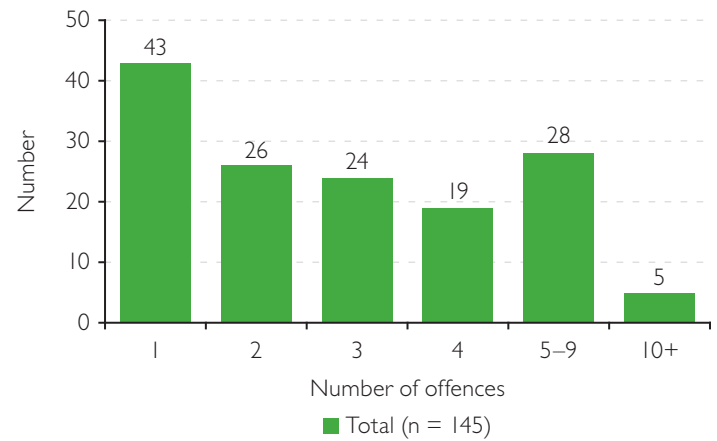
Figure 10 shows the number of people sentenced for the principal offence of indecent assault by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 19, while the median was 3 offences. There were 43 people (29.7%) sentenced for the single offence of indecent assault. The average number of offences per person sentenced for indecent assault was 3.52.

While Figure 10 presents the number of sentenced offences for those sentenced for indecent assault, Table 3 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the 10 most common offences. The last column sets out the average number of offences sentenced per person. For example, 10 of the total 145 people (6.9%) also received sentences for common law assault. On average, they were sentenced for 1.30 counts of common law assault.

Table 3: The number and percentage of people sentenced for the principal offence of indecent assault by the most common offences that were sentenced and the average number of those offences that were sentenced, 2007–08 to 2011–12

Offence	No.	%	Avg.
1 Indecent assault	145	100.0	2.63
2 Common law assault	10	6.9	1.30
3 Gross indecency with a child under 16	6	4.1	2.67
4 Gross indecency with a female under 16	6	4.1	1.33
5 Causing injury recklessly	6	4.1	1.00
6 Make threat to inflict serious injury	5	3.4	1.20
7 Theft	4	2.8	2.50
8 Indecent act with a child under 16	4	2.8	2.00
9 Aggravated burglary	4	2.8	2.00
10 False imprisonment	4	2.8	1.25
People sentenced	145	100.0	3.52

Figure 10: The number of people sentenced for the principal offence of indecent assault by the number of sentenced offences per person, 2007–08 to 2011–12



Total effective sentence of imprisonment

There were 42 people given a total effective sentence of imprisonment.¹⁶ Figure 11 shows the number of people sentenced to imprisonment for indecent assault between 2007–08 and 2011–12 by length of total effective sentence. The length of total effective sentences ranged from 4 months to 9 years, while the median total effective length of imprisonment was 2 years and 15 days (meaning that half of the total effective sentence lengths were below 2 years and 15 days and half were above).

The most common total effective imprisonment length was 1 year to less than 2 years (12 people).

Non-parole period

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 no non-parole period is set by the court, the person must serve the entirety of the imprisonment term.

Under section 11(4) of the *Sentencing Act 1991* (Vic), if a court sentences an offender to imprisonment in respect of more than one offence, the non-parole period set by the court must be in respect of the total effective sentence of imprisonment that the offender is liable to serve under all the sentences imposed. In many cases, the non-parole period will be longer than the individual principal sentence for indecent assault. Sentences and non-parole periods must be considered in this broader context.

Of the 42 people who were sentenced to imprisonment for indecent assault, 37 were eligible to have a non-parole period fixed.¹⁷ Of these people, 32 were given a non-parole period (86%).¹⁸ Figure 12 shows the number of people sentenced to imprisonment for indecent assault between 2007–08 and 2011–12 by length of non-parole period. Non-parole periods ranged from 3 months to 6 years, while the median length of the non-parole period was 1 year and 3 months (meaning that half of the non-parole periods were below 1 year and 3 months and half were above).

