

Have New South Wales criminal courts become more lenient in the past 20 years?

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Aim: To investigate whether the NSW Higher and Local Courts have become more lenient across a range of offence categories.

Method: Examination of trends from 1994 to 2013 in bail outcomes, the use of imprisonment as a sanction for convicted offenders, and average length of prison sentence imposed for convicted offenders.

Results: The NSW criminal courts have become more restrictive in the granting of bail; have increased their use of imprisonment for convicted offenders; and have lengthened average prison sentences across many offence types in the past two decades.

Conclusion: There is no evidence that the NSW criminal court have become more lenient overall in the past two decades; on the contrary, sentencing has become more severe in many offence categories.

Keywords: New South Wales, criminal courts, bail outcome, sentence, imprisonment, trends

Introduction

Research by the New South Wales (NSW) Bureau of Crime Statistics and Research has shown that the NSW public generally underestimate the severity of sentences imposed by NSW courts on convicted offenders (Snowball & Jones, 2012). The same research also suggests that the perception of leniency in sentencing undermines public confidence in the administration of the criminal justice system. This Bulletin examines the question of whether or not the NSW criminal courts have become more lenient over the past two decades. It updates previous publications by the NSW Bureau of Crime Statistics and Research which explored this issue by examining trends in bail refusal rates and sentencing practices of NSW Higher and Local Courts (Baker, 1998; Fitzgerald, 2001; Lulham & Fitzgerald, 2008). These previous reports all largely concluded that, contrary to popular opinion, NSW criminal courts had become harsher rather than more lenient. However, there remains vigorous public debate from a variety of voices, including media, the legal fraternity, politicians and victim advocacy groups, regarding the perceived leniency of criminal courts. The availability of current and relevant data is needed

to promote informed discussion. This Bulletin presents timely updates on trends in bail outcomes, the use of imprisonment as a penalty for convicted offenders and the average length of sentence for offenders given a prison sentence.

Method

Data from the NSW Higher Courts (District and Supreme Courts) and Local Courts were examined to answer two questions:

1. Has the proportion of defendants refused bail changed over the past 20 years?
2. Has the severity of sentencing outcomes changed in the past 20 years?

Trends in bail and sentencing outcomes were examined for criminal matters finalised between 1994 and 2013. Analyses were limited to persons for whom the selected offence was the most serious offence they were defending or for which they were convicted.¹ The reason for considering only the most serious offence was to minimise the influence of more serious concurrent charges on the outcome for the offence of interest.

Trends in bail outcomes for defendants in Higher and Local Courts were examined by analysing the percentage of defendants who were refused bail in the period immediately prior to the finalisation date for their charge(s). Trends in sentencing severity were measured by examining trends in the percentage of convicted offenders imprisoned and the average length of prison sentence for offenders receiving a custodial penalty. Statistical tests were conducted to determine whether significant upward or downward trends exist.² Average prison sentences were computed based on the minimum (non-parole) or fixed term of imprisonment imposed for the offence.³ An Appendix is also provided which includes the raw numbers used to calculate the percentage of defendants who were bail refused and the percentage receiving a sentence of imprisonment.

The trend in the NSW prison population is also presented. This trend is based on all persons remanded or sentenced to adult custodial corrective services in NSW on the date of the National Prison Census (June 30) (Australian Bureau of Statistics, 2013). More details on the scope of the data on the prisoner population are available elsewhere (Australian Bureau of Statistics, 2013).

The offence categories used are based on the Australian Bureau of Statistics Australian and New Zealand Standard Offence Classification (ANZSOC, 2011), with the exception of *murder*, which has been shown separately from other offences included in the *homicide and related offences* category.⁴ Tables containing data from Local and Higher Criminal Courts exclude two offence categories: *miscellaneous* and *unknown offences* categories. In addition, Higher Courts tables exclude *traffic and vehicle regulatory offences* due to small annual number of incidents in this category.

Results

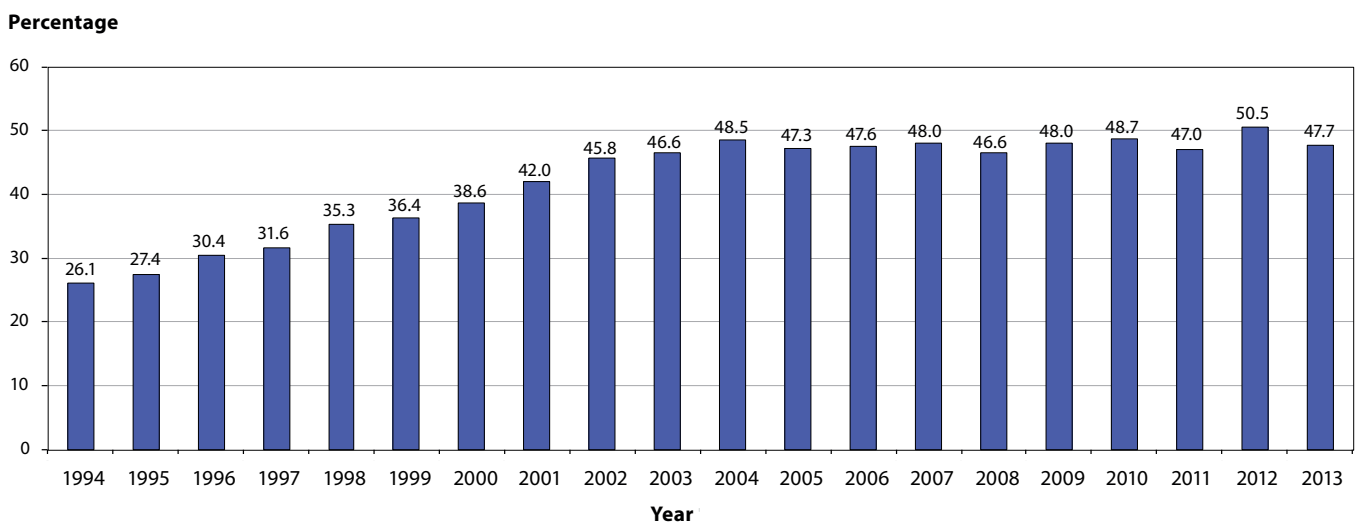
Trends in the Higher Courts

Bail outcomes

Figure 1 shows the percentage of all defendants appearing in the NSW Higher Courts between 1994 and 2013 who were refused bail. There has been a statistically significant upward trend in the proportion of defendants refused bail over the 20 year period ($p < .001$), with the percentage increasing by 23 percentage points from 26.1 per cent in 1994 to 47.7 per cent in 2013. However, it is important to note that, while there was a steady increase in the proportion of defendants refused bail over the first decade examined (1994 to 2003), this was followed by a period of relative stability between 2004 and 2013.

Table 1 shows the trends in the proportion of defendants in the NSW Higher Courts who were refused bail between 1994 and 2013, by offence type. There was a significant upward trend in the proportion of defendants who were refused bail over the 20 year period across 11 of the 15 offence categories examined. Offence categories that experienced pronounced increases in bail refusal between 1994 and 2013 include: *homicide and related offences* (up by 30.8 percentage points); offences involving *property damage and environmental pollution* (up by 34.7 percentage points); and *abduction, harassment and other offences against the person* (up by 27.3 percentage points); *prohibited and regulated weapons and explosives offences* (up by 28.1 percentage points); and *fraud, deception and related offences* (up by 25.8 percentage points).

Figure 1. Percentage of all defendants appearing in NSW Higher Courts who were refused bail in each year from 1994 to 2013



While there was no statistically significant trend in the proportion of defendants refused bail for *theft and related offences* over the entire study period, it can be seen from Table 1 that there were substantial increases over the period 1994 to 2005 (from 22.5% to 60.5%), after which the proportion declined and remained relatively stable. Likewise, while there was no statistically significant trends found for *unlawful entry*

with intent/burglary, break and enter offences, this is because the percentage of defendants refused bail rose fairly consistently between 1994 and 2005 but then declined again. It remains considerably higher than it was between 1994 and 1997. No significant downward trends were seen for any offence categories examined.

