

Sentencing Snapshot

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

August 2008
No. 53

Theft from a Motor Vehicle

This Sentencing Snapshot¹ describes sentencing outcomes² for the offence of theft from a motor vehicle and details the age and gender³ of people sentenced for this offence in the Magistrates' Court of Victoria between 2004–05 and 2007–08.

A person who dishonestly takes any property belonging to another person with the intention of permanently depriving that person of the property is guilty of theft.⁴ Theft from a motor vehicle includes all such offences where the property stolen is from a motor vehicle.⁵

Theft is an indictable offence⁶ which carries a maximum penalty of 10 years' imprisonment⁷ and/or a fine of 1200 penalty units.⁸ Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court.

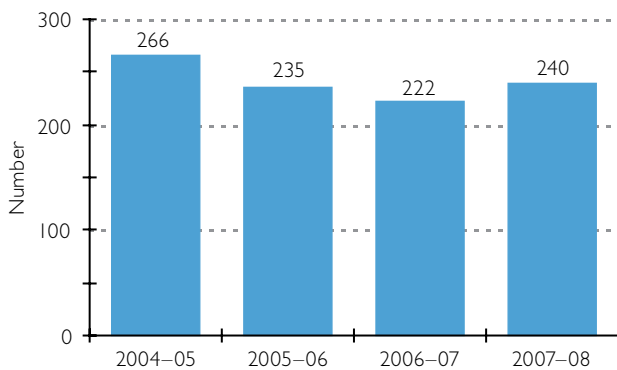
This offence may be heard summarily in the Magistrates' Court if the court considers it appropriate and the defendant consents. This tends to occur where the offence is seen by the court as being less serious in nature. Where an offence is tried summarily, the matter will be heard before a magistrate rather than a judge and a jury. Where theft from a motor vehicle is heard summarily, it carries a maximum penalty of 2 years' imprisonment and/or a fine of 240 penalty units.⁹

Theft from a motor vehicle was the principal offence in 0.4% of cases sentenced in the Magistrates' Court between 2004–05 and 2007–08.

People sentenced

Over the four-year period, 963 people were sentenced for the principal offence of theft from a motor vehicle in the Magistrates' Court. In 2007–08, there were 240 people who were sentenced for the principal proven offence of theft from a motor vehicle.¹⁰ This is an 8.1% increase from 222 in 2006–07, reversing a decrease from the previous two years.

Figure 1: The number of people sentenced for theft from a motor vehicle, 2004–05 to 2007–08



Sentencing outcomes

Table 1 shows the sentencing outcomes for people sentenced for theft from a motor vehicle during 2004–05 to 2007–08. Over the four-year period, the majority of those sentenced for theft from a motor vehicle received a non-custodial sentence (616 people or 64.0%), including 263 people who received a fine (27.3%), 188 people who received an adjourned undertaking (19.5%) and 160 people who received a community-based order (16.6%).

There were also 174 people who received an immediate custodial sentence (18.1%), including 148 people who were sentenced to imprisonment (15.4%).

In some circumstances, when sentencing an offender the court may decide whether to record a conviction.¹¹ Of the 462 people sentenced for theft from a motor vehicle in 2006–07 and 2007–08,¹² 72.7% had a conviction recorded (336 people).

An additional 179 people participated in the criminal justice diversion program. These people are not counted towards the total number of people sentenced and are not included in any further analyses in this paper (unless stated).¹³

Table 1: The number and percentage of people sentenced for theft from a motor vehicle by sentence type, 2004–05 to 2007–08

Sentence Type	Total	%
Immediate custodial	174	18.1
Imprisonment	148	15.4
Partially suspended sentence	12	1.2
Combined custody and treatment order	2	0.2
Youth justice centre order	12	1.2
Other custodial	173	18.0
Drug treatment order	3	0.3
Wholly suspended sentence	142	14.7
Intensive correction order	28	2.9
Non-custodial	616	64.0
Community-based order	160	16.6
Fine	263	27.3
Adjourned undertaking	188	19.5
Convicted and discharged (s. 73 SA)	4	0.4
Dismissed (s. 76 SA)	1	0.1
People sentenced	963	100.0
Criminal justice diversion program	179	
Total dispositions	1,142	

Sentencing outcomes by year

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

The number and percentage of people who received an immediate custodial sentence decreased each year from 53 people and 19.9% in 2004–05 to 37 people and 15.4% in 2007–08.

The number and percentage of people who received a non-immediate custodial sentence increased from 51 people and 19.2% in 2004–05 to 57 people and 23.8% in 2007–08. The number and percentage of people who received a non-custodial sentence decreased each year from 162 people and 60.9% in 2004–05 to 146 people and 60.8% in 2007–08.

