

Sentencing Snapshot

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

June 2013
No. 144

Arson

Introduction

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

A person who intentionally and without lawful excuse destroys or damages any property belonging to another by setting it on fire is guilty of arson.⁴ A person will be deemed to have destroyed or damaged the property intentionally if it was the person's purpose to do so or if the person was aware that his or her conduct was more likely than not to result in the damage or destruction of the property.⁵

Arson is an indictable offence that carries a maximum penalty of 15 years' imprisonment⁶ and/or a fine of 1,800 penalty units.⁷ Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court. Arson can also be tried summarily by the Magistrates' Court, if the property involved meets certain criteria,⁸ the Magistrates' Court considers it appropriate and the defendant consents.⁹

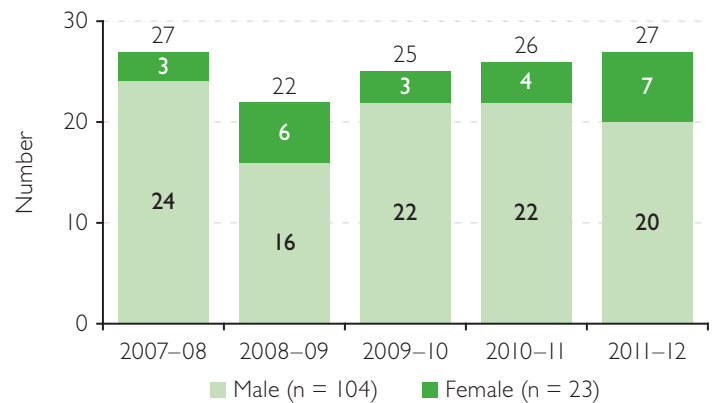
Arson was the principal offence¹⁰ in 1.3% of cases sentenced in the higher courts between 2007–08 and 2011–12.

People sentenced

From 2007–08 to 2011–12, 127 people were sentenced in the higher courts for a principal offence of arson. These people are the focus of this Snapshot. However, an additional 38 people were sentenced in cases that involved arson but where some other offence was the principal offence. In total, 165 people were sentenced in the higher courts for 252 charges of arson.

Figure 1 shows the number of people sentenced for the principal offence of arson by their gender. Over the five years depicted, the majority of those sentenced were men (81.9% or 104 of the 127 people), including 20 of the 27 people sentenced in 2011–12.

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



Sentence types and trends

Figure 2 shows the total number of people sentenced for arson and the number who received an immediate custodial sentence. An immediate custodial sentence is one that involves at least some element of immediate (as opposed to wholly suspended) imprisonment or detention.¹¹ Over the five-year period, 57% of people were given an immediate custodial sentence. This peaked at 68% (17 of 25) in 2009–10 after a low of 41% (11 of 27) in 2007–08. In 2011–12, 63% of people sentenced (17 of 27) were given an immediate custodial sentence.

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

Over the five-year period, around half of the people sentenced for arson received a period of imprisonment (49% or 62 of 127 people), while 21% received a wholly suspended¹² sentence of imprisonment and 11% received a community-based order.

The number and percentage of people given a sentence of imprisonment were lowest during 2007–08 (37% or 10 of 27 people). The number was highest during 2011–12 (14 people) while the percentage was highest during 2008–09 (59% or 13 of 22 people).

The number and percentage of people to receive a wholly suspended sentence were lowest during 2009–10 (8% or 2 of 25 people). The number was highest during both 2007–08 and 2008–09 (7 people each) while the percentage was highest during 2008–09 (32% or 7 of 22 people).

The number of people to receive a community-based order was lowest during both 2008–09 and 2011–12 (1 person each) while the percentage was lowest during 2011–12 (4% or 1 of 27 people). The number and percentage of people were highest during 2010–11 (23% or 6 of 26 people).

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



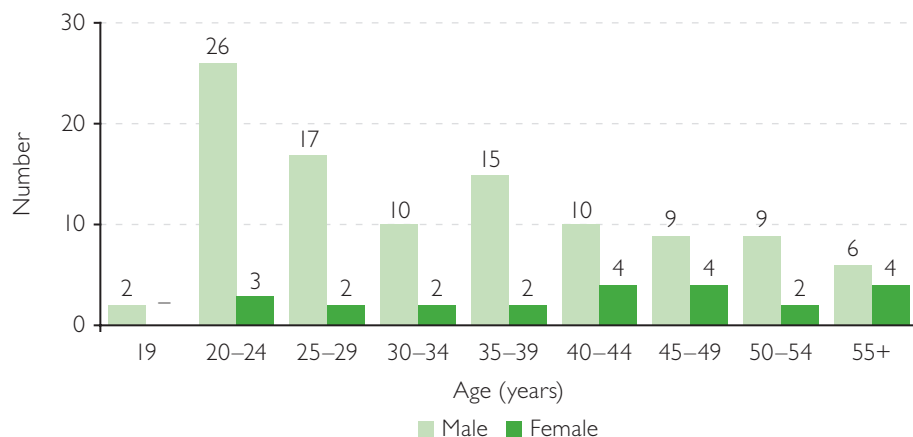
Table 1: The number and percentage of people sentenced for arson by sentence type, 2007–08 to 2011–12