Table 1. Percentage of defendants who were refused bail, by principal offence, NSW Higher Criminal Courts, 1994 to 2013

Year	Murder	Homicide and related offences	Acts intended to cause injury	Sexual assault and related offences	Dangerous or negligent acts endangering persons	Abduction, harassment and other offences against the person	Robbery, extortion and related offences	Unlawful entry with intent/burglary, break and enter	Theft and related offences	Fraud, deception and related offences	Illicit drug offences	Prohibited and regulated weapons and explosives offences	Property damage and environmental pollution	Public order offences	Offences against justice procedures, government security and government operations
1994	65.2	11.7	24.8	11.8	1.8	31.1	48.3	38.9	22.5	10.1	19.2	25.0	19.4	34.6	46.4
1995	59.1	21.9	23.3	11.4	4.2	37.5	48.9	47.8	24.8	9.9	19.0	44.4	20.6	33.3	40.6
1996	77.1	21.0	27.1	14.9	6.3	38.8	49.7	46.9	28.2	6.9	27.1	10.0	26.7	57.5	38.1
1997	60.8	24.5	29.3	11.6	5.3	50.5	55.7	46.8	26.7	16.4	25.9	25.0	29.3	27.6	33.0
1998	74.7	18.7	29.9	16.5	2.2	44.0	57.8	55.0	30.6	12.0	31.8	42.9	31.6	48.1	32.1
1999	53.5	22.1	32.4	12.2	4.7	40.5	60.1	60.9	45.3	17.9	33.0	18.2	21.3	57.1	33.3
2000	63.7	25.9	35.0	12.7	10.2	36.3	62.5	58.9	34.2	14.8	34.3	40.0	31.8	38.9	35.1
2001	78.9	29.6	38.3	15.7	3.8	45.5	62.7	60.9	52.5	18.4	36.3	54.5	24.2	29.4	32.6
2002	88.9	31.2	43.4	21.3	15.2	51.9	63.5	61.4	57.1	19.8	36.8	34.8	59.3	42.4	42.0
2003	82.6	36.3	52.3	22.0	4.4	60.0	60.2	59.5	50.0	22.7	40.5	44.4	44.4	56.3	43.7
2004	92.9	32.2	46.9	23.0	7.7	63.8	60.8	63.5	52.0	21.1	49.2	48.6	35.0	45.5	34.3
2005	85.9	36.5	40.7	24.0	4.0	56.9	63.6	67.6	60.5	22.6	45.1	46.9	57.7	38.9	37.3
2006	88.7	36.2	47.6	28.4	4.2	60.6	61.8	59.7	48.4	23.5	45.4	48.4	48.0	35.1	46.9
2007	91.4	41.2	48.3	24.1	2.9	67.3	66.9	53.6	46.8	27.1	45.3	50.0	52.8	65.5	37.7
2008	82.4	35.9	44.4	30.0	29.6	55.9	61.2	49.4	51.1	31.7	44.1	50.0	55.0	57.1	31.8
2009	86.3	49.6	44.8	35.7	14.8	52.3	60.3	55.5	43.5	21.4	46.1	51.9	65.8	36.0	37.9
2010	84.2	41.7	43.5	32.1	11.8	55.5	64.5	58.2	46.2	33.9	45.3	56.5	61.3	38.9	40.0
2011	85.5	31.1	45.5	28.9	13.8	62.6	59.9	50.1	38.5	29.9	47.9	48.6	52.6	30.0	69.8
2012	94.1	44.4	41.8	33.4	5.9	62.5	63.4	47.5	44.3	36.4	50.3	37.5	62.5	54.1	72.4
2013	86.1	42.5	48.9	28.4	20.0	58.4	63.6	55.0	47.9	35.9	43.3	53.1	54.1	36.4	30.2
Percentage point change 1994-2013	20.9	30.8	24.1	16.6	18.2	27.3	15.3	16.1	25.4	25.8	24.1	28.1	34.7	1.8	-16.2
Trend	Upward*	Upward**	Upward**	Upward**	Upward*	Upward**	Upward**	Stable	Stable	Upward**	Upward**	Upward*	Upward**	Stable	Stable

Note. Excludes *miscellaneous offences*; *unknown offences*; and *traffic and regulatory offences*.
*Statistically significant at < .05, **statistically significant at < .001

Sentencing outcomes

Table 2 displays the trends in the proportion of convicted offenders who received a sentence of imprisonment in NSW Higher Courts from 1994 to 2013, by offence type. From this Table, it can be seen that the use of imprisonment in NSW Higher Courts increased significantly for 10 of the 15 offence categories presented. The offence categories with the most marked increases in the proportion of convicted offenders receiving a sentence of imprisonment were: *fraud, deception and related offences* (up by 44.9 percentage points); *dangerous*

or negligent acts endangering persons (up by 41.4 percentage points);⁵ and *prohibited and regulated weapons and explosive offences* (up by 37.7 percentage points).

It should be noted that the imprisonment rate for *murder* remained stable as all defendants convicted in this category received a custodial penalty throughout the entire 20 year period. Moreover, while the imprisonment rates for *robbery, extortion and related offences*, and *unlawful entry with intent/burglary, break and enter*, showed no statistically significant increase over the 20 year period, neither category of offence

Table 2. Percentage of convicted offenders imprisoned, by principal offence, NSW Higher Criminal Courts, 1994 to 2013

Year	Murder	Homicide and related offences	Acts intended to cause injury	Sexual assault and related offences	Dangerous or negligent acts endangering persons	Abduction, harassment and other offences against the person	Robbery, extortion and related offences	Unlawful entry with intent/burglary, break and enter	Theft and related offences	Fraud, deception and related offences	Illicit drug offences	Prohibited and regulated weapons and explosives offences	Property damage and environmental pollution	Public order offences	Offences against justice procedures, government security and government operations
1994	100.0	60.6	44.0	62.2	14.9	40.7	72.7	59.5	45.7	32.7	45.2	42.9	32.9	45.7	57.3
1995	100.0	46.0	45.6	68.1	28.3	57.1	71.8	67.4	51.6	34.7	47.0	50.0	43.8	44.4	54.5
1996	100.0	60.0	55.9	68.3	38.7	57.9	74.1	73.8	58.2	40.5	57.6	69.6	33.3	70.8	47.2
1997	100.0	69.2	54.1	67.5	30.2	80.0	78.1	64.2	55.3	49.7	58.5	61.9	36.0	35.3	58.5
1998	100.0	76.3	49.4	67.1	37.5	71.4	78.9	69.3	55.5	40.9	61.0	66.7	34.2	59.3	60.4
1999	100.0	71.6	57.8	66.9	57.1	56.1	85.1	71.2	66.1	48.4	63.9	62.5	36.8	34.8	57.9
2000	100.0	74.0	55.9	65.3	62.5	56.4	83.1	73.3	54.2	57.8	64.4	45.2	43.6	44.1	52.8
2001	100.0	78.8	60.1	64.9	56.0	68.1	77.5	73.1	61.3	59.3	60.5	54.5	43.5	47.1	51.7
2002	100.0	75.6	63.4	70.0	61.5	71.1	79.1	74.9	67.8	62.9	61.0	72.7	55.6	51.4	60.7
2003	100.0	72.8	66.1	66.4	54.5	83.0	80.1	77.4	61.5	70.1	62.6	66.7	53.3	54.5	50.0
2004	100.0	74.1	64.8	72.4	51.0	86.0	80.0	76.3	60.2	56.8	67.0	72.0	45.9	54.2	52.9
2005	100.0	76.5	61.1	73.6	51.0	77.1	80.8	75.4	72.0	68.2	65.4	69.8	76.2	40.5	53.7
2006	100.0	71.3	59.0	73.8	52.1	60.0	77.3	75.7	64.1	55.9	65.8	65.1	50.0	35.9	60.3
2007	100.0	78.6	67.6	75.9	58.3	85.4	78.5	68.8	67.1	73.8	66.6	66.7	63.6	45.7	33.3
2008	100.0	74.4	62.4	73.5	63.0	82.0	78.5	69.0	59.8	61.5	61.6	75.5	66.7	40.8	48.8
2009	100.0	79.0	72.0	79.8	81.3	71.2	78.8	66.8	64.6	69.9	62.4	78.7	66.7	47.1	66.7
2010	100.0	85.1	65.8	74.0	50.0	80.3	79.3	70.1	65.5	72.2	61.8	75.0	64.3	50.0	53.8
2011	100.0	77.9	72.1	78.8	70.6	74.5	76.1	61.7	64.3	67.6	63.7	63.8	61.5	55.6	67.1
2012	100.0	82.9	70.7	74.3	76.2	78.9	76.8	63.2	56.0	59.4	65.9	74.1	78.6	56.9	58.2
2013	100.0	88.3	69.0	74.6	56.3	76.7	79.1	66.2	68.5	77.6	59.8	80.6	35.0	61.3	57.6
Percentage point change 1994-2013	0.0	27.7	25.0	12.4	41.4	36.0	6.4	6.7	22.8	44.9	14.6	37.7	2.1	15.6	0.3
Trend	Stable	Upward**	Upward**	Upward**	Upward*	Upward*	Stable	Stable	Upward*	Upward**	Upward*	Upward*	Upward**	Stable	Stable

Note. Excludes *miscellaneous offences*; *unknown offences*; and *traffic and regulatory offences*.