Sentencing map

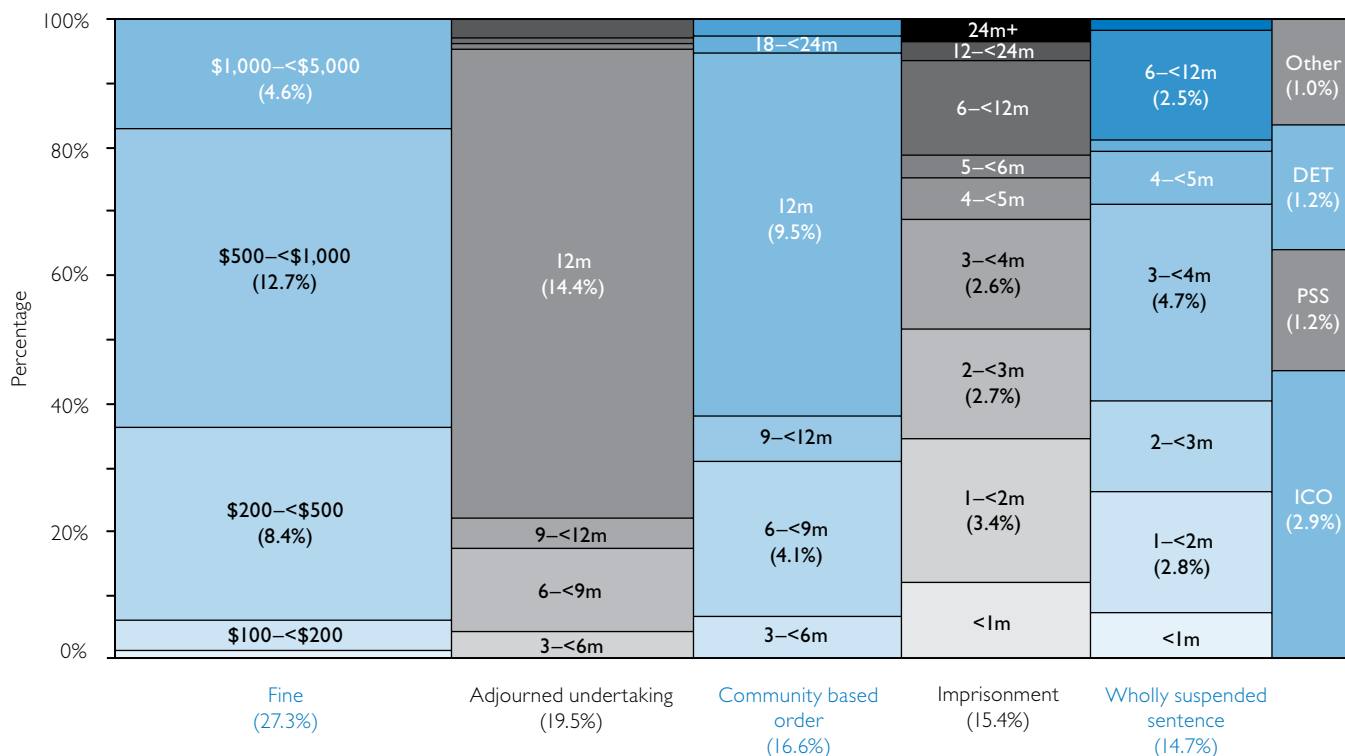
Figure 3 presents both the sentencing outcome and the quantum for that outcome for people sentenced for theft from a motor vehicle. For example, 27.3% of people sentenced received a fine including 12.7% who received a fine of \$500 to less than \$1,000. The right most column of the graph presents the least common sentencing outcomes without showing the quantum information.

Figure 3: Sentencing map: The percentage of people sentenced for theft from a motor vehicle by sentencing outcomes and sentencing quanta, 2004–05 to 2007–08¹⁶

Note: ICO refers to intensive correction order; PSS refers to partially suspended sentence and DET refers to youth justice centre order. Other includes convicted and discharged (s 73 SA), drug treatment order, combined custody and treatment order and dismissed (s 76 SA).

Table 3: The number and percentage of people sentenced for theft from a motor vehicle by sentence type and year, 2004–05 to 2007–08¹⁵

Sentence Type	2004–05	2005–06	2006–07	2007–08
Immediate custodial	53 (19.9%)	44 (18.7%)	40 (18.0%)	37 (15.4%)
Imprisonment	43 (16.2%)	34 (14.5%)	37 (16.7%)	34 (14.2%)
Partially suspended sentence	4 (1.5%)	5 (2.1%)	1 (0.5%)	2 (0.8%)
Combined custody and treatment order	0 -	1 (0.4%)	1 (0.5%)	0 -
Youth justice centre order	6 (2.3%)	4 (1.7%)	1 (0.5%)	1 (0.4%)
Other custodial	51 (19.2%)	35 (14.9%)	30 (13.5%)	57 (23.8%)
Drug treatment order	1 (0.4%)	0 -	0 -	2 (0.8%)
Wholly suspended sentence	47 (17.7%)	28 (11.9%)	25 (11.3%)	42 (17.5%)
Intensive correction order	3 (1.1%)	7 (3.0%)	5 (2.3%)	13 (5.4%)
Non-custodial	162 (60.9%)	156 (66.4%)	152 (68.5%)	146 (60.8%)
Community-based order	37 (13.9%)	34 (14.5%)	51 (23.0%)	38 (15.8%)
Fine	88 (33.1%)	66 (28.1%)	52 (23.4%)	57 (23.8%)
Adjourned undertaking	37 (13.9%)	55 (23.4%)	49 (22.1%)	47 (19.6%)
Convicted and discharged (s. 73 SA)	0 -	1 (0.4%)	0 -	3 (1.3%)
Dismissed (s. 76 SA)			0 -	1 (0.4%)
People sentenced	266	235	222	240



Principal sentence

This section examines the use of the five most common principal sentencing outcomes for this offence.¹⁷ Firstly, it provides an analysis of the trends in the use of each sentencing outcome, both in terms of the number and percentage of people sentenced. Secondly, a demographic analysis of the people sentenced to each sentencing outcome is provided.¹⁸ Finally, where relevant, the details of the sentence (length of order or fine amount) are examined.¹⁹

The five most common sentences imposed for theft from a motor vehicle are fine, adjourned undertaking, community-based order, imprisonment and wholly suspended sentence.

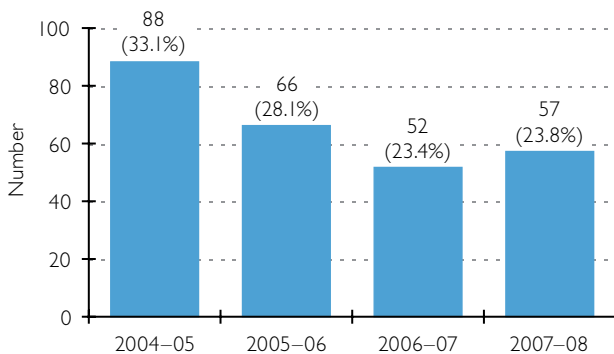
Fine

Trends

There were 263 people who received a fine for theft from a motor vehicle. This represented 27.3% of all people sentenced for this offence. Of the 109 people who received a fine in 2006–07 and 2007–08, 75.2% also had a conviction recorded (82 people). Figure 4 shows the trends in the number and percentage of people sentenced who received a fine for theft from a motor vehicle.

In 2007–08, 57 people received a fine for the principal proven offence of theft from a motor vehicle. This has remained relatively stable over the past two years, after decreasing substantially the previous two years. Also, the proportion of people who received a fine for theft from a motor vehicle remained relatively stable over the past two years ranging from 23.4% in 2006–07 to 23.8% in 2007–08.