Sentence type	2007–08	2008–09	2009–10	2010–11	2011–12	Total
Imprisonment	10 (37%)	13 (59%)	12 (48%)	13 (50%)	14 (52%)	62 (49%)
Wholly suspended sentence	7 (26%)	7 (32%)	2 (8%)	6 (23%)	5 (19%)	27 (21%)
Community-based order	4 (15%)	1 (5%)	2 (8%)	6 (23%)	1 (4%)	14 (11%)
Partially suspended sentence	1 (4%)	1 (5%)	2 (8%)	1 (4%)	1 (4%)	6 (5%)
Intensive correction order	2 (7%)	0 (–)	3 (12%)	0 (–)	0 (–)	5 (4%)
Community correction order	0 (–)	0 (–)	0 (–)	0 (–)	4 (15%)	4 (3%)
Youth justice centre order	0 (–)	0 (–)	1 (4%)	0 (–)	2 (7%)	3 (2%)
Restricted involuntary treatment order (hospital order)	0 (–)	0 (–)	2 (8%)	0 (–)	0 (–)	2 (2%)
Non-custodial supervision order	0 (–)	0 (–)	1 (4%)	0 (–)	0 (–)	1 (<1%)
Good behaviour bond	1 (4%)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
Adjourned undertaking without conviction	1 (4%)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
Adjourned undertaking with conviction	1 (4%)	0 (–)	0 (–)	0 (–)	0 (–)	1 (<1%)
People sentenced	27	22	25	26	27	127

Age and gender of people sentenced

Figure 3 shows the gender of people sentenced for arson grouped by their age¹³ between 2007–08 and 2011–12. The average age of people sentenced for arson was 36 years and 1 month. Women sentenced over this period were much older than men (an average age of 41 years and 4 months for women compared with 34 years and 11 months for men). There were no juveniles sentenced over this period.¹⁴

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



Sentence types by gender

Table 2 shows the types of sentences imposed for arson grouped by gender. As shown, a higher percentage of men received a period of imprisonment (53.8% compared with 26.1% of women) and a partially suspended sentence of imprisonment (5.8% compared with no women). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (47.8% compared with 15.4% of men) and a non-custodial supervision order (4.3% compared with no men).

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

Sentence type	Male	Female
Imprisonment	56 (54%)	6 (26%)
Wholly suspended sentence	16 (15%)	11 (48%)
Community-based order	11 (11%)	3 (13%)
Partially suspended sentence	6 (6%)	0 (–)
Intensive correction order	4 (4%)	1 (4%)
Community correction order	3 (3%)	1 (4%)
Youth justice centre order	3 (3%)	0 (–)
Restricted involuntary treatment order (hospital order)	2 (2%)	0 (–)
Non-custodial supervision order	0 (–)	1 (4%)
Good behaviour bond	1 (<1%)	0 (–)
Adjourned undertaking without conviction	1 (<1%)	0 (–)
Adjourned undertaking with conviction	1 (<1%)	0 (–)
People sentenced	104	23

Sentence types by age

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

Imprisonment

As shown in Figure 4, sentences of imprisonment were most likely to be given to people aged 35–39 years (76% or 13 of the 17 people in this age group).

Conversely, sentences of imprisonment were least common for those aged 40–44 years (36% or 5 of the 14 people in this age group).

Wholly suspended sentences of imprisonment

As shown in Figure 5, wholly suspended sentences of imprisonment were most likely to be given to people aged 45 years and older (29% or 10 of the 34 people in this age group) followed by people aged 40–44 years (29% or 4 of the 14 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged 35–39 years (6% or 1 of the 17 people in this age group).

Community-based orders

As shown in Figure 6, community-based orders were most likely to be given to people aged under 25 years (23% or 7 of the 31 people in this age group).

Conversely, none of the 12 people aged 30–34 years and none of the 14 people aged 40–44 years received a community-based order.

Figure 4: The percentage of people who received a period of imprisonment for arson by age group, 2007–08 to 2011–12

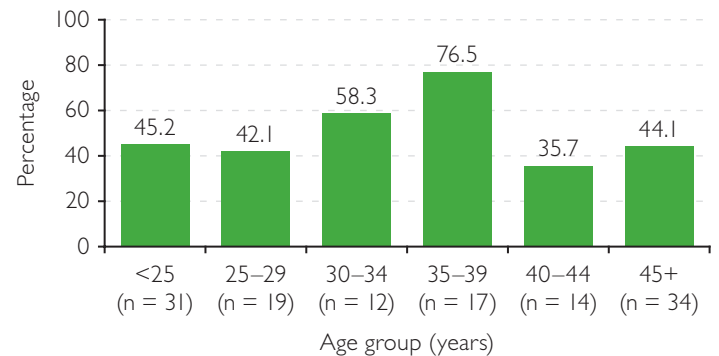


Figure 5: The percentage of people who received a wholly suspended sentence of imprisonment for arson by age group, 2007–08 to 2011–12

