

# Long-Term Sentencing Trends in Victoria

## Contents

Introduction	1
Sentencing practices in the higher courts	2
Homicide offences	4
Serious violent offences	8
Serious drug offences	12
Serious sex offences	16
Conclusion	20
References	21



Authored by Paul McGorrery and Zsombor Bathy

Published by the Sentencing Advisory Council, Melbourne, Victoria, Australia

© Copyright State of Victoria, Sentencing Advisory Council, 2022

This publication is protected by the laws of copyright. No part may be reproduced by any process except in accordance with the provisions of the *Copyright Act 1968* (Cth).

ISBN 978-1-925071-70-2 (Online)

Authorised by the Sentencing Advisory Council,  
Level 3, 333 Queen Street, Melbourne VIC 3000

# Introduction

The Sentencing Advisory Council was established in 2004, with one of its statutory functions being the provision of sentencing statistics to the judiciary and other interested persons.<sup>1</sup> One of the ways that the Council achieves this is by publishing *Sentencing Snapshots*, each of which provides an overview of how a certain serious offence was sentenced in the higher courts (the County and Supreme Courts) in the most recent five-year period. Currently, 25 *Snapshots* are published every two years. The first publicly available *Snapshot* related to murder and how that offence was sentenced from 1998–99 to 2003–04. Each *Snapshot* is based on original court data and since 2014 accounts for subsequent successful conviction and sentence appeals. Given that there is now over 20 years' worth of *Snapshots* sentencing data available, now seems an opportune time to review whether there have been noticeable changes in sentencing practices for serious offences in Victoria and, if so, whether those changes have been more pronounced for some offences than for others.<sup>2</sup>

To that end, this report examines changes in sentencing for a select number of homicide offences, serious violent offences, serious drug offences and serious sex offences. While *Snapshots* include a broader range of data than what is discussed here, the focus of this report is to identify long-term changes in:

- the number of people sentenced for each offence;<sup>3</sup>
- the proportion of people receiving an immediate custodial sentence;<sup>4</sup>
- the average length of prison sentences imposed for each offence ('charge-level sentences');<sup>5</sup>
- the average length of total effective sentences of imprisonment imposed on each person ('case-level sentences');<sup>6</sup> and
- the average length of non-parole periods imposed on each person.<sup>7</sup>

The **key findings** of this report are that in the last 20 years:

- the number of serious offences sentenced in the higher courts has decreased;
- the rate of imprisonment for serious offences has increased, particularly in the last five years; and
- the lengths of prison sentences for serious offences have also increased, and this seems to have been a long-term trend for the last two decades.

1. *Sentencing Act 1991* (Vic) s 108C(1)(b).

2. Where two *Snapshots* cover the same period but there is variation in the data (due, for example, to a successful appeal between publication of the two *Snapshots*), the data in the most recent *Snapshot* has been used.

3. *Snapshots* use a 'principal proven offence' counting rule, meaning that each case is only counted once, only one offence is counted per case (for example, if there were two murders in a case, only one would be captured) and the offence counted is the one that received the most serious sentence (usually the longest term of imprisonment).

4. This mostly includes imprisonment in an adult facility, but it can also include detention in a youth justice facility, now-abolished partially suspended sentences (where some component of a prison sentence does not automatically need to be served) and custodial supervision orders (detention in a dedicated facility for people with mental illness).

5. The charge-level sentence is the sentence imposed on a single count of an offence within a case. If there is only one offence in the case, the charge-level sentence will be identical to the total effective sentence.

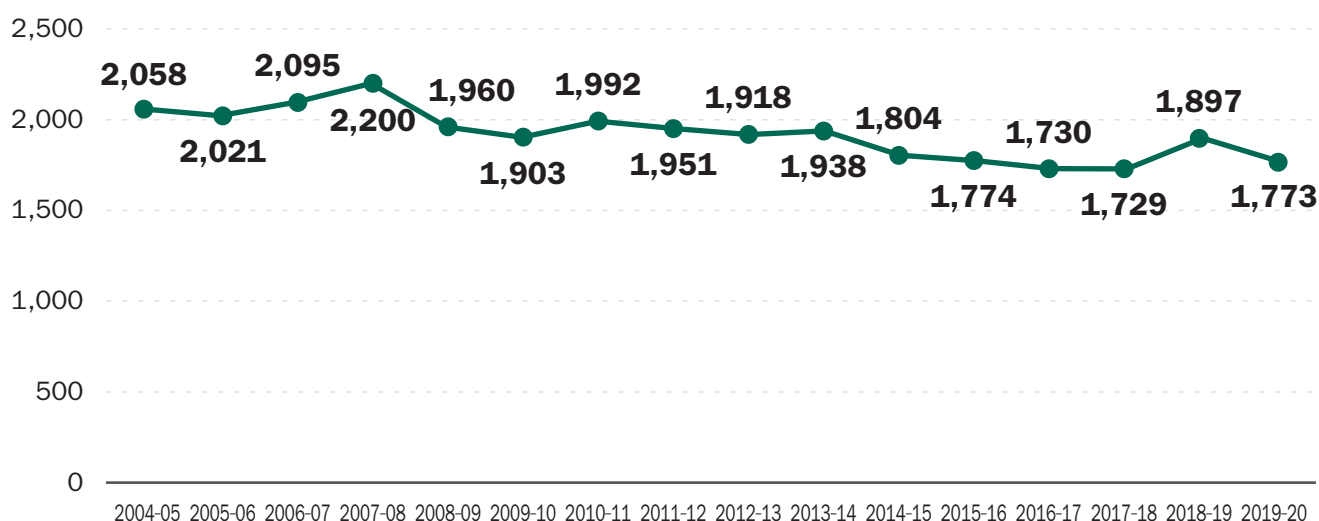
6. The case-level sentence is the total sentence imposed on a person after taking into account any orders for cumulation of prison sentences imposed for any offences in the case.

7. This is the period that the person must serve in custody before being eligible for parole. If the total effective sentence is less than one year, the court cannot impose a non-parole period; if it is between one and less than two years, it is discretionary whether the court imposes a non-parole period; and if it is longer than two years, the court must impose a non-parole period: *Sentencing Act 1991* (Vic) s 11.

## Sentencing practices in the higher courts

Before examining the specific offences covered by *Snapshots*, it is useful to contextualise that analysis with the more general long-term trends in the higher courts. Figure 1 shows that there has been a relatively consistent trend of fewer cases being sentenced in the higher courts each year since 2004–05.<sup>8</sup> This represents more than just a decrease in the number of cases. Victoria’s total population increased from 4.9 million in 2004 to 6.7 million in 2020.<sup>9</sup> Therefore, whereas 41.8 in every 100,000 Victorians were sentenced in the higher courts in 2004–05, that rate had halved to 20.7 by 2019–20.

**Figure 1:** Number of cases sentenced in the higher courts, 2004–05 to 2019–20



Alongside the moderate decline in the number of cases sentenced in the higher courts each year (about 14% over 16 years), there have been significant changes in the types of sentences imposed (Figure 2, page 3).<sup>10</sup> The rate of imprisonment has almost doubled, from 39.6% to 75.1%. The rate of community orders decreased to 2009–10, then increased to 2015–16,<sup>11</sup> and has decreased again since then. The rate of wholly and partially suspended sentences decreased significantly, from 34.5% of all outcomes to 2.0%. Some of these changes are attributable to legislative developments, most notably the abolition of suspended sentences.<sup>12</sup> Others are attributable to non-legislative developments, such as the Court of Appeal’s guideline judgment in 2014 encouraging increased use of community correction orders<sup>13</sup> (though the effect of that encouragement seems to have been short-lived).

8. Sentencing Advisory Council, ‘Cases Sentenced in the Higher Courts’ (sentencingcouncil.vic.gov.au, 2022).

9. Australian Bureau of Statistics, *National, State and Territory Population* (abs.gov.au, 2022).

10. Sometimes two sentence types, such as imprisonment combined with a community correction order, are imposed in the same case. The data only includes the most serious sentence imposed in each case.

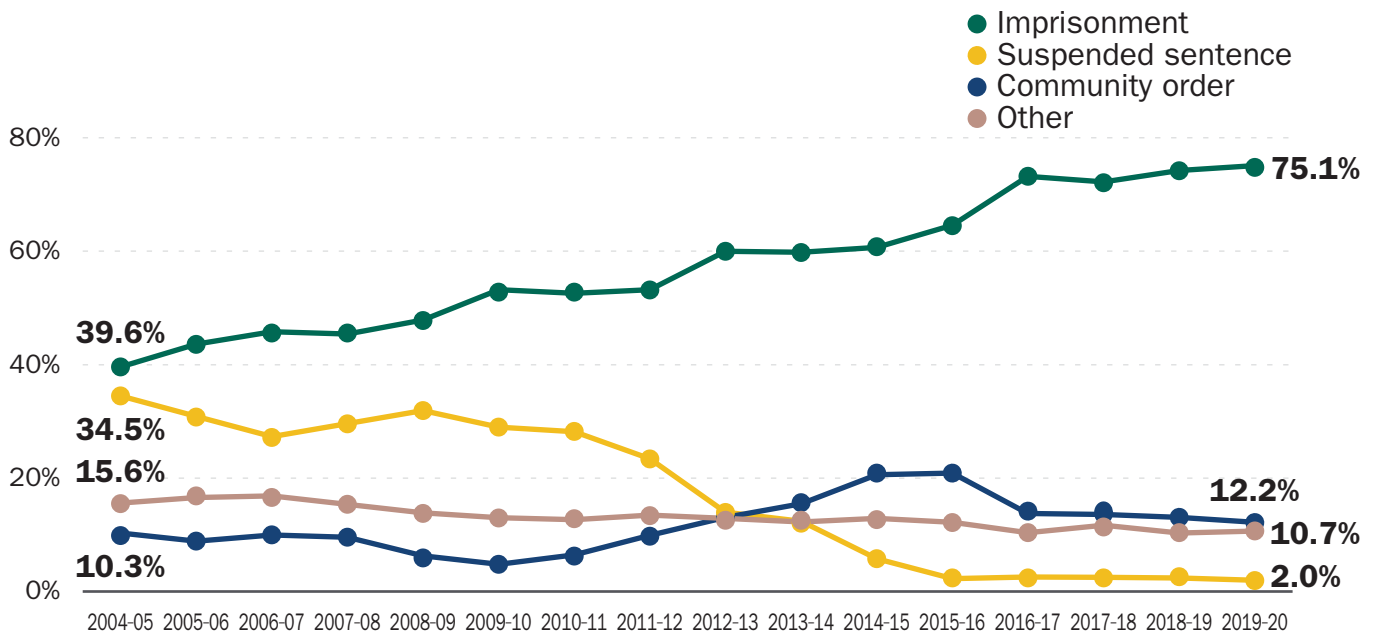
11. On the increase in community correction orders in 2015 and 2016, see Sentencing Advisory Council, *Community Correction Orders: Third Monitoring Report (Post-Guideline Judgment)* (2016) x–xi.