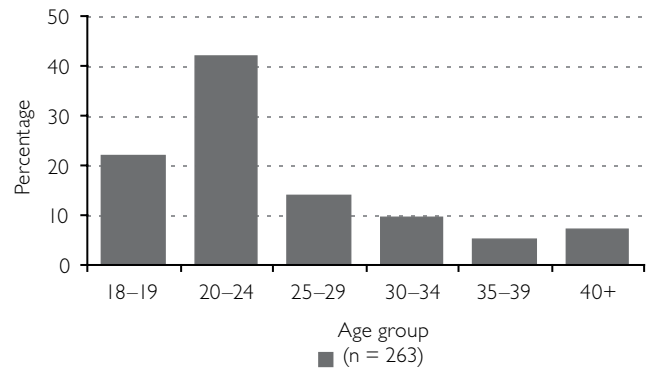
Figure 4: The number and percentage of people who received a fine for theft from a motor vehicle, 2004–05 to 2007–08



Age and gender

Of the 263 people who received a fine, 94.7% were men. Figure 5 shows the age groups of people who received a fine for theft from a motor vehicle. The median age of these people was 22 years.

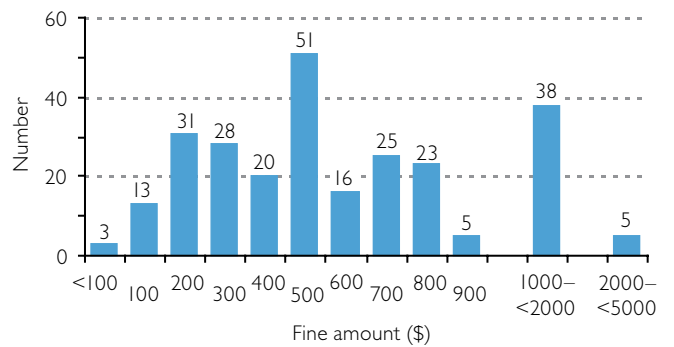
Figure 5: The percentage of people who received a fine for theft from a motor vehicle by age, 2004–05 to 2007–08



Fine Amount

Figure 6 shows the number of people who received a fine for theft from a motor vehicle by the amount of the fine. While the amount of the fine ranged from \$50 to \$3,000, the median was \$500.

Figure 6: The number of people who received a fine for theft from a motor vehicle by the amount of the fine, 2004–05 to 2007–08



Adjourned undertaking

Trends

There were 188 people who received an adjourned undertaking for theft from a motor vehicle. This represented 19.5% of all people sentenced for this offence. Of the 96 people who received an adjourned undertaking in 2006–07 and 2007–08, 16.7% also had a conviction recorded (16 people). Figure 7 shows the trends in the number and percentage of people sentenced who received an adjourned undertaking for theft from a motor vehicle.

In 2007–08, 47 people received an adjourned undertaking for the principal proven offence of theft from a motor vehicle. This has remained relatively stable over the past two years, after decreasing the previous year. However, the proportion of people who received an adjourned undertaking for theft from a motor vehicle decreased each of the past two years from 23.4% in 2005–06 to 19.6% in 2007–08.

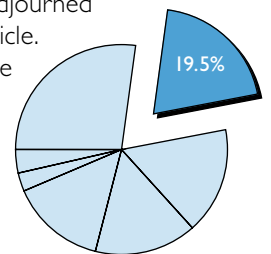
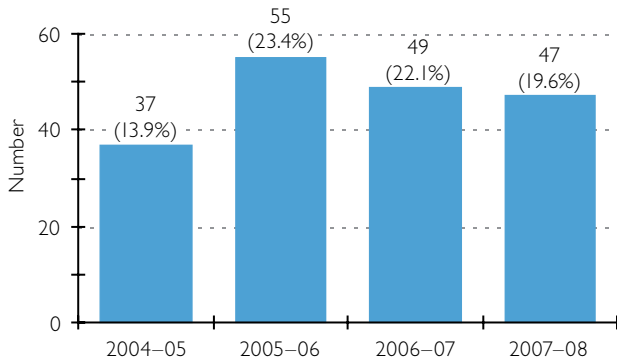


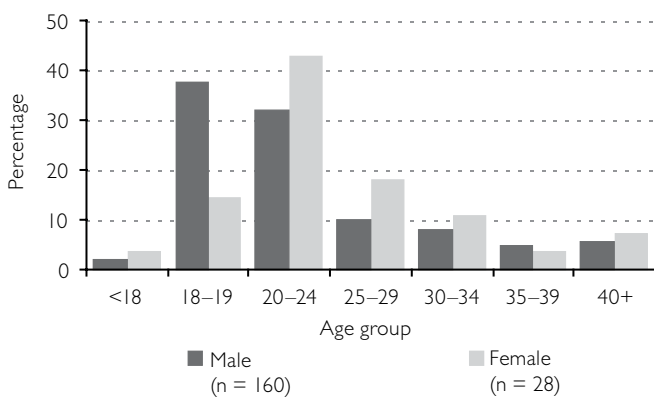
Figure 7: The number and percentage of people who received an adjourned undertaking for theft from a motor vehicle, 2004–05 to 2007–08



Age and gender

Of the 188 people who received an adjourned undertaking, 85.1% were men. Figure 8 shows the age groups of people who received an adjourned undertaking for theft from a motor vehicle by gender. The median age of these people was 21 years, while women were generally older than their male counterparts (a median age of 23 years compared to 20 years).

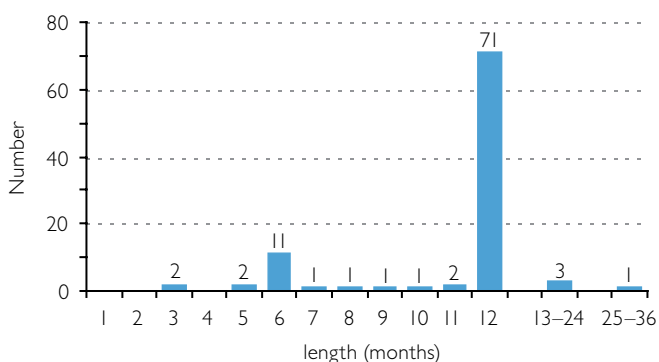
Figure 8: The percentage of people who received an adjourned undertaking for theft from a motor vehicle by age and gender, 2004–05 to 2007–08



Length of sentence

Figure 9 shows the number of people who received an adjourned undertaking for theft from a motor vehicle by the length of the sentence. While the length of adjourned undertakings ranged from three months to two years and eleven months, the majority were for 12 months (74.0%).