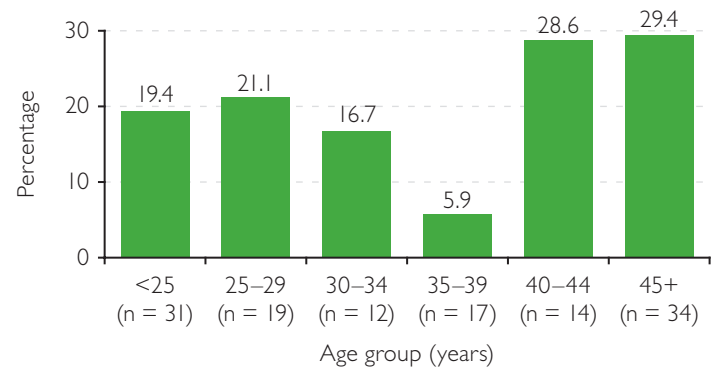
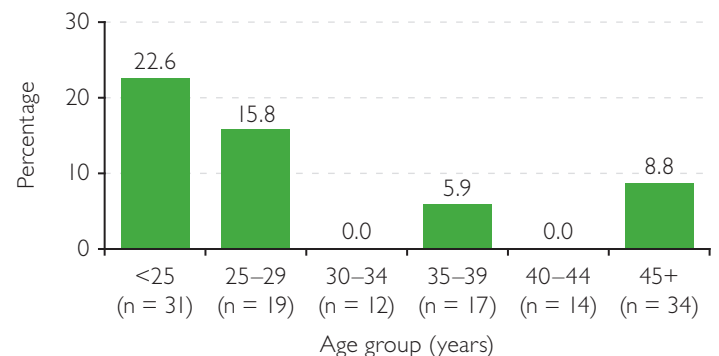


Figure 6: The percentage of people who received a community-based order for arson by age group, 2007–08 to 2011–12



Principal and total effective sentences

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

The principal sentence is the individual sentence imposed for the charge that is the principal offence.¹⁵

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

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

Principal sentence of imprisonment

A total of 62 people received a principal sentence of imprisonment for arson between 2007–08 to 2011–12.

Figure 7 shows these people by the length of their imprisonment term. Imprisonment terms ranged from 2 months to 6 years, while the median length of imprisonment was 2 years and 6 months (meaning that half of the imprisonment terms were shorter than 2 years and 6 months and half were longer).

The most common length of imprisonment imposed was 2 to less than 3 years (24 people).

Expanding the analysis from principal sentences of imprisonment to all charges that received imprisonment, there were 154 charges of arson sentenced to imprisonment between 2007–08 and 2011–12. Imprisonment lengths for arson ranged from 2 months to 6 years while the median was 2 years and the most common length was 1 year to less than 2 years (48 of 154 charges or 31%).

Returning to principal sentences of imprisonment, as shown in Figure 8, the average length of imprisonment term imposed on people sentenced for arson ranged from 2 years and 6 months in 2007–08 to 3 years and 2 months in 2009–10.

From 2007–08 to 2011–12, the majority of people who received a term of imprisonment for arson were men (56 people or 90.3%). Over the five-year period, men received a longer average term of imprisonment (2 years and 10 months compared with 2 years and 3 months for women).

Figure 7: The number of people sentenced to imprisonment for arson by length of imprisonment term, 2007–08 to 2011–12

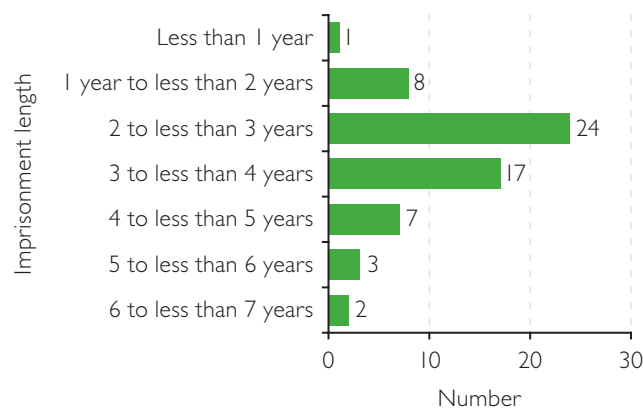
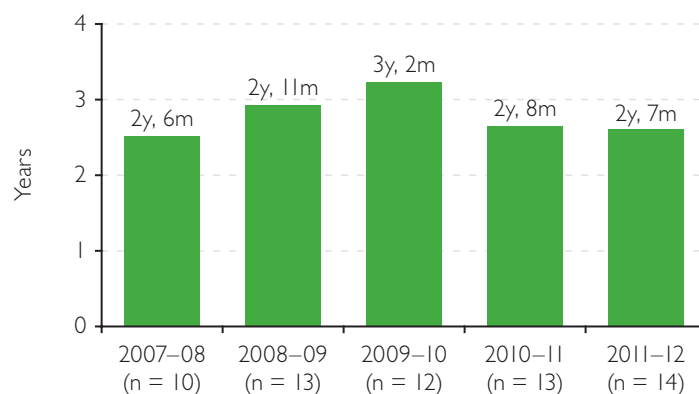


Figure 8: The average length of imprisonment term imposed on people sentenced for arson, 2007–08 to 2011–12



Other offences finalised at the same hearing

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

Figure 9 shows the number of people sentenced for the principal offence of arson by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 29, while the median was 2 offences. There were 46 people (36.2%) sentenced for the single offence of arson. The average number of offences per person sentenced for arson was 4.09.