The most common non-parole period imposed was 1 year to less than 2 years (12 people).

Total effective sentences of imprisonment and non-parole periods

Figure 13 presents the average length of total effective sentences of imprisonment compared with the average length of non-parole periods for all people from 2007–08 to 2011–12.

From 2007–08 to 2011–12, the average length of total effective sentences for all people ranged from 2 years and 3 months in 2007–08 to 3 years and 5 months in 2009–10. Over the same period, the average length of non-parole periods ranged from 1 year and 5 months in 2007–08 to 2 years and 2 months in 2009–10.

Figure 11: The number of people sentenced to imprisonment for indecent assault by length of total effective imprisonment term, 2007–08 to 2011–12

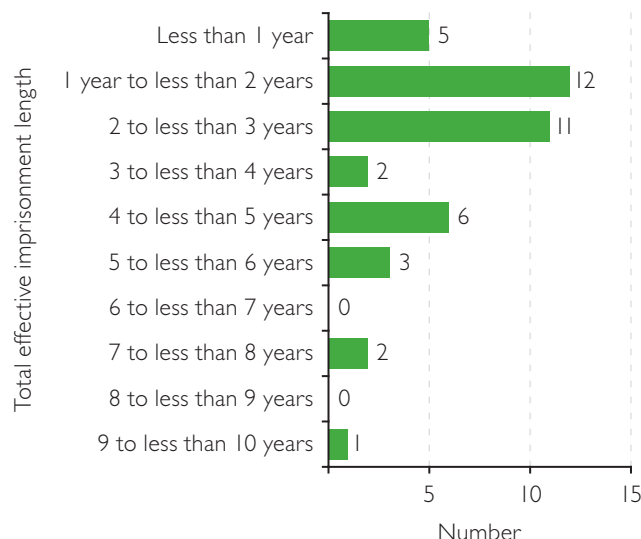


Figure 12: The number of people sentenced to imprisonment for indecent assault by length of non-parole period, 2007–08 to 2011–12

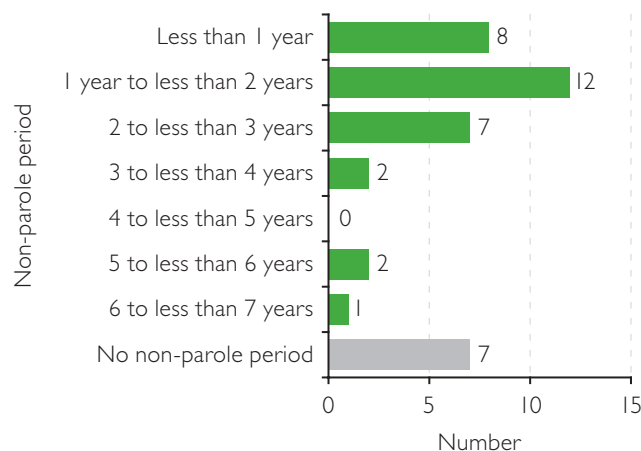
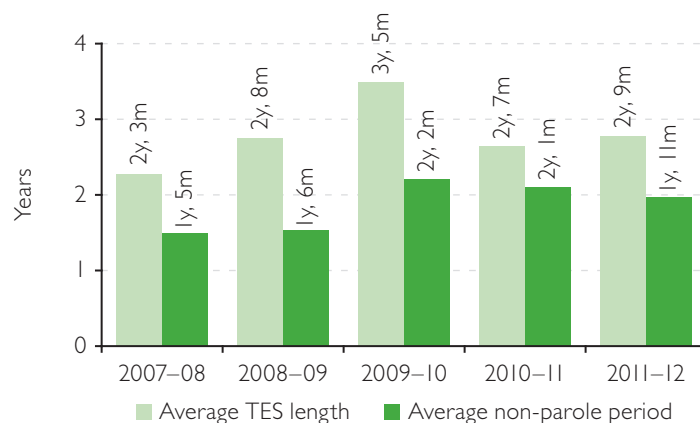