Includes persons sentenced to prison or a juvenile institution.

*Statistically significant at < .05, **statistically significant at < .001

could be said to have remained stable. The imprisonment rate for *robbery, extortion and related offences* increased between 1994 and 1999 before stabilising for the remainder of the period. The imprisonment rate for offenders convicted of offences involving *unlawful entry with intent/burglary or break and enter* increased between 1994 and 2003 but then declined between 2003 and 2013. There were no statistically significant downward trends for any of the offence categories over the 20 year period examined.

Table 3 displays the average length of prison sentences imposed by the Higher Courts for each offence category over the period 1994 to 2013. The average length of prison sentences increased significantly for six offence categories: *murder; homicide and related offences; acts intended to cause injury; unlawful entry with intent/burglary, break and enter; prohibited and regulated weapons and explosive offences; and offences against justice procedures, government security and government operations*. The increases in average length of prison sentence over the

Table 3. Average length of prison sentence (months) imposed against convicted offenders by principal offence, NSW Higher Criminal Courts, 1994 to 2013

Year	Murder	Homicide and related offences	Acts intended to cause injury	Sexual assault and related offences	Dangerous or negligent acts endangering persons	Abduction, harassment and other offences against the person	Robbery, extortion and related offences	Unlawful entry with intent/burglary, break and enter	Theft and related offences	Fraud, deception and related offences	Illicit drug offences	Prohibited and regulated weapons and explosives offences	Property damage and environmental pollution	Public order offences	Offences against justice procedures, government security and government operations
1994	154.5	35.3	19.0	29.8	10.7	22.2	27.0	16.9	15.3	22.6	27.1	18.3	17.8	11.0	9.5
1995	150.3	37.7	17.1	27.5	11.9	41.2	25.9	19.5	16.1	19.4	26.8	15.2	16.7	16.1	8.8
1996	134.9	32.1	23.8	32.9	11.5	19.6	27.3	19.3	14.9	20.6	36.0	18.1	12.6	12.5	11.3
1997	145.0	43.9	19.0	33.9	18.2	30.9	25.8	18.0	15.3	21.4	39.1	16.1	16.1	11.7	11.5
1998	158.9	44.2	21.6	33.3	21.9	29.7	26.3	18.1	16.1	26.1	43.9	19.5	14.5	14.5	17.3
1999	154.9	39.9	21.5	28.8	18.2	26.9	28.2	18.1	15.0	19.5	39.6	22.9	13.2	16.0	13.5
2000	188.1	39.4	20.3	31.5	18.8	21.2	24.7	18.2	13.3	19.8	28.0	15.7	13.5	15.3	10.4
2001	172.6	37.8	23.0	30.3	12.8	28.6	25.7	19.4	16.3	21.1	32.0	11.8	20.6	12.4	12.9
2002	166.8	30.7	21.3	41.5	15.3	33.6	25.7	20.8	15.0	18.8	31.6	20.4	12.9	19.5	11.6
2003	177.3	41.6	25.6	38.1	14.8	29.3	27.6	20.0	14.3	20.5	33.5	25.3	19.0	13.6	10.4
2004	168.0	39.3	25.8	38.3	13.2	37.1	29.8	21.2	14.6	17.1	34.6	21.9	16.7	14.2	14.4
2005	176.1	43.2	24.4	36.0	15.9	26.5	27.6	19.9	17.5	17.1	31.3	23.2	13.2	11.1	11.6
2006	206.5	49.6	23.6	39.3	16.5	33.3	24.8	19.3	15.6	16.4	31.4	18.3	15.3	14.8	15.3
2007	183.9	43.8	26.0	37.2	13.0	33.7	24.3	20.6	21.7	17.5	29.8	20.8	19.2	16.3	16.7
2008	208.8	48.8	27.6	36.8	13.4	35.7	26.4	22.2	24.7	20.5	31.0	23.0	18.3	14.0	14.4
2009	201.0	50.3	26.3	34.5	13.2	28.9	25.4	21.8	20.2	17.4	32.1	21.3	23.5	15.9	21.3
2010	181.6	43.6	23.8	36.2	15.2	33.3	25.3	20.4	19.1	19.2	33.3	22.2	19.6	12.5	67.3
2011	185.3	46.4	25.5	34.6	14.2	27.6	24.1	18.3	18.2	16.0	30.2	24.9	16.0	15.9	26.2
2012	208.1	56.5	21.7	30.7	16.5	26.9	23.8	19.2	15.2	19.7	30.7	21.3	14.9	22.7	23.3
2013	193.2	61.8	25.3	33.4	13.7	23.4	24.5	19.8	16.4	22.3	29.6	23.9	19.1	13.4	18.7
Percentage change 1994-2013	25.0	75.1	33.2	12.1	28.0	5.4	-9.3	17.2	7.2	-1.3	9.2	30.6	7.3	21.8	96.8
Trend	Upward**	Upward**	Upward*	Stable	Stable	Stable	Downward*	Upward*	Stable	Stable	Stable	Upward*	Stable	Stable	Upward**

Note. Excludes *miscellaneous offences*; and *unknown offences*.
Includes persons sentenced to prison or a juvenile institution.
This table excludes 61 persons who were sentenced to life imprisonment.
*Statistically significant at < .05, **statistically significant at < .001

20 year period are particularly large for *offences against justice procedures, government security and government operations* (up by 96.8% from 9.5 months to 18.7 months), *homicide and related offences* (up by 75.1% from 35.3 months to 61.8 months), and *acts intended to cause injury* (up by 33.2% from 19.0 months to 25.3 months). There was one statistically significant downward trend: *robbery, extortion and related offences* (down by 9.3% from 27.0 months to 24.5 months). The decrease in the average sentence length for robbery may be linked to the increase in the proportion of persons convicted of robbery given a prison sentence (see Discussion section, below).

Trends in Local Courts

Bail outcomes

The trend in the proportion of all defendants refused bail in NSW Local Courts between 1994 and 2013 is shown in Figure 2. There is a statistically significant upward trend ($p < .001$) over the 20 year period, with the proportion almost doubling from 4.7 per cent of defendants being refused bail in 1994 to 8.8 per cent in 2013. It can be seen from Figure 2 that the trend in bail refusal in the Local Court has not been constant, but grew between 1994 and 2008, then dipped to 7.2 per cent in 2011 before climbing again to a high of 8.8 per cent in 2013.

Figure 2. Percentage of all defendants appearing in NSW Local Courts who were refused bail in each year from 1994 to 2013

