

Victoria's Prison Population 2004 to 2024

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Executive summary

Courts can impose a number of possible sanctions when sentencing criminal offending in Victoria. Imprisonment is the most severe sentence that courts can impose and is considered a ‘sanction of last resort’, meaning that it must only be imposed where the court is satisfied that no other penalty is appropriate in the circumstances. Imprisonment sentences are imposed when there is a need for such a severe sentence because of the facts and circumstances of the case. Imprisonment might be imposed because the seriousness of the offending requires it, it is necessary to deter the offender (or others) from similar offending, or it protects the community from the offender. Similarly, some people are held in prison facilities while awaiting trial or sentencing because: they are at risk of absconding if released, legislation requires that they be remanded, or there is an unacceptable risk that they will offend while on bail. But prisons also come at a significant economic cost, and concerns persist about the effectiveness of imprisonment in deterring criminal behaviour and reducing recidivism, as well as the often disproportionate effect of imprisonment on marginalised communities.

The aim of this report is to investigate changes in Victoria’s prison population in the 20 years from 1 July 2004 to 30 June 2024. This report is the Council’s fourth on Victoria’s prison population and is the first to examine long-term changes over such an extended period. A 20-year reference period has been selected because this report includes analyses of court data, and the Council has been regularly receiving court data since 2004.

Offences recorded by police and prison sentences imposed by courts

In a jurisdiction, there should in theory be a correlation between the number and types of offences recorded, the types of sentences imposed, and the composition of a prison population. For instance, if there is an increase in serious violence recorded, it would be reasonable to expect an increase in the number of prison sentences imposed and therefore an increase in the prison population. To provide context to changes in Victoria’s prison population over time, this report begins by analysing offences recorded by police, as well as prison sentences imposed by courts each year.

The number of offences recorded by police increased in the 20-year period, but the number of *people* committing those offences was relatively stable. Indeed, the per capita number of recorded offenders declined over time, reaching its lowest level in 20 years in 2023–24.

This means that there are fewer people (as a proportion of the population) committing offences each year, but those people are committing *more* offences. In turn, this seems to be primarily due to changes in which behaviours are criminalised, rather than a change in offending behaviour (for instance, if someone commits a theft offence while on bail, police often now record a separate offence of committing an indictable offence while on bail in addition to the theft offence). There was, though, also a change in the *types* of offences recorded during our reference period, with significant increases in family violence assault offences, family violence sexual assault offences, family violence stalking offences, bail offences and breach of family violence order offences.

Despite relative stability in the number of people committing offences, there was marked growth in the number of prison sentences imposed, particularly between 2010–11 and 2018–19. While most prison sentences in the 20-year period were less than 6 months (61%), the prevalence of short prison sentences increased over time, accounting for most of the growth in the number of prison sentences. Likewise, the number of time served prison sentences (which are generally quite short) increased as the number of prison sentences imposed each year grew. Most prison sentences each year were imposed in cases where the principal offence was an offence against the person or a property offence. These are also the two most common offence categories recorded by police. The most common *specific* principal offences to receive prison sentences were consistently burglary, unlawful assault and recklessly causing injury. These offences were, though, largely committed by male offenders, who account for the vast majority of sentenced prisoners. When female offenders were sentenced to imprisonment, it was more commonly for non-violent offending, such as theft from a shop.

Changes in Victoria's prison population

On 30 June 2024, there were 5,915 people in Victorian prisons: the majority (66%) were serving a prison sentence and the remaining 34% were on remand. Most people in prison were male (95%), the median age of prisoners was 37, and Aboriginal and Torres Strait Islander people comprised 12% of the prison population (compared to just 0.8% of the Victorian adult population). While both sentenced and unsentenced prisoners were commonly in custody for offences against the person, sentenced prisoners were usually in custody for *sexual assault offences*, while unsentenced prisoners were most commonly in custody for alleged *causing injury offences* (such as minor and serious assaults). The profile of Victoria's prison population in 2024 highlights that there were a number of changes over the preceding two decades.

Growth in Victoria's prison population

Victoria's prison population increased by 62% between 31 July 2004 and 30 June 2024, well outpacing Victoria's total population growth of 39%. Almost all of that increase occurred in the 7 years between 2011–12 and 2018–19 (after about 7 years of relative stability). Recently, from 2019–20 to 2023–24, there was a steady decline – seemingly propelled by the onset of COVID-19 – with the prison population reaching its lowest numbers in a decade. That four-year decline was unique to Victoria when compared to not just the rest of Australia but also similar international jurisdictions. That trend has, however, changed significantly since 30 June 2024, with considerably more people now in custody in Victoria.

Remand rates drive changes in Victoria's prison population

While the sentenced prisoner population increased by 29% between 30 June 2005 and 30 June 2024, the growth in the unsentenced prisoner (remand) population was much greater. On 30 June 2005, there were 649 people on remand in Victoria, and they represented 18% of the prison population. That number had increased fivefold to a peak of 3,185 people on remand on 30 June 2021, representing 44% of the prison population. That number then reduced to 1,994 people on remand by 30 June 2024 (still three times as many people on remand as in 2005). Notably, in 2023–24, 85% of people entering prison were received on remand, compared to 54% in 2004–05.

Reduced female imprisonment rate

The per capita imprisonment rate for men increased by 17% in the 20-year period, but for women it actually decreased by 23%, resulting in a rate lower than the rate on 30 June 2005. As at 30 June 2024, for the first time in 20 years, there was less than 1 in 10,000 women in prison in Victoria.

Growing overrepresentation of Aboriginal and Torres Strait Islander people in prison

Contrary to all policy intentions, the imprisonment rate for Aboriginal people grew significantly between 30 June 2005 and 30 June 2024, with 1 in 60 Aboriginal Victorians in custody in 2024, compared to about 1 in 100 two decades ago. There have been some improvements in recent years (since the rate peaked in 2019), but the per capita imprisonment rate is still almost twice what it was in 2005.

Aging prison population

Victoria's prison population is also steadily aging, particularly in recent years, with the median age of Victorian prisoners on 30 June 2024 (37.1 years) almost identical to the median age of the general Victorian population (37.8 years). This breaks the trend of the preceding two decades, when the prison population was, on average, a few years younger than the general population. At the beginning of our reference period, for example, the median age of the general population was 36.6, almost 3 years older than the median age of the prison population (33.9).

1. Introduction

- I.1 This report is the Council's fourth publication on statistical trends in Victoria's prison population. The Council's previous reports consistently found that Victoria's prison population had been growing at record rates since 2006.¹ The most recent of those reports found that in the decade to 2016, the prison population had increased by 67% (significantly outpacing population growth in the same period).² Most of that increase was driven by growth in the number of unsentenced prisoners held on remand, rather than growth in the number of people sentenced to imprisonment. After that 2016 report was released, Victoria's prison population continued to increase significantly each year until 2020. But COVID-19, combined with Victoria's response to it, especially the social isolation restrictions that were in force, seems to have then functioned as a circuit breaker, resulting in a significant drop in the number of people held in custody in Victoria. That trend, of fewer people in Victorian prisons, continued even two years after the pandemic had abated and social isolation restrictions had ended.
- I.2 The aim of this report is to present long-term trends in Victoria's prison population, in the context of the drastic changes in that population in recent decades, and understand what might be driving those trends. Notably, prison population growth over the last two decades is not unique to Victoria, or even Australia. Across the nation, states and territories have seen significant increases in prison populations, far outpacing general population growth. Even internationally, comparable jurisdictions have seen similar trends in their prison populations.³
- I.3 What will likely be of interest to other jurisdictions is the continued decline in Victoria's prison population after the effects of the pandemic had abated. While most other Australian jurisdictions, and comparable international ones, observed a similar decline in the number of people in custody during the peak of COVID-19, the prison populations in those jurisdictions all quickly returned to the

1. The Council's previous reports (released in 2007, 2013 and 2016) found significant growth in Victoria's prison population, particularly since 2006: Sentencing Advisory Council, *Victoria's Prison Population: 2001 to 2006* (2007); Sentencing Advisory Council, *Victoria's Prison Population 2002 to 2012* (2013); Sentencing Advisory Council, *Victoria's Prison Population 2006 to 2016* (2016).

2. Sentencing Advisory Council (2016), above n 1, 1.

3. For prison population statistics to March 2024 in the United Kingdom (Scotland, Northern Ireland, and England and Wales), see Georgina Sturge, *UK Prison Population Statistics* (2024). For Canada, see Statistics Canada, 'Correctional Services Statistics: Interactive Dashboard' (statcan.gc.ca, 2025). And for New Zealand, see Department of Corrections, 'Prison Statistics' (corrections.govt.nz, 2025).

previous trend of continued growth. This report therefore tries to answer the question: Why, in the face of increasing prison populations across Australia and internationally, did Victoria's prison population uniquely experience a continuing decline in the four years to 30 June 2024?⁴

Recent research on imprisonment rates in Australia

1.4 There is a vast array of research that demonstrates the criminogenic effect of imprisonment (on both sentenced and unsentenced prisoners) and its long-term impact on the community.⁵ As the Productivity Commission highlighted in 2021: 'increasing imprisonment rates ... combined with ... high rates of churn and recidivism point to a cycle of incarceration that can be costly to address'.⁶ The growth in prison populations across Australian and international jurisdictions has been the subject of extensive research in recent decades. Most of this research has focused on examining changes in:

- offending patterns and crime rates
- police responses to crime
- the types of behaviour that constitute an offence⁷
- the use of bail and remand
- sentencing policy⁸
- sentencing practices⁹
- the use of parole¹⁰ and
- prisoner receptions.

4. We note that this trend has reversed since June 2024 (after our reference period); we discuss this reversal in the concluding chapter of this report.

5. See, for example, Don Weatherburn, *The Effect of Prison on Adult Re-Offending*, Crime and Justice Bulletin no. 143 (2010). International research has garnered similar findings: William D. Bales and Alex R. Piquero, 'Assessing the Impact of Imprisonment on Recidivism' (2012) 8(1) *Journal of Experimental Criminology* 71; Jose Cid, 'Is Imprisonment Criminogenic? A Comparative Study of Recidivism Rates Between Prison and Suspended Prison Sanctions' (2009) 6(6) *European Journal of Criminology* 459; Lynne M. Vieraitis et al., 'The Criminogenic Effects of Imprisonment: Evidence from State Panel Data, 1974–2002' (2007) 6(3) *Criminology & Public Policy* 589.

6. Productivity Commission, *Australia's Prison Dilemma: Research Paper* (2021) 46.

7. This is sometimes known as expanding or contracting the 'spheres of criminalisation': Jonathon Schonsheck, *On Criminalization: An Essay in the Philosophy of the Criminal Law* (1994).

8. See, for example, Hilde Tubex et al., 'Penal Diversity Within Australia' (2015) 17(3) *Punishment & Society* 345, 353–356; Arie Freiberg et al., 'Parole, Politics and Penal Policy' (2018) 18(1) *QUT Law Review* 191; Productivity Commission (2021), above n 6, 3, 11–12.

9. See, for example, Karen Gelb et al., *Community-Based Sentencing Orders and Parole: A Review of Literature and Evaluations Across Jurisdictions* (2019); Don Weatherburn et al., *Why Does NSW Have a Higher Imprisonment Rate Than Victoria?* Contemporary Issues in Crime and Criminal Justice no. 145 (2010).

10. See, for example, Freiberg et al. (2018), above n 8.

- I.5 Research has explored these factors and their respective influences on the prison population, with varying findings. Some studies have suggested that changing offending patterns and police responses cause a natural increase in people in custody.¹¹ Some have associated increasing prison populations with changes to the flow of prisoners in and out of custody.¹² Others have suggested that a changing penal climate and increasing restrictions on judicial discretion have caused the prison population to grow.¹³
- I.6 There were significant legislative reforms to the criminal justice system in Victoria in the 20 years to 30 June 2024, including offence-specific reforms,¹⁴ bail reforms,¹⁵ sentencing reforms,¹⁶ and parole and post-sentence reforms,¹⁷ and these would have affected Victoria's prison population.

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11. See, for example, Don Weatherburn, 'Australian Imprisonment 2002–2016: Crime, Policing and Penal Policy' (2018) 51(4) *Australian & New Zealand Journal of Criminology* 537. Weatherburn found that an increase in certain offences, and changes in police enforcement activity for those offences (such as drug offences, offences against the person and family violence offending) significantly contributed to the growth in prison populations across the country due to the likelihood of offenders charged with these offences being remanded and subsequently sentenced to imprisonment: 553–554.
12. See, for example, Don Weatherburn et al., *Why Is the NSW Prison Population Still Growing? Another Look at Prison Trends Between 2011 and 2015*, Crime and Justice Statistics, Issue Paper no. 113 (2016). The authors found that the increase in 'the sentenced prisoner population' in New South Wales was 'entirely due to an increase in the number of sentenced prisoners received into custody': 6.
13. Tubex et al. (2015) above n 8, 353–356.
14. See, for example, *Justice Legislation Amendment (Family Violence and Other Matters) Act 2012* (Vic) ss 6, 9 (introducing aggravated breaches of family violence intervention orders and safety notices with higher maximum penalties of 5 years); *Crimes Amendment (Gross Violence Offences) Act 2013* (Vic) s 4 (introducing aggravated offences of intentionally or recklessly causing serious injury in circumstances of gross violence); *Crimes Amendment (Carjacking and Home Invasion) Act 2016* (Vic) ss 3, 4 (introducing home invasion and carjacking offences as more aggravated versions of existing burglary offences and robbery offences). Further, *Bail Amendment Act 2013* (Vic) s 8 and *Bail Amendment Act 2023* (Vic) ss 39, 40 also introduced, and then repealed, the offences of committing an indictable offence while on bail and contravening a conduct condition of bail. *Corrections Amendment (Breach of Parole) Act 2013* (Vic) s 3 also introduced a distinct offence of breaching a term or condition of parole.
15. See, for example, *Bail Amendment Act 2013* (Vic) s 5 (expanding the circumstances in which a bail application must be heard before a magistrate); *Bail Amendment Act 2016* (Vic) s 7 (creating a default presumption of remand for certain alleged offenders); *Bail Amendment (Stage One) Act 2017* (Vic) pt 2 (making community protection the primary risk consideration in all bail decision-making, and expanding the categories of people subject to reverse onus bail provisions); *Bail Amendment (Stage Two) Act 2018* (Vic) s 7 (confirming that a risk of minor offending is sufficient to satisfy the 'unacceptable risk' test); *Bail Amendment Act 2023* (Vic) pt 2 div 1 (reducing the categories of people subject to reverse onus bail provisions).
16. See, for example, *Sentencing Amendment Act 2010* (Vic) s 12; *Sentencing Further Amendment Act 2011* (Vic) s 4 (abolishing suspended sentences for certain offences); *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic) pt 3A (introducing community correction orders and replacing a number of other pre-existing sentencing orders); *Crimes Amendment (Gross Violence Offences) Act 2013* (Vic) s 4 (introducing mandatory non-parole periods for certain offences); *Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* (Vic) div 3 (abolishing partially and wholly suspended sentences for offences committed on or after certain dates); *Boulton & Ors v The Queen* [2014] VSCA 342 (guideline judgment from the Court of Appeal on the use of community correction orders); *Sentencing Amendment (Emergency Workers) Act 2014* (Vic) s 18 (increasing the maximum term of imprisonment in combined orders from 3 months to 2 years); *Crimes Amendment*

- 1.7 The prison population can also be influenced by factors outside the criminal justice system, such as prevailing socioeconomic conditions¹⁸ (for example, increased cost-of-living pressures can drive acquisitive crime rates¹⁹) and other significant events (for example, COVID-19).
- 1.8 However, in recent years, one factor has been the subject of increasing focus: the growth in the number of unsentenced (remanded) prisoners and the causes of that growth. Several studies and enquiries have concentrated on the increasing number of unsentenced prisoners in Victoria and the profound impact of that increase on the prison population.²⁰ For example, the final report of the Inquiry into Victoria's Criminal Justice System observed that a growing unsentenced prisoner population was a significant contributor to the 58% increase in Victoria's prison population in the decade to 2020.²¹

(*Carjacking and Home Invasion*) Act 2016 (Vic) ss 3, 4 (creating new offences of carjacking and home invasion, both with a mandatory non-parole period of 3 years' imprisonment); *Sentencing (Community Correction Order) and Other Acts Amendment* Act 2016 (Vic) pt 2 (introducing mandatory or presumptive prison sentences for category 1 and 2 offences, and decreasing the maximum term of imprisonment in combined orders from 2 years to 1 year); *Sentencing Amendment (Sentencing Standards)* Act 2017 (Vic) (introducing standard sentences); *Justice Legislation Amendment (Drug Court and Other Matters)* Act 2020 (Vic) (enabling drug and alcohol treatment orders in the County Court); *Worboyes v The Queen* [2021] VSCA 169 (providing for an enhanced guilty plea discount due to the additional utilitarian value of guilty pleas during the COVID-19 pandemic and for associated court backlogs).

17. See, for example, *Serious Sex Offenders Monitoring Act* 2005 (Vic) (introducing the post-sentence scheme); *Serious Sex Offenders (Detention and Supervision) Act* 2009 (Vic) (repealing and replacing the post-sentence scheme to introduce continuing detention orders); *Justice Legislation Amendment (Cancellation of Parole and Other Matters)* Act 2013 (Vic) s 3 (introducing automatic parole cancellation for violent offenders who reoffend while on parole); *Corrections Amendment (Parole Reform)* Act 2013 (Vic) s 11 (introducing protection of the community as the paramount consideration in all parole decisions); *Corrections Amendment (Further Parole Reform)* Act 2014 (Vic) (creating a two-tier process for the release of a prisoner on parole for a sex or serious violent offence); *Serious Sex Offenders (Detention and Supervision) Amendment (Governance)* Act 2017 (Vic) (establishing the Post Sentence Authority); *Serious Offenders Act* 2018 (Vic) (repealing and replacing the previous post-sentence scheme and extending it to cover violent offenders (as well as sex offenders)).
18. See, for example, Richard Rosenfeld and Steven F. Messner, 'The Crime Drop in Comparative Perspective: The Impact of the Economy and Imprisonment on American and European Burglary Rates' (2009) 60(3) *The British Journal of Sociology* 445.
19. See, for example, Richard Rosenfeld and Aaron Levin, 'Acquisitive Crime and Inflation in the United States: 1960–2012' (2016) 32 *Journal of Quantitative Criminology* 427. See also Crime Statistics Agency, 'Cost-of-Living Pressures May Be Contributing to 17% Increase in Thefts During the Last 12 Months', Media Release (20 August 2024).
20. Sentencing Advisory Council (2016), above n 1, 53–56; Marilyn McMahon, *No Bail, More Jail? Breaking the Nexus Between Community Protection and Escalating Pre-Trial Detention*, Research Paper no. 3 (2019); Max Travers et al., *Bail Practices and Policy Alternatives in Australia*, Trends & Issues in Crime and Criminal Justice no. 610 (2020); Lorena Bartels et al., 'Bail, Risk and Law Reform: A Review of Bail Legislation Across Australia' (2018) 42 *Criminal Law Journal* 91; Isabelle Bartkowiak-Theron and Emma Colvin, 'Understanding the Impact of Bail Refusal on the Australian Public Health System' (2022) 7(4) *Journal of Community Safety and Well-Being* 1.
21. State of Victoria, Legal and Social Issues Committee, *Inquiry into Victoria's Criminal Justice System* (2022) 31, 444.

Australia's Prison Dilemma

I.9 In 2021, the Productivity Commission published *Australia's Prison Dilemma*, a research paper examining the record growth in Australia's prison population over the preceding decade, despite decreasing crime rates. The paper found that, as at 30 June 2020, more than 40,000 Australians were in prison, costing \$5.2 billion in 2019–20 (more than \$330 per prisoner per day on average).²² This was Australia's highest imprisonment rate in over a century. In the period from 2008–09 to 2019–20, the 'overall offender rate' (total people proceeded against by police per 100,000 population) fell by 18%.²³ The paper suggested that two primary changes underpinned the high imprisonment rate in Australia:

- changes in the nature and reporting of crime (noting a decrease in violent offences, such as robbery offences and homicide offences, and increases in sexual assault offences and drug trafficking offences) and
- changes in criminal justice policy (primarily changes to bail laws across Australia, making remand the default position for a number of offences, and mandatory or presumptive sentencing schemes requiring courts to imprison offenders for specified offences).²⁴

Prison locations in Victoria

I.10 Adult offenders are incarcerated across numerous prisons in Victoria. As of 30 June 2024, there were 11 publicly operated prisons, three privately operated prisons and one transition centre.²⁵ Each location varies in its level of security and its capacity (i.e. the number of prisoners it can house). Prison infrastructure changes regularly. Not all of these prisons have been in operation since 1 July 2004, and not all will be in operation after 30 June 2024 – Dhurringile Prison closed in August 2024 and Port Phillip Prison is set to close by the end of 2025.

22. Productivity Commission (2021), above n 6, 7, 8.

23. Ibid 9.

24. Ibid 3.

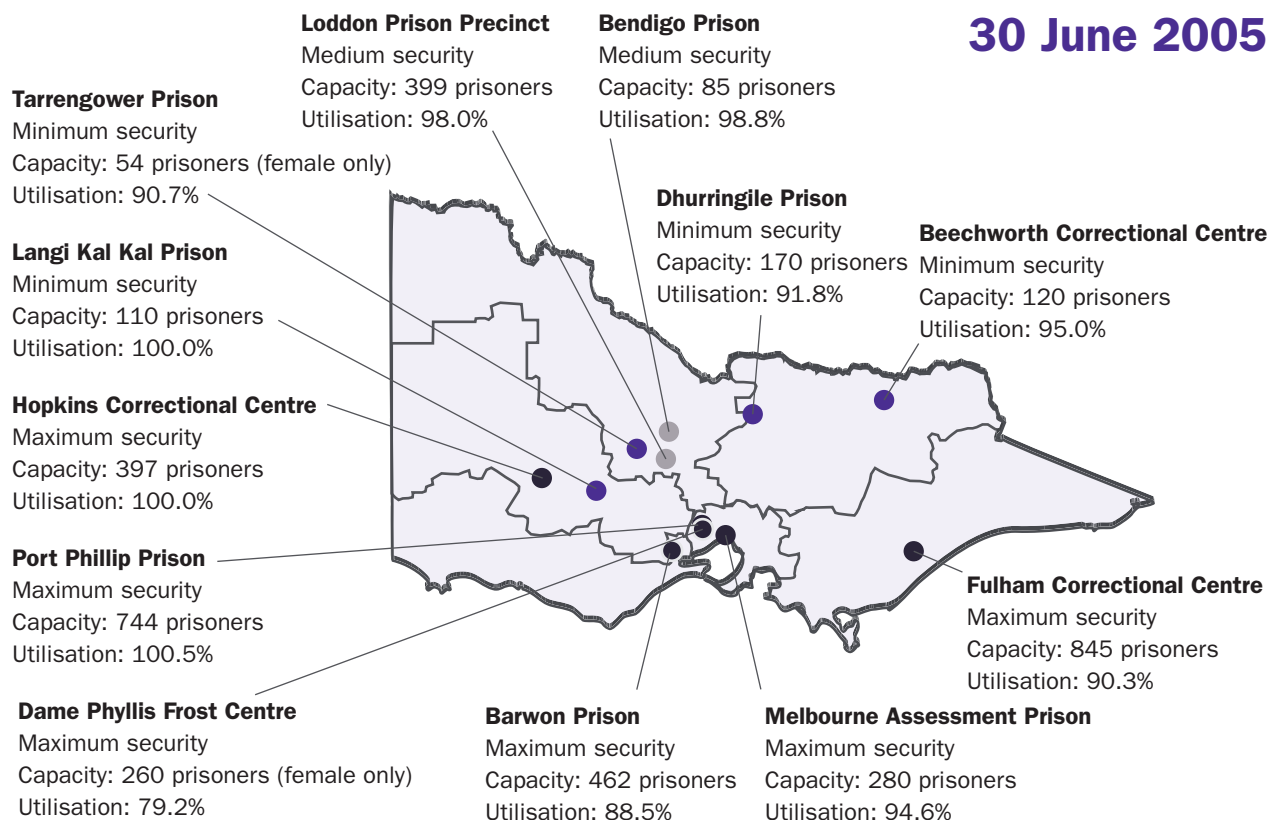
25. Victorian Government, 'Prison Locations in Victoria' (justice.vic.gov.au, 2025). The publicly operated prisons as at 30 June 2024 are Barwon Prison, Beechworth Correctional Centre, Dhurringile Prison, Dame Phyllis Frost Centre, Hopkins Correctional Centre, Judy Lazarus Transition Centre, Langi Kal Kal Prison, Loddon Prison Precinct, Marngoneet Correctional Centre, Melbourne Assessment Prison, Metropolitan Remand Centre and Tarrengower Prison. The three privately operated prisons in Victoria as at 30 June 2024 are Fulham Correctional Centre, Port Phillip Prison and Ravenhall Correctional Centre. The new publicly operated maximum security Western Plains Correctional Centre (capacity of approximately 1,200) is set to start housing prisoners from mid-2025: Premier of Victoria, 'Creating a Modern and Secure Corrections System', Media Release (26 June 2024).

Figures 1 and 2 (page 7) show the location, capacity and utilisation rate²⁶ of each Victorian prison at the beginning of our reference period (30 June 2005) and at the end of our reference period (30 June 2024).

- I.11 As at 30 June 2024, Victoria had a total prison capacity of 8,886 beds across those 15 custodial facilities. This is a significant increase (of 126%) from the prison capacity in 2005, when Victoria's prison capacity was 3,926 beds across 12 custodial facilities.²⁷ This increase is a result of significant changes to prison infrastructure during this time (both with the upgrade of existing prisons and with the establishment of new facilities). While the Bendigo Prison closed in late 2005, four other facilities opened between 30 June 2005 and 30 June 2024: Marngoneet Correctional Centre and Metropolitan Remand Centre in 2006, Judy Lazurus Transition Centre in 2007 and Ravenhall Correctional Centre in 2017. Collectively, these four facilities added approximately 3,000 beds to Victoria's built prison capacity. Other prisons also experienced an increase in their capacity; for instance, Beechworth Correctional Centre's capacity increased from 120 prisoners to 210, and Port Phillip Prison's capacity increased from 744 to 1,087.
- I.12 As well as the change in Victoria's prison capacity in the 20-year period, there has also been a significant change to *utilisation* rates (the proportions of Victorian prisons that are used). On 30 June 2005, 94% of those 3,926 beds were filled, and this utilisation rate remained stable until 30 June 2019 (when utilisation rates sat consistently at around 90%). This suggests that prison capacity was increasing at a similar rate to the actual number of people in Victorian prisons. With a fall in the number of people in prison following the onset of COVID-19, Victoria's utilisation rate had fallen to 67% by 30 June 2024.

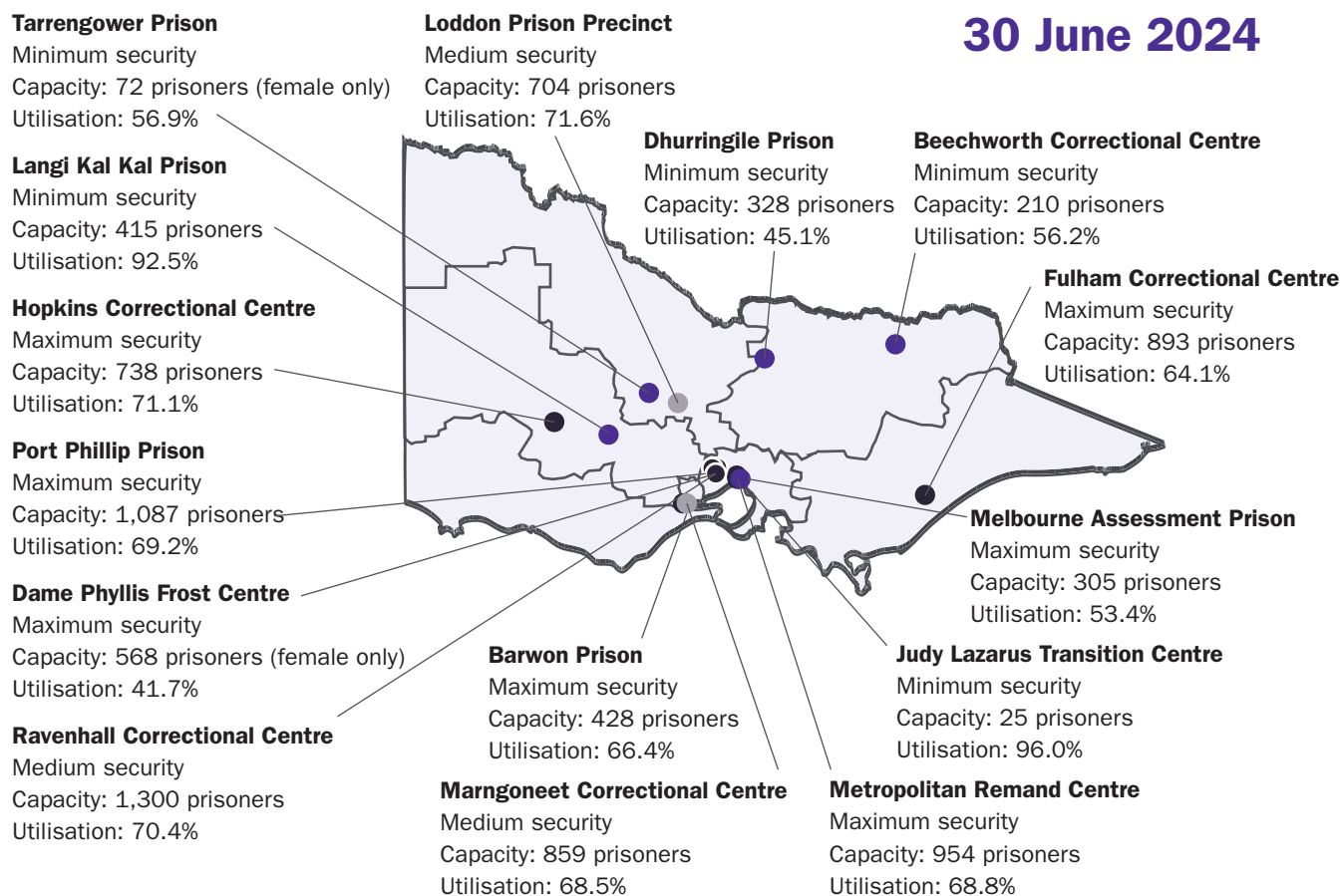
26. Corrections Victoria defines operational utilisation rate in its *Annual Prisons Statistical Profile* as 'the number of people in prison at 30 June divided by the operational capacity as at that date': Corrections Victoria, *Annual Prisons Statistical Profile 2015 to 2024*, Corrections, Prisons & Parole (2025) Glossary of Key Terms. In this report, we shorten the term to 'utilisation rate'.

27. As at 30 June 2005, the 12 custodial facilities were Barwon Prison, Beechworth Correctional Centre, Bendigo Prison, Dame Phyllis Frost Centre, Dhurringile Prison, Fulham Correctional Centre, Hopkins Correctional Centre, Langi Kal Kal Prison, Loddon Prison Precinct, Melbourne Assessment Prison, Port Phillip Prison and Tarrengower Prison.



Source: Department of Justice, *Statistical Profile of the Victorian Prison System 2000–01 to 2004–05* (2006) 7, 65–76

Figure 2: Location of adult prisons in Victoria, 30 June 2024



Sources: Corrections Victoria, *Annual Prisons Statistical Profile 2015 to 2024*, Corrections, Prisons & Parole (2025) Table 4.5, 4.9; Corrections Victoria, *Monthly Prison and Community Corrections Snapshots, 2023–24*, Corrections, Prisons & Parole (2024) Table 1.12

Structure of this report

- I.13 This report examines statistical data on Victoria's prison population during the 20-year period between 1 July 2004 and 30 June 2024 and the potential drivers of changes in that population. This report contains data on the adult prison population only and does not include data on people held in mental health services or immigration detention. Children and young people in custodial services are also excluded from the data in this report.
- I.14 The report is structured as follows:
- Chapter 2 presents recorded offence data on the number and types of offences recorded by police in the 20-year period
 - Chapter 3 presents court data on the types of custodial sentences imposed, imprisonment lengths, and the number of sentenced prisoners who had served time on remand prior to sentencing
 - Chapter 4 presents Corrections data on the demographics of Victoria's prison population, including the number of people in prison, their age and gender, the imprisonment rate, and the number of Aboriginal prisoners and non-Aboriginal prisoners
 - Chapter 5 presents Corrections data on the number and proportion of Victorian prisoners who were sentenced or unsentenced (on remand) throughout the 20-year period, and their most serious alleged or sentenced offences
 - Chapter 6 presents Corrections data on the flow of prisoners through the Victorian prison system, focusing especially on receptions (entries) into custody and discharges (exits) from custody
 - Chapter 7 concludes the report with a discussion of some of the key findings.
- I.15 Together, the data from police, the courts and Corrections is intended to provide a comprehensive overview of the most likely drivers of changes in Victoria's prison population.

Data and data sources

- I.16 This report presents data on adults held in Victorian corrective services custody²⁸ and persons sentenced in Victorian courts during the period from 2004–05 to 2023–24.

In this report, two primary types of data are examined: the count on 30 June each year (a point-in-time measure) and the total count in a given financial year (sometimes referred to as the ‘flow’). Both measures offer a useful point of analysis to provide a full picture of emerging trends. To distinguish between the two measures, figures throughout this report are labelled as in Table 1.

Table 1: Types of data in this report

Measure	Axis title	Example of axis label
Point-in-time (on 30 June)	Year (as at 30 June)	2024
Total count for financial year	Financial year	2023–24

- I.17 Data on adults in custody (including demographics, legal status, total count, receptions and discharges from custody), as well as utilisation rates, was obtained from Corrections Victoria’s monthly time series data.²⁹ Two primary types of data were examined: the number of persons in prison at the end of each month, and the number of persons received into, and discharged from, prison each month.
- I.18 The most recent recorded offence data was obtained directly from the Crime Statistics Agency. The data on total counts of recorded *offences* and *offenders* covers the period from 2004–05 to 2023–24. Data on offence types covers the period from 2010–11 to 2023–24 and was obtained from the Crime Statistics Agency’s publications.³⁰

28. Corrective services custody refers to ‘people held in gazetted Victorian prisons’: Sentencing Advisory Council (2016), above n 1, 7.

29. The data is publicly available: Corrections Victoria, ‘Monthly Time Series Prison and Community Corrections Data’, Corrections, Prisons & Parole (corrections.vic.gov.au, 2025).

30. The data is publicly available: Crime Statistics Agency, ‘Download Crime Data’ (crimestatistics.vic.gov.au, 2025). The Crime Statistics Agency publishes point-in-time data on offending recorded by Victoria Police and provides a caution when comparing historical data to current data due to the higher potential for revision as cases are investigated and records are updated: Crime Statistics Agency, ‘Explanatory Notes – Historical Data and Revisions’ (crimestatistics.vic.gov.au, 2025).

- I.19 Sentencing data was obtained from Court Services Victoria via information-sharing agreements between the courts and the Council. Magistrates' Court data was supplied to the Council in extracts from the CourtLink case management system. Higher courts data was supplied to the Council in the Higher Courts Sentencing Database. Sentencing data is unpublished and is not publicly available.
- I.20 Data was obtained from the Australian Bureau of Statistics on imprisonment rates, the most serious offence of sentenced prisoners, the most serious alleged offence of unsentenced prisoners, the average imprisonment length for sentenced prisoners, time served on remand by unsentenced prisoners on 30 June each year, and demographic data on Victorian prisoners.³¹
- I.21 Data on prisoners eligible for and granted parole each year was obtained from the Adult Parole Board's annual reports, which cover the period from 2013–14 to 2023–24.³²
- I.22 Data on post-sentence orders each year was obtained from the Post Sentence Authority's annual reports, which cover the period from 2017–18 to 2023–24.³³
- I.23 Data on the average *daily* cost per prisoner, the real net operating expenditure for prisons in each state and territory each year, the proportion of released prisoners who re-enter prison within 2 years, and pending criminal cases each year was obtained from the Productivity Commission's *Report on Government Services* for the period from 2013–14 to 2023–24.³⁴
- I.24 Throughout this report, all percentages have been rounded to whole numbers unless small changes are being reported. Data may not sum to a given total due to rounding.
- I.25 Additionally, offences have been grouped into six broad offence categories: offences against the person, property offences, drug offences, public order offences, justice procedure offences and other offences. In Chapter 2 ('Recorded offences in Victoria'), offence types have been grouped into these six offence categories using the Crime Statistics Agency's offence classification.³⁵ In the remaining chapters, offence types have been grouped into these six offence categories using the Australian Bureau of Statistics' Australian and New Zealand

31. Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024).

32. Adult Parole Board, 'Publications – Annual Reports' (adultparoleboard.vic.gov.au, 2025).

33. Post Sentence Authority, 'Publications' (postsentenceauthority.vic.gov.au, 2025).

34. Productivity Commission, *Report on Government Services* (pc.gov.au, 2025).

35. Crime Statistics Agency, 'Offence Classification' (crimestatistics.vic.gov.au, 2025).

Standard Offence Classification (ANZSOC).³⁶ Where appropriate, offence types and specific offences are considered in isolation. Table 2 lists each offence category and examples of their constituent offence types (using ANZSOC and the Crime Statistics Agency's offence classification) for ease of reference.³⁷

Table 2: Offence categories and examples of their constituent offence types in this report³⁸

Offence category	Short title	Examples of offence types
Offences against the person	Person	Homicide offences, assault and causing injury offences, sexual assault offences, dangerous acts offences, abduction offences, robbery offences
Property offences	Property	Property damage offences, burglary offences, theft offences
Drug offences	Drug	Drug trafficking offences, drug use and possession offences, cultivating or manufacturing drugs offences
Public order offences	Public order	Weapons offences, disorderly conduct offences, public nuisance offences, public security offences
Justice procedure offences	Justice procedure	Breach of order offences (breach of family violence order offences, breach of bail offences, breach of intervention order offences and other breach offences), perverting the course of justice offences
Other offences	Other	Traffic and vehicle regulatory offences, other miscellaneous offences

Effect of the COVID-19 pandemic on the data in this report

I.26 The COVID-19 pandemic had a significant effect on court operations, the prison system and the wider Victorian community. As a result, the data in this report is likely to have been affected, particularly in the 2020–21 and 2021–22 financial years. For example, the number of people sentenced in the two to three years after March 2020 may be lower than in other years because the pandemic caused delays in court proceedings. Imprisonment rates may be higher than in other years because court backlogs may have led to prioritisation of more serious cases

36. Australian Bureau of Statistics, *Australian and New Zealand Standard Offence Classification (ANZSOC)* (abs.gov.au, 2025). ANZSOC was updated in 2023, but this report uses the 2011 edition.

37. The Crime Statistics Agency and the Australian Bureau of Statistics offence classifications use distinct terminology to group offences. To maintain consistency in this report, we use the terminology of *offence categories* to refer to the six broad offence groupings (for example, offences against the person), and refer to offences within those categories as *offence types* (for example, sexual assault offences).

38. The Crime Statistics Agency offence classifications and the Australian Bureau of Statistics' ANZSOC divisions (and some subdivisions) are reproduced in Appendix A.

during that period. Prison sentences may be shorter than in other years, reflecting the combined effect of guilty pleas having an 'augmented mitigatory effect'³⁹ and the experience of prison being more burdensome during this period. Further, more people may have been discharged from remand during this period due to the combined effect of the experience of prison being more burdensome and the likelihood that the time spent on remand would exceed any prison sentence imposed given the delays within the justice system.

39. *Worboyes v The Queen* [2021] VSCA 169.

2. Recorded offences in Victoria

- 2.1 To contextualise changes in Victoria's prison population, this chapter presents recorded offence data published by the Crime Statistics Agency for the 20 years to 30 June 2024 (or, in some instances, for shorter periods based on available data). It is important to understand whether the nature of offending in a jurisdiction has changed. If the numbers and types of offences committed in a jurisdiction change (especially more serious offences that can attract terms of imprisonment), it would reasonably be expected that there would be a concurrent change in that jurisdiction's prison population.

Key terminology used in this chapter

Recorded offence: any criminal act committed by a person or organisation that is reported to, or detected by, police for which a penalty may be imposed under the Victorian criminal justice system.

Criminal incident: a criminal event that includes one or more offences, one or more alleged offenders and/or one or more victims, and is recorded by police as occurring on a single date at the one location.

Alleged offender incident: an incident involving one or more offences linked to an alleged offender. Where two alleged offenders have participated in the one incident, two alleged offender incidents are recorded. There may be multiple incidents within a given period that involve the one alleged offender.

Unique alleged offender: a person or organisation involved in one or more alleged criminal incidents within a financial year. One unique alleged offender may have been involved in multiple criminal incidents during a financial year but will only be counted once in the data presented in this chapter. If there are multiple unique alleged offenders related to a single criminal incident, each unique alleged offender will be counted once in the financial year.

Family incident flag: an identifier indicating that Victoria Police attended an incident and completed a risk assessment and risk management report. 'The report is completed when family violence incidents, interfamilial-related sexual offences, and child abuse are reported to police'.*

Source: Crime Statistics Agency, 'Glossary and Data Dictionary' (crimestatistics.vic.gov.au, 2025)

*See source definition of *Victoria Police Risk Assessment and Management Report*

- 2.2 Recorded offence data captures crime that has been reported to, or detected by, police and includes offences alleged against both adults and children. Conversely, recorded offence data does *not* include offences that have not been reported to, or detected by, police. As a corollary of that, recorded offence data will invariably be an underestimate of the actual prevalence of offending in Victoria, especially for under-reported crimes such as family violence and sexual violence.⁴⁰ Recorded offence data includes the number of *recorded offences* (crimes), the number of *criminal incidents* (criminal events), the number of *alleged offender incidents* (criminal events involving an identified offender) and the number of *unique alleged offenders* (unique people alleged to have committed an offence). There can be multiple crimes committed in a single criminal incident, and the same person can commit multiple offences in a single financial year. All four measures of offending are therefore useful for different purposes.

Number of recorded offences and criminal incidents, overall and per capita

- 2.3 Figure 3 (page 16) shows the number of recorded alleged offences (crimes) and criminal incidents (events) each financial year in the 20-year period. The number of recorded offences captures every offence reported to, or detected by, police. This can provide a broad indication of the volume of crime dealt with by police each year. There are, though, often multiple offences committed in a single criminal incident; for example, an offender may have been charged with additional offences due to the nature of their offending, such as contravening a conduct condition of bail or contravening a supervision order. For this reason, the number of criminal incidents generally sits lower than the number of recorded offences and can more accurately reflect the occurrence of criminal activity in the community.
- 2.4 In the 7 years to 30 June 2011, the number of recorded offences and criminal incidents in Victoria stayed relatively stable (with criminal incidents sitting around 19% lower than recorded offences), before then increasing significantly in the 5 years that followed, to 2015–16. Since 2015–16, no apparent trend has been exhibited, though the gap seems to have widened between the two, likely reflecting the introduction of a number of 'secondary offences' (such as contravening a conduct condition of bail and committing an indictable offence while on bail, neither of which were distinct offences prior to 2013).

40. See, for example, Eduardo Fé, 'Partial Identification of the Dark Figure of Crime with Survey Data Under Misreporting Errors' (2024) 41 *Journal of Quantitative Criminology* 241.

In effect, while there was a 46% increase in the number of recorded offences in the 20-year period, there was a smaller 35% increase in the number of criminal incidents.

- 2.5 Raw numbers fail, however, to account for population changes. There was a significant population increase in Victoria in that same period, from just over 5 million people in June 2005 to almost 7 million in June 2024 (39%).⁴¹ In other words, while the 46% growth in the number of recorded offences exceeded the increase in Victoria's population, population growth *outpaced* growth in the number of criminal incidents (which increased by 35%). This is most likely due to changes in which behaviours are criminalised,⁴² and an increased willingness to report gender-based violence,⁴³ rather than an actual increase in the prevalence of offending behaviours.
- 2.6 To illustrate, Figure 4 (page 16) shows the per capita rate of recorded offences and criminal incidents in Victoria over time. Over the 20-year period, the rate of recorded offences increased by just 5%, from 7,564 offences per 100,000 people to 7,911. Again, however, most of this increase occurred from 2011–12 to 2015–16. Since then – with the exception of the two most recent financial years (and a small increase in 2019–20, due to breach of chief health officer direction offences during COVID-19⁴⁴) – there was actually a decrease in the per capita rate of offending, with offence rates lower than they were at their peak in 2015–16. In turn, the rate of criminal incidents actually declined over the 20-year period (by 3%).
- 2.7 As can be seen in Figure 3 (page 16), there are around 400,000 criminal incidents recorded by police each year. In order to present data on the number of unique alleged *offenders* each year, it is important to first understand that not all of those criminal incidents result in identification of the alleged offender. Figure 5 (page 16) shows the number of *alleged offender incidents*, which indicates how many criminal incidents each year resulted in the identification of the alleged offender. The proportion of criminal incidents resulting in identification of an alleged offender was usually around 40% each year, after having increased steadily in the 6 years to 2009–10.

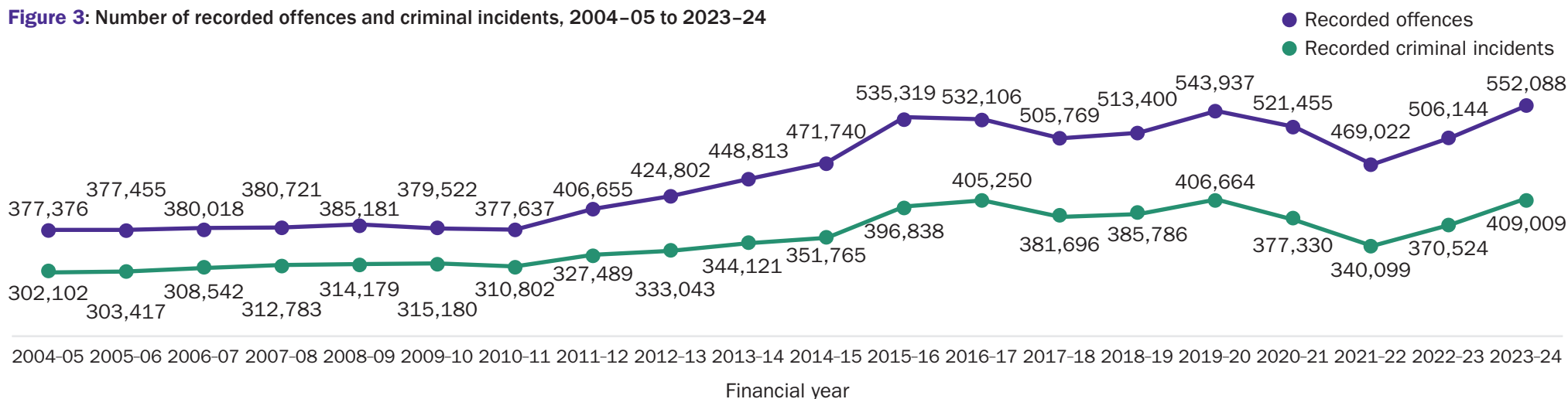
41. From 5,022,300 people in June 2005 to 6,981,400 people in June 2024: Australian Bureau of Statistics, *Australian Demographic Statistics, Jun 2005*, cat. no. 3101.0 (2005); Australian Bureau of Statistics, *National, State and Territory Population, June 2024* (abs.gov.au, 2024).