While Figure 9 presents the number of sentenced offences for those sentenced for arson, Table 3 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the 10 most common offences. The last column sets out the average number of offences sentenced per person. For example, 19 of the total 127 people (15.0%) also received sentences for theft. On average, they were sentenced for 4.37 counts of theft.

Figure 9: The number of people sentenced for the principal offence of arson by the number of sentenced offences per person, 2007–08 to 2011–12

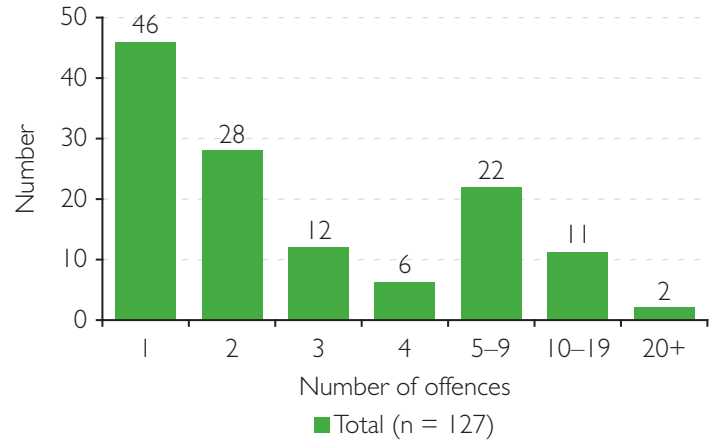


Table 3: The number and percentage of people sentenced for the principal offence of arson by the most common offences that were sentenced and the average number of those offences that were sentenced, 2007–08 to 2011–12

Offence	No.	%	Avg.
1 Arson	127	100.0	1.61
2 Theft	19	15.0	4.37
3 Burglary	19	15.0	2.00
4 Intentionally destroy/damage property (criminal damage)	18	14.2	1.61
5 Reckless conduct endangering serious injury	7	5.5	1.71
6 Reckless conduct endangering life	6	4.7	1.67
7 Contravene family violence intervention order	5	3.9	2.40
8 Handling stolen goods	4	3.1	1.75
9 Stalking	4	3.1	1.50
10 Making a threat to kill	4	3.1	1.25
People sentenced	127	100.0	4.09

Total effective sentence of imprisonment

There were 62 people given a total effective sentence of imprisonment.¹⁶ Figure 10 shows the number of people sentenced to imprisonment for arson between 2007–08 and 2011–12 by length of total effective sentence. The length of total effective sentences ranged from 2 months to 12 years and 8 months,¹⁷ while the median total effective length of imprisonment was 3 years (meaning that half of the total effective sentence lengths were below 3 years and half were above).

The most common total effective imprisonment length was 3 to less than 4 years (17 people).

Non-parole period

When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where no non-parole period is set by the court, the person must serve the entirety of the imprisonment term.

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

Of the 62 people who were sentenced to imprisonment for arson, 61 were eligible to have a non-parole period fixed.¹⁸ Of these people, 59 were given a non-parole period (97%).¹⁹ Figure 11 shows the number of people sentenced to imprisonment for arson between 2007–08 and 2011–12 by length of non-parole period. Non-parole periods ranged from 5 months to 8 years,²⁰ while the median length of the non-parole period was 1 year and 6 months (meaning that half of the non-parole periods were below 1 year and 6 months and half were above).

The most common non-parole period imposed was 1 year to less than 2 years (21 people).

Total effective sentences of imprisonment and non-parole periods

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

From 2007–08 to 2011–12, the average length of total effective sentences for all people ranged from 3 years and 1 month in 2011–12 to 5 years and 2 months in 2009–10. Over the same period, the average length of non-parole periods ranged from 1 year and 7 months in 2010–11 to 3 years in 2009–10.

Figure 10: The number of people sentenced to imprisonment for arson by length of total effective imprisonment term, 2007–08 to 2011–12

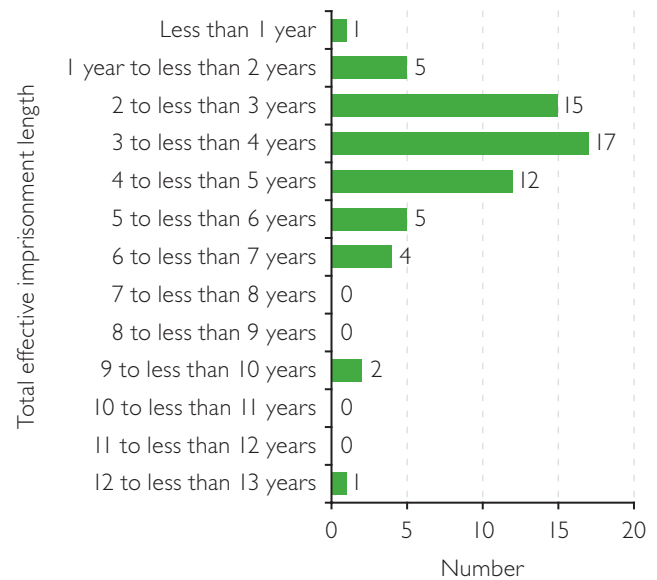


Figure 11: The number of people sentenced to imprisonment for arson by length of non-parole period, 2007–08 to 2011–12