12. The reason suspended sentences are still sometimes imposed is that they are available for offences committed prior to 1 May 2011: *Sentencing Amendment Act 2010* (Vic) s 12.

13. *Boulton & Ors v The Queen* [2014] VSCA 342.

The doubling of imprisonment cases is likely to be due to a combination of factors, such as more cases now being finalised in the summary jurisdiction,<sup>14</sup> changes to Victoria's bail laws leading to a significant increase in time served prison sentences<sup>15</sup> and various sentencing schemes – such as category 1 and 2 offence classification, standard sentence offences and the serious offender provisions – reducing judicial discretion.

**Figure 2:** Sentencing outcomes in the higher courts, 2004–05 to 2019–20<sup>16</sup>



Any changes in long-term trends for the offences below must therefore be understood in the context of a moderate decline in the number of cases dealt with in the higher courts each year and a significant increase in the rate of prison sentences (mostly, it seems, replacing suspended sentences).

14. Despite the decline in the number of cases sentenced in the higher courts, the number of cases sentenced in the Magistrates' Court increased from about 73,000 in 2004–05 to 92,000 in 2018–19 (there have been declines since then, but they are likely to be attributable to the effect of COVID-19 on court operations): Sentencing Advisory Council, 'Cases Sentenced in the Magistrates' Court' ([sentencingcouncil.vic.gov.au](http://sentencingcouncil.vic.gov.au), 2022). If there has been a shift in cases from the higher courts to the summary jurisdiction, it is likely that they were less serious cases.

15. Sentencing Advisory Council, *Time Served Prison Sentences in Victoria* (2020).

16. In total during this period, imprisonment accounted for 56.9% of outcomes, suspended sentences 18.1% and community orders 11.7%. Other outcomes included Commonwealth orders (3.6%), fines (2.9%), youth detention orders (2.5%), adjourned undertakings (1.8%), now-abolished intensive correction orders (1.1%), discharge and dismissal (0.1%) and other orders (1.3%).

# Homicide offences

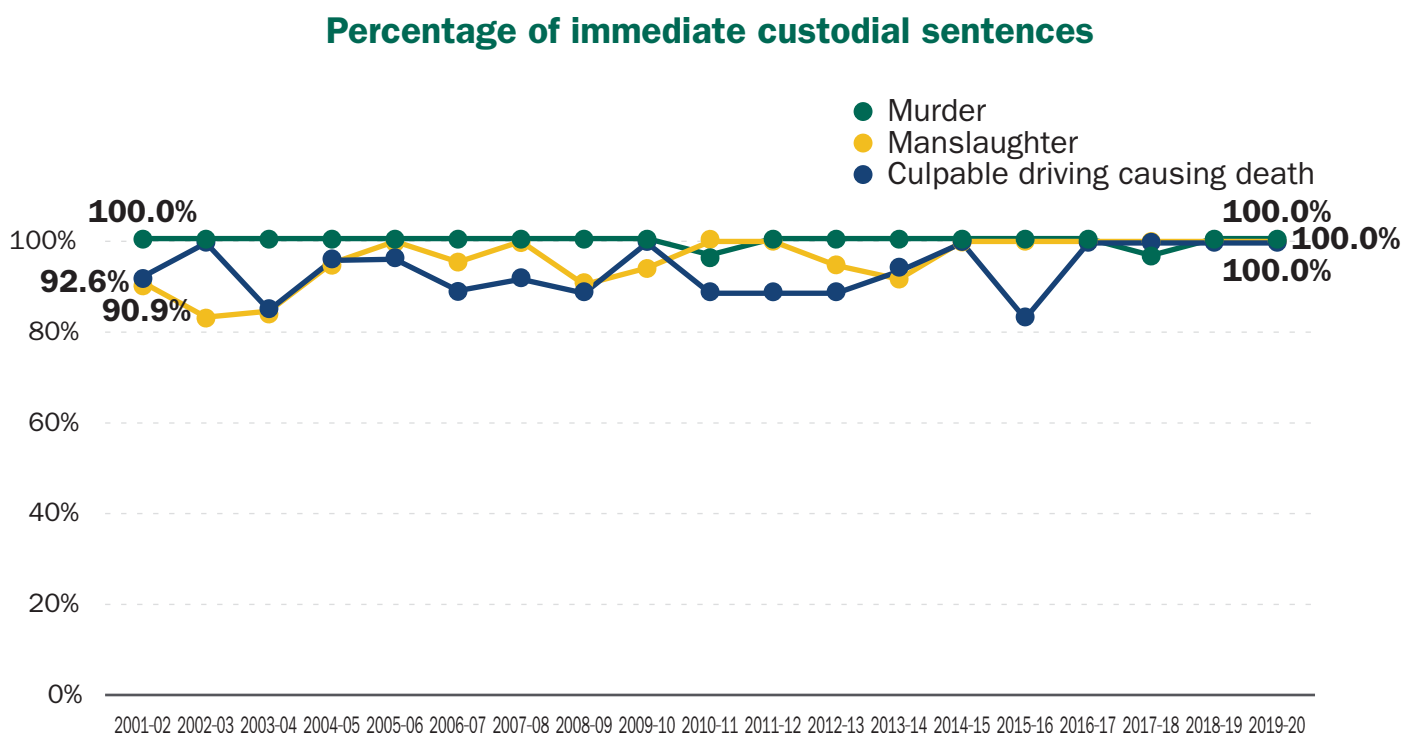
Snapshot covers three homicide offences: murder, manslaughter and culpable driving causing death. As shown in Figure 3, there were (with two minor exceptions) more people sentenced for murder each year than there were people sentenced for either manslaughter or culpable driving causing death. Further, while the number of people sentenced for murder and manslaughter each year did not show any particular trend, there has been a decrease in the number of people sentenced for culpable driving causing death over the 20-year period.

Figure 3: Number of people sentenced for homicide offences, 2001–02 to 2019–20



As would be expected for homicide offences, there was a very high rate of immediate custodial sentences for each offence (Figure 4): 99.6% for murder,<sup>17</sup> 95.9% for manslaughter<sup>18</sup> and 94.0% for culpable driving causing death.<sup>19</sup> With one exception (in 2017–18 someone with a mental illness received a non-custodial supervision order for murder), everyone sentenced for a homicide offence in the most recent four years received an immediate custodial sentence. This may be attributable to these three offences being classified as either category 1 or category 2 offences since 2017 (for murder and manslaughter) and 2018 (for culpable driving causing death), such that courts must always (except in rare circumstances) impose an immediate custodial sentence.<sup>20</sup>

**Figure 4:** Percentage of people receiving immediate custodial sentences for homicide offences, 2001–02 to 2019–20



17. The two exceptions, out of 510 cases, were both non-custodial supervision orders for people with mental illness.

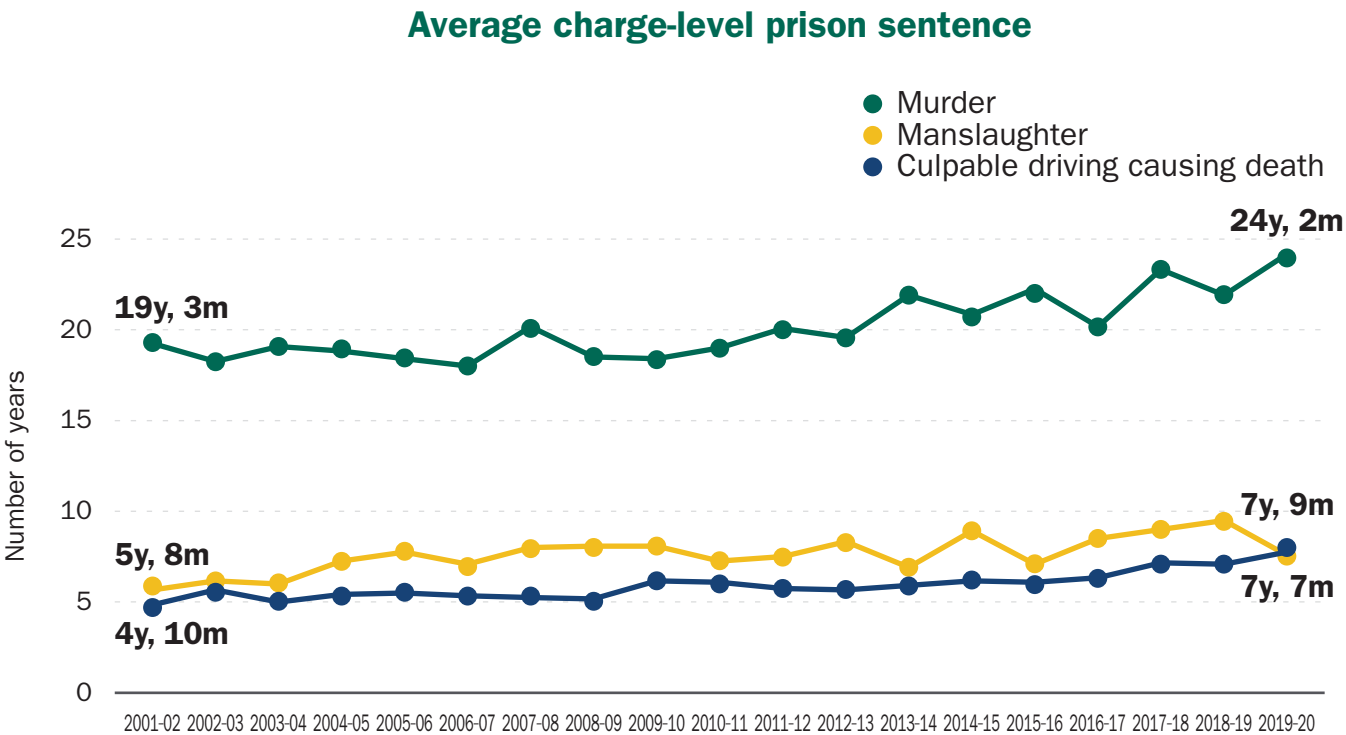
18. The 14 exceptions, out of 338 cases, included 6 wholly suspended sentences, 4 adjourned undertakings, 2 community-based orders and 2 youth attendance orders.