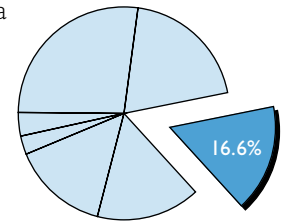
Figure 9: The number of people who received an adjourned undertaking for theft from a motor vehicle by the length of order, 2006–07 and 2007–08



Community-based order

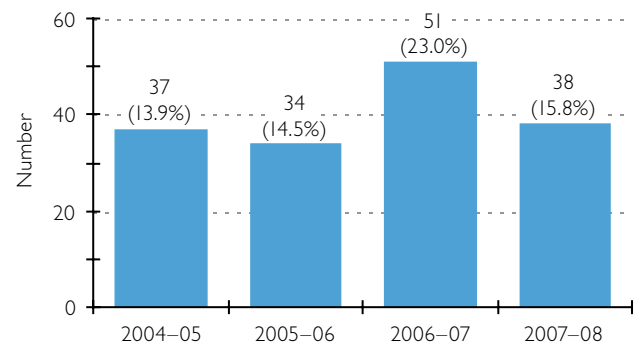
Trends

There were 160 people who received a community-based order for theft from a motor vehicle. This represented 16.6% of all people sentenced for this offence. Of the 89 people who received a community-based order in 2006–07 and 2007–08, 79.8% also had a conviction recorded (71 people). Figure 10 shows the trends in the number and percentage of people sentenced who received a community-based order for theft from a motor vehicle.



In 2007–08, 38 people received a community-based order for the principal proven offence of theft from a motor vehicle. This has decreased over the past year from 51 people in 2006–07, after increasing substantially the previous year. Also, the proportion of people who received a community-based order for theft from a motor vehicle decreased over the past year from 23.0% to 15.8%.

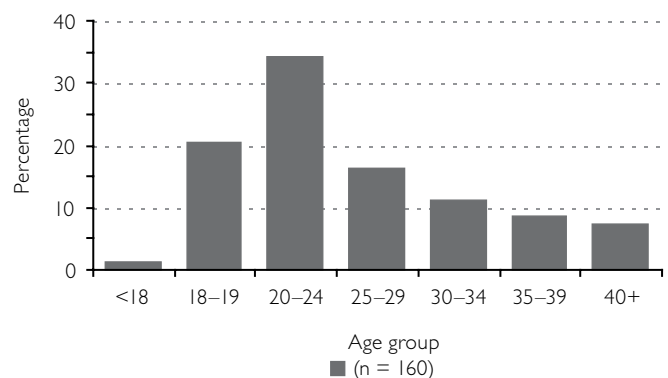
Figure 10: The number and percentage of people who received a community-based order for theft from a motor vehicle, 2004–05 to 2007–08



Age and gender

Of the 160 people who received a community-based order, 88.8% were men. Figure 11 shows the age groups of people who received a community-based order for theft from a motor vehicle. The median age of these people was 23 years.

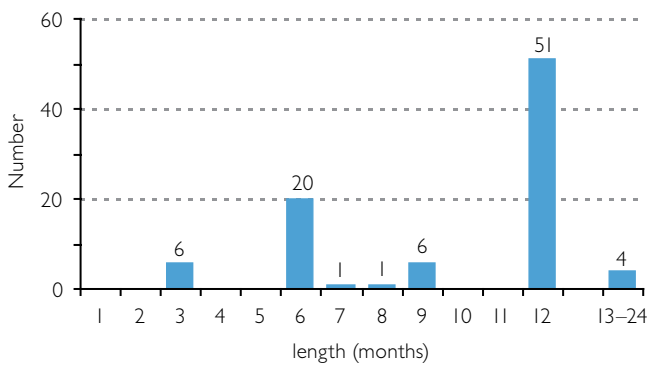
Figure 11: The percentage of people who received a community-based order for theft from a motor vehicle by age, 2004–05 to 2007–08



Length of sentence

Figure 12 shows the number of people who received a community-based order for theft from a motor vehicle by the length of the sentence. While the length of community-based orders ranged from three months to two years, the majority were for 12 months (57.3%), followed by 6 months (22.5%).

Figure 12: The number of people who received a community-based order for theft from a motor vehicle by the length of order, 2006–07 and 2007–08



Imprisonment

Trends

There were 148 people who were sentenced to imprisonment for theft from a motor vehicle. This represented 15.4% of all people sentenced for this offence. Figure 13 shows the trends in the number and percentage of people sentenced who were sentenced to imprisonment for theft from a motor vehicle.

In 2007–08, 34 people were sentenced to imprisonment for the principal proven offence of theft from a motor vehicle. This has decreased over the past year from 37 people in 2006–07, after increasing the previous year. Also, the proportion of people who were sentenced to imprisonment for theft from a motor vehicle decreased over the past year from 16.7% to 14.2%.

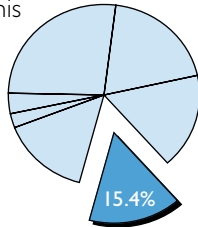
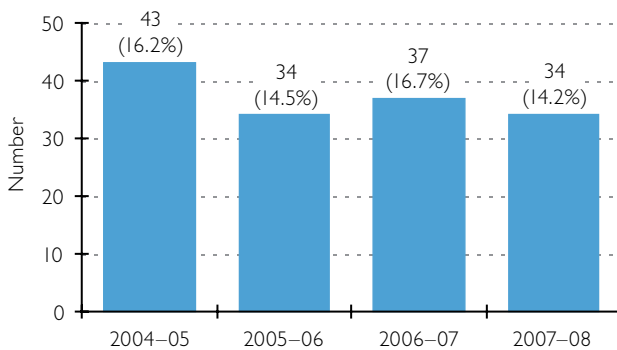


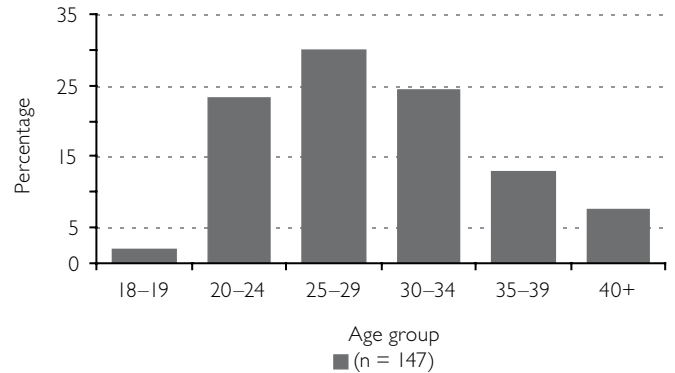
Figure 13: The number and percentage of people who were sentenced to imprisonment for theft from a motor vehicle, 2004–05 to 2007–08



Age and gender

Of the 148 people who received a period of imprisonment, 98.0% were men. Figure 14 shows the age groups of people who were sentenced to imprisonment for theft from a motor vehicle. The median age of these people was 29 years.