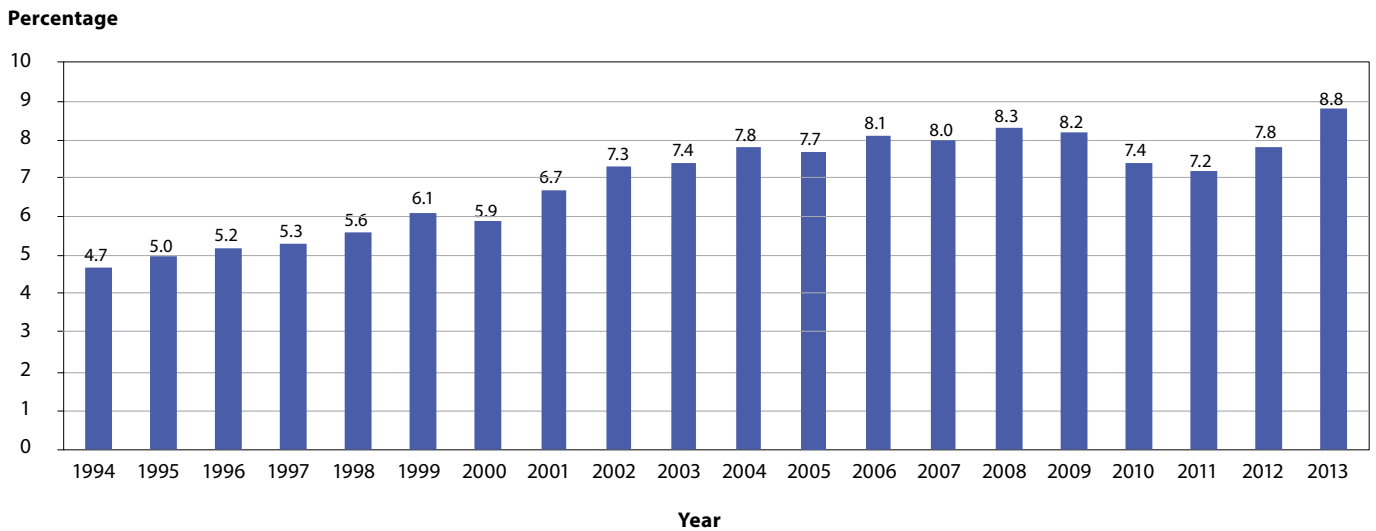


Table 4 shows the trends in the proportion of defendants refused bail in NSW Local Courts by offence category. During this period the proportion of defendants refused bail rose significantly for 12 of the 15 offence categories. Some particularly notable increases include: *unlawful entry with intent/burglary, break and enter* (up by 27.4 percentage points); *theft and related offences* (up by 11.6 percentage points); and *fraud, deception and related offences* (up by 9.1 percentage points).

There were no statistically significant trends for three offence categories: *homicide and related offences*; *robbery, extortion and related offences*; and *illicit drug offences*. Interestingly, the proportion of defendants refused bail for *illicit drug offences* was increasing until it peaked in 2004, then fell consistently until 2012. A similar, yet less consistent pattern is seen for *robbery, extortion and related offences*, with the proportion of defendants refused bail generally increasing until 2004, and then declining until 2011.

Table 4. Percentage of defendants who were refused bail, by principal offence, NSW Local Courts, 1994 to 2013

Year	Homicide and related offences	Acts intended to cause injury	Sexual assault and related offences	Dangerous or negligent acts endangering persons	Abduction, harassment and other offences against the person	Robbery, extortion and related offences	Unlawful entry with intent/burglary, break and enter	Theft and related offences	Fraud, deception and related offences	Illicit drug offences	Prohibited and regulated weapons and explosives offences	Property damage and environmental pollution	Public order offences	Traffic and vehicle regulatory offences	Offences against justice procedures, government security and government operations
1994	0.0	5.5	7.3	1.3	7.2	28.9	17.8	7.6	6.6	3.6	2.8	3.5	2.3	1.2	14.1
1995	0.0	5.8	6.7	1.1	9.7	22.3	21.4	8.2	7.1	4.5	4.3	3.8	3.0	1.2	13.2
1996	0.0	5.4	5.9	1.5	7.8	24.7	23.5	9.1	6.3	4.6	4.7	3.4	3.7	1.3	11.5
1997	0.0	5.5	5.8	1.4	8.0	27.9	22.6	9.7	6.6	5.2	4.5	4.1	3.7	1.2	9.9
1998	0.0	5.6	5.7	1.9	10.8	29.5	25.3	10.7	7.7	3.9	3.9	3.8	4.3	1.3	11.2
1999	2.8	7.1	8.1	2.1	10.9	31.1	29.8	11.4	9.0	4.9	2.7	4.4	4.2	1.7	10.8
2000	0.0	6.2	5.8	2.5	9.0	27.1	29.4	12.0	8.8	4.8	4.0	4.5	4.2	1.7	9.9
2001	0.8	7.1	7.5	2.6	12.1	32.1	36.5	13.2	10.1	6.1	4.4	3.6	7.0	1.8	10.0
2002	0.8	8.1	9.8	2.5	15.2	24.3	34.2	13.5	10.0	7.3	6.1	5.1	7.3	2.1	13.5
2003	4.3	8.8	9.8	2.8	16.0	25.2	39.4	14.5	9.8	7.4	5.3	4.5	7.9	2.1	15.5
2004	1.8	9.8	11.1	2.6	14.4	39.6	44.2	16.1	9.5	8.0	6.4	4.6	7.6	2.1	18.0
2005	0.0	10.4	9.8	2.9	11.6	37.9	44.4	16.5	9.8	6.8	7.1	5.0	7.1	1.9	18.6
2006	3.7	10.6	13.8	2.9	14.6	35.4	44.1	16.4	11.2	6.4	7.3	5.7	7.2	2.2	18.3
2007	0.0	10.4	14.3	3.3	15.0	33.3	41.1	16.2	10.4	6.2	6.4	6.2	6.5	2.2	19.0
2008	2.0	10.5	13.7	3.6	16.5	34.9	41.7	19.4	13.3	6.3	6.6	5.9	8.6	2.0	18.5
2009	0.0	11.0	14.8	3.6	15.7	32.0	41.2	19.3	12.1	5.3	5.9	6.7	9.4	2.0	18.0
2010	0.0	8.7	14.3	3.0	14.4	27.0	39.9	17.7	10.0	4.5	4.2	4.8	8.6	1.9	15.1
2011	0.0	8.4	13.6	3.4	11.9	22.6	42.1	15.8	12.5	4.0	5.8	4.8	8.3	1.9	14.6
2012	4.3	8.1	13.1	3.9	11.2	23.3	40.6	16.7	15.4	3.8	4.8	5.6	8.6	2.0	15.6
2013	3.5	9.0	14.8	4.5	10.0	31.0	45.2	19.2	15.7	4.5	5.7	5.9	10.6	2.2	18.0
Percentage point change 1994-2013	3.5	3.5	7.5	3.2	2.8	2.1	27.4	11.6	9.1	0.9	2.9	2.4	8.3	1.0	3.9
Trend	Stable	Upward**	Upward**	Upward**	Upward*	Stable	Upward**	Upward**	Upward**	Stable	Upward*	Upward**	Upward**	Upward**	Upward*

Note. Excludes *miscellaneous offences*; and *unknown offences*.

*Statistically significant at < .05, **statistically significant at < .001

Sentencing outcomes

Table 5 shows the proportion of convicted offenders sentenced to imprisonment in the NSW Local Courts from 1994 to 2013, by offence type. The percentage of offenders imprisoned by the Local Courts increased significantly for 10 of the 15 offence categories. The offence categories with the largest increase in the proportion of offenders sentenced to imprisonment was *unlawful entry with intent/burglary, break and enter*, where the proportion imprisoned increased 15.9 percentage points (from 33.8% in 1994 to 49.7% in 2013). Table 5 shows that the

increases predominantly occurred in the first half of the study period, remaining relatively stable for 2004 onwards. Similarly, the proportion of offenders receiving an imprisonment sentence for *sexual assault and related offences* more than doubled between 1994 and 2013, from 13.6 per cent to 28.1 per cent. Most of the increase occurred in the first decade of the study period. The only significant downward trend was for offenders convicted of *illicit drug offences*, which fell 1.7 percentage points, from 4.4 per cent in 1994 to 2.7 per cent in 2013.