Figure 13: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for indecent assault, 2007–08 to 2011–12



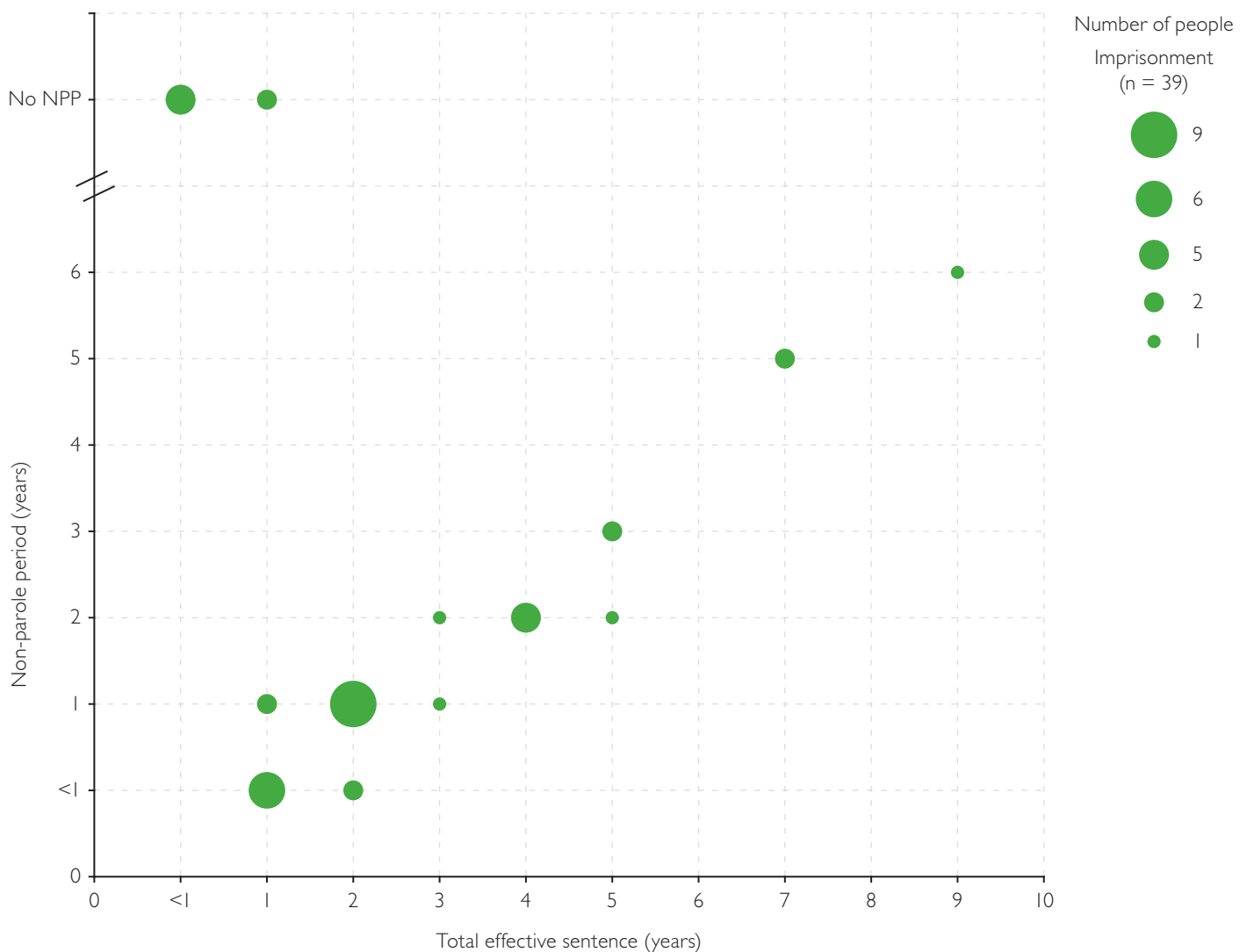
Total effective sentence of imprisonment by non-parole period

While Figures 11 and 12 present the lengths of the total effective sentences and non-parole periods separately, Figure 14 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for indecent assault for each individual person.