42. For example, in the 20 years to 30 June 2024, a number of 'secondary offences' were introduced, criminalising conduct that occurs secondarily to a person's initial engagement with the criminal justice system, such as the offences of contravening a conduct condition of bail or committing an indictable offence while on bail: *Bail Act 1977* (Vic) ss 30A, 30B (repealed). See further Sentencing Advisory Council, *Secondary Offences in Victoria* (2017).

43. See, for example, Lata Satyen et al., 'The Royal Commission into Family Violence: Trends in the Reporting of Intimate Partner Violence and Help-Seeking Behaviour' (2021) 36(23–24) *Journal of Interpersonal Violence* 11009.

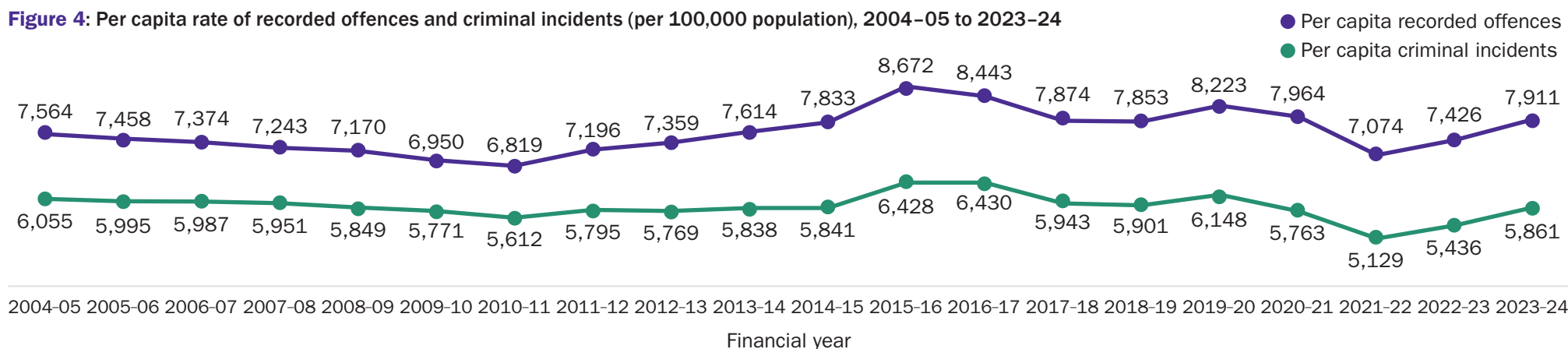
44. There were 37,505 breach of chief health officer direction offences recorded in the 2020 calendar year: Crime Statistics Agency, 'Police-Recorded Crime Trends in Victoria During the COVID-19 Pandemic: Update to End of December' (crimestatistics.vic.gov.au, 2024). See *Public Health and Wellbeing Act 2008* (Vic) s 203.

Figure 3: Number of recorded offences and criminal incidents, 2004–05 to 2023–24



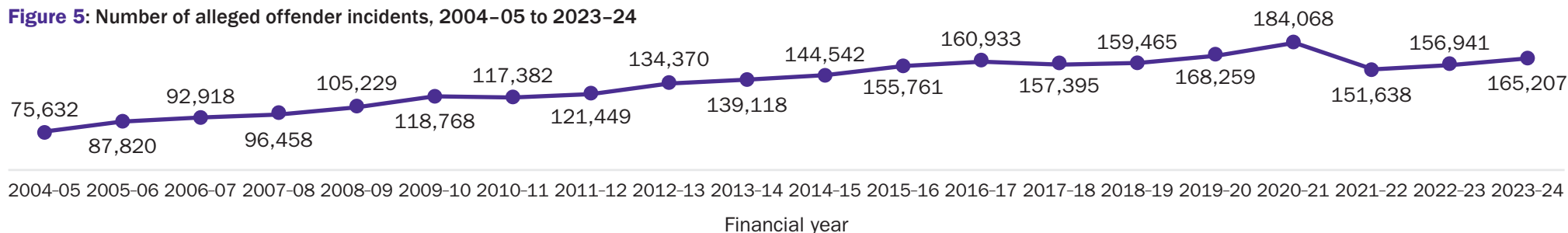
Source: Crime Statistics Agency Victoria, unpublished data

Figure 4: Per capita rate of recorded offences and criminal incidents (per 100,000 population), 2004–05 to 2023–24



Source: Crime Statistics Agency Victoria, unpublished data

Figure 5: Number of alleged offender incidents, 2004–05 to 2023–24



Source: Crime Statistics Agency Victoria, unpublished data

Number of recorded offenders, overall and per capita

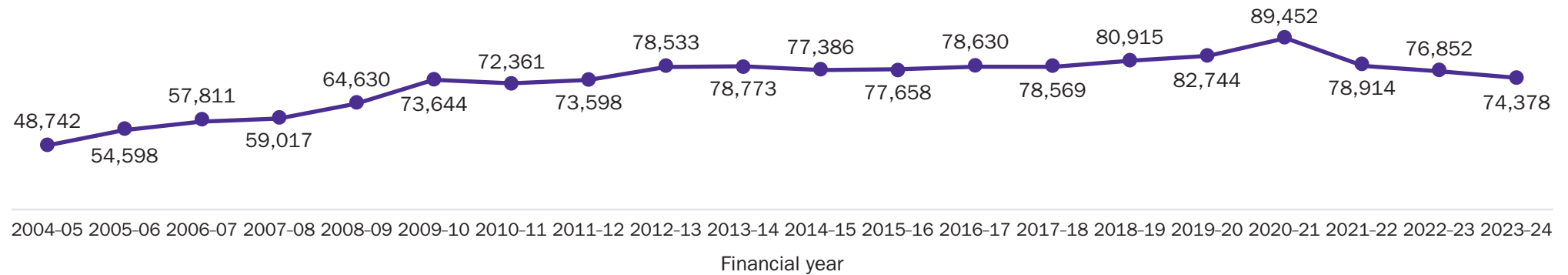
- 2.8 Next, this chapter presents data on the number of unique alleged offenders each year, which indicates whether there are more or less people committing offences each year, and therefore whether more or less people might be expected to be remanded or receive prison sentences. The increased proportion of criminal incidents resulting in identification of an alleged offender prior to 2009–10 (see [2.7]) would at least partly explain the increase in the number of unique alleged offenders during that period. Since 2009–10, there seems to have been relative stability in the number of unique alleged offenders each year (Figure 6, page 18), ranging from a low of 72,361 in 2010–11 to a high of 80,915 in 2018–19, with the exception of the numbers in 2019–20 and 2020–21 (largely a result of breach of chief health officer direction offences).⁴⁵ Even including the anomalously high number during COVID-19, that equates to an average of about 73,000 unique alleged offenders in Victoria each year.
- 2.9 Therefore, while Victoria has seen an increase in recorded offences and criminal incidents (Figure 3, page 16), there has actually been relative stability in the number of individual people allegedly committing those crimes (Figure 6). This suggests that a relatively stable number of people are committing a larger number of crimes.⁴⁶ This is most likely due, in part, to people being charged with additional offences (see [2.3]) that were not available previously, such as committing an indictable offence while on bail (which was not a distinct offence prior to 2013),⁴⁷ and breaches of family violence intervention orders and safety notices (with a fivefold increase in the annual number of these offences recorded by police from 2010–11 to 2019–20).⁴⁸
- 2.10 Importantly, while there was relative stability in the number of unique alleged offenders in Victoria over the 20-year period, there was also a 39% increase in Victoria's total population (discussed at [2.5]). Taking into account population growth, Figure 7 (page 18) shows that, with the exception of an anomalous

45. There were 37,505 breach of chief health officer direction offences recorded as having been committed by 26,497 unique alleged offenders: Crime Statistics Agency (2024), above n 44. See *Public Health and Wellbeing Act 2008* (Vic) s 203.

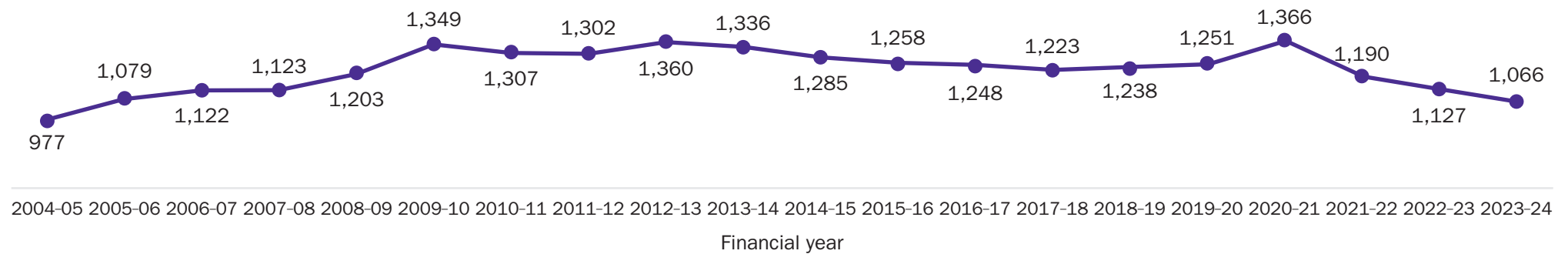
46. This is consistent with previous research by the Crime Statistics Agency, which found that people recorded for more than one offender incident (repeat offenders) were responsible for 82.9% of offender incidents between 1 July 2008 and 30 June 2017. Further, offenders who were recorded as committing more than 10 offender incidents in that same period (6.3%) were responsible for 43.9% of all offender incidents: Crime Statistics Agency, *Characteristics of Chronic Offenders in Victoria*, In Fact no. 7 (2018).

47. See Sentencing Advisory Council (2017), above n 42.

48. See Sentencing Advisory Council, *Sentencing Breaches of Family Violence Intervention Orders and Safety Notices: Third Monitoring Report* (2022) 36.

Figure 6: Number of unique alleged offenders recorded, 2004–05 to 2023–24

Source: Crime Statistics Agency Victoria, unpublished data

Figure 7: Per capita rate of unique alleged offenders (per 100,000 population), 2004–05 to 2023–24

Source: Crime Statistics Agency Victoria, unpublished data

spike in 2020–21 during COVID-19, the per capita rate of unique alleged offenders actually decreased steadily since 2012–13 (from 1,360 unique alleged offenders per 100,000 in 2012–13, down by 22% to 1,066 in 2023–24), with 2023–24 having the lowest number of unique alleged offenders per capita since 2005–06.

Types of recorded offences

- 2.11 Figure 6 (page 18) shows that there are typically between 70,000 and 80,000 unique alleged offenders in Victoria each year. Figure 8 (page 20) now presents the most common categories of offences that those unique alleged offenders were recorded as having committed.⁴⁹ There were significant increases in people recorded for offences against the person and justice procedure offences, significant decreases in property offences and public order offences (from their peak in 2010–11), and relative stability in the number of drug offences each year.⁵⁰
- 2.12 Each year since 2011–12, people were most commonly apprehended for offences against the person, increasing from 13,630 unique alleged offenders in 2004–05 to 35,576 in 2023–24 (a threefold increase). There was an increase in unique alleged offenders for all offence types categorised as offences against the person. However, the three most common offence types – assault offences, sexual assault offences and stalking offences – showed large increases (of 64%, 75% and 117% respectively) in unique alleged offenders, particularly since 2010–11. An increase in these offence types is likely attributable to an increase in recorded family violence offending.⁵¹ The data shows that between 2010–11 and 2023–24, the number of recorded offences with a family violence flag⁵² increased by 146% for assault offences, 204% for sexual assault offences and 250% for stalking offences⁵³ (Figure 9, page 22).

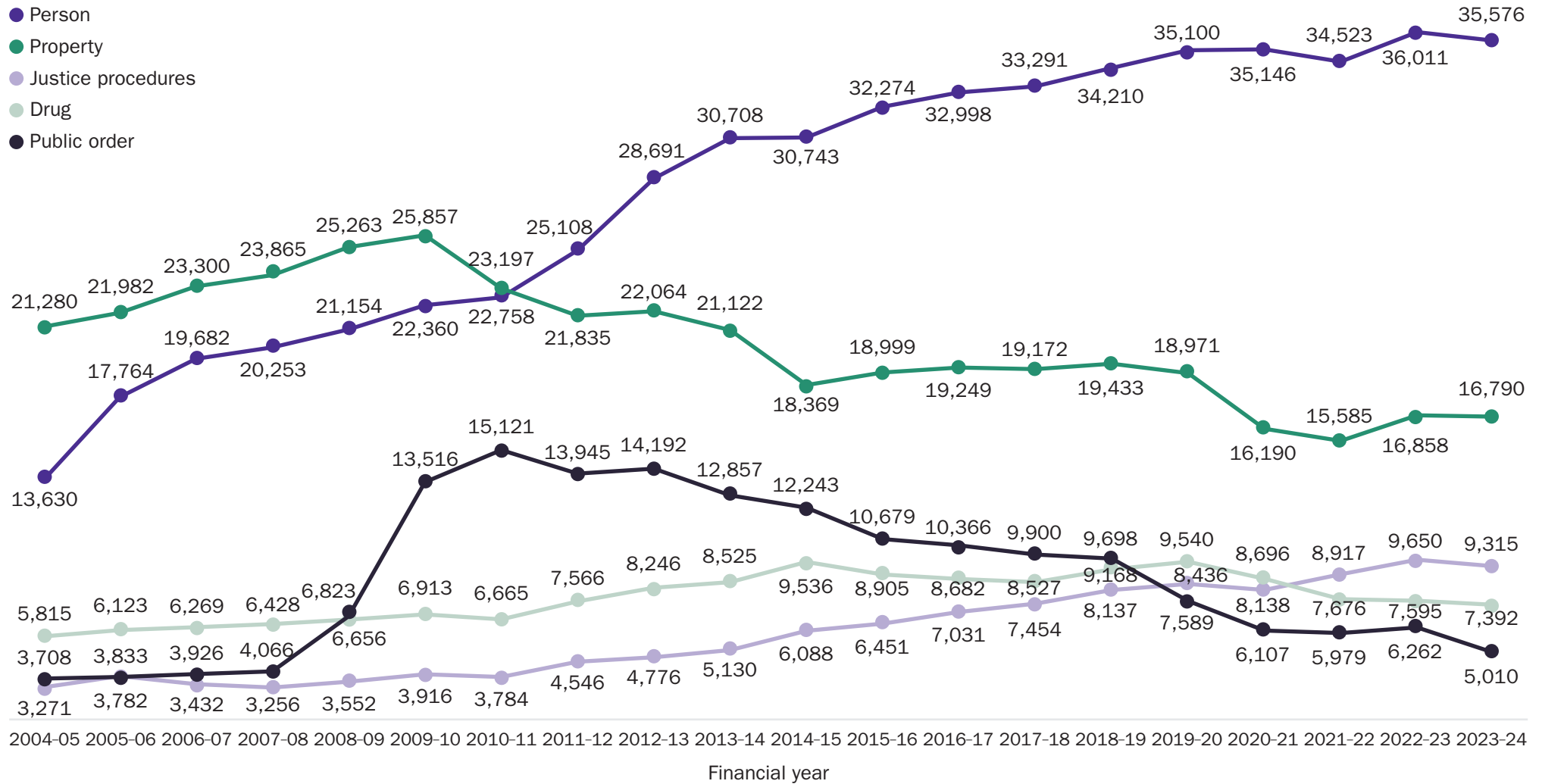
49. Other offences are excluded here because there were fewer than 1,200 unique alleged offenders recorded for this offence category almost every year, except in the 3 financial years to 30 June 2022 in which there were 3,108 (in 2019–20), 15,175 (in 2020–21) and 6,234 (in 2021–22), due to breach of chief health officer direction offences during COVID-19. See *Public Health and Wellbeing Act 2008* (Vic) s 203.

50. Data on recorded offence types within these broad categories (discussed below) was sourced from the Crime Statistics Agency's archived publications and covers the period between 2010–11 and 2023–24. The Crime Statistics Agency publishes quarterly data on recorded offences by offence subcategory: Crime Statistics Agency (2025), above n 30.

51. While data on family violence offending per offender is not publicly available, the Crime Statistics Agency publishes data on the number of recorded offences where a 'family incident flag' was recorded.

52. 'A family incident flag is attached to any offence arising from an incident where Victoria Police completed a Risk Assessment and Risk Management Report (L17 form). The family incident flag allows the identification of offences, offender incidents and victim reports that are related to a family incident': Crime Statistics Agency, 'Glossary and Data Dictionary' (crimestatistics.vic.gov.au, 2025) (definition of *family incident flag*).

53. The Council has previously reported that between 2011 and 2020, 68% of stalking offences sentenced in the Magistrates' Court occurred in the context of family violence and were most often co-sentenced with breaches of family violence intervention orders and safety notices: Sentencing Advisory Council, *Sentencing Stalking in Victoria* (2022) x–xi.

Figure 8: Number of unique alleged offenders, by offence category, 2004–05 to 2023–24**Source:** Crime Statistics Agency Victoria, unpublished data

During this period, there was also an increase in the *proportion* of these offence types that were recorded as occurring in the context of family violence:

- family violence assault offences increased from 33% to 50% of all assault offences
- family violence sexual assault offences increased from 27% to 39% of all sexual assault offences and
- family violence stalking offences increased from 35% to 60% of all stalking offences.⁵⁴

- 2.13 While non-family violence related assault offences, sexual assault offences and stalking offences also increased (by 22%, 78% and 28% respectively), family violence offending is driving the considerable increases in these offence types.⁵⁵
- 2.14 Similarly, family violence offending contributed to the rapid increase in the number of unique alleged offenders recorded as committing justice procedure offences, which increased by 185% between 2004–05 and 2023–24 (Figure 8, page 20), with breach of family violence order offences driving most of the increase.⁵⁶ To a smaller extent, breach of bail offences also contributed to this growth. Figure 10 (page 22) shows the number of recorded breach of order offences (which include breach of family violence order offences, breach of bail offences, breach of intervention order offences and other breach offences) between 2010–11 and 2023–24.
- 2.15 In the 14 years to 30 June 2024, there was a *fivefold* increase in the number of recorded breach of family violence order offences⁵⁷ (from 9,788 to 55,640), likely the result of concerted efforts from federal, state and territory governments to more proactively respond to instances of family violence offending.⁵⁸

54. Crime Statistics Agency, *Family Incidents Visualisation Year Ending June 2024* (2024) Table 03; Crime Statistics Agency, *Family Incidents Visualisation Year Ending June 2020* (2020) Table 03.

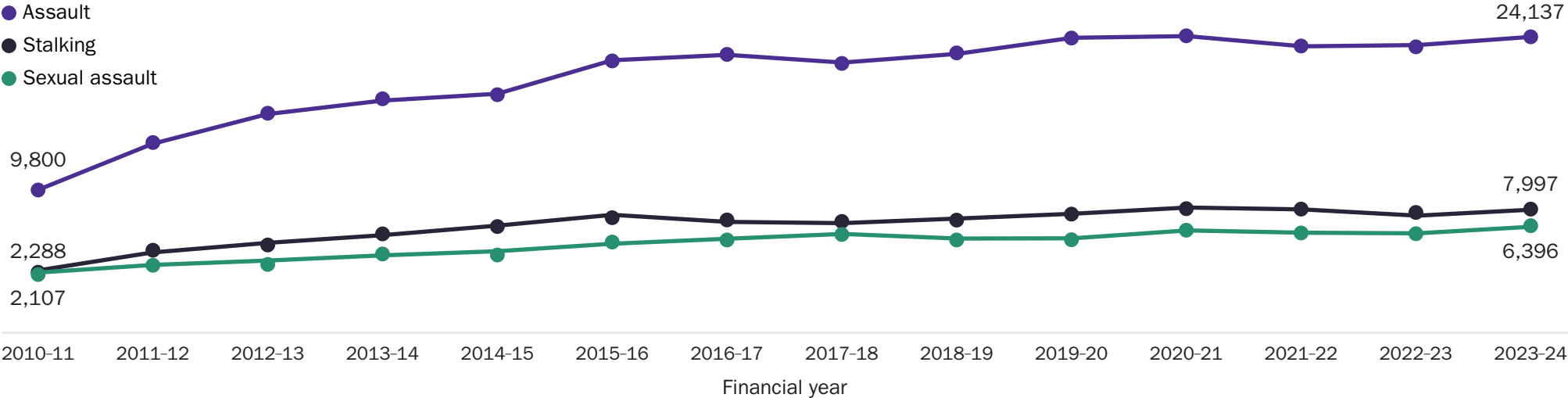
55. Similar trends have been observed in New South Wales, with BOCSAR reporting a 28% increase in domestic violence assault incidents during the 10-year period to June 2024: NSW Bureau of Crime Statistics and Research, *New South Wales, Recorded Crime Statistics, Quarterly Update, June Quarter 2024* (2024) 8.

56. In the 9 years to 2020, the number of breach of family violence order offences sentenced in Victorian courts also increased markedly, doubling in the Magistrates' Court (from 5,429 to 11,042) and quadrupling in the higher courts (from 24 to 94): Sentencing Advisory Council (2022), above n 48, 39–43.

57. Breach of family violence order offences include 5 offences under the *Family Violence Protection Act 2008* (Vic): breach of family violence safety notice (section 37), breach of family violence safety notice while intending to cause harm or fear for safety (section 37A), breach of family violence intervention order (section 123), breach of family violence intervention order while intending to cause harm or fear for safety (section 123A) and persistent breaches of family violence intervention orders and safety notices (section 125A).

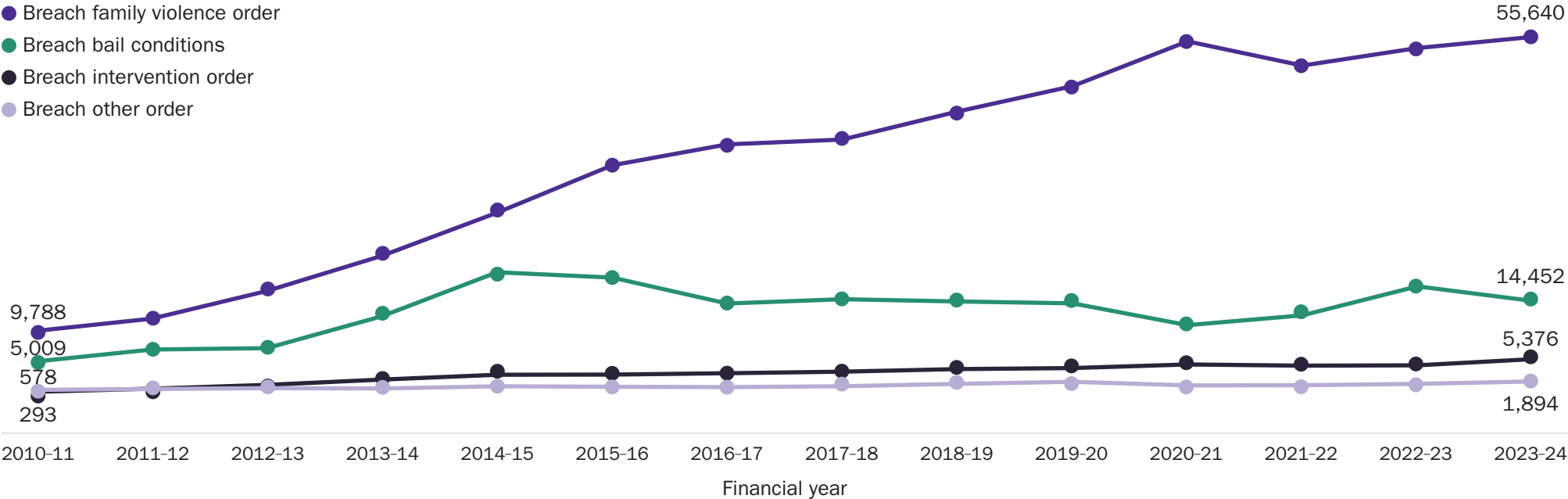
58. See, for example, Victorian Government, 'Family Violence Reform: Strategies, Frameworks and Plans' (vic.gov.au, 2021). See also Queensland Women's Safety and Justice Taskforce, *Hear Her Voice, Report One, Addressing Coercive Control and Domestic and Family Violence in Queensland* (2021); Queensland Women's Safety and Justice Taskforce, *Hear Her Voice, Report Two, Volume One, Women and Girls' Experiences Across the Criminal Justice System* (2022); Commonwealth of Australia, House of Representatives Standing Committee, *Inquiry into Family,*

Figure 9: Number of recorded assault offences, sexual assault offences and stalking offences that occurred in the context of family violence, 2010–11 and 2023–24



Source: Crime Statistics Agency Victoria, *Recorded Offences: Year Ending 30 June (2024)* Table 03

Figure 10: Number of recorded breach of orders offences, by offence type, 2010–11 to 2023–24



Source: Crime Statistics Agency Victoria, *Offences Recorded: Year Ending 30 June (2024)* Table 01

For example, in the 14 years since 2010–11, Victoria Police instituted a number of changes to improve the recording of family violence incidents, such as technology enabling police to complete risk assessment and risk management reports (LI7 forms) and issue family violence safety notices in the field.⁵⁹ Other contributors to the overall rise in recorded breach of family violence order offences include an increase in family violence intervention orders made in Victorian courts,⁶⁰ and an increased willingness to report breaches of these orders.⁶¹

- 2.16 In addition, a number of secondary offences (offences that arise consequential to a person's involvement in the criminal justice system) have been criminalised in Victoria over the past two decades, including breach of bail, breach of parole and breaches of sentencing orders.⁶² Most notably, the offences of committing an indictable offence while on bail and contravening a conduct condition of bail were introduced in 2013.⁶³ This frequently resulted in additional charges for people who offended while on bail. For example, if a person committed a burglary offence while on bail, they could be charged with both burglary and committing an indictable offence while on bail; this means that, where previously they would have been charged with one offence (burglary), they could now be charged with two offences (burglary and committing an indictable offence while on bail).⁶⁴

Domestic and Sexual Violence (2021); State of Victoria, *Royal Commission into Family Violence* (2016); Australian Law Reform Commission, *Family Violence – A National Legal Response*, Report 114 (2010).

59. A number of recommendations made by the Royal Commission into Family Violence in 2016 were targeted at improving system responses for victim-survivors. Some of the recommendations related to improving the collection of data on family violence incidents to ensure efficient service responses. In response to Recommendation 54, Victoria Police implemented mobile technology to enable LI7 forms and family violence safety notices to be completed and issued in the field: Victorian Government, 'Family Violence Recommendations: Deploy Mobile Technology for Police Members' (vic.gov.au, 2020). Prior to these changes, in 2011, Victoria Police also undertook significant revision of its *Family Violence Code of Practice*, which resulted in improved recording of family violence incidents. The code of practice has been updated again since then, with the most recent edition published in 2022: Victoria Police, *Code of Practice for the Investigation of Family Violence* (4th ed., 2022) 7. See also Crime Statistics Agency, 'Spotlight: Breaches of Orders – The Impact of Legislative Changes' (crimestatistics.vic.gov.au, 2024).
60. For example, the Council found that between 2012 and 2020, the number of family violence safety notices issued by police more than doubled, and the number of family violence intervention orders (both interim and final) made in the Magistrates' Court increased by 44%: Sentencing Advisory Council (2022), above n 48, xi.
61. See *ibid* ix–x, 36. See also Satyen et al. (2021), above n 43.
62. Sentencing Advisory Council (2017), above n 42, ix.
63. *Bail Act 1977* (Vic) ss 30A, 30B, as inserted by *Bail Amendment Act 2013* (Vic) s 8 (repealed). The offences of committing an indictable offence while on bail and contravening a conduct condition of bail were repealed on 25 March 2024 by the *Bail Amendment Act 2023* (Vic) ss 39, 40. Committing an indictable offence while on bail was subsequently reintroduced on 26 March 2025 by the *Bail Amendment Act 2025* (Vic) s 8.
64. In 2017, the Council found that over a five-year period, there were a total of 100,860 secondary offences sentenced in Victorian courts, 70% of which were bail related secondary offences (70,235 offences): Sentencing Advisory Council (2017), above n 42, 47.

Largely as a result of this change, the number of recorded breach of bail offences⁶⁵ more than doubled between 2010–11 and 2023–24, contributing to just over 179,000 recorded breach of bail offences in the 14-year period.

- 2.17 Though the number of unique alleged offenders was relatively stable for drug offences, the numbers did increase over time, growing by 27% in the 20 years to 30 June 2024. Not all drug offences increased at the same rate, though. In the 14-year period between 2010–11 and 2023–24, there was very little change in the number of drug use and possession offences, which are typically the least serious drug offences. There was a slight increase in the number of drug trafficking offences overall (though the number increased by 54% between 2010–11 and 2015–16 before slowly decreasing, sitting just 10% higher in 2023–24 than in 2010–11). In comparison, the drug offences that saw the greatest increase were cultivating or manufacturing drug offences, which grew by 95% (from 821 unique alleged offenders in 2010–11 to 1,598 unique alleged offenders in 2023–24).
- 2.18 As mentioned above, two offence categories saw significant decreases over the period: public order offences and property offences. There seem to be distinct reasons for these changes:
- the broad category of public order offences includes weapons offences, disorderly conduct offences, public nuisance offences and public security offences. The number of unique alleged offenders for this category increased rapidly between 2004–05 and 2010–11, peaking at 15,121 unique alleged offenders. However, public order offences collectively saw a reduction of 67%, or 10,111 unique alleged offenders, in the 14 years to 30 June 2024. There was a significant increase of 42% in unique alleged offenders recorded for weapons offences between 2010–11 and 2023–24 (from 2,333 unique alleged offenders to 3,320). That increase, however, was substantially outweighed by the decrease in disorderly conduct offences (including being drunk and disorderly in public, using offensive language in public and engaging in offensive conduct in public), which fell by 89% during that period (from 12,276 unique alleged offenders to 1,318)⁶⁶

65. Breach of bail offences include contravening a conduct condition of bail, failing to answer bail, and committing an indictable offence while on bail.

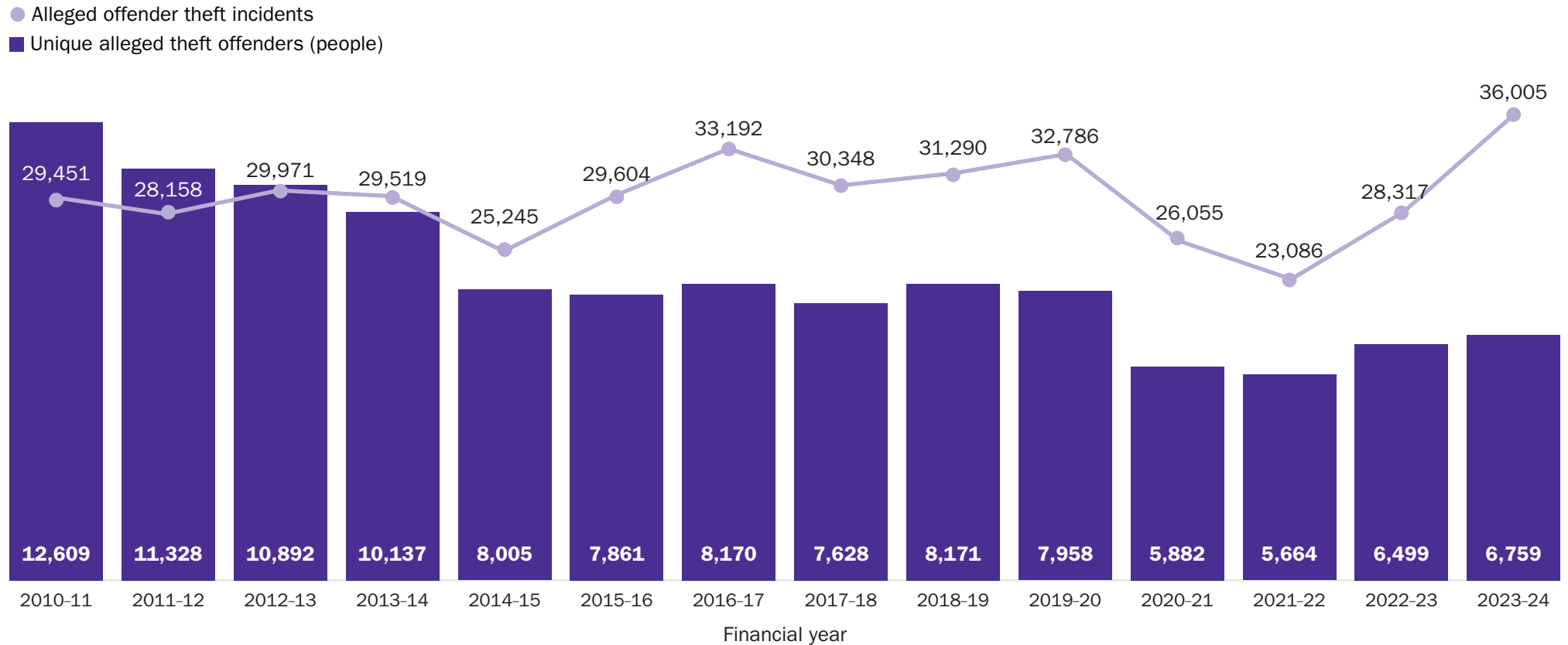
66. This decline seems to have been driven by a decline in being drunk and disorderly in public. The number of recorded offences of being drunk and disorderly in public declined from 14,266 in 2010–11 to 877 in 2023–24: Crime Statistics Agency, *Recorded Offences Visualisation Year Ending June 2024*, Table 01 (2024); Crime Statistics Agency, *Recorded Offences Visualisation Year Ending June 2020*, Table 01 (2020). The decrease in recorded offences of being drunk and disorderly in public is not surprising, given that the criminalisation of public drunkenness has been the subject of numerous reviews and recommendations for reform over the past 30 years (primarily because of its discriminatory effect on Aboriginal and Torres Strait Islander peoples and other vulnerable groups). See, for example, Commonwealth of Australia, *Royal Commission into Aboriginal Deaths in*

- the number of unique alleged offenders apprehended for property offences (which include theft offences, whether the theft be from a shop, from a person, of a bicycle or of a car, as well as property damage offences and burglary offences) also decreased (by 21%) in the 20 years to 30 June 2024. Since 2010–11, the reduction in the number of unique alleged offenders recorded for property offences was primarily driven by a reduction in the number of *people* apprehended for theft, which decreased by 46% from 12,609 unique alleged offenders to 6,759. However, there was concurrently an increase in the number of *alleged offender incidents* (an incident involving one or more offences linked to an alleged offender) where the most serious offence was theft, suggesting that theft offenders are committing theft offences in higher volumes than they had previously (see Figure 11, page 26).⁶⁷

Custody, Final Report, vol. 3 (1991); State of Victoria, Drugs and Crime Prevention Committee, *Inquiry into Public Drunkenness, Final Report* (2001); *Finding with Inquest into the Death of Tanya Day*, COR 2017 6424 (9 April 2020); Expert Reference Group, *Seeing the Clear Light of Day: Expert Reference Group on Decriminalising Public Drunkenness, Report to the Attorney-General* (2020). Being drunk and disorderly in public was ultimately abolished in Victoria on 7 November 2023 (*Summary Offences Act 1966* (Vic) ss 13, 14, repealed by *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* (Vic) pt 2); however, it is likely that changes in the policing of public drunkenness took place prior to the abolition of the offence, in view of the government announcing its intention to decriminalise public drunkenness almost 5 years prior: Premier of Victoria, 'New Health-Based Response to Public Drunkenness', Media Release (22 August 2019).

67. The Crime Statistics Agency commented that the 'rapid increase in crimes involving the acquisition of property [in the 12 months to 31 March 2024] may be related to cost of living pressures': Crime Statistics Agency, 'Cost-of-Living Pressures May Be Contributing to 17% Increase in Thefts During the Last 12 Months', Media Release (20 August 2024).

Figure 11: Number of alleged offender incidents and number of unique alleged offenders whose most serious offence type was a theft offence, 2010–11 to 2023–24



Sources: Crime Statistics Agency Victoria, *Alleged Offender Incidents: Year Ending 30 June (2024)* Table 01;
Crime Statistics Agency Victoria, *Unique Alleged Offenders: Year Ending 30 June (2024)* Table 02

3. Sentences of imprisonment in Victoria

3.1 The number of *sentenced prisoners* inevitably varies depending on the number of people *sentenced* to imprisonment and how *long* they spend in prison. Of course, changes in offending patterns (Chapter 2) and the effect of factors external to offenders and offending also contribute to the number of people in prison. But the most direct link can be drawn between the frequency and length of prison sentences imposed by Victorian courts and the number of people in prison. This chapter therefore focuses on the sentenced prisoner population. Court data is examined for the 20 years to 30 June 2024, focusing on:

- the number and rate of custodial sentences
- average prison lengths (in total and by offence type)
- the offence types most commonly receiving prison sentences
- the number of time served prison sentences (between 1 July 2016 and 30 June 2024)
- the proportion of female offenders receiving imprisonment and the offence typology of female offenders, in particular:

3.2 Almost all the data in this chapter focuses on sentences that involve an *immediate* term of imprisonment so as to not misrepresent the effect of other custodial sentence types on the prison population.⁶⁸ However, the rates of other sentencing orders (including some non-custodial sentences) are considered in Figures 14 (page 32) and 15 (page 34) to examine whether changes in the use of immediate terms of imprisonment were influenced by changes in the available sentencing orders.

68. Sentences that result in an immediate custodial period are imprisonment only, imprisonment combined with community orders, and partially suspended sentences. In contrast, some custodial sentences not included are wholly suspended sentences, drug and alcohol treatment orders, and the former intensive correction orders, because these do not necessarily require the offender to spend any time in custody (unless they breach the order).

The number of custodial sentences imposed in Victoria

- 3.3 In the 20 years to 30 June 2024, there were 147,134 custodial sentences imposed in Victorian adult courts, mostly in the Magistrates' Court (between 77% and 87% each year). Across all jurisdictions, the total number of custodial sentences increased by 39%, from 5,317 to 7,372, peaking at 11,180 in 2018–19 (Figure 12, page 29).
- 3.4 In the Magistrates' Court, the number of custodial sentences more than doubled between 2010–11 and 2018–19 (from 4,196 to 9,723), though since 2019–20, there has been a steady downward trend, even while pandemic-related effects on the court system continued.⁶⁹ By comparison, in the higher courts, the number of custodial sentences fluctuated relatively steadily between 1,041 in 2004–05 and 1,457 in 2018–19. While there was a slight decrease in custodial sentences in the higher courts in the 2 years to 2020–21, it was not especially significant and was most likely due to the courts prioritising more serious offences during court backlogs associated with COVID-19.

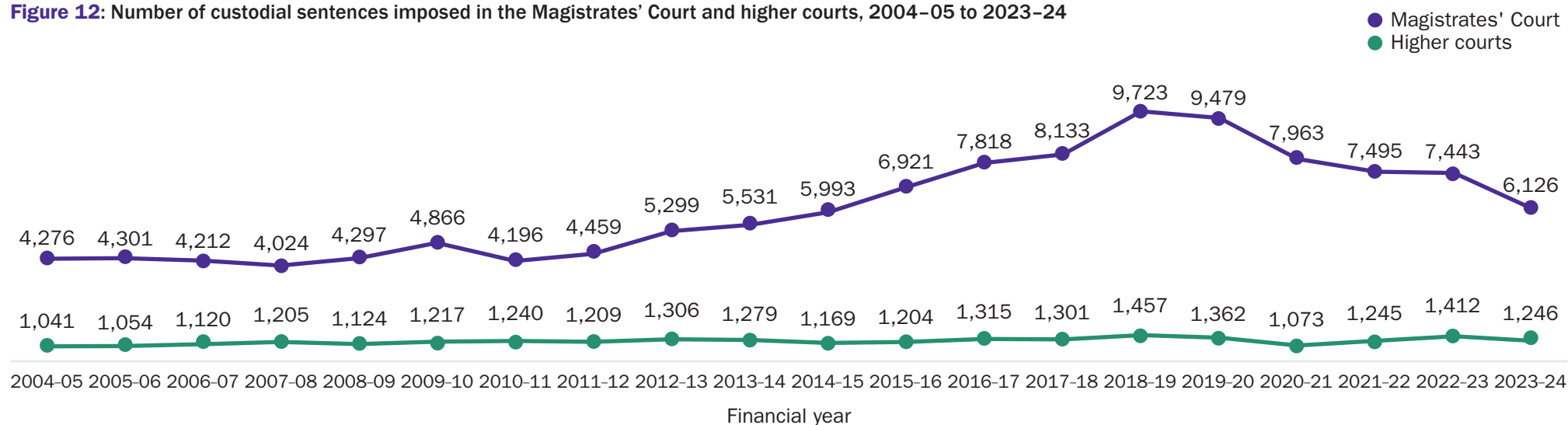
What proportion of all sentences were custodial sentences?

- 3.5 In addition to the increasing *number* of people receiving a prison sentence, there has been an increase in the *proportion* of all sentenced offenders receiving a custodial sentence (Figure 13, page 29). In theory, if a higher proportion of offenders are sentenced to imprisonment but offending rates are stable, the prison population would still increase.
- 3.6 In the Magistrates' Court, the proportion of people receiving a custodial sentence stayed relatively stable in the decade to 2015–16, ranging between 5% and 7% each year. But that rate then almost doubled over the next 4 years, peaking at 12.8% in 2019–20 (though the unusually high peak in 2019–20 and 2020–21 is likely because the Magistrates' Court had to prioritise more serious cases and cases where the accused was held on remand during COVID-19).⁷⁰ Since then, the rate of custodial sentences in the Magistrates' Court declined, returning to around 7% by 2023–24, the lowest rate since 2015–16.

69. The backlog in the Magistrates' Court was cleared by the end of 2023: *DPP v Hillman* [2024] VSC 100 [76].

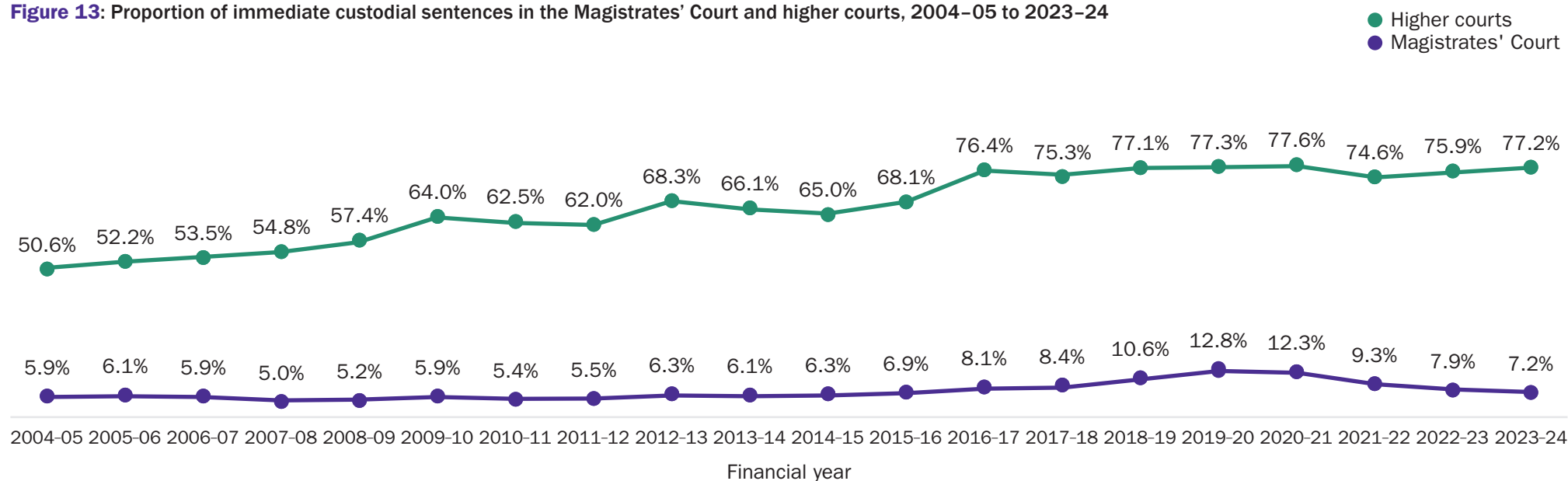
70. Due to court backlogs, serious offences were prioritised, meaning that fewer cases were heard in the Magistrates' Court during this period, and at the same time, more offences with a likelihood of imprisonment were sentenced.

Figure 12: Number of custodial sentences imposed in the Magistrates' Court and higher courts, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

Figure 13: Proportion of immediate custodial sentences in the Magistrates' Court and higher courts, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

3.7 In the higher courts, the proportion of people receiving a custodial sentence is, as would be expected, significantly higher than in the Magistrates' Court. The rate also increased substantially over the period, from 50.6% in 2004–05 to 77.2% in 2023–24, but was largely stable since 2016–17 at between 74% and 78% each year. As we observed in 2022, this increased proportion of cases receiving imprisonment in the higher courts is likely due to more cases (especially less serious ones) now being heard in the summary jurisdiction than were heard previously.⁷¹

Rates of common sentence types

3.8 Importantly, there were significant changes in the sentence types available in Victoria in the 20-year period examined. These changes would be expected to affect the sentence types imposed, and as such, the rate (proportion) of each sentence type is considered below. The sentence types measured in Figures 14 (page 32) and 15 (page 34) are:

- imprisonment only
- imprisonment combined with a community order ('combined orders')⁷²
- community orders only ('community orders')⁷³
- partially suspended sentences⁷⁴ and
- wholly suspended sentences.⁷⁵

3.9 While wholly suspended sentences and community orders do not involve an immediate term of imprisonment, they have been included as their prevalence seems to have had an inverse relationship with immediate custodial sentences.

