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Evaluating the first tranche of the Table Offences Reform: Impacts on District Court finalisations, time to finalisation and sentencing outcomes

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AIM

To examine the impact of reclassifying strictly indictable offences (which must be dealt with in the higher courts, i.e., District or Supreme Court) to offences that can be dealt with summarily in the New South Wales (NSW) Local Court (known as 'Table offences') on District Court finalisations, court delays and sentencing.

METHOD

The focus of the study was the first tranche of the Table Offences Reform, which was introduced in November 2016 and involved a small subset of break and enter offences. For related charges in the 2 years before and after the introduction of the reform, we compare the number of District Court finalisations, time from charge date to finalisation and the proportion of offenders who received prison penalties.

RESULTS

The number of finalisations for reform-related charges increased by 26 per cent post-reform (from 713 to 902). Fifteen per cent of post-reform versus 100 per cent of pre-reform matters were finalised in the District Court, resulting in 62 fewer trials and 509 fewer sentenced finalisations in the District Court (in other words, 85% of eligible offences were diverted from the District Court). Post-reform, there were an additional 204 defended hearings in the Local Court. The time from charge to finalisation decreased from a median of 404 days for pre-reform charges to 206 days for post-reform charges, a difference of 6 months. The difference in the time to finalisation post- versus pre-reform remained significant after adjusting for other factors, such as prior offending, number of offences and plea (HR = 2.88, 95% CI (2.59, 3.21), $p < .001$). Of those guilty of a post-reform charge, 59 per cent received a penalty of imprisonment, compared to 67 per cent of those guilty of a pre-reform charge. After adjusting for other factors, the likelihood of receiving a prison penalty longer than 12 months for charges in the post-reform period was estimated to be much lower than in the pre-reform period (OR = 0.16, 95% CI (0.11, 0.24), $p < .001$).

CONCLUSION

Results from this study suggest that reclassifying offences from strictly indictable to Table offences significantly reduced both the number of matters finalised in the District Court and court delay. The Table Offences Reform also decreased the likelihood of a custodial penalty being imposed.

KEYWORDS court processes and delay | legislative evaluation | sentencing

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INTRODUCTION

Between 2012 and 2016, the median time between arrest and finalisation for matters that proceeded to trial in the New South Wales (NSW) District Court increased from 512 to 714 days (a 39% increase). Over the same period, the median time between arrest and finalisation for matters that proceeded to sentence only in the NSW District Court increased from 403 to 444 days (a 10% increase; NSW Bureau of Crime Statistics and Research (BOCSAR), 2017). The increase in time taken to finalise matters in the NSW District Court occurred alongside increases in workload, with the number of matters committed for trial increasing by 35 per cent and the number of matters committed for sentence increasing by 38 per cent during this period (BOCSAR, 2017).

Against this backdrop, the NSW Government introduced a range of reforms to improve the efficiency of court processes and, in doing so, reduce District Court delay. For example, as part of the NSW 2016-2017 budget, the NSW Government (2016) announced a $39 million package to fund the appointment of three new District Court judges, two new public defenders and extra sittings in regional areas. Further, in April 2018 the Early Appropriate Guilty Plea (EAGP) reforms were introduced, involving a range of initiatives such as simplified briefs, mandatory criminal case conferencing and statutory sentence discounts based on the timing of the guilty plea (NSW Government, 2020). The EAGP reforms apply to all strictly indictable criminal offences and Table offences elected to be dealt with in the higher courts. The latter are known as 'Table offences' as they are contained in Tables 1 and 2 of Schedule 1 of the *Criminal Procedure Act 1986* (NSW).

Another set of reforms, referred to in this report as the Table Offences Reform, involved moving a subset of strictly indictable offences to Tables 1 and 2. Strictly indictable offences are the most serious offences and must be dealt with in the higher courts (i.e., District or Supreme Court), while Table offences can be dealt with summarily in the Local Court, unless an election is made to proceed in the District Court.[1] In the District Court, the maximum penalty available for the offence is the legislative maximum, whereas the sentencing power of a magistrate in the Local Court is constrained to a maximum of 2 years' imprisonment for a single offence or 5 years for multiple offences. Where, for example, NSW police prosecutors are of the view that a Table offence matter is serious enough to warrant a sentence that exceeds the 2-year sentencing jurisdiction of the Local Court, the Office of the Director of Public Prosecutions may elect to deal with the matter in the District Court.

The first tranche of the Table Offences Reform, the focus of this report, commenced in November 2016, and involved a small group of 'break and enter' offences under sections 109 and 111-113 of the *Crimes Act 1900* (NSW). The second tranche was implemented in 2018 in two phases and involved a subset of theft and justice procedure offences (April 2018), followed by robbery and illicit drug offences (July 2018). The strictly indictable offences that were reclassified as part of the first tranche of the Table Offences Reform are listed in Table 1 that follows, along with the strictly indictable and Table 1 offences that replaced them. As shown, the offences involve stealing or intentionally or recklessly damaging or destroying property, where the only circumstance of aggravation is that the offender is in the company of another person or persons. A distinguishing feature of the new Table 1 offences versus the new strictly indictable offences is the property value. Previously, in relation to the reform-related offences, no distinction was made based on the value of the property. Now, for Table 1 break and enter offences, the maximum value of the property stolen, destroyed or damaged is $60,000; offences involving more than $60,000 are strictly indictable. This brings the new Table 1 offences into line with other break and enter offences (e.g., sections 109(1), 112(1)(a) and 112(1)(b)), which have been classified this way since 2010.

1 For Table 1 offences, which are more serious, either the prosecutor or defendant can make this election. For Table 2 offences, an election may only be made by the prosecutor: see Criminal Procedure Act section 260.

Table 1. Descriptions of old and new offences, by section of the *Crimes Act 1900* (NSW)

Section	Old strictly indictable offences	New Table 1 offences	New strictly indictable offences
109(2)	Aggravated commit SIO in dwelling and break out - in company	Aggravated in dwelling in company steal <= $60k and break out	Aggravated commit SIO in dwelling - in company > $60K
		Aggravated in dwelling in company damage property <= $60k and break out	Aggravated commit SIO in dwelling - in company - not steal etc.
	Aggravated enter dwelling with intent to commit a SIO - offender in company	Aggravated enter dwelling in company intend steal <= $60k and break out	Aggravated enter dwelling with intent - in company - steal etc., > $60K
		Aggravated enter dwelling in company intend damage <= $60k and break out	Aggravated enter dwelling with intent - in company - not steal etc.
111(2)	Aggravated enter dwelling with intent - offender in company	Aggravated enter dwelling in company with intent to steal <= $60k	Aggravated enter dwelling with intent - in company - steal etc., > $60K
		Aggravated enter dwelling in company with intent to damage property <= $60k	Aggravated enter dwelling with intent - in company - not steal etc.
112(2)	Aggravated B&E and commit SIO in company	Aggravated B&E dwelling etc in company steal <= $60k	Aggravated B&E commit SIO - in company - steal etc., > $60K
		Aggravated B&E dwelling in company damage property <= $60k	Aggravated B&E commit SIO - in company - not steal etc.
	Aggravated commit SIO, break out - in company	Aggravated in dwelling etc in company steal and break out <= $60k	Aggravated commit SIO break out - in company - steal etc., > $60K
		Aggravated in dwelling in company damage property and break out <= $60k	Aggravated commit SIO break out - in company - not steal etc.
113(2)	Aggravated B&E with intent - in company	Aggravated B&E dwelling etc in company intend steal <= $60k	Aggravated B&E with intent - in company - steal etc., > $60K
		Aggravated B&E dwelling etc in company intend damage <= $60k	Aggravated B&E with intent - in company - not steal etc.

Note. B&E – break and enter; SIO – serious indictable offence.

As stated in the Attorney-General's second reading speech for the Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Bill 2016 (NSW), the main aim of allowing the specified offences to be dealt with in the Local Court was to reduce the time taken for matters to be finalised in court (Upton, 2016). By doing so, the stress and uncertainty for victims and witnesses would be reduced and justice administered faster. In 2016, the median time from arrest to finalisation for matters dealt with in the NSW Local Court was 83 days, compared to 492 days for matters dealt with in the NSW District Court (BOCSAR, 2017).[2] Further, it was expected that moving the offences to the Local Court would reduce the District Court criminal trial backlog by approximately 25 trials per year, thereby increasing capacity in the District Court.

In terms of penalties imposed by the Local Court for the reclassified break and enter offences, as stated in the second reading speech, no impact on sentencing outcomes was anticipated. The second reading speech referred to data reported by BOCSAR for the years 2012 to 2014 that showed over 90 per cent of sentences imposed in the District Court for the break and enter offences of interest were within the Local Court's sentencing scope.

The current study

While it is intuitive that reclassifying offences from strictly indictable to Table 1 offences would result in a reduction in the number of District Court finalisations and the time from charge to finalisation, the extent and magnitude of the expected reduction is unknown. Indeed, the impact of the reform will largely depend on the proportion of matters that (still) involve strictly indictable offences following the introduction of the reform, as well as the proportion of matters where an election is made to proceed in the District Court. Further, while it was anticipated that the reform would not impact sentencing outcomes, it is important to assess whether this assumption holds true.

The aims of the current study are to:

1. describe changes in the number of finalised appearances for the offences of interest before and after the introduction of the reform, particularly the number of trials and sentence finalisations in the District Court
2. examine the time from charge to finalisation pre- and post-reform
3. investigate whether offenders are more or less likely to receive prison penalties following the reform.

While offences directly impacted by the reform are the focus of the report, we also examine outcomes for break and enter offences more generally. Defendants with reform-related charges that were withdrawn may have been proceeded against with other break and enter charges in the Local Court. This is more likely to have happened pre-reform than post-reform, as all such offences were previously strictly indictable and police may have proceeded with less serious non-reform-related offences. These matters are not included when looking at outcomes for reform-related charges, but are potentially captured when looking at outcomes for break and enter offences overall.

2 These figures are based on those 'on bail', 'bail dispensed with' or 'bail refused' at the time of finalisation; defendants 'in custody for a prior offence' and those with 'warrant executed – police' are excluded. Further, the figures combine matters that proceeded to defended hearing/trial with those sentenced after a guilty plea.

METHOD

Data sources

The main data source for this study is BOCSAR's Reoffending Database (ROD), which links all criminal court appearances finalised in NSW since 1994. ROD contains a range of person-, offence- and appearance-related details, as well as movements in and out of custody in NSW.

ROD does not include all charges that were withdrawn by the prosecution[3] or charges yet to be finalised (e.g. matters committed to sentence or trial).[4] In order to track charges through the criminal justice system and identify charges that were withdrawn or yet to be finalised, ROD data was supplemented with data from BOCSAR's Combined Courts data collection[5] and the NSW Police Force's Computerised Operational Policing System (COPS).[6]

Variables

A range of variables were used to describe and compare the pre- and post-reform samples. These included defendants' socio-demographic characteristics (age, sex, Aboriginality, level of socioeconomic disadvantage[7] and remoteness[8] of area of residence[9]) and criminal histories (number of finalisations with prison penalties and proven offences in the previous 5 years). The following appearance and offence characteristics were also examined:

- Characteristics of the index appearance:
  - jurisdiction – Local Court or District Court
  - bail status at time of finalisation – classified as bail dispensed with, on bail, bail refused (including warrant executed), in custody for a prior offence
  - number of days in custody from charge to finalisation – categorised as 0, 1-90, 91-180, 181-365, 366 days or more
  - whether the matter was finalised after the introduction of key sentencing reforms in September 2018, which replaced a number of penalties with new community-based orders and placed increased emphasis on supervision.
- Characteristics of reform offences:
  - number of reform offences, proven and unproven – coded 0, 1, 2, 3 or more
  - whether any reform offences were strictly indictable
  - whether reform offences were within sections 109(2), 111(2), 112(2) or 113(2) of the Crimes Act
  - whether guilty pleas were entered for no, some or all reform offences.
- Other offences at the index appearance:
  - whether there were any non-reform break and enter offences
  - whether there were any non-reform offences within the same sections as reform offences
  - whether there were any non-reform offences that were strictly indictable
  - whether there were any offences that were:
    - acts intended to cause injury (Australian and New Zealand Standard Offence Classification, ANZSOC Division 02; ABS, 2011)
    - theft offences (ANZSOC Division 08)
    - traffic offences (ANZSOC Division 14)

3 ROD ordinarily does not include strictly indictable offences finalised in the Local Court by anything other than a penalty. That is, strictly indictable offences withdrawn in the Local Court (i.e. prior to reaching the higher courts) are not included in ROD.
4 ROD does not ordinarily contain charge dates for higher court matters.
5 This data collection includes disposal-, offence- and penalty-related details of criminal offences finalised in the NSW Children's, Local, District and Supreme Courts, as well as committal outcomes.
6 COPS is used for record-keeping for all police operations and includes details of criminal incidents detected by or reported to police and persons of interest proceeded against by police.
7 According to the Australian Bureau of Statistics (ABS; 2016a) Socio-Economic Indices for Areas (SEIFA) Index of Relative Disadvantage (IRSD), classified to quartiles of disadvantage.
8 According to the ABS (2016b), categorised as 'Major cities', 'Inner regional', and 'Outer regional/Remote/ Very remote'.
9 Where this was missing/unknown, the most recent non-missing value from an appearance within the previous 5 years was used.

  - offences against justice procedures (ANZSOC Division 15)
  - strictly indictable (including reform and break and enter offences).

- Other finalisations between the charge and finalisation dates:
  - any finalisations in the Local or District Courts
  - whether there were any finalisations with a prison penalty
  - whether there were any finalisations with proven:
    - acts intended to cause injury (ANZSOC Division 02)
    - theft offences (ANZSOC Division 08)
    - traffic offences (ANZSOC Division 14)
    - offences against justice procedures (ANZSOC Division 15).

Outcomes of interest

The main outcomes of interest are:

- the number and proportion of matters finalised in the District Court as trials and sentence matters
- the number of days from date of police charge to court finalisation
- the proportion of offenders who received a prison penalty for a proven reform offence and the proportion of these who received a prison penalty of more than 12 months.[10]

Sample

Charges relating to offences that were included in the first tranche of the Table Offences Reform are the focus of this study.