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. Sentence lengths and non-parole periods that are longer than one year are rounded down to the nearest year of imprisonment, while sentence lengths and non-parole periods of less than one year are grouped into the '<1 year' category. For example, a sentence length of 2 years and 6 months would be included as a sentence length of 2 years for the purposes of Figure 14.

As shown, the most common combination of imprisonment length and non-parole period imposed was 2 years with a non-parole period of 1 year (9 people – as represented by the largest bubble on the chart). The length of imprisonment ranged from 4 months with no non-parole period to 9 years with a non-parole period of 6 years.

Figure 14: The number of people sentenced to imprisonment for indecent assault by the total effective sentence and the non-parole period imposed, 2007–08 to 2011–12



Note: No NPP refers to no non-parole period.

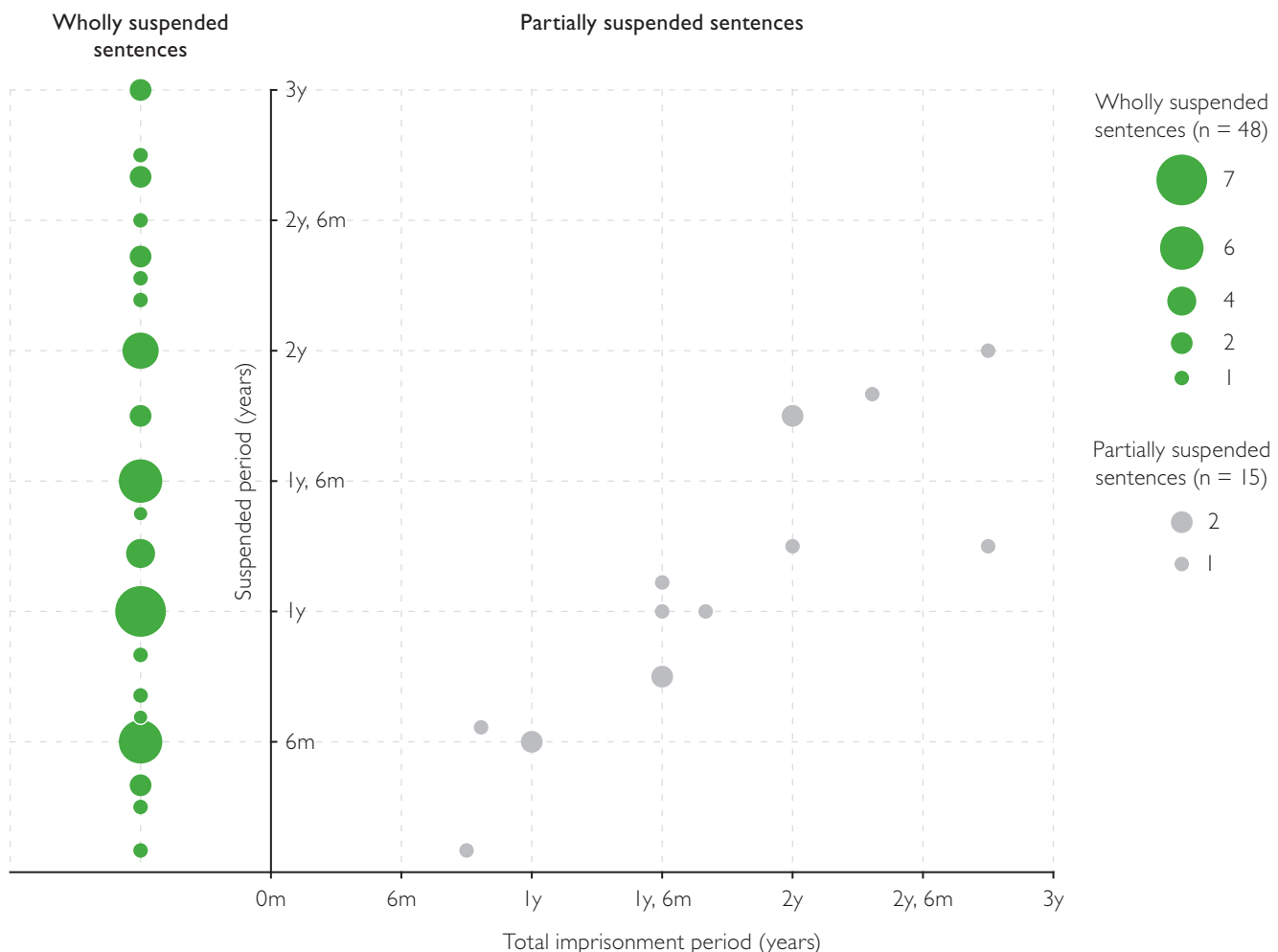
Suspended sentences of imprisonment

There were 63 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 48 people had their prison sentence wholly suspended and 15 received a partially suspended sentence of imprisonment. Figure 15 shows the number of people with a suspended sentence of imprisonment as their total effective sentence by the suspended sentence type and length of sentence. The green 'bubbles' to the left of the vertical axis show the lengths of the wholly suspended sentences, while the grey bubbles to the right of the vertical axis show the combination of total imprisonment length and the suspended period for those sentenced to a partially suspended sentence. The size of the bubble reflects the number of people who received either the wholly or the partially suspended prison term. Imprisonment lengths and suspended periods that end part way through a month are rounded down to the nearest complete month. For example, a wholly suspended sentence of 6 months and 12 days would be included as a sentence length of 6 months for the purposes of Figure 15.

Wholly suspended sentence lengths ranged from 1 month to 3 years. The most common wholly suspended sentence length was 1 year (7 people – as represented by the largest green bubble on the chart).

Partially suspended sentence lengths ranged from 9 months and 25 days' imprisonment with 1 month and 1 day suspended to 2 years and 9 months with 2 years suspended. The most common partially suspended sentence combinations were 1 year with 6 months suspended, 1 year and 6 months with 9 months suspended and 2 years with 1 year and 9 months suspended (2 people each – as represented by the 3 largest grey bubbles on the chart).