19. The 20 exceptions, out of 336 cases, included 16 wholly suspended sentences and 4 non-custodial supervision orders.

20. *Sentencing Act 1991* (Vic) ss 3 (definitions of *category 1 offence* and *category 2 offence*), 5(2G), 5(2H). The Court of Appeal has described the threshold requirement as ‘almost impossible to satisfy’: *DPP v Bowen* [2021] VSCA 355, [11].

The lengths of prison sentences for each of the three homicide offences increased steadily and significantly (Figure 5 below and Figure 6, page 7), especially for culpable driving causing death. The charge-level sentences increased by 25.5% for murder,<sup>21</sup> 33.8% for manslaughter and 60.3% for culpable driving causing death. Total effective sentences for the three offences increased by 26.2%, 30.0% and 73.8% respectively. And non-parole periods increased by 22.0%, 51.2% and 108.8% respectively. Given the concurrent decrease in the number of cases of culpable driving causing death (an average of 23.4 cases per year in the nine years to 2009–10 and 12.5 cases per year since), it is possible that the longer average prison sentences for that offence are due – perhaps because of plea negotiations<sup>22</sup> – to more of these cases being finalised as the less serious offence of dangerous driving causing death,<sup>23</sup> which came into effect in October 2004.<sup>24</sup>

Figure 5: Average length of charge-level prison sentences for homicide offences, 2001–02 to 2019–20



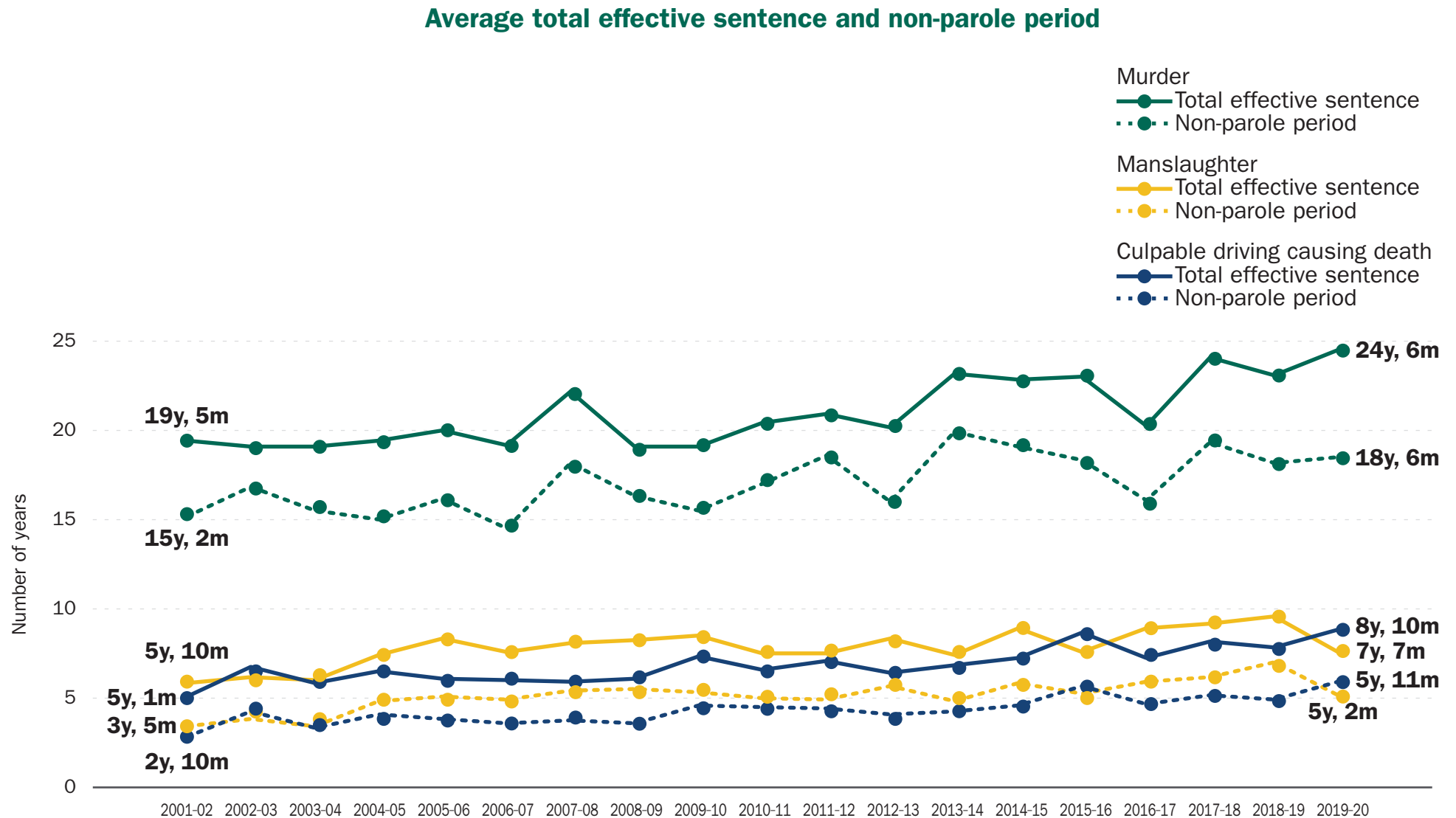
21. Life terms of imprisonment imposed for murder, and the people receiving those sentences, are not included in the calculation of average prison sentence lengths. They are included above in the total number of people sentenced for murder.

22. See, for example, Arie Freiberg and Asher Flynn, *Plea Negotiations: Pragmatic Justice in an Imperfect World* (2018).

23. There were 124 people sentenced for dangerous driving causing death in the seven years to 2012–13 at an average of 18 per year, but 116 people sentenced for the offence in the five years to 2019–20 at an average of 23 per year: Sentencing Advisory Council, *Major Driving Offences: Current Sentencing Practices* (2015) 21; Sentencing Advisory Council, ‘SACStat Higher Courts: Dangerous Driving Causing Death’ (sentencingcouncil.vic.gov.au, 2022).

24. *Crimes (Dangerous Driving) Act 2004* (Vic) s 6. The maximum penalty for dangerous driving causing death was increased from 5 years’ imprisonment to 10 years in 2008: *Crimes Amendment (Child Homicide) Act 2008* (Vic) s 5.

**Figure 6:** Average length of total effective sentences and non-parole periods for people sentenced for homicide offences, 2001–02 to 2019–20

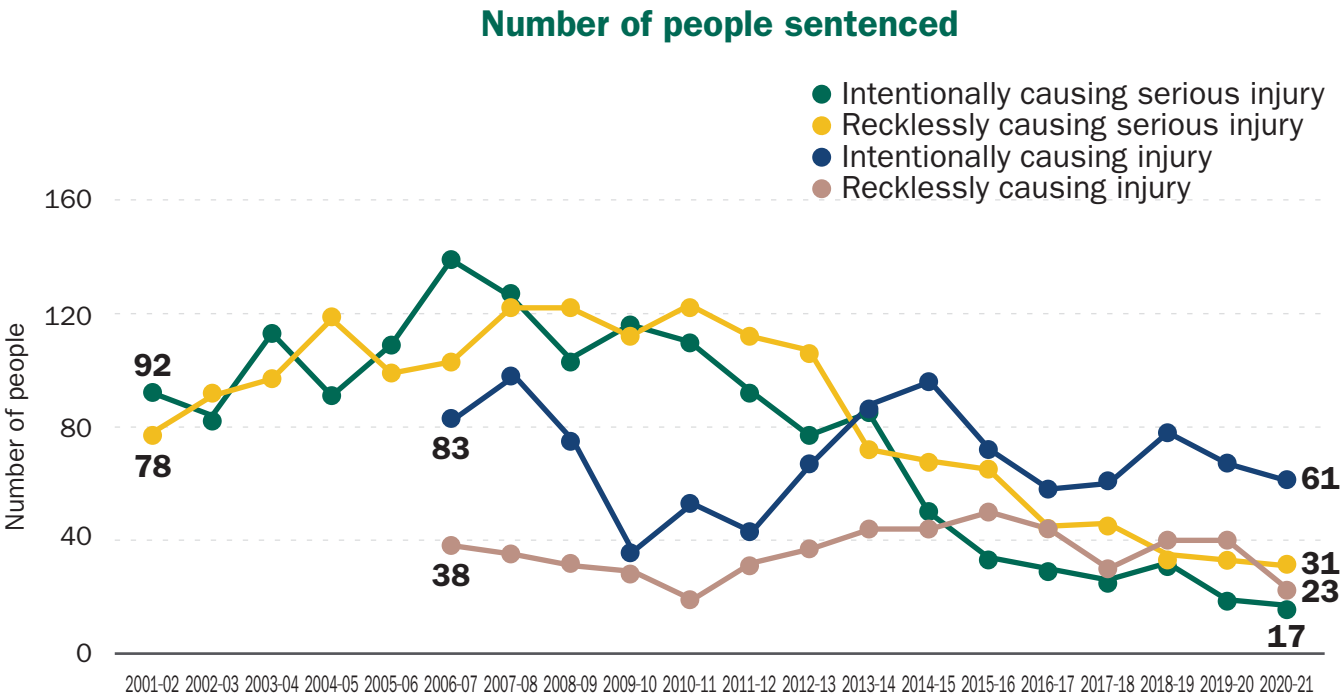


# Serious violent offences

*Snapshots* cover four serious violent offences, with varying maximum penalties: recklessly causing injury (5 years), intentionally causing injury (10 years), recklessly causing serious injury (15 years) and intentionally causing serious injury (20 years). While intentionally causing serious injury must be dealt with in the higher courts, the other three offences can be, and often are, dealt with in the Magistrates’ Court instead. Indeed, given that most cases involving recklessly causing injury are dealt with in the Magistrates’ Court, the number of cases involving that offence are included for context, but the custodial sentence rates and average prison sentences are not. Also, the data below for intentionally causing injury and recklessly causing injury is limited to the years 2006–07 onwards because in the early years either those offences were merged into a single *Snapshot* or they covered sentencing outcomes in the Magistrates’ Court rather than in the higher courts.