Analyses comparing the characteristics of appearances and main outcomes of interest are restricted to those dealt with in the NSW Local and District Courts[11] and are further limited to matters:

- with charge dates between 1 November 2014 and 31 October 2016 (pre-reform) and 11 November 2016 and 31 October 2018 (post-reform)
- involving either pre-reform charges relating to old strictly indictable offences or post-reform charges relating to new Table 1 and strictly indictable offences, but not both
- where all reform offences were not withdrawn by the prosecution.

The same criteria were applied when examining break and enter offences overall, but with reference to break and enter charges under ANZSOC group 0711,[12] rather than reform charges/offences.

The post-reform period was restricted to charges in the first 24 months. At the time of analysis, data was available up until 29 February 2020, allowing a minimum of 16 months for charges to be finalised in court. As such, it was expected that matters included in the sample would be generally representative of all charges in the period. However, some matters not finalised within 16 months will not be included; these are likely to be more serious matters finalised in the District Court.

10 In 2015 and 2016, the mean custodial sentences for break and enter offences were 8.3 and 7.7 months respectively in the Local Court and 19.9 and 20.1 months respectively in the District Court (BOCSAR, NSW Criminal Courts Statistics December 2019). Based on these estimates, and given the Local Court is constrained to sentences of a maximum of 2 years' imprisonment, 12 months (non-parole) was chosen as an indicator of longer prison sentences in the Local Court. Analyses examining head sentences (total terms) of more than 12 months were also undertaken and are included in the Appendix Table A10.
11 Matters dealt with by police caution or youth justice conference, or finalised in the NSW Children's Court or Drug Court, are excluded.
12 While the reform-related offences fall under ANZSOC 0711 (i.e., unlawful entry with intent/burglary, break and enter), a small proportion (10%) of offences within the same sections fall under ANZSOC 0211 (i.e., serious assault resulting in injury) and ANZSOC 0521 (i.e., deprivation of liberty/false imprisonment). These offences are also included when looking at break and enter offences more broadly.

Statistical analysis

The analyses described here were undertaken for reform-related offences and for break and enter offences overall.

Finalisations in the District Court

The number and proportion of matters finalised in the District Court, through trials and sentence finalisations, are presented and compared pre- and post-reform. Differences are tested using Pearson's chi-squared test of independence.

Time from charge to finalisation

The time from police charge to court finalisation was examined for finalised appearances relating to pre- and post-reform charges. This comparison involved estimating the median time from charge to finalisation and the proportion of defendants with matters finalised at 180 and 365 days. Differences in the time to finalisation are expressed as hazard ratios (HRs), where an HR significantly greater than 1 indicates that post-reform defendants were more likely to have their matter finalised than pre-reform defendants. A HR significantly less than 1 indicates that post-reform defendants were less likely to have their matter finalised than pre-reform defendants. HRs are presented both unadjusted and adjusted for a range of other characteristics associated with the time from charge to finalisation. Supplementary analyses were undertaken to separately examine those who were and were not in custody at the time of finalisation.

Probability of a prison penalty

The proportion of offenders who received a prison penalty for a reform offence and who received a prison penalty longer than 12 months (non-parole) are reported and compared pre- and post-reform, using logistic regression. These analyses are restricted to those who had at least one proven reform offence. We express the difference between periods as an odds ratio (OR), where an OR significantly greater than 1 indicates that post-reform offenders are more likely to receive a penalty of imprisonment than pre-reform offenders and less than 1 indicates that post-reform offenders are less likely to receive a penalty of imprisonment than pre-reform offenders. ORs are presented both unadjusted and adjusted for a range of other characteristics associated with the likelihood of receiving a prison penalty. Of particular interest are the impacts of bail status and time spent in custody between charge and finalisation on sentencing outcomes. We examine the influence of these factors by adding them to the statistical models and performing separate analyses for those who were and were not in custody at the time of finalisation.

RESULTS

Overview

We begin with an overview of reform-related charges from January 2014 to January 2020. Figure 1 shows the monthly number of charges for reform-related and other break and enter offences (including those falling under the same section as the reform-related offences) recorded in COPS. This figure includes charges for persons of interest proceeded against to court (regardless of the outcome), aged 18 years and over.

As shown in Figure 1, following the introduction of the reform in mid-November 2016, the new strictly indictable and Table 1 offences have been used in place of the old strictly indictable offences. The numbers of reform-related charges have remained relatively stable since the offence reclassification, approximately one fifth of total break and enter charges. Less than 10 per cent of new reform-related charges are strictly indictable offences; 90 per cent are charges for Table 1 offences.

Figure 1. Number of charges for reform-related offences, same section offences, and other break and enter offences by charge date, January 2014 – January 2020, COPS

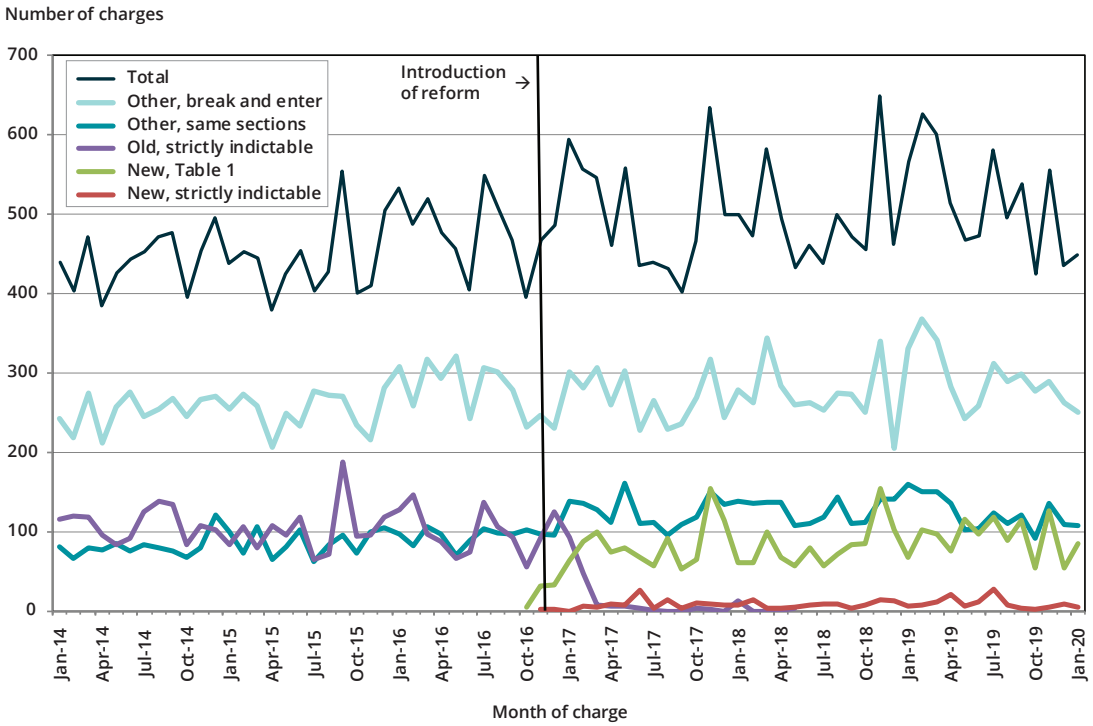


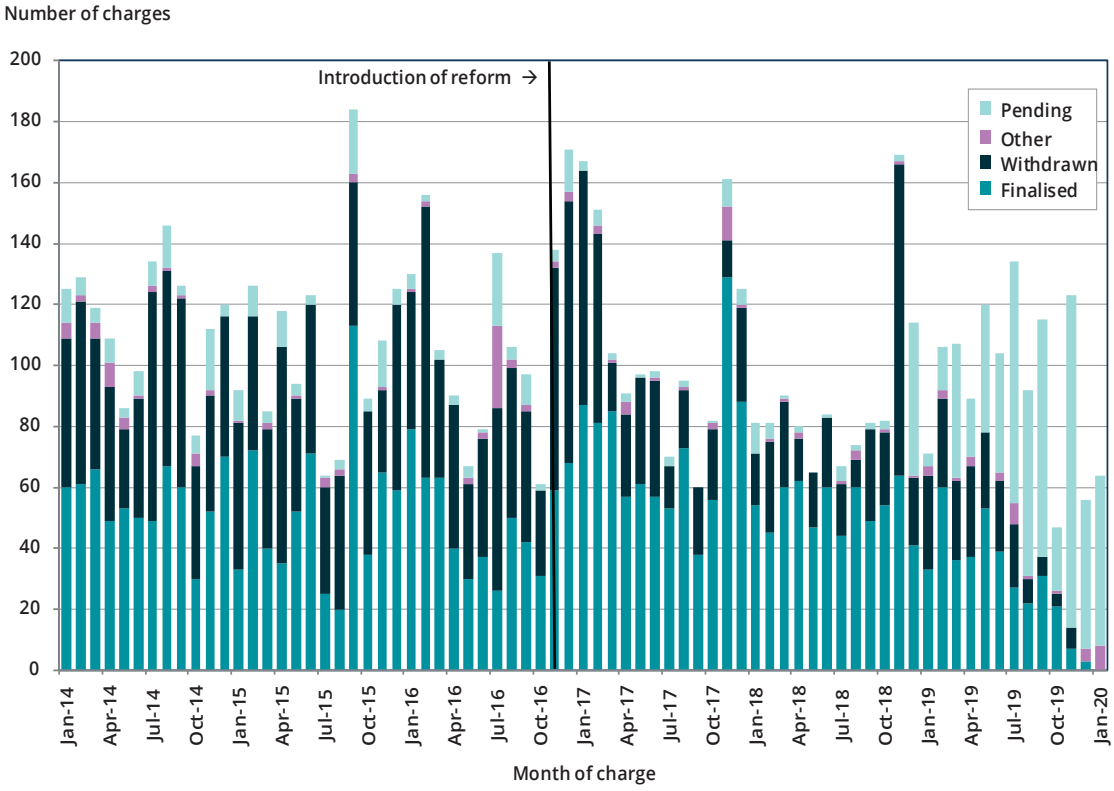
Figure 1 also shows the number of charges for offences not directly impacted by the reform but within the same sections as the reform offences (i.e., sections 109(2), 111(2), 112(2) and 113(2), as described in Appendix Table A1), and other offences falling under the ANZSOC group 0711 (i.e., unlawful entry with intent/burglary, break and enter). The number of charges for other offences within the same sections of the Crimes Act as the reform offences increased after the introduction of the reform. All of these same section offences are strictly indictable. Charges for other break and enter offences, and for break and enter offences in total, have remained reasonably stable since January 2014.

Figure 2 combines COPS and Combined Courts data collections to show the status of charges - whether they were withdrawn by the prosecution, otherwise finalised, or were still pending.[13] The figure is limited to charges dealt with in Local and District Courts, or those where the person of interest was 18 years or over (for offences that only appear in COPS data).

Figure 2 highlights the large proportion of charges withdrawn by the prosecution, particularly prior to the introduction of the reform (44% pre-reform vs. 25% post reform were withdrawn).[14] The majority of charges since July 2019 are pending.

13 Pending offences include those where matters have been adjourned and/or committed for sentence or trial but not finalised. Offences such as those of unknown status and those appearing only in COPS as 'non conviction not proved' are included as 'other'.
14 By comparison, approximately 55 per cent of charges for other strictly indictable offences within the same sections in the pre-reform period were also withdrawn.

Figure 2. Status of reform-related charges by charge date, January 2014 – January 2020, COPS and Combined Courts data collections



Matters finalised in NSW Local and District Courts

Key characteristics of pre- and post-reform matters finalised in the Local and District Courts are presented in Table 2. Characteristics are shown for appearances with at least one reform-related charge or break and enter charge. Table A2 of the Appendix includes these and other sociodemographic and offending characteristics for all finalised court appearances relating to post-reform charges (with no restriction on charge dates) and separately for those matters relating to charges in the 2-year pre- and post-reform periods (in line with Table 2).

As shown in Table 2, after the reform:

- there was a 26 per cent increase in the number of reform-related finalisations (902 post- vs. 713 pre-reform)
- 85 per cent of matters were dealt with in the Local Court and 15 per cent in the District Court
- 6 per cent of matters involved strictly indictable reform offences
- 27 per cent of matters involved two or more reform offences, compared with 20 per cent pre-reform
- 37 per cent of matters involved theft offences and 29 per cent involved offences against justice procedures as concurrent offences, compared with 25 and 3 per cent respectively pre-reform
- 82 per cent entered a guilty plea for a reform offence, compared with 88 per cent pre-reform
- 35 per cent were bail refused at finalisation, compared with 25 per cent pre-reform; 24 per cent were in custody for a prior offence at finalisation, compared with 33 per cent pre- reform
- the median time spent in custody between charge and finalisation was 69 days, compared with 224 days pre-reform
- in 33 per cent of cases, the defendant had another matter finalised in the Local or District Court between the charge and finalisation of the reform-related matter, compared with 58 per cent pre-reform.