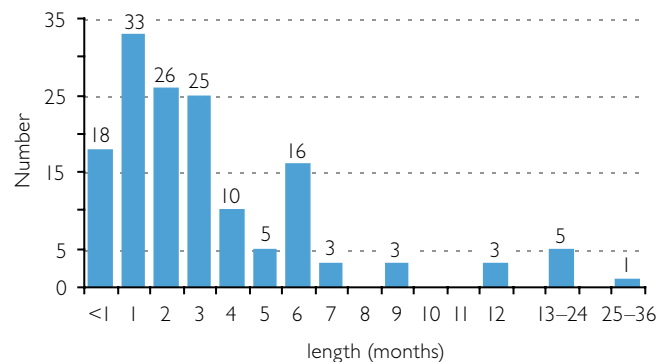
Figure 14: The percentage of people who were sentenced to imprisonment for theft from a motor vehicle by age, 2004–05 to 2007–08



Length of sentence

Figure 15 shows the number of people who were sentenced to imprisonment for theft from a motor vehicle by the length of the sentence. While the length of imprisonment ranged from one day to two years and six months, the median was two months (meaning that half were shorter than two months and half were longer than two months).

Figure 15: The number of people who were sentenced to imprisonment for theft from a motor vehicle by the length of order, 2004–05 to 2007–08



Wholly suspended sentence

Trends

There were 142 people who received a wholly suspended sentence for theft from a motor vehicle. This represented 14.7% of all people sentenced for this offence. Figure 16 shows the trends in the number and percentage of people sentenced who received a wholly suspended sentence for theft from a motor vehicle.

In 2007–08, 42 people received a wholly suspended sentence for the principal proven offence of theft from a motor vehicle. This has increased over the past year from 25 people in 2006–07, after decreasing the previous two years. Also, the proportion of people who received a wholly suspended sentence for theft from a motor vehicle increased over the past year from 11.3% to 17.5%.

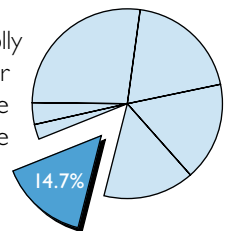
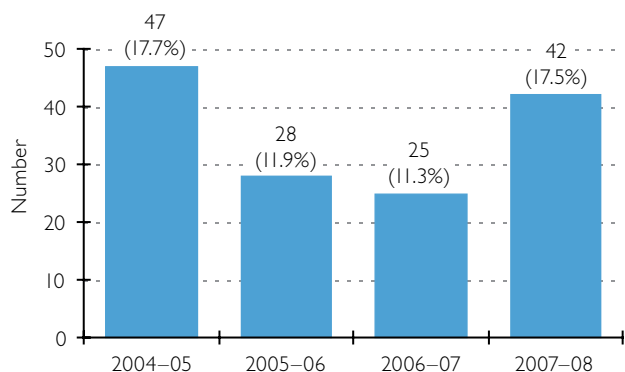


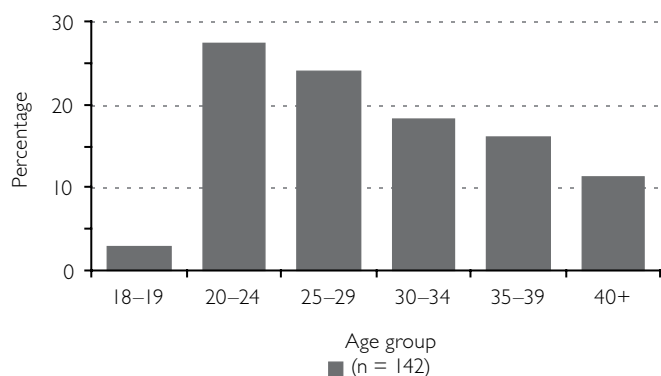
Figure 16: The number and percentage of people who received a wholly suspended sentence for theft from a motor vehicle, 2004–05 to 2007–08



Age and gender

Of the 142 people who received a wholly suspended sentence, 93.7% were men. Figure 17 shows the age groups of people who received a wholly suspended sentence for theft from a motor vehicle. The median age of these people was 28 years and six months.

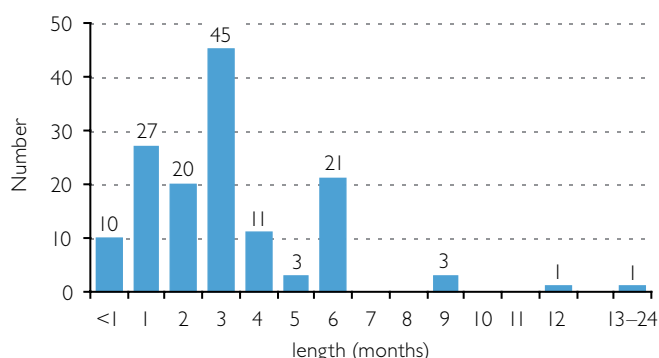
Figure 17: The percentage of people who received a wholly suspended sentence for theft from a motor vehicle by age, 2004–05 to 2007–08



Length of sentence

Figure 18 shows the number of people who received a wholly suspended sentence for theft from a motor vehicle by the length of the sentence. While the length of wholly suspended sentences ranged from seven days to one year and three months, the median was three months (meaning that half were shorter than three months and half were longer than three months).

Figure 18: The number of people who received a wholly suspended sentence for theft from a motor vehicle by the length of order, 2004–05 to 2007–08

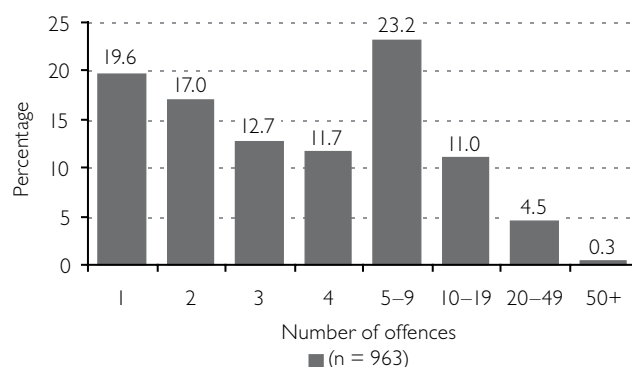


Other offences finalised at the same hearing

Often people prosecuted for theft from a motor vehicle 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 theft from a motor vehicle.