The number of people sentenced in the higher courts for the four serious violent offences has decreased markedly since 2006–07 (Figure 7), from 363 cases to just 132 cases in 2020–21, with most of the decrease being in the number of *causing serious injury* cases as opposed to *causing injury* cases. Rather than being a product of plea negotiations to lesser offences, this is likely to be due to a significant decline in the number of causing serious injury offences being recorded by police.<sup>25</sup>

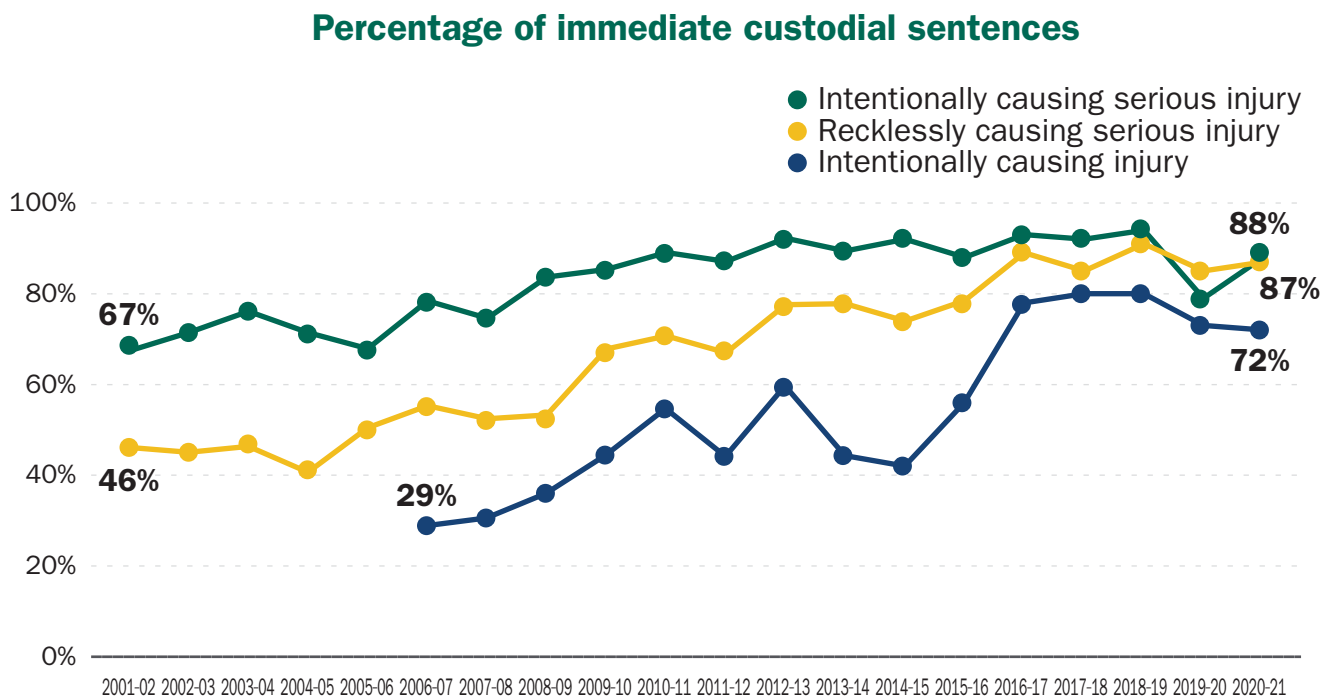
**Figure 7:** Number of people sentenced in the higher courts for serious violent offences, 2001–02 to 2020–21



25. In 2012, police recorded 750 offences of intentionally causing serious injury and 1,417 offences of recklessly causing injury. Following a significant 10-year decline, by 2021 the figures for those same offences were just 205 and 265: Crime Statistics Agency, ‘Year Ending 31 December 2021’ (crimestatistics.vic.gov.au, 2022) Table 5.

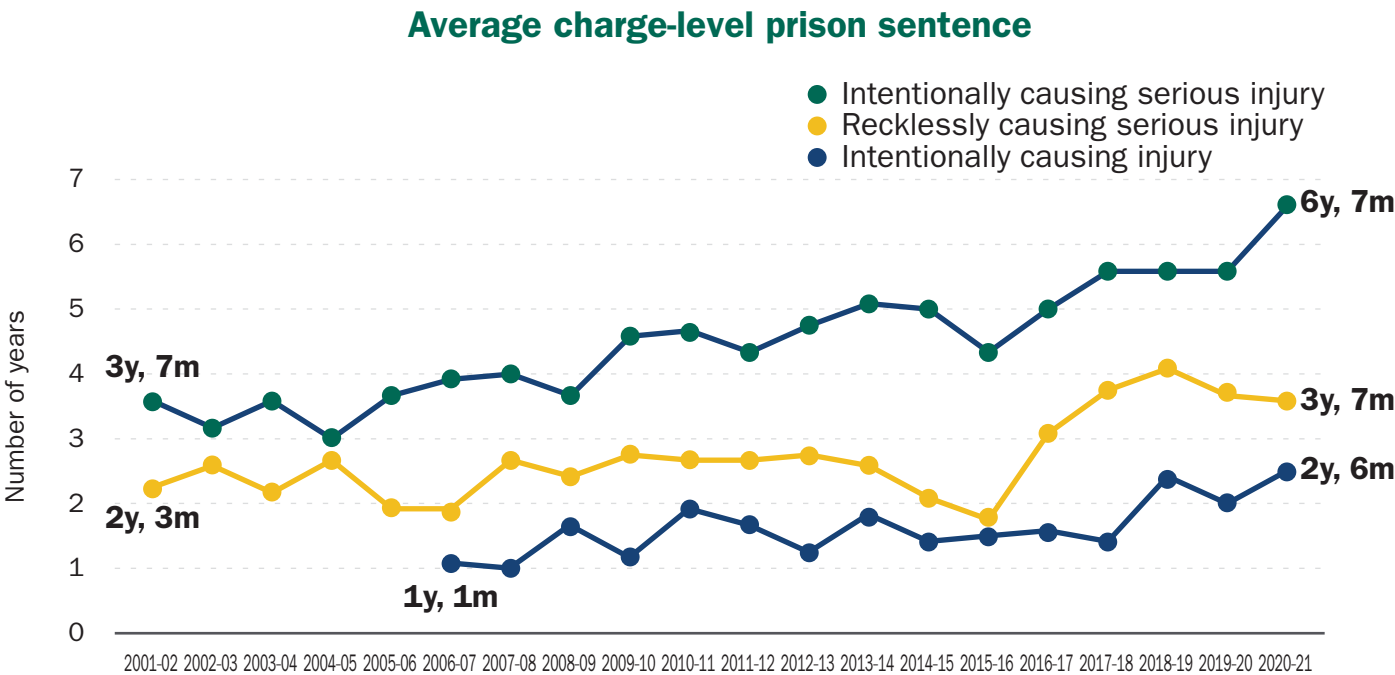
The rate of immediate custodial sentences for intentionally causing serious injury, recklessly causing serious injury and intentionally causing injury increased during the 20-year period (Figure 8). One particularly interesting trend is the convergence of immediate custodial sentence rates for intentionally causing serious injury and recklessly causing serious injury, to the point that the rates have been almost identical for those two offences each year since 2016–17.

**Figure 8:** Percentage of people receiving immediate custodial sentences in the higher courts for serious violent offences, 2001–02 to 2020–21



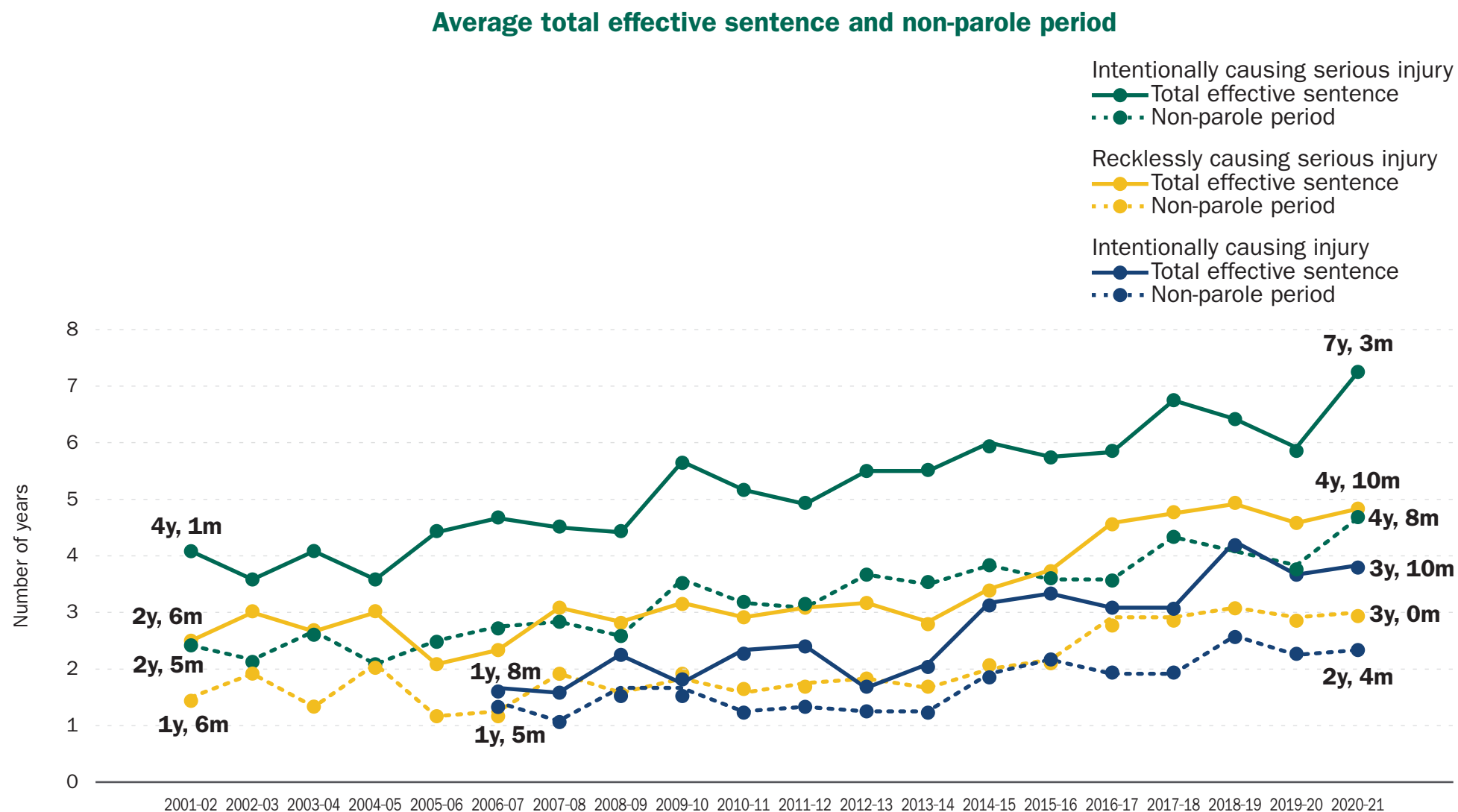
The lengths of prison sentences for these three serious violent offences have all generally increased, some more than others (Figure 9 below and Figure 10, page 11). The average charge-level prison sentences have increased by 83.7% for intentionally causing serious injury, 59.3% for recklessly causing serious injury and 130.8% for intentionally causing injury.<sup>26</sup> The total effective sentences in cases where these offences were the principal proven offence increased by 77.6%, 93.3% and 130% respectively. And the average non-parole period in those cases increased by 93.1%, 100.0% and 64.7% respectively. Some of these increases in prison sentence lengths may reflect a change in the higher courts in the nature of cases involving these offences, particularly if more cases are being finalised in the summary jurisdiction, leaving more serious cases to be dealt with in the higher courts.