Table 2. Characteristics of matters finalised in Local and District Courts, pre- and post-reform

	Reform offences				Break and enter offences			
	Pre 1 November 2014 - 31 October 2016 (N=713)		Post 11 November 2016 - 31 October 2018 (N=902)		Pre 1 November 2014 - 31 October 2016 (N=4,251)		Post 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent
Jurisdiction								
Local Court			763	84.6	2,706	63.7	3,319	77.5
District Court	713	100.0	139	15.4	1,545	36.3	965	22.5
Any reform offences (proven & unproven)[a]	713	100.0	902	100.0	715	16.8	967	22.6
Number of reform offences (proven & unproven)								
0					3,536	83.2	3,317	77.4
1	569	79.8	660	73.2	571	13.4	712	16.6
2	81	11.4	140	15.5	81	1.9	152	3.5
3+	63	8.8	102	11.3	63	1.5	103	2.4
Any strictly indictable reform offence	713	100.0	57	6.3	715	16.8	57	1.3
Any reform offences within section[b]								
109(2)	4	0.6	12	1.3	4	0.1	13	0.3
111(2)	89	12.5	98	10.9	89	2.1	104	2.4
112(2)	561	78.7	742	82.3	563	13.2	788	18.4
113(2)	118	16.5	163	18.1	118	2.8	178	4.2
Plea to reform/break and enter offences								
No offences with 'Guilty' plea	86	12.1	158	17.5	853	20.1	832	19.4
Some offences with 'Guilty' plea	64	9.0	76	8.4	436	10.3	491	11.5
All offences with 'Guilty' plea	563	79.0	668	74.1	2,962	69.7	2,961	69.1
Other offences (proven & unproven)								
Any non-reform break and enter offences	117	16.4	205	22.7	3,655	86.0	3,587	83.7
Any offences within same sections as reform offences	39	5.5	27	3.0	614	14.4	686	16.0
Any non-reform/break and enter strictly indictable offences	133	18.7	56	6.2	819	19.3	784	18.3
Any acts intended to cause injury	76	10.7	107	11.9	802	18.9	872	20.4
Any theft offences	177	24.8	334	37.0	1,290	30.3	1,396	32.6
Any traffic offences	28	3.9	129	14.3	370	8.7	459	10.7
Any offences against justice procedures	24	3.4	258	28.6	958	22.5	1,231	28.7
Any strictly indictable offences	713	100.0	99	11.0	1,400	32.9	827	19.3
Bail status at finalisation								
Bail dispensed with	45	6.3	43	4.8	413	9.7	305	7.1
On bail	258	36.2	331	36.7	1,419	33.4	1,444	33.7
Bail refused	175	24.5	314	34.8	1,345	31.6	1,458	34.0
In custody for a prior offence	235	33.0	214	23.7	1,074	25.3	1,077	25.1
Days in custody from charge to finalisation								
median (25th, 75th percentile)	224 (7, 387)		69 (0, 172)		68 (0, 222)		61 (0, 187)	
0 days	153	21.5	248	27.5	1,235	29.1	1,166	27.2
1-90 days	82	11.5	264	29.3	1,093	25.7	1,276	29.8
91-180 days	80	11.2	174	19.3	629	14.8	729	17.0
181-365 days	205	28.8	141	15.6	796	18.7	720	16.8
366+ days	193	27.1	75	8.3	498	11.7	393	9.2
Finalised after sentencing reforms								
Yes	26	3.6	335	37.1	84	2.0	1,622	37.9
Other finalisations between charge & finalisation								
Any in Local or District Court	413	57.9	298	33.0	1,605	37.8	1,415	33.0
With prison penalty	210	29.5	129	14.3	715	16.8	598	14.0
With proven acts intended to cause injury	84	11.8	53	5.9	316	7.4	265	6.2
With proven theft offences	169	23.7	105	11.6	540	12.7	445	10.4
With proven traffic offences	128	18.0	93	10.3	456	10.7	385	9.0
With offences against justice procedures	205	28.8	121	13.4	704	16.6	584	13.6

[a] There are less matters with reform offences under 'Reform offences' than 'Break and enter offences' because matters where all reform offences were withdrawn are excluded from 'Reform offences'.

[b] Matters may include offences from more than one section.

The characteristics of break and enter related matters overall did not change much pre- and post-reform. However, 23 per cent of cases post-reform (compared with 17% pre-reform) involved reform-related offences, and 78 per cent post-reform were finalised in the Local Court compared with 64 per cent pre-reform. There was a slight increase in the proportion of break and enter matters that involved non-reform offences within the same sections (14% vs. 16%). The characteristics of reform-related matters post-reform were generally similar to the characteristics of break and enter related matters overall.

As can be seen in Table A2 of the Appendix, pre- and post-reform defendants tended to be similar when compared on a range of sociodemographic and prior offending characteristics. However, post-reform, a greater proportion of defendants with reform-related charges resided in major cities than pre-reform (69% vs. 57%). This pattern was not seen for break and enter offences overall (64% vs. 62%).

The next sections examine the three outcomes of interest: (1) the number of finalisations in the District Court, (2) the time from charge to finalisation and (3) the proportion of defendants receiving prison sentences.

Finalisations in the District Court

Presented in Table 3 are the numbers and proportions of pre- and post-reform matters by type of court finalisation. These are shown separately for matters including offences directly impacted by the reform and matters involving break and enter offences more generally. Prior to the reform, 100 per cent of reform-related matters (n = 713) were finalised in the District Court,[15] with almost 10 per cent of reform-related matters finalised with a trial (n = 69) and 90 per cent sentenced after a guilty plea (n = 641). Post-reform, around 15 per cent of matters were dealt with in the District Court, less than 1 per cent of matters were finalised with a trial (n = 7), and 15 per cent were sentenced after a guilty plea (n = 132).[16] Comparing matters relating to charges in the 2 years post-reform with those in the 2 years prior to the reform, there was a reduction of 62 trials and 509 sentenced finalisations in the District Court.

Table 3. Disposal outcome for finalised matters in Local and District Courts, pre- and post-reform

	Reform offences				Break and enter offences			
	Pre 1 November 2014 - 31 October 2016 (N=713)		Post 11 November 2016 - 31 October 2018 (N=902)		Pre 1 November 2014 - 31 October 2016 (N=4,251)		Post 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent
Jurisdiction & Disposal outcome								
District Court	*713*	*100.0*	*139*	*15.4*	*1,545*	*36.3*	*965*	*22.5*
Trial	69	9.7	7	0.8	169	4.0	88	2.1
Sentence only (sentenced after a guilty plea)	641	89.9	132	14.6	1,368	32.2	868	20.3
Other	3	0.4			8	0.2	9	0.2
Local Court			*763*	*84.6*	*2,706*	*63.7*	*3,319*	*77.5*
Defended hearing			204	22.6	799	18.8	912	21.3
Sentenced after a guilty plea			551	61.1	1,789	42.1	2,306	53.8
Other			8	0.9	118	2.8	101	2.4

15 Noting that matters with all reform-related charges withdrawn are not included.

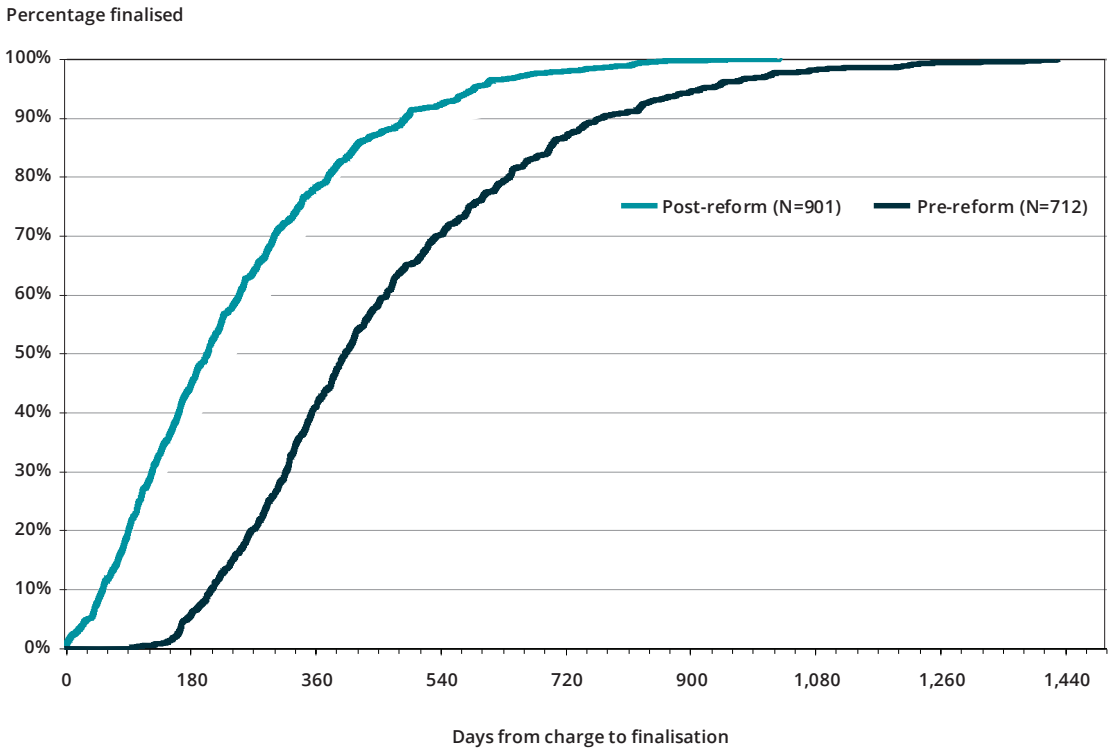
16 Comparing how matters were finalised within the District Court pre- and post-reform, there was no significant difference in the proportion finalised with a defended trial versus sentenced after a guilty plea. However, comparing matters across jurisdictions, there was a significant difference ($p < .001$) in the proportions of matters dealt with in the Local Court and matters overall that were finalised with a defended trial.

The reduction in trials and sentencing finalisations in the District Court for reform-related offences contributed to a reduction in the number of trials and sentencing finalisations associated with break and enter offences overall. The proportion of break and enter matters finalised with a trial dropped from 4 to 2 per cent, corresponding to a reduction of 81 trials over a 2-year period; matters finalised in the District Court by sentence after a guilty plea dropped from 32 to 20 per cent, a reduction of 500 finalisations over the same period.[17] However, the reduction in trials and sentencing finalisations in the District Court was accompanied by an increase in defended hearings in the Local Court; there were 113 more defended hearings for break and enter offences overall (an increase from 19% of matters pre-reform to 21% of matters post-reform).[18]

Time from charge to finalisation

Estimates of the number of days from charge to finalisation, for matters relating to pre- and post-reform charges, are presented in Figure 3 and Table 4.[19]

Figure 3. Time from charge to finalisation, relating to charges in pre- and post-reform periods, for matters finalised in NSW Local and District Courts by 29 February 2020



As shown in Figure 3, and also presented in Table 4, the median time from charge to finalisation for matters involving post-reform charges was 206 days. This compares with a median of 404 days for matters involving pre-reform charges, a difference of approximately 6 months. Also shown in Table 4, 78 per cent of matters relating to post-reform offences were finalised within 365 days, compared with only 42 per cent of matters relating to pre-reform offences.

17 Comparing how matters were finalised in the District Court pre- and post-reform, there was no significant difference in the proportion finalised with a trial versus sentenced after a guilty plea. However, comparing matters across jurisdictions, there was a significant difference in the proportion of matters dealt with in the Local Court ($p < .001$).

18 Comparing how matters were finalised within the Local Court pre- and post-reform, post-reform a greater proportion of matters involved sentencing after a guilty plea ($p = .003$). Comparing across jurisdictions there was a significant increase in the proportion of matters overall that involved sentencing by the lower courts after a guilty plea ($p < .001$).

19 Figure 3 and Table 4 do not include a small number of matters that involved defendants less than 18 years, or matters where the recorded charge and finalisation dates were the same.

Table 4. Time from charge to finalisation for finalisations in Local and District Courts, pre- and post-reform

	Reform offences		Break and enter offences	
	Pre 1 November 2014 - 31 October 2016 (N=712)	Post 11 November 2016 - 31 October 2018 (N=901)	Pre 1 November 2014 - 31 October 2016 (N = 4,235)	Post 11 November 2016 - 31 October 2018 (N = 4,269)
Days from charge to finalisation				
median, 50th percentile	404	206	236	203
(95% confidence interval)	(388, 420)	(190, 217)	(229, 243)	(194, 209)
25th percentile	294	108	120	100
(95% confidence interval)	(281, 311)	(99, 120)	(114, 126)	(95, 106)
75th percentile	583	340	388	342
(95% confidence interval)	(554, 622)	(317, 357)	(379, 399)	(333, 351)
Proportion finalised				
180 days	5.5	44.1	38.3	44.8
(95% confidence interval)	(4.0, 7.4)	(40.9, 47.4)	(36.8, 39.7)	(43.3, 46.3)
365 days	41.9	78.5	72.2	78.1
(95% confidence interval)	(38.3, 45.6)	(75.7, 81.1)	(70.8, 73.5)	(76.9, 79.4)
Hazard Ratio, unadjusted				
Relative to pre-reform	1.00	2.55	1.00	1.28
(95% confidence interval)		(2.30, 2.83)		(1.23, 1.34)
p-value		< .001		< .001
Hazard Ratio, adjusted*				
Relative to pre-reform	1.00	2.88	1.00	1.27
(95% confidence interval)		(2.59, 3.21)		(1.21, 1.32)
p-value		< .001		< .001
Hazard Ratio, adjusted* including jurisdiction				
	District Court	*District Court*	*District Court*	*District Court*
Relative to pre-reform District Court	1.00	0.99	1.00	1.09
(95% confidence interval)		(0.82, 1.19)		(1.00, 1.18)
p-value		.924		.049
	Local Court	*Local Court*	*Local Court*	*Local Court*
Relative to pre-reform District Court	Not applicable	5.22	4.13	4.59
(95% confidence interval)		(4.61, 5.89)	(3.84, 4.43)	(4.30, 4.91)
p-value		< .001	< .001	< .001

* Adjusted for sex, age group, remoteness of area of residence, number of court appearances with proven offences in prior 5 years, prison penalty in prior 5 years, number of reform offences, other offences, plea to reform/break and enter offences, and bail status at finalisation.

The difference in time from charge to finalisation is expressed as an unadjusted HR of 2.55 (95% confidence interval (CI) (2.30, 2.83), $p < .001$) and adjusted HR of 2.88 (95% CI (2.59, 3.21), $p < .001$), after adjusting for a range of other characteristics associated with the time from charge to finalisation, including bail status at finalisation (presented in Appendix Table A3). The HRs indicate that at any time (days from charge) defendants with post-reform charges were more than twice as likely to have their matters finalised than those with pre-reform charges.[20] The HRs of 5.22 (95% CI (4.62, 5.89), $p < .001$) for post-reform matters in the Local Court and 0.99 (95% CI (0.82, 1.19), $p = .924$) in the District Court suggest that the movement of matters from the District Court to the Local Court caused the decrease in the time from charge to finalisation;[21] the time taken to finalise matters in the District Court did not change.[22]

20 Analyses stratified by bail status were also undertaken. These analyses showed similar post- versus pre-reform effects for those on bail or bail dispensed with (HR = 2.98, 95% CI (2.53, 3.52), $p < .001$), bail refused (HR = 3.95, 95% CI (3.18, 4.90, $p < .001$) or in custody for a prior offence (HR = 2.32, 95% CI (1.89, 2.85), $p < .001$). Summary statistics of time to finalisation by bail status, pre- and post-reform, are included in Appendix Table A4.