71. Sentencing Advisory Council, *Long-Term Sentencing Trends in Victoria* (2022) 3.

72. This sentence type includes imprisonment combined with a community correction order (see *Sentencing Act 1991* (Vic) s 44) and combined custody and treatment orders, which were abolished in 2012: *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic).

73. This sentence type includes community correction orders (CCOs) (see *Sentencing Act 1991* (Vic) pt 3A) as well as now abolished community-based orders (CBOs) and intensive correction orders (ICOs), both of which were repealed in 2012: *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic).

74. This sentence type includes partially suspended sentences as they existed in Victorian sentencing legislation until their repeal in 2014 (*Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* (Vic)) as well as Commonwealth sentencing orders that involve an active term of imprisonment coupled with a recognizance release order (RRO) which function like a partially suspended sentence and remain available today: *Crimes Act 1914* (Cth) s 20(1)(b).

75. This sentence type includes wholly suspended sentences as they existed in Victorian sentencing legislation until their repeal in 2014 (*Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* (Vic)) as well as Commonwealth sentencing orders of a term of imprisonment that is not activated but is coupled with an RRO, thereby functioning like a wholly suspended sentence and also remaining available today: *Crimes Act 1914* (Cth) s 20(1)(b).

Magistrates' Court

3.10 Noting that fines are the most common sentencing order imposed in the Magistrates' Court,⁷⁶ none of the sentence types presented in Figure 14 (page 32) exceeded 11% of *all* sentencing orders imposed in a given year. There was, however, significant changes in the composition of sentencing orders in the Magistrates' Court:

- there was a marked stability in *imprisonment-only* sentences in the 12 years to 30 June 2016 (about 5% each year), before a rapid increase over the next 4 years (to 9%) coinciding with a decrease in the proportion of community orders. By 2023–24, imprisonment-only sentences had returned to 2004–05 levels (5% of all outcomes)
- both *wholly suspended sentences* and *partially suspended sentences* decreased significantly after their abolition in 2014⁷⁷ (falling from a combined 8% of outcomes to 0% each year since 2018–19)
- *community orders* and *combined orders* increased steadily between 2013–14 and 2016–17, likely the result of a number of factors, including:
 - the introduction of community correction orders (CCOs) in 2012, replacing a raft of other community orders⁷⁸
 - the abolition of suspended sentences⁷⁹
 - a 2014 guideline judgment from the Court of Appeal on the use of CCOs⁸⁰ and
 - a 2014 increase in the maximum period of imprisonment that could be combined with a CCO from 3 months to 2 years⁸¹ (albeit dropping back to 1 year in 2017⁸²).

76. For example, in 2023–24, 53% of outcomes in the Magistrates' Court were fines: Sentencing Advisory Council, 'Sentencing Outcomes in the Magistrates' Court' (sentencingcouncil.vic.gov.au, 2025).

77. *Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* (Vic).

78. *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic).

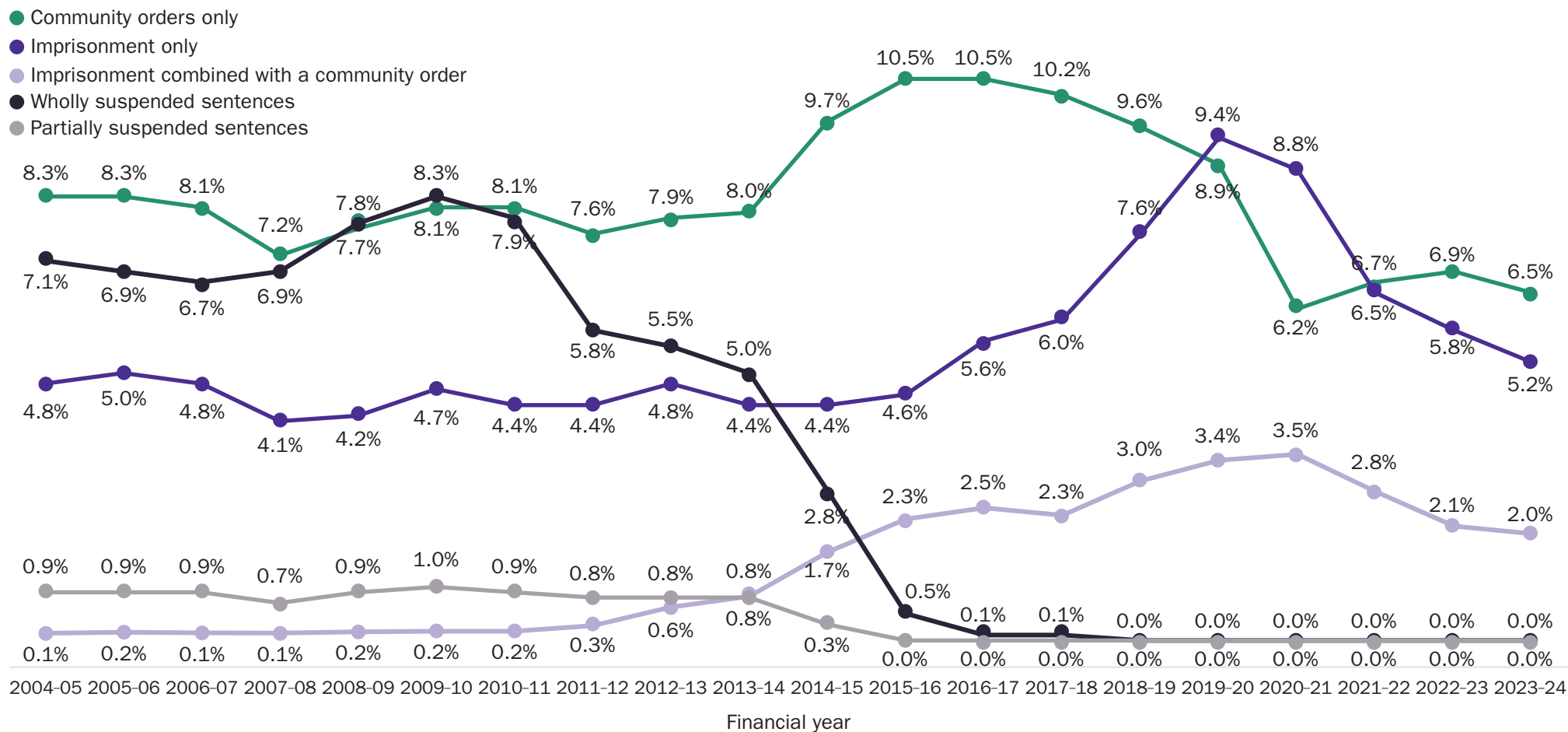
79. The *Sentencing Act* notes that a CCO may be an appropriate sentence where the court may have imposed a wholly suspended sentence before its abolition: *Sentencing Act 1991* (Vic) s 36(2).

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

81. *Sentencing Amendment (Emergency Workers) Act 2014* (Vic) s 18(1), amending *Sentencing Act 1991* (Vic) s 44(1). See also Sentencing Advisory Council, *Combined Orders of Imprisonment with a Community Correction Order in Victoria* (2023) 10.

82. *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) s 12(2), amending *Sentencing Act 1991* (Vic) s 44(1).

Figure 14: Rates of custodial sentence types (imprisonment only, imprisonment combined with community orders, partially suspended sentences and wholly suspended sentences) and community orders imposed in the Magistrates' Court, 2004–05 to 2023–24⁸³



Source: Court Services Victoria, unpublished data

83. While drug and alcohol treatment orders (in both their current and repealed forms) involve a custodial sentence (which remains suspended unless conditions of the order are breached and the offender is ordered to serve some or all of the custodial portion), they comprised less than 0.2% of sentences imposed in the Magistrates' Court each year and, as such, are not presented in Figure 14.

Higher courts

3.11 In the higher courts, imprisonment-only sentences comprised the majority of all sentences each year, increasing from 39.4% to 58.2% in the 20-year period. That rate did, though, vary (Figure 15, page 34). Imprisonment-only sentences increased steadily from 2004–05 to 2013–14, dropped markedly in the next 2 years, spiked to a high of 61.1% of all outcomes in 2017–18, and declined thereafter. The low rate of imprisonment-only sentences in 2014–15 and 2015–16 coincided with a significant increase in the use of combined orders in those 2 years. The most likely drivers of these changes over time include:

- the introduction of CCOs in 2012,⁸⁴ replacing a number of other community orders
- the abolition of suspended sentences for offences committed after 2014,⁸⁵ requiring courts to use alternative sentencing orders
- the Court of Appeal's 2014 guideline judgment on the use of CCOs following their introduction in early 2012, increasing their use (both on their own and in combined orders)⁸⁶
- a 2014 increase in the maximum period of imprisonment that could be combined with a CCO from 3 months to 2 years, expanding the availability of combined orders⁸⁷
- a 2017 decrease in the maximum period of imprisonment that could be combined with a CCO from 2 years to 1 year,⁸⁸ reducing the number of combined orders (given that most prison sentences in the higher courts are longer than 12 months)⁸⁹ and
- the introduction of category 1 and 2 offences in 2017, for which a term of imprisonment is mandatory (unless there are exceptional circumstances⁹⁰), and combined orders are not permitted (thereby further reducing their availability).⁹¹

84. *Sentencing Amendment (Community Correction Reform) Act 2011* (Vic).

85. *Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013* (Vic).

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

87. *Sentencing Amendment (Emergency Workers) Act 2014* (Vic) s 18(1), amending *Sentencing Act 1991* (Vic) s 44(1).

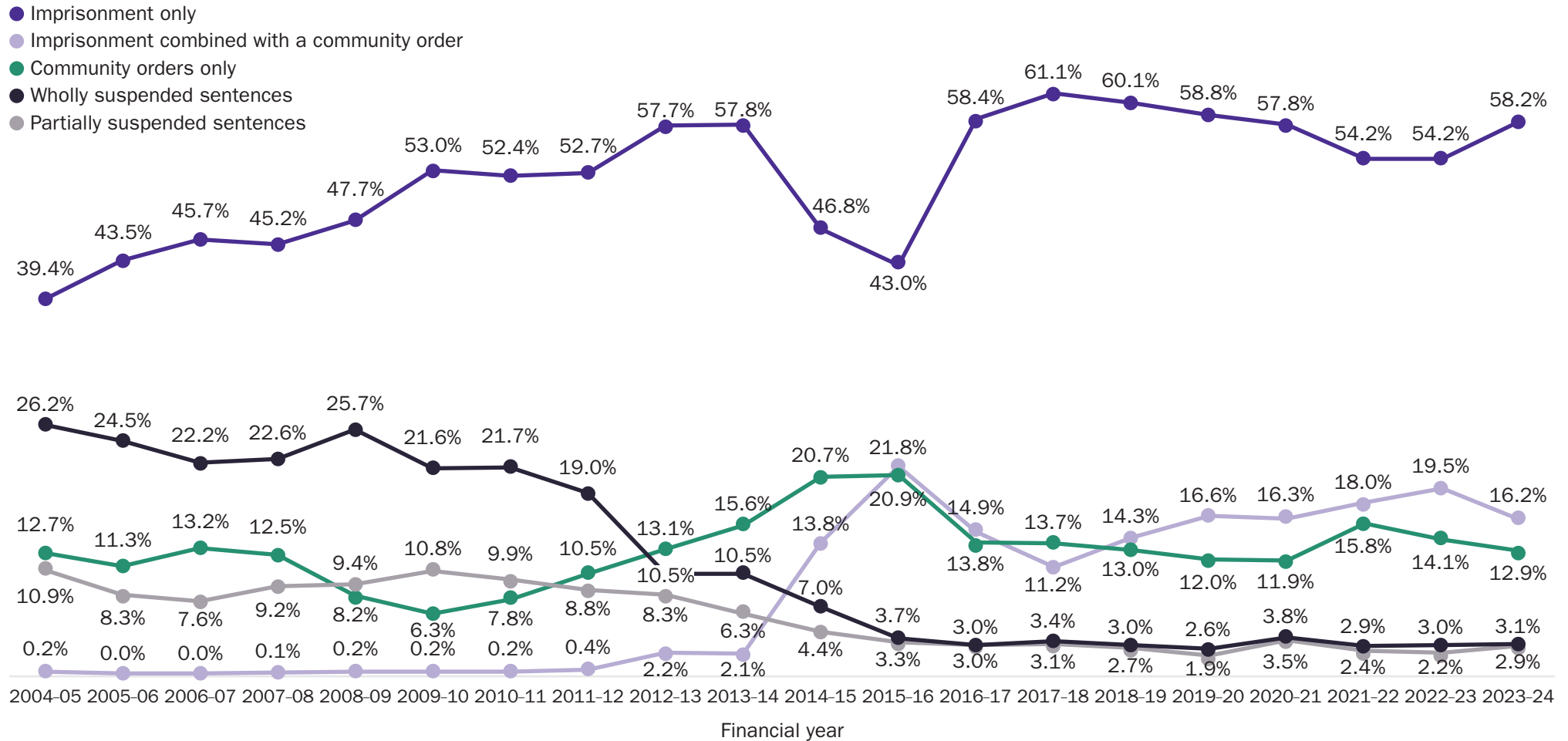
88. *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) s 12(2), amending *Sentencing Act 1991* (Vic) s 44(1).

89. In the 2 years to 30 June 2016, around 40% of imprisonment lengths in combined orders were more than 12 months): Sentencing Advisory Council (2023), above n 81, 11.

90. The 'exceptional circumstances' exception has been described by the Court of Appeal as 'almost impossible to satisfy': *DPP v Bowen* [2021] VSCA 355, [11]. See also *Buckley v The Queen* [2022] VSCA 138.

91. *Sentencing Act 1991* (Vic) s 3 (definition of *category 1 offence* and *category 2 offence*), as inserted by *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) pt 2.

Figure 15: Rates of custodial sentence types (imprisonment only, imprisonment combined with community orders, partially suspended sentences and wholly suspended sentences) and community orders imposed in the higher courts, 2004–05 to 2023–24⁹²



Source: Court Services Victoria, unpublished data

92. Similar to Figure 14, drug and alcohol treatment orders (both in their current and historical forms) are not presented in Figure 15 due to the small number imposed throughout the period. Drug and alcohol treatment orders, as they currently exist, were imposed in the higher courts from 2021–22 but comprised less than 1.5% of sentencing outcomes in each subsequent year.

Imprisonment lengths

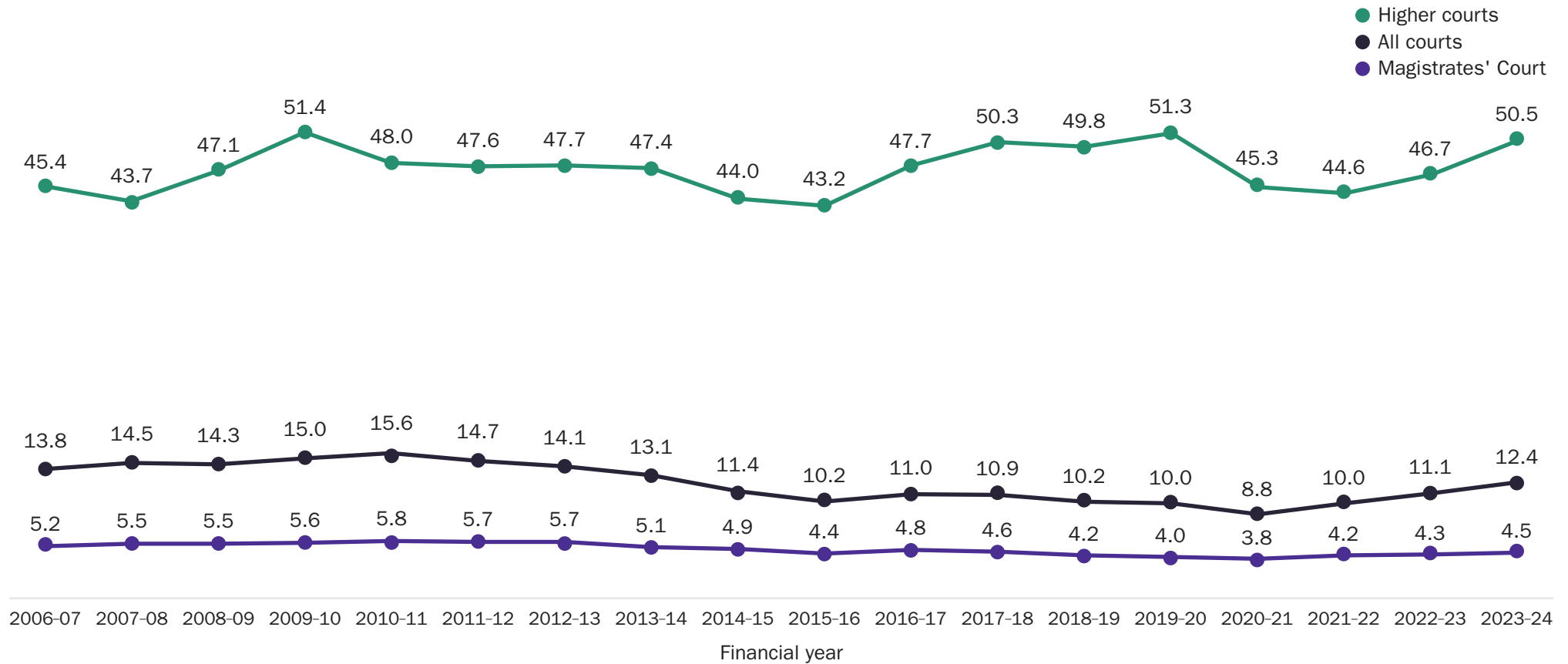
- 3.12 Although there was a 39% increase in the number of custodial sentences imposed in the 20 years to 30 June 2024 (Figure 12, page 29), it is difficult to estimate the effect of those additional custodial sentences on the prison population without accounting for their *length*. For example, if the average imprisonment length imposed increased, then the collective effect of offenders spending longer in prison would cause the prison population to grow, independent of any increase in the number of custodial sentences imposed. Court data on average (mean) custodial sentence lengths and the distribution of custodial sentence lengths is presented below.

Average imprisonment lengths

- 3.13 Figure 16 (page 36) shows the average custodial sentence lengths imposed since 1 July 2006⁹³ in the Magistrates' Court, higher courts, and all courts combined. The data is premised on total effective sentence lengths (that is, the total sentence imposed for all charges in a case as a whole). Suspended portions of partially suspended sentences and the CCO components of combined orders are excluded here so as to not obscure the total time spent in custody. The data only represents *active* custodial sentences. It is important to note, though, that some offenders (those sentenced to a combined order or a partially suspended sentence) serve some of their sentence in the community after their release from prison, and other offenders may be released on parole before the conclusion of their total effective sentence.⁹⁴
- 3.14 In the Magistrates' Court, average custodial sentence lengths were very stable from 2007–08 to 2012–13 (between 5.5 and 5.8 months), before declining to 3.8 months in 2020–21. This decline suggests that the significant increase in the number (Figure 12, page 29) and rate (Figure 13, page 29) of custodial sentences in the Magistrates' Court from 2015–16 to 2020–21 was driven largely by short prison sentences. The average custodial sentence length in the Magistrates' Court has been steadily increasing since 2020–21. In the higher courts, there was no apparent trend in average custodial sentence lengths, ranging between 43.2 and 51.4 months (or between 3 and 5 years).

93. Court data on sentence lengths for the years 2004–05 and 2005–06 is incomplete and is therefore excluded from this analysis.

94. Courts are required to impose a non-parole period in cases involving a total effective sentence of 2 years or more, and courts have the discretion to impose a non-parole period in cases involving a total effective sentence of between 1 year and less than 2 years: *Sentencing Act 1991* (Vic) s 11.

Figure 16: Average total effective sentence lengths (months) of immediate custodial sentences, by court level, 2006–07 to 2023–24**Source:** Court Services Victoria, unpublished data

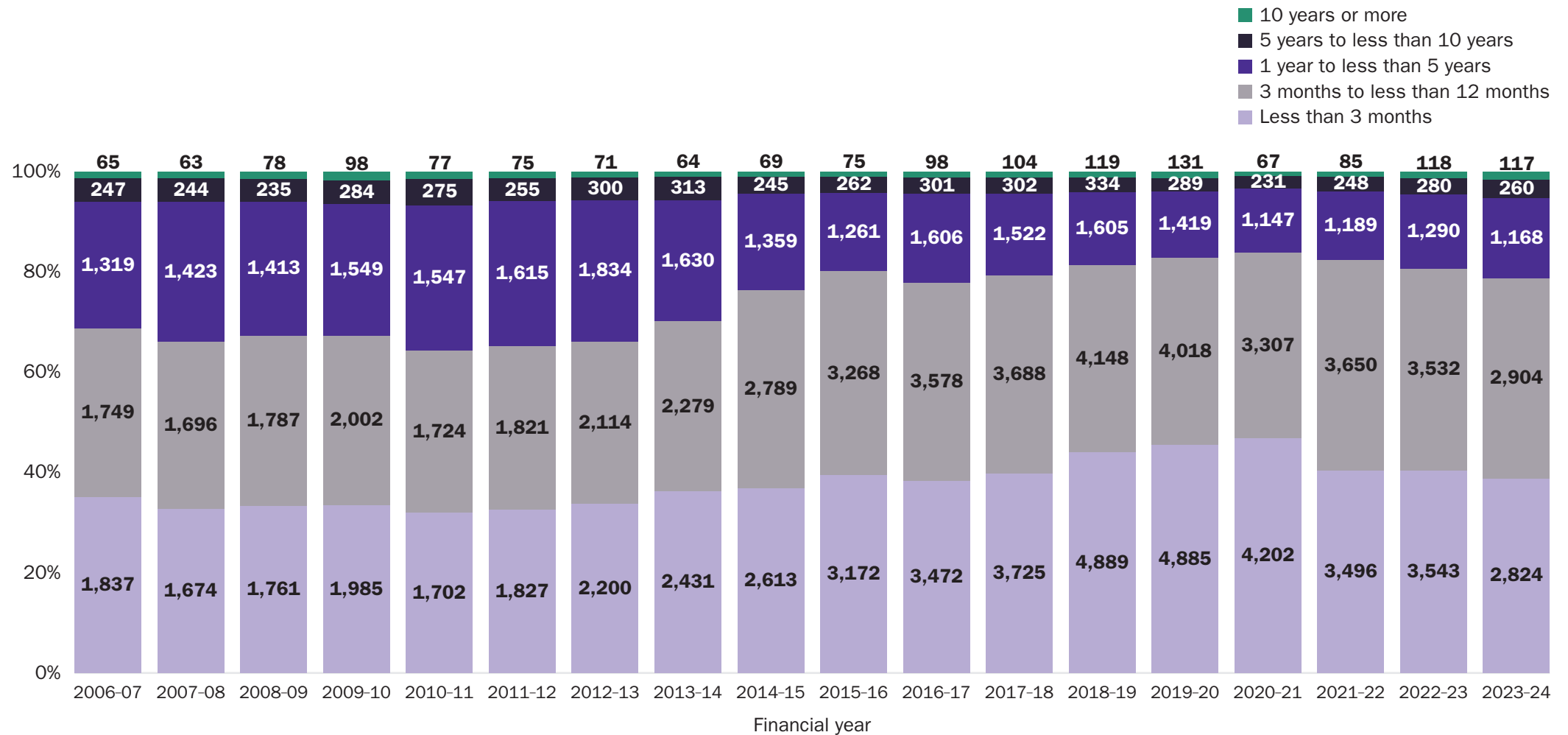
- 3.15 The average custodial sentence length across all courts rose slightly between 2006–07 and 2010–11, before falling by 44% between 2010–11 and 2020–21 (from 15.6 months to 8.8), the onset of this fall coinciding with the introduction of combined orders in 2012. The drop in 2020–21 is likely, in part, due to prison sentences being shorter overall that year reflecting the effect of COVID-19 on court operations, including enhanced guilty plea discounts to acknowledge their greater utilitarian value (discussed at [1.26]).⁹⁵ The average custodial sentence length across all courts then rose again, to 12.4 months in 2023–24 (the highest since 2014–15).

Distribution of custodial sentence lengths

- 3.16 Figure 17 (page 38) shows the number of custodial sentences imposed each year between 1 July 2006 and 30 June 2024, by whether imprisonment lengths were less than 3 months, between 3 months and 12 months, between 1 year and less than 5 years, between 5 years and less than 10 years, or 10 years or more.⁹⁶
- 3.17 There was a clear increase in the proportion of custodial sentences that were less than 12 months, growing from 69% of all custodial sentences in 2006–07 to 79% by 2023–24 (peaking at 84% of all custodial sentences in 2020–21). By 2020–21, almost half (47%) of all custodial sentences imposed were *less than 3 months*.
- 3.18 The number of custodial sentences between 1 year and less than 10 years was relatively stable during the period (from 1,566 to 1,428), though the *proportions* of custodial sentences between 1 year and less than 10 years decreased. In contrast, sentences of 10 years or more doubled (from 65 to 117).
- 3.19 In effect, growth in the number of custodial sentences imposed between 2012–13 and 2019–20 was largely driven by imprisonment lengths of less than 12 months, particularly those less than 3 months, which doubled during this period (from 2,200 to 4,885).
- 3.20 To further illustrate the prevalence of short prison sentences (less than 6 months), Figure 18 (page 39) shows the distribution of all custodial sentences imposed between 1 July 2006 and 30 June 2024 by imprisonment length (the grouping of imprisonment lengths has been expanded here to more accurately show the distribution). Of the 134,667 custodial sentences imposed in this period, 52,238 (39%) were less than 3 months.

95. See, for example, Sentencing Advisory Council, *Sentencing in Victoria 2013–14 to 2022–23* (2024) 10, 15.

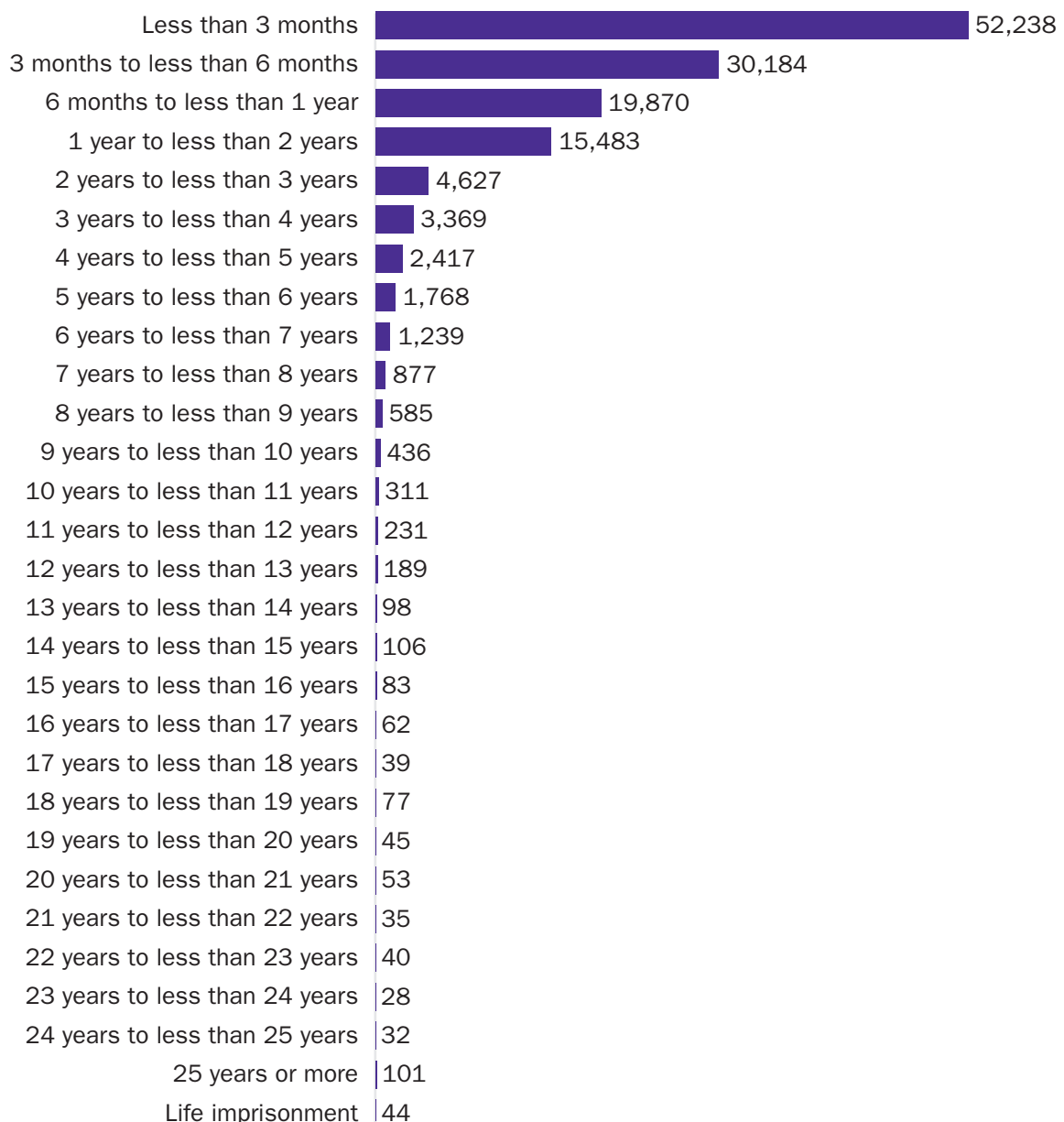
96. Court data on sentence lengths for the years 2004–05 and 2005–06 is incomplete and is excluded from this analysis.

Figure 17: Number of custodial sentences, by imprisonment length, all courts, 2006–07 to 2023–24**Source:** Court Services Victoria, unpublished data

Further, almost two-thirds (61%) were less than 6 months, and 91% were less than 3 years. Conversely, just 1.2% of all custodial sentences imposed were 10 years or longer, and 0.2% were 20 years or longer.

- 3.21 Moreover, a number of those short prison sentences were most likely time served prison sentences (meaning that the offender did not spend any additional time in custody after being sentenced). Data on time served prison sentences is examined in more detail below (discussed at [3.50]).

Figure 18: Distribution of imprisonment lengths in immediate custodial sentences, all courts, 2006–07 to 2023–24



Source: Court Services Victoria, unpublished data

Most serious offence committed by people receiving a custodial sentence

3.22 Using court data, this section examines the principal offence type (most serious offence) committed by people receiving a custodial sentence. The principal offence is the offence that received the most severe sentence in a case (for example, the longest prison sentence). If more than one offence received the most severe sentence in a case, the principal offence is determined using the National Offence Index,⁹⁷ which ranks the seriousness of offence groups across Australian jurisdictions. The offence types are grouped into six offence categories (person, property, drug, public order, justice procedure and other). The principal offence in a case is usually the primary driver behind the type and length of sentence imposed in a case, thereby providing a useful insight into which offences are contributing most to Victoria's sentenced prisoner population.

Most serious offences in the Magistrates' Court

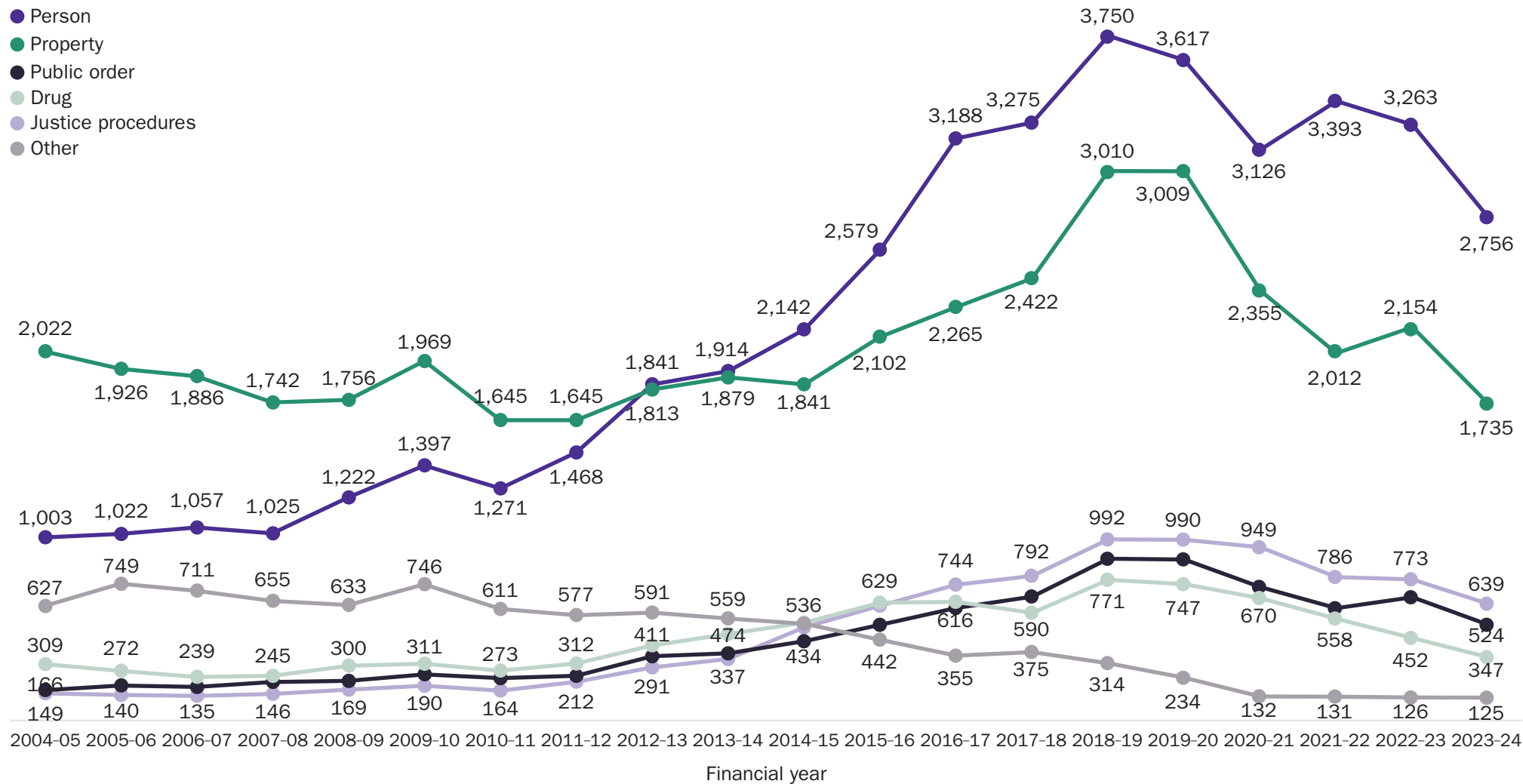
3.23 Figure 19 (page 41) shows the number of cases where an offender received a custodial sentence in the Magistrates' Court in the 20 years to 30 June 2024, and the offence category for the principal offence in the case. Multiple offence types seem to have contributed to the 43% increase in custodial sentences imposed in the Magistrates' Court (see Figure 12, page 29), especially:

- *offences against the person*, which almost quadrupled between 2004–05 and 2018–19 (from 1,003 to 3,750 cases), overtaking property offences as the most common offence category receiving a custodial sentence in 2013–14. While there has been a decline since then, the number is still almost triple what it was 20 years ago (at 2,756 cases)
- *public order* offences, which increased fivefold between 2004–05 and 2018–19 (from 166 to 886 cases), before declining to 524 cases in 2023–24 and
- *justice procedure* offences, which increased almost sevenfold between 2004–05 and 2018–19 (from 149 to 992 cases), before declining to 639 cases in 2023–24.

3.24 Both property offences and drug offences exhibited a similar trend – a significant increase in the period from 2011–12 to 2018–19 followed by a decrease in the next 5 years to 2023–24. However, unlike the three offence categories above, property offences and drug offences now receive close to the same number of

97. Australian Bureau of Statistics, *National Offence Index (NOI)* (abs.gov.au, 2024).

Figure 19: Number of cases receiving a custodial sentence in the Magistrates' Court, by category of principal offence in the case, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

custodial sentences as they did in 2004–05. The number of cases where the most serious offence fell into the *other* offence category (which includes traffic and vehicle offences and other miscellaneous offences) decreased markedly during the 20-year period.

- 3.25 Given both the prevalence of, and increase in, custodial sentences for offences against the person, Figure 20 (page 43) provides a detailed breakdown of offence types within that offence category.⁹⁸ The data shows that (aside from robbery offences), there has been a significant increase in custodial sentences for *all* types of offences against the person, albeit the increase is most pronounced for causing injury offences, which include specific offences such as unlawful assault⁹⁹ and recklessly causing serious injury.¹⁰⁰

Average custodial sentence lengths in the Magistrates' Court

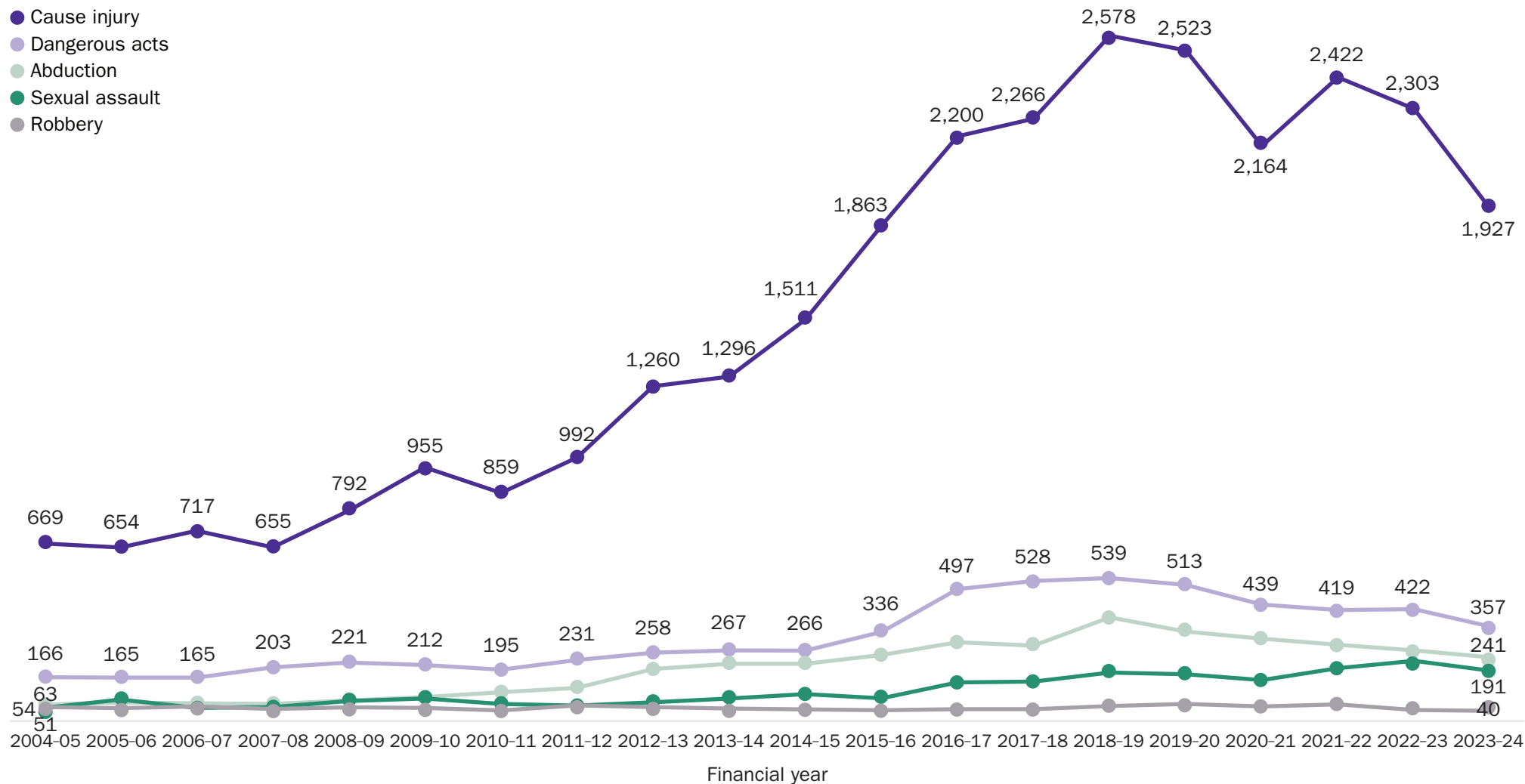
- 3.26 Figure 21 (page 44) presents the average custodial sentence lengths imposed in the Magistrates' Court by the principal offence category in the case. The longest average custodial sentence lengths each year were imposed for offences against the person and drug offences, and the shortest were for justice procedure offences.
- 3.27 As for trends over time, average custodial sentence lengths for public order offences, justice procedure offences and other offences were all relatively stable, but there were significant decreases in the average custodial sentence lengths for offences against the person, property offences and drug offences. Notably, most of the decreases in average custodial sentence lengths for offences against the person, property offences and drug offences occurred concurrently with significant increases in the number of custodial sentences imposed for those same three offence categories (Figure 19, page 41). In particular, from 2010–11 to 2018–19:
- the number of custodial sentences for offences against the person increased by 195%, but average custodial sentence lengths decreased by 31%
 - the number of custodial sentences for property offences increased by 83%, but average custodial sentence lengths decreased by 37% and
 - the number of custodial sentences for drug offences increased by 182%, but average custodial sentence lengths decreased by 36%.

98. Homicide offences are excluded from this analysis given that there were only 2 homicide offences sentenced to imprisonment in the Magistrates' Court in the 20 years to 30 June 2024. Both offences were encouraging another person to suicide contrary to the *Crimes Act 1958* (Vic) s 6B(2).

99. Unlawful assault carries a maximum penalty of 3 months' imprisonment: *Summary Offences Act 1966* (Vic) s 23.

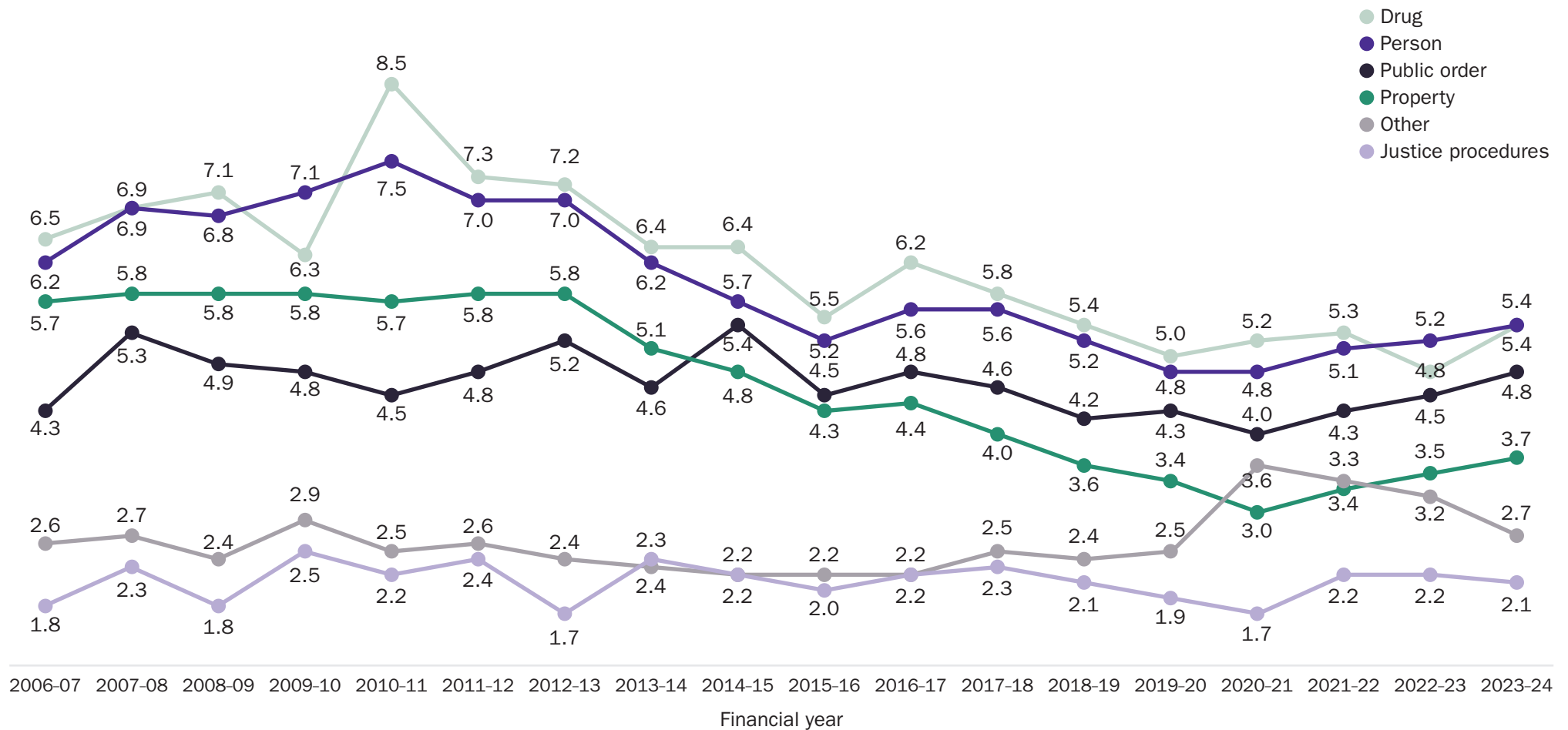
100. Recklessly causing serious injury carries a maximum penalty of 15 years' imprisonment: *Crimes Act 1958* (Vic) s 17.

Figure 20: Number of cases receiving a custodial sentence in the Magistrates' Court, by type of offence against the person in the case, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

Figure 21: Average custodial sentence lengths (in months) in the Magistrates' Court, by category of principal offence in the case, 2006–07 to 2023–24¹⁰¹



Source: Court Services Victoria, unpublished data

¹⁰¹ Data on average custodial sentence lengths for 2004–05 to 2005–06 is incomplete and is therefore excluded here.

- 3.28 Conversely, in the 5 years since 2018–19, there was a reduction in the number of custodial sentences imposed for those three offence categories, co-occurring with an increase in average custodial sentence lengths. There seems to be a strong inverse relationship between the number of custodial sentences imposed and the lengths of those custodial sentences, such that increases in the number of custodial sentences are driven primarily by *short* prison sentences.