Table 5. Percentage of convicted offenders imprisoned by principal offence, NSW Local Courts, 1994 to 2013

Year	Homicide and related offences	Acts intended to cause injury	Sexual assault and related offences	Dangerous or negligent acts endangering persons	Abduction, harassment and other offences against the person	Robbery, extortion and related offences	Unlawful entry with intent/burglary, break and enter	Theft and related offences	Fraud, deception and related offences	Illicit drug offences	Prohibited and regulated weapons and explosives offences	Property damage and environmental pollution	Public order offences	Traffic and vehicle regulatory offences	Offences against justice procedures, government security and government operations
1994	7.7	8.2	13.6	1.7	6.1	58.3	33.8	11.3	7.5	4.4	1.8	2.8	1.5	2.1	15.6
1995	8.7	9.1	15.1	1.6	6.0	27.0	36.9	11.6	7.4	5.4	2.7	3.0	2.2	2.1	17.1
1996	0.0	8.0	17.0	2.0	4.1	39.5	39.3	11.8	6.6	5.6	2.9	3.5	2.3	1.8	12.7
1997	5.0	7.9	14.5	2.0	7.5	41.7	40.1	13.1	6.7	5.3	3.9	3.6	2.3	1.8	11.1
1998	2.9	8.9	12.8	2.8	12.6	48.6	42.8	14.3	9.2	4.1	5.4	3.6	2.5	2.0	13.1
1999	3.1	8.8	14.8	3.2	12.2	48.3	44.4	14.2	8.5	3.9	3.7	4.2	2.0	2.4	10.8
2000	7.4	7.8	15.5	3.2	13.3	24.3	41.1	14.5	7.4	3.5	5.5	3.6	2.5	2.5	9.1
2001	1.8	8.3	23.4	3.0	14.1	43.9	45.0	14.0	8.6	5.1	3.7	3.0	4.4	2.6	9.0
2002	4.3	9.0	21.2	2.7	16.2	37.2	43.7	14.1	8.9	5.7	6.6	3.3	4.5	2.8	11.9
2003	4.7	9.6	22.2	2.8	15.9	43.1	45.3	13.5	8.4	5.9	4.5	3.4	4.2	2.6	13.5
2004	5.4	10.1	30.3	2.3	15.9	43.9	48.5	15.7	8.2	5.1	5.2	3.5	3.9	2.6	15.9
2005	2.3	10.2	26.6	2.8	10.6	47.8	49.0	15.4	8.6	5.1	5.2	3.4	4.1	2.3	14.6
2006	7.1	11.4	26.5	3.0	15.1	45.9	48.0	15.3	8.4	4.5	6.7	3.6	4.3	2.5	14.4
2007	11.9	11.0	27.9	3.0	14.6	45.0	47.7	15.0	9.1	4.3	5.5	4.2	3.7	2.5	15.5
2008	0.0	11.3	30.9	3.1	15.9	52.4	47.2	18.7	11.2	4.6	6.0	4.0	6.1	2.5	14.8
2009	0.0	12.5	26.3	3.1	14.5	46.4	47.1	17.4	11.1	3.3	6.3	4.4	6.8	2.4	14.7
2010	2.8	11.1	29.3	3.4	13.8	39.5	46.5	17.2	10.7	3.2	6.9	3.6	6.9	2.1	14.2
2011	4.3	10.6	29.8	4.8	14.2	35.7	49.5	15.1	12.4	2.9	6.5	3.6	6.5	2.2	12.8
2012	4.3	10.4	31.7	5.2	15.0	41.9	48.7	15.3	12.6	2.5	8.6	4.2	6.7	2.4	13.7
2013	6.1	11.4	28.1	7.3	13.6	45.6	49.4	16.9	12.3	2.7	6.1	5.0	8.5	2.4	14.0
Percentage point change 1994-2013	-1.6	3.2	14.5	5.6	7.5	-12.1	15.9	5.6	4.8	-1.7	4.3	2.2	7.0	0.3	-1.6
Trend	Stable	Upward**	Upward**	Upward**	Upward*	Stable	Upward**	Upward**	Upward**	Downward*	Upward**	Upward*	Upward**	Stable	Stable

Note. Excludes *miscellaneous offences*; and *unknown offences*.

Includes persons sentenced to prison or a juvenile institution.

*Statistically significant at < .05, **statistically significant at < .001

Table 6. Average length of prison sentence (months) imposed against convicted persons by principal offence, NSW Local Courts, 1994 to 2013

Year	Homicide and related offences	Acts intended to cause injury	Sexual assault and related offences	Dangerous or negligent acts endangering persons	Abduction, harassment and other offences against the person	Robbery, extortion and related offences	Unlawful entry with intent/ burglary, break and enter	Theft and related offences	Fraud, deception and related offences	Illicit drug offences	Prohibited and regulated weapons and explosives offences	Property damage and environmental pollution	Public order offences	Traffic and vehicle regulatory offences	Offences against justice procedures, government security and government operations
1994	6.0	4.2	5.1	5.0	5.1	8.4	7.9	5.1	5.0	4.1	4.7	2.9	4.3	3.7	3.2
1995	7.5	4.3	6.8	4.7	5.4	7.1	7.7	4.9	5.4	4.3	4.5	3.1	4.5	4.0	3.2
1996	-	4.3	5.3	4.7	3.0	6.3	7.4	4.7	5.3	4.0	4.7	3.2	4.9	4.0	3.2
1997	6.0	4.3	7.2	5.3	4.5	6.3	7.7	4.9	5.5	4.7	5.9	3.2	4.8	4.1	3.3
1998	8.0	4.6	6.7	5.7	4.1	8.4	7.6	4.8	5.1	4.6	5.0	3.2	4.5	4.2	3.4
1999	12.0	4.4	6.2	5.1	3.5	7.9	7.5	4.4	5.3	5.0	6.6	3.6	4.8	4.9	3.5
2000	8.5	4.8	8.6	5.1	4.3	5.4	7.4	4.4	5.5	4.4	8.3	3.5	4.7	5.3	3.5
2001	9.0	4.9	6.8	5.6	4.3	6.3	7.4	4.6	5.1	5.5	5.7	3.6	5.3	5.4	3.9
2002	6.0	5.1	6.7	6.4	5.1	7.1	8.1	5.0	5.7	5.5	6.2	3.8	5.2	5.9	4.3
2003	6.0	5.5	7.3	5.7	5.0	7.2	8.2	5.1	5.6	5.9	7.3	3.8	5.7	6.3	4.6
2004	7.0	5.8	7.8	5.4	5.3	6.8	8.4	5.2	6.1	5.5	6.6	3.7	5.6	6.7	4.8
2005	5.0	6.2	7.5	5.6	5.0	7.8	8.5	5.4	6.0	5.3	7.8	3.4	5.4	6.6	4.9
2006	5.0	6.1	8.3	5.9	4.7	6.9	8.8	5.4	6.0	5.7	6.8	4.0	5.6	6.6	5.0
2007	6.8	6.0	7.3	5.8	4.5	7.7	8.3	4.9	6.2	5.1	7.2	3.7	5.5	6.3	4.8
2008	-	6.2	8.3	5.5	5.2	7.8	8.5	5.1	5.9	5.0	7.3	4.7	5.6	6.3	4.6
2009	-	6.3	8.3	6.1	5.3	8.1	9.2	5.0	6.0	4.8	7.7	4.1	5.9	6.4	4.5
2010	6.0	6.2	8.0	6.5	5.1	7.2	8.9	5.0	6.6	5.1	7.2	5.4	5.9	6.2	4.5
2011	3.5	6.1	8.2	7.4	5.4	7.6	8.2	4.8	5.9	5.0	7.7	4.3	5.8	6.1	4.4
2012	12.0	6.0	8.1	7.2	4.8	8.0	8.1	4.8	6.3	4.8	7.6	4.3	5.4	6.1	4.2
2013	5.5	6.0	8.3	7.1	5.0	7.4	8.3	5.0	6.7	5.2	6.9	4.5	5.9	5.9	4.2
Percentage change 1994-2013	-8.3	42.9	62.7	42.0	-2.0	-11.9	5.1	-2.0	34.0	26.8	46.8	55.2	37.2	59.5	31.3
Trend	Stable	Upward**	Upward**	Upward**	Stable	Stable	Upward*	Stable	Upward**	Stable	Upward**	Upward**	Upward**	Upward*	Upward*

Note. Excludes *miscellaneous offences*; and *unknown offences*.

Includes persons sentenced to prison or a juvenile institution.