Figure 19 shows the number of people sentenced for the principal offence of theft from a motor vehicle by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 78, while the median was 4 offences. There were 189 people (19.6%) sentenced for the single offence of theft from a motor vehicle alone. A higher percentage of men were sentenced for a single offence only (20.1% compared to 13.5% of women).

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



While Figure 19 presents the number of sentenced offences for those sentenced for theft from a motor vehicle, Table 4 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the ten most common offences. The last column sets out the average number of offences sentenced per person. For example, 232 of the total 963 people (24.1%) also received sentences for going equipped to steal. On average, they were sentenced for 1.22 charges of going equipped to steal. The first row indicates that the average number of charges of theft sentenced per person was 2.69.

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

Offence	No.	%	Avg.
1 theft	963	100.0	2.69
2 go equipped to steal	232	24.1	1.22
3 fail to appear on bail	169	17.5	1.64
4 use an unregistered vehicle	162	16.8	1.54
5 attempt to commit an indictable offence	129	13.4	1.86
6 criminal damage	105	10.9	1.83
7 deal property suspected proceed of crime	95	9.9	1.28
8 possession of a drug of dependence	87	9.0	1.37
9 unlicensed driving	83	8.6	1.61
10 fraudulently alter identifying number	80	8.3	1.44
People sentenced	963	100.0	5.85

Table 5 is an elaboration of Table 4. It shows the type of other theft offences for which people were sentenced in conjunction with theft from a motor vehicle. As shown, the average number of thefts sentenced per person was 2.69, including 1.78 offences of theft from a motor vehicle. The most common theft sentenced in conjunction with theft from a motor vehicle was other theft (257 people or 26.7%). On average these people were sentenced for 2.44 offences of other theft.

Table 5: The number and percentage of people sentenced for the principal offence of theft from a motor vehicle by the types of theft for which they were sentenced and the average number of those offences, 2004–05 to 2007–08

Offence description	No.	%	Avg.
theft from a motor vehicle	963	100.0	1.78
theft (other)	257	26.7	2.44
theft (shopsteal)	105	10.9	2.00
theft of a motor vehicle	17	1.8	1.29
theft of a bicycle	10	1.0	1.30
People sentenced	963	100.0	2.69

Table 6 also provides more detail from Table 4. It shows the five most common types of attempted offences for which people were sentenced in conjunction with theft from a motor vehicle. As shown, there were 129 people sentenced for attempting to commit an indictable offence. On average, these people were sentenced for 1.86 charges of such offences. The most common attempted offence sentenced was attempted theft from a motor vehicle (80 people or 62.0% of those who were sentenced for an attempted offence). On average, these people were sentenced for 2.09 counts of this offence.

Table 6: The number and percentage of people sentenced for the principal offence of theft from a motor vehicle by the five most common types of attempted offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
attempted theft from motor vehicle	80	62.0	2.09
attempted theft of a motor vehicle	16	12.4	1.56
attempt to commit an indictable offence (not further defined)	13	10.1	1.08
attempt to obtain property by deception	12	9.3	1.17
attempted theft	11	8.5	1.09
People sentenced	129	100.0	1.86

Sentence combinations

This section looks at the range of sentence types imposed in the entire case for people who had the principal offence of theft from a motor vehicle. This includes all sentences imposed for the principal proven offence and for all other offences that were sentenced as part of that case.²⁰

Table 7 shows the percentages of the six most common sentence types imposed in cases in the Magistrates' Court from 2004–05 to 2007–08 where the principal proven offence was theft from a motor vehicle, by the other sentence types also imposed in the case. For example, of the 387 people who received a fine as part of their total effective sentence, 13.7% also received a wholly suspended sentence, while 10.3% were sentenced to imprisonment.

The highest proportions of sentence types imposed in conjunction with another sentence type were:

- a fine with a wholly suspended sentence (35.8% of the 148 people who received a wholly suspended sentence);
- a fine with an imprisonment term (26.8% of the 149 people);
- a fine with an intensive correction order (23.3% of the 30 people); and
- a fine with a community-based order (12.6% of the 174 people).

Table 7: The percentage of selected sentence types used in conjunction with other sentence types imposed in the same case, 2004–05 to 2007–08

	Fine	WSS	ADU	CBO	Imp.	ICO
Fine	100%	35.8%	4.0%	12.6%	26.8%	23.3%
WSS	13.7%	100%	2.0%	7.5%	2.0%	10.0%
ADU	2.1%	2.7%	100%	1.1%	0.7%	3.3%
CBO	5.7%	8.8%	1.0%	100%	0.0%	3.3%
Imp.	10.3%	2.0%	0.5%	0.0%	100%	3.3%
ICO	1.8%	2.0%	0.5%	0.6%	0.7%	100%
Total	387	148	202	174	149	30

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

Total effective sentence of imprisonment and non-parole period

The total effective sentence of imprisonment aggregates the sentences of imprisonment imposed for each charge in a case and takes into account whether sentences are ordered by the court to be served concurrently (at the same time) or cumulatively. When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where no non-parole period is set by the court, the person must serve the entirety of the imprisonment term.