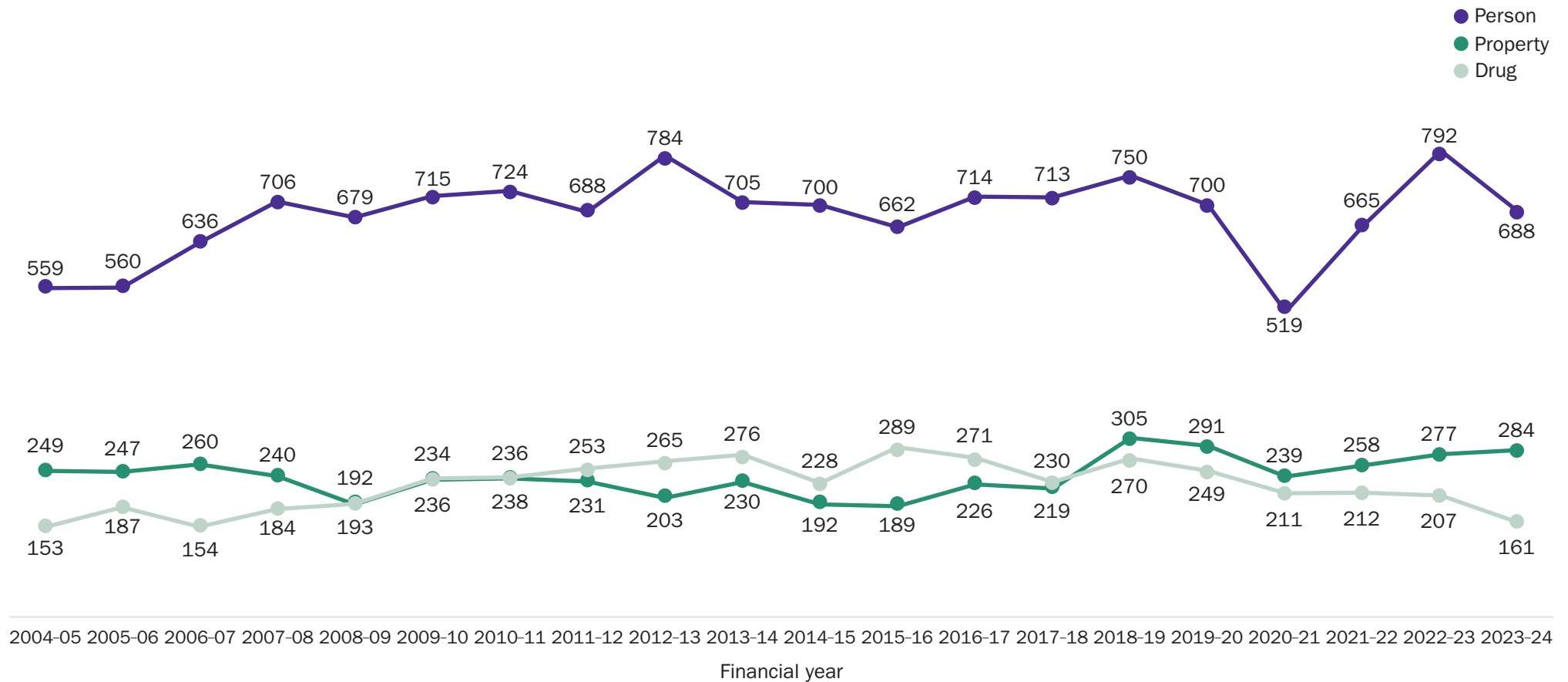
Most serious offences in the higher courts

- 3.29 Figure 22 (page 46) presents the number of custodial sentences imposed in the higher courts, by the principal offence in the case for offences against the person, property offences and drug offences.¹⁰² These three offence categories together comprised between 89% (in 2017–18) and 97% (in 2009–10) of *all* custodial sentences imposed in the higher courts, with offences against the person being the most common offence category resulting in imprisonment each year.
- 3.30 In terms of trends, there was relative stability in the number of custodial sentences imposed for each of those three offence categories in the 20 years, with the number of custodial sentences imposed for property offences and drug offences increasing just slightly (by 14% and 5% respectively). The increase in the number of custodial sentences was more substantial, at 23%, where the principal offence was an offence against the person. There was a noticeable drop in each offence category (particularly for offences against the person) in 2020–21, attributable to the lower case numbers heard that year as a result of COVID-19. Offences against the person and drug offences then also experienced a marked decrease in custodial sentences in the 12 months to 30 June 2024.
- 3.31 Given that the majority of custodial sentences in the higher courts are imposed for offences against the person, Figure 23 (page 47) provides a detailed breakdown of the offence types within that offence category.¹⁰³

102. Justice procedure offences, public order offences and other offences are excluded here given their low numbers. Between 2004–05 and 2023–24 in the higher courts, there were fewer than 80 custodial sentences imposed for justice procedure offences each year; fewer than 80 custodial sentences for public order offences each year; and fewer than 40 custodial sentences for other offences each year. See Appendix B for exact numbers.

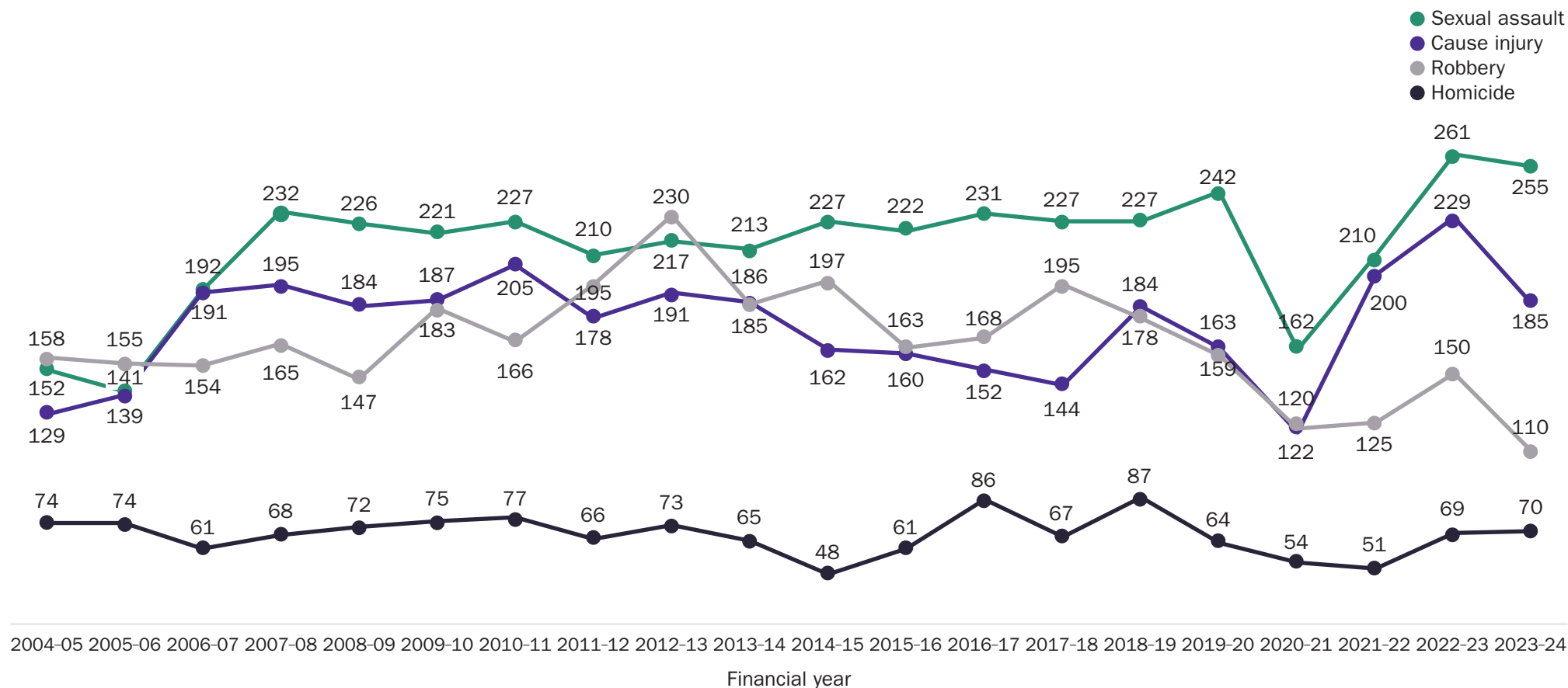
103. Dangerous acts offences and abduction offences are not presented here given their small numbers. There were fewer than 50 custodial sentences imposed for each offence type each year over the 20-year period. As a result, the numbers show significant fluctuation, with no observable trends.

Figure 22: Number of cases receiving a custodial sentence in the higher courts, by category of principal offence in the case, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

Figure 23: Number of cases receiving a custodial sentence in the higher courts, by type of offence against the person in the case, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

The data shows that (aside from robbery offences, which fluctuated throughout the period) there was relative stability in the number of custodial sentences imposed for sexual assault offences, causing injury offences and homicide offences. There was an anomalous drop in the number of custodial sentences for all offence types in 2020–21, again almost certainly due to the effects of the COVID-19 pandemic.

Proportion of cases sentenced to imprisonment in the higher courts

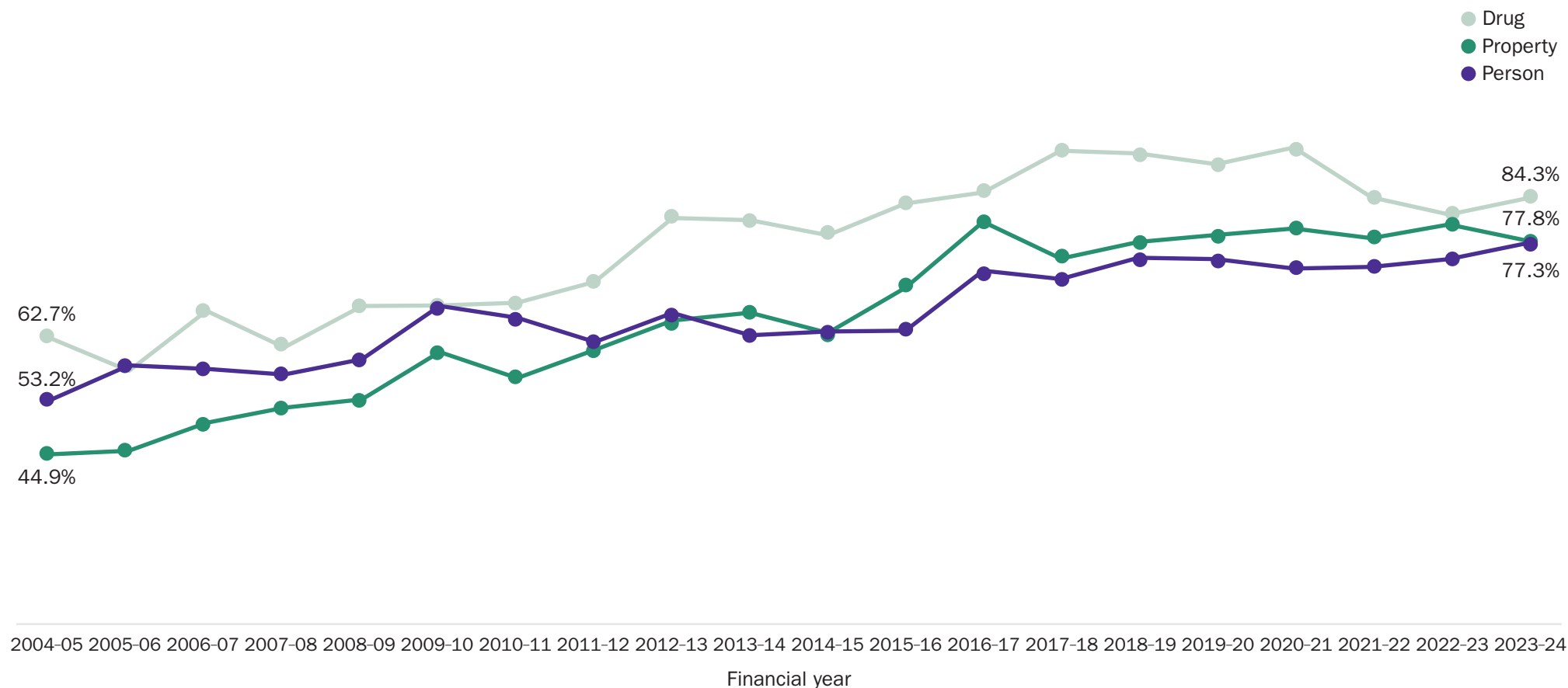
3.32 Figure 24 (page 49) shows the proportion of cases resulting in a custodial sentence by the category of principal offence in the case. That proportion increased for *all* offence categories, but Figure 24 shows an especially stark increase for offences against the person, property offences and drug offences. Drug offences had the highest imprisonment rate almost every year (ranging from 58% to 92%), with the exception of 2005–06. Between 2004–05 and 2023–24, the imprisonment rate for those three offence categories increased:

- from 62.7% of cases to 84.3% for drug offences
- from 44.9% of cases to 77.8% for property offences and
- from 53.2% of cases to 77.3% for offences against the person.

3.33 Since at least 2018–19 (before then for drug offences), approximately 80% of offenders sentenced for each of these three offence categories each year received a prison sentence, and together they comprise around 90% of custodial sentences imposed in the higher courts. This most likely reflects a change in the severity of the types of cases coming before the courts, potentially the result of a decrease in case numbers in the higher courts, such that less serious offending is now being dealt with in the Magistrates' Court.¹⁰⁴ It could, though, also reflect a more punitive approach to sentencing.

¹⁰⁴ See Sentencing Advisory Council (2022), above n 71, 3, 20.

Figure 24: Proportion of cases receiving a custodial sentence in the higher courts, by category of principal offence, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

Average custodial sentence lengths in the higher courts

- 3.34 Table 3 (page 51) shows the average custodial sentence length in the higher courts in both 2006–07 and 2023–24, based on the category of the principal offence in the case.¹⁰⁵ The most common specific offence for each offence category has also been included given that the average custodial sentence length can be influenced by the varying level of offence seriousness within each offence category. This means that, even if most sentences within an offence category are short, a few lengthy sentences will increase the average; for example, offences against the person include murder, which carries a maximum penalty of life imprisonment,¹⁰⁶ but the most common principal offence to receive a custodial sentence in this offence category was armed robbery, with a maximum penalty of 25 years' imprisonment.¹⁰⁷
- 3.35 There were significant increases in the average custodial sentence lengths imposed for public order offences (a 38% increase), drug offences (a 33% increase) and property offences (a 32% increase). There was also a less pronounced increase in average custodial sentence lengths for offences against the person (6%).
- 3.36 By comparison, average custodial sentence lengths for justice procedure offences and other offences declined (by 27% and 4% respectively). The significant decline in average custodial sentence lengths for justice procedure offences – which include breach of bail offences, breach of intervention order offences and attempt to pervert the course of justice – may be explained by the significant increase in the number of justice procedure offences being dealt with in the higher courts each year (Figure 25, page 52). This could suggest that there has been an increase in less serious cases of those offences being sentenced now than previously, and those cases are receiving short prison sentences.¹⁰⁸

105. Court data on sentence lengths for 2004–05 and 2005–06 is incomplete and is therefore excluded from this analysis.

106. *Crimes Act 1958* (Vic) s 3(1)(a).

107. *Crimes Act 1958* (Vic) s 75A. In the 5 years to 30 June 2023, the median imprisonment length for cases with armed robbery as the principal offence was 2.83 years: Sentencing Advisory Council, 'Armed Robbery [Higher Courts]', SACStat (sacstat.vic.gov.au, 2025). Armed robbery is a category 2 offence where the offence is committed with a firearm, a victim suffers injury or the offence is committed in the company of one or more other persons. In any of those cases, a custodial sentence must be imposed.

108. Where a breach of order offence is the principal offence, the case is counted in the justice procedure offence category. However, for some of these breach of order offences (particularly breach of drug and alcohol orders under sections 18X–18ZQ of the *Sentencing Act 1991* (Vic)) the activation of the custodial sentence (in response to a breach of the order) is often recorded under the original offending and, as such, the justice procedure offence category may underestimate breach of order offences and their respective impact on the prison population.

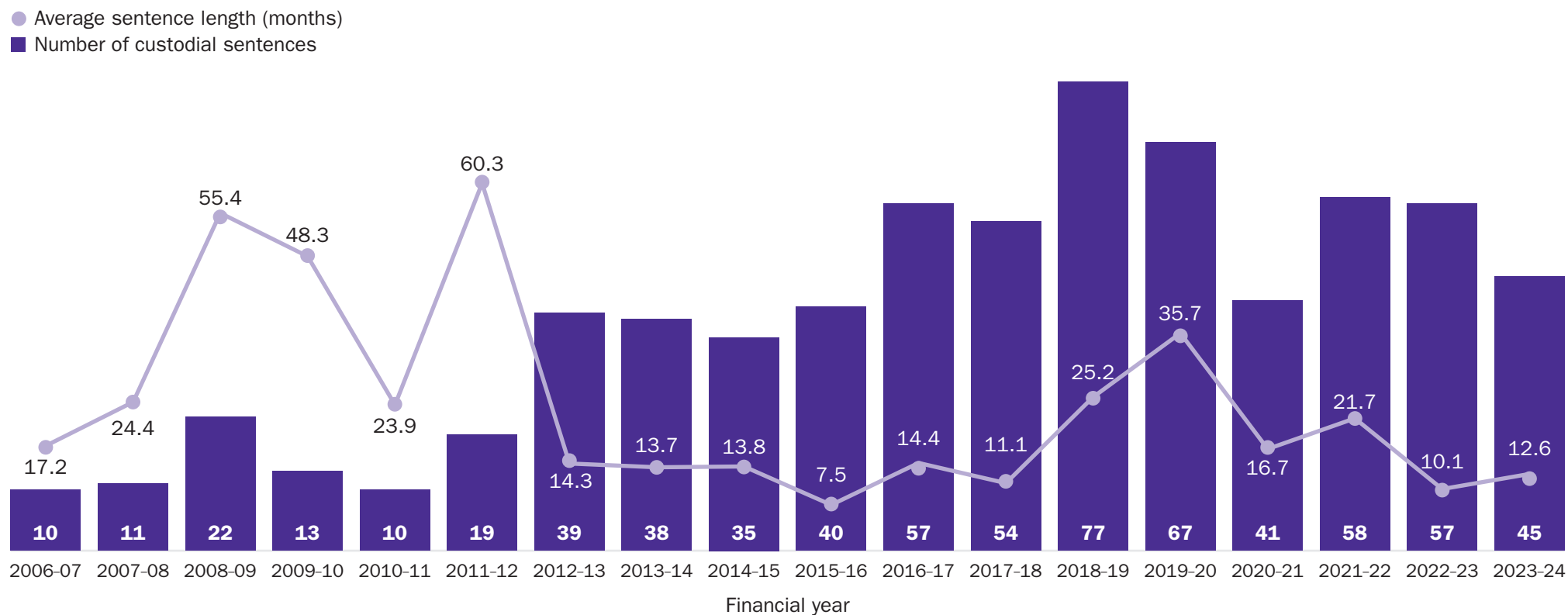
Table 3: Average custodial sentence lengths in the higher courts, 2006–07 to 2023–24

Offence category	Percentage of prison sentences, 1 July 2006 to 30 June 2024	Average custodial sentence length, 2006–07	Average custodial sentence length, 2023–24	Percentage change in average custodial sentence length, 2006–07 to 2023–24	Most common principal offence
Person	56%	4 years and 7 months	4 years and 11 months	+6%	Armed robbery
Property	19%	2 years and 3 months	2 years and 11 months	+32%	Aggravated burglary ^a
Drug	18%	3 years and 9 months	5 years	+33%	Trafficking in a non-commercial quantity of a drug of dependence ^b
Public order	3%	2 years and 1 month	2 years and 10 months	+38%	Prohibited person possessing, carrying or using a firearm ^c
Justice procedure	3%	1 year and 6 months	1 year and 1 month	–27%	Attempt to pervert the course of justice ^d
Other	1%	2 years and 8 months	2 years and 6 months	–4%	Aggravated offence of recklessly exposing an emergency worker to risk by driving ^e

Source: Court Services Victoria, unpublished data

- a.** Aggravated burglary carries a maximum penalty of 25 years' imprisonment: *Crimes Act 1958* (Vic) s 77.
- b.** Trafficking in a non-commercial quantity of a drug of dependence carries a maximum penalty of 15 years' imprisonment: *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71AC(1).
- c.** The offence of prohibited person possessing, carrying or using a firearm carries a maximum penalty of 10 years' imprisonment: *Firearms Act 1996* (Vic) s 5(1).
- d.** Attempt to pervert the course of justice is a common law offence and carries a maximum penalty of 25 years' imprisonment: *Crimes Act 1958* (Vic) s 320.
- e.** The aggravated offence of recklessly exposing an emergency worker to risk by driving carries a maximum penalty of 10 years' imprisonment and is a category 2 offence (meaning that a custodial sentence must be imposed unless exceptional circumstances exist): *Crimes Act 1958* (Vic) s 317AF.

Figure 25: Number of cases receiving custodial sentences and average custodial sentence lengths for justice procedure offences in the higher courts, 2006–07 to 2023–24



Source: Court Services Victoria, unpublished data

Which specific offences most commonly received custodial sentences?

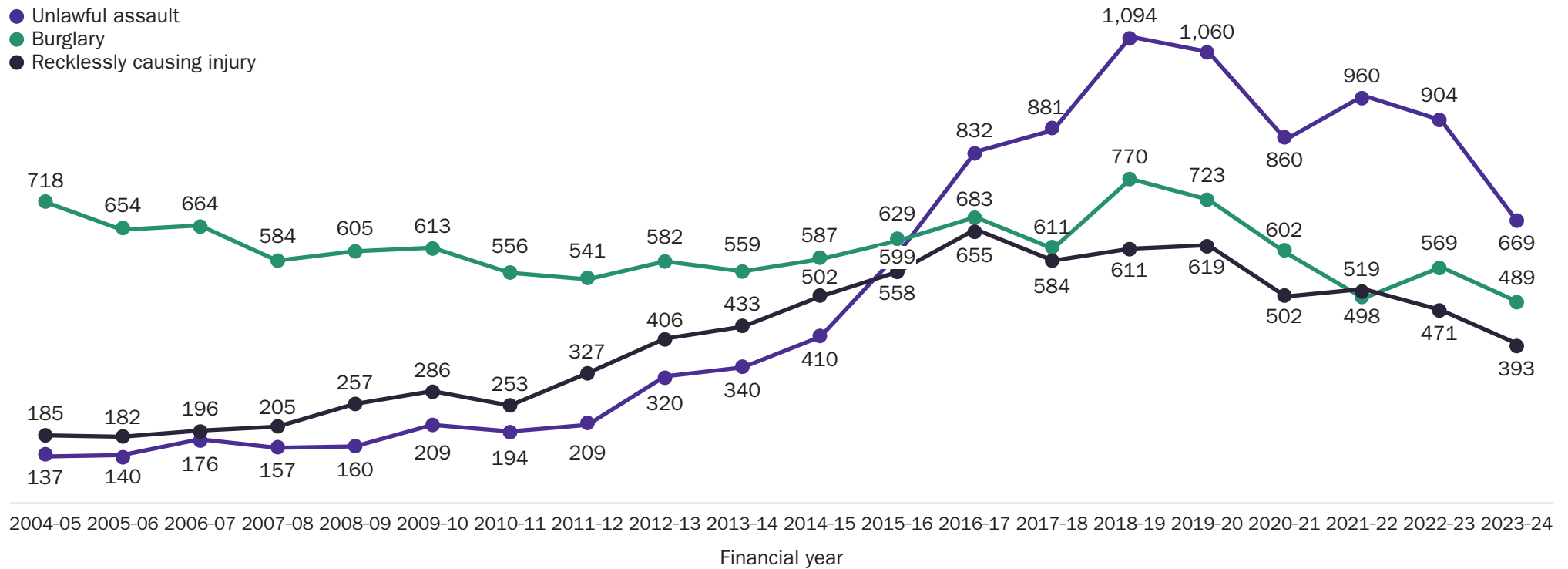
- 3.37 During the 20-year period, 147,134 cases resulted in a custodial sentence in Victoria: 122,555 in the Magistrates' Court and 24,579 in the higher courts. The three most common *specific* principal offences in those cases were:
- *burglary* (12,237 custodial sentences), which has a 10-year maximum penalty and accounted for 8% of all custodial sentences during the 20-year period¹⁰⁹
 - *unlawful assault* (10,311 custodial sentences), which has a 3-month maximum penalty and accounted for 7% of custodial sentences during the 20-year period¹¹⁰ and
 - *recklessly causing injury* (8,144 custodial sentences), which has a 5-year maximum penalty and accounted for 6% of custodial sentences during the 20-year period.¹¹¹
- 3.38 Figure 26 (page 54) presents the number of cases where one of those three offences was the principal offence and the case received a custodial sentence. There was a slight decrease in the *number* of custodial sentences imposed for a principal offence of burglary each year, but this also co-occurred with a considerable increase in the proportion of these cases resulting in a custodial sentence (from 33% to 51%). This means that there are fewer cases where burglary is the principal proven offence, but more of those cases are receiving a custodial sentence than previously.
- 3.39 The number of custodial sentences for cases where unlawful assault was the principal offence increased almost 700% between 2004–05 and 2018–19 (from 137 cases to 1,094), but the proportion of those cases that resulted in a custodial sentence was actually quite stable, ranging from 7% to 15% each year. This suggests that sentencing for unlawful assault has not changed so much as the sheer volume of cases with a principal offence of unlawful assault (which increased from 1,989 cases in 2004–05 to 6,107 cases in 2023–24).
- 3.40 Finally, there was an increase in both the number of custodial sentences for recklessly causing injury (from 185 in 2004–05 to a peak of 655 in 2016–17) and the proportion of all cases with a principal offence of recklessly causing injury that received a custodial sentence (from 11% in 2004–05 to 27% in 2023–24).

109. *Crimes Act 1958* (Vic) s 76.

110. *Summary Offences Act 1966* (Vic) s 23.

111. *Crimes Act 1958* (Vic) s 18.

Figure 26: Number of cases receiving a custodial sentence for a principal offence of burglary, unlawful assault and recklessly causing injury, all courts, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

Ages of offenders sentenced to imprisonment

3.41 During the 20-year period, the offender's age at sentencing could be determined for 146,792 cases resulting in a custodial sentence in Victoria. Offenders' ages in those cases are presented in Figure 27 (page 56), categorised into four age groups: aged 18 to 24, aged 25 to 39, aged 40 to 59 and aged 60 and over. Each age group saw markedly different trends over the 20-year period:

- offenders aged **25 to 39** received the largest proportion of all custodial sentences each year (between 55% and 61%), and the number of cases receiving a custodial sentence increased by almost 1,000 (from 3,135 in 2004–05 to 4,083 in 2023–24)
- for younger offenders (aged **18 to 24**), there was a 31% reduction in the number of cases receiving custodial sentences from 2004–05 to 2023–24. There was also a decline in the *proportion* of all custodial sentences imposed on offenders aged 18 to 24 (falling from 21% of all custodial sentences to 10%)
- the number of cases where custodial sentences were imposed on offenders aged **40 to 59** more than doubled, as did the number of cases involving offenders in this age group.¹¹² The proportion of all custodial sentences imposed on offenders in this age group increased from 18% to 32%
- the number of cases where custodial sentences were imposed on older offenders (aged **60 and over**) almost doubled (so too did the number of cases involving older offenders generally), albeit the proportion of all custodial sentences imposed on offenders in this age group remained stable, at around 2%.¹¹³

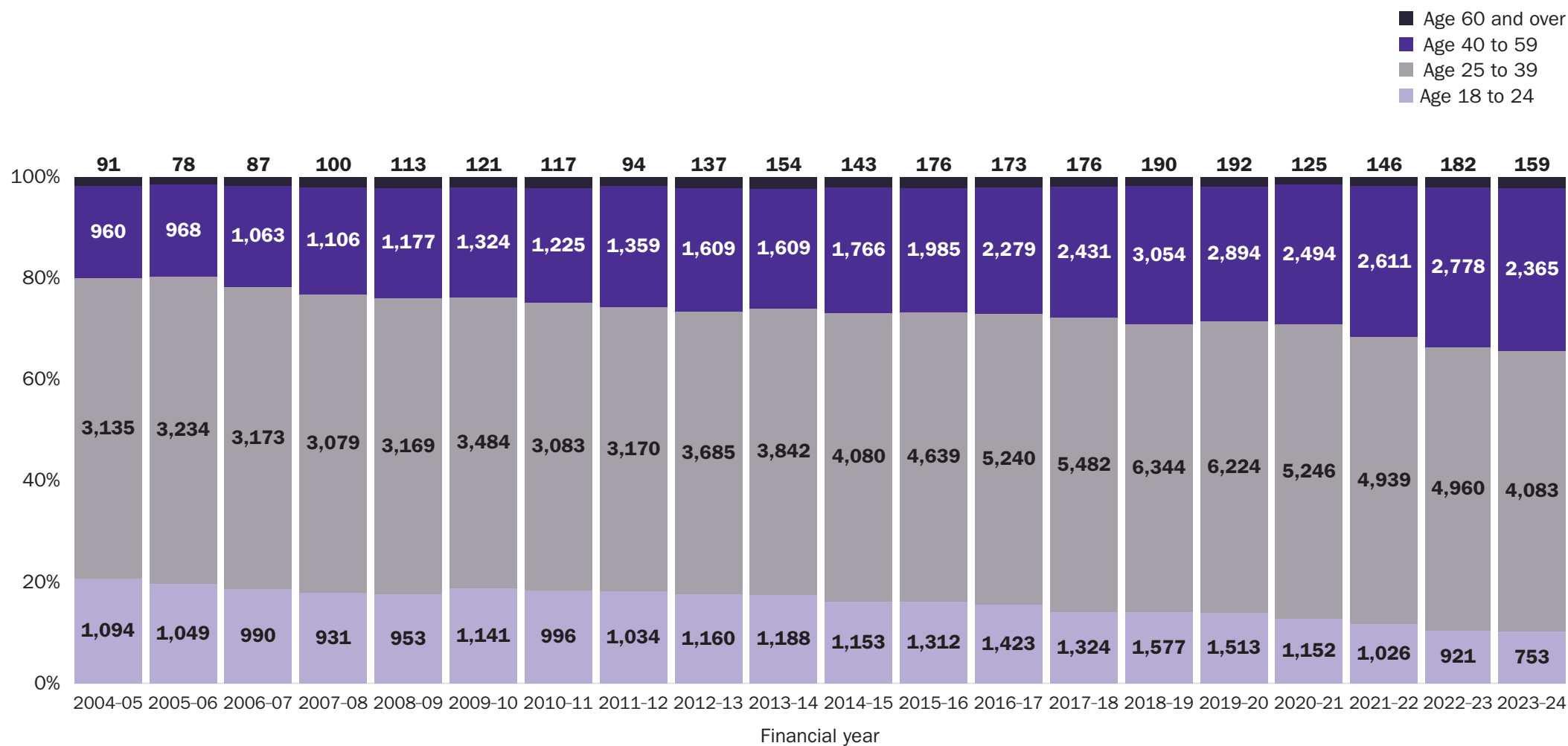
Older offenders sentenced to imprisonment

3.42 Older offenders (aged 60 and over) sentenced to imprisonment are a unique cohort.¹¹⁴ In our reference period, just 4% of all older offenders sentenced between 2004–05 and 2023–24 received a custodial sentence (2,754 cases).

112. The number of cases where the offender was aged 40 to 59 increased from 960 cases in 2004–05 to 2,365 cases in 2023–24.

113. The increasing number of older offenders sentenced to imprisonment occurs in the context of an overall increase in the number of cases involving older offenders (from 1,832 cases in 2004–05 to 5,370 cases in 2023–24). See also Sentencing Advisory Council, *Sentencing Older Offenders in Victoria* (2021) 27–29.

114. For more detailed information on offenders aged 60 and over sentenced in Victorian courts, see *ibid*.

Figure 27: Number of cases receiving a custodial sentence, by age group, all courts, 2004–05 to 2023–24**Source:** Court Services Victoria, unpublished data

However, where older offenders were sentenced to imprisonment, their offence profile was quite distinct from the offence profiles of other age groups:

- the most common principal offence for older offenders receiving a custodial sentence was indecent act with or in the presence of a child aged under 16¹¹⁵ (150 cases), followed by sexual penetration of a child aged 12 to under 16¹¹⁶ (114 cases)
- of the 2,754 cases where a custodial sentence was imposed on an older offender, 27% involved a principal offence that was repealed, suggesting a high proportion of historical offending. Almost all (98%) of those repealed principal offences were sexual assault offences, and there was often a significant delay between offending and sentence. Within our reference period, the longest delay between offending and sentence was over 50 years¹¹⁷ and
- as shown in Figure 28 (page 58), the average custodial sentence length was significantly longer for older offenders than for younger offenders, suggesting that where older offenders are sentenced to imprisonment, it is generally for more serious offending.¹¹⁸

3.43 Figure 28 shows the average custodial sentence length (in months) for each age group between 2006–07 and 2023–24.¹¹⁹ Average custodial sentence lengths for offenders aged 18 to 39 were relatively stable over the period. There was a significant fall in average custodial sentence lengths for offenders aged 40 to 59, from 22.1 months in 2006–07 to 14.3 months in 2023–24. This is likely, at least in part, due to the significant increases in case numbers for this age group, resulting in an array of more and less serious offences coming before the courts.

3.44 For older offenders (aged 60 and over), average custodial sentence lengths were markedly higher than for offenders in other age groups, ranging from a low of 25.3 months (in 2022–23) to a high of 52.9 months (in 2009–10). Given that the number of custodial sentences imposed remained low, this indicates that custodial sentences are generally reserved for more serious offending by older offenders.

115. *Crimes Act 1958* (Vic) s 47(1) (repealed).

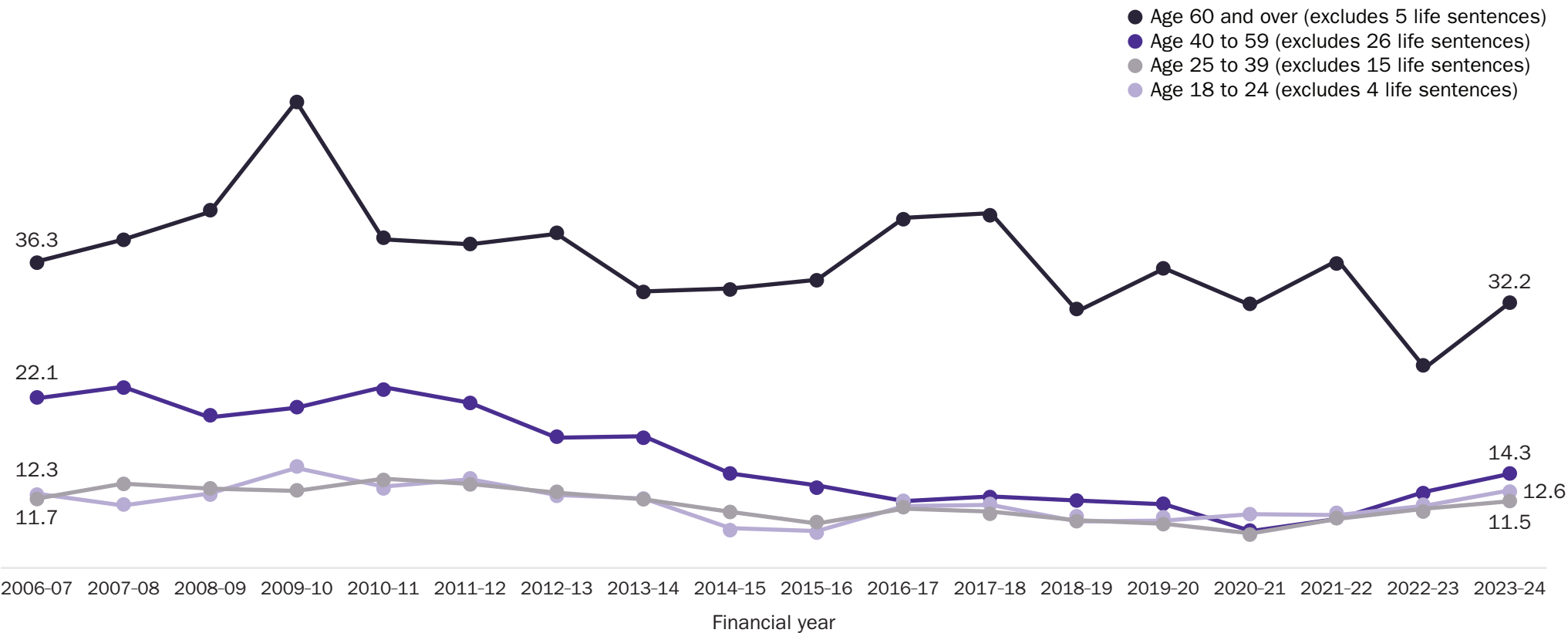
116. *Crimes Act 1958* (Vic) s 45(2) (repealed).

117. In *DPP v Smith* [2020] VCC 656, a 79-year-old male offender was sentenced in the County Court for historical sex offending that occurred between 1959 and 1979. Hogan J commented on the reason for the delay between offending and sentence, stating that '[t]he law recognises that because of the confusing and deleterious impact of sexual offending on children, it is not uncommon for there to be substantial delay and, indeed, some victims never make a complaint at all': *DPP v Smith* [2020] VCC 656 [41].

118. For a discussion of advanced age as a sentencing factor, see Sentencing Advisory Council (2021), above n 113, 5–22.

119. Court data on sentence lengths for 2004–05 and 2005–06 is incomplete and is therefore excluded from this analysis.

Figure 28: Average custodial sentence lengths (in months), by age group, all courts, 2006–07 to 2023–24



Source: Court Services Victoria, unpublished data

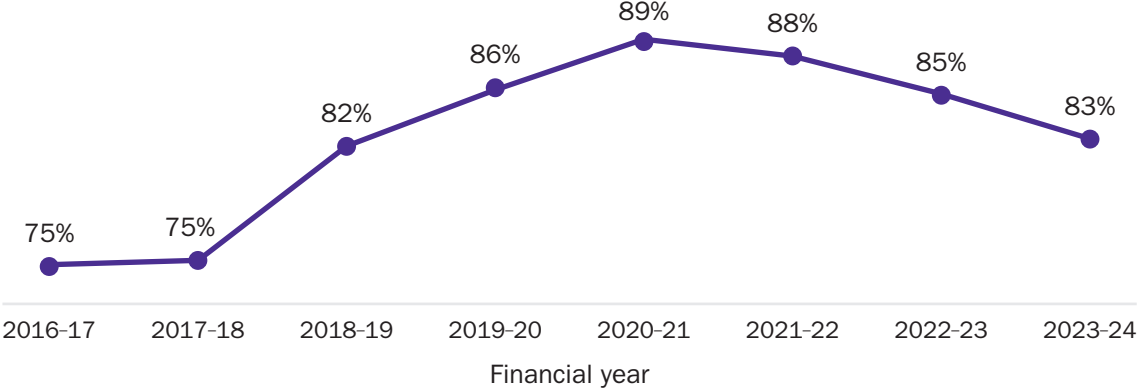
Time served on remand and time served prison sentences

3.45 People may be sentenced after being held on remand prior to trial, prior to sentencing or both. Some receive what is known as a *time served prison sentence*, a sentence equal to the amount of time spent on remand, followed by immediate release, either with or without a CCO.¹²⁰ In 2020, we found that time served prison sentences had increased from 5% to 20% of all prison sentences in the 7 years to 30 June 2018, and we suggested that this increase was due to changes in bail laws.¹²¹ This section presents court data on time served on remand that was reckoned by the court when imposing a custodial sentence between 1 July 2016 and 30 June 2024, including the number of cases where courts imposed a time served prison sentence.¹²²

What proportion of people spend time on remand before being sentenced to imprisonment?

3.46 Figure 29 shows the proportion of people who were sentenced to imprisonment after spending at least one day on remand (as determined by a court declaring at least one day of the prison sentence as pre-sentence detention).¹²³ Note that Figure 29 does *not* include people who had spent time on remand but received a non-custodial sentence or were ultimately found not guilty.

Figure 29: Proportion of people who were sentenced to imprisonment after spending at least one day on remand, all courts, 2016–17 to 2023–24



Source: Court Services Victoria, unpublished data

120. Currently, for most offences, a court can impose a prison sentence of up to 12 months combined with a CCO: *Sentencing Act 1991* (Vic) s 44.

121. Sentencing Advisory Council, *Time Served Prison Sentences in Victoria* (2020) 1–3. Similar findings have been observed in New South Wales: Stephanie Ramsey and Jackie Fitzgerald, *Offenders Sentenced to Time Already Served in Custody*, Issues Paper no. 140 (2019).

122. Consistent with past reports, a prison sentence was considered to be a time served prison sentence if its length was 5 days more or less than the length of time served on remand.

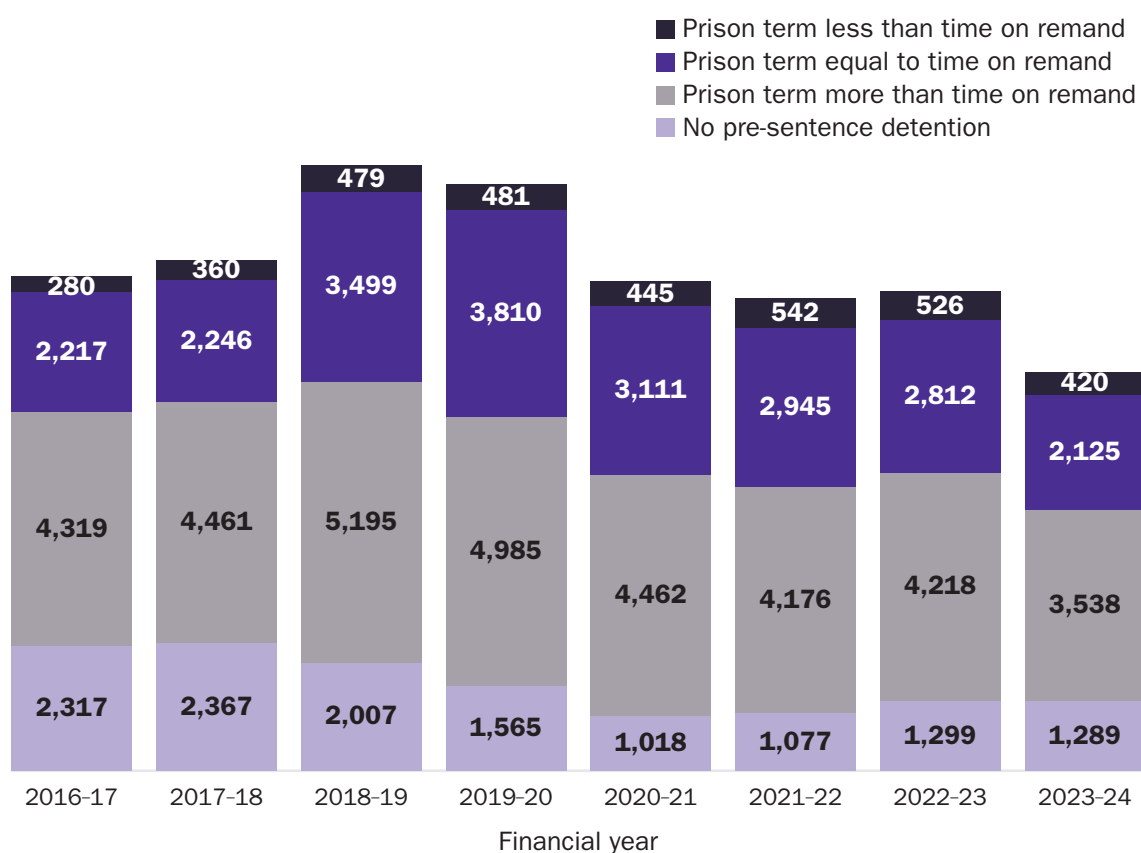
123. As required by section 18(1) of the *Sentencing Act 1991* (Vic).

3.47 From 2016–17 to 2020–21, the proportion of people who were sentenced to imprisonment after spending any time on remand increased from 75% to 89%, dropping slightly since then to 83%. These increases and decreases track closely with similar increases and decreases in the unsentenced prisoner population.

Number of time served prison sentences

3.48 Figure 30 presents the number of custodial sentences imposed from 2016–17 to 2023–24 by whether imprisonment lengths were longer than, roughly equal to, or shorter than the time an offender spent on remand (as measured by the length of pre-sentence detention reckoned by the courts). Also included is the number of custodial sentences in cases where there was no pre-sentence detention reckoned as time served.

Figure 30: All custodial sentences imposed, by whether imprisonment lengths were more than, less than or equal to the reckoned time spent on remand, all courts, 2016–17 to 2023–24



Source: Court Services Victoria, unpublished data

3.49 For cases where an offender received a custodial sentence:

- *prison sentences with no time served on remand* decreased by 48%, from 2,317 cases in 2016–17 to 1,289 cases in 2023–24
- *prison sentences less than the time served on remand* comprised the smallest proportion of all custodial sentences each year (between 3% and 6%). Despite the low proportions, this suggests that in the eight-year period, just over 3,500 offenders spent *more* time on remand than the ultimate sentence they received¹²⁴
- *prison sentences longer than the time served on remand* comprised the largest proportion of custodial sentences, ranging between 46% and 49% of all custodial sentences each year and
- *prison sentences equal to the time served on remand* fluctuated between 2,125 cases and 3,810 cases (peaking in 2019–20), or between 24% and 35% of all prison sentences. The number of time served prison sentences grew markedly in the 4 years to 2019–20, before showing a downward trend to 30 June 2024 (mirroring trends in the unsentenced prisoner population).

Lengths of time served prison sentences

3.50 The vast majority of time served prison sentences depicted in Figure 30 (page 60) were imposed in the Magistrates' Court (between 95% and 98% each year) and were very short in length.¹²⁵ Over the eight-year period, the median length of time served prison sentences in the Magistrates' Court ranged between 4 and 6 weeks (1.1 to 1.6 months). The median length of the few time served prison sentences imposed in the higher courts was longer, at between 2 and 5 months.