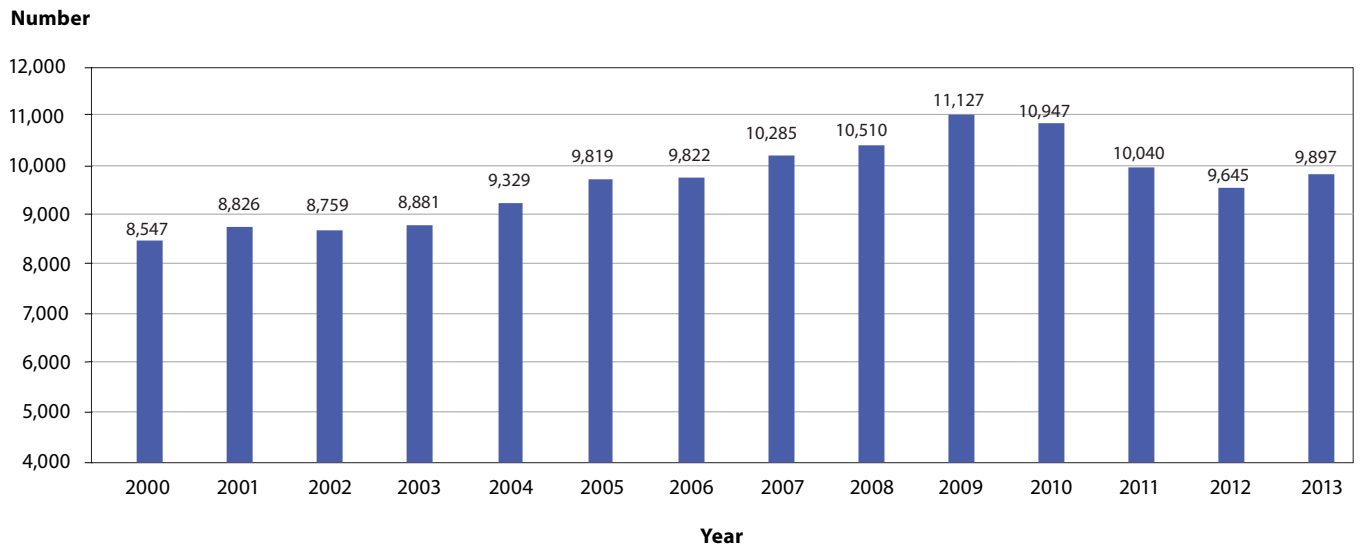
*Statistically significant at < .05, **statistically significant at < .001

Table 6 displays the average length of prison sentence imposed by the Local Courts between 1994 and 2013 for each offence category. Trends in the average length of prison sentences increased for 10 of the 15 offence categories. Notable increases occurred for *sexual assault and related offences* (from 5.1 months to 8.3 months: up by 62.7%); *traffic and regulatory offences* (from 3.7 months to 5.9 months: up by 59.5%); and *property damage and environmental pollution offences* (from 2.9 to 4.5 months: up by 55.2%).

Trends in the NSW Prison Population

The trend toward higher bail refusal rates, higher imprisonment rates and longer sentences has had a marked impact on the size of the prison population. Figure 3 shows the number of adult prisoners (both on remand and sentenced) in the legal custody of NSW Corrective Services on June 30 each year from 2000 to 2013 (including periodic detainees). There has been a significant increase in the number of adult prisoners in the care of NSW Corrective Services over the past 14 years ($p < .0001$), from 8,547 in 2000 to 9,897 in 2013. Figure 3 shows, however, that the increase has not been uniform across this time period, with a sharp dip occurring from 2010 to 2013.

Figure 3. Number of people in prison, NSW, 2000 to 2013



Discussion

As with earlier reports in this series, this report shows that, over the last 20 years in NSW, the proportion of defendants refused bail, the proportion of convicted offenders given a prison sentence and the average length of prison terms, have all risen. The increases have not been uniform across all offence categories but they have been present in most. Of the 90 tests conducted to see if there had been a change in the proportion of defendants refused bail, the proportion of convicted offenders imprisoned, or the average length of sentences imposed, only two showed a statistically significant decline (average sentence lengths for *robbery, extortion and related offences* in the Higher Courts, and proportion of convicted offenders sentenced to prison for *illicit drug offences* in the Local Court). It is true that much of the trend toward tougher bail and sentencing decisions occurred in the decade between 1994 and 2004. However, for most offences, the proportion of defendants refused bail, the proportion of convicted offenders given a prison sentence and the average length of prison terms have all remained high.

A question arises as to why the average sentences imposed on most offenders by the Higher Criminal Courts have been rising, whereas the average sentences imposed by those same courts on persons convicted of robbery have fallen (slightly). It is possible that average sentences may have fallen because the courts are now sending less serious offenders to prison for these sorts of offences. A shift in the profile of imprisoned offenders toward the less serious end of the spectrum would be expected to produce a reduction in average sentence lengths. Another possibility is that the types of robbery offences being committed now are of a less serious variety than in the past.

Similarly, there is reason to attribute at least part of the downward trend in the proportion of illicit drug offenders sentenced to prison in the Local Court to changes in the profile of offences and offenders. An examination of illicit drug offences in the Local Courts reveals that the proportion of offenders receiving a prison sentence fell from 2008 to 2009, and then remained relatively stable. This coincides with a jump in the *number* of offenders convicted of *illicit drug offences* between 2008 and 2009, over 1,000 additional convictions (see Appendix Table A4). Given that the number of people charged with illicit drug offences is largely dependent on policing activity, the increase in convictions is likely to be related to a change in the policing of this offence. It is possible that, with the greater *number* of illicit drug offenders being convicted in the Local Court, the *proportion* of illicit drug offences of a serious nature declined, resulting in a reduction in the proportion of offenders given a prison sentence.

The reasons for the changes to bail and sentencing practices seen in the past two decades, and particularly from 1994 to 2004, are difficult to determine. There are several factors that may be at play, including a response by magistrates and judges to community, media and political pressure for harsher penalties (see Roberts, Stalans, Indermaur, & Hough, 2003). Additionally, legislative changes over this period, including numerous amendments to the *Bail Act 1976* (NSW), progressively restricted the presumption of bail for many offence types and defendants, contributing to the changes in bail refusal. Furthermore, it is possible that changes in bail refusal and sentencing outcomes may be affected by a change in characteristics of defendants over time as police target higher risk offenders.

Other factors that may have influenced trends in sentencing during the study period include the introduction of guideline

judgements in the late 1990s for several offences (see *Crimes (Sentencing Procedure) Act 1999* (NSW)), and the introduction of standard non-parole periods for a broad range of indictable offences (see *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002* (NSW)). These changes were introduced to promote greater consistency and transparency of sentencing and may have produced some initial increases in severity of penalties and account for some of the greater stability of sentencing in the Higher Courts seen in the latter part of the study period (Poletti & Donnelly, 2010).

ACKNOWLEDGEMENTS

We would like to express our gratitude to Steve Cavill and Derek Goh for extracting the data on which this analysis is based.

NOTES

1 For bail outcomes, the most serious offence was determined using the offence with the highest Median Sentence Ranking at final appearance. For more information on how the Median Sentence Ranking is determined, see MacKinnell, Poletti, & Holmes (2010).

For sentencing outcomes, the most serious offence is the offence that attracted the maximum penalty. See New South Wales Bureau of Crime Statistics and Research (2014) for a hierarchy of penalty seriousness.

2 The trends reported in this bulletin were determined by application of Kendall's rank-order correlation test (two-tailed) with significance level 0.05 (see Conover, 1980). This test assesses whether or not there has been a sustained upward or downward trend in the data over the time period considered. This test for trend is not affected by single aberrantly high or low years.

3 Life sentences were excluded from all calculations so the figures presented in this Bulletin are actually an underestimate of the actual average sentence lengths.

4 The offence category of *murder* used in this Bulletin includes persons charged with Murder – s18(1)(a).

5 The number of people convicted of this offence type was relatively small, varying between 66 and 16 throughout the study period.

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Table A1. Number of defendants who were refused bail, by principal offence, in the NSW Higher Criminal Courts, 1994 to 2013