Figure 9: Average charge-level prison sentences for serious violent offences, 2001–02 to 2020–21



26. These measurements incorporate data from 2001–02 to 2020–21 for intentionally causing serious injury and recklessly causing serious injury, and data from 2006–07 to 2020–21 for intentionally causing injury.

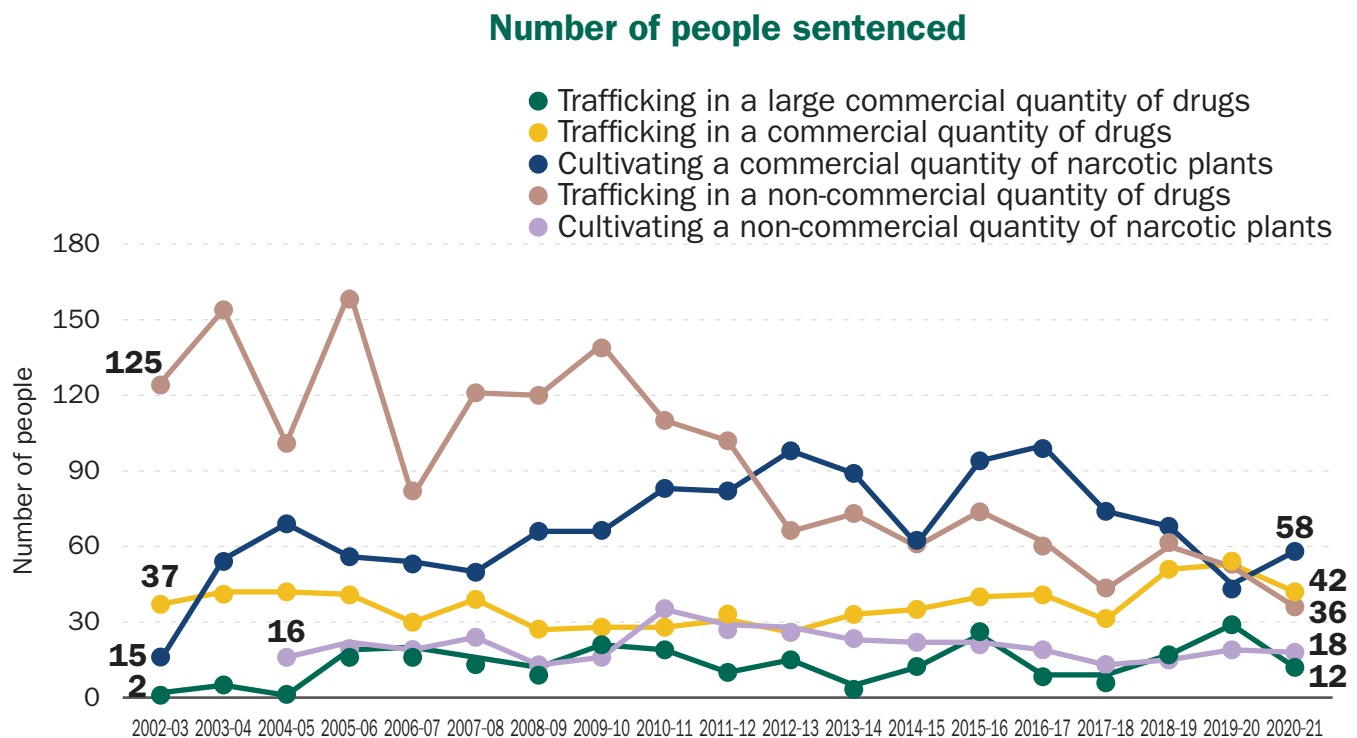
**Figure 10:** Average total effective sentences and non-parole periods for people sentenced for serious violent offences, 2001–02 to 2020–21



## Serious drug offences

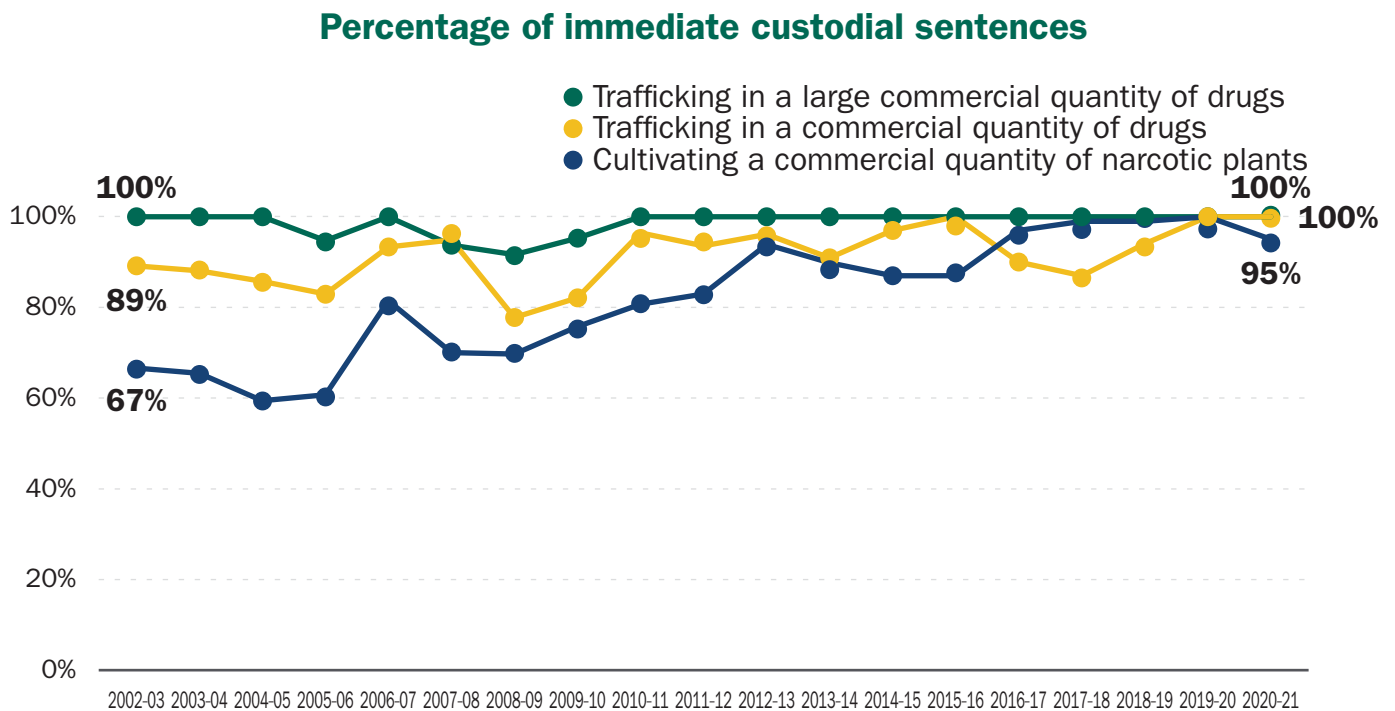
*Snapshots* cover five serious drug offences: cultivating a commercial quantity of narcotic plants, cultivating a non-commercial quantity of narcotic plants, trafficking in a large commercial quantity of drugs, trafficking in a commercial quantity of drugs and trafficking in a non-commercial quantity of drugs. Given that most cases involving a *non-commercial quantity* of plants or drugs are dealt with in the Magistrates' Court, the data below includes the number of cases in the higher courts involving non-commercial quantities for context, but not sentencing outcomes. The number of people sentenced for trafficking in or cultivating a commercial quantity or a large commercial quantity of plants or drugs was fairly stable each year (Figure 11). There was, though, a significant decline in the number of cases in the higher courts involving trafficking in a non-commercial quantity of drugs; it is possible that those cases are now being dealt with in the Magistrates' Court instead.

**Figure 11:** Number of people sentenced in the higher courts for serious drug offences, 2001–02 to 2020–21



Trafficking in a large commercial quantity of drugs – a category 1 offence – almost exclusively received immediate custodial sentences (there were four wholly suspended sentences). Trafficking in a commercial quantity of drugs has had an increasing rate of custodial sentences in the most recent four years; this may be attributable to its classification as a category 2 offence since 2017.<sup>27</sup> There was also a significant increase in the rate of immediate custodial sentences for cultivating a commercial quantity of narcotic plants, with 95% or more cases receiving a custodial sentence in the most recent five years (Figure 12).