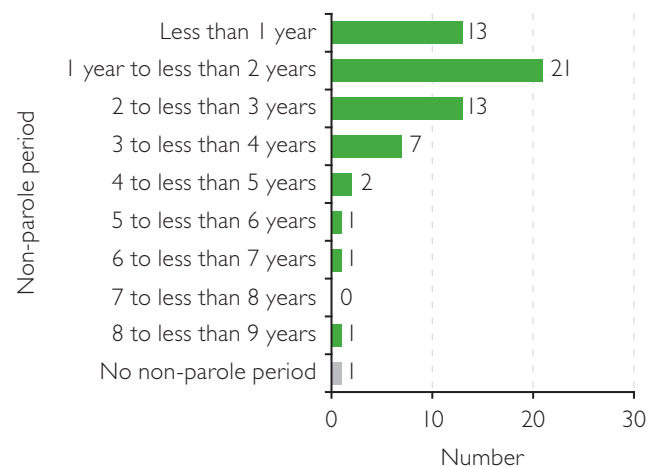
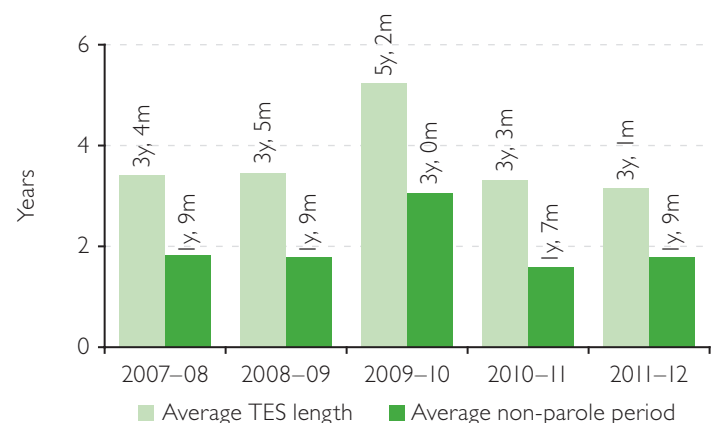


Figure 12: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for arson, 2007–08 to 2011–12



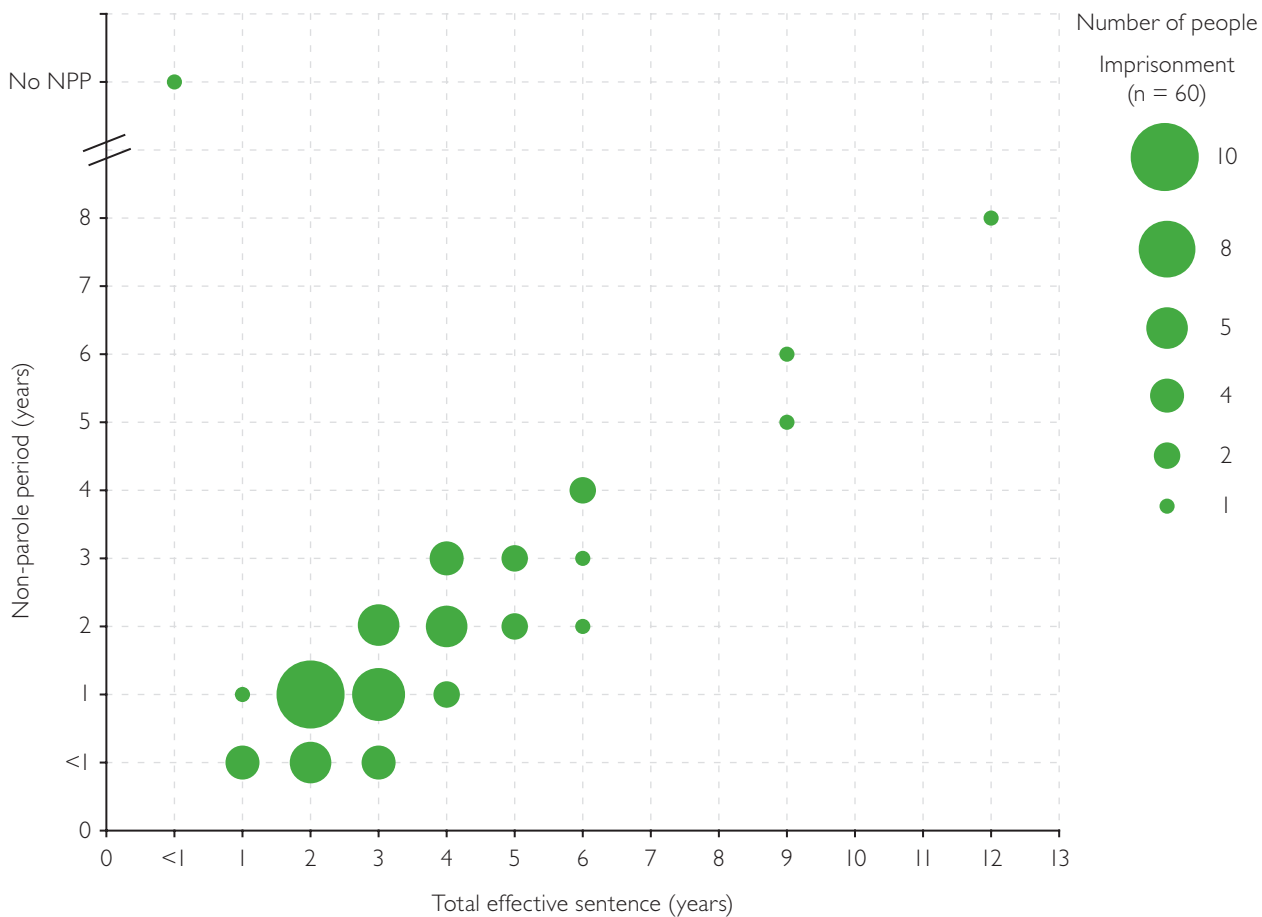
Total effective sentence of imprisonment by non-parole period