Bail status	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	
Murder - s18(1)(a)	In gaol	45	26	27	45	68	38	58	72	71	78	67	63	74	70	69	64	47	95	68	
	Total	69	44	35	74	91	71	91	81	86	84	78	71	81	85	80	76	55	101	79	
Homicide and related offences	In gaol	19	33	35	39	32	38	43	44	53	39	54	42	47	42	65	45	32	40	34	
	Total	163	151	167	159	171	172	166	152	141	146	121	148	116	114	131	108	103	90	80	
Acts intended to cause injury	In gaol	70	76	90	78	115	121	128	140	168	197	168	145	172	188	158	171	151	160	127	156
	Total	282	326	332	266	384	373	366	366	387	377	358	356	361	389	356	382	347	352	304	319
Sexual assault and related offences	In gaol	92	68	100	90	140	93	77	84	95	96	107	120	133	112	149	184	165	153	154	152
	Total	778	595	671	773	847	763	604	536	446	437	465	499	468	464	496	516	514	530	461	535
Dangerous or negligent acts endangering	In gaol	1	1	2	2	2	1	2	5	2	3	4	2	2	2	1	8	4	2	4	1
	Total	61	55	48	32	38	45	43	49	53	46	68	52	50	48	35	27	27	17	29	17
Abduction, harassment and other offences against the person	In gaol	28	27	31	52	44	32	29	50	55	78	67	66	66	74	66	68	76	57	75	73
	Total	90	72	80	103	100	79	80	110	106	130	105	116	109	110	118	130	137	91	120	125
Robbery, extortion and related offences	In gaol	350	322	325	388	481	516	516	520	530	424	394	392	367	380	391	350	398	372	339	405
	Total	725	658	654	697	832	858	826	830	835	704	648	616	594	568	639	580	617	621	535	637
Unlawful entry with intent/burglary, break and enter	In gaol	193	199	168	133	170	167	172	204	232	304	350	328	276	221	224	248	246	230	217	287
	Total	496	416	358	284	309	274	292	335	378	511	551	485	462	412	453	447	423	459	457	522
Theft and related offences	In gaol	42	38	29	24	26	43	38	53	72	50	64	49	44	37	46	37	42	37	39	46
	Total	187	153	103	90	85	95	111	101	126	100	123	81	91	79	90	85	91	96	88	96
Fraud, deception and related offences	In gaol	39	37	19	39	28	29	28	30	32	30	32	37	32	38	40	24	43	29	36	37
	Total	387	374	277	238	234	162	189	163	162	132	152	164	136	140	126	112	127	97	99	103
Illicit drug offences	In gaol	200	147	170	139	156	202	221	241	245	299	380	358	367	334	360	422	359	406	384	370
	Total	1041	773	627	537	490	613	645	663	665	739	772	793	809	737	816	915	793	848	763	854
Prohibited and regulated weapons and explosives offences	In gaol	8	4	4	1	2	3	2	4	6	8	12	18	23	15	14	14	14	13	17	9
	Total	14	16	9	10	8	7	11	10	11	23	27	37	49	31	28	28	27	23	35	24
Property damage and environmental pollution	In gaol	19	14	16	12	12	10	14	8	16	16	14	15	12	19	22	25	19	10	15	20
	Total	98	68	60	41	38	47	44	33	27	36	40	26	25	36	40	38	31	19	24	37
Public order offences	In gaol	18	16	23	8	13	12	14	10	14	18	10	14	13	19	20	9	14	9	20	16
	Total	52	48	40	29	27	21	36	34	33	32	22	36	37	29	35	25	36	30	37	44
Offences against justice procedures, government security and government operations	In gaol	78	56	53	33	27	42	47	28	29	38	24	28	38	23	21	22	28	74	92	29
	Total	168	138	139	100	84	126	134	86	69	87	70	75	81	61	66	58	70	106	127	96

Note. Excludes miscellaneous offences; unknown offences; and traffic and vehicle regulatory offences.

Table A2. Number of convicted offenders imprisoned, by principal offence, in NSW Higher Criminal Courts, 1994 to 2013

Principal penalty	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Murder - s18(1)(a)	Gaol	31	21	17	26	31	21	35	34	38	39	35	38	33	36	26	30	18	48	48
	Total	31	21	17	26	31	21	35	34	38	39	35	38	33	36	26	30	18	48	48
Homicide and related offences	Gaol	60	40	48	63	74	68	77	78	65	67	60	75	57	77	67	74	67	68	53
	Total	99	87	80	91	97	95	104	99	86	92	81	98	80	98	90	87	86	82	60
Acts intended to cause injury	Gaol	154	164	212	179	199	230	210	218	258	283	269	250	236	271	256	262	269	234	238
	Total	350	360		331	403	398	376	363	407	428	415	409	400	401	410	398	373	331	345
Sexual assault and related offences	Gaol	277	220	218	249	267	247	192	159	170	156	163	195	206	202	222	264	214	256	211
	Total	445	323	319	369	398	369	294	245	243	235	225	265	279	266	302	331	289	325	284
Dangerous or negligent acts endangering	Gaol	7	15	12	13	15	20	30	28	32	36	25	25	25	21	17	26	11	24	16
	Total	47	53	31	43	40	35	48	50	52	66	49	49	48	36	27	32	22	34	21
Abduction, harassment and other offences against the person	Gaol	11	12	11	16	20	23	22	32	32	39	37	37	30	41	50	42	53	35	45
	Total	27	21	19	20	28	41	39	47	45	47	43	48	50	48	61	59	66	47	57
Robbery, extortion and related offences	Gaol	397	347	341	400	526	595	566	530	558	475	423	392	382	375	439	408	438	405	370
	Total	546	483	460	512	667	699	681	684	705	593	529	485	494	478	559	518	552	532	482
Unlawful entry with intent/burglary, break and enter	Gaol	216	207	192	138	158	166	187	215	265	328	355	312	306	260	278	278	276	245	261
	Total	363	307	260	215	228	233	255	294	354	424	465	414	404	378	403	416	394	397	413
Theft and related offences	Gaol	137	128	110	94	81	82	78	73	82	72	80	72	59	53	52	53	72	63	42
	Total	300	248	189	170	146	124	144	119	121	117	133	100	92	79	87	82	110	98	75
Fraud, deception and related offences	Gaol	105	102	94	92	76	59	93	83	88	75	71	88	62	90	56	58	65	46	41
	Total	321	294	232	185	186	122	161	140	140	107	125	129	111	122	91	83	90	68	69
Illicit drug offences	Gaol	404	315	303	257	230	322	342	334	340	403	449	454	492	459	460	447	497	467	462
	Total	894	670	526	439	377	504	531	552	644	670	694	748	748	689	747	850	723	780	773
Prohibited and regulated weapons and explosives offences	Gaol	15	11	16	13	14	10	14	12	24	26	36	44	28	32	40	48	39	44	40
	Total	35	22	23	21	21	16	31	22	33	39	50	63	43	48	53	61	52	69	54
Property damage and environmental pollution	Gaol	26	28	17	18	13	14	17	10	10	16	17	16	12	14	14	14	9	8	11
	Total	79	64	51	50	38	38	39	23	18	30	37	21	24	22	21	21	14	13	14
Public order offences	Gaol	21	16	17	6	16	8	15	8	18	18	13	15	14	16	20	8	15	15	29
	Total	46	36	24	17	27	23	34	17	35	33	24	37	39	35	49	17	30	27	51
Offences against justice procedures, government security and government operations	Gaol	71	55	58	38	29	55	47	31	34	32	27	29	44	13	21	36	21	53	46
	Total	124	101	123	65	48	95	89	60	56	64	51	54	73	39	43	54	39	79	85

Note. Excludes miscellaneous offences; unknown offences; and traffic and vehicle regulatory offences.
Includes persons sentenced to prison or a juvenile institution.

Table A3. Number of defendants who were refused bail, by principal offence, in the NSW Local Courts, 1994 to 2013