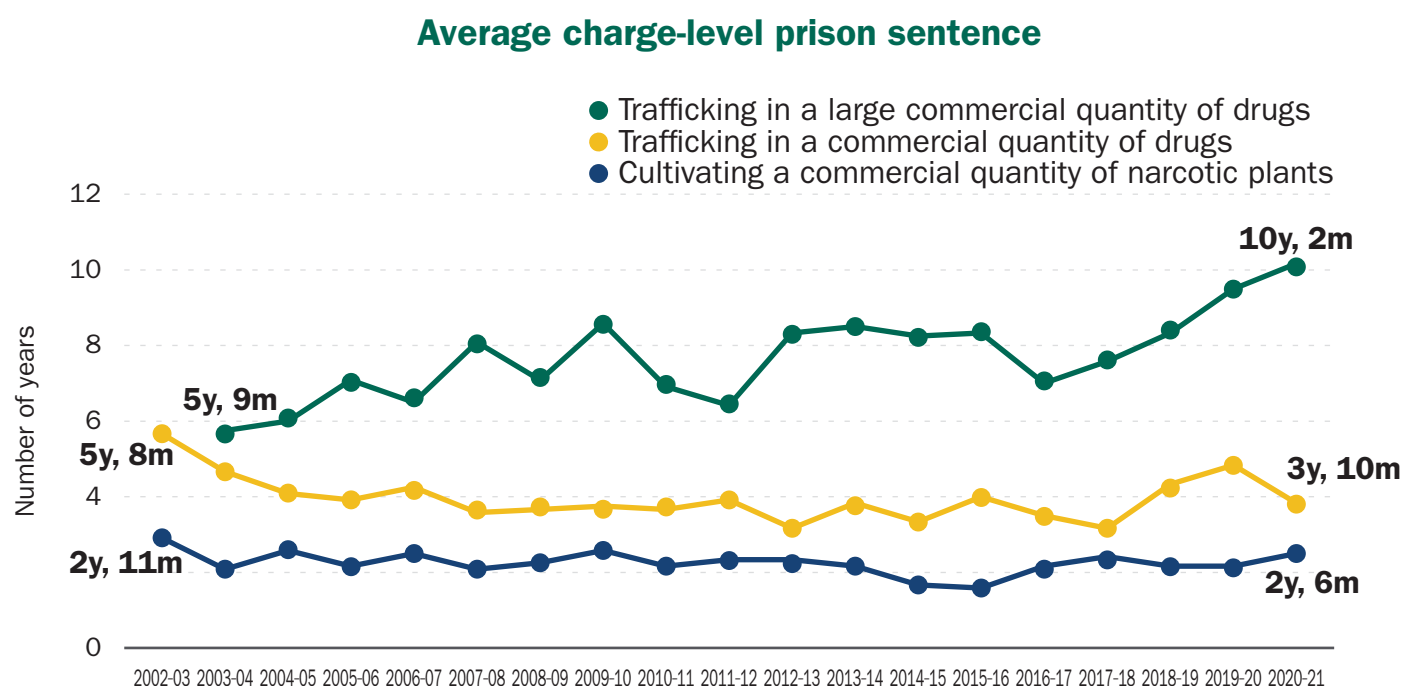
**Figure 12:** Percentage of people receiving immediate custodial sentences in the higher courts for serious drug offences, 2001–02 to 2020–21



27. Sentencing Act 1991 (Vic) s 3(g) (definition of category 2 offence).

The lengths of prison sentences for trafficking in or cultivating a commercial quantity of drugs or narcotic plants did not change significantly in the last two decades, fluctuating within a relatively stable range (Figure 13 below and Figure 14, page 15). It is, though, plausible that prison sentences for trafficking in a commercial quantity of drugs were beginning to increase in 2018–19 and 2019–20, and that COVID-19 is the cause of the decrease in 2020–21.<sup>28</sup> The Court of Appeal in 2017 called for an increase in sentencing practices in the ‘upper category’ of this offence, so the timing would match.<sup>29</sup> There was also a more sustained and significant increase in the average prison sentences for trafficking in a large commercial quantity of drugs. In the last two decades excluding 2002–03 (in which there were only two cases, both extreme outliers), the average charge-level sentence length increased by 76.8%, the average total effective sentence increased by 118.8% and the average non-parole period increased by 135.7%. These increases may be partly explained, as the Court of Appeal later clarified, by the increase in prison sentence lengths for trafficking in a commercial quantity of drugs, which was expected to have a ‘knock-on effect’ on prison sentence lengths for trafficking in a large commercial quantity of drugs.<sup>30</sup> It would, however, appear that the increases in prison sentence lengths for trafficking in a large commercial quantity of drugs are part of a much longer-term trend.

**Figure 13:** Average charge-level prison sentences for serious drug offences, 2002–03 to 2020–21

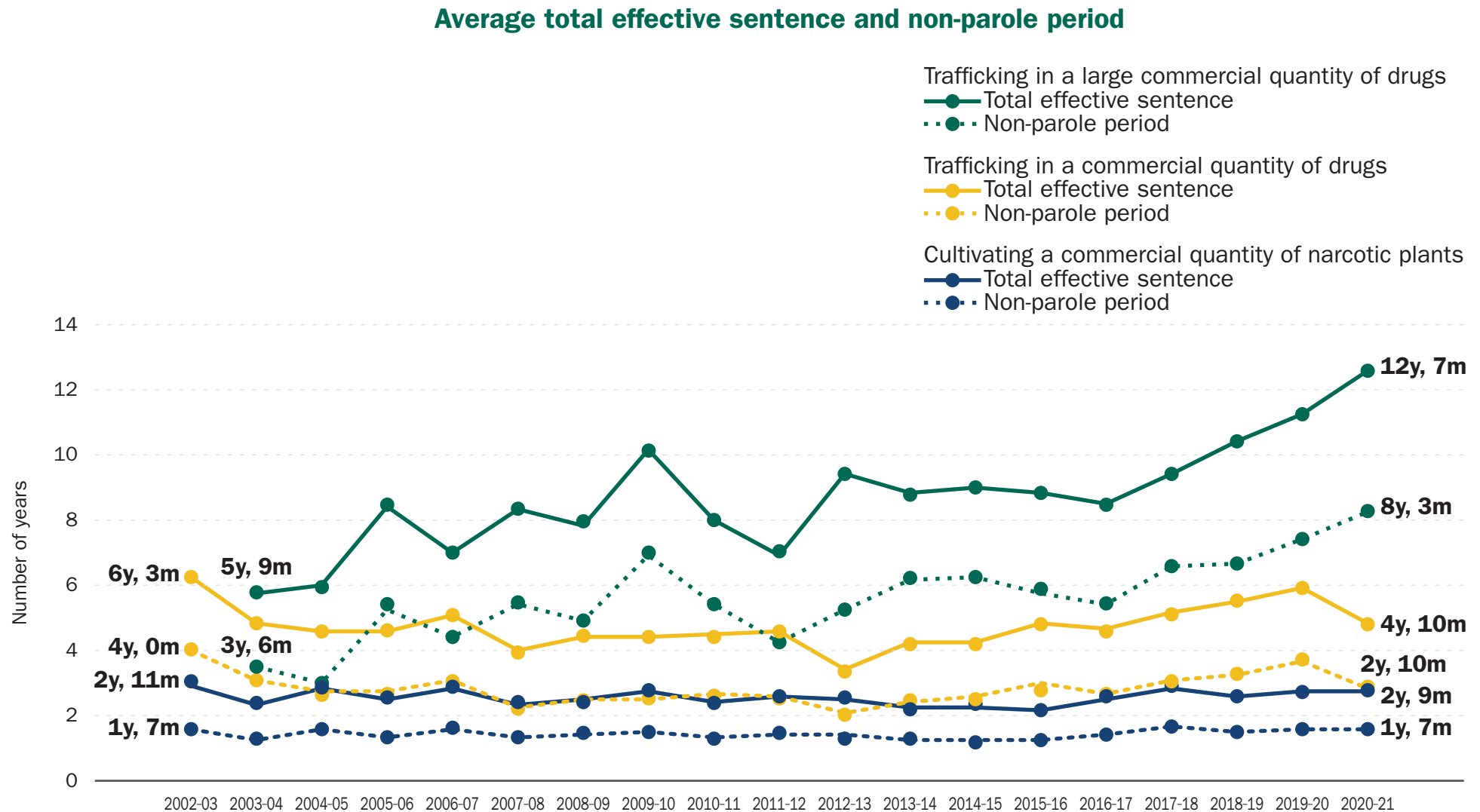


28. The Court of Appeal held in *Worboyes v The Queen* [2021] VSCA 169 that people who pleaded guilty during COVID-19 restrictions were entitled to larger sentencing discounts to reflect the harsher nature of custodial settings as a result of isolation requirements as well as the enhanced utilitarian benefit of resolving a matter while courts grappled with case backlogs.

29. *Gregory (A Pseudonym) v The Queen* [2017] VSCA 151.

30. *Rahmani v The Queen* [2021] VSCA 51; *Quah v The Queen* [2021] VSCA 164.

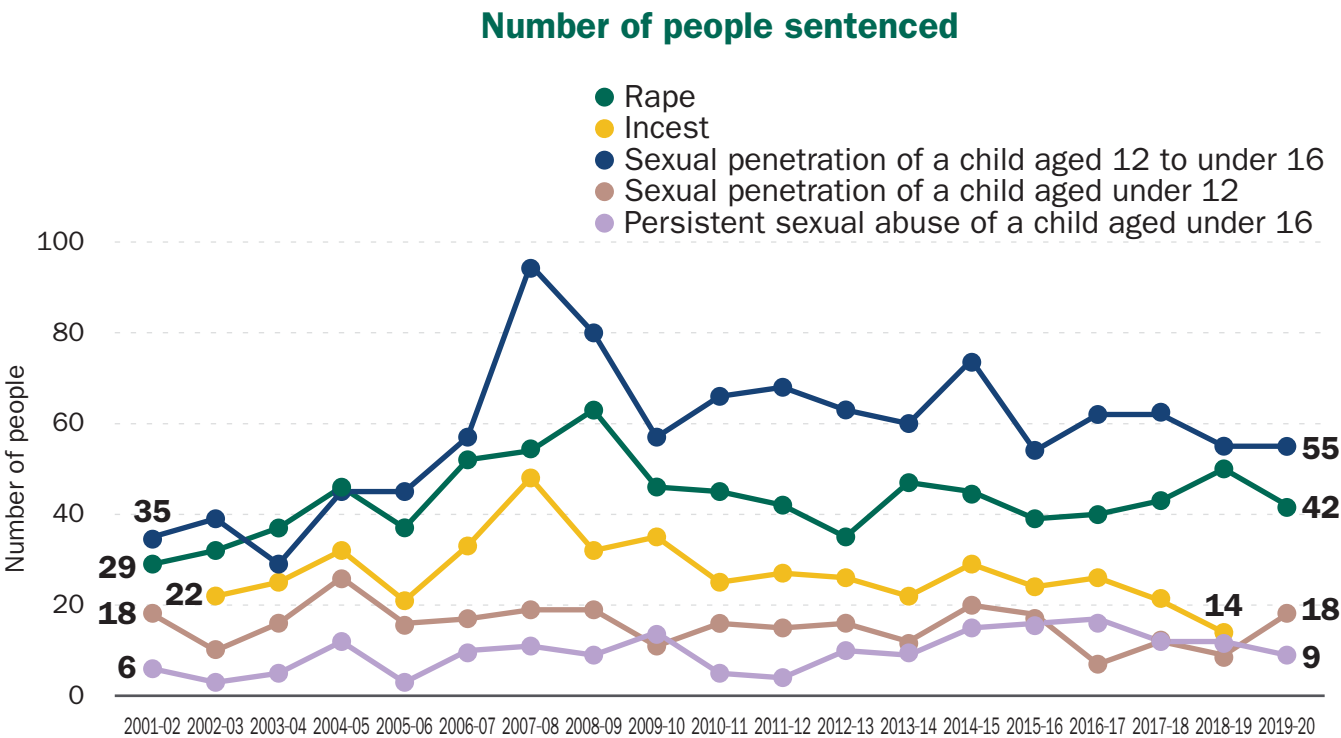
**Figure 14:** Average total effective sentences and non-parole periods for people sentenced for serious drug offences, 2002–03 to 2020–21



# Serious sex offences

*Snapshots* cover seven serious sex offences. The graphs below focus on the three most common offences involving penetration: rape, incest and sexual penetration of a child aged 12 to under 16. For context, the number of cases involving sexual penetration of a child aged under 12<sup>31</sup> and persistent sexual abuse of a child aged under 16 is included in Figure 15.<sup>32</sup> There does not appear to be any particular trend in the number of cases involving those offences. The most recent *Snapshot* for incest only has data to 2018–19.