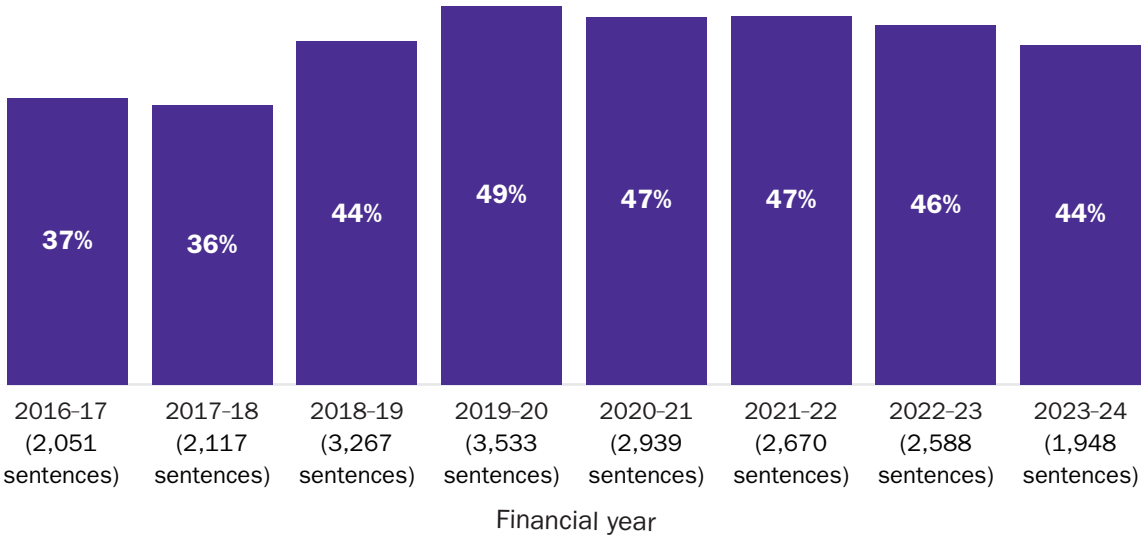
3.51 Given that most time served prison sentences are very short in length, and short prison sentences make up the majority of custodial sentences imposed in Victorian courts (see Figure 18, page 39), Figure 31 (page 62) shows the proportion of *short* prison sentences (less than 6 months) that were *time served* prison sentences. This is important to examine because several jurisdictions have considered abolishing,

124. Where an offender is sentenced to a custodial sentence shorter than the time spent on remand, this can raise issues regarding any future engagement with the criminal justice system. *Renzella* dead time allows the court to take into account some or all of an offender's time spent on remand that was not reckoned as time served in a previous case if they fail to be sentenced to imprisonment in a new case: *R v Renzella* (1997) 2 VR 88. However, if that time has already been reckoned (even though the ultimate sentence imposed was less than the time on remand reckoned), the time served becomes unavailable to the offender. It is not clear on what basis a court could reckon a *longer* time served on remand than the sentence imposed.

125. This is consistent with our previous finding that 96% of time served prison sentences between 2012–13 and 2017–18 were less than 6 months, and the average length of a time served prison sentence was 58 days (in the Magistrates' Court) and 188 days (in the higher courts): Sentencing Advisory Council (2020), above n 121, 10.

or have actually abolished, short prison sentences, consistently defining them as prison sentences of 6 months or less.¹²⁶ In that context, it is useful to consider the composition of short sentences in Victoria, that is, how many do not require the offender to serve additional time in prison after sentence.

Figure 31: Proportion of short prison sentences (less than 6 months) that were time served prison sentences, all courts, 2016–17 to 2023–24



Source: Court Services Victoria, unpublished data

3.52 Between 1 July 2016 and 30 June 2024, around 40% of short prison sentences (less than 6 months) were time served prison sentences, and this proportion grew over time (from 37% in 2016–17 to 44% in 2023–24), reaching a peak in 2019–20. Further, just over 31,000 prison sentences of less than 3 months were imposed during this eight-year period, and between 47% (in 2016–17) and 59% (in 2021–22) of those were time served prison sentences.

40% of short prison sentences are time served prison sentences

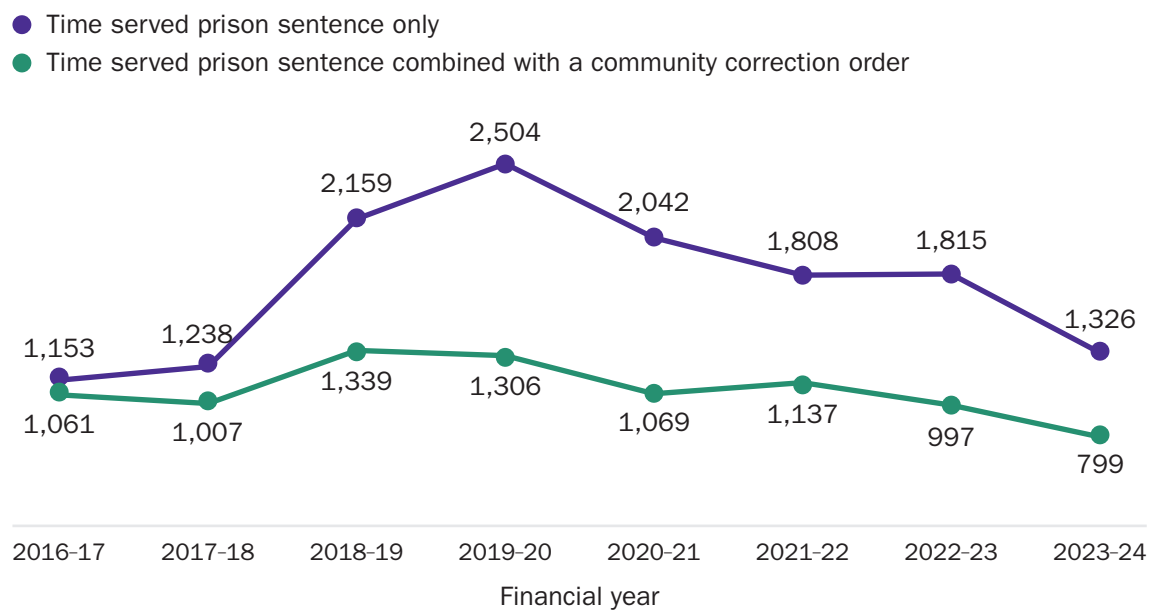
3.53 Essentially, while there are fewer short prison sentences since a peak in 2020–21, a significant proportion of short prison sentences continue to be time served prison sentences.

126. For example, in 1995 Western Australia abolished prison sentences of 3 months or less, increasing the threshold for abolition to 6 months in 2003: *Sentencing Act 1995* (WA) s 86. See Australian Law Reform Commission, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Final Report (2017) 270–272. Internationally, Scotland has also created a legislative presumption against short prison sentences: see *Criminal Procedure (Scotland) Act 1995* (Scot) s 204. For a discussion of short prison sentences in Victoria, see State of Victoria, Legal and Social Issues Committee (2022), above n 21, 548–551.

Time served prison sentences combined with community correction orders

3.54 Figure 32 presents the number of time served prison sentences by whether or not the offender was subject to a CCO after release from custody (that is, the number of combined orders). In 2016–17 and 2017–18, there were almost an identical number of time served prison sentences with and without a CCO. Subsequently, though, there was a marked increase in the number of time served prison sentences without a CCO (imprisonment-only sentences). In 2019–20, two-thirds of all time served prison sentences (66%) did not require the offender to serve a CCO on release from custody.

Figure 32: Time served prison sentences with and without a CCO, all courts, 2016–17 to 2023–24



Source: Court Services Victoria, unpublished data

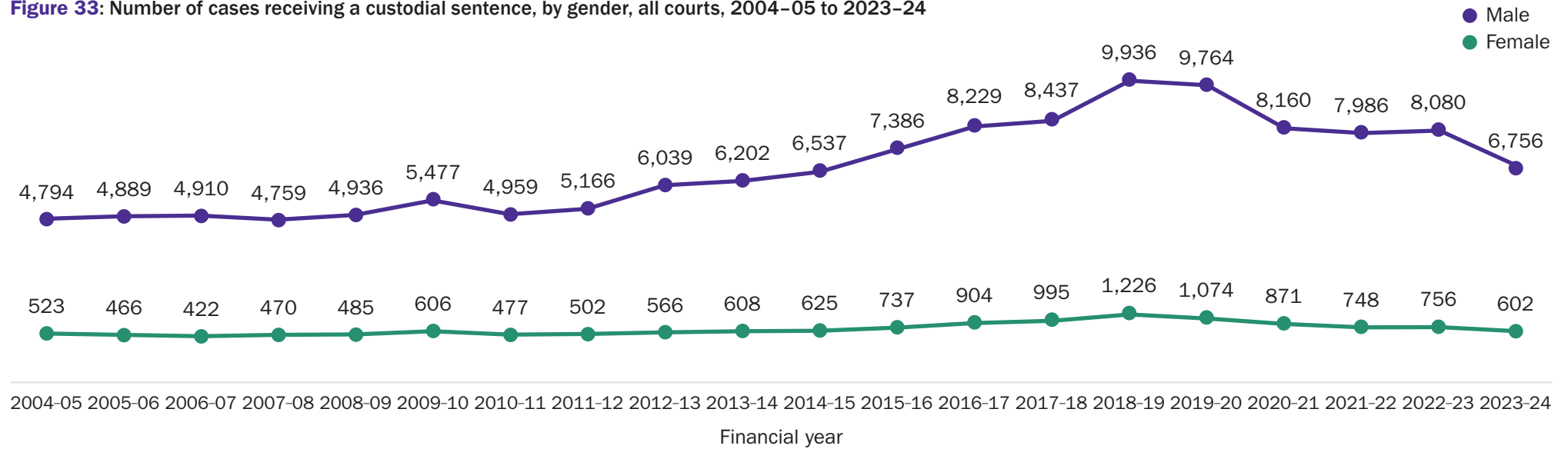
Prison sentences imposed on female offenders

- 3.55 The analysis in this chapter has thus far considered custodial sentences imposed on all offenders during the 20-year period to 30 June 2024. However, the vast majority of cases (79%) and custodial sentences (91%) involved male offenders,¹²⁷ meaning that the data relating to male offenders can drown out important information about female offenders who receive prison sentences.
- 3.56 There exists a significant body of research that characterises the broad differences in the offending behaviour of men and women, in terms of both the nature of their offending and the prevalence of their offending.¹²⁸ Therefore, this section uses sentencing data to examine the number and rate of custodial sentences imposed on female offenders, the average lengths of those custodial sentences, and the most common offences for which women were sentenced to imprisonment.
- 3.57 Figure 33 (page 65) shows the number of custodial sentences imposed each year on male and female offenders. The number more than doubled for both between 2004–05 and 2018–19, with most of the growth occurring between 2014–15 and 2018–19 for female offenders, and between 2010–11 and 2018–19 for male offenders. From 2018–19 to 2023–24, though, the number of custodial sentences imposed on female offenders *halved*, returning to levels not seen since 2013–14 (and only slightly higher than in 2004–05); in contrast, the number of custodial sentences imposed on male offenders also decreased during this period, but the levels remained significantly higher than in 2004–05.
- 3.58 Next, Figure 34 (page 65) shows the proportion of male and female offenders who received a custodial sentence. The imprisonment rate was markedly higher for male offenders than for female offenders, and that gap seems to have widened over time; in 2004–05, male offenders were about twice as likely as female offenders to receive a custodial sentence, but by 2023–24, male offenders were more than three times as likely as female offenders to receive a custodial sentence.

127. The offender's gender could not be determined for 78 cases receiving a custodial sentence.

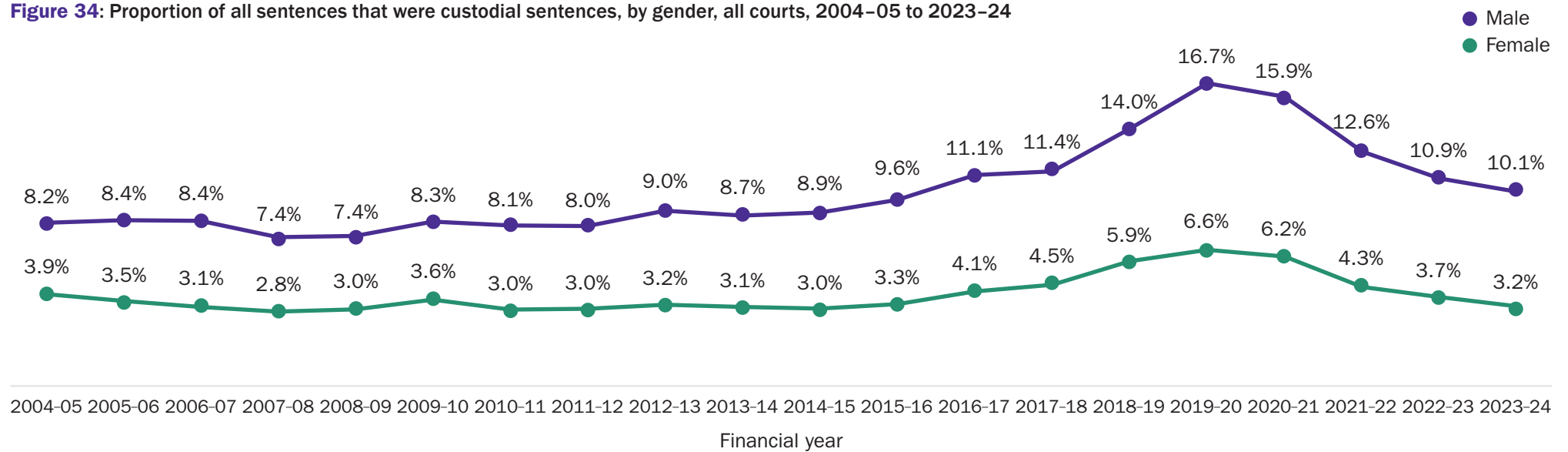
128. See, for example, Crime Statistics Agency, *Characteristics and Offending of Women in Prison in Victoria, 2012–2018* (2019); Sentencing Advisory Council, *Gender Differences in Sentencing Outcomes* (2010); Sarah Bennett et al., 'Explaining Gender Differences in Crime and Violence: The Importance of Social Cognitive Skills' (2005) 10(3) *Aggression and Violent Behavior* 263.

Figure 33: Number of cases receiving a custodial sentence, by gender, all courts, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

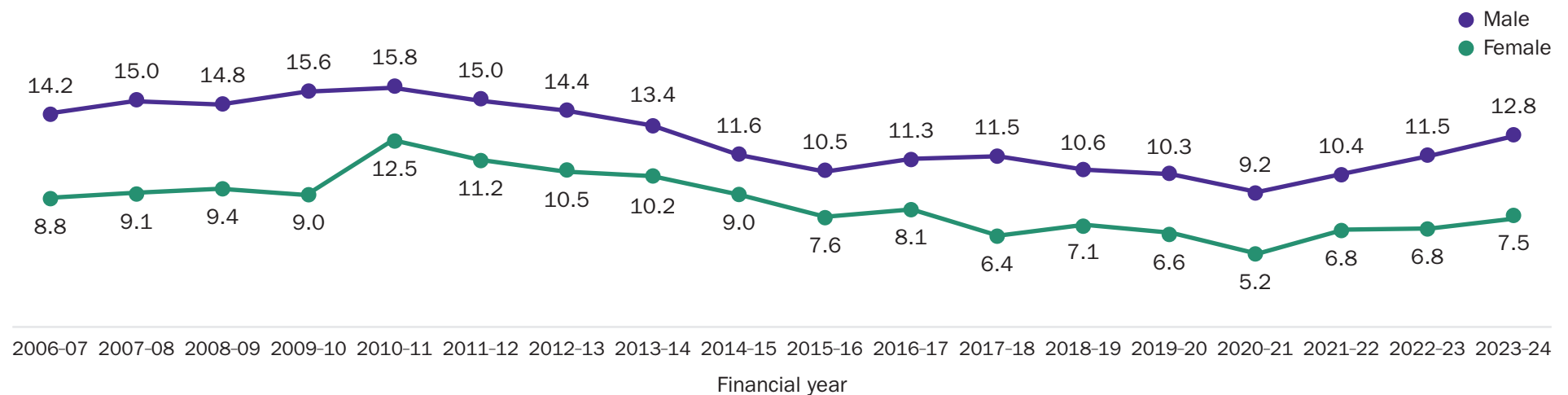
Figure 34: Proportion of all sentences that were custodial sentences, by gender, all courts, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

3.59 There was also a distinction between the average custodial sentence *lengths* for male offenders and the average custodial sentence lengths for female offenders, with the average for female offenders sitting between 2.6 and 6.6 months shorter than the average for male offenders (Figure 35), even though average custodial sentence lengths followed similar trends for both. In effect, for both male and female offenders, changes in the imprisonment rate correlated strongly with inverse changes in the average custodial sentence length: as the imprisonment rate goes up, imprisonment lengths go down, and vice versa.

Figure 35: Average custodial sentence lengths (in months), by gender, all courts, 2006–07 to 2023–24¹²⁹



Source: Court Services Victoria, unpublished data

¹²⁹ Court data on sentence lengths is incomplete for the years 2004–05 to 2005–06 and is excluded. Imprisonment lengths that were indeterminate are also excluded from Figure 35.

Which offences committed by female offenders most commonly result in a prison sentence?

3.60 Figure 36 (page 68) presents the three offences for which female offenders received the largest number of custodial sentences during the 20-year period. These are not necessarily the most common *offences* for which female offenders were sentenced overall, but rather the offences that received the highest number of custodial sentences. Each comprising 7% or more of all custodial sentences imposed on female offenders, the three offences were:

- *theft from a shop* (1,506 custodial sentences), which has a maximum penalty of 10 years' imprisonment¹³⁰
- *trafficking in a non-commercial quantity of a drug of dependence* (1,045 custodial sentences), which has a maximum penalty of 15 years' imprisonment¹³¹ and
- *burglary* (1,017 custodial sentences), which has a maximum penalty of 10 years' imprisonment.¹³²

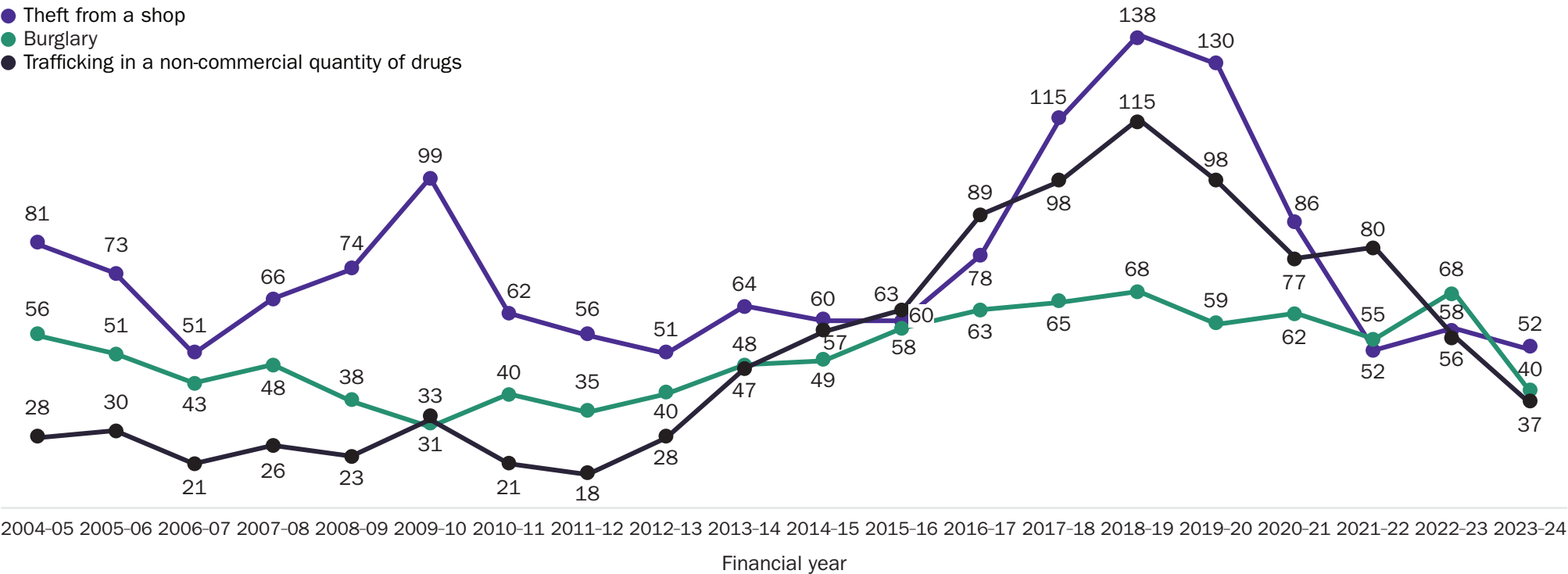
3.61 The most common offences resulting in custodial sentences *overall* involved burglary and two crimes of interpersonal violence (unlawful assault and recklessly causing injury). It is quite a different story for female offenders, with the most common offences resulting in custodial sentences being burglary, a low-level theft offence and a low-level drug offence.

130. *Crimes Act 1958* (Vic) s 74.

131. *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s 71AC(1).

132. *Crimes Act 1958* (Vic) s 76.

Figure 36: Number of cases where female offenders received custodial sentences for theft from a shop, trafficking in a non-commercial quantity of a drug of dependence and burglary, all courts, 2004–05 to 2023–24



Source: Court Services Victoria, unpublished data

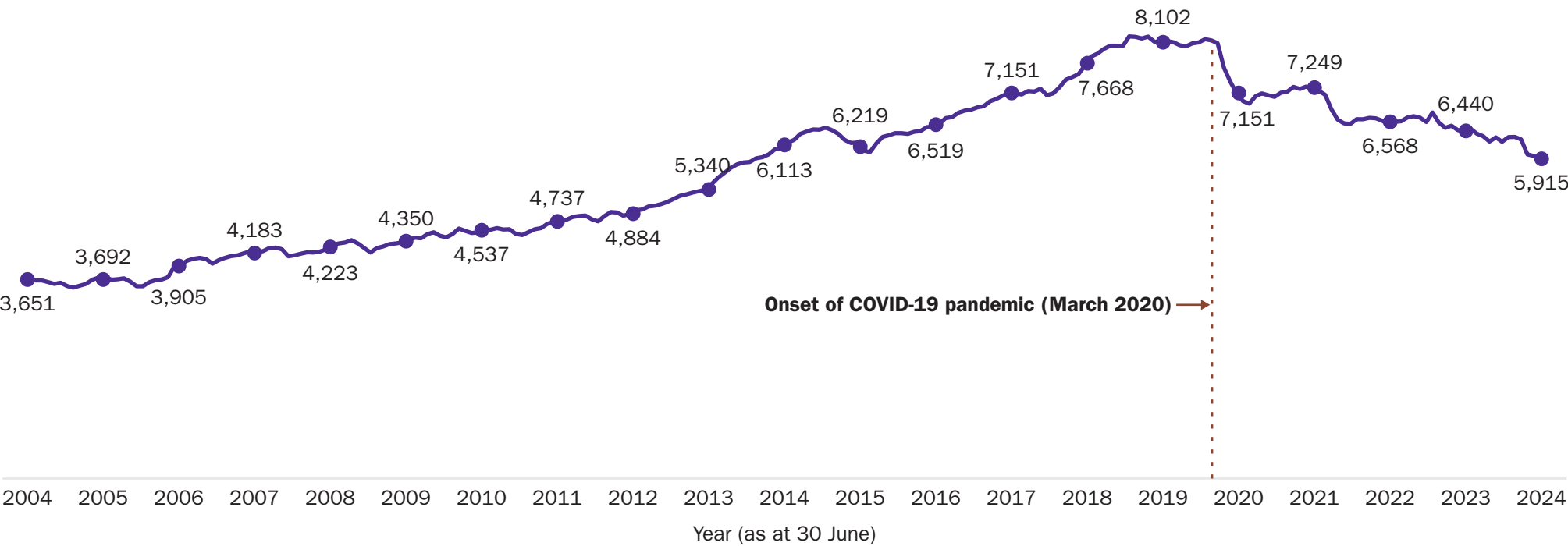
4. Number and demographics of Victorian prisoners

- 4.1 Victoria's prison population changed significantly in the 20 years to 30 June 2024, both in total numbers and in its composition. The prison population grew substantially in the 15 years to 30 June 2019 but dropped significantly in the 12 months to 30 June 2020 with the onset of COVID-19, and in the years that followed. In fact, on 30 June 2024, Victoria's prison population was the lowest it had been in a decade. This chapter examines whether any particular groups drove the decrease in Victoria's prison population, and concurrently whether the significant growth in the preceding 15 years can be attributed to those same, or different, groups.
- 4.2 The data on the number of people in custody at the conclusion of each month and the annual utilisation rates were sourced from Corrections Victoria, demographic data on Victorian prisoners was sourced from the Australian Bureau of Statistics (ABS), and data on the average daily cost of imprisonment was sourced from the Productivity Commission.

Victoria's prison population

- 4.3 Figure 37 (page 70) presents the number of people in custody in Victoria as at the end of each month during the 20-year period (the number of people in custody on 30 June each year is provided for ease of reference). On 30 June 2024, 5,915 people were in prison in Victoria, up from 3,651 people on 31 July 2004, constituting a 62% increase. The majority of this growth (91%) occurred between 2011–12 and 2018–19, when Victoria's prison population grew significantly. The highest number of people in custody in Victoria (8,216 prisoners) was recorded on 31 January 2019.
- 4.4 In effect, Victoria's prison population grew rapidly and substantially in the first 15 years of our reference period, before it was seemingly halted by the onset of the COVID-19 pandemic (declining by 12% alone in the 12 months to 30 June 2020). This is likely because COVID-19 resulted in social isolation restrictions that reduced offending rates and interfered significantly with court processes (causing court backlogs), together leading to a reduction in the prison population. The prison population then continued to decline to 5,915 on 30 June 2024, the lowest level in over a decade.

Figure 37: Victoria’s prison population at the end of each month, 31 July 2004 to 30 June 2024

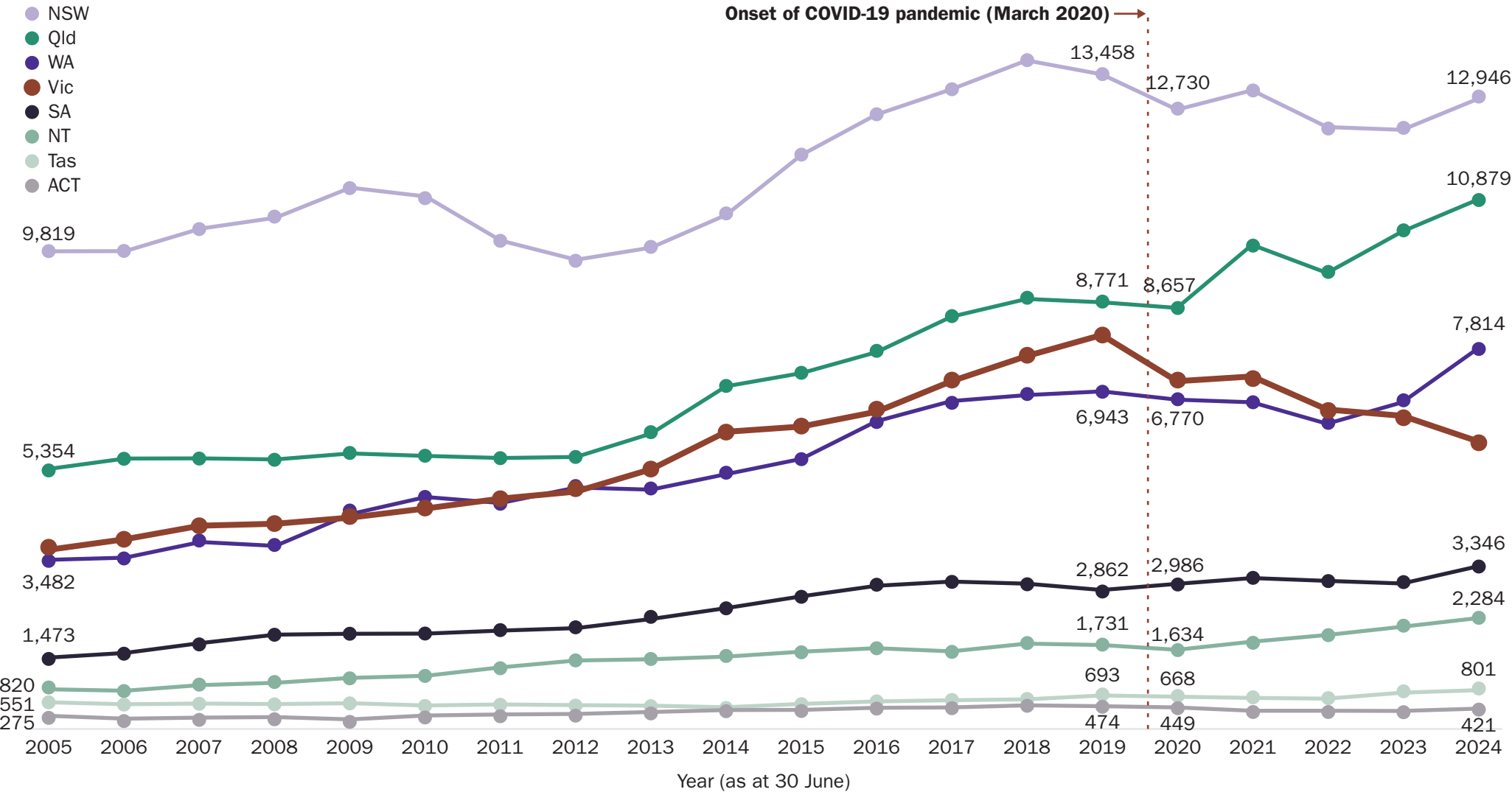


Source: Corrections Victoria, *Monthly Time Series Prison and Community Corrections Data* (corrections.vic.gov.au, 2024) Table 1

Comparing Victoria's prison population to prison populations in other Australian jurisdictions

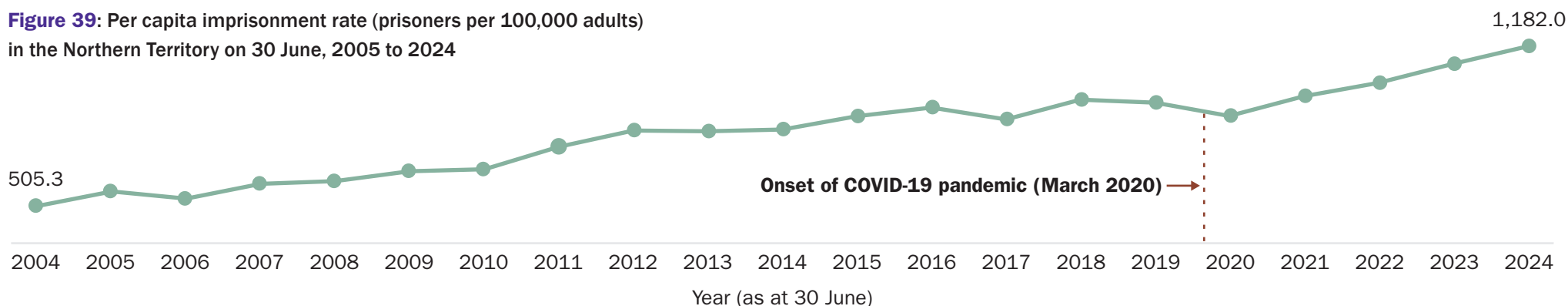
- 4.5 The rapid growth in the prison population to 30 June 2019 is not unique to Victoria – almost all other Australian states and territories saw drastic increases in their prison populations during this period (Figure 38, page 72). However, while the prison population continued to decline steadily in Victoria after the COVID-19 pandemic had abated, this was not the case elsewhere in Australia. All other Australian jurisdictions (except the Australian Capital Territory) either returned to or exceeded pre-pandemic levels in their respective prison populations. Post COVID-19, Victoria's prison population exhibited a trend that was not seen elsewhere in Australia.
- 4.6 For example, New South Wales and Queensland, which have the two largest prison populations in Australia, both experienced a decrease in their prison populations with the onset of the COVID-19 pandemic (albeit smaller reductions than in Victoria), declining by 5% and 1% respectively. However, over the subsequent 4 years, both states' prison populations resumed an upward trajectory; from 30 June 2020 to 30 June 2024, the prison populations in New South Wales and Queensland increased by 2% and 26% respectively.
- 4.7 Given the population of each state and territory varies, Figure 40 (page 73) shows the imprisonment rate (prisoners per 100,000 population) for the respective states and territories on 30 June each year. The Northern Territory is presented separately (Figure 39, page 73) due to scale.
- 4.8 Figures 39 and 40 show that, despite the differences in population size across Australia, there was a sustained trend of fewer prisoners in custody in Victoria post COVID-19, making Victoria an outlier (the Australian Capital Territory saw a similar, sustained decline in imprisonment rates from the onset of COVID-19, though imprisonment rates increased in the 12 months to 30 June 2024).
- 4.9 As of 30 June 2024, Victoria had the lowest imprisonment rate of any Australian state or territory for the first time since 30 June 2016, and before that since 30 June 2005.

Figure 38: Prison populations in Australian states and territories on 30 June, 2005 to 2024



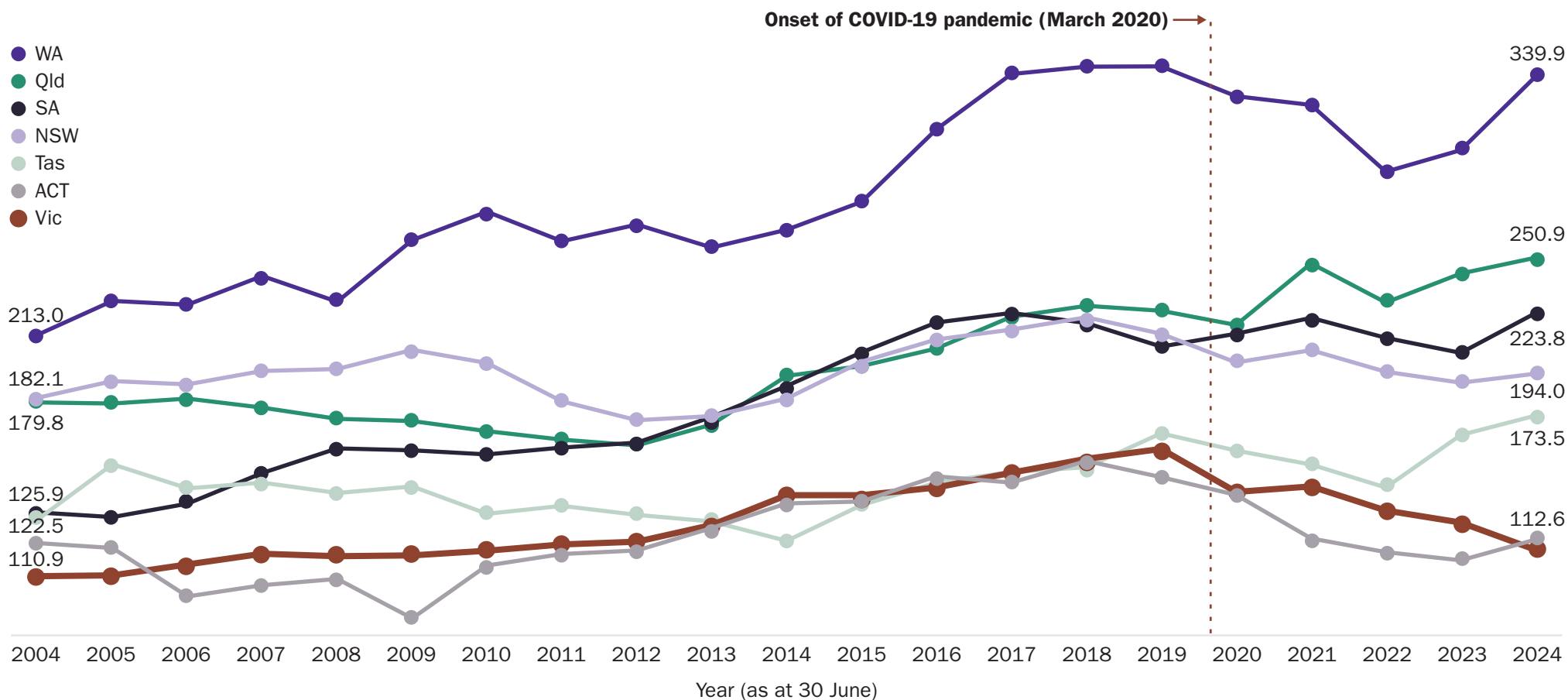
Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 15

Figure 39: Per capita imprisonment rate (prisoners per 100,000 adults) in the Northern Territory on 30 June, 2005 to 2024



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 19

Figure 40: Per capita imprisonment rate (prisoners per 100,000 adults) in Australian jurisdictions on 30 June, 2005 to 2024



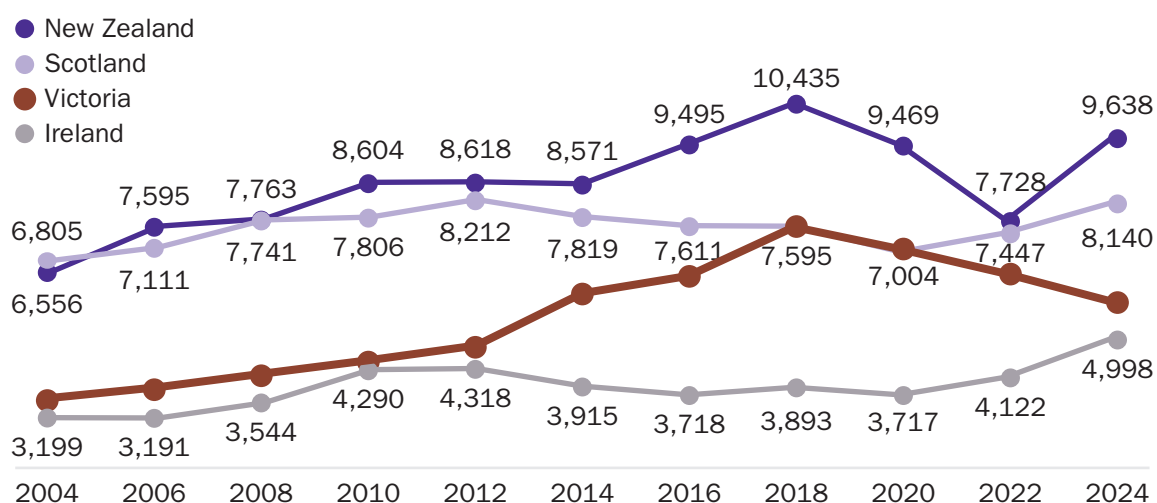
Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 19

Comparing Victoria's prison population to prison populations in international jurisdictions

4.10 Incorporating data from the World Prison Brief,¹³³ Figures 41 (below) and 42 (page 75) compare Victoria's prison population with prison populations in comparable jurisdictions (in terms of legal systems and general population size) during the period between 2004 and 2024.¹³⁴

4.11 Trends in Victoria, Ireland, New Zealand and Scotland are presented in Figure 41, separately from trends in England and Wales and Australia in Figure 42, due to their respective sizes. During the 20-year period, prison populations increased by 84% (Australia), 56% (Ireland), 47% (New Zealand), 20% (Scotland) and 18% (England and Wales).

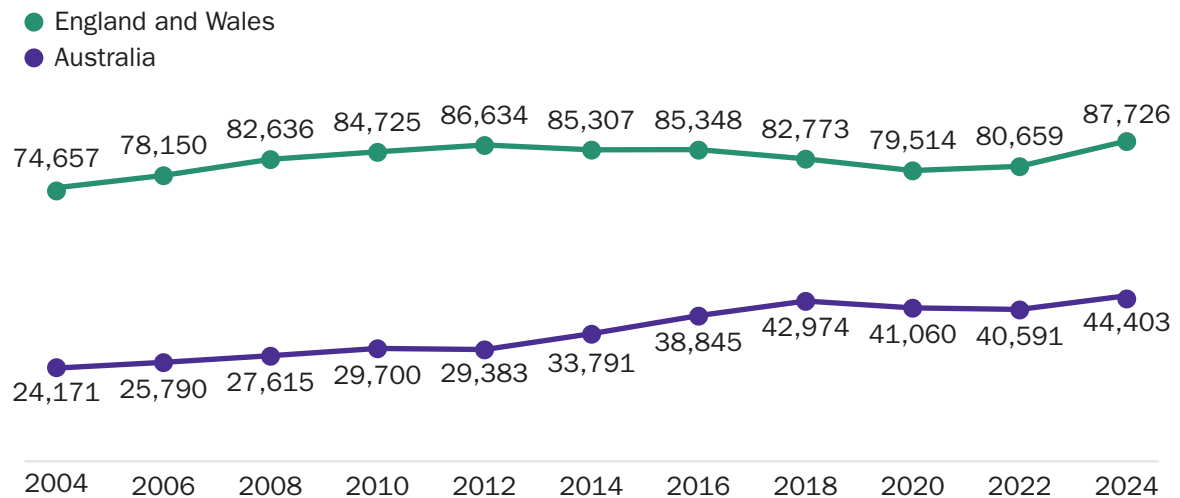
Figure 41: Prison population in Victoria, Ireland, New Zealand and Scotland, 2004 to 2024



Sources: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 15 (Victoria); Institute for Crime & Justice Policy Research, 'World Prison Brief Data' (prisonstudies.org, 2024) (New Zealand, Scotland, Ireland)

133. World Prison Brief is a database of information on prison systems for 233 international jurisdictions and is published by the Institute for Crime & Justice Policy Research at the University of London: Institute for Crime & Justice Policy Research, 'About World Prison Brief', World Prison Brief (prisonstudies.org, 2025). World Prison Brief data is used here for Ireland, New Zealand, Scotland and England and Wales.

134. World Prison Brief collates data from the relevant source (usually the Department of Corrections or relevant body) in each jurisdiction, and as such, reference periods do not align exactly and should be interpreted with some caution. For 2024, data was sourced directly from the relevant department in each jurisdiction for the prison population at the end of June 2024: Institute for Crime & Justice Policy Research, 'World Prison Brief Data', World Prison Brief (prisonstudies.org, 2024). For each jurisdiction specifically, see New Zealand Department of Corrections (2025), above n 3; Scottish Prison Service, 'Data, Research and Evidence' (sps.gov.uk, 2025); United Kingdom Ministry of Justice, 'Justice in Numbers – Public Protection' (justice.gov.uk, 2025); Irish Prison Service, '2024 Prison Population' (irishprisons.ie, 2025).

Figure 42: Prison population in England and Wales and Australia, 2004 to 2024

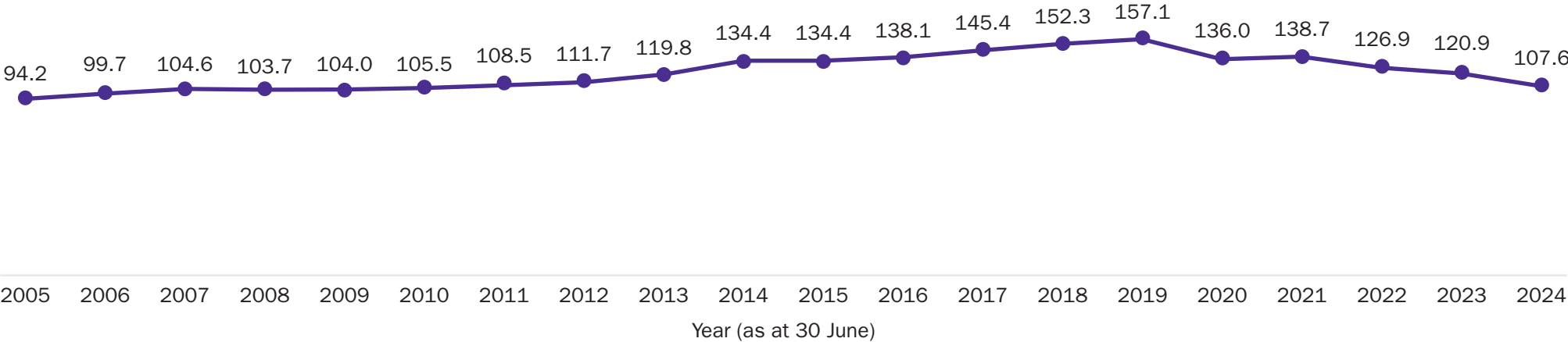
Sources: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 15 (Australia); Institute for Crime & Justice Policy Research, 'World Prison Brief Data', World Prison Brief (prisonstudies.org, 2024) (England and Wales)

4.12 Like Australia's states and territories (other than Victoria), the international jurisdictions presented here observed a steady or upward trend in the 15 years to 2019, a stabilising or reduction when the COVID-19 pandemic commenced, and then a return to (if not an increase above) pre-pandemic levels shortly after. Across Australia, and compared with these international jurisdictions, Victoria was the *only* jurisdiction to continue experiencing a decline in the prison population after 2021.

Imprisonment rate

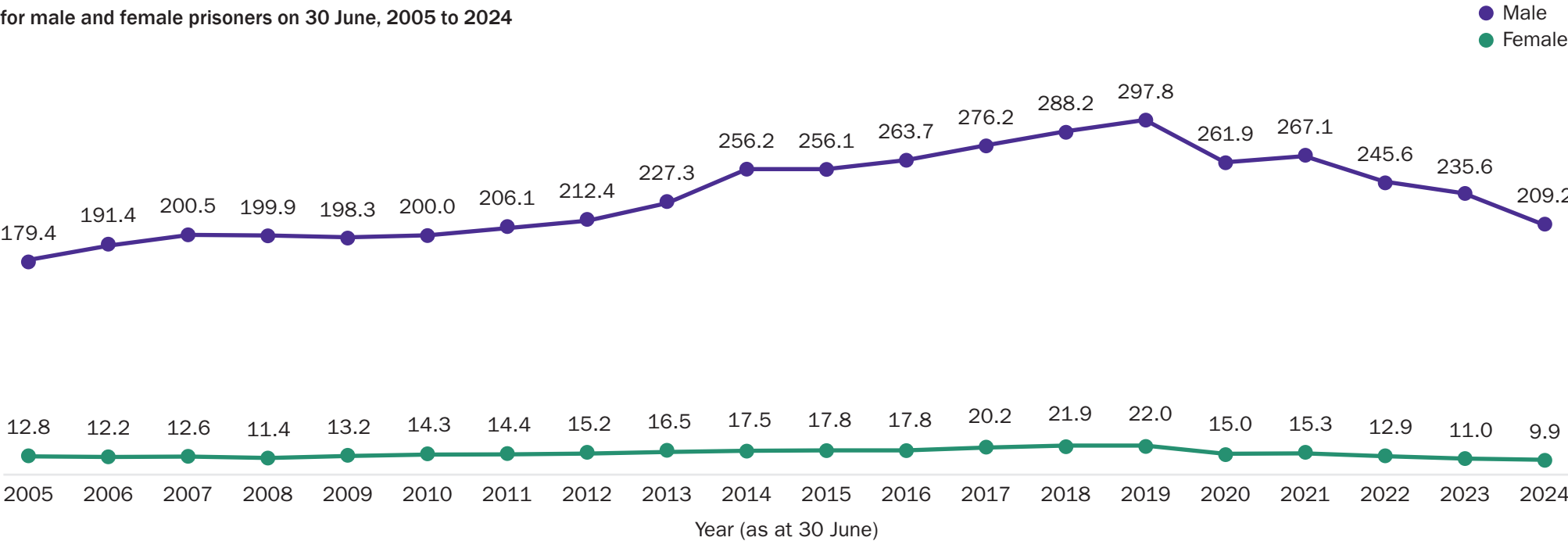
4.13 Growth in Victoria's prison population (62%) outpaced growth in the general Victorian population (which grew by 39%). Accordingly, the per capita imprisonment rate measures the number of Victorians in custody per 100,000 adults. Figure 43 (page 76) shows that there was a 14% increase in the *per capita imprisonment rate* in Victoria in the 20-year period, from 94.2 prisoners per 100,000 adults to 107.6. Much of that growth again occurred between 30 June 2012 and 30 June 2019. There was a significant drop in the imprisonment rate in the 12 months to 30 June 2020, which is unsurprising given the reduction in the prison population during the COVID-19 pandemic. However, the decline continued post-2020, with a further 21% decrease in the 4 years to 30 June 2024.