21 Analyses stratified by bail status showed similar effects when comparing post-reform Local Court matters with pre-reform District Court matters for those on bail or who had bail dispensed with (HR = 5.51, 95% CI (4.55, 6.67), $p < .001$), bail refused (HR = 6.03, 95% CI (4.75, 7.66), $p < .001$) or in custody for a prior offence (HR = 5.44, 95% CI (4.26, 6.94), $p < .001$).

22 Indeed, it may be that there has been an increase in the time taken to finalise reform-related offences in the District Court. Charges that take longer to finalise may have still been pending by 29 February 2020. This is more likely to impact matters relating to post-reform charges, given the shorter follow-up period.

The time taken to finalise reform-related matters is now in line with the time taken to finalise break and enter offences more generally. This can be seen by comparing the post-reform columns for the reform and break and enter offences in Table 4. Focusing on matters relating to break and enter charges generally, the reduction in the time to finalise reform-related charges has contributed to a reduction in the time to finalise break and enter offences overall. The median time from charge to finalisation decreased from 236 to 203 days for matters involving pre- and post-reform break and enter charges, respectively. The difference in the time to finalisation post- versus pre-reform is expressed as an adjusted HR of 1.27 (95% CI (1.21, 1.32), $p < .001$). Relative to pre-reform in the District Court, similar estimates were seen for pre- and post-reform matters in the Local Court (HRs 4.13 and 4.59 respectively). Full models are included in Appendix Table A5.

Probability of a prison penalty

For both pre- and post-reform charges, 92 per cent of reform-related matters resulted in a proven offence. Table 5 describes the proportion and likelihood of receiving a prison penalty of any length, pre- and post-reform.

Of reform matters with proven offences, 59 per cent post-reform versus 67 per cent pre-reform resulted in a prison sentence. The adjusted odds ratio of 0.50 in Table 5 (shown in the 'Post' column under 'Reform offences') suggests a large effect of the reform on the proportion of offenders who received a prison penalty, even after adjusting for a range of other factors (including the sentencing reform); offenders were much less likely to receive a prison penalty for post-reform charges. However, after controlling for whether the offender was in custody at the time of finalisation, and the number of days spent in custody between charge and finalisation, the effect of the reform on imprisonment is reduced and is no longer significant (OR = 0.67, $p = .095$).[23] Despite this, a significant reduction in imprisonment is shown for post-reform Local Court matters, compared with pre-reform (District Court) matters (OR = 0.54, $p = .013$);[24] by contrast, no significant difference was found between pre- and post-reform District Court matters.[25] Full models are included in Table A7 of the Appendix.

Looking at break and enter offences in total, there was a small reduction in the proportion of offenders who received imprisonment following the introduction of the reforms (61.3% pre vs. 59.0% post). This effect remains after adjusting for a range of other factors, including the sentencing reform, whether the offender was in custody at the time of finalisation, and the number of days spent in custody between charge and finalisation. Penalties of imprisonment were significantly less likely for both pre- and post-reform Local Court matters, compared with pre-reform District Court matters. While there was no significant difference in the likelihood of receiving a prison penalty in the District Court after the reform for all break and enter offences, there was a small reduction in prison penalties in the Local Court post- versus pre-reform (OR = 0.78, 95% CI (0.64, 0.95), $p = .014$). Full models are included in Table A8 of the Appendix.

23 Analyses stratified by bail status were also undertaken. No statistical differences were found in the likelihood of imprisonment post- versus pre-reform for those who were bail refused or in prison for a prior offence. For those on bail (including bail dispensed with), the odds of a prison penalty were less post-reform compared with pre-reform (OR = 0.42, 95% CI (0.22, 0.80), $p = .009$). Summary statistics of prison penalties by bail status are included in Appendix Table A6.

24 Analyses stratified by bail status found no statistical differences for those who were bail refused or in prison for a prior offence. For those on bail or bail dispensed, the likelihood of imprisonment was much lower post- reform in the Local Court than pre-reform in the District Court (OR = 0.32, 95% CI (0.16, 0.64), $p = .001$).

25 The same analyses were undertaken excluding matters finalised after the sentencing reforms. The findings were very similar, with the exception of the adjusted model accounting for bail status and days spent in custody, where a significant difference in a prison penalty was found post- versus pre-reform (OR = 0.49, 95% CI (0.29, 0.88), $p = .009$).

Table 5. Prison penalty of any length, pre- and post-reform

	Reform offences		Break and enter offences	
	Pre 1 November 2014 - 31 October 2016 (N=653)	Post 11 November 2016 - 31 October 2018 (N=834)	Pre 1 November 2014 - 31 October 2016 (N=3,802)	Post 11 November 2016 - 31 October 2018 (N=3,855)
Prison sentence, any				
n	436	493	2,329	2,275
per cent	66.8	59.1	61.3	59.0
(95% confidence interval)	(63.0, 70.4)	(55.7, 62.5)	(59.7, 62.8)	(57.4, 60.6)
Odds ratio, unadjusted				
Relative to pre-reform	1.00	0.72	1.00	0.92
(95% confidence interval)		(0.58, 0.89)		(0.83, 1.00)
p-value		.003		.045
Odds ratio, adjusted*				
Relative to pre-reform	1.00	0.50	1.00	0.79
(95% confidence interval)		(0.36, 0.68)		(0.70, 0.90)
p-value		<.001		< .001
Odds ratio, adjusted* including bail status & days spent in custody				
Relative to pre-reform	1.00	0.67	1.00	0.72
(95% confidence interval)		(0.42, 1.07)		(0.60, 0.86)
p-value		.095		< .001
Odds ratio, adjusted* including bail status, days spent in custody & jurisdiction				
	District Court	*District Court*	*District Court*	*District Court*
Relative to pre-reform District Court	1.00	1.95	1.00	1.02
(95% confidence interval)		(0.87, 4.38)		(0.70, 1.49)
p-value		.105		.915
	Local Court	*Local Court*	*Local Court*	*Local Court*
Relative to pre-reform District Court	Not applicable	0.54	0.50	0.39
(95% confidence interval)		(0.33, 0.88)	(0.38, 0.67)	(0.30, 0.52)
p-value		.013	< .001	< .001

* Adjusted for sex, age group, remoteness of area of residence, number of court appearances with proven offences in prior 5 years, prison penalty in prior 5 years, number of reform offences, other offences, plea to reform/break and enter offences, and bail status at finalisation.

Prison penalty of more than 12 months

For post-reform matters, the median non-parole prison term for a reform offence was 9 months, compared with 17 months pre-reform (average non-parole periods were 10.6 and 18.7 months, respectively).[26] Presented in Table 6 are the proportions of offenders who received prison penalties with minimum (non-parole) terms of more than 12 months. This shows that 16 per cent of those charged with a reform-related offence after the commencement of the reform received a prison penalty of more than 12 months, compared with 46 per cent of those charged before the reform. The unadjusted odds ratio of 0.22 confirms that post-reform offenders were much less likely to receive a prison penalty with a minimum term of more than 12 months than pre-reform offenders. Odds ratios were further reduced after adjusting for other factors, including the sentencing reform, whether in custody at finalisation, and the number of days spent in custody between charge and finalisation (OR = 0.16, 95% CI (0.11, 0.24), $p <$ .001).[27, 28] There was no significant difference in the likelihood of a prison penalty of more than 12 months in the District Court post-reform (relative to pre-reform). However, the likelihood of receiving a prison sentence of more than 12 months for a post-reform charge in the Local Court was significantly less than

26 The median total term (head sentence) for a reform offence post-reform was 16 months, compared with 30 months pre-reform (average total terms were 18.5 and 33.0 months, respectively).
27 The same analyses were undertaken excluding matters finalised after the sentencing reforms. The findings were very similar.
28 Analyses stratified by bail status showed similar post- versus pre-reform estimates for those on bail (including bail dispensed with) and those who were bail refused or in custody for a prior offence (OR = 0.12, 95% CI (0.03, 0.41), p = .001 and OR = 0.16, 95% CI (0.10, 0.26), $p <$ .001, respectively).

for a pre-reform charge in the District Court (OR = 0.08, 95% CI (0.05, 0.14), p <.001).[29] Full models are included in Table A9 of the Appendix and results examining the proportions of offenders who received prison penalties with total terms of more than 12 months for reform offences are presented in Table A10.[30]

Looking at break and enter offences in total, following the introduction of the reform, there was a reduction in prison penalties of more than 12 months (17.0% post- vs. 22.6% pre-reform). This effect remained after adjusting for a range of other factors. Prison penalties of more than 12 months were significantly less likely for Local Court break and enter matters than District Court break and enter matters, both pre- and post-reform.[31] Within each court, there were no significant differences in the likelihood of receiving a prison penalty of more than 12 months for post- versus pre-reform break and enter charges.[32] Full models are included in Table A11 of the Appendix.

Table 6. Prison penalty of more than 12 months, pre- and post-reform

	Reform offences		Break and enter offences	
	Pre 1 November 2014 - 31 October 2015 (N=653)	**Post** 11 November 2016 - 31 October 2018 (N=834)	**Pre** 1 November 2014 - 31 October 2015 (N=3,802)	**Post** 11 November 2016 - 31 October 2018 (N=3,855)
Prison sentence, > 12 months				
n	298	129	861	655
per cent	45.6	15.5	22.6	17.0
(95% confidence interval)	(41.8, 49.5)	(13.1, 18.1)	(21.3, 24.0)	(15.8, 18.2)
Odds ratio, unadjusted				
Relative to pre-reform	1.00	0.22	1.00	0.70
(95% confidence interval)		(0.17, 0.28)		(0.62, 0.78)
p-value		< .001		< .001
Odds ratio, adjusted*				
Relative to pre-reform	1.00	0.09	1.00	0.44
(95% confidence interval)		(0.06, 0.13)		(0.38, 0.51)
p-value		< .001		< .001
Odds ratio, adjusted* including bail status & days spent in custody				
Relative to pre-reform	1.00	0.16	1.00	0.59
(95% confidence interval)		(0.11, 0.24)		(0.49, 0.69)
p-value		< .001		< .001
Odds ratio, adjusted* including bail status, days spent in custody & jurisdiction				
	District Court	*District Court*	*District Court*	*District Court*
Relative to pre-reform District Court	1.00	0.98	1.00	1.10
(95% confidence interval)		(0.52, 1.86)		(0.84, 1.45)
p-value		.954		.470
	Local Court	*Local Court*	*Local Court*	*Local Court*
Relative to pre-reform District Court	Not applicable	0.08	0.05	0.05
(95% confidence interval)		(0.05, 0.14)	(0.04, 0.07)	(0.04, 0.07)
p-value		< .001	< .001	< .001

* Adjusted for sex, age group, remoteness of area of residence, number of court appearances with proven offences in prior 5 years, prison penalty in prior 5 years, number of reform offences, other offences, plea to reform/break and enter offences, and whether finalised after the sentencing reforms.

29 Analyses stratified by bail status showed similar post-reform Local Court versus pre-reform District Court estimates for those on bail (including bail dispensed with) and those bail refused or in custody for a prior offence (OR = 0.04, 95% CI (0.01, 0.23), p < .001 and OR = 0.09, 95% CI (0.05, 0.15), p < .001, respectively).

30 Analyses examining total terms more than 12 months showed a similar pattern of results.

31 The post-reform Local Court versus District Court comparison is not directly shown in Table 6: OR = 0.05, 95% CI (0.04, 0.06), p < .001.

32 The Local Court post- versus pre-reform comparison is not directly shown in Table 6: OR = 1.02, 95% CI (0.79, 1.32), p = .878.

DISCUSSION

The purpose of this study was to examine the impact of the first tranche of the Table Offences Reform, which reclassified a small subset of break and enter offences from strictly indictable offences to Table 1 offences, thereby allowing them to be dealt with in the Local Court. Following the introduction of the reform, over 90 per cent of charges falling within the scope of the reforms were reclassified as Table 1 offences and around 85 per cent were finalised in the Local Court. Matters relating to charges in the 2 years following the introduction of the reform were finalised much faster than matters in the equivalent pre-reform period, when these offences could only be dealt with by the District Court. In terms of penalties received, those proven guilty of a reform-related offence post-reform were much less likely to receive a penalty of imprisonment than those found guilty of a relevant offence pre-reform.

The primary motivation for moving the strictly indictable break and enter offences to Table 1 of Schedule 1 of the Criminal Procedure Act was to reduce the delay in finalising these criminal matters. In this respect, the reform has achieved its objective. Our analysis shows that the median time from charge to finalisation was 6 months less for matters relating to post-reform charges, compared with pre-reform charges. Within 12 months of being charged, three-quarters of matters relating to post-reform charges were finalised, compared with two in five relevant charges pre-reform.

Moving offences to the Local Court clearly has benefits for the District Court caseload. Based on charges within the first 24 months after implementation of the reform, we estimate that there were approximately 30 fewer trials and 250 fewer sentencing finalisations per year in the District Court, significantly increasing the capacity of the District Court to deal with other matters. However, there was a concomitant increase in the Local Court caseload and, potentially, the complexity and seriousness of matters that now fall within the Local Court's jurisdiction (Office of the Chief Magistrate, 2019). Indeed, our study shows that almost one-quarter of all matters relating to post-reform charges were finalised by way of a defended hearing in the Local Court (204 matters relating to charges over a 2-year period). As the second tranche of the Table Offences Reform involves higher-volume offence categories than the first tranche, it will be particularly important to further evaluate the impact on the Local Court, including the capacity of magistrates to deal with more complex matters and the implications for victims.

A consequence of reclassifying the strictly indictable break and enter offences to Table 1 offences is that less severe penalties were imposed. Those guilty of reform-related offences were found to be less likely to receive penalties of imprisonment post-reform (59% vs. 67%, respectively) and even less likely to receive penalties of imprisonment of more than 12 months (16% vs. 46%, respectively) than before the reform was introduced. Given those charged with strictly indictable offences are more likely to be remanded for considerably longer periods of time while waiting for matters to be finalised in the higher courts, this finding is perhaps not surprising. It could be expected that, the more time spent on remand, the more likely an offender will receive a longer prison penalty. However, even after adjusting for bail status and time spent in custody between charge and finalisation, there were large and significant differences between pre-reform sentencing outcomes in the District Court and post-reform sentencing outcomes in the Local Court. These differences seem to reflect differences in sentencing outcomes in the Local and District Courts more generally. For example, in 2016, the average custodial sentences for break and enter offences finalised in the District and Local Courts were 20 months and 8 months, respectively (BOCSAR, 2017). In this study, similar average custodial sentences were seen for reform offences pre- and post-reform.