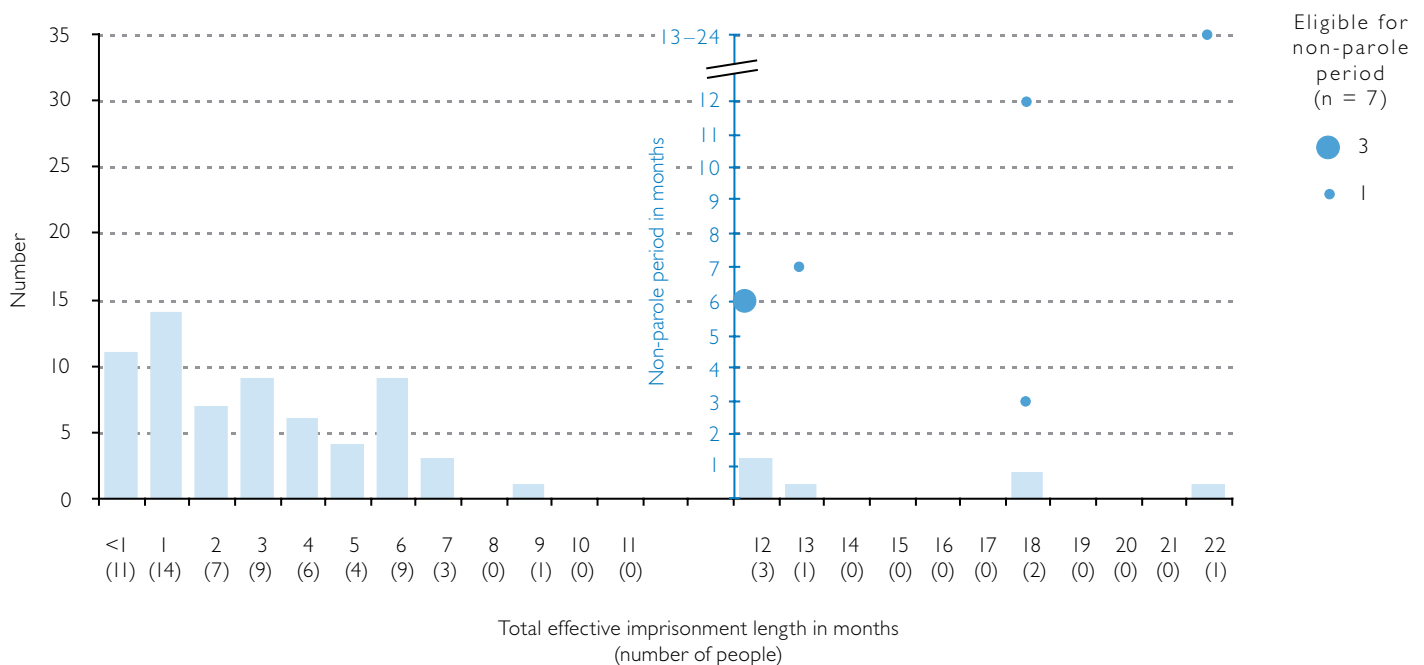
There were 71 people given a total effective sentence of imprisonment in 2006–07 and 2007–08.²¹ All 7 people who were eligible for a non-parole period in 2006–07 and 2007–08 were given one. This makes up 9.9% of all those who were given a total effective sentence of imprisonment.

Figure 20 shows the number of people sentenced to imprisonment for theft from a motor vehicle during 2006–07 and 2007–08 by the length of their total effective sentence. The right side of the graph also shows the length of non-parole periods for people who were sentenced to a period of 12 months' imprisonment or more. The centre of each 'bubble' on the chart represents a combination of imprisonment length and non-parole period, while the size of the bubble reflects the number of people who received that particular combination.²²

Total effective imprisonment lengths ranged from six days to one year and ten months, while the most common length was 1 month (14 people).

For people who were sentenced to a term of imprisonment of 12 months or longer, the most common combination of imprisonment length and non-parole period was one year with a non-parole period of six months (3 people – as represented by the largest bubble on the chart). The longest total effective sentence imposed was one year and ten months with a non-parole period of one year and six months.

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



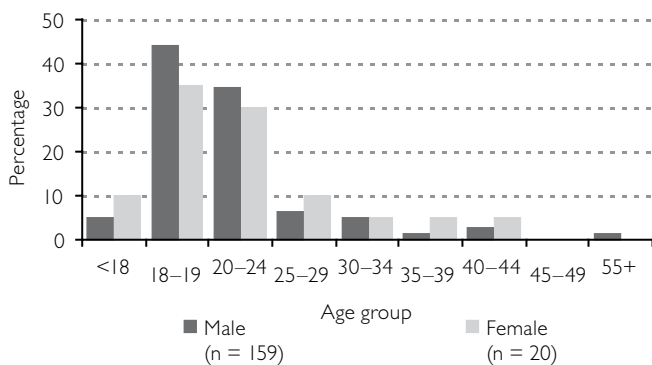
Criminal justice diversion plan²³

Although the criminal justice diversion plan is not a sentencing outcome, it is a dispositional process that does help to reflect the work of the courts. Over the four-year period, there were 179 people who were given a criminal justice diversion plan.

Age and gender

Of the 179 people who were referred to the criminal justice diversion plan, 88.8% were men. Figure 21 shows the age groups of people who were referred to the criminal justice diversion program by gender. The median age of these people was 20 years. This was the same for both men and women.

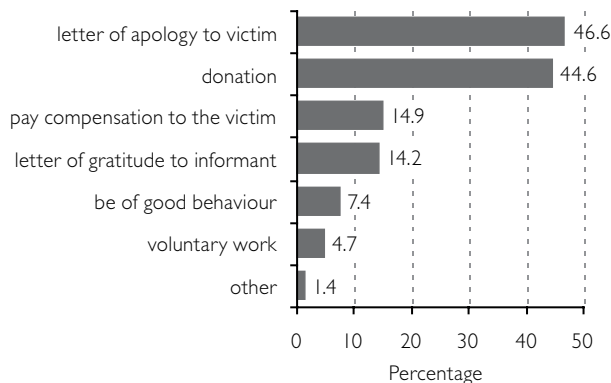
Figure 21: The percentage of people who were referred to the criminal justice diversion program for theft from a motor vehicle by age and gender, 2004–05 to 2007–08



Conditions

Figure 22 shows the number of people who received a criminal justice diversion plan for theft from a motor vehicle by the types of conditions set. People can be given more than one condition on a diversion plan. As shown, the most common condition listed for diversion plans was a letter of apology to the victim (46.6% of people).

Figure 22: The percentage of conditions set for people who received a criminal justice diversion plan for theft from a motor vehicle, 2004–05 to 2007–08



Note: other includes alcohol counselling/treatment and drug awareness course.

Summary

The Magistrates' Court sentenced 963 people for the principal offence of theft from a motor vehicle between 2004–05 and 2007–08. Over this period, the majority of those sentenced were men (889 people or 92.3%), while 33% were aged between 20 and 25 years.

Most people sentenced for theft from a motor vehicle received a non-custodial sentence (616 people or 64.0%), including 263 people who received a fine (27.3%), 188 people who received an adjourned undertaking (19.5%) and 160 people who received a community-based order (16.6%). A conviction was recorded with the principal sentence for 72.7% of people sentenced.

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

A higher percentage of older people received a non-immediate custodial sentence. A higher percentage of those in the middle age groups received a non-custodial sentence.

Each of the 963 people was sentenced for an average of 5.85 offences, including 2.69 offences of theft. The most common offence finalised in conjunction with theft from a motor vehicle was going equipped to steal (24.1% of all cases).