Figure 43: Per capita imprisonment rate (prisoners per 100,000 adults) on 30 June, 2005 to 2024



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 19

Figure 44: Per capita imprisonment rate (prisoners per 100,000 female adults and prisoners per 100,000 male adults) for male and female prisoners on 30 June, 2005 to 2024



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 15

Male and female prisoners

- 4.14 Figure 44 (page 76) shows the per capita imprisonment rates for male and female offenders in Victoria. The majority of people in Victorian prisons consistently are male (for example, on 30 June 2024, 95% of prisoners were male¹³⁵), and as such, the male imprisonment rate closely mirrors the total imprisonment rate.
- 4.15 The male and female imprisonment rates experienced similar trends. Both showed rapid growth in the first 15 years of our reference period, particularly between 30 June 2012 and 30 June 2019, and a subsequent decline from that peak. The decline in the female imprisonment rate was especially stark, more than halving from its peak on 30 June 2019 to 9.9 prisoners per 100,000 female adults on 30 June 2024, resulting in the *lowest* female imprisonment rate in over 20 years. In effect, as of 30 June 2024, only 1 in 10,000 women in Victoria were in prison, compared to around 1 in every 480 men. However, given the small number of women in prison, this reduction is unlikely to have had a substantial impact on the recent decline in Victoria's prison population. The decrease in female imprisonment rates is, though, unique to Victoria. In the 12 months to 30 June 2024, while Victoria experienced a 7% decrease in the total number of women in prison, every other Australian jurisdiction saw an increase, with the growth in the number of women in prison outpacing the growth in the number of men in almost every state and territory.¹³⁶
- 4.16 Overall, while the female imprisonment rate *decreased* by 23% in the 20 years to 30 June 2024, the male imprisonment rate *increased* by 17% at the same time.

Aboriginal prisoners

- 4.17 This section focuses on the adult imprisonment rates for Aboriginal prisoners and non-Aboriginal prisoners in Victoria. Since the 1991 Royal Commission into Aboriginal Deaths in Custody highlighted the overrepresentation of Aboriginal and Torres Strait Islander people in police custody and prisons,¹³⁷ efforts have been made to establish targeted strategies to reduce overrepresentation and improve

135. As of 30 June 2024, there were 5,915 people in Victorian prisons, 5,634 of whom were male: Corrections Victoria (2025), above n 29, Table 1.

136. South Australia was the only state in which growth in the number of male prisoners (12%) outpaced growth in the number of female prisoners (5%): Australian Bureau of Statistics (2024), above n 31.

137. The report found that in Victoria, Aboriginal people were, as a proportion of the population, 16.4 times more likely to be in prison than non-Aboriginal people: Commonwealth of Australia, *Royal Commission into Aboriginal Deaths in Custody, Final Report*, vol. 1 (1991) 226 (with a rate of 1,201.3 per 100,000 Aboriginal adults, compared to 73.2 per 100,000 non-Aboriginal adults).

outcomes for Aboriginal Australians. For example, in 2019 a partnership between the federal and state governments and Aboriginal and Torres Strait Islander people was established, known as the National Agreement on Closing the Gap. The agreement focused on overcoming the inequality in social and economic outcomes for Aboriginal and Torres Strait Islander people, one target being to reduce the overrepresentation of Aboriginal and Torres Strait Islander adults and young people in the criminal justice system.¹³⁸ The Victorian Government has additionally committed to 'goals ... over and above targets set under the National Agreement'.¹³⁹

- 4.18 As the Productivity Commission highlights in its dashboard on the Closing the Gap targets, the adult imprisonment rate for Aboriginal people is actually worsening, meaning that the target of reducing that rate by 2031 is not on track.¹⁴⁰ Over the 20 years to 30 June 2024, the imprisonment rates for Aboriginal people in Victoria were markedly higher than the imprisonment rates for non-Aboriginal people, albeit both show similar overall trends (increasing to 30 June 2019 before showing a downward trend to 30 June 2024) (Figure 45, page 79). Overall, the imprisonment rate for Aboriginal people increased by 68% over the 20-year period, peaking on 30 June 2019 at 2,218 Aboriginal prisoners per 100,000 Aboriginal adults (more than 1 in 50).¹⁴¹ Conversely, the imprisonment rate for non-Aboriginal adults grew by just 2% during this period, similarly peaking on 30 June 2019 (at 142 non-Aboriginal prisoners per 100,000 non-Aboriginal adults).
- 4.19 As of 30 June 2024, the number of Aboriginal prisoners in Victoria represented 12% of the adult prison population (compared to 0.8% of the Victorian adult population).¹⁴² Further, Aboriginal people are incarcerated at 18 times the rate of non-Aboriginal people. While there has been a decrease in the imprisonment rate for Aboriginal people since 30 June 2019, this must be contextualised against a significant increase over the last 20 years that runs contrary to all policy intentions to reduce the overincarceration of Aboriginal and Torres Strait Islander people.¹⁴³

138. Closing the Gap, 'Closing the Gap Targets and Outcomes' (closingthegap.gov.au, [2025]).

139. State of Victoria, *Victorian Government Aboriginal Affairs Report 2023* (2023) 5.

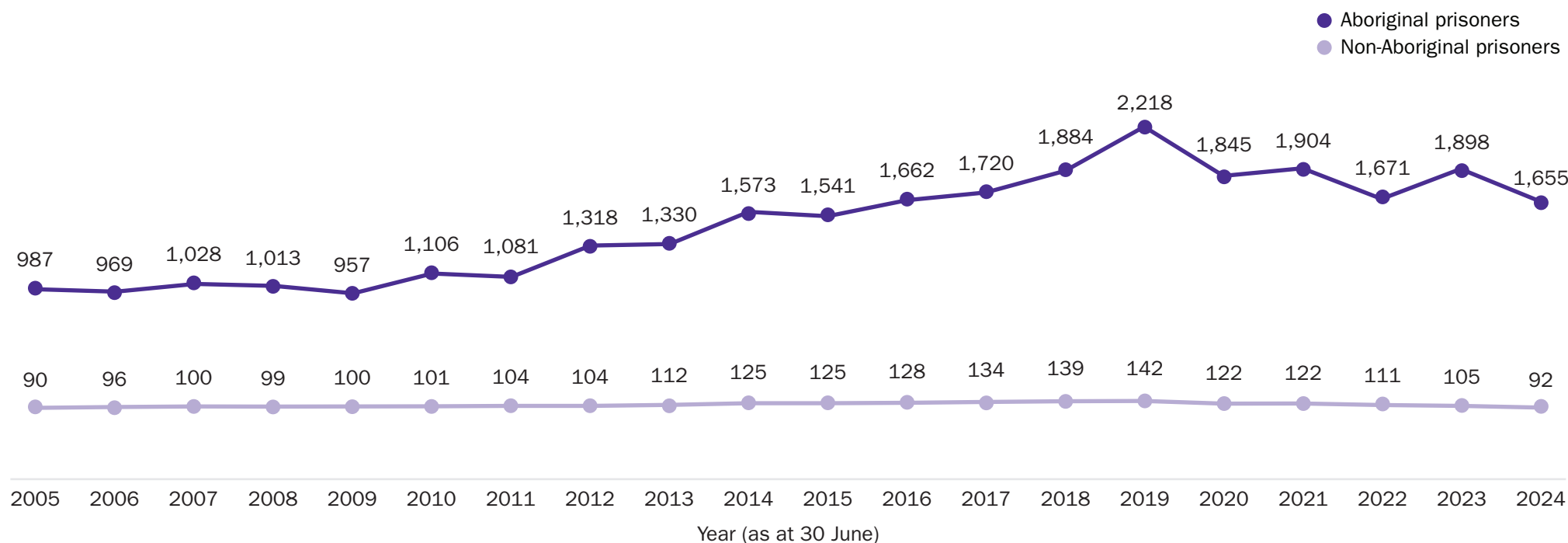
140. Productivity Commission, 'Closing the Gap Dashboard' (pc.gov.au, 2025).

141. As context, the 2021 census recorded 66,000 Victorians who identified as Aboriginal and/or Torres Strait Islander, comprising 1% of Victoria's total population: Australian Bureau of Statistics, *Victoria: Aboriginal and Torres Strait Islander Population Summary* (abs.gov.au, 2022).

142. Indigenous status was unknown for 3% of prisoners: Australian Bureau of Statistics (2024), above n 31, Table 14.

143. As well as the overrepresentation of Aboriginal people in Victorian prisons, there are likely other marginalised or vulnerable groups who are overrepresented in custody. For example, the Australian Institute of Health and Welfare regularly collates survey data from Australians in prison. The survey data highlights the prevalence of mental health issues, disability and homelessness among Australian prisoners:

Figure 45: Per capita imprisonment rate (prisoners per 100,000 Aboriginal adults and prisoners per 100,000 non-Aboriginal adults) for Aboriginal prisoners and non-Aboriginal prisoners in Victoria on 30 June, 2005 to 2024¹⁴⁴



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024)
Table 20

Australian Institute of Health and Welfare, 'Health of People in Prison' (2024). Our current report, however, is based on quantitative data available at the time of publication.

144. In 2024, the Australian Bureau of Statistics released updated data on Aboriginal and Torres Strait Islander populations, based on the results of the 2021 Census of Population and Housing. As such, the imprisonment rates shown in Figure 45 for Aboriginal and Torres Strait Islander people may differ in future publications. For updated data on Aboriginal and Torres Strait Islander populations, see Australian Bureau of Statistics, *Estimates and Projections, Australian Aboriginal and Torres Strait Islander Population, 2011 to 2031* (abs.gov.au, 2024).

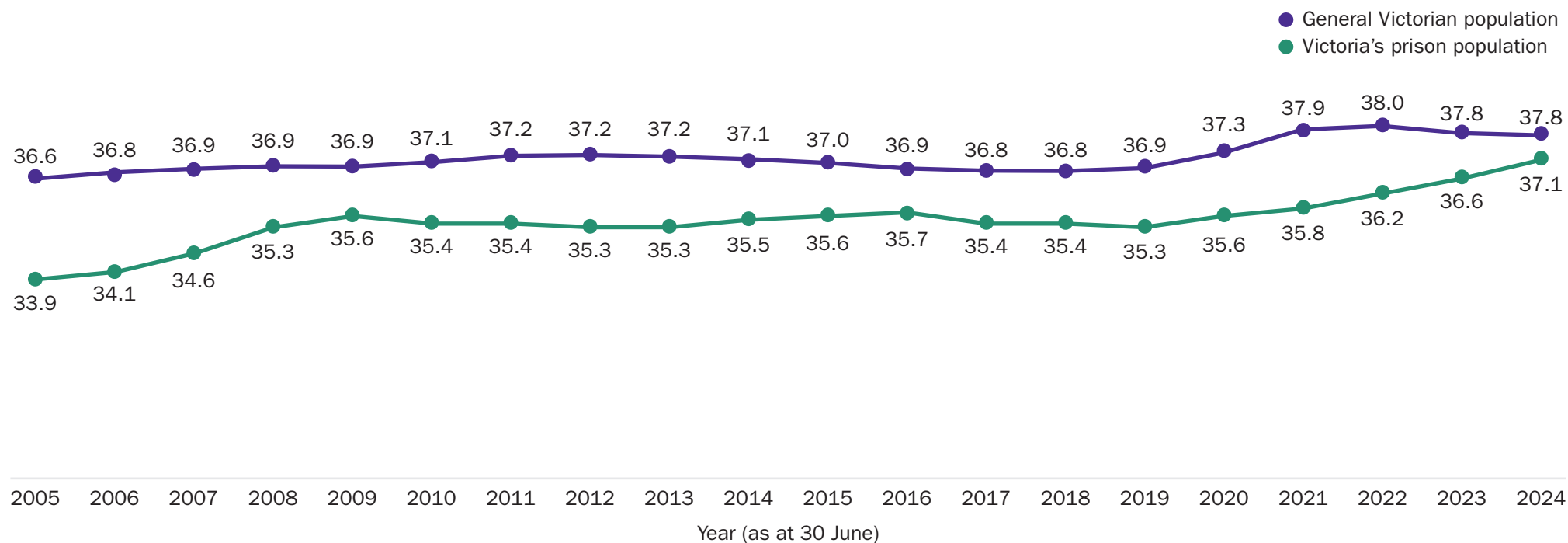
Age of Victorian prisoners

- 4.20 The median age of Victorian prisoners and the general Victorian population on 30 June each year is shown in Figure 46 (page 81). The median age of Victorian prisoners increased from 33.9 to 37.1 years. Much of the increase in the median age occurred over the last 5 years of our reference period, suggesting that the prison population has aged in recent years. At the same time, the median age of the general Victorian population remained relatively stable, growing by only 14 months over the 20-year period. Therefore, while the prison population has traditionally been younger than the general population,¹⁴⁵ there is now a convergence of the two, with the prison population and the general population having almost the *same* median age on 30 June 2024.
- 4.21 An aging prison population is not unique to Victoria.¹⁴⁶ The Productivity Commission reported that Australia's total prison population, while still younger than the general population, was also steadily aging, finding that in the 8 years to 2020, both the average and the median age of Australian prisoners increased by approximately 3 years (to 37.3 and 35.2 respectively).

145. A significant body of research has established a relationship between offending behaviour and age, often referred to as the 'age–crime curve'. The age–crime curve suggests generally that offending behaviour peaks in adolescence and early adulthood and usually desists as a person ages. This is traditionally reflected in the younger median age of the prison population in both Victoria and Australia: Michael Rocque et al., 'Age and Crime' in Wesley G. Jennings (ed.), *The Encyclopedia of Crime and Punishment* (2016) 1; David P. Farrington, 'Age and Crime' (1986) 7 *Crime and Justice* 189.

146. See Productivity Commission (2021), above n 6, 22. See also Sophie Russell and Eileen Baldry, *The Booming Industry Continued: Australian Prisons, A 2020 Update* (2020) 4. Internationally, England and Wales and the United States are also experiencing aging prison populations (at times exceeding the aging of the general population): England and Wales House of Commons, Justice Committee, *Aging Prison Population, Fifth Report of Session 2019–21* (2020); Elizabeth Ann Carson and William J. Sabol, *Aging of the State Prison Population, 1993–2013*, Bureau of Justice Statistics (2016).

Figure 46: Median age of Victorian prisoners and the general Victorian population on 30 June, 2005 to 2024



Sources: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 15; Australian Bureau of Statistics, *National, State and Territory Population*, cat. no. 3101.0 (abs.gov.au, 2024) Table 3

- 4.22 There are a number of potential factors contributing to Victoria's aging prison population, including:
- sentence lengths have increased for most serious offences,¹⁴⁷ resulting in a larger number of offenders aging *within* the prison system (and thus becoming older prisoners)
 - there has been a marked shift in the approach to sentencing young adult offenders (aged between 18 and 21¹⁴⁸) in recent years, with a focus on recognising their distinct prospects of rehabilitation in the community, reducing the number of young offenders sentenced to imprisonment (see Figure 27, page 56), and circumventing the criminogenic effect of incarceration¹⁴⁹ and
 - there has also been an increase in the number of people *entering* prison aged over 60, contributing to the aging of Victoria's prison population.¹⁵⁰

Average cost of imprisonment in Victoria

- 4.23 Figure 47 (page 83) shows the average daily cost per prisoner in Victoria from 2014–15 to 2023–24 (adjusted to 2023–24 dollars), as reported by the Productivity Commission, as well as the utilisation rate (the proportion of Victorian prisons that is used in any given year) on 30 June, as reported by Corrections Victoria.
- 4.24 The real net operating expenditure per prisoner per day increased by 35% since 2014–15, and in 2023–24, Victoria had the third highest average daily cost of imprisonment (\$445.43), behind only Tasmania (\$472.27) and the Australian Capital Territory (\$618.22). The real net operating expenditure for Victorian prisons totalled just over \$1 billion in 2023–24, the third highest of any Australian state or territory (behind New South Wales and Queensland).¹⁵¹

147. See Sentencing Advisory Council (2022), above n 71, 20: '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 ... across the 20-year period'.

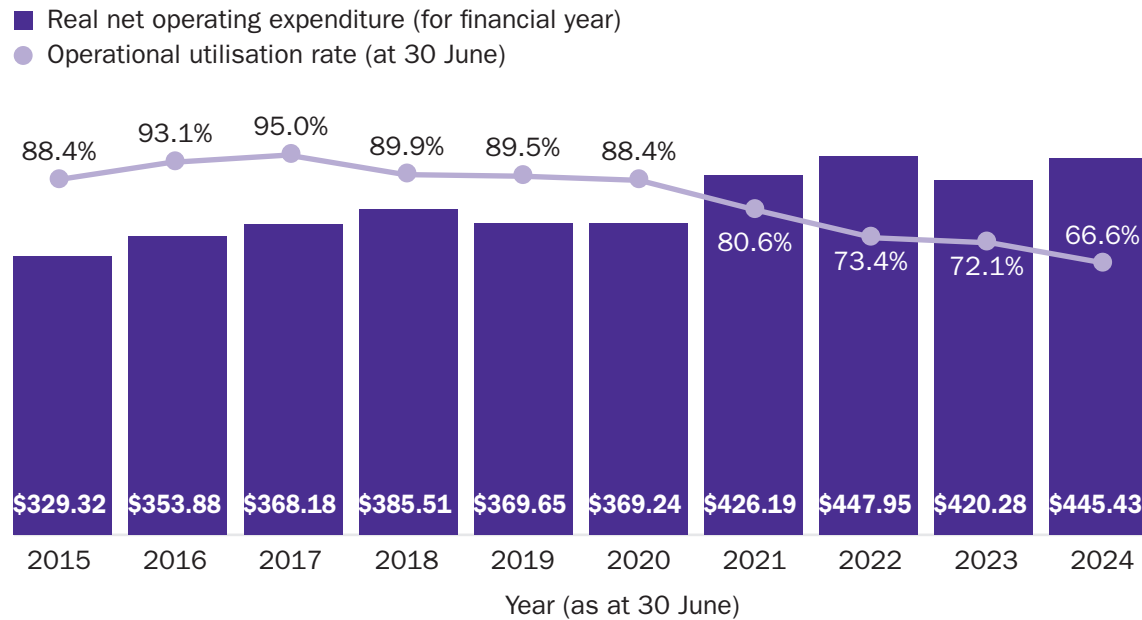
148. The *Sentencing Act* defines a young offender as an 'offender who at the time of being sentenced is under the age of 21': *Sentencing Act 1991* (Vic) s 3(1) (definition of *young offender*).

149. See, for example, Sentencing Advisory Council, *Changes to Sentencing Practice: Young Adult Offenders*, Report (2015); Sentencing Advisory Council, *Rethinking Sentencing for Young Adult Offenders* (2019).

150. In a recent report examining the sentencing of older offenders in Victoria, we found that in the decade to 2019, there was an 83% increase in the number of cases involving people aged 60 and over (compared to just a 15.6% increase in cases involving offenders aged under 60): Sentencing Advisory Council (2021), above n 113, 27–28. Part of the increase in cases involving older offenders is due to a growing number of historical sexual abuse offences sentenced in the higher courts; given the objective seriousness of the offending involved, those offences often result in terms of imprisonment.

151. Productivity Commission, *Report on Government Services* (pc.gov.au, 2025). Data on real net operating expenditure in Victoria is in Part C Section 8 (Corrective Services), Table 8A.2.

Figure 47: Real net operating expenditure per prisoner per day (adjusted to 2023–24 dollars) and utilisation rate on 30 June, 2015 to 2024



Sources: Corrections Victoria, *Annual Prisons Statistical Profile 2015 to 2024*, Corrections, Prisons & Parole (2025) Table 1.17 (utilisation rate); Productivity Commission, *Report on Government Services* (2025) Table 8A.20 (real net operating expenditure)

4.25 Over the same period, the utilisation rate decreased significantly. Whereas 88.4% of Victorian prison capacity was being used on 30 June 2015, that rate declined to just 66.6% on 30 June 2024. While the average daily cost per prisoner increased by 21% over the last 4 years of our reference period, this correlates with a decrease in the prison population during this period (from 7,151 prisoners on 30 June 2020 to 5,915 on 30 June 2024), and a concomitant 25% decrease in the utilisation rate. This atypical decrease in the utilisation rate occurred after a six-year period in which the utilisation rate ranged stably between 88.4% and 95%.

4.26 Essentially, while there are a number of factors contributing to the cost of imprisonment (including infrastructure, staff and services offered), the increasing cost of imprisonment correlates with a decrease in utilisation rates, because the cost of imprisonment is measured per prisoner, not per available bed. When the utilisation rate is lower, the cost burden per individual prisoner increases. This is likely because there is a significant amount of fixed costs associated with operating a prison (including staff salaries and the maintenance of facilities and supplies), and that amount cannot be reduced quickly, if at all, in response to a decreasing prison population.

Therefore, those fixed costs are distributed across fewer prisoners, resulting in a higher average cost per prisoner.¹⁵² For instance, in late 2017, the Ravenhall Correctional Centre was opened, adding 1,000 beds (upgrading to 1,300 beds the following year) to Victoria's prison capacity.¹⁵³ In the following 12 months (to 30 June 2018), while Victoria's prison population *increased* by 7%, there was a 5% *drop* in the utilisation rate.

152. See, for example, Anthony Morgan, *How Much Does Prison Really Cost? Comparing the Costs of Imprisonment with Community Corrections*, Research Report 05 (2018) 18.

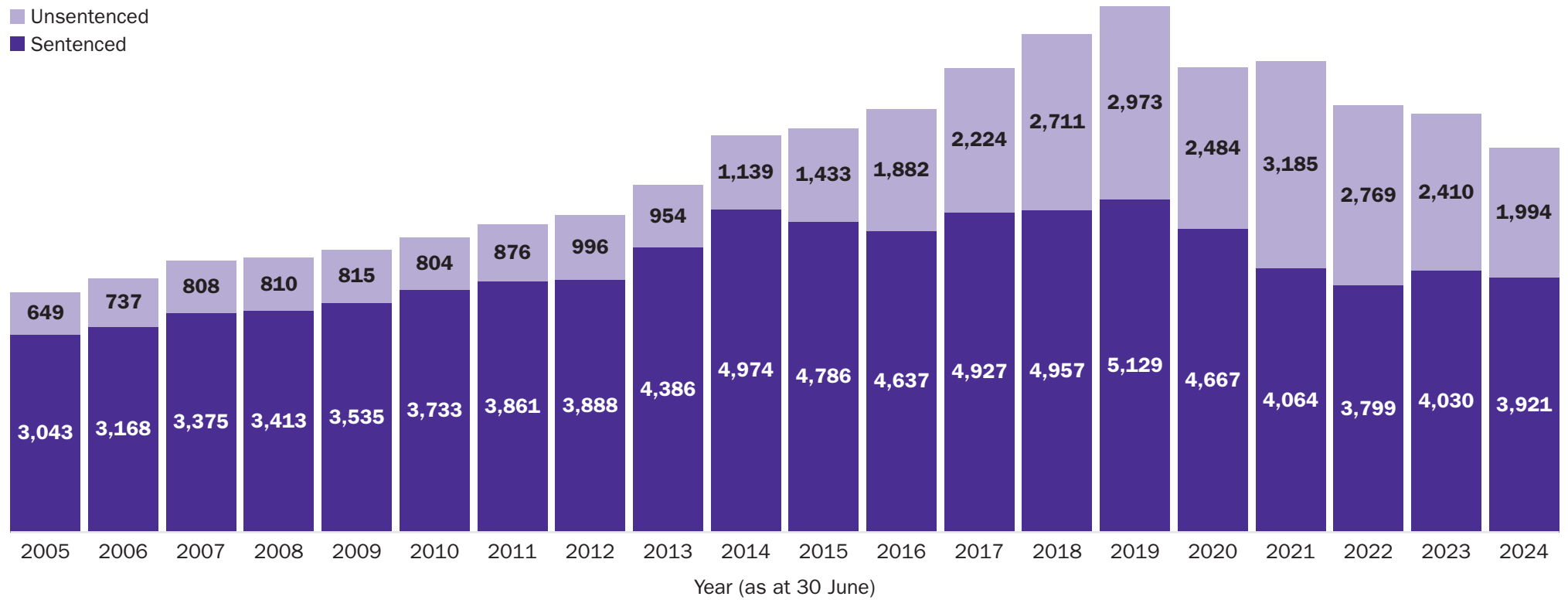
153. Victorian Government, 'Ravenhall Prison Project' (dtf.vic.gov.au, 2024). The utilisation rate and average daily cost per prisoner can be expected to change slightly in the coming years with the Victorian Government announcing major reforms to Victoria's prison system, including the closure of the minimum security Dhurringile Prison and the privately operated Port Phillip Prison (capacity of approximately 1,400 combined), and the opening of the new maximum security Western Plains Correctional Centre (capacity of approximately 1,200): Premier of Victoria (2024), above n 25.

5. Sentenced and unsentenced prisoners in Victoria

- 5.1 Victoria's prison population comprises both sentenced prisoners (people who have received a custodial sentence) and unsentenced prisoners (people held on remand while they await trial or sentencing). This chapter presents data from Corrections Victoria on the number of sentenced and unsentenced prisoners on 30 June each year, as well as Australian Bureau of Statistics data on the most serious offence for sentenced prisoners and the most serious alleged offence for unsentenced prisoners, the average sentence lengths for sentenced prisoners, and the average length of time unsentenced prisoners spent on remand. It is important to analyse sentenced prisoners and unsentenced prisoners separately because there are distinct drivers behind their detention in custody.

The number of sentenced and unsentenced prisoners

- 5.2 Figure 48 (page 86) presents the number of sentenced and unsentenced prisoners on 30 June each year from 2005 to 2024. On 30 June 2005, there were 3,692 people in prison in Victoria: 18% were unsentenced prisoners, and 82% were sentenced prisoners. By 30 June 2024, there were 5,915 people in prison in Victoria: 34% were unsentenced prisoners, and the other 66% were sentenced prisoners. In effect, from 30 June 2005 to 30 June 2024:
- the total population of Victoria increased by 39%
 - the total *prison* population increased by 60% (exceeding population growth)
 - the sentenced prisoner population increased by 29% and
 - the unsentenced prisoner population increased by 207%.
- 5.3 While the sentenced prisoner population increased, it did not increase at the same rate as population growth; instead, the growth in the unsentenced prisoner population was the sole driver of the significant increases in Victoria's prison population over the 20-year period.

Figure 48: Number of sentenced and unsentenced prisoners on 30 June, 2005 to 2024

Source: Corrections Victoria, *Monthly Time Series Prison and Community Corrections Data* (corrections.vic.gov.au, 2024) Table 1

- 5.4 As for trends, the proportions of sentenced and unsentenced prisoners were relatively stable between 30 June 2005 and 30 June 2012 (with sentenced prisoners comprising around 80% of the prison population during this time). In the years after 2012, there was a considerable increase in the number of sentenced prisoners, from 3,888 to a peak of 5,129 on 30 June 2019 (a 32% increase), but numbers returned to 2012 levels since then, with 3,921 sentenced prisoners as of 30 June 2024. In contrast, the number of unsentenced prisoners more than tripled between 30 June 2013 and 30 June 2019, from 954 to 2,973. While the numbers initially dropped at the beginning of the COVID-19 pandemic in 2020,¹⁵⁴ the number of unsentenced prisoners then reached a record high of 3,185 on 30 June 2021 (44% of the total prison population). There was subsequently a drastic reduction in the number of unsentenced prisoners over the next 3 years, to 1,994 on 30 June 2024, but the number was still twice what it was 12 years earlier.
- 5.5 The substantial growth in the unsentenced prisoner population tracks closely with numerous legislative reforms aimed at strengthening Victoria's bail provisions.¹⁵⁵ Historically, the purpose of remanding someone was to avoid the risk that they would abscond while awaiting trial or sentencing. However, the decision to remand an alleged offender has become increasingly focused on community protection, particularly in recent years.¹⁵⁶
- 5.6 In the 12 months to 30 June 2014, there was a marked increase in the number of unsentenced prisoners. This correlates with legislative changes that took place in the same period. In 2013, the government introduced separate offences

154. The drop in the remand population during COVID-19 is likely the result of a number of factors, including the onerous conditions in custody during the pandemic that placed additional burdens on remandees (see *Re JK* [2020] VSC 160 [22]–[26]; *Re McCann* [2020] VSC 138 [40]; *Re Broes* [2020] VSC 128 [35]–[42]). Strict social isolation restrictions in the community would also mean that, unless an offender's bail would place their family (or other members of their household) at risk of harm, there was in general less risk to the community if an offender was granted bail (see *Re JK* [2020] VSC 160 [27]). Further, the likelihood that time spent on remand would exceed the ultimate sentence imposed given court backlogs and delays during COVID-19 likely impacted the decision to grant bail, particularly for lower-level offenders: see *Re Johnstone (No 2)* [2018] VSC 803 [15]; *Re DR* [2019] VSC 151 [56]. This consideration was given legislative effect in 2023: *Bail Act 1977* (Vic) s 3AAA(1)(aa), inserted by *Bail Amendment Act 2023* (Vic) s 36.

155. See further above n 14.

156. For example, in a 2014 case in the Supreme Court of Victoria, Bell J stated: 'without in any way doubting the importance of the other considerations, the primary purpose of bail is to ensure the attendance of the accused at his or her trial and the associated preliminary hearings': *Woods v DPP* [2014] VSC 1 [30]. See also McMahon (2019), above n 20, 8–9. McMahon suggests that the shift towards community protection as a paramount consideration in bail determinations is evident in more recent bail reform and discourse, citing, for example, the review of Victoria's *Bail Act* undertaken in 2017 by the Hon. Paul Coghlan. The review's express purpose was to ensure Victoria's bail laws prioritised community safety in all bail determinations, and its recommendations led to significant bail reform in Victoria: see Paul Coghlan, *Bail Review: First Advice to the Victorian Government* (2017); Paul Coghlan, *Bail Review: Second Advice to the Victorian Government* (2017).

criminalising committing an indictable offence while on bail and contravening a conduct condition of bail, and expanded the circumstances in which a bail application must be heard before a magistrate (rather than before a bail justice or by police upon arrest).¹⁵⁷ The Victorian Ombudsman later said that these changes had resulted in an increase in bail applications in the Magistrates' Court, indicating a decrease in police exercising their discretion to release offenders on bail.¹⁵⁸

- 5.7 Then in 2017 and 2018, there was another major overhaul to bail decision-making,¹⁵⁹ with new circumstances in which the presumption of bail was reversed, such that the alleged offender had to prove why they should be released, rather than the prosecution having to prove why the alleged offender should be remanded.¹⁶⁰ These changes were designed to 'make it harder than ever to [be granted] bail in Victoria'.¹⁶¹ These reforms were subject to considerable critique in the years that followed, for remanding people who would likely not receive a custodial sentence for their offending, and for having an especially pronounced effect on women, people from culturally and ethnically diverse communities and Aboriginal and Torres Strait Islander people.¹⁶²
- 5.8 Notably, the changes in the unsentenced prisoner population do not always align precisely with the commencement of relevant legislative reforms.

157. *Bail Amendment Act 2013* (Vic) pt 2.

158. Victorian Ombudsman, *Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria* (2015) 23–24.

159. The changes to Victoria's bail landscape in 2018 were largely triggered by the offending of James Gargasoulas, whose case garnered significant media and public attention due to both the nature of the offending and the fact that the offender was on bail at the time. In response, The Victorian Government commissioned a review of Victoria's bail laws with a focus on the protection of the community in bail determinations. The Coghlan Review made 37 recommendations for reform, all of which were accepted by the Victorian Government: Victoria, *Parliamentary Debates*, Legislative Assembly, 25 May 2017, 1492–1494 (Martin Pakula, Attorney-General); Coghlan, *First Advice to the Victorian Government* (2017), above n 156; Coghlan, *Second Advice to the Victorian Government* (2017), above n 156.

160. *Bail Amendment (Stage One) Act 2017* (Vic); *Bail Amendment (Stage Two) Act 2018* (Vic). Those charged with Schedule 1 offences were required to prove 'exceptional circumstances' to be granted bail, and those charged with Schedule 2 offences were subject to a new 'compelling reasons' test (replacing the previous 'show cause' test).

161. Premier of Victoria, 'Major Reforms to Overhaul Bail System Pass Parliament', Media Release (23 June 2017).

162. See, for example, State of Victoria, Legal and Social Issues Committee (2022), above n 21, 444–453; Human Rights Law Centre, 'Explainer: Victoria's Broken Bail Laws', Media Release (3 August 2021); Victorian Aboriginal Legal Service, 'Bail Reform Is Urgently Needed in Victoria', Media Release (28 May 2021); Victorian Aboriginal Legal Service, 'Coronial Inquest into Death of Veronica Marie Nelson to Examine Healthcare in Victorian Prisons and Bail Laws', Media Release (29 March 2021); Emma Russell et al., *A Constellation of Circumstances: The Drivers of Women's Increasing Rates of Remand in Victoria* (2020); Corrections Victoria, *Women in the Victorian Prison System* (2019); Lorena Bartels, *The Growth in Remand and Its Impact on Indigenous Over-Representation in the Criminal Justice System*, Research Brief no. 24 (2019).

The 2018 legislative amendments were designed to restrict access to bail, and the unsentenced prisoner population certainly increased in the years that followed, but the unsentenced prisoner population also seems to have increased in line with a pre-existing trend since 2013. There were especially sharp spikes in the unsentenced prisoner population in the months after James Gargasoulas killed six pedestrians in Melbourne's CBD while on bail for dangerous driving offences.¹⁶³

- 5.9 Similarly, legislative reforms in March 2024 were designed to increase eligibility for bail, making bail more accessible. The unsentenced prisoner population certainly decreased in the months that followed, but since 2022, especially throughout 2023, it also seemed to have decreased in line with a pre-existing trend.¹⁶⁴ These reductions correspond more temporally with the holding of, and delivery of findings in, an inquest into the death of Veronica Nelson, a Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died in prison in January 2020 while remanded for theft from a shop offences.¹⁶⁵ The inquest criticised the application of the bail laws at the time, principally as they applied to non-violent and lower-level offences and particularly their amplified effect on marginalised populations. The inquest was the catalyst for the legislative reforms that took place in early 2024, reversing many of the 2018 amendments and removing the secondary offences of committing an indictable offence while on bail and contravening a conduct condition of bail.¹⁶⁶
- 5.10 The timing of these trends raises important questions about the true drivers behind changes in the unsentenced prisoner population, and the complex relationship between media commentary, legislative reform and bail decision-making.

163. See, for example, Bartels et al. (2018), above n 20.

164. The government did, though, announce its intention to reform bail legislation soon after the coronial inquest findings were published in January 2023: Premier of Victoria, 'New Reforms to Make Victoria's Bail Laws Fairer', Media Release (14 August 2023).

165. *Finding with Inquest into the Death of Veronica Nelson*, COR 2020 0021 (30 January 2023). Commenting on the effect of the 2017 bail reforms, the coroner said: 'the Bail Act has a discriminatory impact on First Nations people resulting in grossly disproportionate rates of remand in custody, the most egregious of which affect alleged offenders who are Aboriginal/Torres Strait Islander women': Appendix B.

166. *Bail Amendment Act 2023* (Vic). The second reading speech noted that the coronial inquest into Veronica Nelson's death in custody highlighted the 'well-documented concerns within [the] current bail laws': Victoria, *Parliamentary Debates*, Legislative Assembly, 16 August 2023, 2897–2902 (Anthony Carabines, Minister for Police, Minister for Crime Prevention, Minister for Racing).

Most serious offences of sentenced prisoners

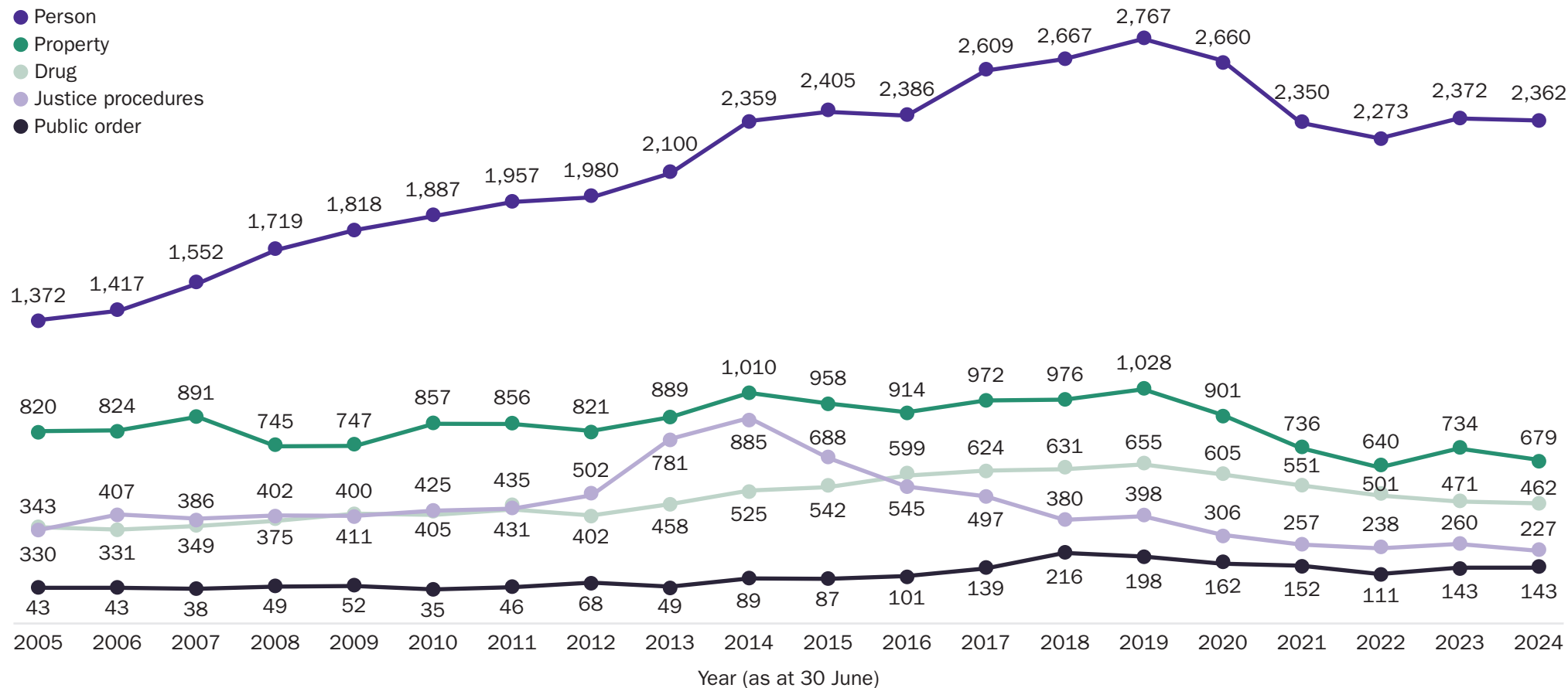
- 5.11 This section presents data on the most serious offence of sentenced prisoners. This is determined by the offence receiving the most severe sentence (the longest prison sentence) in a case or, if there are multiple offences receiving the most severe sentence in a case, by using the National Offence Index.¹⁶⁷ As in other sections of this report, offences are grouped into six categories (person, property, drug, public order, justice procedure and other offences¹⁶⁸).
- 5.12 Figure 49 (page 91) shows the number of sentenced prisoners by their most serious offence type in the 20 years to 30 June 2024. As discussed above, the number of sentenced prisoners increased by 29% between 30 June 2005 and 30 June 2024. The data suggests that this increase was driven primarily by *offences against the person*, which increased from 45% of all sentenced prisoners in 2005 to 60% in 2024.
- 5.13 Of the offence categories that also saw an increase during the 20-year period, public order offences more than tripled (increasing by 233%), although they were not as common, while drug offences increased by 35%.
- 5.14 Conversely, there was a decrease in the number of sentenced prisoners whose most serious offence was either a property offence or a justice procedure offence, dropping by 17% and 31%, respectively.¹⁶⁹
- 5.15 Offences against the person, public order offences and property offences showed trends largely consistent with trends in the number of custodial sentences imposed for these offence categories. Though for drug offences, the number of sentenced prisoners (which increased by 35%) outpaced growth in the number of custodial sentences (which grew by 10%), suggesting that the increase in sentenced prisoners was the result of drug offenders receiving longer prison sentences (and thus having a cumulative effect on the number of sentenced prisoners).¹⁷⁰ The opposite was true for justice procedure offences: the number of sentenced prisoners decreased by 31%, while the number of custodial sentences *quadrupled*, suggesting a decrease in sentence lengths for this offence category (see Figure 25, page 52).

167. Australian Bureau of Statistics (2024), above n 97.

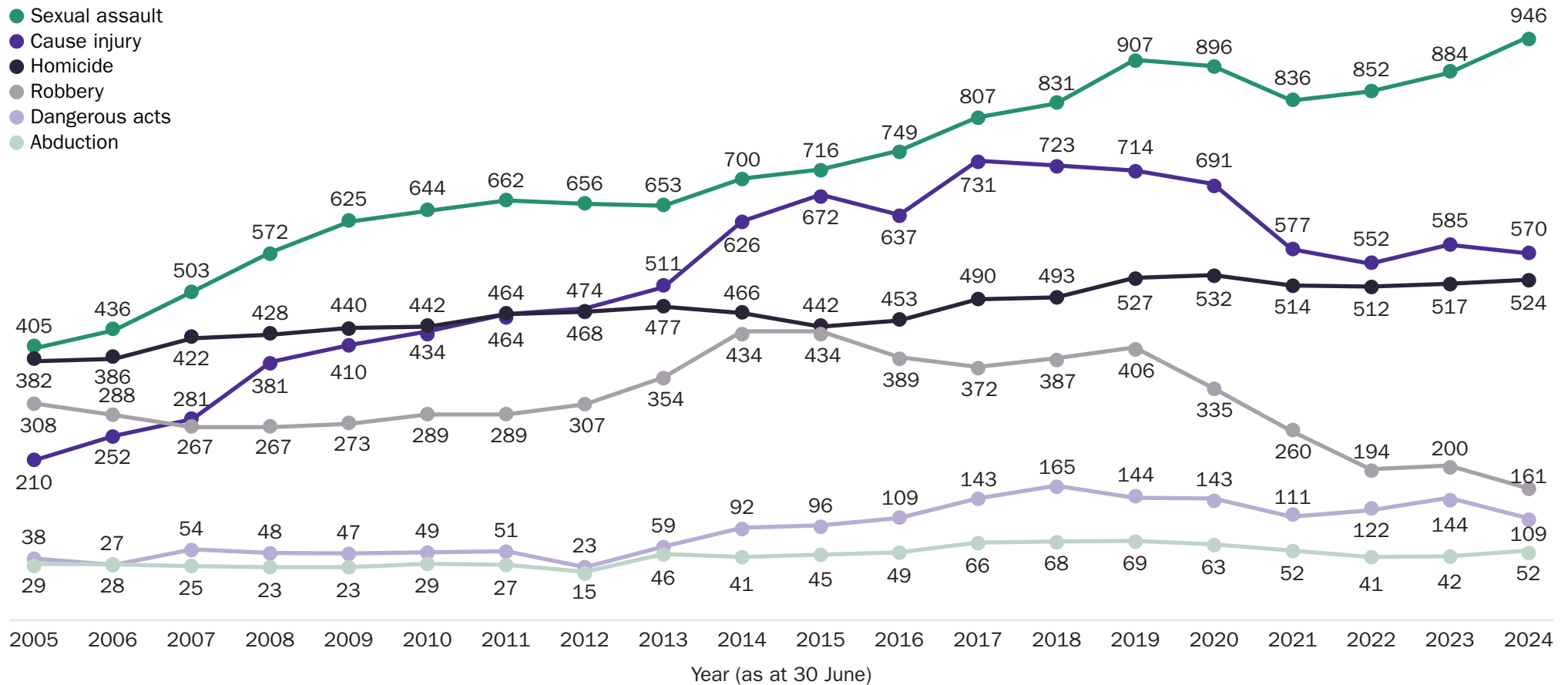
168. Other offences are excluded from Figure 49 given their low numbers.

169. Other offences are excluded given their small numbers, though they also decreased in the two decades to 30 June 2024 (from 135 sentenced prisoners to 43).

170. The Council previously found an increase in sentence lengths imposed for more serious drug offences in the 20 years to 2020–21. Specifically, imprisonment lengths for trafficking in a large commercial quantity of drugs almost doubled: Sentencing Advisory Council (2022), above n 71, 12–15.

Figure 49: Number of sentenced prisoners on 30 June, by category of most serious offence, 2005 to 2024

Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 23

Figure 50: Number of sentenced prisoners on 30 June for offences against the person, by offence type, 2005 to 2024

Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 23

- 5.16 By 30 June 2024, there were 3,921 sentenced prisoners, and the most serious offence for 60% of them was an offence against the person, such as stalking, armed robbery or murder. Given the prevalence of offences against the person among the sentenced prisoner population, Figure 50 (page 92) presents a more detailed breakdown of which offence types are most prevalent. Aside from robbery offences (which decreased by 48% in the 20-year period), all other offence types increased, though the increase was most pronounced for sexual assault offences. With more than twice as many sentenced prisoners with a most serious offence of sexual assault on 30 June 2024 than on 30 June 2005 (946, up from 405), sexual assault offenders now make up almost one-quarter (24%) of sentenced prisoners.