While Figures 10 and 11 present the lengths of the total effective sentences and non-parole periods separately, Figure 13 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for arson for each individual person.

The centre of each 'bubble' on the chart represents a combination of imprisonment length and non-parole period, while the size of the bubble reflects the number of people who received that particular combination. Sentence lengths and non-parole periods that are longer than one year are rounded down to the nearest year of imprisonment, while sentence lengths and non-parole periods of less than one year are grouped into the '<1 year' category. For example, a sentence length of 2 years and 6 months would be included as a sentence length of 2 years for the purposes of Figure 13.

As shown, the most common combination of imprisonment length and non-parole period imposed was 2 years with a non-parole period of 1 year (10 people – as represented by the largest bubble on the chart). The length of imprisonment ranged from 2 months with no non-parole period to 12 years and 8 months with a non-parole period of 8 years.²¹

Figure 13: The number of people sentenced to imprisonment for arson by the total effective sentence and the non-parole period imposed, 2007–08 to 2011–12



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

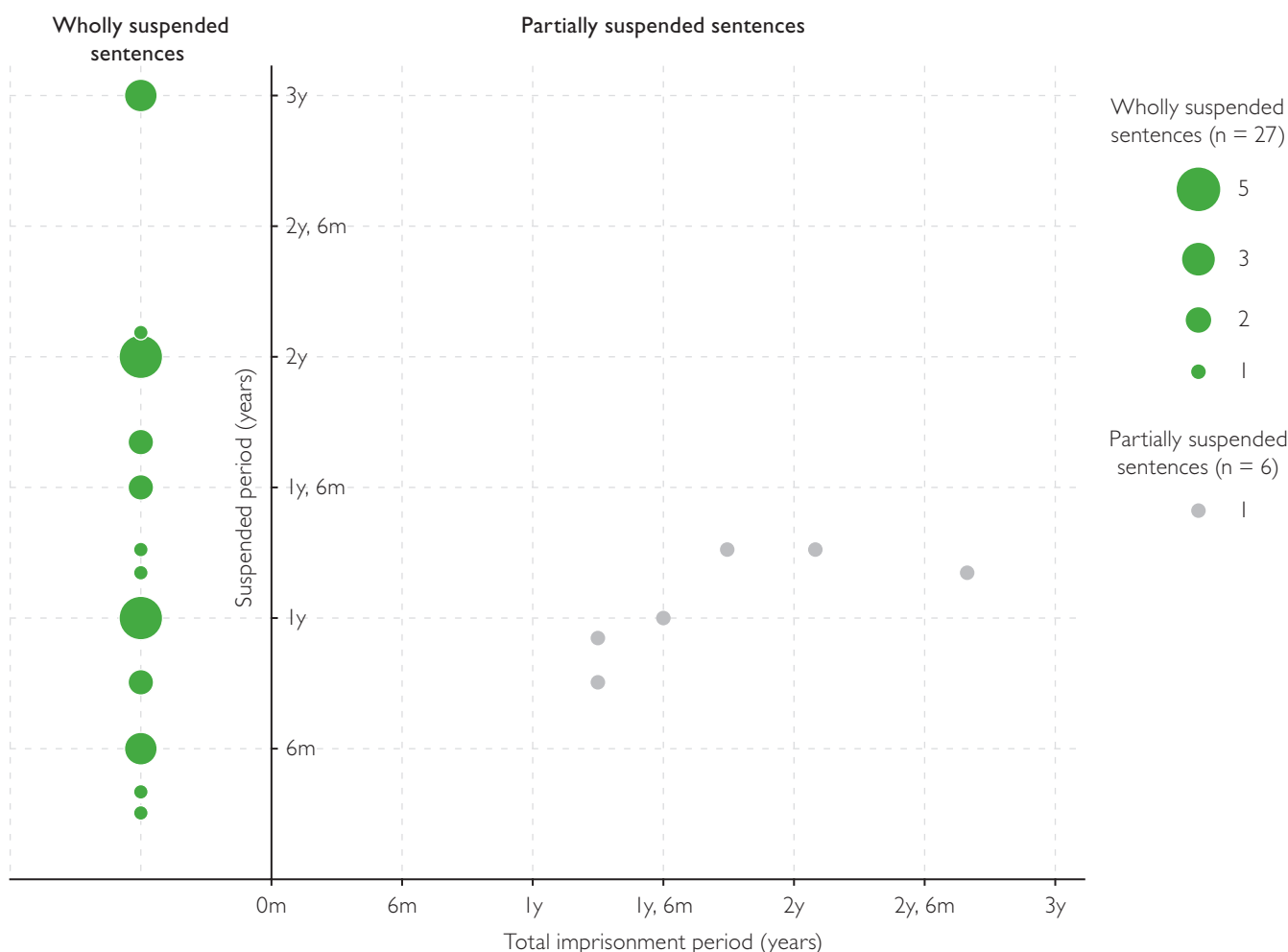
Suspended sentences of imprisonment

There were 33 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 27 people had their prison sentence wholly suspended and 6 received a partially suspended sentence of imprisonment. Figure 14 shows the number of people with a suspended sentence of imprisonment as their total effective sentence by the suspended sentence type and length of sentence. The green 'bubbles' to the left of the vertical axis show the lengths of the wholly suspended sentences, while the grey bubbles to the right of the vertical axis show the combination of total imprisonment length and the suspended period for those sentenced to a partially suspended sentence. The size of the bubble reflects the number of people who received either the wholly or the partially suspended prison term. Imprisonment lengths and suspended periods that end part way through a month are rounded down to the nearest complete month. For example, a wholly suspended sentence of 6 months and 12 days would be included as a sentence length of 6 months for the purposes of Figure 14.

Wholly suspended sentence lengths ranged from 3 months to 3 years. The most common wholly suspended sentence lengths were 1 year and 2 years (5 people each – as represented by the two largest green bubbles on the chart).