Figure 15: The number of people given a wholly or partially suspended sentence of imprisonment for indecent assault by sentence type and length, 2007–08 to 2011–12



Community-based orders

There were 13 people given a community-based order as their total effective sentence.

The length of community-based orders for indecent assault ranged from 1 year to 2 years, while the most common length was 2 years (8 people).

Community correction orders

Community correction orders were introduced in early 2012 to replace the existing community-based orders and intensive correction orders. A feature of community correction orders is that the sentence length on the order can be as high as the statutory maximum of the offence being sentenced.

During 2007–08 to 2011–12, 3 people were given a community correction order for the principal offence of indecent assault. Two of these people received a community correction order of 1 year's duration, while the remaining person received an order of 4 years' duration.

Fines

This analysis includes all fines that were imposed for cases where indecent assault was the principal offence. Fines were imposed on 14 people.

The fine amount imposed ranged from \$200 to \$12,000, with a median of \$2,750 (meaning that half of the values fell below \$2,750 and half of the values were above \$2,750).

The average fine amount was \$3,571. Fines were only imposed against men.

Appeals

A sentence imposed on a person may be appealed¹⁹ by that person or by the Crown. A person sentenced may also appeal against his or her conviction. All appeals made in relation to people sentenced in the higher courts are determined by the Court of Appeal.

Up to June 2012, 4 people sentenced for a principal offence of indecent assault in the period 2007–08 to 2011–12 successfully appealed their convictions and were acquitted. Thus, the number of people sentenced from 2007–08 to 2011–12 for a principal offence of indecent assault was reduced to 141 people once appeals are considered.

As a result of successful appeals against sentence, the total effective sentence and/or the non-parole period changed for 4 people. Three of these appeals were made by the person sentenced and resulted in a sentence reduction. The longest total effective imprisonment term to be reduced was a sentence of 5 years, 2 months and 7 days with a non-parole period of 3 years and 5 months, which decreased to 5 years and 7 days' imprisonment with a non-parole period of 3 years and 3 months on appeal.