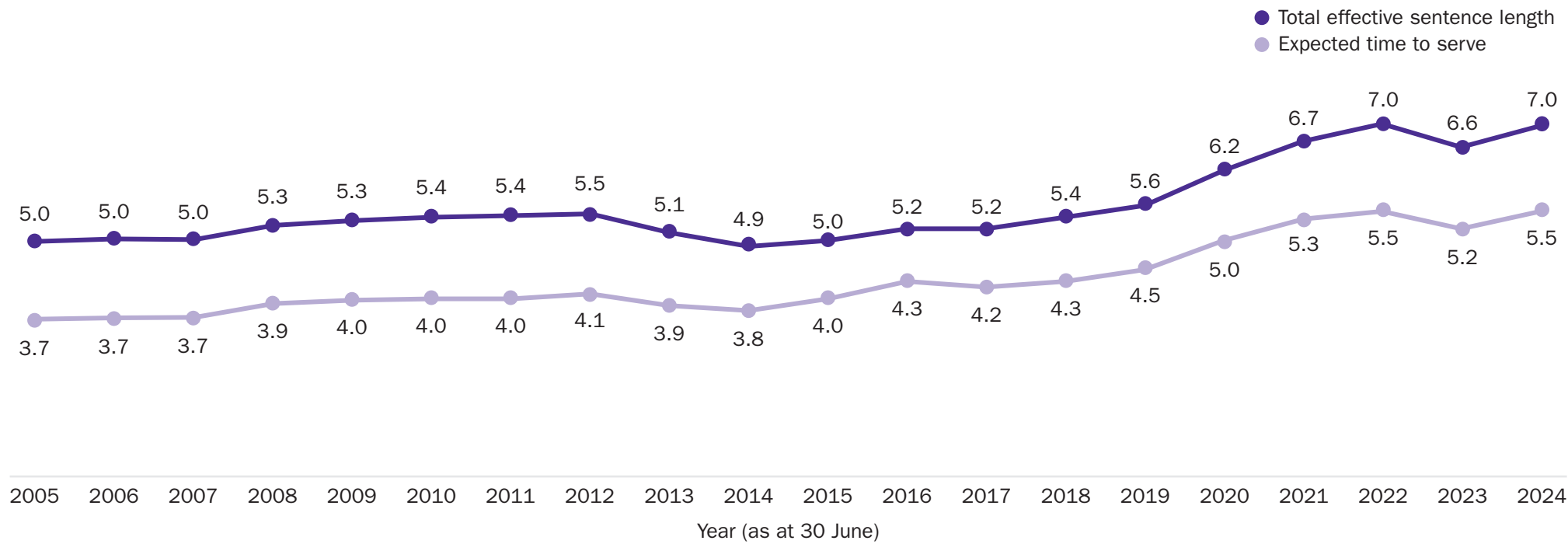
Average sentence lengths of sentenced prisoners

- 5.17 Figure 51 (page 94) presents the average custodial sentence length and expected time to serve for sentenced prisoners who were in custody on 30 June each year (Figure 51 does not include anyone released before 30 June or people receiving time served prison sentences, the latter of whom never become *sentenced prisoners*). The *total effective sentence length* represents the total prison sentence that a person receives in a case (including periods during which they may be eligible for parole),¹⁷¹ and the *expected time to serve* refers to the time between a person becoming a sentenced prisoner and the earliest possible date of release.¹⁷²
- 5.18 In the 20 years to 30 June 2024, both the total effective sentence length and the expected time to serve for sentenced prisoners increased, respectively, by 40% (from 5 to 7 years) and 49% (from 3.7 to 5.5 years). Most of the increases in both were since 30 June 2015.

171. The total sentence length can be extended if a prisoner receives additional sentences while in the sentenced prisoner population.

172. For people receiving a non-parole period, their earliest possible date of release is generally the conclusion of that non-parole period: see *Sentencing Act 1991* (Vic) s 11. For sentenced prisoners without a non-parole period, their expected time to serve is generally their total effective sentence after any pre-sentence detention (time spent on remand) has been reckoned and deducted under section 18(1) of the *Sentencing Act 1991* (Vic).

Figure 51: Average expected time to serve and total custodial sentence length (years) on 30 June, sentenced prisoners, 2005 to 2024



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 24, Table 25

Most serious alleged offences of unsentenced prisoners

5.19 This section presents data on the most serious alleged offence of unsentenced prisoners (for people in custody on 30 June each year). For unsentenced prisoners, the National Offence Index¹⁷³ is used to determine the most serious *charge* in a case, with the caveat that charges are typically unproven at the time and may end up changing, being withdrawn or not being proven. Again, offences are grouped into six categories (person, property, drug, public order, justice procedure and other¹⁷⁴).

5.20 Figure 52 (page 96) shows the number of *unsentenced* prisoners in the 20 years to 30 June 2024 by their most serious alleged offence upon entry into remand. The number of unsentenced prisoners increased for all offence categories during the period, especially (as with the overall trend) between 30 June 2013 and 30 June 2021. The primary driver of the increase in unsentenced prisoners was people remanded for offences against the person, almost *tripling* from 348 unsentenced prisoners on 30 June 2005 to 1,029 unsentenced prisoners on 30 June 2024, with a peak of 1,831 in 2021. There were, though, also increases in all of the remaining offence categories (albeit less substantial):

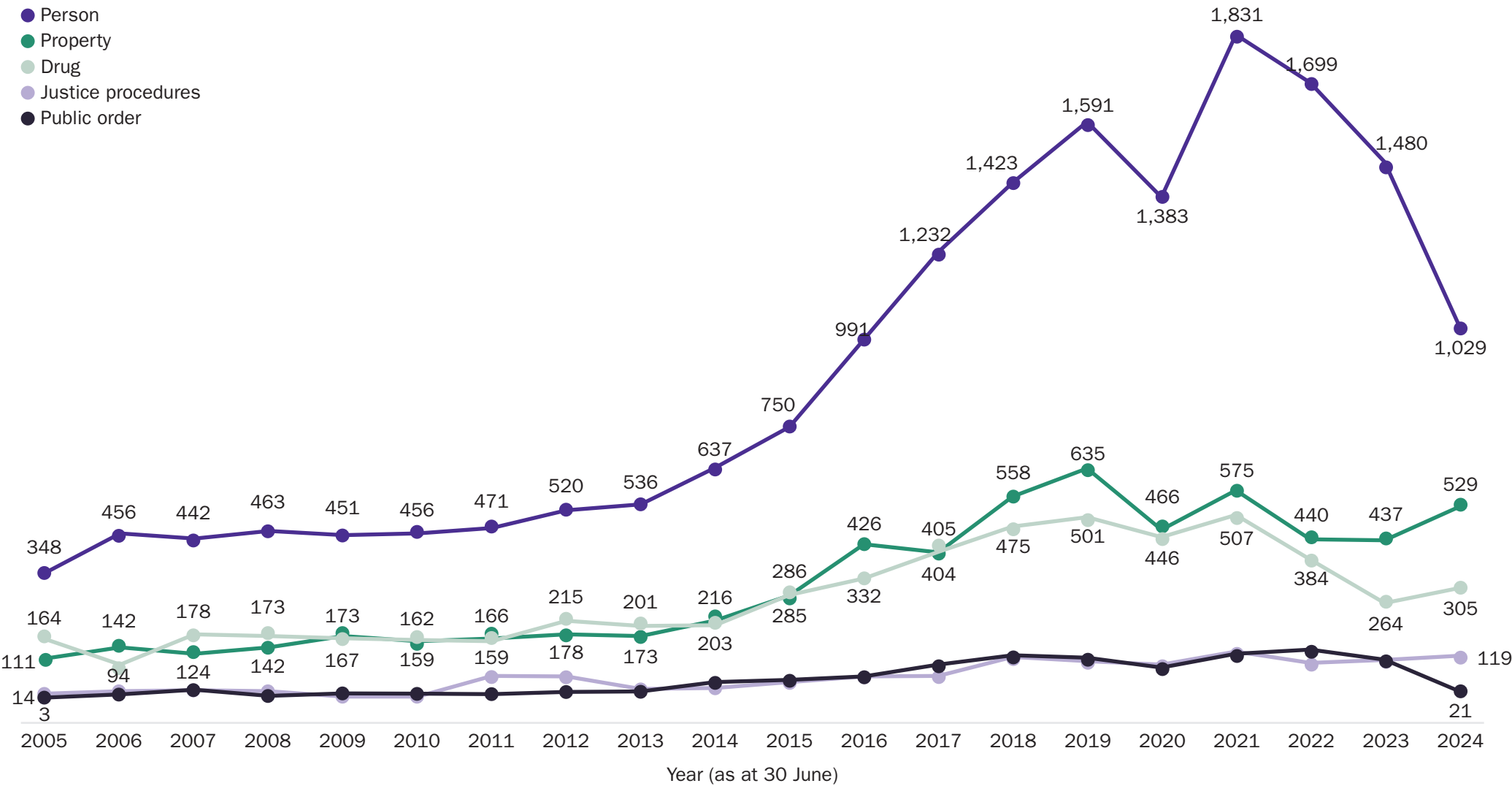
- *property offences* quadrupled, from 111 unsentenced prisoners to 529
- *drug offences* almost doubled, from 164 unsentenced prisoners to 305
- *justice procedure offences* increased more than eightfold, from 14 unsentenced prisoners to 119 and
- *public order offences* increased from 3 unsentenced prisoners to 21.

5.21 Figure 53 (page 97) shows the number of unsentenced prisoners on 30 June each year for types of offences against the person, given their volume (and recent decline). The number of unsentenced prisoners increased for all offence types in the 20-year period, but it is particularly evident that causing injury offences largely drove trends in unsentenced prisoners for offences against the person, both the significant increase from 30 June 2013 to 30 June 2021 and the significant decrease from 2021 to 30 June 2024.

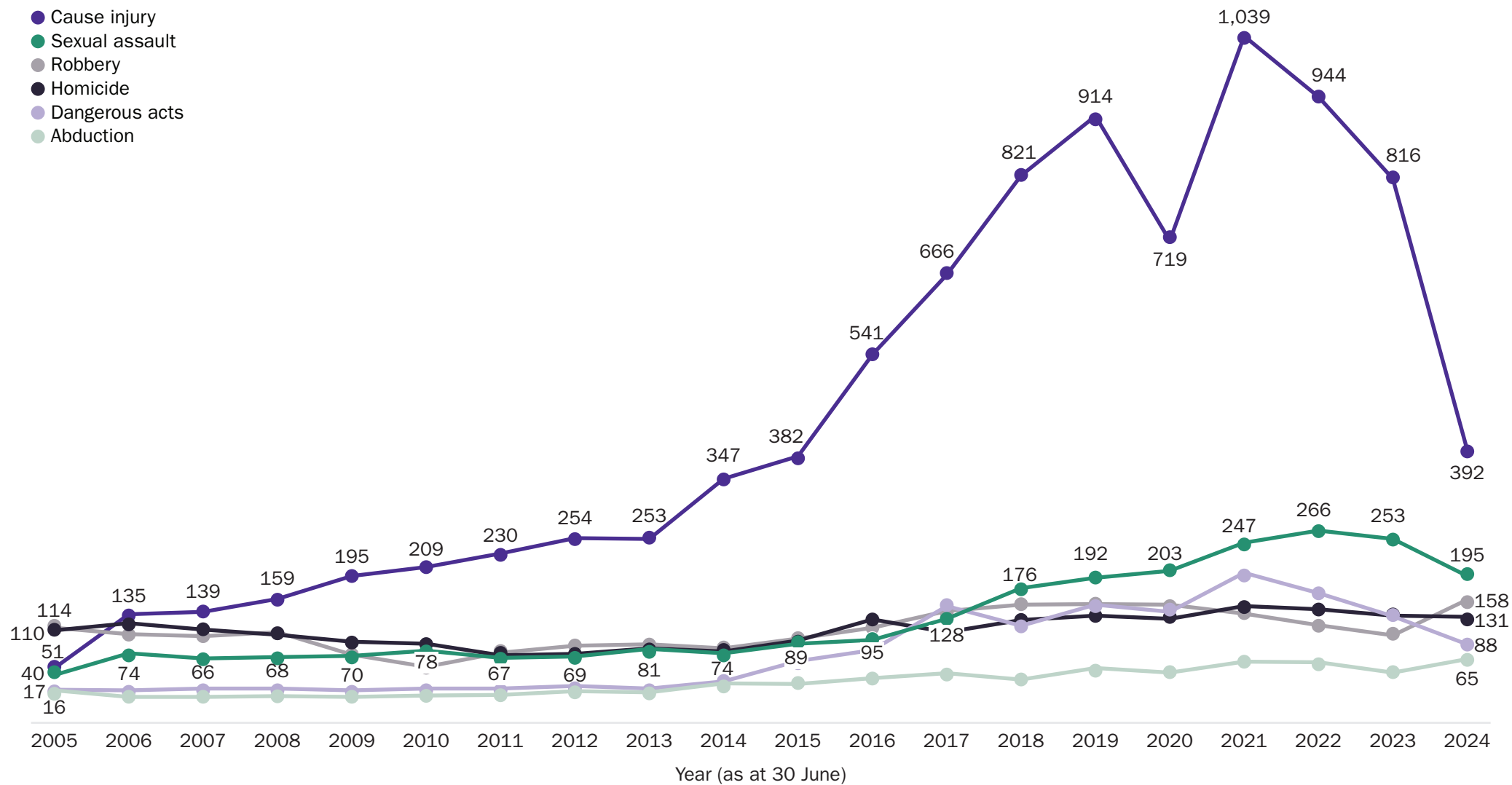
173. Australian Bureau of Statistics (2024), above n 97.

174. Other offences are excluded from Figure 52 given their low numbers.

Figure 52: Number of unsentenced prisoners on 30 June, by category of most serious alleged offence, 2005 to 2024



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 31

Figure 53: Number of unsentenced prisoners on 30 June for offences against the person, by offence type, 2005 to 2024

Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 31

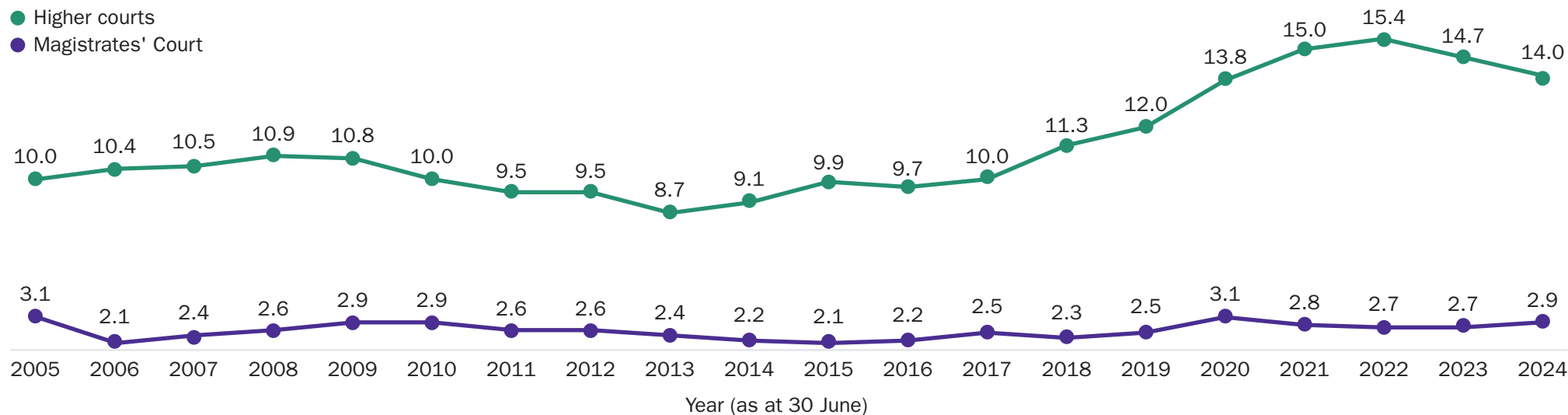
Average time served on remand by unsentenced prisoners

- 5.22 Figure 54 (page 99) presents the average number of months served on remand by unsentenced prisoners between 2005 and 2024.¹⁷⁵ The data measures time spent on remand as at 30 June each year. Given that remand periods are often short and interrupted (an unsentenced prisoner may enter and leave remand several times before the conclusion of their legal matter), it is not representative of the total time spent on remand for all unsentenced prisoners. This is just one measure of time served on remand; Corrections Victoria also provides data on unsentenced discharges (remandees) by episode length, which can indicate the flow of unsentenced prisoners in and out of custody.¹⁷⁶ Both measures are useful for different purposes.
- 5.23 In the higher courts, the average time served on remand increased from 10 to 14 months, peaking at 15.4 months on 30 June 2022. This increase almost entirely occurred between 30 June 2017 and 30 June 2022, after a lengthy period of stability when average times served on remand ranged between around 9 and 11 months. There was then a slight downward trend in the 2 years to 30 June 2024.
- 5.24 As for the Magistrates' Court, the average time served on remand was relatively stable, ranging from 2.1 to 3.1 months (or 64 to 94 days). The average time served on remand increased slightly at the outset of COVID-19 (rising from 2.5 to 3.1 months between 30 June 2019 and 30 June 2020) and then remained at around 2.8 months in the 4 years after.

175. Data on mean time spent on remand was obtained from the Australian Bureau of Statistics using the variables of higher and lower courts. In Victoria, the lower courts refer to the Magistrates' Court.

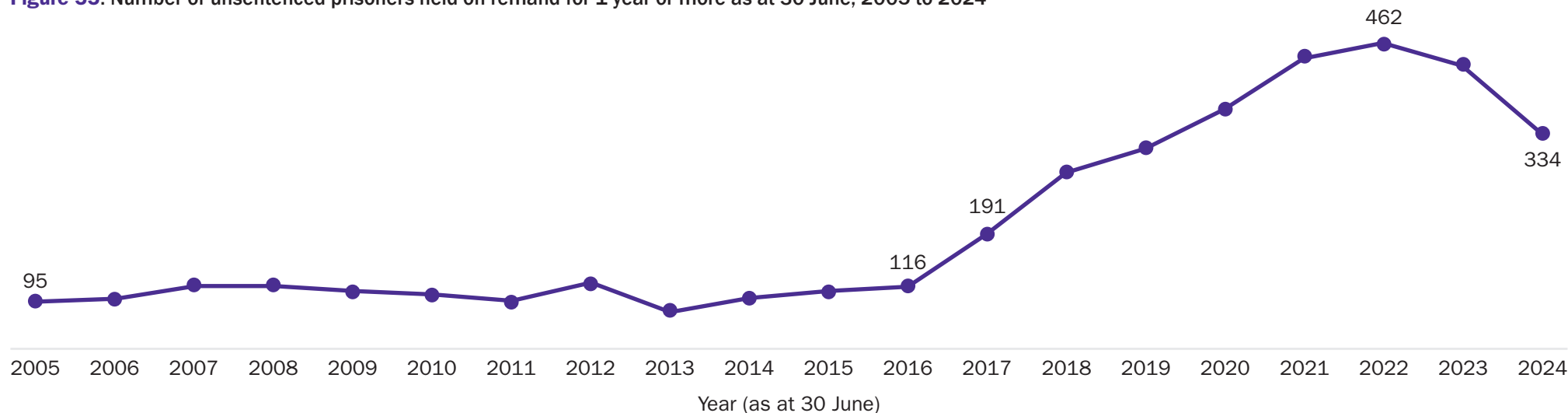
176. See Corrections Victoria, *Annual Prisons Statistical Profile 2015 to 2024*, Corrections, Prisons & Parole (2025) Table 3.8.

Figure 54: Average time served on remand (months) by unsentenced prisoners in custody on 30 June, 2005 to 2024



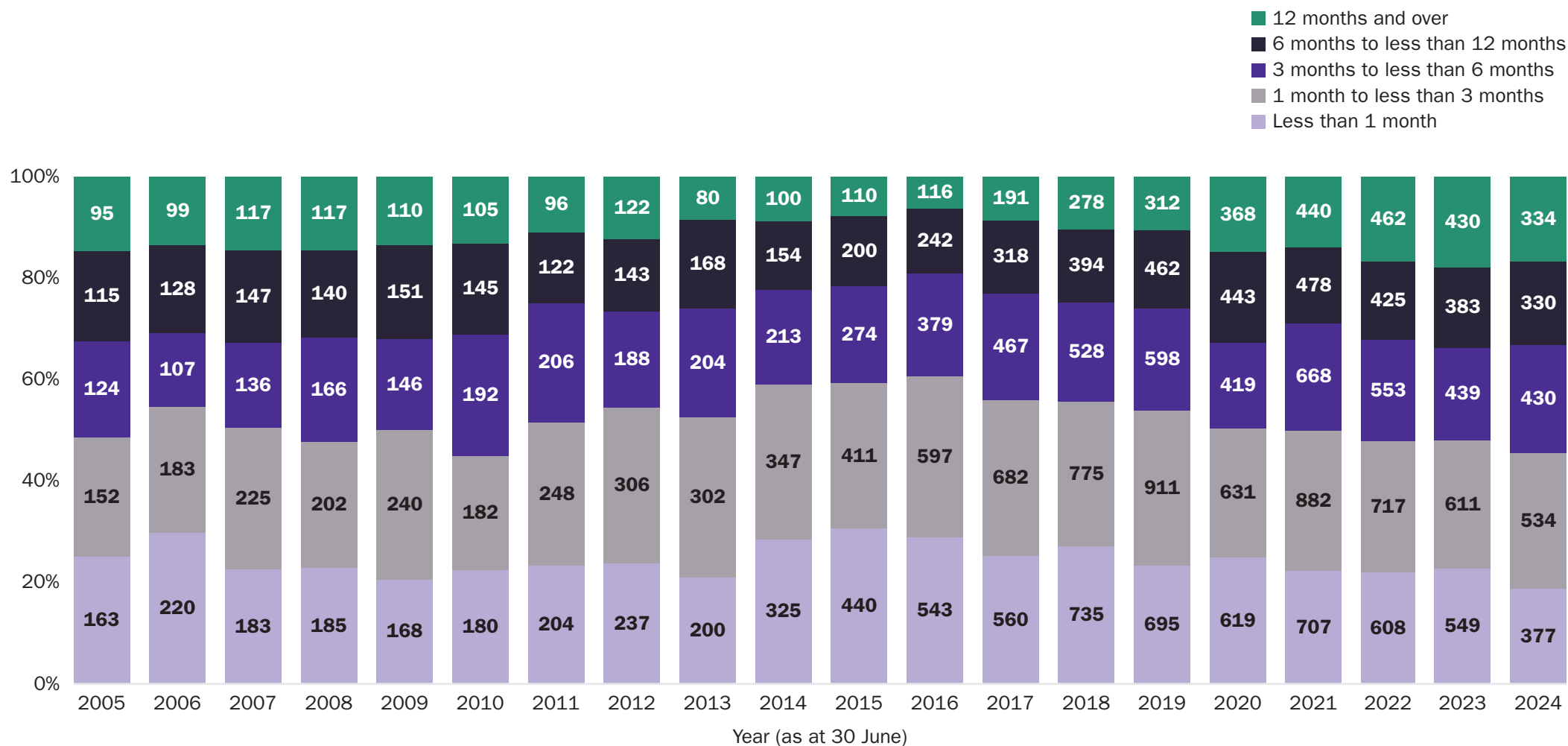
Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 35

Figure 55: Number of unsentenced prisoners held on remand for 1 year or more as at 30 June, 2005 to 2024



Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 32

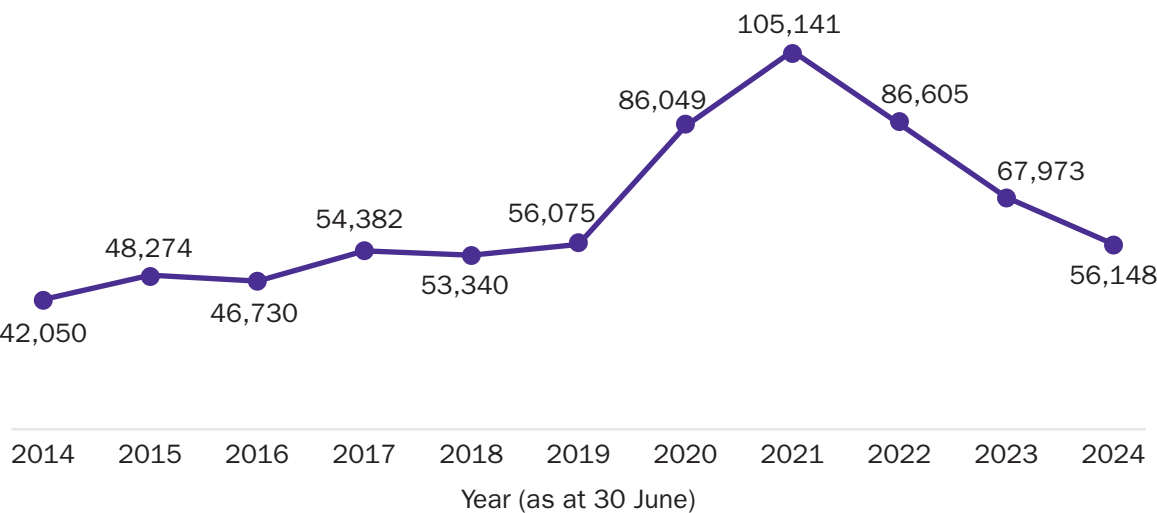
- 5.25 Figure 56 (page 101) shows the proportion of unsentenced prisoners who had spent time on remand (ranging from less than 1 month to 1 year and over) as at 30 June each year. The figure shows that since 30 June 2016 in particular, there was an increase in both the *number* of unsentenced prisoners on remand for a year or more (from 116 to 334, peaking at 462 in 2022) and the proportion of unsentenced prisoners on remand for a year or more (from 6% to 17%) (see further Figure 55, page 99). Moreover, from 2005 to 2024, the proportion of unsentenced prisoners who had spent less than 1 month on remand decreased from 25% to 19% of all unsentenced prisoners, while the proportion of unsentenced prisoners spending 1 month to less than 12 months on remand increased from 60% to 65%. In effect, not only has the number of unsentenced prisoners increased, so too has the length of time they spend on remand.
- 5.26 When unsentenced prisoners were divided into just two groups (unsentenced prisoners who spent more than 6 months on remand and unsentenced prisoners who spent less than 6 months on remand), there was an apparent increase in the proportion of unsentenced prisoners who spent *shorter* periods on remand between 30 June 2011 and 30 June 2021, correlated with significant growth in the unsentenced prisoner population during that time:
- from 2005 to 2010, between **67%** and **69%** of unsentenced prisoners on 30 June had spent *less* than 6 months on remand
 - between 2011 and 2021, that had increased to between **71%** and **81%** (with an anomalous drop to 67% in 2020 during COVID-19)
 - then, in the 3 years to 2024, the proportion of unsentenced prisoners who spent *less* than 6 months on remand decreased back to between **66%** and **68%**.

Figure 56: Proportion of unsentenced prisoners on 30 June, by time spent on remand, 2005 to 2024

Source: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 32

5.27 Given that the length of time served on remand can be affected by the number of new and pending cases, Figure 57 presents the number of pending criminal cases as at 30 June in the 11 years to 2024.

Figure 57: Number of pending criminal cases on 30 June, all courts, 2014 to 2024



Source: Productivity Commission, *Report on Government Services* (2025) Table 7A.20

5.28 The number of pending criminal cases increased by 33%, with most of the increase occurring in the 2 years to 2021 (to a peak of 105,283 cases). This almost twofold increase can primarily be attributed to the effect of COVID-19 on the court system. As of 30 June 2024, the number of pending criminal cases had declined by 47% since its peak on 30 June 2021. In fact, the number of pending criminal cases in 2024 had returned to pre-pandemic levels.

5.29 There does not seem to be a strong link between the number of pending criminal cases and the length of time unsentenced prisoners spend on remand. As the number of pending criminal cases has increased, so too has the *volume* of unsentenced prisoners who have been held on remand for short, medium and long periods of time. This suggests that the volume of unsentenced prisoners is more likely contributing to the increase in the prison population, rather than any changes in the number of pending criminal cases (excluding the anomalous spike during COVID-19).

6. Prisoners through the system

- 6.1 The prison population changes regularly, with the reception of new prisoners (either when they are received on remand or when they are sentenced to a term of imprisonment), and the discharge of existing prisoners (either when they are released after serving a prison sentence or when they are released from remand without becoming a sentenced prisoner).¹⁷⁷ Therefore, the prison population, which is examined by reference to the number of prisoners at the conclusion of each month (Figure 37, page 70), does not capture the total number of people who enter and exit prison throughout the year, sometimes referred to as the ‘flow’ or ‘churn’ of prisoners through the system.¹⁷⁸ For example, a prisoner who is remanded in custody on 2 March but is discharged on 20 March will not be counted in the prison population at the end of the month.
- 6.2 Therefore, to capture changes in the *volume* of prisoners through the system, this chapter examines Corrections data on the number of prisoner receptions (entries) and discharges (exits) for the 20 years to 30 June 2024. Further, additional data was sourced to examine trends in the number of offenders eligible for parole or subject to post-sentence orders from the Adult Parole Board’s (for the period from 1 July 2013 to 30 June 2024) and Post Sentence Authority’s (for the period from 30 June 2018 to 30 June 2024) annual reports.

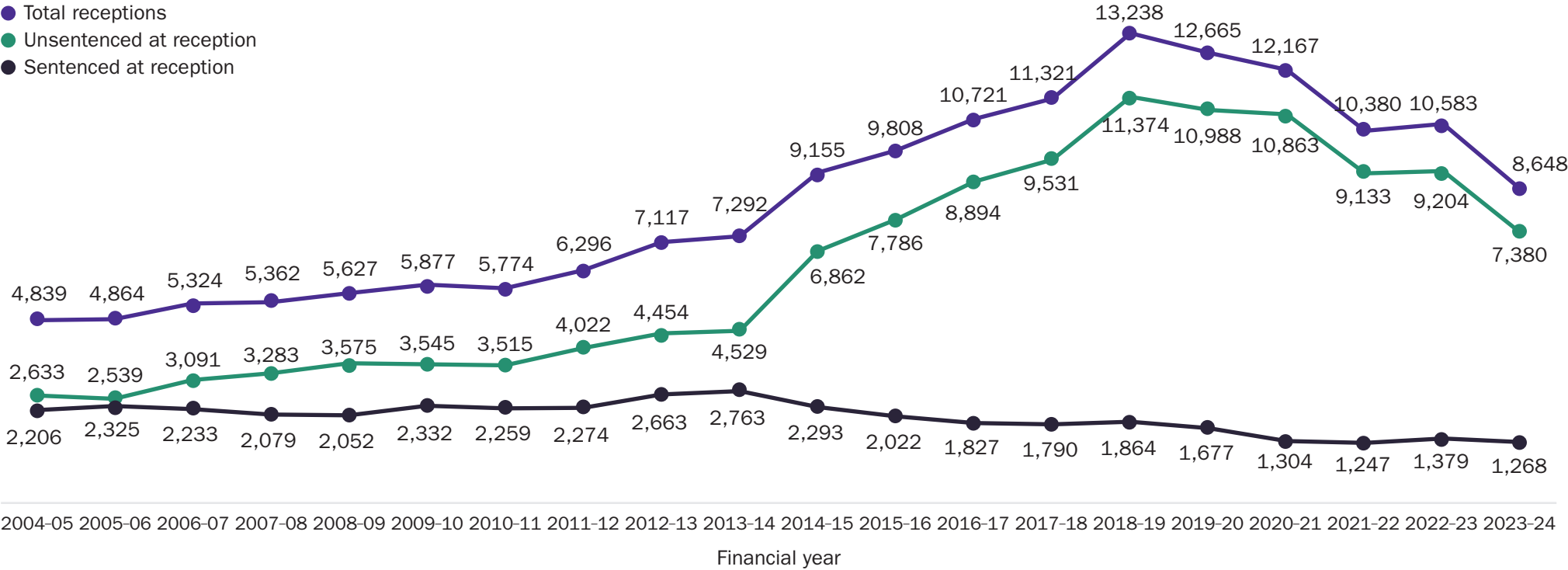
Prisoner receptions and discharges

- 6.3 Figures 58 (page 104) and 59 (page 105) show the number of people concurrently received into, and discharged from, prison in the 20 years to 30 June 2024. Prisoner receptions and prisoner discharges are further categorised as ‘unsentenced’ or ‘sentenced’.
- 6.4 The volume of prisoners through the system each year increased substantially: prisoner receptions increased by 79% (from 4,839 prisoners to 8,648), and prisoner discharges increased by 97% (from 4,628 prisoners to 9,139). Most of this growth occurred between 2013–14 and 2018–19, largely driven by an increase in unsentenced prisoners.

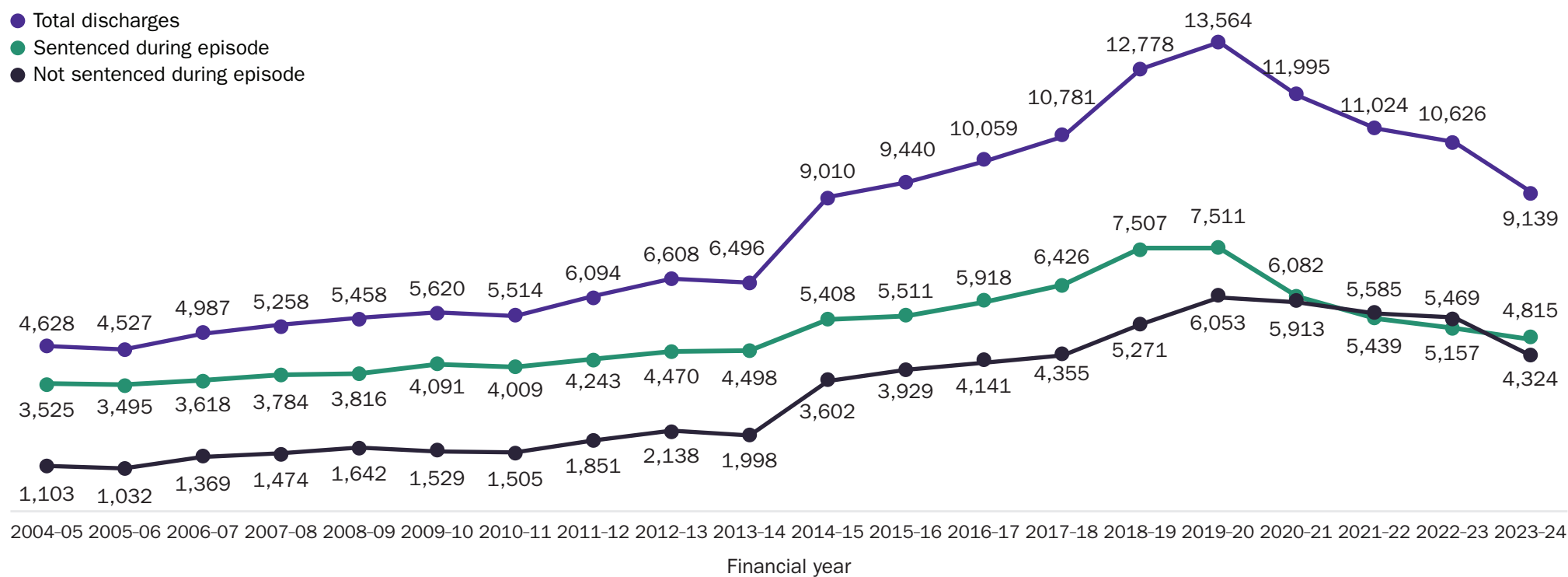
177. A sentenced prisoner may be released on parole or at the conclusion of their prison sentence (where no non-parole period is set). An unsentenced prisoner may be discharged from custody without subsequently entering the sentenced prisoner population if they are granted bail (and sentenced in a subsequent financial year), found not guilty, or found guilty and receive a sentence that does not require any additional time in custody (a time served prison sentence).

178. Productivity Commission (2021), above n 6, 46.

Figure 58: Number of prisoner receptions, by unsentenced and sentenced receptions, 2004–05 to 2023–24



Source: Corrections Victoria, *Monthly Time Series Prison and Community Corrections Data* (corrections.vic.gov.au, 2024) Table 2

Figure 59: Number of prisoner discharges, by sentenced and unsentenced prisoners, 2004–05 to 2023–24

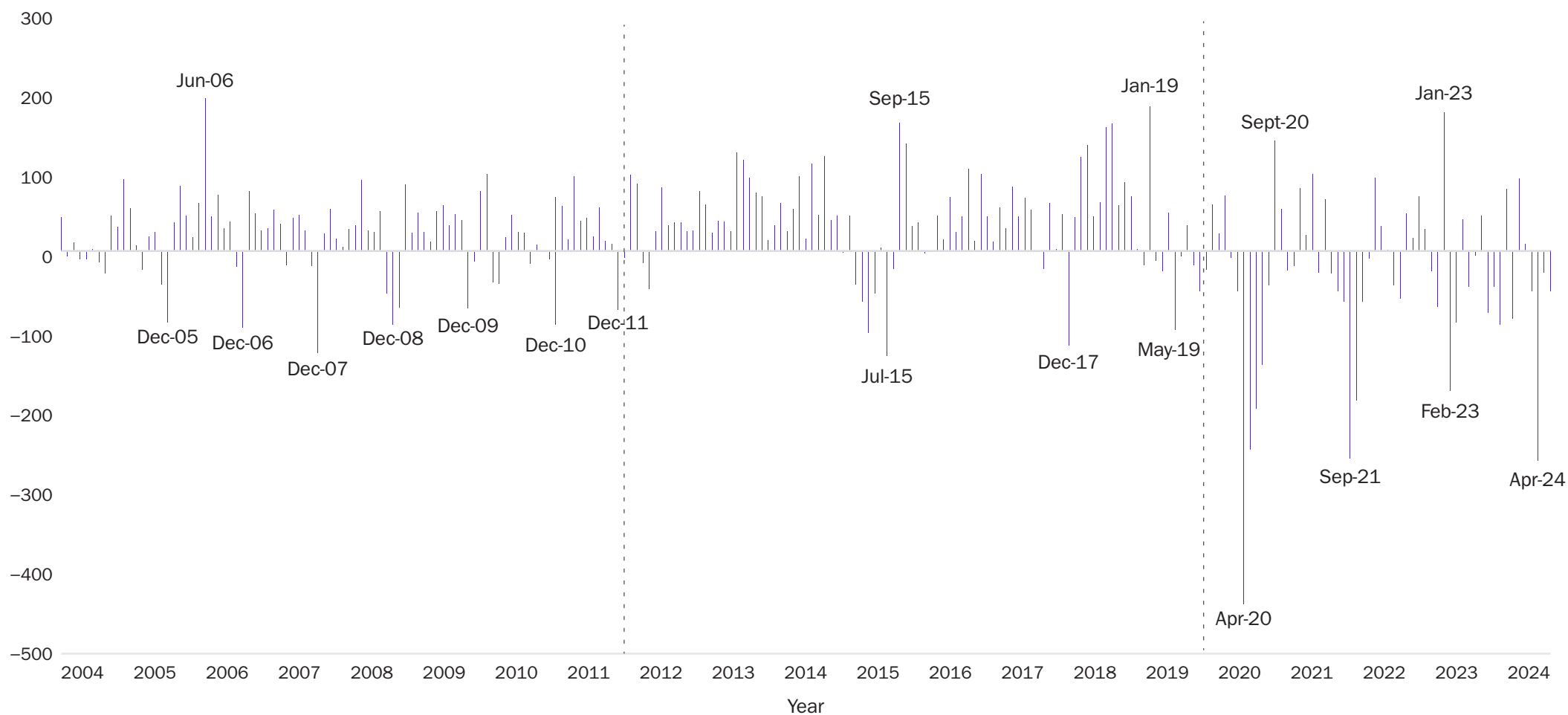
Source: Corrections Victoria, *Monthly Time Series Prison and Community Corrections Data* (corrections.vic.gov.au, 2024) Table 3

Subsequently though, with the onset of COVID-19, the volume of prisoners through the system decreased markedly.

- 6.5 The flow of unsentenced prisoners highlights the change in the nature of Victoria's prison population over the last two decades. Unsentenced prisoners accounted for 85% of all prisoner receptions in 2023–24, compared to just over half (54%) in 2004–05. Conversely, whereas about 1 in 2 people were entering prison as *sentenced* prisoners 20 years ago (46%), that proportion has now dropped to about 1 in 7 (15%).
- 6.6 Similarly, in 2004–05, almost one-quarter (24%) of people discharged from prison were not *sentenced* during their time in custody (exiting on a time served prison sentence, receiving a non-custodial sentence, being bailed, having the charges withdrawn or being found not guilty). Since 2020–21, that proportion doubled so that about half of all prisoner discharges were of people who were not sentenced during their time in custody (47% in 2023–24). This correlates with an increase in the number of time served prison sentences (see at [3.48]).

Trends in prisoner receptions and discharges

- 6.7 Figure 60 (page 107) shows the net flow of prisoners each month in the 20 years to 30 June 2024 to contextualise changes in the volume of prisoners through the system. Where a data point is *above* zero, there were more prisoner receptions that month than prisoner discharges, and conversely, where a data point falls *below* zero, there were more prisoner discharges that month than prisoner receptions. Holistically, there appears to have been significant fluctuation in the net flow of prisoners through the system during the 20 years, but when isolated to three discrete periods, some more distinct trends emerge:
 - from 2004–05 to 2010–11, there was relative stability in monthly prisoner receptions and discharges, with high prisoner discharges in December of each year and high prisoner receptions in the subsequent months (consistent with an increase in remand discharges during the holiday period and subsequent spike in receptions in the following months)
 - then, from 2011–12 to 2018–19, there were significant changes in the flow of prisoners, with substantially more months in which prisoner receptions significantly exceeded prisoner discharges (and relatively few months where discharges exceeded receptions). The higher proportion of prisoner receptions is likely due to significant changes to the bail and remand landscape during this period, and they correlate with pronounced growth in the number of custodial sentences imposed

Figure 60: Net flow of prisoners through the system per month, 2004–05 to 2023–24

Source: Corrections Victoria, *Monthly Time Series Prison and Community Corrections Data* (corrections.vic.gov.au, 2024) Table 2, Table 3

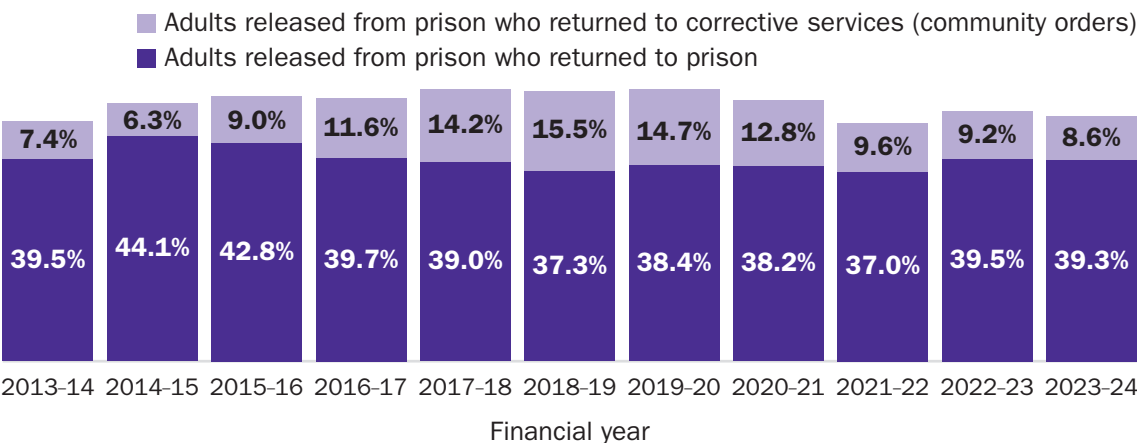
- finally, from 2019–20 to 2023–24, there was significant unpredictability in the net flow of prisoners, particularly from the onset of COVID-19. With the exceptions of September 2020 and January 2023, most months saw either a relative stability or discharges significantly exceeding receptions. In April 2020, a month after COVID-19 social isolation restrictions began, there were almost 500 more prisoner discharges than prisoner receptions.

6.8 These trends track with the changing volume of Victoria’s prison population: relative stability from 2004–05 to 2010–11, drastic increases from 2011–12 to 2018–19, and significant declines since then.

Prisoners returning to prison

6.9 One of the key cohorts of people entering prison each year is people who have served a prison sentence previously. The Productivity Commission regularly publishes data on the number of adults sentenced to imprisonment or a community order within 2 years of their release from custody.¹⁷⁹ Figure 61 shows that in the 11 years to 30 June 2024, around *half* of the people released from prison 2 years prior had returned to either prison (around 40%) or corrective services to serve a community order (around 10%). These numbers were relatively stable between 2013–14 and 2023–24.

Figure 61: Proportion of adults returning to prison or corrective services within 2 years of release from custody, 2013–14 to 2023–24¹⁸⁰



Source: Productivity Commission, *Report on Government Services* (2024) Table CA.4

179. Productivity Commission, *Report on Government Services* (pc.gov.au, 2025). Data on adults returning to prison or corrective services can be found in Table CA.4. In 2012, the community correction order (CCO) replaced other community-based orders in Victoria.

180. The Productivity Commission notes that Victoria has made retrospective changes to the counting rules for adults who return to prison within 2 years of release from prison, applicable from 2016–17. Therefore, the numbers from 2013–14 to 2015–16 should be treated with some caution: Productivity Commission, *Report on Government Services* (pc.gov.au, 2025) Table CA.4, Note (c).

Prisoners on parole

- 6.10 To contextualise changes in the number of people applying for and being granted parole, this section presents data on parole decisions between 1 July 2013 and 30 June 2024. *Parole* refers to the conditional release of a sentenced prisoner, where they serve a portion of their sentence in the community, subject to certain conditions.¹⁸¹ The period in which a person is eligible to be released on parole is first determined by the courts during sentencing, by fixing a non-parole period¹⁸² (though not every offender will have a non-parole period¹⁸³); then, if the offender is eligible and has applied for parole, the Adult Parole Board decides whether the offender should be released on parole.
- 6.11 The Victorian parole system has undergone significant reform over the last two decades, largely prompted by community concern about serious offences committed by people on parole.¹⁸⁴ In response, three separate reviews of Victoria's parole landscape were undertaken between 2011 and 2013.¹⁸⁵ In particular, the Callinan Review, largely initiated in response to the murder of Jill Meagher by parolee Adrian Bayley, resulted in numerous reforms that restricted the availability of parole.¹⁸⁶ Notably, there was also a reversal of the presumption that parole should be granted at an offender's eligibility date unless a compelling reason not to grant parole existed, with the onus shifting to the *prisoner* to apply for parole

181. Freiberg et al. (2018), above n 8, 191.

182. While the length of an offender's non-parole period (the prison sentence that must be served before the offender becomes eligible for parole) is generally at the discretion of the court during sentencing (although it must be at least 6 months less than the total effective sentence), there are some offences for which a minimum non-parole period is legislated. For example, aggravated home invasion (*Crimes Act 1958* (Vic) s 77B) has a minimum non-parole period of 3 years, and causing serious injury (either intentionally or recklessly) in circumstances of gross violence (*Crimes Act 1958* (Vic) ss 15A, 15B) carries a minimum non-parole period of 4 years: *Sentencing Act 1991* (Vic) ss 10, 10AC.