Bail status	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Homicide and related offences	0	0	0	0	0	2	0	1	1	5	2	0	3	0	1	0	0	0	2	2
Total	26	35	43	62	68	72	89	128	123	115	112	84	82	57	50	50	51	69	47	57
Acts intended to cause injury	778	850	877	928	903	1,133	965	1,214	1,470	1,634	1,793	1,971	2,141	2,222	2,311	2,450	1,817	1,736	1,591	1,742
Total	14,168	14,696	16,278	16,795	15,986	16,016	15,468	17,211	18,188	18,562	18,340	19,013	20,160	21,443	22,068	22,223	20,897	20,607	19,535	19,434
Sexual assault and related offences	44	37	42	46	42	55	38	51	63	62	63	67	90	98	105	107	105	88	94	102
Total	603	549	709	793	732	680	652	678	641	630	568	687	653	683	766	722	733	647	716	687
Dangerous or negligent acts endangering	75	64	104	95	117	131	145	155	150	167	171	180	174	193	210	204	143	151	167	167
Total	5,585	5,955	6,787	7,017	6,286	6,154	5,826	6,074	5,982	5,869	6,457	6,158	6,046	5,784	5,798	5,731	4,731	4,428	4,293	3,722
Abduction, harassment and other offences against the person	15	27	32	43	69	108	82	89	104	104	92	79	110	111	151	146	120	97	89	78
Total	209	277	410	540	638	987	907	733	682	651	639	679	751	741	915	930	834	814	796	778
Robbery, extortion and related offences	41	29	46	69	81	96	82	59	34	32	38	36	51	42	44	48	37	33	28	48
Total	142	130	186	247	275	309	303	184	140	127	96	95	144	126	126	150	137	146	120	155
Unlawful entry with intent/ burglary, break and enter	440	544	628	609	703	855	786	1,060	986	1,026	1,032	975	907	872	825	829	708	674	668	689
Total	2,470	2,548	2,669	2,695	2,776	2,871	2,671	2,908	2,881	2,605	2,335	2,195	2,059	2,124	1,979	2,013	1,773	1,601	1,645	1,526
Theft and related offences	979	1,078	1,243	1,251	1,423	1,562	1,560	1,777	1,695	1,722	1,734	1,563	1,483	1,474	1,546	1,483	1,187	1,021	1,110	1,252
Total	12,907	13,172	13,632	12,886	13,266	13,671	12,949	13,506	12,579	11,891	10,798	9,450	9,018	9,125	7,978	7,668	6,709	6,457	6,641	6,505
Fraud, deception and related offences	273	302	265	265	326	412	392	493	510	499	475	470	459	414	545	501	382	348	455	484
Total	4,122	4,275	4,212	4,036	4,225	4,595	4,472	4,881	5,100	5,107	4,995	4,805	4,083	3,963	4,096	4,124	3,831	2,778	2,948	3,074
Illicit drug offences	263	326	351	375	314	432	349	437	455	445	516	406	373	387	446	430	358	322	321	397
Total	7,402	7,261	7,589	7,193	8,076	8,865	7,282	7,194	6,270	6,009	6,421	5,967	5,812	6,268	7,124	8,172	7,895	8,097	8,421	8,917
Prohibited and regulated weapons and explosives offences	40	57	63	55	45	32	41	53	69	68	69	66	68	60	58	54	35	47	43	52
Total	1,445	1,327	1,331	1,231	1,154	1,199	1,032	1,197	1,137	1,284	1,072	933	929	942	874	913	838	810	897	919
Property damage and environmental pollution	124	145	132	151	135	156	165	148	212	184	190	207	237	268	258	296	182	180	195	205
Total	3,583	3,837	3,854	3,657	3,588	3,577	3,636	4,065	4,143	4,058	4,144	4,126	4,161	4,337	4,367	4,403	3,803	3,780	3,498	3,483
Public order offences	162	210	240	229	311	403	332	572	601	592	537	559	549	539	614	639	482	430	415	497
Total	7,059	6,987	6,448	6,241	7,260	9,611	7,923	8,215	8,248	7,510	7,081	7,824	7,641	8,353	7,156	6,825	5,600	5,209	4,843	4,682
Traffic and vehicle regulatory offences	363	387	422	395	430	669	628	686	836	872	1,013	951	1,058	1,043	1,033	984	814	755	697	766
Total	30,619	31,372	33,245	32,287	33,782	40,098	37,132	38,852	40,424	41,787	48,278	51,224	47,822	47,829	50,523	50,400	42,417	40,350	34,919	35,368
Offences against justice procedures, government security and government operations	743	792	916	921	987	1,065	943	1,057	1,507	1,632	1,996	2,310	2,285	2,422	2,559	2,533	2,355	2,179	2,428	2,940
Total	5,285	5,989	7,987	9,285	8,832	9,821	9,532	10,560	11,128	10,547	11,085	12,395	12,504	12,737	13,841	14,106	15,626	14,954	15,568	16,325

Note. Excludes miscellaneous offences; and unknown offences.

Table A4. Number of convicted offenders imprisoned, by principal offence, in NSW Local Courts, 1994 to 2013

Principal penalty	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Homicide and related offences	1	2	0	1	1	1	2	1	2	2	3	1	3	5	0	0	1	2	1	2
Total	13	23	23	20	34	32	27	56	47	43	56	43	42	42	33	29	36	46	23	33
Acts intended to cause injury	866	975	951	947	1,029	1,017	890	1,065	1,191	1,308	1,350	1,406	1,705	1,743	1,830	2,057	1,777	1,658	1,521	1,719
Total	10,595	10,748	11,853	12,042	11,549	11,565	11,368	12,900	13,263	13,566	13,394	13,777	14,989	15,885	16,205	16,506	16,041	15,577	14,666	15,027
Sexual assault and related offences	33	32	46	45	34	37	36	61	58	63	81	91	82	97	119	105	119	103	120	109
Total	242	212	270	311	266	250	233	261	273	284	267	342	310	348	385	399	406	346	378	388
Dangerous or negligent acts endangering	71	69	96	99	124	143	140	133	118	122	111	127	133	130	135	137	128	174	186	240
Total	4,059	4,237	4,812	4,937	4,493	4,420	4,428	4,500	4,366	4,351	4,866	4,564	4,476	4,372	4,356	4,472	3,727	3,632	3,576	3,278
Abduction, harassment and other offences against the person	7	8	9	19	39	62	62	71	74	71	74	50	85	83	110	107	95	92	99	90
Total	114	133	221	254	310	508	465	503	456	446	464	472	562	567	692	737	686	648	659	664
Robbery, extortion and related offences	14	10	15	20	36	29	17	43	29	22	18	22	39	27	33	39	30	25	18	36
Total	24	37	38	48	74	60	70	98	78	51	41	46	85	60	63	84	76	70	43	79
Unlawful entry with intent/ burglary, break and enter	560	620	733	679	703	793	680	932	826	801	807	734	683	705	651	702	623	587	562	529
Total	1,655	1,681	1,863	1,695	1,642	1,785	1,655	2,071	1,889	1,768	1,665	1,497	1,423	1,478	1,378	1,492	1,340	1,187	1,154	1,065
Theft and related offences	1,270	1,328	1,384	1,427	1,613	1,689	1,642	1,587	1,467	1,318	1,407	1,215	1,149	1,146	1,207	1,113	1,036	848	917	1,010
Total	11,223	11,452	11,685	10,929	11,292	11,866	11,305	11,369	10,419	9,789	8,986	7,891	7,493	7,637	6,456	6,391	6,023	5,620	5,981	5,994
Fraud, deception and related offences	216	217	196	189	270	270	237	305	332	315	293	311	281	287	366	376	341	268	290	292
Total	2,889	2,949	2,977	2,836	2,925	3,170	3,185	3,562	3,712	3,765	3,566	3,617	3,326	3,156	3,281	3,391	3,197	2,166	2,295	2,365
Illicit drug offences	308	370	402	356	315	334	250	341	331	327	314	292	257	267	324	272	253	241	221	247
Total	6,954	6,789	7,170	6,746	7,758	8,622	7,179	6,738	5,782	5,582	6,142	5,775	5,658	6,194	6,985	8,159	8,021	8,241	8,675	9,112
Prohibited and regulated weapons and explosives offences	21	27	31	37	46	36	46	37	62	48	47	40	55	43	46	52	58	52	77	56
Total	1,146	1,013	1,057	941	852	983	843	999	939	1,061	901	770	815	779	767	832	838	805	897	917
Property damage and environmental pollution	91	108	128	123	124	152	133	119	131	126	134	135	142	178	168	192	141	137	153	176
Total	3,300	3,603	3,654	3,463	3,482	3,654	3,711	3,903	3,932	3,689	3,865	3,936	3,988	4,229	4,211	4,323	3,971	3,807	3,653	3,541
Public order offences	99	144	139	133	170	191	190	321	332	276	244	288	288	271	373	392	337	296	284	360
Total	6,671	6,617	6,089	5,870	6,768	9,385	7,677	7,355	7,358	6,573	6,306	7,075	6,704	7,405	6,079	5,751	4,898	4,540	4,244	4,229
Traffic and vehicle regulatory offences	637	648	592	573	678	935	934	1,007	1,129	1,092	1,256	1,147	1,178	1,203	1,230	1,197	918	894	868	861
Total	30,084	30,874	32,823	31,813	33,209	39,552	37,277	38,736	40,149	41,442	48,121	50,711	47,255	47,324	50,065	50,250	42,882	40,835	35,705	36,014
Offences against justice procedures, government security and government operations	611	751	752	756	876	793	660	734	982	1,101	1,397	1,432	1,427	1,562	1,615	1,629	1,680	1,409	1,541	1,635
Total	3,907	4,402	5,941	6,820	6,684	7,318	7,253	8,122	8,229	8,137	8,780	9,808	9,931	10,102	10,906	11,046	11,821	11,006	11,259	11,659

Note: Excludes miscellaneous offences; and unknown offences.
Includes persons sentenced to prison or a juvenile institution.