The most common sentence types imposed in conjunction with another sentence type were a fine with a wholly suspended sentence (35.8% of the 148 people who received a wholly suspended sentence), a fine with an imprisonment term (26.8% of the 149 people), a fine with an intensive correction order (23.3% of the 30 people) and a fine with a community-based order (12.6% of the 174 people).

Lengths of total effective sentences ranged from six days to one year and ten months with a non-parole period of one year and six months. The most common length was 1 month (14 people).

- ¹ This snapshot forms part of a group of five snapshots detailing the offence of theft (*Crimes Act 1958* (Vic) s 74). The five theft offences examined are theft of a motor vehicle, theft from a motor vehicle, theft from a shop, theft of a bicycle and other theft.
- ² The data analysed in this report are obtained from quarterly unit record extracts provided to the Sentencing Advisory Council by Courtlink (Department of Justice (Vic)). While every effort is made to ensure the analyses presented in this report are accurate, the data are subject to revision.
- This report presents sentencing outcomes for people sentenced for the principal offence of theft from a motor vehicle in the Magistrates' Court of Victoria. The principal proven offence is the offence that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for theft from a motor vehicle who received a more serious sentence for another offence on the same charge sheet.
- ³ The data used for analysis in this report contain information on age and gender characteristics. No other demographic analysis is possible.
- ⁴ *Crimes Act 1958* (Vic) s 72.
- ⁵ Theft from a motor vehicle offences are identified by using the charge description of 'theft from a motor vehicle' for offences listed under *Crimes Act 1958* (Vic) s 74.
- ⁶ If the value of the property stolen was less than \$25,000 or the property was a motor vehicle, an offence under this section may be dealt with in the Magistrates' Court. From 1 July 2007, this amount was raised to \$100,000 (see *Magistrates' Court Act 1989* (Vic) s 53(1) and Sch 4 cl.16). The change applies after this date regardless of when the offence is alleged to have been committed or when the proceeding commenced (see Sch 8 cl.37(1) *Magistrates' Court Act 1989* (Vic)).
- ⁷ *Crimes Act 1958* (Vic) s 74.
- ⁸ 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).
- ⁹ Under section 113 of the *Sentencing Act 1991* (Vic) this general maximum term is prescribed for indictable offences triable summarily. Though section 113 does not specifically state the maximum number of penalty units that can be imposed for an indictable offence triable summarily, section 109 (3) (a) sets the proportion between the maximum term of imprisonment and the maximum fine.
- ¹⁰ The number of people sentenced excludes those who participated in the criminal justice diversion program.
- Only the people who had charges that were dismissed in 2006–07 and 2007–08 could be counted as dismissed in this report. These charges are identified by having the dismissal grounds listed as 'proved and dismissed' (s 360(1)(a) *Children, Youth and Families Act 2005* (Vic)) or 'dismissed' (s 76 *Sentencing Act 1991* (Vic)). The charges that were dismissed in 2004–05 and 2005–06 could not be counted because of changes in data recording practices. Therefore the count of the number of people sentenced over the four-year period could be an under-representation. However, in 2007–08, no people had charges that were dismissed pursuant to this legislation.
- ¹¹ *Sentencing Act 1991* (Vic) s 7 and s 8.
- In exercising this discretion, the court must have regard to all the circumstances of the case, including the nature of the offence, the character and past history of the offender and the impact of the recording of a conviction on the offender's economic or social well being or on the his or her employment prospects (*Sentencing Act 1991* (Vic) s 8(1)).
- ¹² Only those who had a conviction recorded against the principal proven offence in the case are counted. Information on conviction is not available for sentences imposed in 2004–05 and 2005–06.
- ¹³ The criminal justice diversion program provides offenders with the opportunity to be diverted from the normal criminal process. If an offender acknowledges responsibility for the offence(s) and undertakes prescribed conditions, the offender will avoid the risk of a finding of guilt being made against them. The program can only be recommended if the offence is triable summarily, the defendant admits the facts, there is sufficient evidence to gain a conviction and a diversion is appropriate in the circumstances. The over-riding consideration is that diversion be appropriate in the circumstances. The existence of prior convictions does not disqualify an offender from this program but is a fact to be considered in determining appropriateness. Either the defence or the prosecution may request a disposition of a criminal justice diversion plan, however the plan cannot commence without the consent of the prosecution.
- ¹⁴ The age was unknown for 1 man sentenced for theft from a motor vehicle (0.1%). This person is excluded from all age analyses in this report.
- ¹⁵ Refer fn. 10.
- ¹⁶ Aggregate sentence lengths are shown for people who received an aggregate sentence.
- Data for sentence lengths of community-based orders and adjourned undertakings are only available for 2006–07 and 2007–08.
- ¹⁷ The principal sentence is the individual sentence imposed for a single charge. The principal sentence is the most serious sentence in the case. If more than one type of sentence is imposed for a single charge, only the most serious sentence is counted.
- ¹⁸ Where there are sufficient numbers of both males and females sentenced for each sentencing outcome, the age groups are shown by gender. Otherwise the age groups are shown independent of gender. Also, the age was unknown for 1 person sentenced for theft from a motor vehicle. This person is excluded from these analyses.
- ¹⁹ Aggregate sentence lengths are shown for people who received an aggregate sentence.
- Data for sentence lengths of community-based orders, adjourned undertakings and youth justice centre orders are only available for 2006–07 and 2007–08.
- Fine amounts lower than \$1,000 are rounded up to the nearest \$100, while fine amounts equal to or over \$1,000 are grouped into categories. Sentence lengths shorter than one year are rounded up to the nearest month, while sentence lengths equal to or over one year are grouped into categories of years.
- ²⁰ While a total of 149 people were sentenced to at least one period of imprisonment in the case, 148 people had imprisonment listed against their principal proven offence. There was one person sentenced to a period of imprisonment, but who received a partially suspended sentence of imprisonment for the principal proven offence.
- Only sentence types that were imposed on the same date as the sentence imposed for the principal proven offence are included.
- ²¹ Total effective imprisonment lengths and non-parole periods are only available for 2006–07 and 2007–08.
- ²² Non-parole periods are rounded down to the nearest month, while non-parole periods greater than one year are grouped into categories of years.
- ²³ The data analysed in this section were compiled by merging the sentencing outcomes database with an extract from the criminal justice diversion plan database. Of the 179 people who were placed on the diversion program for this offence, 148 were matched to and had conditions listed in the criminal justice diversion plan database (82.7%).

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