There are several important limitations of the current study that should be noted. Firstly, while attempts have been made to compare similar defendants and offences pre- and post-reform, the process of finalising a strictly indictable offence in the District Court is inherently different to finalising a Table 1 offence in the Local Court. For example, through the process of plea negotiations, charges for back-up or less serious offences may have been dealt with as alternatives to strictly indictable offences. The high proportion of pre-reform charges withdrawn by the prosecution (44% vs. 25% of post-reform charges) may reflect this. When looking at the outcomes of reform-related matters finalised in the Local and

District Courts before and after the reforms, we excluded matters where all reform-related charges were withdrawn and did not consider matters where alternative non-reform-related offences were finalised. The differing rate of charges withdrawn pre- and post- reform contributed to the increase in the number of finalised matters included in our comparisons (i.e., 902 vs. 713 matters for post- and pre-reform charges, respectively). In terms of the findings, this would likely result in the overestimation of the differences in time to finalisation and the proportion of offenders who received a prison penalty before and after the reform, as it is likely that alternative charges may have been dealt with in the Local Court. Outcomes for break and enter offences overall, however, suggest that the reform contributed to a significant reduction in District Court matters, time to finalisation and rates of imprisonment.

Secondly, several reforms were introduced during the current study period that may have impacted court processes and sentencing outcomes for the offences of interest in our study. In 2016 and 2017, the District Court Backlog Program increased the number of sitting weeks, judges, public defenders, special call-overs and readiness hearings in some District Courts. Some of these reforms were found to be associated with a significant increase in the number of matters finalised (Thorburn & Weatherburn, 2018). In addition, the early appropriate guilty plea (EAGP) reform commenced in April 2018 and applies to all strictly indictable and elected Table offences where proceedings commenced after 30 April 2018. A key objective of this reform is to sentence offenders earlier, with sentencing discounts dependent on the timing of the plea. The EAGP reform may have contributed to the reductions in time to finalisation and length of prison penalties found in the current study. However only 8 per cent of reform-related matters post-reform (and less than 10% of post-reform break and enter matters) were EAGP matters, so the impact of the EAGP reform on the current findings is likely to be minimal. Further, sentencing reforms were introduced in September 2018, with an increased focus on supervision for community-based offenders. More than one-third of post-reform matters in the current study were finalised after the introduction of the sentencing reform (compared with 4% of pre-reform matters). While some attempt was made to control for the impact of the sentencing reforms, the current study is unable to fully account for or partition out the effects of these concurrent reforms, which may account for some of the decrease in the likelihood in offenders receiving a term of imprisonment.

In conclusion, the first tranche of the Table Offences Reform appears to have achieved its objectives of enabling offences to be dealt with faster and reducing the caseload of the District Court. It also appears to have impacted sentencing outcomes for the related offences, which was not an explicit objective but aligns with the objectives (and coincided temporally with the commencement) of the 2018 sentencing reforms. It is unknown whether the Reform has benefited victims, witnesses and defendants by reducing stress and uncertainty and provided offenders with quicker access to support and supervision; these outcomes were beyond the scope of the current evaluation. The impacts of the second tranche of the Reform on Local and District Court caseloads, time to justice and sentencing outcomes should also be evaluated, once sufficient time has elapsed for cases to proceed through the criminal justice system.

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REFERENCES

Australian Bureau of Statistics. (2011). *Australian and New Zealand Standard Offence Classification (ANZSOC)* (cat. no. 1216.0). Retrieved 1 Jul. 2020 from http://www.abs.gov.au/ausstats/abs@.nsf/ mf/1234.0

Australian Bureau of Statistics (2016a). *Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia, 2016* (cat. no. 2033.0.55.001). Retrieved 1 Jul. 2020 from https://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/756EE3DBEFA869EFCA258259000BA746/$File/SEIFA%202016%20Technical%20Paper.pdf

Australian Bureau of Statistics. (2016b). *Australian Standard Geographical Classification (ASGC)* (cat. no. 1216.0). Retrieved 1 Jul. 2020 from https://www.abs.gov.au/ausstats/abs@.nsf/mf/1270.0.55.005?OpenDocument

NSW Bureau of Crime Statistics and Research (2017). *New South Wales Criminal Courts Statistics 2016*. Retrieved 1 Jul. 2020 from https://www.bocsar.nsw.gov.au/Pages/bocsar_court_stats/bocsar_court_stats_archived.aspx

NSW Government (2016). NSW Budget 2016-17 Media Release: Record investment in justice in NSW budget [Press release]. Retrieved 1 Jul. 2020 from https://www.justice.nsw.gov.au/Pages/media-news/media-releases/2016/Record-investment-in-justice-in-NSW-budget.aspx

NSW Government (2020). *Early guilty pleas reform*. Retrieved 1 Jul. 2020 from https://www.justice.nsw.gov.au/Pages/Reforms/early-guilty-pleas.aspx

Office of the Chief Magistrate (2019). *Local Court of New South Wales Annual Review 2018*. Retrieved 1 Jul. 2020 from https://www.localcourt.nsw.gov.au/documents/annual-reviews/15608%20-%20Local%20Court%20Annual%20Review%202018%20v3%20accessible.pdf

Thorburn, H., & Weatherburn, D. (2018). *An evaluation of measures taken to increase finalisations in the NSW District Criminal Court* (Crime and Justice Bulletin No. 217). Retrieved 1 Jul. 2020 from NSW Bureau of Crime Statistics and Research website: https://www.bocsar.nsw.gov.au/Publications/CJB/2018-Report-Reforms-NSW-District-Criminal-Court-CJB217.pdf

Upton, G. (2016). *Criminal Procedure Amendment (Summary Proceedings for Indictable Offences) Bill 2016 – Second reading.* NSW Parliamentary Debates, Legislative Assembly, 25 August 2016. Retrieved 1 Jul. 2020 from Parliament of NSW website: https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3326

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APPENDIX

Table A1. Descriptions of unchanged offences within same sections as reform offences, by section of the *Crimes Act 1900* (NSW)

Section	Existing/unchanged offences within same section
109(2)	Aggravated commit SIO in dwelling - inflict ABH
	Aggravated commit SIO in dwelling - people there
	Aggravated commit SIO in dwelling - use violence
	Aggravated enter dwelling with intent - armed
	Aggravated enter dwelling with intent - deprive liberty
	Aggravated enter dwelling with intent - inflict ABH
	Aggravated enter dwelling with intent - knowing people there
	Aggravated enter dwelling with intent - use violence
	Aggravated commit SIO in dwelling - armed
	Aggravated commit SIO in dwelling - deprive liberty
	Commit aggravated SIO in dwelling house & break out
111(2)	Aggravated enter dwelling with intent - armed
	Aggravated enter dwelling with intent - deprive liberty
	Aggravated enter dwelling with intent - inflict ABH
	Aggravated enter dwelling with intent - knowing people there
	Aggravated enter dwelling with intent - use corporal violence
112(2)	Aggravated B&E & commit SIO - armed
	Aggravated B&E & commit SIO - deprive liberty
	Aggravated B&E & commit SIO - inflict ABH
	Aggravated B&E & commit SIO - people there
	Aggravated B&E & commit SIO - use violence
	Aggravated commit SIO, break out - armed
	Aggravated commit SIO, break out - deprive liberty
	Aggravated commit SIO, break out - inflict ABH
	Aggravated commit SIO, break out - people there
	Aggravated commit SIO, break out - use violence
	Aggravated B&E commit SIO
	Aggravated commit SIO & break out
113(2)	Aggravated B&E with intent - armed
	Aggravated B&E with intent - deprive liberty
	Aggravated B&E with intent - knowing person there
	Aggravated B&E with intent - use violence
	Aggravated B&E with intent - inflict ABH

Note. B&E – break and enter; SIO – serious indictable offence; ABH – actual bodily harm.

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020)

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Any pre-reform offences (proven & unproven)	713	100.0					715	16.8		
Any post-reform offences (proven & unproven)			902	100.0	1,542	100.0			967	22.6
Jurisdiction										
Local Court			763	84.6	1,373	89.0	2,706	63.7	3,319	77.5
District Court	713	100.0	139	15.4	169	11.0	1,545	36.3	965	22.5
Disposal outcome										
All charges withdrawn by prosecution					56	3.6				
Defended trial	69	9.7	7	0.8	8	0.5	169	4.0	88	2.1
Sentence only (sentenced after a guilty plea)	641	89.9	132	14.6	155	10.1	1,368	32.2	868	20.3
Defended hearing			204	22.6	345	22.4	799	18.8	912	21.3
Sentenced by the lower courts after a guilty plea			551	61.1	945	61.3	1,789	42.1	2,306	53.8
Other	3	0.4	8	0.9	33	2.1	126	3.0	110	2.6
Number of reform offences (proven & unproven)										
0							3,536	83.2	3,317	77.4
1	569	79.8	660	73.2	1,172	76.0	571	13.4	712	16.6
2	81	11.4	140	15.5	229	14.9	81	1.9	152	3.5
3+	63	8.8	102	11.3	141	9.1	63	1.5	103	2.4
Number of reform offences proven										
0	59	8.3	68	7.5	384	24.9	3,597	84.6	3,450	80.5
1	552	77.4	671	74.4	940	61.0	552	13.0	671	15.7
2	53	7.4	85	9.4	114	7.4	53	1.2	85	2.0
3+	49	6.9	78	8.6	104	6.7	49	1.2	78	1.8
Number of strictly indictable reform offences (proven & unproven)										
0			845	93.7	1,468	95.2	3,536	83.2	4,227	98.7
1	569	79.8	57	6.3	74	4.8	571	13.4	57	1.3
2	81	11.4					81	1.9		
3+	63	8.8					63	1.5		

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Any strictly indictable reform offences (proven & unproven)	713	100.0	57	6.3	74	4.8	715	16.8	57	1.3
Number of strictly indictable reform offences proven										
0	59	8.3	854	94.7	1,485	96.3	3,597	84.6	4,236	98.9
1	552	77.4	48	5.3	57	3.7	552	13.0	48	1.1
2	53	7.4					53	1.2		
3+	49	6.9					49	1.2		
Any reform offences withdrawn	9	1.3	72	8.0	381	24.7	11	0.3	137	3.2
All reform offences withdrawn					280	18.2	2	0.0	65	1.5
Any reform offences otherwise disposed of	60	8.4	31	3.4	36	2.3	60	1.4	31	0.7
Any reform offences not guilty	57	8.0	57	6.3	88	5.7	57	1.3	57	1.3
Plea, reform offences										
No reform offences with 'Guilty' plea	86	12.1	158	17.5	506	32.8	88	2.1	222	5.2
Some reform offences with 'Guilty' plea	64	9.0	76	8.4	103	6.7	64	1.5	76	1.8
All reform offences with 'Guilty' plea	563	79.0	668	74.1	933	60.5	563	13.2	669	15.6
No reform offences							3,536	83.2	3,317	77.4
Reform offences (proven & unproven), section										
109(2)	4	0.6	12	1.3	22	1.4	4	0.1	13	0.3
111(2)	89	12.5	98	10.9	154	10.0	89	2.1	104	2.4
112(2)	561	78.7	742	82.3	1,265	82.0	563	13.2	788	18.4
113(2)	118	16.5	163	18.1	266	17.3	118	2.8	178	4.2
Reform offences (proven), section										
109(2)	3	0.4	7	0.8	12	0.8	3	0.1	7	0.2
111(2)	66	9.3	85	9.4	109	7.1	66	1.6	85	2.0
112(2)	520	72.9	671	74.4	947	61.4	520	12.2	671	15.7
113(2)	100	14.0	132	14.6	171	11.1	100	2.4	132	3.1
Any offences within same sections as reform offences (proven & unproven)	39	5.5	27	3.0	29	1.9	614	14.4	686	16.0
Any proven offences within same sections as reform offences	31	4.3	21	2.3	22	1.4	526	12.4	590	13.8
Any other break & enter offences, including within same sections as reform offences (proven & unproven)	117	16.4	205	22.7	406	26.3	3,655	86.0	3,587	83.7

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Any other proven break & enter offences, including within same sections as reform offences	84	11.8	146	16.2	293	19.0	3,222	75.8	3,165	73.9
Any other proven strictly indictable break & enter offences, including within same sections as reform offences	37	5.2	22	2.4	25	1.6	606	14.3	639	14.9
Number of proven offences of interest										
0	47	6.6	64	7.1	283	18.4	447	10.5	427	10.0
1	513	71.9	578	64.1	889	57.7	3,110	73.2	3,107	72.5
2	76	10.7	131	14.5	189	12.3	408	9.6	445	10.4
3+	77	10.8	129	14.3	181	11.7	286	6.7	305	7.1
Any proven SI offences of interest	657	92.1	68	7.5	78	5.1	1,226	28.8	685	16.0
Number of non-reform/711 offences (proven & unproven)										
0	245	34.4	201	22.3	322	20.9	245	5.8	201	4.7
1	163	22.9	121	13.4	214	13.9	860	20.2	727	17.0
2	118	16.5	125	13.9	213	13.8	739	17.4	699	16.3
3+	187	26.2	455	50.4	793	51.4	2,407	56.6	2,657	62.0
Number of proven non-reform/break & enter offences										
0	383	53.7	270	29.9	448	29.1	644	15.1	493	11.5
1	151	21.2	141	15.6	250	16.2	1,092	25.7	991	23.1
2	80	11.2	127	14.1	216	14.0	721	17.0	748	17.5
3+	99	13.9	364	40.4	628	40.7	1,794	42.2	2,052	47.9
Any proven strictly indictable non-reform/break & enter offence	108	15.1	44	4.9	52	3.4	716	16.8	682	15.9
Days from charge to finalisation										
0-180 days	40	5.6	398	44.1	725	47.0	1,635	38.5	1,925	44.9
181-365 days	259	36.3	310	34.4	588	38.1	1,436	33.8	1,425	33.3
365-730 days	325	45.6	176	19.5	208	13.5	948	22.3	863	20.1
731+ days	89	12.5	18	2.0	21	1.4	232	5.5	71	1.7
Days in custody from charge to finalisation										
0 days	153	21.5	248	27.5	414	26.8	1,235	29.1	1,166	27.2
1-90 days	82	11.5	264	29.3	480	31.1	1,093	25.7	1,276	29.8
91-180 days	80	11.2	174	19.3	307	19.9	629	14.8	729	17.0
181-365 days	205	28.8	141	15.6	254	16.5	796	18.7	720	16.8
366+ days	193	27.1	75	8.3	87	5.6	498	11.7	393	9.2