183. Where a court imposes a prison sentence of less than 12 months, the court *cannot* impose a non-parole period on an offender. For prison sentences greater than 1 year but less than 2 years, the court *may* impose a non-parole period, but it is not mandatory, and where a court imposes a prison sentence greater than 2 years, a non-parole period *must* be set: *Sentencing Act 1991* (Vic) s 11.

184. Freiberg et al. (2018), above n 8, 195. Freiberg notes that while there was one significant amendment to the *Corrections Act 1986* (Vic) relating to parole between 2004 and 2012, 'between 2012 and 2017, there were ... 15 amendments ... relating to parole'. See also Monique Moffa et al., 'Parole Populism: The Politicisation of Parole in Victoria' (2019) 31(1) *Current Issues in Criminal Justice* 75.

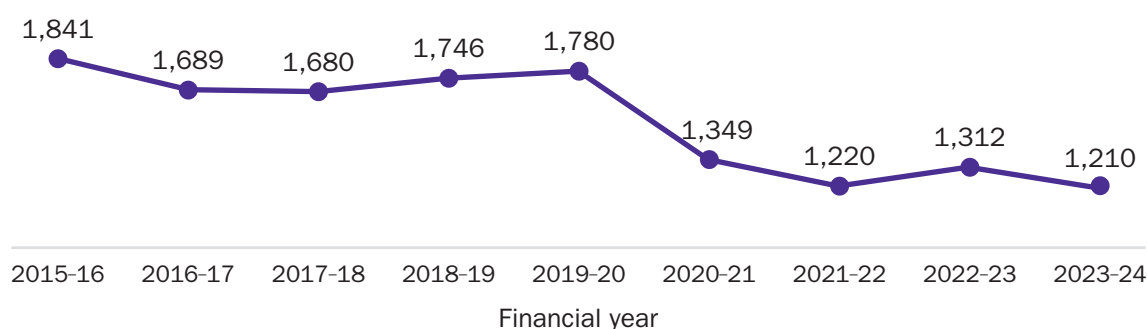
185. James Ogloff, *Review of Parolee Reoffending by Way of Murder* (2011); Sentencing Advisory Council, *Review of the Victorian Adult Parole System: Report* (2012); Ian Callinan, *Review of the Parole System in Victoria* (2013).

186. The high-profile offending by Adrian Bayley in late 2012, while he was on parole, was a particularly strong catalyst for parole reform given the significant public outrage that the case evoked: *R v Bayley* [2013] VSC 313; Freiberg et al. (2018), above n 8, 194–195.

upon eligibility and the Adult Parole Board then making an assessment to grant or deny parole,¹⁸⁷ with the safety of the community as the paramount consideration in that determination.¹⁸⁸

- 6.12 Figure 62 shows the number of parole applications received by the Adult Parole Board each financial year from 2015–16 (the first full year of data in which prisoners were required to apply for parole) to 2023–24. There was relative stability in the number of parole applications each year between 2015–16 and 2019–20 (sitting between around 1,700 and 1,800 a year), and a subsequent decline in the most recent 4 years shown.

Figure 62: Number of parole applications received, 2015–16 to 2023–24



Source: Adult Parole Board, Annual Reports (2015–16 to 2023–24)

- 6.13 Figure 63 (page III) shows the number of parole orders granted and denied each year from 2013–14 to 2023–24. The numbers suggest that there has been a reduction in both decisions to grant and to deny parole, albeit the reduction in decisions to *grant* parole is higher than the reduction in decisions to *deny* parole. Starting at the first full financial year of the major parole reforms (2015–16), the number of decisions to grant parole dropped from 883 to a low of 583 in 2023–24 (a 34% decline).¹⁸⁹ By comparison, the number of decisions to deny parole dropped

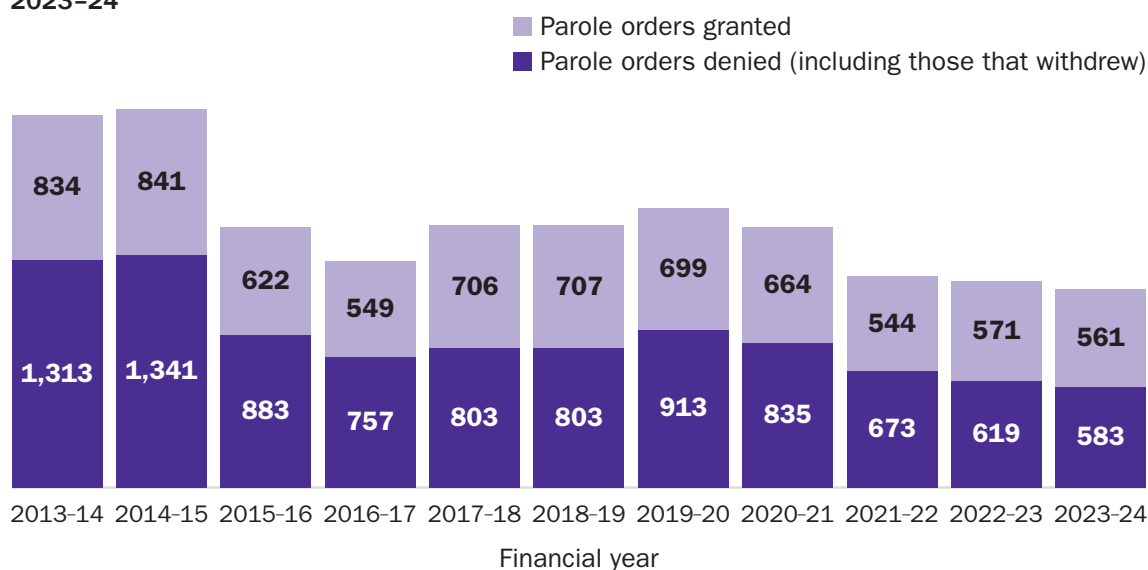
187. Since 1 March 2015, eligible prisoners are required to *apply* to the Adult Parole Board for consideration. This change occurred as a result of the then Department of Justice and Regulation's Parole System Reform Program (a program of 13 projects aimed at reforming various aspects of the parole system). The change was initiated in response to a recommendation made in the Callinan Review: Victorian Auditor-General's Report, *Administration of Parole* (2016) 2, 9–11, 30–31. See also Adult Parole Board, *Annual Report 2014–15* (2015) 8, 12.

188. The requirement to consider community safety as paramount in parole determinations was inserted as a result of recommendations made in the Callinan Review: *Corrections Act 1986* (Vic) s 73A, inserted by *Corrections Amendment (Parole Reform) Act 2013* (Vic) s 11. See also Adult Parole Board, *Parole Manual, Adult Parole Board of Victoria, 2020 Edition* (2024) 15–20.

189. The decline in parole orders granted shown in Figure 63 occurred after an already evident reduction in the number of parole orders granted in the 12 months to 30 June 2014 (prior to the period shown in Figure 63) indicating that changes in the Adult Parole Board's decision-making may have occurred prior to the legislative changes taking effect: Victorian Ombudsman (2015), above n 158, 19, citing Adult Parole Board, *Annual Report 2013–2014* (2014) 7.

from 622 to 561 (a 10% decline). Given that there are fewer people applying for parole and fewer parole orders being granted, this would reasonably be expected to have contributed to the number of people in prison.

Figure 63: Number of parole orders granted and denied (including those withdrawn), 2013–14 to 2023–24



Source: Adult Parole Board, Annual Reports (2013–14 to 2023–24)

6.14 There are likely a number of factors contributing to a smaller number of people applying for and being granted parole. There are fewer sentenced prisoners who are eligible to apply for parole. Adult Parole Board data shows that on 30 June 2014, almost 70% of the total prison population were eligible to apply for parole (meaning that they had a non-parole period attached to their sentence), whereas that had declined to 55% on 30 June 2024.¹⁹⁰ This reduction in people serving custodial sentences with a non-parole period is likely the result of more people receiving short prison sentences¹⁹¹ as well as more people receiving combined orders and being released into correctional services to serve a community correction order rather than being released on parole.¹⁹²

190. The data was sourced from the Adult Parole Board's annual reports which are publicly available on its website: Adult Parole Board (2025). above n 32.

191. As noted above, people receiving sentences of 12 months or less are ineligible for a non-parole period: *Sentencing Act 1991* (Vic) s 11. In 2016, the Council found that between 2010–11 and 2014–15, the number of custodial sentences less than 12 months increased both in the higher courts (from around 5% to 20% of custodial sentences) and in the Magistrates' Court (from around 75% to 86% of custodial sentences): Sentencing Advisory Council, *Parole and Sentencing: Research Report* (2016) 24, 26, 41. The continued use of short prison sentences has been evident throughout this report (see Chapters 3 and 5).

192. In 2016, the Council reported that 'between the September quarter of 2014 and the June quarter of 2015, the proportion of prison sentences of one year to less than 2 years that had a non-parole period declined from 94.1% to 20.9% in the higher courts and from 81.0% to 66.7% in the Magistrates' Court', the onset of which correlated with the increase in the duration of imprisonment that could be combined with a CCO from 3 months to 2 years:

- 6.15 Further, for those prisoners who *are* eligible to apply for parole, there are a number of reasons they may choose not to apply. They may not be able to satisfy the requirements for parole (which are often contingent upon administrative processes and resourcing).¹⁹³ They may not want to be subject to the conditions of parole (which have become increasingly more onerous).¹⁹⁴ Or they may believe that they will not be successful if they apply.¹⁹⁵

Post-sentence orders

- 6.16 The *Serious Offenders Act 2018* (along with its predecessors¹⁹⁶) provides for supervision or continuing detention of serious sexual and/or violent offenders who pose an ongoing risk to the community after their release from prison. Victoria's post-sentence scheme commenced in 2005 and has undergone significant reform since then (most notably expanding eligibility to include serious violent offenders as well as serious sex offenders with the passage of the 2018 Act).¹⁹⁷ In its current form, the post-sentence scheme applies to people who are eligible for a supervision or continuing detention order after serving a custodial sentence for a serious sex offence or serious violence offence (as defined in Schedules 1 and 2 of the Act) and who pose an unacceptable risk of reoffending. The Post Sentence Authority (established in 2018) monitors and publicly reports on the

Sentencing Advisory Council (2016), above n 191, 17–23, 41. See also Adult Parole Board, *Annual Report 2015–16* (2016) 25. The Council's 2023 paper shows that combined orders have continued to become more prevalent, and a significant proportion of the prison sentences in combined orders (in the higher courts) are longer than 12 months: Sentencing Advisory Council (2023), above n 81, 3, 7–11. Though the maximum period of imprisonment that could be combined with a community order was reduced to 12 months in 2017, this does not include time spent on remand, meaning that where an offender's time spent on remand results in the imprisonment portion of a combined order exceeding 12 months, the court would usually have the discretion to impose a non-parole period for the imprisonment portion but is unable to because of the combined order: see *Sentencing Act 1991* (Vic) s 11(2A).

193. The Victorian Ombudsman commented on this in its 2016 report, noting that successive reforms to parole resulted in mandates that an offender undertake specific programs and receive a parole assessment by the Adult Parole Board to be eligible for parole, both of which are easily disrupted by administrative and resourcing delays: Victorian Ombudsman (2015), above n 158, 29–30, 147.
194. Victorian Ombudsman (2015), above n 158, 30–31.
195. The Adult Parole Board, in its 2023–24 annual report, stated that 'insufficient time for a meaningful parole period' and not having suitable accommodation were some of the most common reasons for denying parole applications in the 12 months to 30 June 2024: Adult Parole Board, *Annual Report 2023–24* (2024) 31.
196. The *Serious Offenders Act 2018* (Vic) replaced the *Serious Sex Offenders (Detention and Supervision) Act 2009* (Vic) (repealed), expanding the scheme to cover serious violent offenders as well as serious sexual offenders. The 2009 Act had replaced the original *Serious Sex Offenders Monitoring Act 2005* (Vic) and introduced continuing detention orders.
197. Particularly following a major review in 2015: Complex Adult Victim Sex Offender Management Review Panel, *Advice on the Legislative and Governance Models Under the Serious Sex Offenders (Detention and Supervision) Act 2009* (Vic) (2015).

number of people subject to post-sentence orders, any breaches of those orders, and any serious offences committed by people subject to those orders.¹⁹⁸ Prior to the establishment of the Post Sentence Authority, a specialised division of the Adult Parole Board (the Detention and Supervision Order Division) managed and reported on the operation of the post-sentence scheme.

- 6.17 Given that continuing detention orders can operate for a maximum of 3 years,¹⁹⁹ and contravening a supervision order has a maximum penalty of 5 years' imprisonment,²⁰⁰ the post-sentence scheme has the potential to affect the size of the prison population. However, as shown in Table 4, fewer than 5 people were subject to a continuing detention order as at 30 June each year since 2014 (and some of those people may have been counted in multiple years if they were subject to a continuing detention order for a period exceeding 12 months). Fewer than 45 people subject to a supervision order were convicted for breaching those orders per year. Additionally, since 30 June 2016, very few people (fewer than 9 each year) committed serious offences while subject to a post-sentence order.

Table 4: Number of offenders subject to post-sentence orders on 30 June, 2014 to 2024

Year (30 June)	Reporting body and applicable Act (Vic)	People eligible for a post-sentence order ^a	People subject to a supervision order ^b	People subject to a continuing detention order ^c	People found guilty of breaching a post-sentence order ^d	People found guilty of serious offences while subject to a post-sentence order ^e
2014	Adult Parole Board <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	n/a	108	1 ^f	26	n/a
2015	Adult Parole Board <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	n/a	116	2	26	n/a
2016	Adult Parole Board <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	n/a	127	2	42	6

198. *Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017* (Vic) pt 2.

199. *Serious Offenders Act 2018* (Vic) s 69.

200. *Serious Offenders Act 2018* (Vic) s 169(1). In the case of an 'intentional or reckless' contravention of a restrictive condition of a supervision order, the court must impose a term of imprisonment of at least 12 months: *Sentencing Act 1991* (Vic) s 10AB(1).

Year (30 June)	Reporting body and applicable Act (Vic)	People eligible for a post-sentence order ^a	People subject to a supervision order ^b	People subject to a continuing detention order ^c	People found guilty of breaching a post-sentence order ^d	People found guilty of serious offences while subject to a post-sentence order ^e
2017	Adult Parole Board <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	n/a	133	2	23	8
2018	Post Sentence Authority <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	1,037	135	3	19	6
2019	Post Sentence Authority <i>Serious Offenders Act 2018</i>	1,856	131	3	35	6
2020	Post Sentence Authority <i>Serious Offenders Act 2018</i>	1,922	138	4	32	2
2021	Post Sentence Authority <i>Serious Offenders Act 2018</i>	1,760	138	4	31	3
2022	Post Sentence Authority <i>Serious Offenders Act 2018</i>	1,701	134	5	36	1
2023	Post Sentence Authority <i>Serious Offenders Act 2018</i>	1,759	123	3	41	2
2024	Post Sentence Authority <i>Serious Offenders Act 2018</i>	1,810	122	1	44	3

Sources: Adult Parole Board, Annual Reports (2013–14 to 2016–17); Post Sentence Authority, Annual Reports (2017–18 to 2023–24)

- a.** The Adult Parole Board did not report on the number of offenders eligible for a post-sentence order each financial year.
- b.** This includes interim supervision orders.
- c.** This includes interim continuing detention orders.
- d.** The number of cases reflects the financial year in which a person was found *guilty* of breaching the conditions of a post-sentence order. It is important to note that some cases initiated in a given financial year may have been finalised in a subsequent financial year.
- e.** The number of cases reflects the financial year in which a person was found *guilty* of committing a serious offence while subject to a post-sentence order. The Adult Parole Board did not distinguish between serious offences committed and other breaches of post-sentence orders until 2015–16.
- f.** This was the first continuing detention order made by the Supreme Court under the *Serious Sex Offenders (Detention and Supervision) Act 2009*. The order was still in force as at 30 June 2014: Adult Parole Board, *Annual Report 2013–2014* (2014) 21.

7. Concluding remarks

- 7.1 This report has presented data on Victoria's changing prison population over a 20-year period from 1 July 2004 to 30 June 2024.
- 7.2 There are a number of key findings in this report, including:
- the prison population increased by 62% during our reference period, from 3,651 prisoners to 5,915 prisoners on 30 June 2024, well outpacing population growth (which was 39%)
 - most of the increase in Victoria's prison population occurred between 2012 and 2019. Prior to that, there was relative stability, and after that, Victoria's prison population steadily declined (the only jurisdiction in Australia to do so)
 - the growth in Victoria's prison population was largely driven by more people being held on *remand* – the unsentenced prisoner population more than tripled (a 207% increase, from 649 people to 1,994), well outpacing growth in the sentenced prisoner population (a 29% increase)
 - in turn, the growth in the unsentenced prisoner population was driven primarily by an increase in the number of people remanded for offences against the person (in particular, causing injury offences). Conversely, while the smaller growth in the *sentenced* prisoner population was also driven by offences against the person, they were most commonly sexual offences
 - the increase in Victoria's prison population does not correlate with an increase in the number of people committing offences. Indeed, the per capita rate of people committing offences each year has steadily *declined* over time – those who do commit offences appear to now be committing *more* offences than previously,²⁰¹ but this is likely due to an expansion of which behaviours constitute criminal offences, rather than a change in offending
 - most custodial sentences (approximately 80%) were imposed in the Magistrates' Court, with the remainder imposed in the higher courts
 - 61% of all custodial sentences imposed between 1 July 2006 and 30 June 2024 were less than 6 months, 39% were less than 3 months, and the prevalence of these short prison sentences increased over time
 - women were sentenced to imprisonment much less frequently than men were (in 2023–24, 3.2% of female offenders sentenced in Victorian courts

201. A recent parliamentary inquiry noted that in the decade to 2020, '6% of offenders were responsible for 44% of crimes reported to Victoria Police': State of Victoria, Legal and Social Issues Committee (2022), above n 21, xiv, 65. See further Crime Statistics Agency (2018), above n 46.

received a prison sentence, compared to 10.1% of male offenders). Women also received shorter average prison sentences – there are a number of reasons for this, including women having very different (and less violent) offending profiles

- Aboriginal and Torres Strait Islander people were imprisoned at significantly higher rates than non-Aboriginal and Torres Strait Islander people, with the gap widening over time to 1 in 60 Aboriginal Victorians in custody as at 30 June 2024 (up from about 1 in 100 as at 30 June 2005), compared to what has consistently been about 1 in 1,000 non-Aboriginal Victorians, and
- there was a reduction in the number of prisoners applying for parole (to a low of 1,210 applications in 2023–24), and a reduction in the number of parole orders granted. Though, given that there are fewer people in custody serving a custodial sentence with a non-parole period, it is difficult to determine whether the reduction in applications and parole orders granted has had an effect on the prison population.

A Snapshot of Victoria's prison population on 30 June 2024

Prisoners in Victoria:

- are most likely to be male (95%)
- have a median age of 37 years
- are more likely to be serving a sentence (66%) than be on remand

Sentenced prisoners:

- are most commonly in prison for a sexual assault offence (24%)
- are on average serving a total effective sentence of 7 years' imprisonment (with an average expected time to serve of 5.5 years)
- are most likely serving a custodial sentence with a non-parole period (55%)

Unsentenced prisoners:

- are most likely in prison for an alleged causing injury offence (20%)
- have most likely been in custody for 3 months or more (55%)

7.3 From these key findings, there are a number of topics that warrant further consideration. Before discussing the implications of the above findings, however, we would be remiss not to mention what has happened since 30 June 2024, the end of the reference period examined in this report. On 30 June 2024, there were 5,915 people in prison. Victoria was the only jurisdiction in Australia, or even in comparable international jurisdictions, to have sustained the decarcerating effects of COVID-19 with a declining prison population in the years after the peak of the pandemic. That is no longer the case. As of 30 June 2025, Victoria's prison population had increased to 6,596, reflecting an increase of 89 sentenced prisoners and an increase of 592 *unsentenced* prisoners (a 30% increase in just one year).²⁰² While there have been recent bail reforms²⁰³ that were intentionally designed to make Victoria's bail laws 'the toughest ... in Australia',²⁰⁴ the first tranche of those reforms only commenced on 26 March 2025, but the unsentenced prisoner population had increased well before then.

Growth in the number of people on remand is the primary driver of changes in Victoria's prison population

7.4 Consistent with findings in our previous reports, the unsentenced prisoner population was responsible for the drastic changes in the prison population across our 20-year reference period. The unsentenced prisoner population more than tripled from 954 in June 2013 to a peak of 3,185 in June 2021, and then fell drastically over the next 3 years to 1,994. These changes far outpace the relatively modest (by comparison) changes in the sentenced prisoner population over time, which actually increased at a lower rate than population growth. While there were a number of legislative interventions to bail laws that correlated with changes in the unsentenced prisoner population, many of those amendments seemed to commence part way through an existing (upward or downward) trend. Whatever the driver – legislation, media, community sentiment – it is evident that there has been a shift towards a more risk-averse bail and remand system that does not seem to be driven by an increase in offending, and that the topic has become increasingly politicised.²⁰⁵

202. Corrections Victoria (2025), above n 29.

203. *Bail Amendment Act 2025* (Vic). The final provisions of that Act came into force on 26 August 2025. The second tranche of bail reforms was passed on 27 August 2025: *Bail Further Amendment Act 2025* (Vic).

204. Premier of Victoria, 'Tough Bail Laws to Keep Victorians Safe', Media Release (12 March 2025).

205. See, for example, Bartels et al. (2018), above n 20; McMahon (2019), above n 20.

The continued importance of short prison sentences to avoid sentence creep

7.5 As we observed in 2020,²⁰⁶ the increase in unsentenced prisoners is driving an increase in custodial sentences, especially short prison sentences and/or time served prison sentences. As shown in Chapters 3 and 5, there has been a considerable increase in the number of short prison sentences (less than 6 months) and time served prison sentences in Victoria; in fact, around 40% of short prison sentences are time served prison sentences. And the trends in both short prison sentences and time served prison sentences mirror the trends in the unsentenced prisoner population: they all increased from 2012 to 2021 and declined thereafter. Court data shows that the number of people receiving prison sentences shorter than 6 months increased from 2,937 in 2006–07 to 4,469 in 2023–24. Between 1 July 2006 and 30 June 2024, 61% of all custodial sentences (82,422) imposed were shorter than 6 months.

7.6 Short prison sentences have been the subject of considerable discussion and critique over the years. They have been shown to disproportionately affect women and Aboriginal and Torres Strait Islander people,²⁰⁷ they frequently involve people held in custody for less serious offences,²⁰⁸ and as the Australian Law Reform Commission said in 2017, they:

expose minor offenders to more serious offenders in prison; do not serve to deter offenders; have significant negative impacts on the offender's family, employment, housing and income; and potentially increase the likelihood of recidivism through stigmatisation and the flow on effects of having served time in prison.²⁰⁹

This is especially so for time served prison sentences (which are almost always of short duration) given the complexities associated with unsentenced prisoners. They have not yet been found guilty of the alleged offending, creating difficulties in organising offence-specific programs. And there is much less certainty about when they will be released from custody, making it difficult to organise their transition back into the community.²¹⁰ The increase in time served prison sentences means that a growing number of people are released from custody into the community

206. Sentencing Advisory Council (2020), above n 121.

207. Bronwyn Lind and Simon Eyland, *The Impact of Abolishing Short Prison Sentences*, Contemporary Issues in Crime and Justice no. 73 (2002); Australian Law Reform Commission (2017), above n 126, 268–270.

208. Productivity Commission (2021), above n 6, 38 ('the majority of prisoners (70 per cent) serving short sentences are in prison for non-violent offences, such as theft and drug offences').

209. Australian Law Reform Commission (2017), above n 126, 268–269 (citations omitted).

210. Some researchers have expressed concern that the increase in persons being remanded in custody will have negative consequences for the safety of the community, 'as even relatively short periods of [imprisonment] ... are associated with higher rates of subsequent criminal offending': McMahon (2019), above n 20, 1.

without the benefit of programs to address their offending behaviour; give appropriate transition support or provide post-release supervision.²¹¹

- 7.7 The various problems with short prison sentences have led numerous jurisdictions around the world to consider abolishing them,²¹² actually abolish them,²¹³ or create a legislative presumption against them.²¹⁴ But such measures, where introduced, have been met with mixed results. In 2017, the Australian Law Reform Commission recommended *against* abolishing short prison sentences because they create a considerable risk of ‘sentence creep’, with *longer* prison sentences being imposed, as evidenced by the experience in Western Australia.²¹⁵ To illustrate, the abolition of short prison sentences in Victoria would have resulted in 61% of custodial sentences (all those that were less than 6 months) not being permissible during our reference period. What would have happened in those cases if short prison sentences had not been available? All of those people either would have received a sentence type other than imprisonment (such as a community correction order or an adjourned undertaking) or would have received a *longer* prison sentence. Even for those who would have avoided a longer prison sentence, many might have received a time served prison sentence (sufficient punishment at the time of sentencing) with immediate release, but they would now need to receive an alternative sentencing order that ignores the time they spent on remand, resulting in *more* contact with the criminal justice system, not less.

- 7.8 The debate about short prison sentences is unlikely to go away any time soon because they are, to paraphrase Churchill, ‘the worst [option] ... except for all the others’. As a United Nations report into short prison sentences concluded more than half a century ago:

Despite the rather strong current of opinion against short sentences, it would be difficult to do away with them entirely, for a variety of reasons ... [but] wherever possible, short prison sentences should be replaced by other penalties and measures which do not give rise to the harmful effects so often attributed to short-term imprisonment.²¹⁶

211. Victorian Ombudsman (2015), above n 158, 4, 29–31. See also Maria Borzycki and Eileen Baldry, *Promoting Integration: The Provision of Prisoner Post-Release Supervision*, Trends & Issues in Criminal Justice no. 262 (2003).

212. State of Victoria, Legal and Social Issues Committee (2022), above n 21, 548–551.

213. See, for example, Western Australia, where terms of imprisonment of 3 months or less were abolished in 1995, increasing the threshold for abolition to 6 months in 2003: *Sentencing Act 1995* (WA) s 86. See further Australian Law Reform Commission (2017), above n 126, 270–272.

214. See, for example, Scotland: *Criminal Procedure (Scotland) Act 1995* (Scot) s 204.

215. Australian Law Reform Commission (2017), above n 126, 270–272.

216. Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Short-Term Imprisonment*, UN Doc A/CONF.17/5 (20 August 1960) 104.

The distinctiveness of the female prison population

- 7.9 The number of women in custody grew rapidly in Victoria in the 15 years to 30 June 2019, peaking at 575. By 30 June 2024, that number had halved to 281 women in custody, accounting for just 5% of the prison population. While women represent a comparatively small proportion of the prison population, numerous studies have highlighted the distinct difficulties faced by women in custody; many have been victims of interpersonal or family violence, many suffer from mental illnesses or addiction, and their offending often stems from self-medicating or financial instability as a result of associated trauma.²¹⁷
- 7.10 As shown in Chapter 3, female offenders were most commonly sentenced to imprisonment for non-violent offences: a theft offence (theft from a shop), a drug offence (trafficking in a non-commercial quantity of a drug of dependence), and a burglary offence. This is distinct from two of the three most common offences that male offenders were imprisoned for: unlawful assault, recklessly causing injury and burglary. Moreover, a significant proportion of women in Victorian custody are on remand, and a sizeable proportion of those go on to receive a time served prison sentence or a non-custodial sentence.²¹⁸ Female offenders also had a consistently lower imprisonment rate and average sentence length compared to male offenders. Given all of this context, it should be considered a positive change that between 30 June 2005 and 30 June 2024, the per capita rate of women in prison in Victoria declined by 23% (whereas the male imprisonment rate increased by 17%).²¹⁹

217. A 2019 Corrections Victoria report found that 65% of women received on remand in 2015 and 2016 reported experiencing family violence as a child, an adult or both: Corrections Victoria (2019), above n 162, 4, 12. See also The Justice Map, *Doing Time for Men's Crimes: How Male Violence Is Driving Record Numbers of Women into Australian Prisons* (2024); Cat Woods, 'Women in Prison', *Law Society Journal* (17 January 2023); Monique Hurley, 'Towards Ending Over-Imprisonment: Addressing the Impact of Bail Laws on Women in Victoria' (2022) 31(170) *Precedent* 32; Russell et al. (2020), above n 162; Crime Statistics Agency (2019), above n 128, 2, 7; Sentencing Advisory Council (2010), above n 128.

218. Corrections Victoria reported that, in 2017 'two-thirds of women whose period of remand ended were released from prison without serving any time under sentence': Corrections Victoria (2019), above n 162, 13–14.

219. The Council highlighted this distinction in its 2010 report on gender differences in sentencing outcomes, remarking that:

the effect of gender on sentencing decisions is not direct; rather, it acts indirectly via two paths: via gender differences in offending behaviour; and via the individual biographies of women that see a greater proportion of women coming before the court with a constellation of characteristics that creates legitimate mitigating circumstances. It is these indirect effects of gender that lead to disparities in sentencing outcomes. But it is these differences in men's and women's offending and in their biographies that mean that these disparities may not be unwarranted: the combination of factors such as family responsibility, mental illness, childhood abuse and trauma, and family violence creates a greater level of complexity in the reasons behind women's offending, differentiating it from that of men.

Sentencing Advisory Council (2010), above n 128, 49.

The persistent and growing overrepresentation of Aboriginal and Torres Strait Islander people

7.11 It has been almost 35 years since the 1991 Royal Commission into Aboriginal Deaths in Custody highlighted the overrepresentation and poor outcomes of Aboriginal and Torres Strait Islander people in custody,²²⁰ yet this report, like many others,²²¹ shows that despite the Victorian Government's continued commitment to improve criminal justice system outcomes for Aboriginal and Torres Strait Islander people, they continue to be markedly overrepresented in the adult prison population. The imprisonment rate for Aboriginal prisoners in Victoria was consistently and markedly higher than the imprisonment rate for non-Aboriginal prisoners between 30 June 2005 and 30 June 2024, and despite showing some signs of a downward trend in the most recent 4 years (consistent with the overall decline in the prison population), about 1 in 60 Aboriginal Victorians are currently in custody, compared to 1 in 100 two decades ago. That is, the gap has gotten worse, not better. Of particular concern is the continued high rates of remand of Aboriginal people. Corrections Victoria data shows that 732 Aboriginal people were in custody on 30 June 2024, 40% of whom were on remand (compared to 34% of *all* prisoners). These numbers are even more stark for Aboriginal women in custody, 50% of whom were on remand as of 30 June 2024.²²²

The recent period of decarceration did not increase offending rates

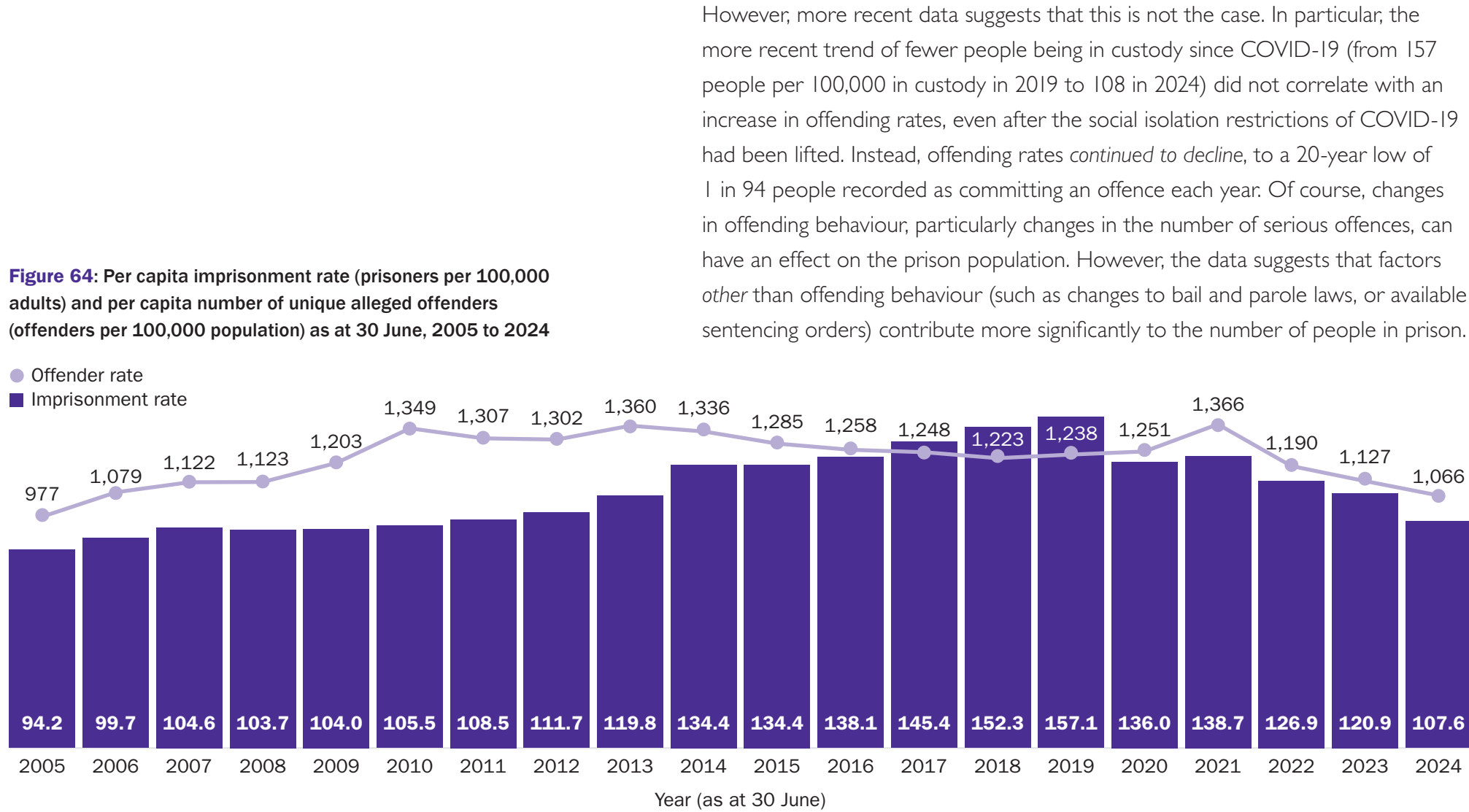
7.12 This report (like others²²³) shows that the size of the prison population is not especially correlated with changes in the number of people committing offences. The rapid growth in Victoria's imprisonment rate from 2012–13 to 2018–19 was not preceded by a marked increase in the per capita number of offenders. In fact, there was a decrease in the per capita offending rate during this period, from a peak of 1,360 per 100,000 in 2012–13 to a low of 1,238 in 2018–19 (Figure 64, page 122). This could be interpreted as suggesting that the increased imprisonment of offenders was reducing offending rates.

220. Commonwealth of Australia (1991), above n 66.

221. See, for example, Victorian Ombudsman, *Investigation into Healthcare Provision for Aboriginal People in Victorian Prisons* (2024); State of Victoria, Legal and Social Issues Committee (2022), above n 21, 60–62; Productivity Commission (2021), above n 6, 19, 31–34; Sophie Russell and Eileen Baldry (2020), above n 146, 6–7; Australian Law Reform Commission (2017), above n 126; Victorian Ombudsman (2015), above n 158, 34, 74–87.

222. As at 30 June 2024, there were 32 Aboriginal women in custody, 16 of whom were on remand: Corrections Victoria (2025), above n 29. See further Bartels (2019), above n 162.

223. See, for example, Productivity Commission (2021), above n 6, 2, 26.



Sources: Australian Bureau of Statistics, *Prisoners in Australia*, cat. no. 4517.0 (abs.gov.au, 2024) Table 19 (imprisonment rate); Crime Statistics Agency Victoria, unpublished data (offender rate)

Appendix A: Offence categories

Table A1: Offence classifications for offence categories in this report

Offence category	Crime Statistics Agency offence classification ^a	Australian and New Zealand Standard Offence Classification ^b
Person	Crimes against the person A10 Homicide and related offences A20 Assault and related offences A30 Sexual offences A40 Abduction and related offences A50 Robbery A60 Blackmail and extortion A70 Stalking, harassment and threatening behaviour A80 Dangerous and negligent acts endangering people	01 Homicide and related offences 02 Acts intended to cause injury 03 Sexual assault and related offences 04 Dangerous or negligent acts endangering persons 05 Abduction, harassment, and other offences against the person 06 Robbery, blackmail, and extortion
Property	Property and deception offences B10 Arson B20 Property damage B30 Burglary/break and enter B40 Theft B50 Deception B60 Bribery	07 Unlawful entry with intent/ burglary, break and enter 08 Theft and related offences 09 Fraud, deception, and related offences 12 Property damage and environmental pollution
Drug	Drug offences C10 Drug dealing and trafficking C20 Cultivate or manufacture drugs C30 Drug use and possession C90 Other drug offences	10 Illicit drug offences 101 Import or export illicit drugs 102 Deal or traffic in illicit drugs 103 Manufacture or cultivate illicit drugs 104 Posses and/or use illicit drugs 109 Other illicit drug offences

Offence category	Crime Statistics Agency offence classification ^a	Australian and New Zealand Standard Offence Classification ^b
Public order	Public order and security offences D10 Weapons and explosives offences D20 Disorderly and offensive conduct D30 Public nuisance offences D40 Public security offences	11 Prohibited and regulated weapons and explosives offences 13 Public order offences
Justice procedure	Justice procedures offences E10 Justice procedures E20 Breaches of orders	15 Offences against justice procedures, government security and government operations
Other	Other offences F10 Regulatory driving offences F20 Transport regulation offences F30 Other government regulatory offences F90 Miscellaneous offences	14 Traffic and vehicle regulatory offences 16 Miscellaneous offences

a. Crime Statistics Agency, 'Offence Classification' (crimestatistics.vic.gov.au, 2025).

b. Australian Bureau of Statistics, *Australian and New Zealand Standard Offence Classification (ANZSOC)* (abs.gov.au, 2025). ANZSOC was updated in 2023, though given that the majority of our reference period precedes that revision, this report uses the 2011 edition of ANZSOC.

Appendix B: Custodial sentences in the higher courts by offence category

Table A2: Number of custodial sentences in the higher courts

Financial year	Offences against the person	Property offences	Drug offences	Public order offences	Justice procedure offences	Other offences
2005	559	249	153	27	15	38
2006	560	247	187	17	14	29
2007	636	260	154	45	10	15
2008	706	240	184	45	11	19
2009	679	192	193	26	22	12
2010	715	234	236	14	13	5
2011	724	236	238	23	10	9
2012	688	231	253	9	19	9
2013	784	203	265	10	39	5
2014	705	230	276	23	38	7
2015	700	192	228	9	35	5
2016	662	189	289	14	40	10
2017	714	226	271	43	57	4
2018	713	219	230	78	54	7
2019	750	305	270	42	77	13
2020	700	291	249	34	67	21
2021	519	239	211	29	41	34
2022	665	258	212	33	58	19
2023	792	277	207	55	57	24
2024	688	284	161	46	45	22
Percentage change	23.1%	14.1%	5.2%	70.4%	200.0%	-42.1%

Table A3: Proportion (%) of cases resulting in imprisonment in the higher courts

Financial year	Offences against the person	Property offences	Drug offences	Public order offences	Justice procedure offences	Other offences
2005	53.2	44.9	62.7	34.6	27.3	51.4
2006	58.5	45.4	57.7	17.9	31.1	52.7
2007	57.9	49.7	67.0	29.6	18.2	40.5
2008	57.1	52.1	61.3	36.6	39.3	37.3
2009	59.4	53.3	67.7	33.8	50.0	24.0
2010	67.6	60.6	67.8	28.6	37.1	18.5
2011	65.8	56.6	68.2	42.6	28.6	30.0
2012	62.1	60.9	71.5	27.3	39.6	31.0
2013	66.6	65.5	81.3	43.5	63.9	33.3
2014	63.1	66.7	80.9	52.3	54.3	41.2
2015	63.7	63.6	78.6	37.5	53.0	29.4
2016	63.8	70.5	83.5	60.9	53.3	50.0
2017	73.1	80.7	85.2	89.6	68.7	25.0
2018	71.8	75.0	91.6	90.7	64.3	31.8
2019	75.1	77.6	91.2	72.4	68.8	40.6
2020	74.9	78.6	89.6	73.9	64.4	70.0
2021	73.4	79.7	92.1	85.3	58.6	79.1
2022	73.6	78.2	84.5	73.3	60.4	42.2
2023	74.9	80.3	81.8	80.9	62.6	53.3
2024	77.3	77.8	84.3	82.1	68.2	48.9
Change in rate	24.1	32.9	21.6	47.5	40.9	-2.5

Table A4: Average custodial sentence length (years) in the higher courts

Financial year	Offences against the person	Property offences	Drug offences	Public order offences	Justice procedure offences	Other offences
2007	4.6	2.2	3.7	2.1	1.4	2.6
2008	4.3	2.6	3.2	1.6	2.0	3.0
2009	4.6	2.7	3.0	3.1	4.6	2.8
2010	5.0	3.0	3.7	1.8	4.0	4.6
2011	4.6	3.1	3.2	2.9	2.0	4.1
2012	4.6	2.9	3.3	2.6	5.0	0.9
2013	4.5	3.0	3.7	2.9	1.2	2.4
2014	4.5	3.1	3.7	3.1	1.1	2.2
2015	4.0	2.8	3.8	1.9	1.2	3.2
2016	4.1	2.7	3.6	0.8	0.6	1.4
2017	4.6	3.5	3.7	1.9	1.2	2.5
2018	5.0	3.3	4.3	1.7	0.9	3.2
2019	4.9	3.1	4.4	1.7	2.1	2.6
2020	4.9	2.9	5.0	1.9	3.0	3.1
2021	4.1	3.0	4.7	2.5	1.4	3.0
2022	4.3	3.0	3.8	1.8	1.8	2.8
2023	4.6	2.5	4.6	2.0	0.8	3.0
2024	4.9	3.0	5.0	2.8	1.1	2.5
Percentage change	6.3%	32.3%	33.0%	37.8%	-26.7%	-4.4%

Appendix C: Custodial sentences in the Magistrates' Court by offence category

Table A5: Number of custodial sentences in the Magistrates' Court

Financial year	Offences against the person	Property offences	Drug offences	Public order offences	Justice procedure offences	Other offences
2005	1,003	2,022	309	166	149	627
2006	1,022	1,926	272	192	140	749
2007	1,057	1,886	239	184	135	711
2008	1,025	1,742	245	211	146	655
2009	1,222	1,756	300	217	169	633
2010	1,397	1,969	311	253	190	746
2011	1,271	1,645	273	232	164	611
2012	1,468	1,645	312	245	212	577
2013	1,841	1,813	411	352	291	591
2014	1,914	1,879	474	368	337	559
2015	2,142	1,841	536	434	510	530
2016	2,579	2,102	645	524	629	442
2017	3,188	2,265	650	616	744	355
2018	3,275	2,422	590	679	792	375
2019	3,750	3,010	771	886	992	314
2020	3,617	3,009	747	882	990	234
2021	3,126	2,355	670	731	949	132
2022	3,393	2,012	558	615	786	131
2023	3,263	2,154	452	675	773	126
2024	2,756	1,735	347	524	639	125
Percentage change	174.8%	-14.2%	12.3%	215.7%	328.9%	-80.1%

Table A6: Proportion (%) of cases resulting in imprisonment in the Magistrates' Court

Financial year	Offences against the person	Property offences	Drug offences	Public order offences	Justice procedure offences	Other offences
2005	7.6	11.7	8.3	3.3	4.1	2.1
2006	7.6	12.6	7.7	4.3	3.1	2.5
2007	7.5	13.3	7.7	4.2	3.8	2.2
2008	6.8	12.1	7.7	4.4	4.4	1.6
2009	7.8	11.5	8.7	4.1	4.0	1.6
2010	8.8	13.3	9.2	6.6	4.4	1.9
2011	8.4	12.4	8.4	6.4	4.5	1.6
2012	9.6	13.2	9.2	6.9	4.5	1.4
2013	11.1	14.0	11.1	8.5	5.6	1.4
2014	10.8	14.0	12.0	8.2	6.1	1.2
2015	11.5	13.7	12.1	9.6	7.7	1.1
2016	13.7	15.0	15.2	11.4	8.6	0.9
2017	16.1	16.3	16.2	13.7	9.1	0.8
2018	16.0	17.6	15.1	14.8	9.4	0.8
2019	19.6	21.4	18.7	18.7	11.8	0.8
2020	23.5	25.3	22.4	22.8	13.6	0.7
2021	23.6	27.2	21.3	22.9	15.0	0.4
2022	17.8	19.9	15.5	15.4	9.0	0.4
2023	14.5	17.4	11.9	14.4	7.5	0.3
2024	14.3	15.5	10.8	13.7	7.6	0.3
Change in rate	6.7	3.9	2.5	10.4	3.4	-1.8

Table A7: Average custodial sentence length (months) in the Magistrates' Court

Financial year	Offences against the person	Property offences	Drug offences	Public order offences	Justice procedure offences	Other offences
2007	6.2	5.7	6.5	4.3	1.8	2.6
2008	6.9	5.8	6.9	5.3	2.3	2.7
2009	6.8	5.8	7.1	4.9	1.8	2.4
2010	7.1	5.8	6.3	4.8	2.5	2.9
2011	7.5	5.7	8.5	4.5	2.2	2.5
2012	7	5.8	7.3	4.8	2.4	2.6
2013	7	5.8	7.2	5.2	1.7	2.4
2014	6.2	5.1	6.4	4.6	2.4	2.3
2015	5.7	4.8	6.4	5.4	2.2	2.2
2016	5.2	4.3	5.5	4.5	2	2.2
2017	5.6	4.4	6.2	4.8	2.2	2.2
2018	5.6	4	5.8	4.6	2.3	2.5
2019	5.2	3.6	5.4	4.2	2.1	2.4
2020	4.8	3.4	5	4.3	1.9	2.5
2021	4.8	3	5.2	4	1.7	3.6
2022	5.1	3.3	5.3	4.3	2.2	3.4
2023	5.2	3.5	4.8	4.5	2.2	3.2
2024	5.4	3.7	5.4	4.8	2.1	2.7
Percentage change	-12.9%	-35.1%	-16.9%	11.6%	16.7%	3.8%

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