**Figure 15:** Number of people sentenced in the higher courts for serious sex offences, 2001–02 to 2019–20

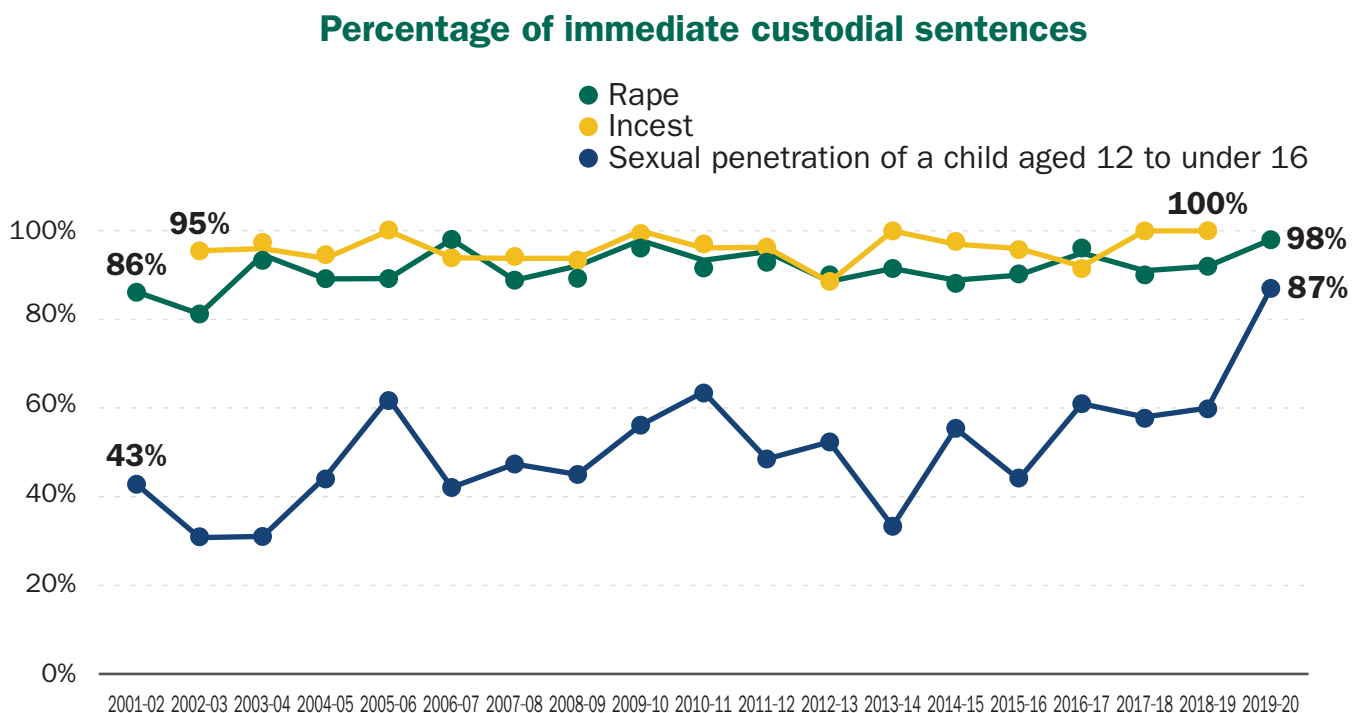


31. In March 2010, the higher maximum penalty of 25 years’ imprisonment was expanded to apply in cases involving 10- and 11-year-olds: *Crimes Legislation Amendment Act 2010* (Vic) s 3.

32. The offence of persistent sexual abuse was formally known as maintaining a sexual relationship with a child: *Crimes (Sexual Offences) Act 2006* (Vic) s 11.

The rates of immediate custodial sentences for rape and incest have been fairly stable at 88% or more for both offences since 2003–04 (Figure 16). That rate will increase in coming years. Both offences are now category 1 offences, prohibiting courts from imposing a sentence other than an immediate custodial sentence if the offence was committed on or after 20 March 2017.<sup>33</sup> The Council has raised concerns about the effect of mandatory sentencing schemes such as this, and who it affects;<sup>34</sup> its recent report on sex offences highlights the exceptional circumstances in some cases where offenders had previously received non-custodial sentences for serious sex offences such as rape.<sup>35</sup>

**Figure 16:** Percentage of people receiving immediate custodial sentences in the higher courts for serious sex offences, 2001–02 to 2019–20



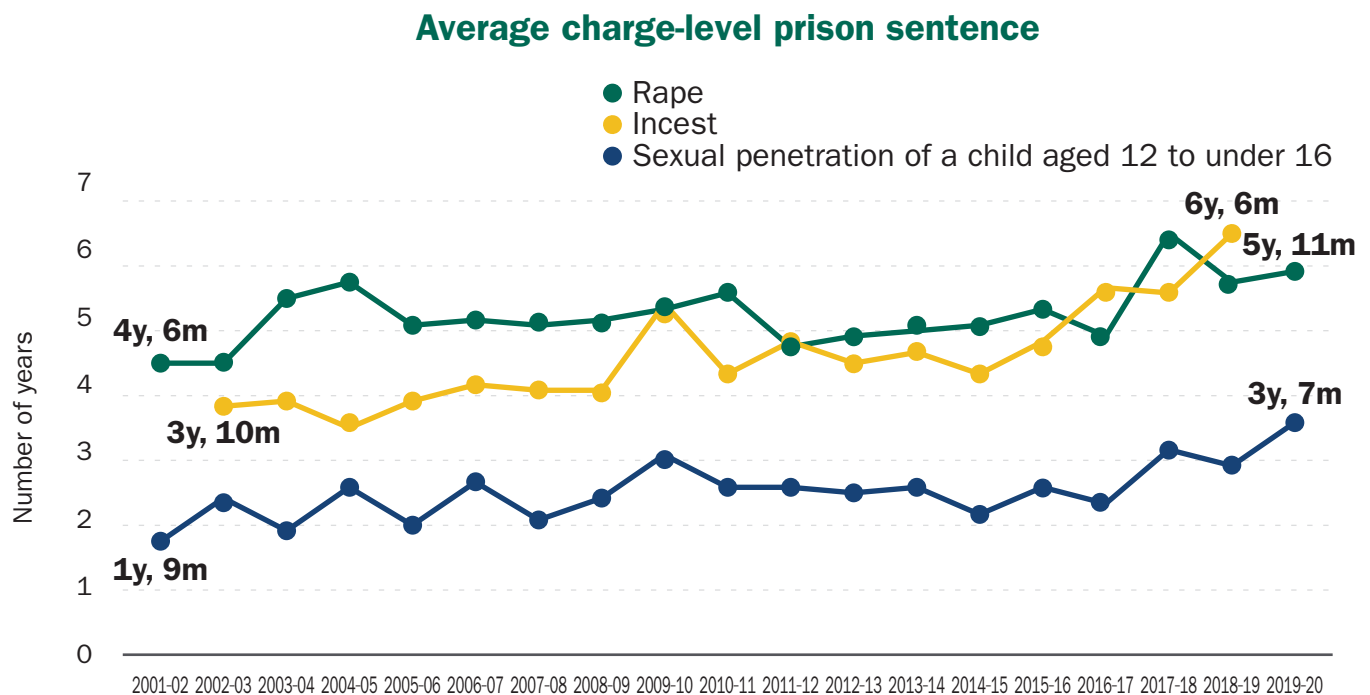
33. *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic).

34. Sentencing Advisory Council, *Sentencing Guidance in Victoria* (2016) 231.

35. Sentencing Advisory Council, *Sentencing Sex Offences in Victoria: An Analysis of Three Sentencing Reforms* (2021) 19–20.

The average lengths of prison sentences imposed over the 20-year period increased for all three sex offences analysed (Figure 17 below and Figure 18, page 19). Many of those increases occurred quite recently. In 2021, the Council found that average prison sentences for rape had increased since 2017, which may be due to the Court of Appeal calling for an uplift in sentences for digital rape.<sup>36</sup> The Council also found that prison sentences for incest had increased significantly since 2016 as a result of a number of reforms: incest being classified as a standard sentence offence in 2018, a series of appeal judgments starting in 2016 calling for an uplift in sentencing practices, and a reform in 2015 allowing certain sexual offences, including incest, to be prosecuted as ‘course of conduct’ offences.<sup>37</sup> The Council also observed a recent increase in prison sentences for sexual penetration of a child aged 12 to under 16 that may have been due to an increase in 2017 in the maximum penalty for that offence.<sup>38</sup> That said, the data suggests that the recent increase in prison sentences for sexual penetration of a child aged 12 to under 16 may have been a more pronounced part of a longer-term trend.