Partially suspended sentences ranged from 1 year and 3 months' imprisonment with 9 months suspended to 2 years and 8 months' imprisonment with 1 year and 2 months suspended. Each combination of imprisonment length and suspension period was equally distributed (1 person each – as represented by the grey bubbles on the chart).

Figure 14: The number of people given a wholly or partially suspended sentence of imprisonment for arson by sentence type and length, 2007–08 to 2011–12



Community-based orders

There were 14 people given a community-based order as their total effective sentence.

The length of community-based orders for arson ranged from 1 year and 6 months to 2 years, while the most common length was 2 years (10 people).

Appeals

A sentence imposed on a person may be appealed²² by that person or by the Crown. A person sentenced may also appeal against his or her conviction. All appeals made in relation to people sentenced in the higher courts are determined by the Court of Appeal.

Up to June 2012, 2 people sentenced for a principal offence of arson in the period 2007–08 to 2011–12 successfully appealed their convictions. These people had received a total effective imprisonment term of 2 years and 4 months in a youth justice centre but were acquitted of arson on appeal. They were, however, found guilty of other charges and granted a conviction and discharge. Thus, the number of people sentenced from 2007–08 to 2011–12 for a principal offence of arson was reduced to 125 people once appeals are considered.

As a result of successful appeals against sentence, the total effective sentence and/or the non-parole period changed for 2 people. Both of these appeals were made by the person sentenced and resulted in a sentence reduction. The longest total effective imprisonment term to be reduced was a sentence of 9 years and 9 months with a non-parole period of 6 years and 9 months, which decreased to 8 years and 4 months' imprisonment and a non-parole period of 5 years and 9 months.

The principal sentence changed for 2 people as a result of a successful appeal. Both cases were originally given a principal sentence of imprisonment of 5 years. One was reduced to 3 years and 6 months on appeal, and the other was reduced to 4 years.

With the original sentencing data revised to incorporate appeal outcomes, the adjusted longest total effective imprisonment term was unchanged at 12 years and 8 months with a non-parole period of 8 years.

The adjusted longest principal sentence of imprisonment was also unchanged at 6 years.

Summary

Between 2007–08 and 2011–12, 127 people were sentenced for arson in the higher courts. Over this period, the majority of people sentenced were men (82%), while 82% were between the ages of 20 to 49.

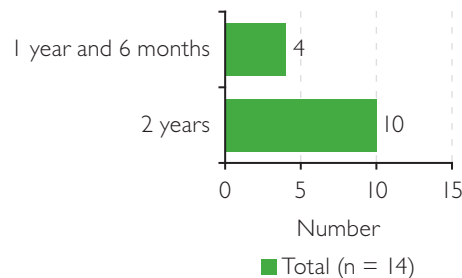
Around half of the people sentenced for arson received a period of imprisonment (49%), while 21% received a wholly suspended sentence of imprisonment and 11% received a community-based order.