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Bail status at finalisation										
Bail dispensed with	45	6.3	43	4.8	77	5.0	413	9.7	305	7.1
On bail	258	36.2	331	36.7	585	37.9	1,419	33.4	1,444	33.7
Bail refused (+ warrants pre 2010)	175	24.5	307	34.0	520	33.7	1,301	30.6	1,423	33.2
In custody for a prior offence	235	33.0	214	23.7	349	22.6	1,074	25.3	1,077	25.1
Warrant executed - Police custody (2010 +)	.	.	7	0.8	11	0.7	44	1.0	35	0.8
Released from custody within 5 days of finalisation	15	2.1	23	2.5	47	3.0	135	3.2	124	2.9
Prison penalty for reform offence/s										
Any prison penalty for a reform offence	437	61.3	493	54.7	666	43.2	437	10.3	493	11.5
No reform offences with prison penalty	276	38.7	409	45.3	876	56.8	278	6.5	474	11.1
Some reform offences with prison penalty	49	6.9	58	6.4	78	5.1	49	1.2	58	1.4
All reform offences with prison penalty	388	54.4	435	48.2	588	38.1	388	9.1	435	10.2
Prison sentence longer than 12 months	298	41.8	129	14.3	162	10.5	848	19.9	641	15.0
Length of prison sentence in months (non-parole period)										
>0-6 months	25	3.5	152	16.9	203	13.2	665	15.6	730	17.0
>6-9 months	43	6.0	114	12.6	174	11.3	433	10.2	481	11.2
>9-12 months	71	10.0	98	10.9	127	8.2	377	8.9	386	9.0
>12-24 months	209	29.3	110	12.2	139	9.0	626	14.7	518	12.1
>24-36 months	75	10.5	14	1.6	17	1.1	157	3.7	91	2.1
>36 months	14	2.0	5	0.6	6	0.4	65	1.5	32	0.7
Length of prison sentence in months (full term)										
>0-6 months	4	0.6	19	2.1	35	2.3	153	3.6	164	3.8
>6-9 months	8	1.1	44	4.9	55	3.6	205	4.8	236	5.5
>9-12 months	10	1.4	110	12.2	147	9.5	383	9.0	476	11.1
>12-24 months	119	16.7	251	27.8	345	22.4	873	20.5	911	21.3
>24-36 months	164	23.0	46	5.1	57	3.7	393	9.2	286	6.7
>36 months	132	18.5	23	2.5	27	1.8	316	7.4	165	3.9
Most serious penalty type for a reform offence										
Imprisonment	437	61.3	493	54.7	666	43.2	2,323	54.6	2,238	52.2
Intensive Correction Order	5	0.7	87	9.6	173	11.2	15	0.4	334	7.8

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Pre-reform Intensive Correction Order	28	3.9	39	4.3	39	2.5	167	3.9	118	2.8
Suspended sentence with supervision	88	12.3	42	4.7	42	2.7	358	8.4	195	4.6
Suspended sentence without supervision	19	2.7	21	2.3	21	1.4	142	3.3	87	2.0
Community Correction Order with supervision	2	0.3	25	2.8	64	4.2	6	0.1	172	4.0
Community Correction Order without supervision			8	0.9	29	1.9			56	1.3
Bond with supervision	37	5.2	28	3.1	28	1.8	275	6.5	188	4.4
Bond without supervision	14	2.0	30	3.3	30	1.9	249	5.9	180	4.2
Conditional Release Order with conviction, with supervision			3	0.3	3	0.2			10	0.2
Conditional Release Order with conviction, without supervision			2	0.2	3	0.2			6	0.1
Fine			1	0.1	2	0.1	41	1.0	27	0.6
Conviction only	1	0.1					17	0.4	17	0.4
Bond without conviction with supervision	3	0.4	2	0.2	2	0.1	7	0.2	3	0.1
Conditional Release Order without conviction, without supervision			1	0.1	4	0.3			11	0.3
Bond without conviction without supervision	6	0.8	6	0.7	6	0.4	36	0.8	23	0.5
No conviction recorded	1	0.1					4	0.1	2	0.0
Other penalties									1	0.0
No penalty	59	8.3	68	7.5	384	24.9	461	10.8	496	11.6
Any prison penalty for an offence of interest	444	62.3	496	55.0	720	46.7	2,331	54.8	2,277	53.2
Prison, offences of interest										
No offences with prison penalty	269	37.7	406	45.0	822	53.3	1,920	45.2	2,007	46.8
Some offences with prison penalty	91	12.8	101	11.2	186	12.1	346	8.1	361	8.4
All offences with prison penalty	353	49.5	395	43.8	534	34.6	1,985	46.7	1,916	44.7
Prison, other 711										
No offences with prison penalty	44	6.2	91	10.1	200	13.0	1,695	39.9	1,692	39.5
Some offences with prison penalty	21	2.9	26	2.9	49	3.2	275	6.5	257	6.0
All offences with prison penalty	52	7.3	88	9.8	157	10.2	1,685	39.6	1,638	38.2
No offence	596	83.6	697	77.3	1,136	73.7	596	14.0	697	16.3
Gender										
Female	89	12.5	101	11.2	228	14.8	462	10.9	507	11.8
Male	624	87.5	801	88.8	1,314	85.2	3,789	89.1	3,777	88.2

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre		Post		Post		Pre		Post	
	1 November 2014 - 31 October 2016 (N=713)		11 November 2016 - 31 October 2018 (N=902)		11 November 2016 - (N = 1,542)		1 November 2014 - 31 October 2016 (N=4,251)		11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Aboriginality										
Non-Aboriginal	451	63.3	601	66.6	969	62.8	2,881	67.8	2,763	64.5
Aboriginal	246	34.5	279	30.9	527	34.2	1,182	27.8	1,359	31.7
Unknown	16	2.2	22	2.4	46	3.0	188	4.4	162	3.8
Age group										
10-17 years	1	0.1					2	0.0	2	0.0
18-20 years	131	18.4	182	20.2	290	18.8	521	12.3	490	11.4
21-24 years	157	22.0	194	21.5	308	20.0	691	16.3	717	16.7
25-29 years	142	19.9	179	19.8	311	20.2	775	18.2	782	18.3
30-34 years	118	16.5	123	13.6	228	14.8	742	17.5	674	15.7
35-39 years	78	10.9	97	10.8	176	11.4	621	14.6	619	14.4
40+ years	86	12.1	127	14.1	229	14.9	898	21.1	1,000	23.3
Missing							1	0.0		
Remoteness of area of residence										
Major cities	406	56.9	620	68.7	1,013	65.7	2,617	61.6	2,736	63.9
Inner regional	196	27.5	194	21.5	353	22.9	1,050	24.7	997	23.3
Outer regional/Remote/Very remote	76	10.7	69	7.6	138	8.9	430	10.1	428	10.0
Unknown	35	4.9	19	2.1	38	2.5	154	3.6	123	2.9
SEIFA of area of residence										
1 - Most disadvantaged	226	31.7	315	34.9	544	35.3	1,363	32.1	1,389	32.4
2	204	28.6	244	27.1	409	26.5	1,201	28.3	1,230	28.7
3	173	24.3	243	26.9	397	25.7	1,085	25.5	1,130	26.4
4 - Least disadvantaged	75	10.5	81	9.0	154	10.0	448	10.5	412	9.6
Unknown	35	4.9	19	2.1	38	2.5	154	3.6	123	2.9
Offence types at index contact (proven offences)										
Any acts intended to cause injury (ANZSOC 02)	66	9.3	99	11.0	159	10.3	726	17.1	794	18.5
Any sexual assault & related offences (ANZSOC 03)			1	0.1	1	0.1	26	0.6	27	0.6
Any dangerous or negligent acts endangering persons (ANZSOC 04)	15	2.1	42	4.7	70	4.5	141	3.3	159	3.7
Any abduction, harassment & other offences against the person (ANZSOC 05)	11	1.5	12	1.3	14	0.9	76	1.8	76	1.8
Any robbery, extortion or related offences (ANZSOC 06)	51	7.2	16	1.8	19	1.2	106	2.5	65	1.5

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Any unlawful entry with intent/burglary, break & enter (ANZSOC 07)	666	93.4	838	92.9	1,259	81.6	3,731	87.8	3,791	88.5
Any theft offences or related (ANZSOC 08)	133	18.7	313	34.7	571	37.0	1,161	27.3	1,297	30.3
Any fraud offences or related (ANZSOC 09)	23	3.2	94	10.4	163	10.6	299	7.0	396	9.2
Any drug offences (ANZSOC 10)	27	3.8	106	11.8	175	11.3	365	8.6	467	10.9
Any weapons or explosives offences (ANZSOC 11)	26	3.6	73	8.1	139	9.0	223	5.2	293	6.8
Any property damage or environmental pollution offences (ANZSOC 12)	28	3.9	68	7.5	136	8.8	463	10.9	531	12.4
Any public order offences (ANZSOC 13)	36	5.0	161	17.8	283	18.4	576	13.5	667	15.6
Any traffic offences (ANZSOC 14)	28	3.9	127	14.1	201	13.0	366	8.6	456	10.6
Any offences against justice procedures (ANZSOC 15)	24	3.4	257	28.5	440	28.5	936	22.0	1,215	28.4
Any breaches of custodial orders			23	2.5	40	2.6	107	2.5	133	3.1
Any breaches of community orders			136	15.1	230	14.9	411	9.7	542	12.7
Number of finalisations with prison penalties in prior 5 years, 0-3+										
0	354	49.6	471	52.2	825	53.5	2,209	52.0	2,116	49.4
1	150	21.0	168	18.6	262	17.0	783	18.4	777	18.1
2	88	12.3	107	11.9	181	11.7	512	12.0	549	12.8
3+	121	17.0	156	17.3	274	17.8	747	17.6	842	19.7
Number of finalisations with proven outcomes in prior 5 years, 0-8+										
0	114	16.0	149	16.5	239	15.5	664	15.6	653	15.2
1	89	12.5	98	10.9	169	11.0	562	13.2	527	12.3
2	101	14.2	107	11.9	184	11.9	609	14.3	532	12.4
3	88	12.3	101	11.2	190	12.3	584	13.7	522	12.2
4	88	12.3	126	14.0	184	11.9	486	11.4	535	12.5
5	70	9.8	94	10.4	161	10.4	433	10.2	441	10.3
6	51	7.2	58	6.4	110	7.1	299	7.0	326	7.6
7	38	5.3	60	6.7	104	6.7	220	5.2	256	6.0
8+	74	10.4	109	12.1	201	13.0	394	9.3	492	11.5

Table A2. Characteristics of matters finalised in Local and Higher Court, relating to charges pre- and post- the introduction of tranche 1 of the Table Offences Reform (includes finalisations up to February 2020) - continued

	Reform offences						Break and enter offences			
	Excluding matters where all charges were withdrawn				All		Excluding matters where all charges were withdrawn			
	Pre 1 November 2014 - 31 October 2016 (N=713)		**Post** 11 November 2016 - 31 October 2018 (N=902)		**Post** 11 November 2016 - (N = 1,542)		**Pre** 1 November 2014 - 31 October 2016 (N=4,251)		**Post** 11 November 2016 - 31 October 2018 (N=4,284)	
	n	per cent	n	per cent	n	per cent	n	per cent	n	per cent
Number of finalisations with proven break & enter offences in prior 5 years, 0-2+										
0	529	74.2	650	72.1	1,125	73.0	3,008	70.8	2,982	69.6
1	117	16.4	172	19.1	282	18.3	786	18.5	861	20.1
2+	67	9.4	80	8.9	135	8.8	457	10.8	441	10.3
Number of finalisations with proven theft offences in prior 5 years, 0-2+										
0	360	50.5	433	48.0	746	48.4	2,197	51.7	2,126	49.6
1	165	23.1	207	22.9	335	21.7	961	22.6	881	20.6
2+	188	26.4	262	29.0	461	29.9	1,093	25.7	1,277	29.8
Number of finalisations with acts intended to cause injuries in prior 5 years, 0-2+										
0	446	62.6	525	58.2	908	58.9	2,540	59.8	2,502	58.4
1	163	22.9	248	27.5	389	25.2	1,039	24.4	1,127	26.3
2+	104	14.6	129	14.3	245	15.9	672	15.8	655	15.3
Other finalisations between charge & finalisation dates										
In Local or District Court	413	57.9	298	33.0	505	32.7	1,605	37.8	1,415	33.0
In Local Court	402	56.4	293	32.5	494	32.0	1,547	36.4	1,378	32.2
In District Court	24	3.4	17	1.9	25	1.6	108	2.5	71	1.7
With prison penalties	210	29.5	129	14.3	191	12.4	715	16.8	598	14.0
With proven acts intended to cause injury	84	11.8	53	5.9	79	5.1	316	7.4	265	6.2
With proven robbery offences	11	1.5	3	0.3	7	0.5	26	0.6	15	0.4
With proven break & enter offences	51	7.2	41	4.5	56	3.6	183	4.3	162	3.8
With proven theft offences	169	23.7	105	11.6	179	11.6	540	12.7	445	10.4
With proven public order offences	77	10.8	44	4.9	73	4.7	285	6.7	236	5.5
With proven traffic offences	128	18.0	93	10.3	143	9.3	456	10.7	385	9.0
With offences against justice procedures	205	28.8	121	13.4	206	13.4	704	16.6	584	13.6
Finalised post sentencing reforms	26	3.6	335	37.1	883	57.3	84	2.0	1,622	37.9