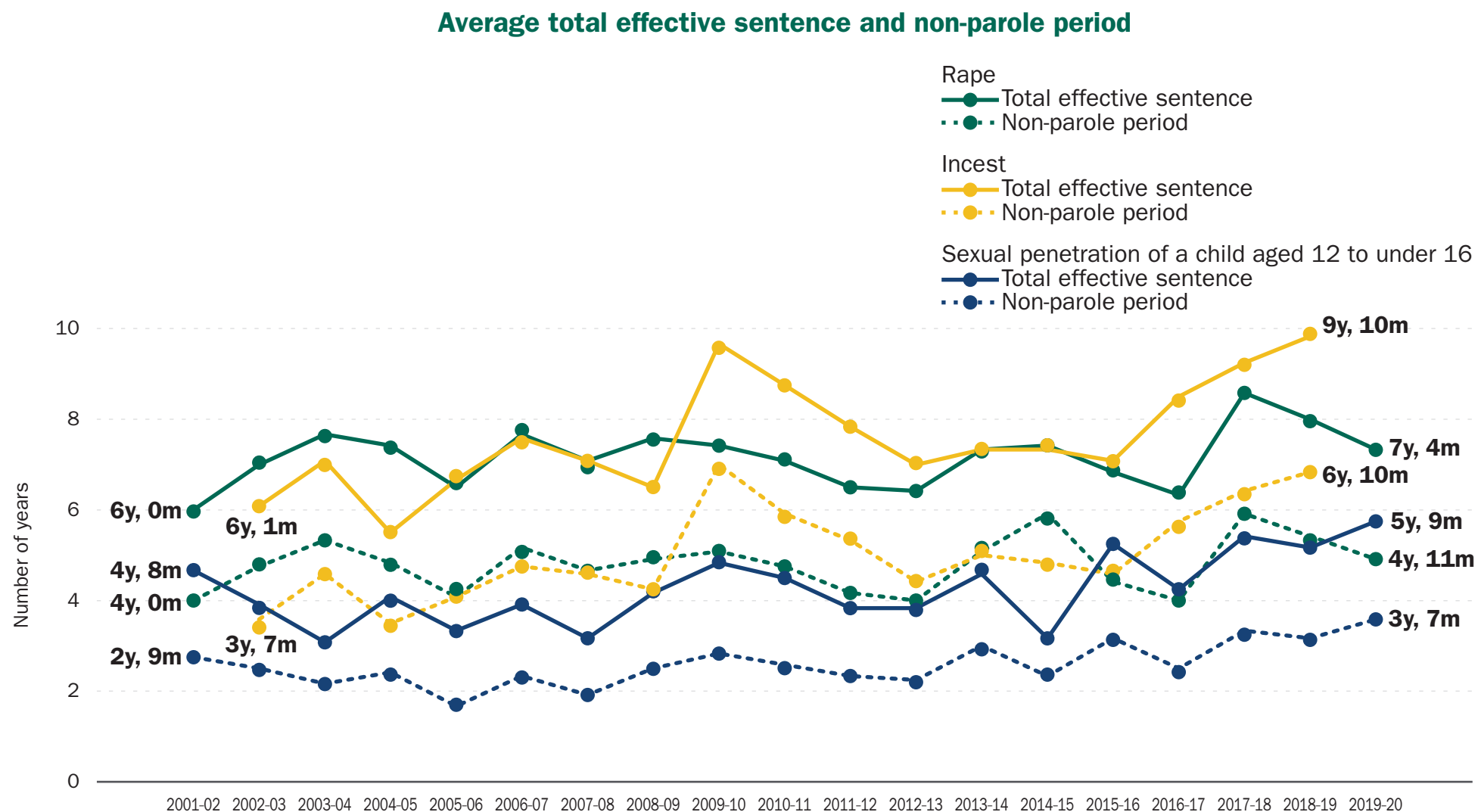
**Figure 17:** Average charge-level prison sentences for serious sex offences, 2001–02 to 2019–20



36. Ibid 21–22; *Shrestha v The Queen* [2017] VSCA 364.

37. Sentencing Advisory Council (2021), above n 35, 38–42.

38. Ibid 56.

**Figure 18:** Average total effective sentences and non-parole periods for people sentenced for serious sex offences, 2001–02 to 2019–20

## Conclusion

The key findings of the analysis in this report are that:

- in the higher courts, there was either a drop or a stable rate in all serious offences analysed over the last 20 years. There are fewer cases each year of culpable driving causing death, intentionally causing serious injury, recklessly causing serious injury and trafficking in a non-commercial quantity of drugs. The rest were stable – there were no noticeable increases. The decreases could be partly because some of these offences are less prevalent than they were previously (especially the causing serious injury offences given the decrease in the number of these offences recorded by police) but they may also be because changes in plea negotiation practices are affecting what charges are ultimately sentenced, and/or some of these cases now being finalised in the summary jurisdiction instead of in the higher courts;
- courts are increasingly imposing immediate custodial sentences for serious offences, much of which appears attributable to the abolition of suspended sentences and the more recent introduction of category 1 and 2 offence classification; and
- most prominently, courts are imposing longer prison sentences for all of the analysed homicide offences, serious violent offences and serious sex offences, and for trafficking in a commercial and large commercial quantity of drugs. In effect, prison sentences have increased significantly for almost every serious offence analysed, the only exception being the stable prison sentence lengths for cultivating a commercial quantity of narcotic plants. And these increases have occurred across the 20-year period.

**In the last 20 years, there has been a significant increase in:**

- the percentage of people sentenced to prison and
- the lengths of prison sentences imposed

**for serious offences in the higher courts.**

Together, these findings suggest that sentencing outcomes in Victoria's higher courts are much more severe now than they were 20 years ago. Victoria's prison population has grown significantly in recent decades, not just in number but *per capita*. In 2000, 67 of every 100,000 Victorians were in prison (3,153 people); by 2019, that per capita rate had almost doubled to 123 per 100,000 Victorians (8,101 people).<sup>39</sup> The increase in Victoria's prison population is in no small part because more people are being held on remand and because more people are receiving short prison sentences.<sup>40</sup> The findings of this report suggest that there is also a third explanation, that people are spending longer in prison for serious offences.

39. Sentencing Advisory Council, 'Victoria's Imprisonment Rates' (sentencingcouncil.vic.gov.au, 2022). Note, though, that as of 31 May 2022, Victoria's prison population had dropped to 6,633, most of the decrease being in the number of sentenced prisoners: Corrections Victoria, 'Prisoner and Offender Statistics', Corrections, Prison & Parole (corrections.vic.gov.au, 2022).

40. See, for example, Sentencing Advisory Council (2020), above n 15; Productivity Commission, *Australia's Prison Dilemma: Research Paper* (2021); Parliament of Victoria, Legal and Social Issues Committee, *Inquiry into Victoria's Criminal Justice System* (2022).

# References

## Bibliography

- Australian Bureau of Statistics, *National, State and Territory Population* (abs.gov.au, 2022) <<https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>>.
- Corrections Victoria, 'Prisoner and Offender Statistics', Corrections, Prison & Parole (corrections.vic.gov.au, 2022) <[sentencingcouncil.vic.gov.au/sentencing-statistics/cases-sentenced-higher-courts](https://sentencingcouncil.vic.gov.au/sentencing-statistics/cases-sentenced-higher-courts)>.
- Crime Statistics Agency, 'Year Ending 31 December 2021' (crimestatistics.vic.gov.au, 2022) <<https://www.crimestatistics.vic.gov.au/crime-statistics/download-crime-data/year-ending-31-december-2021>>.
- Freiberg, Arie and Asher Flynn, *Plea Negotiations: Pragmatic Justice in an Imperfect World* (Palgrave Macmillan, 2018).
- Parliament of Victoria, Legal and Social Issues Committee, *Inquiry into Victoria's Criminal Justice System* (Victorian Government Printer, 2022).
- Productivity Commission, *Australia's Prison Dilemma: Research Paper* (Productivity Commission, 2021).
- Sentencing Advisory Council, 'Cases Sentenced in the Higher Courts' (sentencingcouncil.vic.gov.au, 2022) <[sentencingcouncil.vic.gov.au/sentencing-statistics/cases-sentenced-higher-courts](https://sentencingcouncil.vic.gov.au/sentencing-statistics/cases-sentenced-higher-courts)>.
- Sentencing Advisory Council, 'Cases Sentenced in the Magistrates' Court' (sentencingcouncil.vic.gov.au, 2022) <<https://www.sentencingcouncil.vic.gov.au/sentencing-statistics/cases-sentenced-magistrates-court>>.
- Sentencing Advisory Council, *Community Correction Orders: Third Monitoring Report (Post-Guideline Judgment)* (Sentencing Advisory Council, 2016).
- Sentencing Advisory Council, *Major Driving Offences: Current Sentencing Practices* (Sentencing Advisory Council, 2015).
- Sentencing Advisory Council, 'SACStat Higher Courts: Dangerous Driving Causing Death' (sentencingcouncil.vic.gov.au, 2022) <[https://www.sentencingcouncil.vic.gov.au/sacstat/higher\\_courts/HC\\_6231\\_319\\_1.html](https://www.sentencingcouncil.vic.gov.au/sacstat/higher_courts/HC_6231_319_1.html)>.
- Sentencing Advisory Council, *Sentencing Guidance in Victoria* (Sentencing Advisory Council, 2016).
- Sentencing Advisory Council, *Sentencing Sex Offences in Victoria: An Analysis of Three Sentencing Reforms* (Sentencing Advisory Council, 2021).
- Sentencing Advisory Council, *Time Served Prison Sentences in Victoria* (Sentencing Advisory Council, 2020).
- Sentencing Advisory Council, 'Victoria's Imprisonment Rates' (sentencingcouncil.vic.gov.au, 2022) <<https://www.sentencingcouncil.vic.gov.au/sentencing-statistics/victorias-imprisonment-rates>>.

## Case law

- Boulton & Ors v The Queen* [2014] VSCA 342
- DPP v Bowen* [2021] VSCA 355
- Gregory (A Pseudonym) v The Queen* [2017] VSCA 151
- Quah v The Queen* [2021] VSCA 164
- Rahmani v The Queen* [2021] VSCA 51
- Shrestha v The Queen* [2017] VSCA 364
- Worboyes v The Queen* [2021] VSCA 169

## Legislation

- Crimes (Dangerous Driving) Act 2004* (Vic)
- Crimes (Sexual Offences) Act 2006* (Vic)
- Crimes Amendment (Child Homicide) Act 2008* (Vic)
- Crimes Legislation Amendment Act 2010* (Vic)
- Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic)
- Sentencing Act 1991* (Vic)
- Sentencing Amendment Act 2010* (Vic)

**Sentencing Advisory Council**

Level 3

333 Queen Street

Melbourne VIC 3000

Telephone 1300 363 196

[contact@sentencingcouncil.vic.gov.au](mailto:contact@sentencingcouncil.vic.gov.au)

[www.sentencingcouncil.vic.gov.au](http://www.sentencingcouncil.vic.gov.au)

Follow us on Twitter @SACvic