There was one successful appeal made by the Crown during 2007–08 to 2011–12. This resulted in a wholly suspended sentence of 2 years and 3 months' imprisonment being upgraded to a partially suspended sentence of 2 years and 3 months' imprisonment with 1 year and 3 months suspended.

Figure 16: The number of people sentenced to a community-based order for indecent assault by length of order imposed, 2007–08 to 2011–12

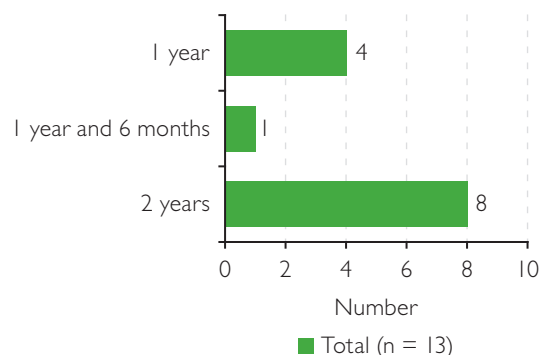
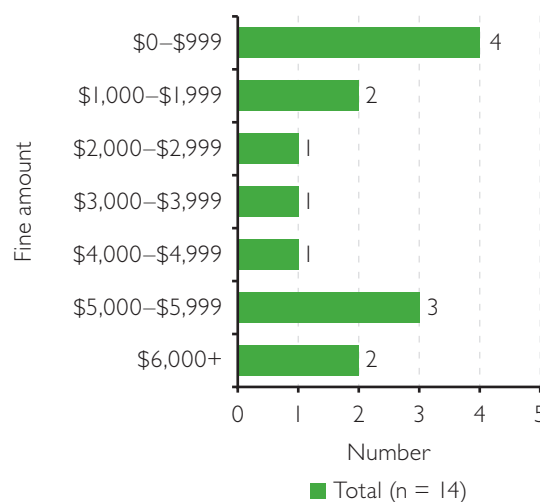


Figure 17: The number of people who received a fine for indecent assault by fine amount, 2007–08 to 2011–12



The principal sentence changed for 1 person as a result of a successful appeal. This person had originally received 1 year and 4 months' imprisonment for their principal offence, which was reduced to 2 months on appeal.

With the original sentencing data revised to incorporate appeal outcomes, the adjusted longest total effective imprisonment term was unchanged at 9 years' imprisonment with a non-parole period of 6 years. The adjusted longest principal sentence of imprisonment was also unchanged at 3 years and 6 months.

Summary

Between 2007–08 and 2011–12, 145 people were sentenced for indecent assault in the higher courts. Over this period, the majority of people sentenced were men (99%), while 71% were between the ages of 20 and 54.

Around one-third of the people sentenced for indecent assault received a wholly suspended sentence of imprisonment (32%), while 30% received a period of imprisonment and 8% received a partially suspended sentence of imprisonment.

Wholly suspended sentences of imprisonment were most common for those aged between 45 and 49 years while imprisonment was most common for people aged between 35 and 44 years or aged 55 and older.

Each of the 145 people was sentenced for an average of 3.52 offences, including 2.63 offences of indecent assault. The most common offence finalised in conjunction with indecent assault was common law assault (6.9% of all cases). The number and range of offences for which people with a principal offence of indecent assault were sentenced help explain why imprisonment sentence lengths were longer for the total effective sentence than for the principal sentence. The median total effective imprisonment length was 2 years and 15 days, while the median principal imprisonment length was 1 year and 5 months.

Total effective imprisonment lengths ranged from 4 months with no non-parole period to 9 years with a non-parole period of 6 years. The most common sentence of imprisonment was 2 years with a non-parole period of 1 year.

The most common wholly suspended sentence length was 1 year.