Table A3. Models predicting time from charge to finalisation, reform offences

	Adjusted			Adjusted, including jurisdiction		
	Hazard ratio	95% confidence interval	*p*-value	Hazard ratio	95% confidence interval	*p*-value
Post- vs. pre-reform	2.88	(2.59, 3.21)	< .001			
Pre/post by jurisdiction (vs. pre-reform District Court)						
Post Local Curt				5.22	(4.62, 5.89)	< .001
Post District Court				0.99	(0.82, 1.19)	.924
Male vs. female	1.03	(0.88, 1.21)	.685	1.01	(0.86, 1.18)	.915
Age group (vs. 18-20 years)						
21-24	0.61	(0.52, 0.72)	< .001	0.65	(0.56, 0.76)	< .001
25-29	0.56	(0.47, 0.66)	< .001	0.59	(0.50, 0.69)	< .001
30-34	0.54	(0.45, 0.64)	< .001	0.59	(0.50, 0.71)	< .001
35-39	0.54	(0.45, 0.66)	< .001	0.58	(0.48, 0.71)	< .001
40+	0.56	(0.47, 0.67)	< .001	0.56	(0.46, 0.67)	< .001
Remoteness of area of residence (vs. major cities)						
Inner regional	1.28	(1.14, 1.44)	< .001	1.24	(1.10, 1.39)	< .001
Outer regional/remote/very remote	1.67	(1.39, 1.99)	< .001	1.51	(1.26, 1.80)	< .001
Unknown	0.90	(0.67, 1.20)	.456	0.87	(0.65, 1.17)	.357
Number of finalised court appearances in prior 5 years, 0-8+	1.04	(1.01, 1.06)	.003	1.01	(0.99, 1.04)	.289
Any prison penalty in prior 5 years	0.91	(0.80, 1.04)	.168	0.92	(0.80, 1.05)	.222
Number of reform offences (vs. 1)						
2	0.91	(0.77, 1.06)	.230	0.91	(0.77, 1.07)	.255
3+	0.99	(0.81, 1.21)	.943	0.97	(0.80, 1.18)	.752
Plea to reform offences (vs. No guilty pleas)						
Some guilty	1.07	(0.84, 1.36)	.583	1.19	(0.94, 1.51)	.148
All guilty	1.61	(1.39, 1.85)	< .001	2.04	(1.76, 2.36)	< .001
Other offences						
Any other break and enter offences (yes vs. no)	0.89	(0.78, 1.01)	.073	0.93	(0.82, 1.06)	.262
Any other offences (yes vs. no)	0.80	(0.71, 0.90)	< .001	0.71	(0.64, 0.80)	< .001
Bail status (vs. Bail dispensed with/On bail)						
Bail refused	1.66	(1.46, 1.89)	< .001	1.62	(1.42, 1.84)	< .001
In custody for a prior offence	1.08	(0.93, 1.25)	.306	1.32	(1.13, 1.53)	< .001

Table A4. Time from charge to finalisation pre- and post-reform, by bail status at finalisation

	Bail dispensed with			On bail			Bail refused			In custody for a prior offence		
	n	%	median (25th, 75th percentile)	n	%	median (25th, 75th percentile)	n	%	median (25th, 75th percentile)	n	%	median (25th, 75th percentile)
Pre-reform	45	6.3	396 (263, 579)	258	36.2	447 (319, 646)	175	24.5	353 (265, 525)	235	33.0	391 (298, 561)
Post-reform	43	4.8	112 (49, 228)	331	36.7	259 (136, 379)	314	34.8	152 (82, 252)	214	23.7	233 (147, 394)
Post-reform, Local Court	40	5.2	106 (49, 214)	281	36.8	225 (123, 309)	289	37.9	134 (77, 217)	153	20.1	186 (127, 280)

Table A5. Model predicting time from charge to finalisation, break and enter offences

	Adjusted			Adjusted, including jurisdiction		
	Hazard ratio	95% confidence interval	*p*-value	Hazard ratio	95% confidence interval	*p*-value
Post- vs. pre-reform	1.27	(1.21, 1.32)	< .001			
Pre/post by jurisdiction (vs. pre-reform District Court)						
Pre-reform Local Court				4.13	(3.84, 4.43)	< .001
Post-reform Local Court				4.59	(4.30, 4.91)	< .001
Post-reform District Court				1.09	(1.00, 1.18)	.049
Male vs. female	0.98	(0.92, 1.05)	.641	1.04	(0.97, 1.11)	.294
Age group (vs. 18-20 years)						
21-24	0.73	(0.67, 0.79)	< .001	0.76	(0.70, 0.82)	< .001
25-29	0.68	(0.63, 0.74)	< .001	0.71	(0.65, 0.77)	< .001
30-34	0.67	(0.62, 0.73)	< .001	0.70	(0.65, 0.77)	< .001
35-39	0.73	(0.67, 0.79)	< .001	0.76	(0.69, 0.82)	< .001
40+	0.72	(0.66, 0.78)	< .001	0.71	(0.65, 0.76)	< .001
Remoteness of area of residence (vs. major cities)						
Inner regional	1.12	(1.06, 1.18)	< .001	1.03	(0.98, 1.09)	.228
Outer regional/remote/very remote	1.11	(1.03, 1.19)	.005	1.06	(0.98, 1.14)	.137
Unknown	1.00	(0.88, 1.13)	.991	0.84	(0.74, 0.95)	.007
Number of finalised court appearances in prior 5 years, 0-8+	1.03	(1.01, 1.04)	< .001	1.00	(0.99, 1.01)	.800
Any prison penalty in prior 5 years	0.99	(0.93, 1.05)	.683	1.05	(0.99, 1.11)	.137
Any reform offences (yes vs. no)	0.74	(0.66, 0.82)	< .001	0.85	(0.76, 0.95)	.004
Number of other break and enter offences (vs. 1)						
2	1.08	(0.96, 1.22)	.183	0.97	(0.86, 1.09)	.568
3+	1.11	(0.98, 1.27)	.106	0.95	(0.83, 1.08)	.397
Any other offences (yes vs. no)	0.86	(0.82, 0.91)	< .001	0.74	(0.70, 0.78)	< .001
Plea to break and enter offences (vs. No guilty pleas)						
Some guilty	0.95	(0.87, 1.04)	.294	1.13	(1.03, 1.23)	.011
All guilty	1.31	(1.24, 1.39)	< .001	1.63	(1.54, 1.72)	< .001
Bail status (vs. Bail dispensed with/On bail)						
Bail refused	1.35	(1.29, 1.43)	< .001	1.43	(1.36, 1.51)	< .001
In custody for a prior offence	0.95	(0.89, 1.01)	.115	1.28	(1.19, 1.37)	< .001

Table A6. Prison penalties by bail status, pre- and post-reform

	Days in custody between charge and finalisation				
	0	1-90	91-180	181+	Total
% with prison penalty					
Pre-reform					
On bail/ bail dispensed with	11.0	17.4	60.0	83.8	27.8
Bail refused	75.0	44.4	85.7	96.9	92.1
In custody for a prior offence	100.0	100.0	95.0	96.9	96.8
Total	*14.0*	*21.5*	*77.5*	*95.6*	*66.8*
Post-reform					
On bail/ bail dispensed with	8.4	13.7	20.0	52.9	13.2
Bail refused	83.3	82.2	87.6	98.5	87.3
In custody for a prior offence		84.0	92.5	94.2	92.4
Total	*10.0*	*61.4*	*81.0*	*92.2*	*59.1*
Post-reform, Local Court					
On bail/ bail dispensed with	8.7	10.9	18.8	16.7	9.9
Bail refused	83.3	82.1	87.5	97.7	86.2
In custody for a prior offence		84.0	92.2	92.5	90.9
Total	*10.9*	*62.8*	*81.9*	*90.6*	*56.8*
% with prison penalty > 12 months					
Pre-reform					
On bail/ bail dispensed with	4.4	7.3	30.0	64.9	16.1
Bail refused	75.0	22.2	23.8	70.8	62.2
In custody for a prior offence	50.0	100.0	35.0	74.1	70.4
Total	*7.0*	*10.1*	*29.6*	*71.9*	*45.6*
Post-reform					
On bail/bail dispensed with	0.9	2.7	4.8	22.2	2.7
Bail refused	0.0	7.5	9.0	39.4	14.7
In custody for a prior offence		28.0	17.0	49.2	37.9
Total	*0.9*	*8.1*	*11.0*	*43.6*	*15.5*
Post-reform, Local Court					
On bail/ bail dispensed with	1.0	0.0	0.0	0.0	0.7
Bail refused	0.0	7.6	9.1	20.5	9.9
In custody for a prior offence		28.0	15.7	23.9	21.7
Total	*1.0*	*7.7*	*10.3*	*21.4*	*8.6*
Numbers					
Pre-reform					
On bail/bail dispensed with	137	69	30	37	273
Bail refused	4	9	21	130	164
In custody for a prior offence	2	1	20	193	216
Total	*143*	*79*	*71*	*360*	*653*
Post-reform					
On bail/bail dispensed with	215	75	21	18	329
Bail refused	6	146	89	66	307
In custody for a prior offence	0	25	53	120	198
Total	*221*	*246*	*163*	*204*	*834*
Post-reform, Local Court					
On bail/bail dispensed with	196	64	16	6	282
Bail refused	6	145	88	44	283
In custody for a prior offence	0	25	51	67	143
Total	*202*	*234*	*155*	*117*	*708*

Table A7. Models predicting prison penalty, reform offences

	Adjusted			Adjusted, including bail status and days in custody			Adjusted, including bail status and days in custody and jurisdiction		
	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value
Post- vs. pre-reform	0.50	(0.36, 0.68)	< .001	0.67	(0.42, 1.07)	.095			
Pre/post by jurisdiction (vs. pre District Court)									
Post-reform Local Court							0.54	(0.33, 0.88)	.013
Post-reform District Court							1.95	(0.87, 4.38)	.105
Male vs. female	2.53	(1.70, 3.76)	< .001	1.61	(0.94, 2.76)	.082	1.62	(0.95, 2.78)	.077
Age group (vs. 18-20 years)									
21-24	1.82	(1.21, 2.75)	.004	1.80	(1.03, 3.15)	.040	1.77	(1.01, 3.11)	.048
25-29	3.08	(2.01, 4.72)	< .001	2.99	(1.67, 5.35)	< .001	3.01	(1.68, 5.41)	< .001
30-34	3.53	(2.21, 5.64)	< .001	2.84	(1.51, 5.36)	.001	2.83	(1.50, 5.35)	.001
35-39	4.13	(2.46, 6.94)	< .001	4.21	(2.07, 8.55)	< .001	4.08	(1.99, 8.35)	< .001
40+	3.65	(2.23, 5.97)	< .001	3.74	(1.95, 7.18)	< .001	3.75	(1.94, 7.23)	< .001
Remoteness of area of residence (vs. major cities)									
Inner regional	0.90	(0.65, 1.23)	501	1.08	(0.70, 1.66)	.720	1.06	(0.69, 1.64)	.782
Outer regional/remote/very remote	0.82	(0.50, 1.35)	.447	1.08	(0.55, 2.08)	.830	1.07	(0.55, 2.08)	.833
Unknown	5.95	(2.53, 14.02)	< .001	2.48	(0.75, 8.27)	.139	2.54	(0.76, 8.51)	.131
Number of finalised court appearances in prior 5 years, 0-8+	1.25	(1.17, 1.33)	< .001	1.20	(1.10, 1.31)	< .001	1.22	(1.11, 1.33)	< .001
Number of prison penalties in prior 5 years (vs. 0)									
1	4.40	(3.05, 6.34)	< .001	1.30	(0.79, 2.17)	.305	1.32	(0.79, 2.19)	.292
2	6.08	(3.64, 10.15)	< .001	0.85	(0.43, 1.67)	.633	0.84	(0.43, 1.65)	.608
3+	8.88	(5.11, 15.44)	< .001	1.38	(0.68, 2.81)	.372	1.40	(0.69, 2.87)	.353
Number of reform offences (vs. 1)									
2	1.35	(0.83, 2.20)	.230	0.91	(0.48, 1.72)	.780	0.86	(0.46, 1.62)	.640
3+	4.85	(2.64, 8.90)	< .001	4.66	(2.10, 10.34)	< .001	4.96	(2.20, 11.21)	< .001
Plea to reform offences (vs. No guilty pleas)									
Some guilty	1.01	(0.52, 1.96)	.970	0.72	(0.30, 1.70)	.453	0.64	(0.27, 1.53)	.313
All guilty	1.11	(0.67, 1.82)	.694	0.73	(0.39, 1.39)	.337	0.64	(0.33, 1.23)	.178
Other offences									
Any other break and enter offences (yes vs. no)	1.94	(1.24, 3.05)	.004	1.57	(0.88, 2.80)	.127	1.63	(0.90, 2.94)	.107
Any other offences (yes vs. no)	2.18	(1.62, 2.92)	< .001	1.29	(0.87, 1.92)	.205	1.43	(0.95, 2.13)	.083
Sentencing reforms (post- vs. pre-)	0.72	(0.51, 1.02)	.064	0.49	(0.30, 0.79)	.003	0.40	(0.24, 0.66)	< .001
In custody at finalisation (yes vs. no)				17.05	(10.90, 26.68)	< .001	20.33	(12.70, 32.55)	< .001
Days in custody between charge and finalisation (vs. 0)									
1-90				1.53	(0.90, 2.61)	.114	1.44	(0.84, 2.47)	.181
91-180				3.49	(1.90, 6.41)	< .001	3.21	(1.74, 5.94)	< .001
180+				10.04	(5.15, 19.59)	< .001	7.32	(3.67, 14.60)	< .001