Men were more likely than women to be sentenced to a period of imprisonment or a partially suspended sentence of imprisonment. Conversely, women were more likely to be sentenced to a wholly suspended sentence of imprisonment.

Imprisonment was most common for people aged between 35 to 39 years, wholly suspended sentences of imprisonment were more common for people aged 40 years or older and community-based orders were most common for people younger than 25 years.

Each of the 127 people was sentenced for an average of 4.09 offences, including 1.61 offences of arson. The most common offence finalised in conjunction with arson was theft (15.0% of all cases). The number and range of offences for which people with a principal offence of arson were sentenced help explain why imprisonment sentence lengths were longer for the total effective sentence than for the principal sentence. The median total effective imprisonment length was 3 years, while the median principal imprisonment length was 2 years and 6 months.

Figure 15: The number of people sentenced to a community-based order for arson by length of order imposed, 2007–08 to 2011–12



Total effective imprisonment lengths ranged from 2 months with no non-parole period to 12 years and 8 months with a non-parole period of 8 years. The most common sentence of imprisonment was 2 years with a non-parole period of 1 year.

The most common wholly suspended sentence lengths were 1 year and 2 years.

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

Endnotes

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

This Sentencing Snapshot is an update of Sentencing Snapshot no. 120, which describes sentencing trends for arson between 2005–06 and 2009–10.
2. The information source for sentencing outcomes for arson only contains information on age and gender characteristics. No other demographic analysis is possible using this data source.
3. The source data for the statistical information presented in this Snapshot were provided by the Business Intelligence area of the Courts and Tribunals unit within the Department of Justice (Vic). The Sentencing Advisory Council regularly undertakes extensive quality control measures for current and historical data. While every effort is made to ensure that the data analysed in this report are accurate, the data are subject to revision.
4. *Crimes Act 1958* (Vic) s 197(1), (6).
5. *Crimes Act 1958* (Vic) s 197(4).
6. *Crimes Act 1958* (Vic) s 197(7). Arson offences discussed in this Snapshot are mainly comprised of offences falling under section 197(6) of the *Crimes Act 1958* (Vic), and sections 197(1), 197(2) and 197(3) where the offence description indicates that arson was involved. Arson offences which fall under section 197A (arson causing death) are not included as they have a much higher maximum penalty and the nature of the offence is more serious.
7. The value of a penalty unit changes each year and can be found in the Victorian Government Gazette and on the Office of the Chief Parliamentary Counsel website <www.ocpc.vic.gov.au>.
8. Between 1 July 2007 and 11 March 2009, the *Magistrates' Court Act 1989* (Vic) allowed this offence to be heard summarily 'if the amount or value of the property alleged to be destroyed or damaged does not in the judgement of the Court exceed \$100,000'. On 11 March 2009, the power to hear this offence summarily was transferred to Schedule 2 of the *Criminal Procedure Act 2009* (Vic). There were no significant changes to the value of the property that would allow the offence to be heard summarily.
9. *Criminal Procedure Act 2009* (Vic) s 29. Prior to the *Criminal Procedure Act 2009* (Vic) coming into effect, section 53 of the *Magistrates' Court Act 1989* (Vic) provided similar powers to allow the Magistrates' Court to hear this offence summarily.
10. If a person is sentenced for a case with a single charge, the offence for that charge is the principal offence. If a person is sentenced for more than one charge in a single case, the principal offence is the offence for the charge that attracted the most serious sentence according to the sentencing hierarchy.
11. Immediate custodial sentence includes imprisonment, partially suspended sentence, youth justice centre order and restricted involuntary treatment order (hospital order).
12. Arson is defined as a 'significant offence' for the purposes of section 27(2B) of the *Sentencing Act 1991* (Vic). Section 27(2B) provides that a court cannot impose a wholly suspended sentence for significant offences committed on or after 1 May 2011, unless it is tried summarily. Significant offences committed prior to this date may still be given a wholly suspended sentence.
13. Age is at the time of sentencing.
14. Some defendants who were under the age of 18 at the time of committing the alleged offence and who were not 19 years or older at the time proceedings commenced may have been dealt with in the Children's Court of Victoria.
15. Refer to endnote 10.
16. All of the 62 people who were sentenced to imprisonment as the principal sentence were also given imprisonment as the total effective sentence.

17. In 2009–10, a 44 year-old male was given a total effective sentence of 12 years and 8 months with a non-parole period of 8 years for a series of arson and extortion-related offences. The judge remarked 'Your tactics involved blackmail, threats, assaults and arson, all demonstrating fearful criminal behaviour based on these strong arm tactics and threats of retribution, all directed at those who chose to stand up to you'.
18. One person was not eligible for parole because that person was given a total effective sentence length of less than 1 year.
19. Two people were not given a non-parole period relating to that case alone, but a non-parole period that also related to other cases. It is not possible to determine the length of the non-parole period that relates to these cases. The non-parole periods for these people are excluded from the analysis.
20. Refer to endnote 17.
21. Refer to endnote 17.
22. Appeals data were collected by the Sentencing Advisory Council from transcripts of sentencing remarks of criminal appeals on the Australasian Legal Information Institute's website <www.austlii.gov.au>.

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