A small number of people were able to successfully appeal against their sentences. When the results of the appeal outcomes are incorporated into the original sentencing data, the range of total effective imprisonment lengths and principal imprisonment sentence lengths remains unchanged.

Endnotes

1. This series of reports includes custodial and non-custodial supervision orders imposed under Part 5 of the *Crimes (Mental Impairment and Unfitness to Be Tried) Act 1997* (Vic) as sentencing orders and in the count of people sentenced. These orders are not sentencing orders, as they are imposed in cases where the defendant is not guilty because of mental impairment. However, they are included in this report as they are an important form of disposition of criminal charges.

This Sentencing Snapshot is an update of Sentencing Snapshot no. 115, which describes sentencing trends for indecent assault between 2005–06 and 2009–10.

2. The information source for sentencing outcomes for indecent assault only contains information on age and gender characteristics. No other demographic analysis is possible using this data source.
3. The source data for the statistical information presented in this Snapshot were provided by the Business Intelligence area of the Courts and Tribunals unit within the Department of Justice (Vic). The Sentencing Advisory Council regularly undertakes extensive quality control measures for current and historical data. While every effort is made to ensure that the data analysed in this report are accurate, the data are subject to revision.
4. *Crimes Act 1958* (Vic) s 39(2).
5. *Crimes Act 1958* (Vic) s 39(1).
6. 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>.
7. *Criminal Procedure Act 2009* (Vic) s 28. Prior to the *Criminal Procedure Act 2009* (Vic) coming into effect, section 53 of the *Magistrates' Court Act 1989* (Vic) provided similar powers to allow the Magistrates' Court to hear this offence summarily.

8. *Criminal Procedure Act 2009* (Vic) s 29. Prior to the *Criminal Procedure Act 2009* (Vic) coming into effect, section 53 of the *Magistrates' Court Act 1989* (Vic) provided similar powers to allow the Magistrates' Court to hear this offence summarily.
9. If a person is sentenced for a case with a single charge, the offence for that charge is the principal offence. If a person is sentenced for more than one charge in a single case, the principal offence is the offence for the charge that attracted the most serious sentence according to the sentencing hierarchy.
10. Immediate custodial sentence includes imprisonment, partially suspended sentence, restricted involuntary treatment order (hospital order), residential treatment order and aggregate imprisonment.
11. Indecent assault is not defined as a 'serious offence' or 'significant offence' for the purposes of giving a wholly suspended sentence under section 27 (2B) of the *Sentencing Act 1991* (Vic).
12. Age is at the time of sentencing.
13. Some defendants who were under the age of 18 at the time of committing the alleged offence and who were not 19 years or older at the time proceedings commenced may have been dealt with in the Children's Court of Victoria.
14. Refer to endnote 9.
15. Data presented in this section do not include imprisonment lengths for people who received an aggregate sentence of imprisonment. Sentence lengths for aggregate sentences of imprisonment apply to the whole case, while Figure 9 only deals with sentences of imprisonment for the principal proven offence of indecent assault. During the 2007–08 to 2011–12 period, one person received an aggregate form of imprisonment.
16. Of the 44 people who were given a principal sentence of imprisonment, 41 were also given a total effective sentence of imprisonment. There were 3 people who were given imprisonment as the principal sentence for indecent assault but not as a total effective sentence. Two of these people received a partially suspended sentence as their total effective sentence while the remaining person received a wholly suspended sentence. There was one additional person who received an aggregate sentence of imprisonment as their principal sentence and who was included in Figure 11.
17. A total of 5 people were not eligible for parole because they were given a total effective sentence length of less than one year.
18. Three people were not given a non-parole period relating to that case alone, but a non-parole period that also related to other cases. It is not possible to determine the length of the non-parole period that relates to these cases. The non-parole periods for these people are excluded from the analysis. A non-parole period was not set for 2 people who were eligible for a non-parole period.
19. Appeals data were collected by the Sentencing Advisory Council from transcripts of sentencing remarks of criminal appeals on the Australasian Legal Information Institute's website <www.austlii.gov.au>.

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