Table A8. Model predicting prison penalty, break and enter offences

	Adjusted			Adjusted, including bail status and days in custody			Adjusted, including bail status and days in custody and jurisdiction		
	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value
Post- vs. pre-reform	0.79	(0.70, 0.90)	< .001	0.72	(0.60, 0.86)	< .001			
Pre/post by jurisdiction (vs. pre-reform District Court)									
Pre-reform Local Court							0.50	(0.38, 0.67)	< .001
Post-reform Local Court							0.39	(0.30, 0.52)	< .001
Post-reform District Court							1.02	(0.70, 1.49)	.915
Male vs. female	2.12	(1.78, 2.53)	< .001	1.59	(1.26, 2.01)	< .001	1.63	(1.29, 2.06)	< .001
Age group (vs. 18-20 years)									
21-24	1.31	(1.06, 1.61)	.012	1.20	(0.90, 1.60)	.207	1.17	(0.88, 1.57)	.280
25-29	2.20	(1.79, 2.71)	< .001	1.74	(1.31, 2.31)	< .001	1.72	(1.29, 2.29)	< .001
30-34	2.09	(1.69, 2.59)	< .001	1.88	(1.41, 2.52)	< .001	1.83	(1.37, 2.46)	< .001
35-39	2.79	(2.23, 3.49)	< .001	2.78	(2.04, 3.78)	< .001	2.75	(2.01, 3.75)	< .001
40+	2.51	(2.05, 3.08)	< .001	2.69	(2.03, 3.56)	< .001	2.66	(2.00, 3.52)	< .001
Remoteness of area of residence (vs. major cities)									
Inner regional	0.90	(0.79, 1.03)	.129	1.01	(0.84, 1.21)	.903	1.02	(0.85, 1.22)	.862
Outer regional/remote/very remote	0.97	(0.80, 1.18)	.783	1.11	(0.85, 1.44)	.447	1.11	(0.85, 1.44)	.450
Unknown	2.80	(2.02, 3.87)	< .001	1.33	(0.84, 2.12)	.223	1.37	(0.87, 2.17)	.179
Number of finalised court appearances in prior 5 years, 0-8+	1.14	(1.11, 1.18)	< .001	1.04	(1.00, 1.08)	.062	1.05	(1.01, 1.09)	.018
Number of prison penalties in prior 5 years (vs. 0)									
1	5.21	(4.47, 6.08)	< .001	2.06	(1.66, 2.55)	< .001	2.15	(1.73, 2.67)	< .001
2	7.57	(6.15, 9.31)	< .001	2.39	(1.82, 3.14)	< .001	2.53	(1.92, 3.33)	< .001
3+	14.33	(11.33, 18.13)	< .001	4.49	(3.34, 6.04)	< .001	4.71	(3.49, 6.36)	< .001
Offences									
Any reform offences (yes vs. no)	2.48	(1.64, 3.77)	< .001	2.22	(1.29, 3.82)	.004	2.10	(1.21, 3.66)	.008
Number of other break and enter offences (vs. 0)									
1	1.59	(1.03, 2.46)	.037	1.52	(0.86, 2.69)	.151	1.68	(0.94, 2.98)	.078
2+	3.70	(2.36, 5.81)	< .001	2.25	(1.25, 4.08)	.007	2.59	(1.43, 4.71)	.002
Any other offences (yes vs. no)	1.57	(1.39, 1.77)	< .001	1.09	(0.92, 1.30)	.325	1.25	(1.04, 1.49)	.015
Plea to break and enter offences (vs. No guilty pleas)									
Some guilty	1.42	(1.12, 1.81)	.004	1.08	(0.78, 1.49)	.647	1.01	(0.73, 1.41)	.938
All guilty	1.22	(1.02, 1.46)	.029	1.10	(0.87, 1.40)	.410	1.02	(0.80, 1.29)	.892
Sentencing reforms (post- vs. pre-)	0.85	(0.73, 1.00)	.047	0.65	(0.52, 0.82)	< .001	0.57	(0.45, 0.72)	< .001
In custody at finalisation (yes vs. no)				19.56	(16.15, 23.68)	< .001	22.63	(18.52, 27.65)	< .001
Days in custody between charge and finalisation (vs. 0)									
1-90				1.32	(1.04, 1.67)	.022	1.22	(0.96, 1.55)	.102
91-180				3.19	(2.43, 4.20)	< .001	2.80	(2.12, 3.70)	< .001
180+				8.49	(6.36, 11.34)	< .001	5.29	(3.85, 7.26)	< .001

Table A9. Models predicting prison penalties longer than 12 month, reform offences

	Adjusted			Adjusted, including bail status and days in custody			Adjusted, including bail status and days in custody and jurisdiction		
	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value
Post- vs. pre-reform	0.09	(0.06, 0.13)	< .001	0.16	(0.11, 0.24)	< .001			
Pre/post by jurisdiction (vs. pre-reform District Court)									
Post-reform Local Court							0.08	(0.05, 0.14)	< .001
Post-reform District Court							0.98	(0.52, 1.86)	.954
Male vs. female	3.53	(2.07, 6.03)	< .001	2.53	(1.39, 4.61)	.002	2.49	(1.37, 4.54)	.003
Age group (vs. 18-20 years)									
21-24	2.09	(1.27, 3.44)	.004	1.95	(1.12, 3.40)	.018	2.01	(1.14, 3.54)	.016
25-29	3.48	(2.11, 5.75)	< .001	2.75	(1.57, 4.82)	< .001	2.85	(1.60, 5.06)	< .001
30-34	4.95	(2.94, 8.35)	< .001	3.99	(2.21, 7.21)	< .001	4.33	(2.36, 7.95)	< .001
35-39	4.42	(2.54, 7.71)	< .001	3.54	(1.89, 6.62)	< .001	3.61	(1.89, 6.90)	< .001
40+	4.53	(2.64, 7.78)	< .001	4.07	(2.20, 7.50)	< .001	4.24	(2.25, 8.00)	< .001
Remoteness of area of residence (vs. major cities)									
Inner regional	0.73	(0.52, 1.01)	.059	0.79	(0.55, 1.14)	.205	0.75	(0.51, 1.09)	.131
Outer regional/remote/very remote	0.43	(0.25, 0.74)	.002	0.44	(0.24, 0.79)	.006	0.46	(0.25, 0.83)	.010
Unknown	3.42	(1.64, 7.16)	.001	2.03	(0.87, 4.72)	.101	2.41	(0.99, 5.83)	.052
Number of finalised court appearances in prior 5 years, 0-8+	0.97	(0.91, 1.05)	.466	0.94	(0.86, 1.01)	.099	0.97	(0.89, 1.05)	.487
Number of prison penalties in prior 5 years (vs. 0)									
1	3.22	(2.19, 4.73)	< .001	1.23	(0.79, 1.91)	.349	1.37	(0.87, 2.15)	.169
2	6.25	(3.92, 9.97)	< .001	1.91	(1.13, 3.22)	.016	1.96	(1.14, 3.38)	.015
3+	5.79	(3.60, 9.31)	< .001	1.98	(1.18, 3.34)	.010	2.01	(1.18, 3.44)	.011
Number of reform offences (vs. 1)									
2	1.79	(1.14, 2.83)	.012	1.88	(1.14, 3.12)	.014	1.86	(1.09, 3.16)	.022
3+	2.95	(1.78, 4.90)	< .001	2.94	(1.67, 5.18)	< .001	3.17	(1.75, 5.75)	< .001
Plea to reform offences (vs. No guilty pleas)									
Some guilty	1.02	(0.53, 1.98)	.944	0.87	(0.43, 1.78)	.708	0.61	(0.29, 1.30)	.198
All guilty	0.81	(0.48, 1.36)	.418	0.75	(0.43, 1.31)	.305	0.49	(0.27, 0.89)	.019
Other offences									
Any other break and enter offences (yes vs. no)	1.48	(1.00, 2.18)	.049	1.21	(0.80, 1.83)	.374	1.05	(0.67, 1.63)	.836
Any other offences (yes vs. no)	1.28	(0.95, 1.72)	.106	1.02	(0.73, 1.42)	.895	1.30	(0.92, 1.84)	.135
Sentencing reforms (post- vs. pre-)	2.07	(1.40, 3.08)	< .001	1.34	(0.87, 2.06)	.188	0.75	(0.45, 1.24)	.263
In custody at finalisation (yes vs. no)				2.33	(1.48, 3.67)	< .001	3.17	(1.99, 5.05)	< .001
Days in custody between charge and finalisation (vs. 0)									
1-90				1.99	(0.93, 4.29)	.078	2.00	(0.92, 4.34)	.079
91-180				2.64	(1.20, 5.82)	.016	2.35	(1.06, 5.19)	.035
180+				12.67	(5.95, 26.99)	< .001	7.52	(3.48, 16.23)	< .001

Table A10. Prison penalty of more than 12 months (total term), pre- and post-reform

	Reform offences		Break and enter offences	
	Pre 1 November 2014 - 31 October 2016 (N=653)	**Post** 11 November 2016 - 31 October 2018 (N=834)	**Pre** 1 November 2014 - 31 October 2016 (N=3,802)	**Post** 11 November 2016 - 31 October 2018 (N=3,855)
Prison sentence, total term > 12 months				
n	514	320	1,592	1,386
per cent	63.4	38.4	41.9	36.0
(95% confidence interval)	(59.6, 67.1)	(35.1, 41.8)	(40.3, 43.5)	(34.4, 37.5)
Odds ratio, unadjusted				
Relative to pre-reform	1.00	0.36	1.00	0.78
(95% confidence interval)		(0.29, 0.44)		(0.71, 0.85)
p-value		< .001		< .001
Odds ratio, adjusted*				
Relative to pre-reform	1.00	0.19	1.00	0.57
(95% confidence interval)		(0.14, 0.26)		(0.50, 0.64)
p-value		< .001		< .001
Odds ratio, adjusted* including bail status & days spent in custody				
Relative to pre-reform	1.00	0.23	1.00	0.64
(95% confidence interval)		(0.15, 0.34)		(0.55, 0.73)
p-value		< .001		< .001
Odds ratio, adjusted* including bail status, days spent in custody & jurisdiction				
	District Court	*District Court*	*District Court*	*District Court*
Relative to pre-reform District Court	1.00	1.07	1.00	0.97
(95% confidence interval)		(0.54, 2.12)		(0.72, 1.32)
p-value		.852		.844
	Local Court	*Local Court*	*Local Court*	*Local Court*
Relative to pre-reform District Court	Not applicable	0.16	0.12	0.10
(95% confidence interval)		(0.10, 0.24)	(0.10, 0.16)	(0.08, 0.13)
p-value		< .001	< .001	< .001

* Adjusted for sex, age group, remoteness of area of residence, number of court appearances with proven offences in prior 5 years, prison penalty in prior 5 years, number of reform offences, other offences, plea to reform/break and enter offences, and whether finalised after the sentencing reforms.

Table A11. Models predicting prison penalties longer than 12 months, break and enter offences

	Adjusted			Adjusted, including bail status and days in custody			Adjusted, including bail status and days in custody and jurisdiction		
	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value	Odds ratio	95% confidence interval	*p*-value
Post- vs. pre-reform	0.44	(0.38, 0.51)	< .001	0.59	(0.49, 0.69)	< .001			
Pre/post by jurisdiction (vs. pre-reform District Court)									
Pre-reform Local Court							0.05	(0.04, 0.07)	< .001
Post-reform Local Court							0.05	(0.04, 0.07)	< .001
Post-reform District Court							1.10	(0.84, 1.45)	.470
Male vs. female	2.29	(1.76, 2.97)	< .001	1.70	(1.27, 2.29)	< .001	2.01	(1.46, 2.77)	< .001
Age group (vs. 18-20 years)									
21-24	1.88	(1.42, 2.47)	< .001	1.56	(1.14, 2.13)	.005	1.70	(1.20, 2.41)	.003
25-29	2.65	(2.02, 3.47)	< .001	1.98	(1.46, 2.68)	< .001	2.48	(1.76, 3.49)	< .001
30-34	2.33	(1.77, 3.07)	< .001	1.81	(1.33, 2.46)	< .001	2.36	(1.67, 3.34)	< .001
35-39	2.40	(1.81, 3.19)	< .001	1.95	(1.42, 2.68)	< .001	2.62	(1.83, 3.76)	< .001
40+	2.32	(1.77, 3.04)	< .001	2.06	(1.52, 2.80)	< .001	2.70	(1.91, 3.82)	< .001
Remoteness of area of residence (vs. major cities)									
Inner regional	0.84	(0.72, 0.98)	.030	0.95	(0.80, 1.13)	.553	0.96	(0.79, 1.17)	.723
Outer regional/remote/very remote	0.75	(0.60, 0.95)	.014	0.74	(0.57, 0.95)	.018	0.66	(0.49, 0.88)	.005
Unknown	1.52	(1.12, 2.07)	.008	1.07	(0.75, 1.53)	.713	1.45	(0.97, 2.16)	.068
Number of finalised court appearances in prior 5 years, 0-8+	0.93	(0.90, 0.96)	< .001	0.89	(0.86, 0.92)	< .001	0.93	(0.89, 0.97)	.002
Number of prison penalties in prior 5 years (vs. 0)									
1	4.04	(3.38, 4.83)	< .001	1.59	(1.29, 1.95)	< .001	1.98	(1.57, 2.50)	< .001
2	4.90	(3.99, 6.02)	< .001	1.75	(1.39, 2.21)	< .001	2.28	(1.75, 2.99)	< .001
3+	6.44	(5.19, 7.99)	< .001	2.36	(1.85, 3.00)	< .001	2.96	(2.25, 3.89)	< .001
Offences									
Any reform offences (yes vs. no)	3.77	(2.75, 5.16)	< .001	3.09	(2.16, 4.42)	< .001	2.66	(1.76, 4.04)	< .001
Number of other break and enter offences (vs. 0)									
1	1.63	(1.16, 2.28)	.005	1.72	(1.16, 2.54)	.006	2.15	(1.38, 3.34)	.001
2+	2.76	(1.94, 3.93)	< .001	2.26	(1.51, 3.39)	< .001	3.38	(2.13, 5.38)	< .001
Any other offences (yes vs. no)	0.61	(0.54, 0.69)	< .001	0.56	(0.48, 0.65)	< .001	0.97	(0.82, 1.15)	.722
Plea to break and enter offences (vs. No guilty pleas)									
Some guilty	1.72	(1.31, 2.24)	< .001	1.06	(0.78, 1.43)	.714	0.61	(0.44, 0.85)	.004
All guilty	1.57	(1.26, 1.96)	< .001	1.33	(1.03, 1.70)	.027	0.63	(0.48, 0.83)	.001
Sentencing reforms (post- vs. pre-)	2.51	(2.11, 2.99)	< .001	1.45	(1.18, 1.77)	< .001	0.84	(0.66, 1.07)	.152
In custody at finalisation (yes vs. no)				2.29	(1.80, 2.92)	< .001	4.88	(3.76, 6.34)	< .001
Days in custody between charge and finalisation (vs. 0)									
1-90				2.30	(1.52, 3.47)	< .001	2.29	(1.50, 3.48)	< .001
91-180				3.74	(2.44, 5.72)	< .001	2.46	(1.59, 3.81)	< .001
180+				24.23	(16.20, 36.25)	< .001	4.77	(3.12, 7.29)	< .001